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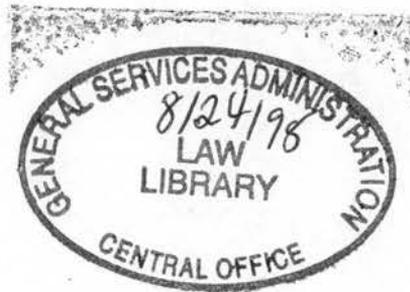
Congressional Record

PROCEEDINGS AND DEBATES OF THE *103^d* CONGRESS
FIRST SESSION

VOLUME 139—PART 20

NOVEMBER 10, 1993 TO NOVEMBER 16, 1993

(PAGES 28359 TO 29535)



UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1993

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16-50000-20



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PROCEEDINGS AND DEBATES OF THE 103^d CONGRESS, FIRST SESSION

SENATE—Wednesday, November 10, 1993

(Legislative day of Tuesday, November 2, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

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

Let us pray:

*For rulers are not a terror to good works, but to the evil. * * *—Romans 13:3.*

Almighty God, sovereign Lord of history, Ruler of the nations, as we observe the democratic process, the delicate balance between separation of powers, and the often difficult struggle of legislation, our hearts are filled with gratitude for the political process conceived by our Founding Fathers and verbalized in the Constitution. Thank you, Lord, for the United States of America and its political system.

Dear Lord, when we contemplate the fact that the opinions and demands of millions of people and thousands of special interests, not to mention the opposing views of Senators, Representatives, and their staffs, come to focus in Congress, we are amazed that the process works at all. And we realize it is the greatest system in the history of nations.

Gracious Father in heaven, may Your blessing of grace and love be focused on the U.S. Senate, that each person who works here and his/her family will be aware of that grace and love.

We pray in His name who is Love Incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 10, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I inquire of the Chair: Is the bill now pending before the Senate?

The ACTING PRESIDENT pro tempore. The bill will be pending as soon as it is reported by the clerk.

Mr. MITCHELL. Am I correct in my understanding that the pending business when the bill is reported is the Feinstein amendment?

The ACTING PRESIDENT pro tempore. The Feinstein amendment is the pending question.

The Senator from Maine is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, as soon as I complete my brief remarks, I will ask that the bill be reported, and the pending business will be the Feinstein amendment.

As I stated last night on the floor in a colloquy with the Republican leader just prior to the Senate's recessing, we had several meetings last evening both prior to and following the vote on the Feinstein amendment in an effort to determine the best way to proceed on the bill.

Appropriately and understandably, both Senators DOLE and HATCH on the

Republican side and Senator BIDEN and I on the Democratic side wanted to consult with our colleagues before attempting to reach agreement, if agreement is possible, and we agreed that that would occur late last evening on our side and early this morning on the Republican side. I have not yet received a response from Senators DOLE and HATCH.

Therefore, under the circumstances, I believe it appropriate that the legislation remain in its current status, that is, with the Feinstein amendment pending, and, while we are continuing our discussions, I anticipate that Senators can speak on the bill or, indeed, on any subject of their choosing, but that no action will occur to disturb the current status of the bill until such time as I have a chance to consult further with Senator DOLE.

I repeat what I have previously said on several occasions: In observance of Veterans Day, the Senate will not be in session tomorrow, Friday, or Monday. If we do not complete action on this bill today, we will remain in session for a long time, late into the night, and perhaps into the early morning hours tomorrow to make as much progress as we can before leaving. However, it is my hope that that will not be necessary and that we will, in fact, be able to complete action on the bill.

Once we return from the recess on next Tuesday, there will be a total of 9 days remaining, including next Saturday and Sunday and the Wednesday before Thanksgiving. We will be in session on that Saturday and on Sunday, if necessary.

My hope is we can complete action on business on Tuesday prior to Thanksgiving so Senators can be with their families and travel back to their home States if they intend to do so.

To reach that objective will require a good deal of progress involving very long legislative days on the days we are in session, with votes possible at any time.

I will, before this day's session is completed, make an announcement

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

with respect to the schedule for next Tuesday when we return.

Mr. President, I thank all my colleagues for their cooperation. I will report to the Senate as soon as I receive a response from Senators DOLE and HATCH.

I now yield the floor.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1607) to control and prevent crime.

The Senate resumed consideration of the bill.

Pending:

(1) Levin amendment No. 1151, to improve Federal and State automated fingerprint systems to identify more criminal suspects. (By 49 yeas to 51 nays (vote No. 365), Senate failed to table the amendment.)

(2) Feinstein amendment No. 1152 (to Amendment No. 1151), to restrict the manufacture, transfer, and possession of certain semiautomatic assault weapons and large capacity ammunition feeding devices.

Mr. WELLSTONE and Mr. COATS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I say to my colleague from Indiana I will try to be quite brief.

DOMESTIC VIOLENCE FIREARM PROTECTION AMENDMENT

Mr. WELLSTONE. Mr. President, I was hoping to have a chance to speak with the Senator from Delaware and the Senator from Utah, since I know time is of the essence, to see whether or not I might be able to obtain unanimous consent to lay the pending amendment aside. Clearly, we are not going to do that if we are involved in a very important discussion on the Feinstein amendment. That will not be my purpose. But I thought I might speak just for a short period of time about an amendment that I do plan to offer later on today as a part of the crime bill.

I urge my colleagues to support an amendment, which I call the domestic violence firearm protection amendment, and what this amendment does is take guns out of the hands of people who are violent toward their spouse or children.

Mr. President, I will just read from the headline of an editorial in the Washington Post. I believe it was November 6. I will quote, and this is an explanation of a bill introduced by Congressman TORRICELLI in the House. I introduced the same bill on the Senate side. And I want to offer this as an amendment later on today. I quote:

The bill would make it clear—

And in this particular case we will be talking about an amendment—

that if you are not responsible enough to keep from doing harm to your spouse or your children, then society does not deem you responsible enough to own a gun.

I think that it is pretty clear, Mr. President, what the Post is saying in its editorial and it is pretty clear what this amendment says: If you have been convicted of an act of violence against a spouse or a child, then you should not be able to own or to obtain a gun.

Currently under Federal law, there is a list of circumstances, including conviction of felony and mental incompetence, that prevent individuals from legally owning a gun. This amendment would add to that list those who have been convicted of violently abusing their spouse or child. Anyone who has been convicted of that kind of crime or who has a restraining order issued against them because of threatened abuse would be prohibited from obtaining a gun.

And this amendment would prohibit anyone from selling or giving a gun to someone they know or they have reason to believe has been a perpetrator of domestic violence or is the subject to a court-issued restraining order.

Mr. President, I am going to be very brief because other colleagues are on the floor. I think the best way I can summarize the importance of this amendment as a part of a crime bill to fight, to intervene, to prevent crime and violence in our country is to make it crystal clear that in all too many cases the only difference between a battered woman and dead woman is a gun. Let me repeat that one more time. In all too many painful cases the only difference between a battered woman and a dead woman is a gun. Over 4,000 women are killed each year at the hands of their spouse or a relative or a friend, and each year an estimated 150,000 incidents of domestic violence involve use of a weapon.

Mr. President, again, I could go on and on about this, but I am not going to because I think the amendment is very straightforward and I think it is self-explanatory and I think it is of such fundamental importance that my colleagues will very quickly grasp what is at stake, what is at issue.

I just want to conclude this way. For a good number of years now, my wife Sheila and I have been working on strategies, working with women and children and families and men and law enforcement people and ministers and people in the community to get a handle on and try to break this cycle of family violence. Recently, we sponsored an art exhibit from Minnesota called The Silent Witness, that came out here, that was in the Russell rotunda. Many colleagues were kind enough to come by and view it.

This exhibit was and is an extraordinary display of the impact of domestic violence. It is a memorial honoring 26 women who were murdered in Min-

nesota in 1990 in acts of domestic violence. The exhibit is made up of life-size silhouettes representing women whose lives ended violently at the hands of their husband, ex-husband, partner, or acquaintance.

Mr. President, 10 of the 26 died from gunshot wounds. Ten of the 26 died from gunshot wounds.

We must stop the violence in the streets and, Mr. President, even though I do not like to say this, we must also stop the violence in the homes.

This bill was passed by the Minnesota State Senate with only one vote against it this past year and it passed the statehouse unanimously. In the State of California, a similar bill was passed by the legislature and signed into law by Governor Wilson last month.

Mr. President, I said to the Senator from Indiana that I would be very brief, and I intend to honor that commitment to him.

I will be back on the floor later on when it will be an appropriate time to offer this amendment. I hope I will have strong support from my colleagues.

I would say to my colleagues, I have talked to a good many people in the law enforcement community and, just as important as that, a good many people who do not even agree with me, for example, on other pieces of legislation, like the Brady bill, but who have said to me, "Listen, if what you are saying has nothing to do with people's right to hunt and own sporting rifles and all the rest, but what you are saying is, in the words of the editorial from the Washington Post, "No Guns for Abusers," for gosh sake, if someone has not been responsible enough so that he—or sometimes it could be she—has a record of violence against a spouse or a child, then we have no responsibility whatsoever to enable that person to go out and buy a gun or, for that matter, own a gun."

This would provide a tremendous amount of protection for women and children and, in some cases, men in our families. It would be a huge step forward. I hope there will be good support from my colleagues.

I yield the floor.
The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, I thank my friend for his brevity and for recognizing that others want to speak.

Mr. SPECTER. Mr. President, will my colleague from Indiana yield for just a few seconds without losing his right to the floor?

Mr. COATS. I am happy to yield.

HABEAS CORPUS

Mr. SPECTER. Mr. President, I have asked Senator COATS to yield for just a moment because I have been on the floor since before 10, and I want to say very briefly that I was on the floor last night at 11:30 p.m. with the managers

and the leadership stating my intention to proceed with my amendments on habeas corpus which have been filed and, in fact, have been pending for some 4 years, going back to 1989.

It is my view that these are extremely important provisions so that criminal justice can move forward in the State system.

I have been on the floor for 5 days now—Thursday, Friday, Monday, Tuesday, and Wednesday—and I was on time for a 9:30 meeting this morning, which I heard overnight was canceled, and I will be off the floor but available on a few minutes notice to come back to the floor to present my amendments.

But I just wanted to give the Chair notice and all parties notice that I do intend to proceed with these amendments. They are listed. I am ready to go and will cooperate with the managers in presenting them at the earliest possible moment.

I thank my colleague from Indiana.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, we have been on this floor debating the crime bill for a week. While not all have been legislative days, 1 week has elapsed since we began.

In the 1-week period of time that the Senate has been debating the crime bill and our response to crime in our Nation, I think it is important to note that this Nation has experienced 480 murders, 2,016 rapes, 13,148 robberies and 20,855 assaults, 31,832 cars have been stolen, and 60,408 burglaries have been committed.

Those are staggering numbers. And that has occurred just in the time the Senate has been debating what our response to crime in America ought to be.

But we need to understand that crime is more than numbers, more than these cold statistics. Because for every crime committed, there are profound psychological shocks to the victim, their families, their friends, their community and this Nation. Louis Haight Harrington wrote in 1992:

Crime has made victims of us all. Awareness of its danger affects the way we think, where we live, where we go, what we buy, how we raise our children, and the quality of our lives as we age. Every citizen of this country is more impoverished, less free, more fearful, less safe, because of the ever-present threat of the criminal. Rather than alter a system that has proven itself incapable of dealing with crime, society has altered itself.

And so Congress responds—with a massive, costly, almost hysteria-driven response; \$6.5 billion for new prison construction and incarceration alternatives—three times the money we now spend on operating our Federal prison system—\$7.1 billion to put 100,000 new cops on the street—death penalty in 47 new circumstances—up from 2—13-year-olds tried and sentenced as adults.

Some of this is a necessary and appropriate response.

Because one of the primary functions of government, indeed our constitutional mandate, is to preserve domestic tranquility, and the present state of domestic affairs in this country is anything but tranquil. And so we must act.

Prison space must be provided because those engaged in violent crime have to be separated from society. We have to have prison space so we can end the revolving door of suspended sentences or reduced sentences that simply repeat the process of putting the criminal back on the street to commit more crimes.

Laws have to be passed forbidding criminal activity. And policemen have to be added if we are going to make the arrests necessary. The judicial system has to be strengthened to expedite the process.

Our direct legislative approach to crime and punishment, I think, needs to focus on two key principles. Principle No. 1, get those who pose a danger to others out of society and behind bars. In the legislation before us, we do that and we do it to an extent we have never seen before. Prisons are essential for isolating violent and dangerous criminals. That is what prisons do best; bars and walls, in these cases, are a type of societal self-defense. They mark the boundaries which the predator cannot cross.

Principle No. 2, however, I think is equally important and I am pleased we address it in this bill. We have to find alternatives for the nonviolent. It is clear there is no substitute for the punishment of prison where the violent are concerned. But it ought to be equally clear to us that some other form of punishment must be found for young, nonviolent offenders, for their sake as well as for ours. There must be some middle ground between the prison's gradual destruction of the soul and a half-hearted slap on the wrist.

This bill incorporates the concept of boot camps, something I have been promoting for some time. Boot camps are a promising alternative to traditional prisons for those individuals who are nonviolent youthful offenders, usually first-time offenders, because boot camps provide tough punishment through work, discipline, and a highly regimented program of physical training, hard labor, and drill exercises much like basic training in military camps. The goal is to punish, but unlike conventional prisons the attempt is also made to make boot camps places of character building, not character destruction.

We need to ask ourselves whether prisons should really hold young nonviolent offenders when crowded cells are not available for rapists, murderers, armed robbers, and violent drug dealers. And we need to ask ourselves whether or not we can find a way to

punish and hopefully rehabilitate these young people in a way in which the taxpayer gets a better bargain for his dollar. It is clear the establishment of boot camps is a viable alternative.

We also need to examine the whole question of restitution. The bill before us does have some designated programs and funds for some experimental programs which may incorporate the concept of restitution. Restitution for property crime is simply forcing the criminal to pay back his victim for their loss. This is not an entirely foreign idea in America.

In 1790, the first Congress enacted a law against theft that provided that any offender on conviction be fined not exceeding the fourfold value of the property stolen. One-half of this fine was to be paid to the owner of the goods and one-half was a reward to the informer and to the prosecutor. Restitution in American law is not unprecedented.

The goal of restitution is to heal the wounds of crime, not just to punish offenders. Victims deserve to be paid back for their losses. And with some offenders, restitution is a responsibility that can help change attitudes.

Psychologist Albert Eglash argues, "restitution is something an inmate does, not something done for him. . . . Being reparative, restitution can alleviate guilt and anxiety, which can otherwise precipitate further offenses."

This bill incorporates some experimental programs in the area of restitution. I think it is worthy of our attention to determine if it can make a difference. But whether or not it makes a difference in the attitude of the criminal, it certainly will make a difference in the pocketbook of the victim. Too often, we have solely focused on the criminal, the criminal's rights and punishment for the criminal, without looking at the victim and the damage and loss to the victim. And restitution can help us focus in that direction.

The bill before us today takes some important steps in these directions. We will build regional prisons for the violent; we will fund boot camps at unprecedented levels; and we will encourage programs of restitution. But when the final vote is taken on this bill, and this massive response—a response more than double what the President requested—is passed, I wonder if Senators will leave the floor secure in the knowledge that we have fully addressed the problem of crime. Will we be able to go back to our States and tell our constituents that we have fully responded to their concerns and they can now rest easy; that these new prison cells and police on the streets and new laws and death penalties and stiffer sentences—will alleviate their concerns? I assume most Senators share my sense of disquiet and unease over this question. Clearly something else is going on in society, something very

disturbing. And while our get tough on crime response is necessary—it does not begin to fully address the problem.

No matter how many police we put on the street, no matter how tough we make the penalties, no matter how many additional prison cells we build, this legislation falls short of a comprehensive solution to crime in America.

In this regard let me make two observations. First, our approach to crime and punishment I am convinced requires a more basic reassessment of fundamental questions and assumptions of our current system. The most basic of these is our nearly universal reliance on prison to solve the problem of crime. As prisons are built and filled, we have not seen the rate of crime reduced by the real reform of criminals. In just 5 years, State prison population has grown by over 85 percent, from 450,000 inmates in 1986 to 711,000 in 1991. The number of State prisons has grown from 903 in 1986 to 1,239 in 1991.

In 1973, there were 210,000 people in prison in the United States. Last year, those imprisoned in America numbered 856,000, plus 425,000 in jails waiting to be imprisoned for a longer sentence.

Our rate of incarceration was 512 per 100,000 Americans. Despite prison growth and an increase in the number of criminals incarcerated, crime has grown by 75 percent in 20 years. By some estimates, four out of five crimes in America are committed by ex-convicts. Prisons, it seems, have done little to deter or to rehabilitate.

I want to make the point here I made before and I will make again: Prisons are essential for isolating violent and dangerous criminals. That is what prisons do best. But we cannot fool ourselves that barbed wire and wasted hours are a recipe for rehabilitation, or for fully addressing the problem of crime in this country. In this regard, I believe this bill evades the fundamental causes of crime.

Quite simply, the bill is inadequate because we as legislators are not equipped to address the underlying cause of crime, which I believe is the moral breakdown in society.

In the 1950's, a psychologist, Stanton Samenow, and a psychiatrist, Samuel Yochelson, shared the conventional wisdom that crime is caused by the environment. Setting out to prove their point, they began a 17-year study involving thousands of hours of clinical testing of 250 inmates in Washington, DC. To their astonishment, they discovered the cause of crime cannot be traced to environment; it cannot be traced to poverty; it cannot be traced to oppression. Instead, they said, crime is the result of individuals making, as they put it, "wrong moral choices."

When basic values are no longer taught at home and in school, Wilson said, self-interest reigns and crime is the result. Wilson concludes:

No culture can survive without a moral consensus, shared beliefs about right and wrong, a common standard of truth. This is what defines the rules we live by. It motivates self-sacrifice. It undergirds the law. It permits freedom without anarchy. It is the agreement that society is governed more by transcendent truths than by individual desires, that society is more than the sum of the choices individuals make. Without this consensus, the individual is abandoned to self-interest alone.

Charles Colson of Prison Fellowship Ministries wrote to me recently:

It is clear that America has a crime problem. What is not as clear to many people is that the problem isn't a lack of law enforcement or sound corrections policy. It is a poverty of values. In our violent, inner-city neighborhoods and in our formerly peaceful suburbs, people are crying for the order that grows only out of moral character and moral courage.

Crime, after all is the result of moral failure—either of a failure to discern right from wrong, or of a deliberate choice of wrong over right. Crime is a mirror of a community's moral state. Today that mirror reflects a broken consensus. A set of traditional beliefs that defined the content of our character has been shattered like glass. Americans are left to pick their way among the jagged pieces.

My second observation is that there is a changing face of crime.

Crime, it was once believed, was rooted in rational acts. Poverty prompted robbery, burglary, or car theft. Murder had a motive—premeditated—or resulted from the heated passion of a moment. Rape was rooted in severe psychological sexual abnormality—traceable, not excusable, causes. Assault resulted from insults, invasion of territory, jealousy. And when we saw irrational acts, we attributed them to abuse of drugs or alcohol.

So we rationalize crime. Each crime, no matter how despicable or horrible it was, we seemed to attach an explanation to it. We thought there was at least some rational link. Even if we did not agree with that cause, we felt there was some link between the crime committed and the motive.

But today, what we are witnessing is a new face of crime and it is a profoundly disturbing face. Daily we read of crimes that defy any rational explanation and of perpetrators without conscience.

Newsweek reported that an individual by the name of Charles Conrad, 55 years old, crippled by multiple sclerosis, using a walker or wheelchair to get around, was attacked by young people—aged 17, 15, and 14—and that attack was ruthless. Police say that when Conrad returned to his suburban Atlanta condominium while they were burgling it, the boys did what they had to do: They got rid of him permanently.

Over a period of many hours—stretching from dusk on July 17 until dawn on the next day—they stabbed him with a kitchen knife and a barbecue fork, strangled him with a rope, and hit him on the head with a hammer

and the barrel of a shotgun, according to a statement one of the boys, 14-year-old Carlos Alexander Nevarez, reportedly gave to the police. At one point they realized they were hungry. So they heated up the macaroni and cheese they found in Conrad's kitchen, and washed it down with Dr. Pepper.

After dinner, they tortured Conrad some more, then left with a stereo, VCR, camcorder, and shotgun.

October 25, 1993:

Two white men were sentenced Friday to life behind bars for dousing a black tourist with gasoline and setting him on fire. The two showed no emotion when they received the maximum sentence for the attempted murder of a New York City stock brokerage clerk Christopher Wilson.

October 24, 1993:

Three schoolboys surrounded a ninth-grade classmate and stabbed him to death. Afterward they laughed and traded high-fives, like basketball players after a slam dunk.

August 31, 1993:

*** A 29-year-old Lindenhurst man was sentenced to life in prison for beating to death an 84 year old woman and cutting off her finger so he could steal her ring. After a lengthy trial, he was found guilty of intentional murder, felony murder, two counts of burglary, and one count each of arson and attempted burglary. The jury cleared him on two charges that he sexually abused victim Beatrice "Billie" Morgan, with a chair leg. They determined that the woman already was dead during the alleged abuse, so he could not be convicted of the crime *** the assistant district attorney detailed the acts of brutality.*** "I saw that woman in her own home, spread eagle on the floor with her nightclothes wrapped around her neck. I saw her with a chair leg shoved down her throat."

August 2, 1993:

In February, Margaret Ensley's 17-year-old son Michael caught a bullet in the hallway of his high school in Reseda, California. She says a teen shot her son because he thought Michael gave him a funny look.

More startling than even the crimes themselves are the attitudes behind those who commit them. A recent article in U.S. News & World Report put it this way: "Behind the rash of violence is a startling shift in adolescent attitudes. Suddenly—chillingly—respect for life has ebbed sharply among teenagers and not just in embattled inner cities." A recent survey of suburban high schoolers by Tulane researchers Joseph Sheley and M. Dwayne Smith revealed that 20 percent endorsed shooting someone "who had done something to offend or insult you." The researchers concluded, "one is struck less by the armament among today's teenagers than by the evident willingness to pull the trigger."

The Wall Street Journal recently lamented our society's loss of Guardrails. The Washington Post mused over a society increasingly characterized by incidents in which the actions of adults or children seem bereft of morality or conscience. The New Republic editorialized about a destructive sense that nothing is true and everything is permitted. The Wall Street Journal commented,

If America is to decline, it will not be because of military overstretch. Nor the trade balance, Japanese management secrets or even the Federal deficit. If a decline is underway, it's a moral one. Not petty morality about nanny taxes, but the profound morality of whether a community can insist that its members bear certain responsibilities, and enforce them when necessary.

Mr. President, If we are to fully address the problem of crime in America, we must do more than arrest the perpetrator of the crime. We must be willing to confront the moral decay of our society. But the question is how, as a legislative body, do we do this?

As we compare the problem with our response, the words of Judge Learned Hand come to mind:

I often wonder whether we do not rest our hopes too much upon laws and upon courts. These are false hopes, believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no laws, no courts can save it.

Dr. Samuel Johnson observed, "How small, of all that human hearts endure/ that part which kings or laws can cure."

Responding to the heart of the crisis requires a level of work and commitment best done outside the halls of Congress, although we can have a role.

First, we must recognize and acknowledge the role of the family in the cultivation of conscience and moral restraint in children, and the tragic consequences of the disintegration of the family that is characteristic of current society.

In her Atlantic Monthly article, entitled "Dan Quayle Was Right," Barbara Dafoe Whitehead said:

Divorce and out-of-wedlock childbirth are transforming the lives of American children. In the postwar generation more than 80% of children grew up in a family with two biological parents who were married to each other. By 1980 only 50% could expect to spend their entire childhood in an intact family. If current trends continue, less than half of all children born today will live continuously with their own mother and father throughout childhood. Most American children will spend several years in a single-mother family. Some will eventually live in stepparent families, but because stepfamilies are more likely to break up than intact (by which I mean two biological parent) families, an increasing number of children will experience family breakup two or even three times during childhood.

According to a growing body of social-scientific evidence, children in families disrupted by divorce and out-of-wedlock birth do worse than children in intact families on several measures of well-being. Children in single-parent families are six times as likely to be poor. They are also likely to stay poor longer. Twenty-two percent of children in one-parent families will experience poverty during childhood for seven years or more, as compared with only two percent of children in two-parent families. A 1988 survey by the national center for health statistics found that children in single-parent families are two to three times as likely as children in two-parent families to have emotional and behavioral problems. They are also more likely to drop out of high school, to get preg-

nant as teenagers, to abuse drugs, and to be in trouble with the law. Compared with children in intact families, children from disrupted families are at a much higher risk for physical or sexual abuse.

The national Commission on America's Urban Families echoes these findings.

The trend of family fragmentation drives the Nation's most pressing social problems: Crime, educational failure, declining mental health, drug abuse, and poverty.

Research indicates that even after controlling for factors such as income, boys from one-parent homes are more likely to commit crimes and become involved in the juvenile justice system.

About one third of all children today live apart from their fathers. Father absence is an important predictor of problems such as juvenile crime, poor school performance, and adolescent pregnancy.

Dr. Urie Bronfenbrenner of Cornell University has this to say:

Controlling for associated factors such as low income, children growing up in single-parent households are at greater risk for experiencing a variety of behavioral and educational problems * * * especially the so-called "teenage syndrome" of behaviors that tend to hang together—smoking, drinking, early and frequent sexual experience, and in the most extreme cases, drugs, suicide, vandalism, violence, and criminal acts. Most of these effects are much more pronounced for boys than for girls.

In "Beyond Economic Security" Elaine Kamarck, who now works for the Vice President, and William Galston, who is the President's domestic policy adviser, formerly worked together at the Progressive Policy Institute and in their report they quote Karl Zinsmeister:

There is a mountain of scientific evidence showing that when families disintegrate children often end up with intellectual, physical, and emotional scars that persist for life * * * We talk about the drug crisis, the education crisis, and the problems of teen pregnancy and juvenile crime. But all these ills trace back predominantly to one source; Broken families:

Kamarck and Galston go on to say:

As more and more children are reared in one-parent families, it becomes clear that the economic consequences of a parent's absence (usually the father) may pale beside the psychological consequences—which include higher than average levels of youth suicide, low intellectual and educational performance, and higher than average rates of mental illness, violence, and drug use. Nowhere is this more evident than in the long-standing and strong relationship between crime and one-parent families.

Kamarck and Galston cite a recent study in which Douglas Smith and G. Roger Jarjoura found that "neighborhoods with larger percentages of youth (those aged 12 to 20) and areas with higher percentages of single-parent households also have higher rates of violent crime.

Kamarck and Galston go on to say:

The relationship is so strong that controlling for family configuration erases the relationship between race and crime and between low income and crime. This conclusion shows up time and time again in the literature; poverty is far from the sole determinant of crime.

In "Putting Children First: A Progressive Family Policy for the 1990's," Kamarck and Galston say:

Today we stand at a crossroads. We are just beginning to understand the full range of costs that society bears when families raise children less effectively. We need a progressive child centered policy that both acknowledges new realities and affirms enduring values; a policy that recognizes that two-parent families are frequently necessary—and that two-parent families are usually best.

Tragically, a growing number of America's children will never experience the nurture, and the cultivation and the transformation of values that can occur in a two-parent home. These are the millions of illegitimate children who will never see their father.

In saying this, Mr. President, I do not want to in any way diminish the enormous responsibilities and contributions being made by single-parent mothers and fathers. They bear the hardest burden of all. Most find themselves in the situation not of their own choice. They are making heroic efforts to raise children in a culture that is screaming against the values that they are trying to teach. I believe those men and women are heroic. But the facts and the statistics are clear. Whether we are talking about the economic well-being of the family or the social well-being of the family, a two-parent family is clearly superior. So we need to find ways to encourage two-parent families.

When we look at the illegitimacy that is taking place in this country, we are staggered by the numbers.

In an October 30 column in the Wall Street Journal, Charles Murray wrote:

Every once in a while the sky really is falling, and this seems to be the case with the latest national figures on illegitimacy * * * in 1991, 1.2 million children were born to unmarried mothers, within a hair of 30% of all live births. How high is 30%? About four percentage points higher than the black illegitimacy rate in the early 1960s that motivated Daniel Patrick Moynihan to write his famous memorandum on the breakdown of the black family.

The 1991 story for blacks is that illegitimacy has now reached 68% of births to black women. In inner cities, the figure is typically in excess of 80%.

George Will commented, "People tend to parent as they were parented * * * America is undergoing a demographic transformation the cost of which will be crushing."

Mr. President, it is in families that children learn the tools of economic success and the lessons of moral restraint. It is in families that they learn honesty, self-respect, compassion, and confidence. When these families fail, the effects ripple to every area and level of society. Until all of us are willing to respond to the crisis of American families, we cannot hope to put anything more than a small dent in the crime in America.

So one obvious answer is to do what we can to encourage and strengthen

families. While Government cannot legislate strong families, it can enact policies that promote the two-parent family.

There are a host of ideas shared by individuals and groups across the ideological spectrum—from the Democratic Progressive Policy Institute—to the bipartisan National Commission on Urban Families—the Conservative Family Research Council.

I have offered a number of these initiatives in various forms, and other Members have also.

These include measures restoring the rewards of marriage, child rearing and adoption; changing our economic policies to relieve the burden on families through an increase in the personal exemption and the earned income tax credit to provide much needed economic assistance. Making the workplace family friendly, promoting parental responsibility, and reforming divorce laws are additional ways in which Government can play a constructive role.

We can also look carefully at the role our education system can play in promoting character and reinforcing values.

In an odd paradox, our schools have often set themselves against the virtue of students in their charge. In the last few decades, many districts adopted programs which said, in essence, "there is no right and wrong. We are going to throw out all these values and let children pick and choose between them."—whichever ones fit the occasion, whichever ones are relevant to their particular situation. And they have done nothing but spawn a generation which is morally confused.

I recently saw the story of a high school values clarification class conducted by a teacher in Teaneck, NJ. A girl in the class had found a purse containing \$1,000 and returned it to its owner.

The teacher asked the class' reaction. Every single one of her fellow students concluded the girl had been foolish. Most of the students contended that if someone is careless, they should be punished.

When the teacher was asked what he said to the students, he responded,

Well, of course, I didn't say anything. If I come from the position of what is right and what is wrong, then I am not their counselor. I can't impose my views.

J. Allen Smith, considered a father of many modern education reforms, finally concluded,

the trouble with us reformers is that we've made reform a crusade against all standards. Well, we've smashed them all, and now neither we nor anybody else have anything left.

When we continue to initiate an education system void of standards,

Argues George Roche—

void of authority, void of responsibility, void of the ideal, is there really any question as to why the lives of our youth develop lacking

moral standards, self discipline or a sense of responsibility?

Moral education cannot be successfully cultivated by the political process. While political depends on individual character, it can do precious little to create it.

As growing numbers of families fail, there is even more pressure on the schools. Patricia Grahm, dean of Harvard's Graduate School of Education argues,

the school's responsibility for forming character is subsidiary to that of the family and perhaps even the community. But any school that does not recognize the need for enhancement of character is inadequate.

What realistically can be done? First, at least, schools should do no harm. You can argue, for example, over exactly what hospitals should do. But at the very least, they shouldn't be spreading disease. When schools contradict home-taught morality by preaching relativism and value-free decision making, they can do irreparable damage to young minds. Teaching nothing at all on the moral agenda is better than this.

Second, I believe it is clear that one thing we can agree on is to take greater pains to expose children to the moral imagination embodied in great literature. "Crime and Punishment," "the Bible," "To Kill A Mocking Bird," "Lord Jim." Works like these expose the workings of moral reasoning, the consequences of sin, the necessity of virtue.

Third is the question of using schools directly to teach moral rules. Support for the idea is overwhelming. Parents of public school students want moral values taught in schools by a majority of 84 percent in one poll.

There are models. A joint statement on moral education in public schools issued by an ecumenical group of concerned denominations published "A Lesson of Values." In it, they said:

There is broad consensus among Americans, regardless of religion and cultural background, concerning these values * * * values like honesty, compassion, integrity, tolerance, loyalty, and belief in human worth and dignity. * * * Traditionally, the family, the church or synagogue, the school, and the government have worked to educate children in basic values. But in recent years, there has been a growing reluctance to teach values in our public educational system out of a fear that children might be indoctrinated with a specific religion.

All major religions advocate these values as do the Constitution and the Bill of Rights, much of the world's greatest literature, and ethical business practices as well. We are convinced that, even apart from the context of a specific faith, it is possible to teach these shared values.

Surely, Mr. President, we can come together in our educational system and teach values where there is a consensus.

Honesty, compassion, integrity, tolerance, and loyalty and belief in human worth and dignity is not an in-

trusion of any particular faith or religion or of the church on the secular purpose of education in our school system.

There is nothing more important to the future of free institutions than the preparation of young minds—equipped with a moral compass and disciplined by a demand for excellence. Our character is at issue, and our future is at stake. We have a responsibility to help our children escape from the shadows. For the sake of their hopes. For the sake of the culture we inherited.

Third, Government can and should work to actively encourage non-Government entities and intermediary institutions.

Mentoring programs work. Big brothers—Big Sisters has paved the way for nearly a century linking at-risk children with caring role models.

The senior Senator from New Jersey [Mr. LAUTENBERG] authored and won funding for a new program called "JUMP" aiming to link kids with cops in high crime neighborhoods.

The Boy Scouts of America which have influenced the lives of 83 million young men since 1908. Its congressional charter recognizes the purpose: "To teach patriotism, courage, self-reliance, and kindred virtues."

There are other programs. Barbara Jordan and Actor Tom Selleck are heading a new effort called Character Counts Coalition. The coalition hopes to reach 20 million kids with a clear-cut message about six core Pillars of Character: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

The president of the Institute of Ethics, Michael Josephson says, "What we have to do is come off these situational ethics approaches and to acknowledge there are some clear things in life. Violence is wrong. Cheating is wrong. Using and abusing other people is wrong."

But what do we all too often have in our public school system today? We have teachers that say,

Oh, it would not be right for me to take a position. After all, these students have to pick and choose from the basket of values, those which most directly apply and are applicable and relevant to them.

So we cannot have teachers standing up saying cheating is wrong, and that there are absolute moral truths.

We should consider encouraging the charitable contribution base by increasing the charitable deduction for some of these nontraditional, non-governmental entities. We should recognize that Federal investment in some of these organizations works.

Finally, Mr. President, we ought to open up the debate on the role of religion in our society. It is something that no one wants to talk about. It is something that we fear to openly address.

But no government commitment can ever fully support the psychological

and spiritual ingredients so necessary in addressing our cultural ills. No one said it better, Mr. President, than a very humble black minister from the Macedonia Missionary Church in Waycross, GA, in addressing the Children Youth Family Committee that I was ranking member of, during my tenure in the House of Representatives.

Though all the other sociological experts testified, it was left to Reverend McKinney to put it to us in a way that we needed to hear.

Reverend McKinney in addressing the problems faced by the young people of his community said:

If these problems are to be properly addressed, the individual must be ministered to in a holistic fashion: Mind, body, soul, and spirit. The government is now learning what the church has always known. It is impossible to heal a person physically without ministering to the totality of the person. This same approach must be taken when the community is being served also. An obvious example can be drawn from the programs of the public health departments of our communities. The State has recognized that technologies have reduced or eliminated many of the infectious and communicable diseases that plagued our communities in the past. The contemporary causes of illness and death are, for the most part, the diseases that develop and accelerated in severity as a result of unhealthy life styles. The Government is ill-equipped to address the issues involved with the changing of life styles.

The Government, even when it has the financial resources and the political will, cannot properly address the causes of many health and welfare issues of the poor and the disadvantaged. At best, the Government can deal with the surface symptoms of these problems.

For example, everyone in the Nation agrees that we are currently engulfed by an epidemic of teenage pregnancies. The liberal segment of the Government wished to address this issue by the unhampered and indiscriminate distribution of birth control. The church knows that birth control only addresses the physical symptoms or the results of the problem. Birth control information and articles should result in a decrease in the number of babies born to teenagers, but birth control does not address the cause of the epidemic: Sexual activity amongst the members of the community who are least prepared, physically and emotionally and financially to pursue this activity. When teenage mothers are questioned about their reason for early sexual activity, the majority respond they were seeking an expression of love and affection. Sexually active teenage males are often found to be attempting to prove their manhood.

The Government cannot adequately address the need for love of self-esteem.

Does Government have a role to play? Yes. Can Government provide the total solution to our problems? No.

That is the danger of our focusing all of our attention on the mechanics of dealing with crime without looking at the root causes or at ways to address the underlying reasons for crime.

And which solutions seem to work best? Which address more than "the surface symptoms?"

I have been much taken by an article which appeared in the Washington Post

by William Raspberry. In it, he spoke to social service providers on the front lines in the inner cities.

For 20 years, says Robert L. Woodson Sr., he had been observing the phenomenon but not really seeing it. People, including me, would check out the successful social programs—I'm talking about the neighborhood-based healers who manage to turn people around—and we would report on such things as size, funding, leadership, technique.

Only recently has it crystallized for me that the one thing virtually all these programs had in common was a leader with a strong element of spirituality.

The thing I'm talking about may or may not be specifically religious. It can happen with people who don't even go to church. But its spiritual, and the people who are touched by it know it.

Raspberry questions, "What are the implications of Woodson's insight for social service programs?" "I'm not sure I know yet," Woodson admits. I do know that the hunger I sense in America is not a hunger for things but a search for meaning. We don't yet have the scales to weigh the ability some people have to supply meaning—to provide the spiritual element I'm talking about. I do not know how the details might work themselves out, but I know it makes as much sense to empower those who have the spiritual wherewithal to turn lives around as to empower those whose only qualifications is credentials.

The power of spirituality. I think of our efforts to build prisons in this legislation, and I think of the 50,000 volunteers who work in the prisons around the world through groups like Prison Fellowship, who reach out each Christmas time and provide the wherewithal for prisoners to buy Christmas gifts for their children, 271,000 young people, through a volunteer organization. Surely it makes sense for us to discuss ways in which we can empower those groups to perform services that we cannot legislate, or that we should not legislate.

There have been studies that have compared groups of ex-offenders, those who have been ministered by various groups and those that have not. The rate of recidivism, the rate of rehabilitation is dramatically different.

These are observations which should prompt us to ask if there is a better way, or at least an additional way. These are the questions this Congress needs to press our society to address.

I fear today, Mr. President, that we will congratulate ourselves on passing "the most significant Federal effort to deal with violent crime in America that the Senate has ever considered," in the words of the chairman. Yet, we will ignore the broader challenges that our society confronts. Help for the family will be trumpeted in campaigns, only to be forgotten once elections are past. Welfare reform will provide an opportunity to be tough on those who do not work, rather than an explo-

ration of the breakdown of the inner city family. Education will be an opportunity to talk about national goals, but will we pay heed to national values?

Ultimately, the war on crime will not either be won or lost in our action on this crime bill; nor will it be won or lost in the legal changes or Government programs alone; nor will it be won by putting more police officers on the beat, building more prisons, passing tougher laws, establishing boot camps, or setting up restitution programs, because crime is the mirror image of a community's moral state. Criminal acts are not primarily failures of society or failures of deterrence; they are failures of character.

President Reagan made the point well:

Controlling time is . . . ultimately a moral dilemma—one that calls for a moral, if you will, spiritual solution. . . The war on crime will be won only when our attitude of mind and a change of heart takes place in America, when certain truths take hold again and plant their roots deep in our national consciousness.

Attitudes of mind and changes of heart. Moral truths and spiritual solutions. These are ideas that make us somewhat uncomfortable. They do not translate easily into a quick legislative fix. But the mantle and burden of leadership for this and future generations of Americans rests on our shoulders. We do have an influence on our culture which runs more deeply than the bills that we introduce or the laws that we pass.

For the sake of our future, for the sake of the civilization we have inherited, let us responsibly demonstrate the courage to challenge our culture.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. (Mr. ROBB). The Senator from Arizona.

Mr. DECONCINI. Mr. President, I have had an opportunity to listen to the Senator from Indiana, and I wholeheartedly agree with his observation and pointed remarks in reference to studies of experts about the family in decay, the moral decay, and the lack of religion in our society today. I only wish that I had an answer. Maybe the Senator from Indiana has an answer of what we can do, if anything, in a body like this to correct that.

I do believe that the crime bill is not the panacea and it is not going to alter the fundamental problems that the Senator so ably pointed out. But I also believe that the crime bill is an improvement, it is something that is necessary and something that we should adopt here.

I think it can be improved even more with additional amendments, and I hope we get on with that business today.

UNANIMOUS-CONSENT AGREEMENT

Mr. DECONCINI. Mr. President, I have been authorized by both the minority and the majority side here, and the majority leader's office, to propound a unanimous consent request. I will do so at this time.

Mr. President, I ask unanimous consent that the majority leader, with the consent of the Republican leader, may at any time turn to the consideration of Calendar No. 224, S. 1301, the intelligence authorization bill and that the bill be considered under the following limitation: thirty minutes for debate on the bill, including the committee amendment, and three amendments to be offered by the managers on behalf of themselves and others, equally divided in the usual form; two hours and 10 minutes for debate on Senator METZENBAUM's sense-of-the-Congress amendment regarding the disclosure of the annual intelligence budget, with the time to be divided as follows: 75 minutes under control of Senator METZENBAUM; 45 minutes under control of Senator WARNER; and 10 minutes under control of Senator SPECTER; that no other amendments or motions to recommit be in order; that upon third reading of the bill, the Intelligence Committee be discharged from further consideration of the House companion, H.R. 2330; that all after the enacting clause be stricken and the text of S. 1301, as amended, be substituted in lieu thereof and the Senate, without any intervening action or debate, vote on final passage of H.R. 2330, as amended; that upon the disposition of H.R. 2330, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees; and that the Senate bill be indefinitely postponed at that time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Arizona on behalf of the Senate majority leader and Republican leader?

The Senator from Indiana.

Mr. COATS. Mr. President, the minority has reviewed this unanimous-consent request and has no objection.

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

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

ASSAULT WEAPONS

Mr. DECONCINI. Mr. President, returning to the crime bill before us here, I would like to make a slight further comment regarding the vote last evening on the assault weapon amendment of the Senator from California.

It was another good time for the Senate. It was a time that this body stood

up. It was a high-risk time for many Members because this is a very politically risky thing to do, and that is to participate in any kind of restrictions on the use of guns.

But indeed the Senator from California, along with many others, was able to put together an amendment that is reasonable, that preserves the rights of each person as it relates to the second amendment of our Constitution, does not infringe upon those rights, and will have some impact on the carnage and the misuse of these semiautomatic military-type assault weapons.

I compliment this Senator and I compliment this body. It is not too often that we get a chance to do that. Members took some political risk. I have been in that spot before, many times. It is always easy to say no. It is always easy not to take a chance. And there are chances here that maybe it will not stop the violence and the drug use, and what have you. But there is every provision here, including a sunset provision, so that if it does not work, the worst is going to happen is that some of these awful weapons are not going to be manufactured, imported, and sold in the United States for the period of the sunset, which is 10 years. That is not too big a risk, and the chances are based on what the law enforcement people tell us in this country that it will save lives both of law enforcement and the citizens on the street.

So, it was a high mark for this body last night that we agreed to that.

In 1991, we passed a lesser assault weapons bill that took nine weapons and banned them. That was an historic time where we passed it by one vote three times in 1991, and then in 1992, we once again passed it that time with a voice vote or with no vote. It was part of the bill.

Last night we expanded that, and the legislation is better. I think the country and the Senate is better for that.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. DECONCINI. Mr. President, last night, as hopefully millions of Americans watched the debate between Mr. Perot and Vice President GORE, there were some clear observations, in my opinion, that need to be commented on.

No. 1 is that, although you had contentious circumstances there of these two very fine people debating very passionately their position, it was clear to this Senator—and I am a supporter of NAFTA—that indeed the Vice President was able to spell out very clearly how advantageous NAFTA is for the United States, how it will, in fact, bring about jobs, and how some of these bogus arguments that have been put up time and time again do not hold any water. They cannot be substantiated.

And, yes, there is fact and truth to the fact that Mexico is a much less eco-

nomically developed country than the United States or Canada. But I believe the Vice President clearly stated what benefits that has to us, the fact that their GNP is growing faster than ours; the fact that that government has taken very strong steps for privatization; the fact that that government under President de la Madrid Hurtado 5 years ago enacted and put Mexico into the 20th century by joining GATT and lowering their tariff down to an average now of about 9 percent. Some items are still 20 percent. They were averaging close to 80 percent prior to 5 years ago.

Also the Vice President clearly pointed out that the trade deficit has completely switched over the last 5 years from a deficit of \$5.7 billion to a surplus of \$5.4 billion, and, yes, as Mr. Perot pointed out, some of that are items that go into Mexico that are put into items that are exported. The point is they are items that are built in the United States, jobs in the United States. So it does not make any difference, in my judgment, whether or not they stay in Mexico and are used by Mexicans or they are put into objects that are sold throughout the world, including the United States. Americans made them and that is a good market.

So, my feeling is that indeed NAFTA took a step up last night, and I hope the American public agrees that we should adopt it, and I truly hope that the House of Representatives will do so.

NATIONAL SECURITY COUNCIL

Mr. DECONCINI. Mr. President, in this morning's Washington Times, there is a story about the National Security Council and the staff that is there. It is entitled "Many key staffers came up under Bush, and it is by Mr. Gertz. It is a very interesting article.

I can only comment, having been the chairman of the Intelligence Committee now for roughly 10 months, that I find the NSC to be very professional and, though I would like to see them devote more time in the area of intelligence, they have had their calendar and agenda very, very full.

But there is an interesting misquote in our misperception that could be drawn from this article, and it relates to Mr. George Tenet, who is at the NSC and has been since I believe January or February. Mr. Tenet, who was a former staff director of the Senate Intelligence Committee for 6 years, worked for Senator Heinz, then for Senator LEAHY, and then Senator BOREN on that committee. I had an opportunity to work with him for 6 years when he was staff director. He is one of the most knowledgeable people, I believe, in this country in the field of intelligence and he heads the intelligence area of the NSC.

There is a statement here:

Associates say Mr. Tenet is politically astute but lacks a thorough understanding of the intelligence business.

That is nonsense. I have seen the depth of Mr. Tenet, and he has been a source of tremendous value to the committee and I know a source of tremendous value today to the NSC.

I think, quite frankly, that if the administration followed more recommendations and advice from people like Mr. Tenet we would have less acrimony that we had in developing an intelligence budget. And we have had problems. We finally got them resolved, I believe, and finally moved ahead. But we are late in the year, well into a CR in 1994, and we have not conferenced yet nor have we based the conference report on defense appropriations that funds the intelligence department.

I have talked to Mr. Tenet a number of times. I know that his advice has been very sound to the administration and I hope that they would now start to take even more of it.

But, also, Mr. Tenet has been involved in a number of decisions that involve the intelligence gathering and interpretation of the intelligence as it relates to judgments the President must make. Mr. Tenet has given good advice and is truly one of the experts in the area of intelligence in this country.

I thank the Chair, and I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

NAFTA

Mr. BAUCUS. Mr. President, I would like to join the Senator from Arizona in complimenting the Vice President for his very informative statements last night during his debate with Ross Perot on the Larry King program.

The main point, Mr. President, is that NAFTA is good for America. We presently have a one-way free-trade agreement with Mexico. In other words, the United States has virtually no tariffs, and few barriers to trade of Mexican products coming into the United States, while today Mexico has high tariffs against American products attempting to try to go to Mexico. That is one-way free trade in Mexico's favor.

What does NAFTA do? NAFTA says we will remove all tariffs and lower other trade barriers close to zero so we end up with two-way free trade.

Reversing the present inequity is a very critical point. If most Americans would understand it, they would then realize that NAFTA is a good deal for America and American workers.

A complaint you sometimes hear about NAFTA is "Well, gee, it's not

good enough. It doesn't protect the environment enough. It doesn't protect labor enough. It doesn't protect jobs enough. We can do better."

Mr. President, I remind everyone that sometimes Americans let perfection be the enemy of the good. Sometimes we cannot get a whole loaf and sometimes it is better to agree on a substantial improvement, take what we have, and move forward. Later, we can build upon what we have.

I suggest, Mr. President, that is exactly what NAFTA does. It moves the ball forward. It may not be perfection, but it is much better than the status quo.

I think the Vice President made both of those points last night. He noted that NAFTA would create a two-way free-trade agreement, and that it is much better than the status quo.

I think, again, if most Americans think about these points, they are going to realize NAFTA is a good agreement for America.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

THE ASSAULT WEAPONS AMENDMENT

Mr. BAUCUS. Mr. President, last night, I voted against a motion to table the assault weapons amendment offered by the Senator from California [Mrs. FEINSTEIN]. I want to take this opportunity to discuss this amendment and my reasons for opposing the motion to table.

RIGHTS AND RESPONSIBILITIES

Throughout my service in Congress, I have been a strong supporter of second amendment rights. And I remain firmly convinced that the legitimate rights of American sportsmen must be protected. Our constitutional rights—including the right to bear arms—are precious.

Yet no right is absolute. Just as the right to free speech does not cover slander, certain fighting words likely to provoke violence, or yelling fire in a crowded theater, the right to bear arms must necessarily be limited when it is clearly necessary to protect society.

For this reason, I believe that every right carries with it a responsibility—a responsibility to, at a minimum, do no harm to others in the exercise of that right.

I am fortunate to represent a State where, for the most part, people exercise their second amendment rights responsibly. Montana is a State of sportsmen. Hunting is part of our heritage. It is something that makes life in Montana special. And I take a back seat to no one—absolutely no one—in protecting the legitimate rights of Montana's hunters and sportsmen.

Growing up on a ranch, I also grew up around guns. My father taught me to

hunt and to handle firearms responsibly. In the process, I developed a healthy respect for firearms and the damage they can do.

Sadly, though, this respect seems to have faded away in many communities throughout this Nation. The right to bear arms is alive and well, but the responsibility that should accompany this right is too often lacking. Too many guns—and too little respect for human life—have caused many Americans to live in fear.

Just blocks away from this Capitol, people are dying virtually every night from gunshot wounds. Washington has become known as the murder Capital of the Nation. A national disgrace.

And Washington, DC, is not unique. The story is the same in New York, Los Angeles, Detroit, and many cities across this Nation.

Beyond our cities, it is clear that crime has become a serious problem in rural America. Several years ago, I worked with the distinguished chairman of the Judiciary Committee, Senator BIDEN, to add a comprehensive rural crime title to the crime bill. And I am pleased to say that our commitment to fight rural crime continues in the crime bill that is before us today.

Yet, up until recently, violent crime—gun related crime—was something that most Montanans just did not worry about. Today, however, I cannot say that Montana has escaped the increase in gun violence.

Several weeks ago, for instance, two rival youth gangs met in a confrontation in the parking lot of a Billings fast food restaurant. While most of the injuries were caused by baseball bats, one young man took a hand gun and shot a rival gang member in the arm.

And last July, a Billings man shot and killed his sister-in-law. He then grabbed his two young children and fled in his car, with the police in hot pursuit. Once cornered, he attempted to use his own children as human shields while firing at the police.

THE NEED FOR DECISIVE ACTION

To be frank, this is an agonizing issue for me and many of my fellow Montanans.

For many years, I have contended that this and other gun control measures would not work. I continue to believe that stiff penalties, more police, and better law enforcement were the best ways to stem the violence.

For this reason, I have supported virtually every amendment that would have imposed the death penalty for gun-related killings. Just yesterday, for instance, I supported Senator D'AMATO's amendment imposing stiff mandatory sentences for gun crimes.

But despite all we have done—and all the money we have spent—to clamp down on crime, we have still fallen short. The killings continue.

According to the FBI, the number of violent crimes committed with a firearm has almost quadrupled over the

past three decades. And these numbers have risen most sharply over the past 8 years.

While my vote on the amendment by the Senator from California will cause some controversy at home, I am not the first Senator from Montana to have reached the conclusion that we must take action to halt the spread of guns and violence in our society.

Back in 1968, in the wake of Robert Kennedy's assassination, our former majority leader, Mike Mansfield, reached a similar conclusion. Senator Kennedy's assassination had a profound effect on Senator Mansfield. Yet it was the senseless Washington murder of Thad Lesnick, a young Marine lieutenant from Fishtail, MT, that Senator Mansfield said "was finally decisive in persuading me to the need for adequate firearms control legislation."

Although Senator Mansfield addressed this issue over 25 years ago, his words and his wisdom can provide guidance for us here today. Senator Mansfield said:

I have made my decision because I believe a Senator owes the people of his State not merely an echo but also a judgment. And in my judgment, dangerous and disturbing trends have developed in gun traffic and gun usage in this Nation. Guns as such are not the source of the difficulty, but these trends in irresponsible handling are part and parcel of the rising tide of violence that has come to plague the land.

In these circumstances, I can no longer accept the position that the best response is no response. In my judgment, that is not an acceptable answer in view of the spread of murder and mayhem by firearms. * * * It is not an answer in view of the easy access to deadly weapons which is open to maniacs and madmen. It is not an answer in view of the problems of maintaining law and order which confront the hard-pressed police in the Nation's cities. To leave things as they are, in short, is not an adequate answer to one of the highest rates of gun killings and maiming—accidental or deliberate—in the world.

That was Senator Mansfield 25 years ago. It is haunting to think even how much more true those words are today.

PROTECTING THE PUBLIC SAFETY AND
SPORTSMEN

When I began this statement, I stressed the importance of protecting the rights of sportsmen—the hunters and marksmen who enjoy shooting sports; who understand the importance of exercising their second amendment rights responsibly.

Moreover, I believe that most of Montana's sportsmen understand the need to control the spread of gun-related violence. And I believe most of these Montanans are also willing to accept reasonable restrictions on access to the most dangerous types of firearms, so long as these restrictions do not threaten their rights to use and purchase sporting weapons.

I share this concern. I see the need to restrict access to truly dangerous weapons—those weapons most likely to be used in the commission of a violent

crime—weapons like the so-called Street Sweeper shotgun.

But any such restrictions must meet two fundamental tests: First, they must be narrowly crafted so as to protect the legitimate second amendment rights of hunters and sportsmen; and second, they must be directly related to reducing gun-related violence.

I believe the amendment before us last night meets both elements of this test.

It is narrowly crafted. This amendment would provide iron-clad, copper riveted protection for over 650 models of rifles, pistols, and shotguns presently lawfully in the hands of American sportsmen. Not a one of these weapons would be affected by the passage of this amendment. In fact, passage of this amendment puts the Senate on record as endorsing the rights of sportsmen to own and use these weapons.

Mr. President, I ask unanimous consent that a list of these protected weapons be printed in the RECORD following these remarks.

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

(See exhibit 1.)

Mr. BAUCUS. Beyond this, a number of provisions in this amendment affirmatively protect the rights of American sportsmen. These include:

A grandfather provision that will prevent the confiscation of any weapons already legitimately in the hands of any American citizen. Absolutely nobody lawfully owning one of these weapons today will have it taken away;

An exclusion for all weapons manually operated by bolt, pump, lever, or slide action;

An exclusion for semiautomatic rifles with a fixed magazine;

An exclusion for ammunition feeding devices capable of feeding less than 10 rounds; and

An exclusion for permanently inoperable and antique firearms.

Along with the narrow scope of this amendment, it is clearly directed at reducing gun violence. The Senator from California has spoken eloquently about the tragedies assault rifles have caused in her native State.

And it has been pointed out that the weapons prohibited by this amendment are those most likely to be used in the commission of a violent crime.

Even in a relatively low crime State like Montana, the proliferation of assault weapons is causing serious problems.

I was shocked to learn that in the city of Billings alone, there have been three recent potentially violent incidents involving assault weapons.

On two occasions over this past summer, Billings police apprehended a skinhead on his way to a local bar. On both occasions, this skinhead possessed an assault rifle. And on both occasions, he told the police he wanted to "kill some Mexicans."

And Billings Police Chief Wayne Inman—who also supports passage of this amendment—recently learned of a threat upon his life by an individual known to own an assault rifle.

If these sorts of incidents can occur in Billings, MT, they can occur anywhere in America. No American is safe. And Congress must act.

I realize that passage of this amendment is not a panacea for the problems of violence in our society. We need stiff penalties. And we need to restore family values to our most troubled and violent areas—indeed, our entire Nation.

But, on the whole, I believe passage of the Feinstein amendment will help. It is one step toward halting the violence. And it is the right thing to do for America.

As I mentioned earlier, this was a difficult vote for me and many of my colleagues from rural and Western States who voted with Senator FEINSTEIN. If we were to follow the course of least resistance, the course of political expediency, we would have voted the other way.

But that would have been the wrong thing for America—and, at least in the long run, I also believe that would have been the wrong thing for Montana.

Several years ago, historian Arthur Schlesinger, Jr., published a book entitled "The Disuniting of America." Schlesinger contends that the centrifugal forces of special interest politics are tearing this country apart: urban interests take on rural interests; environmentalists clash with industry; business bashes labor, and labor comes back at business full force; and, in this instance, the gun lobby feuds with law enforcement.

In short, nobody compromises, nobody looks beyond their own narrow special interest, and nothing gets done.

In this case, a number of my colleagues and I tried to look beyond special interest and do what is right for the entire Nation—including our cities.

I hope that Senators from more urban States would think about this. We are a nation. Whether you represent a State that is primarily urban or rural, I believe it is important to consider the impact your vote will have on other regions of the country—on Americans different than your constituents.

Recently, we have seen a number of proposals come before this body that would be harmful to rural America and the West. Whether the issue is the farm program, grazing fees, the Wool Act, highway funding, the mining law, or water rights, I urge each of my colleagues to think, think for a moment about how your vote may help or hurt people in other regions of the country. If we do this more often, I believe we will disprove Dr. Schlesinger's thesis. And I believe America—all of America—will be better off for it.

EXHIBIT 1

ASSAULT WEAPONS COMPROMISE DISCUSSION
DRAFT—PROPOSED APPENDIX A: PROTECTED
GUNS

CENTERFIRE RIFLES—AUTOLOADERS

Browning BAR Mark II Safari Semi-Auto Rifle.
Browning BAR Mark II Safari Magnum Rifle.
Iver Johnson M-1 Carbine.
Iver Johnson 50th Anniversary M-1 Carbine.
Marlin Model 9 Camp Carbine.
Marlin Model 45 Carbine.
Remington Model 7400 Auto Rifle.
Remington Model 7400 Special Purpose Auto Rifle.
Ruger Mini-14 Autoloading Rifle (w/o folding stock).
Ruger Mini Thirty Rifle.

CENTERFIRE RIFLES—LEVER & SLIDE

Browning Model 81 BLR Lever-Action Rifle.
Browning Model 81 Long Action BLR.
Browning Model 1886 Lever-Action Carbine.
Browning Model 1886 High Grade Carbine.
Cimarron 1860 Henry Replica.
Cimarron 1866 Winchester Replicas.
Cimarron 1873 Short Rifle.
Cimarron 1873 Sporting Rifle.
Cimarron 1873 30" Express Rifle.
Dixie Engraved 1873 Rifle.
E.M.F. 1866 Yellowboy Lever Actions.
E.M.F. 1860 Henry Rifle.
E.M.F. Model 73 Lever-Action Rifle.
Marlin Model 73 Lever-Action Carbine.
Marlin Model 336CS Lever-Action Carbine.
Marlin Model 30AS Lever-Action Carbine.
Marlin Model 444SS Lever-Action Sporter.
Marlin Model 1894S Lever-Action Carbine.
Marlin Model 1894CS Carbine.
Marlin Model 1894CL Classic.
Marlin Model 1895SS Lever-Action Rifle.
Mitchell 1858 Henry Replica.
Mitchell 1866 Winchester Replica.
Mitchell 1873 Winchester Replica.
Navy Arms Military Henry Rifle.
Navy Arms Henry Trapper.
Navy Arms Iron Frame Henry.
Navy Arms Henry Carbine.
Navy Arms 1866 Yellowboy Rifle.
Navy Arms 1873 Winchester-Style Rifle.
Navy Arms 1873 Sporting Rifle.
Remington 7600 Slide Action.
Remington Model 7600 Special Purpose Slide Action.
Rossi M92 SRC Saddle-Ring Carbine.
Rossi M92 SRS Short Carbine.
Savage 99C Lever-Action Rifle.
Uberti Henry Rifle.
Uberti 1866 Sporting Rifle.
Uberti 1873 Sporting Rifle.
Winchester Model 94 Side Eject Lever-Action Rifle.
Winchester Model 94 Trapper Side Eject.
Winchester Model 94 Big Bore Side Eject.
Winchester Model 94 Ranger Side Eject Lever-Action Rifle.
Winchester Model 94 Wrangler Side Eject.

CENTERFIRE RIFLES—BOLT ACTION

Alpine Bolt-Action Rifle.
A-Square Caesar Bolt-Action Rifle.
A-Square Hannibal Bolt-Action Rifle.
Anschutz 1700D Classic Rifles.
Anschutz 1700D Custom Rifles.
Anschutz 1700D Bavarian Bolt-Action Rifle.
Anschutz 1733D Mannlicher Rifle.
Barret Model 90 Bolt-Action Rifle.
Beeman/HW 60J Bolt-Action Rifle.
Blaser R84 Bolt-Action Rifle.
BRNO 537 Sporter Bolt-Action Rifle.
BRNO ZKB 527 Fox Bolt-Action Rifle.

BRNO ZKK 600, 601, 602 Bolt-Action Rifles.
Browning A-Bolt Rifle.
Browning A-Bolt Stainless Stalker.
Browning A-Bolt Left Hand.
Browning A-Bolt Short Action.
Browning Euro-Bolt Rifle.
Browning A-Bolt Gold Medallion.
Browning A-Bolt Micro Medallion.
Century Centurion 14 Sporter.
Century Enfield Sporter #4.
Century Swedish Sporter #38.
Century Mauser 98 Sporter.
Cooper Model 38 Centerfire Sporter.
Dakota 22 Sporter Bolt-Action Rifle.
Dakota 76 Classic Bolt-Action Rifle.
Dakota 76 Short Action Rifles.
Dakota 76 Safari Bolt-Action Rifle.
Dakota 416 Rigby African.
E.A.A./Sabatti Rover 870 Bolt-Action Rifle.
Auguste Francotte Bolt-Action Rifles.
Carl Gustaf 2000 Bolt-Action Rifle.
Heym Magnum Express Series Rifle.
Howa Lightning Bolt-Action Rifle.
Howa Realtree Camo Rifle.
Interarms Mark X Viscount Bolt-Action Rifle.
Interarms Mini-Mark X Rifle.
Interarms Mark X Whitworth Bolt-Action Rifle.
Interarms Whitworth Express Rifle.
Iver Johnson Model 5100A1 Long-Range Rifle.
KDF K15 American Bolt-Action Rifle.
Krico Model 600 Bolt-Action Rifle.
Krico Model 700 Bolt-Action Rifles.
Mauser Model 66 Bolt-Action Rifle.
Mauser Model 99 Bolt-Action Rifle.
McMillan Signature Classic Sporter.
McMillan Signature Super Varminter.
McMillan Signature Alaskan.
McMillan Signature Titanium Mountain Rifle.
McMillan Classic Stainless Sporter.
McMillan Talon Safari Rifle.
McMillan Talon Sporter Rifle.
Midland 1500S Survivor Rifle.
Navy Arms TU-33/40 Carbine.
Parker-Hale Model 81 Classic Rifle.
Parker-Hale Model 81 Classic African Rifle.
Parker-Hale Model 1000 Rifle.
Parker-Hale Model 1100M African Magnum.
Parker-Hale Model 1100 Lightweight Rifle.
Parker-Hale Model 1200 Super Rifle.
Parker-Hale Model 1200 Super Clip Rifle.
Parker-Hale Model 1300C Scout Rifle.
Parker-Hale Model 2100 Midland Rifle.
Parker-Hale Model 2700 Lightweight Rifle.
Parker-Hale Model 2800 Midland Rifle.
Remington Model Seven Bolt-Action Rifle.
Remington Model Seven Youth Rifle.
Remington Model Seven Custom KS.
Remington Model Seven Custom MS Rifle.
Remington 700 ADL Bolt-Action Rifle.
Remington 700 BDL Bolt-Action Rifle.
Remington 700 BDL Varmint Special.
Remington 700 BDL European Bolt-Action Rifle.
Remington 700 Varmint Synthetic Rifle.
Remington 700 BDL SS Rifle.
Remington 700 Stainless Synthetic Rifle.
Remington 700 MTRSS Rifle.
Remington 700 BDL Left Hand.
Remington 700 Camo Synthetic Rifle.
Remington 700 Safari.
Remington 700 Mountain Rifle.
Remington 700 Custom KS Mountain Rifle.
Remington 700 Classic Rifle.
Ruger M77 Mark II Rifle.
Ruger M77 Mark II Magnum Rifle.
Ruger M77RL Ultra Light.
Ruger M77 Mark II All-Weather Stainless Rifle.
Ruger M77 RSI International Carbine.
Ruger M77 Mark II Express Rifle.

Ruger M77VT Target Rifle.
Sako Hunter Rifle.
Sako Fiberclass Sporter.
Sako Safari Grade Bolt Action.
Sako Hunter Left-Hand Rifle.
Sako Classic Bolt Action.
Sako Hunter LS Rifle.
Sako Deluxe Lightweight.
Sako Super Deluxe Sporter.
Sako Mannlicher-Style Carbine.
Sako Varmint Heavy Barrel.
Sako TRG-S Bolt-Action Rifle.
Sauer 90 Bolt-Action Rifle.
Savage 110G Bolt-Action Rifle.
Savage 110CY Youth/Ladies Rifle.
Savage 110WLE One of One Thousand Limited Edition Rifle.
Savage 110GXP3 Bolt-Action Rifle.
Savage 110F Bolt-Action Rifle.
Savage 110FXP3 Bolt-Action Rifle.
Savage 110GV Varmint Rifle.
Savage 112FV Varmint Rifle.
Savage Model 112FVS Varmint Rifle.
Savage Model 112BV Heavy Barrel Varmint Rifle.
Savage 116FSS Bolt-Action Rifle.
Savage Model 116FSK Kodiak Rifle.
Savage 110FP Police Rifle.
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T.
Steyr-Mannlicher Luxus Model L, M, S.
Steyr-Mannlicher Model M Professional Rifle.
Tikka Bolt-Action Rifle.
Tikka Premium Grade Rifles.
Tikka Varmint/Continental Rifle.
Tikka Whitetail/Battue Rifle.
Ultra Light Arms Model 20 Rifle.
Ultra Light Arms Model 28, Model 40 Rifles.
Voere VEC 91 Lightning Bolt-Action Rifle.
Voere Model 2165 Bolt-Action Rifle.
Voere Model 2155, 2150 Bolt-Action Rifles.
Weatherby Mark V Deluxe Bolt-Action Rifle.
Weatherby Lasermark V Rifle.
Weatherby Mark V Crown Custom Rifles.
Weatherby Mark V Sporter Rifle.
Weatherby Mark V Safari Grade Custom Rifles.
Weatherby Weathermark Rifle.
Weatherby Weathermark Alaskan Rifle.
Weatherby Classicmark No. 1 Rifle.
Weatherby Weatherguard Alaskan Rifle.
Weatherby Vanguard VGX Deluxe Rifle.
Weatherby Vanguard Classic Rifle.
Weatherby Vanguard Classic No. 1 Rifle.
Weatherby Vanguard Weatherguard Rifle.
Wichita Classic Rifle.
Wichita Varmint Rifle.
Winchester Model 70 Sporter.
Winchester Model 70 Sporter WinTuff.
Winchester Model 70 SM Sporter.
Winchester Model 70 Stainless Rifle.
Winchester Model 70 Varmint.
Winchester Model 70 Synthetic Heavy Varmint Rifle.
Winchester Model 70 DBM Rifle.
Winchester Model 70 DBM-S Rifle.
Winchester Model 70 Featherweight.
Winchester Model 70 Featherweight WinTuff.
Winchester Model 70 Featherweight Classic.
Winchester Model 70 Lightweight Rifle.
Winchester Ranger Rifle.
Winchester Model 70 Super Express Magnum.
Winchester Model 70 Super Grade.
Winchester Model 70 Custom Sharpshooter.
Winchester Model 70 Custom Sporting Sharpshooter Rifle.

CENTERFIRE RIFLES—SINGLE SHOT
Armsport 1866 Sharps Rifle, Carbine.

Brown Model One Single Shot Rifle.
Browning Model 1885 Single Shot Rifle.
Dakota Single Shot Rifle.
Desert Industries G-90 Single Shot Rifle.
Harrington & Richardson Ultra Varmint Rifle.

Model 1885 High Wall Rifle.
Navy Arms Rolling Block Buffalo Rifle.
Navy Arms #2 Creedmoor Rifle.
Navy Arms Sharps Cavalry Carbine.
Navy Arms Sharps Plains Rifle.
New England Firearms Handi-Rifle.
Red Willow Armory Ballard No. 5 Pacific.
Red Willow Armory Ballard No. 1.5 Hunting Rifle.
Red Willow Armory Ballard No. 8 Union Hill Rifle.
Red Willow Armory Ballard No. 4.5 Target Rifle.

Remington-Style Rolling Block Carbine.
Ruger No. 1B Single Shot.
Ruger No. 1A Light Sporter.
Ruger No. 1H Tropical Rifle.
Ruger No. 1S Medium Sporter.
Ruger No. 1 RSI International.
Ruger No. 1V Special Varminter.
C. Sharps Arms New Model 1874 Old Reliable.

C. Sharps Arms New Model 1875 Rifle.
C. Sharps Arms 1875 Classic Sharps.
C. Sharps Arms New Model 1875 Target & Long Range.

Shiloh Sharps 1874 Long Range Express.
Shiloh Sharps 1874 Montana Roughrider.
Shiloh Sharps 1874 Military Carbine.
Shiloh Sharps 1874 Business Rifle.
Shiloh Sharps 1874 Military Rifle.
Sharps 1874 Old Reliable.
Thompson/Center Contender Carbine.
Thompson/Center Stainless Contender Carbine.

Thompson/Center Contender Carbine Survival System.
Thompson/Center Contender Carbine Youth Model.
Thompson/Center TCR '87 Single Shot Rifle.

Uberti Rolling Block Baby Carbine.

DRILLINGS, COMBINATION GUNS, DOUBLE RIFLES

Baretta Express SSO O/U Double Rifles.
Baretta Model 455 SxS Express Rifle.
Chapuis RGExpress Double Rifle.
Auguste Francotte Sidelock Double Rifles.
Auguste Francotte Boxlock Double Rifle.
Heym Model 55B O/U Double Rifle.
Heym Model 55FW O/U Combo Gun.
Heym Model 88b Side-by-Side Double Rifle.
Kodiak Mk. IV Double Rifle.
Kreighoff Teck O/U Combination Gun.
Kreighoff Trumpf Drilling.
Merkel Over/Under Combination Guns.
Merkel Drillings.
Merkel Model 160 Side-by-Side Double Rifles.

Merkel Over/Under Double Rifles.
Savage 24F O/U Combination Gun.
Savage 24F-12T Turkey Gun.
Springfield Inc. M6 Scout Rifle/Shotgun.
Tikka Model 412s Combination Gun.
Tikka Model 412S Double Fire.
A. Zoli Rifle-Shotgun O/U Combo.

RIMFIRE RIFLES—AUTOLOADERS

AMT Lightning 25/22 Rifle.
AMT Lightning Small-Game Hunting Rifle II.

AMT Magnum Hunter Auto Rifle.
Anschutz 525 Deluxe Auto.
Armscor Model 20P Auto Rifle.
Browning Auto-22 Rifle.
Browning Auto-22 Grade VI.
Krico Model 260 Auto Rifle.
Lakefield Arms Model 64B Auto Rifle.
Marlin Model 60 Self-Loading Rifle.

Marlin Model 60ss Self-Loading Rifle.
Marlin Model 70 HC auto.
Marlin Model 9901 Self-Loading Rifle.
Marlin Model 70P Papoose.
Marlin Model 922 Magnum Self-Loading Rifle.
Marlin Model 995 Self-Loading Rifle.
Norinco Model 22 ATD Rifle.
Remington Model 522 Viper Autoloading Rifle.
Remington 552BDL Speedmaster Rifle.
Ruger 10/22 Autoloading Carbine (w/o folding stock).
Survival Arms AR-7 Explorer Rifle.
Texas Remington Revolving Carbine.
Voere Model 2115 Auto Rifle.

RIMFIRE RIFLES—LEVER & SLIDE ACTION

Browning BL-22 Lever-Action Rifle.
Marlin 39TDS Carbine.
Marlin Model 39AS Golden Lever-Action Rifle.
Remington 572BDL Fieldmaster Pump Rifle.
Norinco EM-321 Pump Rifle.
Rossi Model 62 SA Pump Rifle.
Rossi Model 62 SAC Carbine.
Winchester Model 9422 Lever-Action Rifle.
Winchester Model 9422 Magnum Lever-Action Rifle.

RIMFIRE RIFLES—BOLT ACTIONS & SINGLE SHOTS

Anschutz Achiever Bolt-Action Rifle.
Anschutz 1416D/1516D Classic Rifles.
Anschutz 1418D/1518D Mannlicher Rifles.
Anschutz 1700D Classic Rifles.
Anschutz 1700D Custom Rifles.
Anschutz 1700 FWT Bolt-Action Rifle.
Anschutz 1700D Graphite Custom Rifle.
Anschutz 1700D Bavarian Bolt-Action Rifle.

Armscor Model 14P Bolt-Action Rifle.
Armscor Model 1500 Rifle.
BRNO ZKM-452 Deluxe Bolt-Action Rifle.
BRNO ZKM-452 Deluxe.
Beeman/HW 60-J-ST Bolt-Action Rifle.
Browning A-Bolt 22 Bolt-Action Rifle.
Browning A-Bolt Gold Medallion.
Cabanas Phaser Rifle.

Cabanas Master Bolt-Action Rifle.
Cabanas Espronceda IV Bolt-Action Rifle.
Cabanas Leyre Bolt-Action Rifle.
Chipmunk Single Shot Rifle.
Cooper Arms Model 36S Sporter Rifle.
Dakota 22 Sporter Bolt-Action Rifle.
Krico Model 300 Bolt-Action Rifles.
Lakefield Arms Mark II Bolt-Action Rifle.
Lakefield Arms Mark I Bolt-Action Rifle.
Magtech Model MT-22C Bolt-Action Rifle.

Marlin Model 880 Bolt-Action Rifle.
Marlin Model 881 Bolt-Action Rifle.
Marlin Model 882 Bolt-Action Rifle.
Marlin Model 883 Bolt-Action Rifle.
Marlin Model 883SS Bolt-Action Rifle.
Marlin Model 25MN Bolt-Action Rifle.
Marlin Model 25N Bolt-Action Rifle.
Marlin Model 15YN "Little Buckaroo".
Mauser Model 107 Bolt-Action Rifle.
Mauser Model 201 Bolt-Action Rifle.
Navy Arms TU-KKW Training Rifle.
Navy Arms TU-33/40 Carbine.
Navy Arms TU-KKW Sniper Trainer.
Norinco JW-27 Bolt-Action Rifle.
Norinco JW-15 Bolt-Action Rifle.

Remington 541-T.
Remington 40-XR Rimfire Custom sporter.
Remington 541-T HB Bolt-Action Rifle.
Remington 581-S Sportsman Rifle.
Ruger 77/22 Rimfire Bolt-Action Rifle.
Ruger K77/22 Varmint Rifle.
Ultra Light arms Model 20 RF Bolt-Action Rifle.
Winchester Model 52B Sporting Rifle.

COMPETITION RIFLES—CENTERFIRE & RIMFIRE
Anschutz 64-MS Left Silhouette.

Anschutz 1808D RT Super Match 54 Target.
Anschutz 1827B Biathlon Rifle.
Anschutz 1903D Match Rifle.
Anschutz 1803D Intermediate Match.
Anschutz 1911 Match Rifle.
Anschutz 54.18MS REP Deluxe Silhouette Rifle.

Anschutz 1913 Super Match Rifle.
Anschutz 1907 Match Rifle.
Anschutz 1910 Super Match II.
Anschutz 54.18MS Silhouette Rifle.
Anschutz Super Match 54 Target Model 2013.

Anschutz Super Match 54 Target Model 2007.
Beeman/Feinwerkbau 2600 Target Rifle.
Cooper Arms Model TRP-1 ISU Standard Rifle.

E.A.A./Weihrauch HW 60 Target Rifle.
E.A.A./HW 660 Match Rifle.
Finnish Lion Standard Target Rifle.
Krico Model 360 S2 Biathlon Rifle.
Krico Model 400 Match Rifle.
Krico Model 360S Biathlon Rifle.
Krico Model 500 Kricotronic Match Rifle.
Krico Model 600 Sniper Rifle.
Krico Model 600 Match Rifle.
Lakefield Arms Model 90B Target Rifle.
Lakefield Arms Model 91T Target Rifle.
Lakefield Arms Model 92S Silhouette Rifle.
Marlin Model 2000 Target Rifle.
Mauser Model 86-SR Specialty Rifle.
McMillan M-86 Sniper Rifle.
McMillan Combo M-87/M-88 50-Caliber Rifle.

McMillan 300 Phoenix Long Range Rifle.
McMillan M-89 Sniper Rifle.
McMillan National Match Rifle.
McMillan Long Range Rifle.
Parker-Hale M-87 Target Rifle.
Parker-Hale M-85 Sniper Rifle.
Remington 40-XB Rangemaster Target Centerfire.
Remington 40-XR KS Rimfire Position Rifle.

Remington 40-XBBR KS.
Remington 40-XC KS National Match Course Rifle.

Sako TRG-21 Bolt-Action Rifle.
Steyr-Mannlicher Match SPG-UIT Rifle.
Steyr-Mannlicher SSG P-I Rifle.
Steyr-Mannlicher SSG P-III Rifle.
Steyr-Mannlicher SSG P-IV Rifle.
Tanner Standard UIT Rifle.
Tanner 50 Meter Free Rifle.
Tanner 300 Meter Free Rifle.
Wichita Silhouette Rifle.

SHOTGUNS—AUTOLOADERS

American Arms/Franchi Black Magic 48/AL.

Benelli Super Black Eagle Shotgun.
Benelli Super Black Eagle Slug Gun.
Benelli M1 Super 90 Field Auto Shotgun.
Benelli Montefeltro Super 90 20-Gauge Shotgun.
Benelli Montefeltro Super 90 Shotgun.
Benelli M1 Sporting Special Auto Shotgun.
Benelli Black Eagle Competition Auto Shotgun.

Beretta A-303 Auto Shotgun.
Beretta 390 Field Auto Shotgun.
Beretta 390 Super Trap, Super Skeet Shotguns.

Beretta Vittoria Auto Shotgun.
Beretta Model 1201F Auto Shotgun.
Browning BSA 10 Auto Shotgun.
Browning BSA 10 Stalker Auto Shotgun.
Browning A-500R Auto Shotgun.
Browning A-500G Auto Shotgun.
Browning A-500G Sporting Clays.
Browning Auto-5 Light 12 and 20.
Browning Auto-5 Stalker.
Browning Auto-5 Magnum 20.
Browning Auto-5 Magnum 12.

Churchill Turkey Automatic Shotgun.
Cosmi Automatic Shotgun.
Maverick Model 60 Auto Shotgun.
Mossberg Model 9200 Regal Semi-Auto Shotgun.

Mossberg Model 9200 USST Auto Shotgun.
Mossberg Model 9200 Camo Shotgun.
Mossberg Model 6000 Auto Shotgun.
Remington 11-87 Premier Shotgun.
Remington 11-87 Sporting Clays.
Remington 11-87 Premier Skeet.
Remington 11-87 Premier Trap.
Remington 11-87 Special Purpose Magnum.
Remington 11-87 SPS-T Camo Auto Shotgun.

Remington 11-87 Special Purpose Deer Gun.

Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun.

Remington 11-87 SPS-Deer Shotgun.

Remington 11-87 Special Purpose Synthetic Camo.

Remington SP-10 Magnum-Camo Auto Shotgun.

Remington SP-10 Magnum Turkey Combo.

Remington 1100 LT-20 Auto.

Remington 1100 Special Field.

Remington 1100 20-Gage Deer Gun.

Remington 1100 LT-20 Tournament Skeet.

Winchester Model 1400 Semi-Auto Shotgun.

SHOTGUNS—SLIDE ACTIONS

Browning Model 42 Pump Shotgun.
Browning BPS Pump Shotgun.

Browning BPS Stalker Pump Shotgun.
Browning BPS Pigeon Grade Pump Shotgun.

Browning BPS Pump Shotgun (Ladies and Youth Model).

Browning BPS Game Gun Turkey Special.

Browning BPS Game Gun Deer Special.

Ithaca Model 87 Supreme Pump Shotgun.

Ithaca Model 87 Deerslayer Shotgun.

Ithaca Deerslayer II Rifled Shotgun.

Ithaca Model 87 Turkey Gun.

Ithaca Model 87 Deluxe Pump Shotgun.

Magtech Model 586-VR Pump Shotgun.

Maverick Models 88, 91 Pump Shotguns.

Mossberg Model 500 Sporting Pump.

Mossberg Model 500 Camo Pump.

Mossberg Model 500 Muzzleloader Combo.

Mossberg Model 500 Trophy Slugster.

Mossberg Turkey Model 500 Pump.

Mossberg Model 500 Bantam Pump.

Mossberg Field Grade Model 835 Pump Shotgun.

Mossberg Model 835 Regal Ulti-Mag Pump.

Remington 870 Wingmaster.

Remington 870 Special Purpose Deer Gun.

Remington 870 SPS-BG-Camo Deer/Turkey Shotgun.

Remington 870 SPS-Deer Shotgun.

Remington 870 Marine Magnum.

Remington 870 TC Trap.

Remington 870 Special Purpose Synthetic Camo.

Remington 870 Wingmaster Small Gauges.

Remington 870 Express Rifle Sighted Deer Gun.

Remington 879 SPS Special Purpose Magnum.

Remington 870 SPS-T Camo Pump Shotgun.

Remington 870 Special Field.

Remington 870 Express Turkey.

Remington 870 High Grades.

Remington 870 Express.

Remington Model 870 Express Youth Gun.

Winchester Model 12 Pump Shotgun.

Winchester Model 42 High Grade Shotgun.

Winchester Model 1300 Walnut Pump.

Winchester Model 1300 Slug Hunter Deer Gun.

Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun.

Winchester Model 1300 Turkey Gun.

Winchester Model 1300 Ranger Pump Gun.

SHOTGUNS—OVER/UNDERS

American Arms/Franchi Falconet 2000 O/U.
American Arms Silver I O/U.

American Arms Silver II Shotgun.
American Arms Silver Skeet O/U.

American Arms/Franchi Sporting 2000 O/U.
American Arms Silver Sporting O/U.

American Arms Silver Trap O/U.
American Arms WS/OU 12, TS/OU 12 Shotguns.

American Arms WT/OU 10 Shotgun.
Armsport 2700 O/U Goose Gun.

Armsport 2700 Series O/U.
Armsport 2900 Tri-Barrel Shotgun.

Baby Bretton Over/Under Shotgun.
Beretta Model 686 Ultralight O/U.

Beretta ASE 90 Competition O/U Shotgun.
Beretta Over/Under Field Shotguns.

Beretta Onyx Hunter Sport O/U Shotguns.
Beretta Model SO5, SO6, SO9 Shotguns.

Beretta Sporting Clay Shotguns.
Beretta 687EL Sporting O/U.

Beretta 682 Super Sporting O/U.
Beretta Series 682 Competition Over/Unders.

Browning Citoria O/U Shotgun.
Browning Superlight Citori Over/Under.

Browning Lightning Sporting Clays.
Browning Micro Citori Lighting.

Browning Citori Plus Trap Combo.
Browning Citori Plus Trap Gun.

Browning Citori O/U Skeet Models.
Browning Citori O/U Trap Models.

Browning Special Sporting Clays.
Browning Citori GTI Sporting Clays.

Browning 325 Sporting Clays.
Centurion Over/Under Shotgun.

Chapuis Over/Under Shotgun.
Connecticut Valley Classics Classic Sporter O/U.

Connecticut Valley Classics Classic Field Waterfowler.

Charles Daly Field Grade O/U.
Charles Daly Lux Over/Under.

E.A.A./Sabatti Sporting Clays Pro-Gold O/U.

E.A.A./Sabatti Falcon-Mon Over/Under.
Kassnar Grade I O/U Shotgun.

Krieghoff K-80 Sporting Clays O/U.
Krieghoff K-80 Skeet Shotgun.

Krieghoff K-80 International Skeet.
Krieghoff K-80 Four-Barrel Skeet Set.

Krieghoff K-80/RT Shotguns.
Krieghoff K-80 O/U Trap Shotgun.

Laurona Silhouette 300 Sporting Clays.
Laurona Silhouette 300 Trap.

Laurona Super Model Over/Unders.
Ljutic LM-6 Deluxe O/U Shotgun.

Marocchi Conquista Over/Under Shotgun.
Marocchi Avanza O/U Shotgun.

Merkel Model 200E O/U Shotgun.
Merkel Model 200E Skeet, Trap Over/Unders.

Merkel Model 203E, 303E Over/Under Shotguns.

Perazzi Mirage Special Sporting O/U.
Perazzi Mirage Special Four-Gauge Skeet.

Perazzi Sporting Classic O/U.
Perazzi MX7 Over/Under Shotguns.

Perazzi Mirage Special Skeet Over/Under.
Perazzi MX8/MX8 Special Trap, Skeet.

Perazzi MX8/20 Over/Under Shotgun.
Perazzi MX9 Single Over/Under Shotguns.

Perazzi MX12 Hunting Over/Under.
Perazzi MX28, MX410 Game O/U Shotguns.

Perazzi MX20 Hunting Over/Under.
Piotti Boss Over/Under Shotgun.

Remington Peerless Over/Under Shotgun.
Ruger Red Label O/U Shotgun.

Ruger Sporting Clays O/U Shotgun.

San Marco 12-Ga. Wildflower Shotgun.
San Marco Field Special O/U Shotgun.
San Marco 10-Ga. O/U Shotgun.
SKB Model 505 Deluxe Over/Under Shotgun.

SKB Model 685 Over/Under Shotgun.
SKB Model 885 Over/Under Trap, Skeet, Sporting Clays.

Stoeger/IGA Condor I O/U Shotgun.
Stoeger/IGA ERA 2000 Over/Under Shotgun.

Techni-Mec Model 610 Over/Under.
Tikka Model 412S Field Grade Over/Under.

Weatherby Athena Grade IV O/U Shotguns.
Weatherby Athena Grade V Classic Field O/U.

Weatherby Orion O/U Shotguns.
Weatherby II, III Classic Field O/Us.

Weatherby Orion II Classic Sporting Clays O/U.

Weatherby Orion II Sporting Clays O/U.
Winchester Model 1001 O/U Shotgun.

Winchester Model 1001 Sporting Clays O/U.
Pietro Zanoletti Model 2000 Field O/U.

SHOTGUNS—SIDE BY SIDES

American Arms Brittany Shotgun.
American Arms Gentry Double Shotgun.

American Arms Derby Side-by-Side.
American Arms Grulla #2 Double Shotgun.

American Arms WS/SS 10.
American Arms TS/SS 10 Double Shotgun.

American Arms TS/SS 12 Side-by-Side.
Arrieta Sidelock Double Shotguns.

Armsport 1050 Series Double Shotguns.
Arizaga Model 31 Double Shotgun.

AYA Boxlock Shotguns.
AYA Sidelock Double Shotguns.

Beretta Model 452 Sidelock Shotgun.
Beretta Side-by-Side Field Shotguns.

Crucelegui Hermanos Model 150 Double.
Chapuis Side-by-Side Shotgun.

E.A.A./Sabatti Saba-Mon Double Shotgun.
Charles Daly Model Dss Double.

Ferlib Model F VII Double Shotgun.
Auguste Francotte Boxlock Shotgun.

Auguste Francotte Sidelock Shotgun.
Garbi Model 100 Double.

Garbi Model 101 Side-by-Side.
Garbi Model 103A, B Side-by-Side.

Garbi Model 200 Side-by-Side.
Bill Hanus Birdgun Doubles.

Hatfield Uplander Shotgun.
Merkel Model 8, 47E Side-by-Side Shotguns.

Merkel Model 47LSC Sporting Clays Double.

Merkel Model 47S, 147S Side-by-Sides.
Parker Reproductions Side-by-Side.

Piotti King No. 1 Side-by-Side.
Piotti Lunik Side-by-Side.

Piotti King Extra Side-by-Side.
Piotti Piuma Side-by-Side.

Precision Sports Model 600 Series Doubles.
Rizzini Boxlock Side-by-Side.

Rizzini Sidelock Side-by-Side.
Stoeger/IGA Uplander Side-by-Side Shotgun.

Ugartechea 10-Ga. Magnum Shotgun.

SHOTGUNS—BOLT ACTIONS & SINGLE SHOTS

Armsport Single Barrel Shotgun.
Browning BT-99 Competition Trap Special.

Browning BT-99 Plus Trap Gun.
Browning BT-99 Plus Micro.

Browning Recoilless Trap Shotgun.
Browning Micro Recoilless Trap Shotgun.

Desert Industries Big Twenty Shotgun.
Harrington & Richardson Topper Model 098.

Harrington & Richardson Topper Classic Youth Shotgun.

Harrington & Richardson N.W.T.F. Turkey Mag.

Harrington & Richardson Topper Deluxe Model 098.

Krieghoff KS-5 Trap Gun.
 Krieghoff KS-5 Special.
 Krieghoff K-80 Single Barrel Trap Gun.
 Ljutic Mono Gun Single Barrel.
 Ljutic LTX Super Deluxe Mono Gun.
 Ljutic Recoilless Space Gun Shotgun.
 Marlin Model 55 Goose Gun Bolt Action.
 New England Firearms Turkey and Goose Gun.

New England Firearms N.W.T.F. Shotgun.
 New England Firearms Tracker Slug Gun.
 New England Firearms Standard Pardon.
 New England Firearms Survival Gun.
 Perazzi TM1 Special Single Trap.
 Remington 90-5 Super Single Shotgun.
 Snake Charmer II Shotgun.
 Stoeger/IGA Reuna Single Barrel Shotgun.
 Thompson/Center TCR '87 Hunter Shotgun.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mrs. MURRAY].

Mrs. MURRAY. Mr. President, I rise today in strong support of the amendment offered by the Senator from California [Mrs. FEINSTEIN]. For several days now, we have heard speech after speech about violent crime in our society. We have heard about the fear of violence spreading throughout our Nation. Some of my colleagues said we need more police officers on the street. Some wanted tougher sentences and some want more jails. We have agreed to amendments to do all of those things. We agreed to "three strikes and you're out," and we voted \$22 billion to put more police on the streets, build boot camps, and more jails. These efforts are long on punishment and short on prevention. More police, tougher sentences, and more jails will not stop the fear.

I read an article in last week's U.S. News & World Report that described how many junior and senior high school students fear for their safety. After going home and talking to my own two teenagers about their experience, I think the problem is far worse than they described. One 17-year-old told me that the armed guards with walkie-talkies in his high school make him feel more like he is in Bosnia than in a public education system.

How can we expect our children to cope with the level of stress that most adults cannot handle? How can we expect our children to learn anything, when they literally fear for their lives?

While violence, and especially gun violence, has reached epidemic proportions in this Nation, we are witnessing a very chilling development. Our children are becoming numb to it. It is becoming normal. Kids are bombarded by violence every day. They watch it on television, they see it in movies and magazines, and they hear it in music. Some elementary school students in Seattle and Tacoma have written poems about violence. Children now must pass through a metal detector before going to math class. Is it any wonder respect for life among our Nation's teenagers is disappearing?

My own daughter, Sara, told me a few weeks ago she is afraid of going to

high school next year. She is not afraid because Federal criminal sentences are not tough enough; she is scared because the student next to her might have a gun in her backpack. She is scared because she knows just by their presence, guns can suddenly turn arguments into bloody horror scenes.

It is time to leave the debate about how to punish crime and go back a few steps as to why we have violence in the first place. Senator JOHN KERRY spoke eloquently about the roots of violence last week. The American Psychological Association recently reported that the hopelessness of poverty, often intensified by discrimination, sets a stage of anger, discontent, and violence. Give children easy access to guns and we have all the makings for a tragedy of monumental proportion. It is frightening how familiar the statistics have become to every one of us.

According to the Centers for Disease Control, every 14 minutes, someone in America dies from a gunshot wound. Every single day, 14 children are killed with guns and more than a quarter of a million kids take guns to school. Harvard School of Public Health reports that 59 percent of the schoolchildren in this country said they could get a handgun if they wanted one. A gun in the home is 43 times more likely to be used to kill its owner, a family member, or a friend than kill that intruder we all worry about, according to a University of Washington study.

This is the cost of gun violence in human terms. The numbers are staggering, and the health care costs of gun violence are staggering as well. At Harbor View Hospital in Seattle, WA, both the number of gunshot victims and the cost of treating them have doubled in the last 7 years. According to Dr. Fred Vera of Harbor View, the average gunshot wound admission at Harbor View cost \$8,000. The Surgeon General, Dr. Elders, testified last week that gun injuries cost our health care system \$3 billion a year or more.

My question is, Who is paying for this violence? More than 80 percent of the cost of gunshot injuries is paid for by us: public funds. Every one of us pays the health care costs of gun violence through higher taxes, increased insurance fees, or in dollars not spent on other health care. Everyone, including those who do not own guns and those whose children have been killed or permanently disabled, are subsidizing gun violence.

American taxpayers also ante up \$28 million a year to subsidize federally licensed firearms dealers who only pay \$10 a year for a license to sell guns. Yet, the Federal licensing agency is so underfunded that it even issued a gun dealer license to two dogs. If we do not know who is selling guns, how do we know that they are being sold legally? It is time to put a stop to this. Taxpayers should not have to subsidize the

health care costs of gun violence, and we are not talking here about the hunters or guns used for sporting purposes. We are talking about handguns, assault weapons, and ammunition for those guns. These are the vehicles of violence. The people who manufacture them, sell them, and buy them are the ones who should pay.

Assault weapons, which Senator FEINSTEIN's amendment would ban, are especially horrible. Just ask any emergency room nurse or doctor.

Recently, I heard a young person say:

I don't understand why so many adults talk about violence but don't do anything about it.

By adopting the Feinstein amendment, the Senate of the United States can say to that boy, to my children, and to people across this country that we have done something.

I heard one of my colleagues a few moments ago refer to the fact that many Senators took a risk last night by voting with Senator FEINSTEIN on this amendment. I remind all of us of the risks our children, our families, our neighbors take when they step out into the streets of America today.

We have to get beyond the rhetoric involved in the gun debate. We have to bring together our families, our neighbors, our communities and begin to find solutions to the ever-increasing violence facing us today.

I look forward to supporting my colleague, Senator FEINSTEIN, on this amendment and working with all of the Senators over the next year to face this tough issue.

Thank you, Mr. President.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1647 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. Mr. President, before yielding the floor, I wish to advise my colleagues on one other matter. While I voted to table the pending amendment for the reasons I have stated, I will not support efforts to delay an up-or-down vote on the amendment pending before the Senate, or to delay final action on the pending crime bill. In my opinion, it is important that the Congress move ahead with this authorizing legislation and the many useful provisions in the bill should not be jeopardized by our disagreements in this area.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. I thank the Chair.

TRAGEDY IN SOMALIA

Mr. BROWN. I rise out of concern over the incident that occurred on October 3 in Somalia where 18 Americans were killed and 76 wounded and another captured. I rise out of concern not because those deeds and those losses can be undone, but out of concern that this Nation learn from its mistakes and make sure we do not repeat them.

Immediately after that event, reports appeared in the press that the commanding officer of the troops had requested armored vehicles for the safety of his troops and for the necessity of properly carrying out the mission.

I immediately responded with Senator D'AMATO in asking the Secretary of Defense for the facts. The report was of great concern because it appeared that at least some of the deaths and a significant portion of the wounded occurred because proper equipment was not available.

We sent a letter 3 days later on October 6 to the Secretary of Defense and spelled out questions with regard to that incident and asked the Secretary for the facts.

We asked him: Did the United States commander in Somalia ask for armored reinforcements? We asked: What did he ask for specifically? We asked: Did his request reach your desk? We asked: Did he make a decision upon the request? We asked what that decision was. And we asked if he denied the request for equipment necessary for the men in the field, why he had denied that request.

Mr. President, the Secretary has refused to answer the letter. More than a month has passed and the Secretary has not even acknowledged the letter. He has gone to the press, though, and talked about these subjects but without giving Congress the facts.

In addition, the Secretary, in spite of requests from this Senator and others, has declined to appear before the Foreign Relations Committee. The Foreign Relations Committee is a proper forum, I believe, because clearly the U.N. command and the operations of the United Nations come under the Foreign Relations Committee's jurisdiction.

While there have been hearings in Armed Services, there has yet to be a formal open hearing so the press and the public can understand the answers to these important questions.

I was thus delighted to hear the other day that the distinguished chairman of the Armed Services Committee will be holding an open hearing with regard to that matter.

Mr. President, on October 14, the Senate considered and passed a resolution calling for an investigation and public hearings into the tragedy of October 3. The military disaster in Mogadishu would be the subject.

I think the Armed Services Committee's action to follow up with that

hearing is a responsible and a positive development. What is more, I think it is appropriate for this Chamber to ensure that its committees do investigate this incident.

What is suggested by the newspaper reports is that, indeed, there was a request by the commanding officer of the troops in the field for equipment for the safety of those individuals, and it was turned down, turned down not for military reasons but because for political reasons it may have been uncomfortable.

It raises a concern that possibly policy is being made in the Defense Department, not on the basis of what is good for the men and women who serve this country in the field but for other political considerations.

The Foreign Relations Committee did have hearings on this subject and the representative of the Defense Department was Mr. Slocombe. Mr. Slocombe was asked this series of questions in his hearing. Because the Secretary had talked about the Chiefs of Staff, he was asked about the position of the Chiefs of Staff with regard to this recommendation for additional equipment. Mr. Slocombe refused to comment. He did not take executive privilege. He simply refused to comment. He was asked: What did General Powell do? Did he favor the request by General Johnson? Here is what Mr. Slocombe said:

As a matter of principle, I think questions as to what advisers to the President and the Secretary of Defense recommended ought to be addressed to them and not come from third-party sources, which I would be.

Even though Mr. Slocombe had knowledge of that area, he refused to comment on that. The problem, of course, was that Secretary Aspin had declined to come before the committee and answer the committee's questions, and he had declined to respond to letters to him personally. And the Secretary and Mr. Slocombe refused to answer the follow-up questions that were sent to their office.

Mr. President, what we have here is a simple effort to cover up the facts, to hide from the truth, to refuse to let the facts come out on a tragic event that could have been avoided. There are reports in the press which indicate that our men ran out of ammunition waiting for reinforcements; that they did not have to wait 7 hours; that some of them may have waited 10 hours, and some perhaps even longer, and that because we did not have the armored vehicles to bring the reinforcements, they could not get to them. Their bodies were dismembered by the enemy after they ran out of ammunition. It appears that the wounded and some of the deaths may well have been directly attributable to the lack of proper equipment and the lack of proper equipment directly attributable to the Secretary's refusal to honor the re-

quest of the commander of the troops in the field.

Mr. President, at the very least, we ought to find out what the facts are. I have tried to find out the facts by writing letters of inquiry to the Secretary, which he has refused to even acknowledge. I have tried to find out the facts by asking him to come to testify, and he has declined. I have tried to find out the facts by questioning the representatives of the Defense Department that have come before the Foreign Relations Committee and they refused to answer.

Are the subjects so sensitive because of national security concerns they cannot be aired publicly? The fact is, leaked from the Defense Department has been a variety of information intended to give the Secretary's point of view but not all of the facts—veiled references to the Joint Chiefs of Staff without indicating what the chiefs of staff specifically recommended or not, and a refusal to indicate what the chiefs of staff had recommended.

There is a report in the Washington Post where the reporter reveals that he has looked at a series of classified cables and documents on this subject. The irony is these were the very cables and documents and information which the Secretary of Defense had refused to disclose to the committees of Congress, and yet they are selectively made available to the press in a campaign by the Secretary, a campaign not to inform the public or get the facts out but to get half the facts out.

Mr. President, we followed up in every single way I know how.

We have requested hearings. We passed a resolution on the floor requiring hearings. We have asked for attendance. We have asked for testimony. We have asked for written answers.

So the willingness of the chairman of the Armed Services Committee to hold hearings I think is significant, and it is important. It is important not because of what the Secretary of Defense may or may not have done. It is important not because there may have been leaking of classified information which the Secretary has refused to reveal to Congress.

It is important because every parent who sends a child to serve in the armed services of this country has a right to expect that this country will stand behind the men and women who serve this Nation in the field. They have a right to expect that when we have tanks, equipment, and personnel carriers and they are needed on the battlefield, that whoever is Secretary of Defense will stand up for the men and women who serve this Nation and at least provide them the equipment. It is also important, I believe, that whoever is the Secretary of Defense not be in a position to cover things up.

So an honest, open, thorough, objective inquiry I believe will benefit this

entire Nation. But more than anyone else, it will benefit the men and women who serve this country because I hope out of it comes a conviction and a concern and an understanding that the people who command our troops care about them; that it is more important to the people who command our troops that our troops be protected than is the political plays and background the politicians take; that we value the men and women who serve this country more than we do covering up the facts.

The ultimate good of this hearing will come not only in fixing responsibility for the disaster, but in making sure that similar disasters do not happen again.

There is one thing I was always impressed with about the U.S. Marine Corps. Perhaps many were impressed. But one thing more than any other is that when I saw marines train, practice, and drill, I saw not only the sergeants stand side by side with the men as they went through their training, but I saw the lieutenants, captains, colonels, and generals come down and share their burdens, eat their food, and share the conditions they lived under. It became obvious that the men and women who serve in the armed services, at least in the Marine Corps, from the bottom to the top, not only cared about each other and supported each other, but had a feeling that they were in this together.

When we get to a point where the commanding officer of troops in the field needs equipment which is readily available and the leadership of our defense establishment will not make it available to them, then it is time for a change.

I hope this hearing will not only bring out the facts, but will serve as a vehicle to effect that change in our Defense Establishment.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from New York.

Mr. D'AMATO. Mr. President, I ask that I may be permitted to proceed as if in morning business for 15 minutes.

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

Mr. D'AMATO. Mr. President, I begin on a sentence of my colleague, Senator BROWN, as it relates to this entire debacle that took place in Mogadishu on October 3, 1993.

The fact of the matter is that we have not received candid replies to the questions that Senator BROWN and I have raised. The letter which we sent on October 6, 1993, to Secretary Aspin, asked several questions about the decisions concerning the request by the United States commander in Somalia for armored reinforcements. While the Secretary has not answered our letter, the media reported what happened as being contrary to Secretary Aspin's statements about what happened.

I have to tell you the more we hear, the more obvious it becomes that these statements are absolutely inconsistent, at the very least, with what a reasonable person would say are truthful.

I believe it is absolutely essential that the Armed Services Committee not only reviews this matter, but also sees to it that the Secretary is placed under oath as it relates to the questions that the members will put to him.

I believe that the statements of the Secretary have been inconsistent with the facts. I understand that the Armed Services Committee has already commenced work on this issue, and that it is absolutely imperative that not only should the Secretary be placed under oath but, if necessary, subpoenas should be issued making available the relevant documentation as it relates to just what requests were made and when they were issued.

Let me refer to the article which appeared on October 31, 1993, in the Washington Post entitled, "The Words Behind a Deadly Decision; Secret Cables Review Maneuvering Over Request for Armor."

I put the full text of that article into the RECORD last Friday.

Let me quote the article's report in the first instance.

Later, in explaining his decision to refuse armor, Aspin, on ABC's "This Week With Brinkley," said the request was never put in terms of protecting troops. It was put in terms of the mission of delivering humanitarian aid.

Mr. President, the article goes on to say:

That was not correct. Montgomery's message, a copy of which Powell handed Aspin on September 23, had this heading: Subject: U.S. Force Protection. In the body of the message, Montgomery said, "The primary mission of the armor would be to protect U.S. forces."

Let me say that squares up exactly with what I have been told at briefings with General Hoar. I was told that this did not take place once, but twice. I was told that General Hoar himself absolutely supported the request for these tanks. He disapproved the artillery, but supported the tanks—we are only talking about 4 tanks and 14 Bradleys—and that General Colin Powell fully supported those requests.

Mr. President, that is so important, I want to repeat it again: Secretary Aspin said:

It was never put into terms of protecting troops. According to this report, it was explicitly for troop protection.

We have a right to get down to the bottom of this. And when we have aides who are putting out statements on behalf of the Secretary of Defense or the Joint Chiefs, the Joint Chiefs were never asked their opinion. The Joint Chiefs did not participate. This was a decision that came up the line, up the chain of command, from General Montgomery to General Hoar to General

Powell, who as the head of the Joint Chiefs, passed this request on to Secretary Aspin; not once, but at least twice, and maybe even a third time he spoke to him about it.

I have to tell you, Secretary Aspin's explanations—wreak—wreak—with coverup for his own inexplicable actions. If you listen to what he said at his news briefing—which suddenly the White House shut off; when he was briefing at the White House, they just shut it off when CNN was carrying it—they said he was concerned about the backlash from the Congress and from the United Nations. You cannot have it two ways.

Mr. President, the same article goes on to say that General Montgomery said:

I am increasingly concerned about the timid behavior of the U.N. coalition whence the security of our force rests.

Montgomery said at the close of his message to General Hoar:

We must ensure our own security. I believe that U.S. forces are at risk without it.

I do not know what could be clearer. I think it is absolutely important that we get to the truth and to the facts without the obfuscation that basically has been what we have heard to date.

Yet, the Aspin apologists will now say that people misunderstood, even the President misunderstood, suggesting that Aspin did not say what Clinton reported. We have the President drawn into this situation now. I do not believe the President was ever consulted on this matter, and I do not think he has been given the truth yet.

Mr. President, I have to tell you, I spoke to three young men—one who comes from New York, one from Pennsylvania, and the other from Texas. The young lieutenant who spoke to me said, "Senator, it took 13 hours after I was shot to be evacuated, and I was shot at 5 o'clock on October 3. They did not get me out until 6 o'clock in the morning the following day."

So when we hear about these reports and hear our troops were 3 miles away and it took them something like 9 hours, and they almost had to commandeer those tanks to get there, I do not know what more General Montgomery could have done or General Hoar or General Powell. They made their request and that was turned down. Now we hear the request really did not come for troop protection. There was a split in the Joint Chiefs.

Really, what we have had is nothing but a coverup. Secretary Aspin himself has been attempting to cover up this situation. He can say with all due candor that he is paid to make these decisions, that is right, but not on the basis of politics and political expedience on the basis of what our troops need to protect themselves. Indeed, if these communiques were declined, as has been indicated by the media, we need to remedy the situation. I believe

Secretary Aspin certainly has demonstrated that he is incapable of being the person who should be the Secretary of Defense.

Mr. President, I want to know because there have been many rumors, and I do not know whether they are true or not. I want to know if Morton Halperin took part in a decision to deny the request for armored reinforcements. I heard rumors to that effect. I do not know, but I think the committee should ask this question. Did Mr. Halperin recommend against sending the tanks? What role, if any, did he play in the decision? Did the Secretary consult with him? What are the facts and where are the papers that record this decision, and will we have an administration that comes forth and says that, for some reason, they must claim Executive privilege to keep the facts from the people?

I think the fact of the matter is that there has been a terrible injustice done to the young men who lost their lives, to those who were wounded unnecessarily, and that those tanks could have made a difference. But, certainly, if that was the case, I believe the American people have a right to know and that our young men and women, whom we call upon to put their lives on the line in the most dangerous situations, understand and know that we will do all that we can to protect them, and that where there have been errors, they will be corrected and we will see to it that never again will this situation repeat itself. I do not have confidence in that situation at this time, none at all, not in Secretary Aspin, and certainly not in what he has issued up to today as his reasons for this debacle.

So I hope that when this hearing is held, it will be held in the circumstances that permit a total and full disclosure of all of the facts, so that we can determine whether or not the Secretary's explanations have been indeed factual.

I yield the floor.

Mr. NUNN. Mr. President, I ask unanimous consent to proceed, along with my colleague from Georgia, for approximately 15 or 20 minutes between us, on the subject of NAFTA this morning, not being related to the crime bill.

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

SUPPORTING NAFTA

Mr. NUNN. Mr. President, I announce my support for the North American Free-Trade Agreement, NAFTA. I do so after taking a close look at NAFTA and talking to people on both sides of the issue, particularly people from Georgia, about its potential ramifications. My bottom line assessment is that NAFTA is in the best interest of Georgia and the Nation as a whole.

Mr. President, my colleague from Georgia, Senator COVERDELL, and I

have discussed this subject over the last several months, particularly over the last several weeks. I know he has another engagement in a few minutes. I will at this point yield to him for comments, and following his comments, I will give my own.

SUPPORT FOR NAFTA

Mr. COVERDELL. Mr. President, I appreciate the senior Senator yielding to me. I also compliment him on the effort that he and his staff have made over these past several months to consult on this momentous agreement, and it is an honor to join him here today in a mutual statement in support of the North American Free-Trade Agreement.

Mr. President, this has not been an easy decision. It is a very complex agreement. It has many ramifications for our State, but I believe that this agreement represents a defining moment for the people of our Nation, for all the families and businesses of our Nation, a defining moment for the future of our Nation.

If there was ever a decision that called on fair-minded leadership, it deals with this difficult and complex treaty, the North American Free-Trade Agreement.

I am hoping that the leadership of this Nation will step forward at all levels and understand the very far-reaching ramifications that this agreement will have for our country, for this hemisphere, and for our position and stature in the world as we approach the new century.

The United States, by anyone's definition, is the only superpower now in the world. Not only has that superpower status been founded in our economic power but, in great part, it has been defined by our immense military strength. The muscle, the military muscle, of the United States has done perhaps more than any other single thing to define a peaceful and civil order in our world in the last half century.

The military muscle of the United States is still a preeminent factor in determining the standing and order in our world. But I think it ought to be clear to all of us that for the United States to continue to hold the status of superpower, it must be viewed and it must be framed in economic muscle.

The battles of the future, the definition of the world in the next century, will be determined by economic muscle, economic capacity, economic ability to compete.

We have done extensive research on this agreement, as it pertains to Georgia and prepared a white paper that has led to the decision we are making here today.

I see Georgia, my State, as a trade opportunity State. Fortunately, the gross State product of the State of

Georgia is \$130 billion. After assembling almost limitless data on the agreement, we have concluded that \$120 billion of the \$130 billion gross State product will be enhanced, broadened, made better by the treaty. That is 92 percent of our gross State product that will be improved, that will point to new opportunity, new jobs, new businesses.

I think it is worthy of note that our State is a port State, a gateway to our hemisphere, and that contributes substantially to the decision we have made with regard to the benefits that will accrue to our State as a result of the North American Free-Trade Agreement.

Canada and Mexico are the first and third largest recipients of exports from the State of Georgia. Already, 45,000 Georgians are employed because of exports to these two countries. Every evidence we have suggests that these jobs will expand dramatically under the new treaty, the new agreement.

Let me quickly say that as in anything this is complex. It is not perfect, and it is not without imperfections. There are sectors of our economy that feel less comfortable about the agreement.

Our offices have expended numerous resources to try to assure that the efforts in the agreement to keep the trade playing field level are secure.

In the case of peanuts, a very large commodity, the largest amount of which are produced in the State of Georgia, we have been very concerned about point of origin. That means there is a concern that peanuts would come from outside the jurisdiction of the agreement and come through Mexico into our country.

We have secured, through the efforts of many Members of the Senate, comforting language, language that secures the point of origin provisions in the agreement.

We have secured language that certifies that imported peanuts must meet the same standards that our producers must meet in order to put quality products in the marketplace.

So, while we are encouraged by the enormous benefits that accrue to 92 percent of our economy, we do not disregard the concerns for the remaining sectors of the economy and great efforts have been taken and will continue to be taken to assure that those sectors of our economy are treated fairly under this agreement.

Mr. President, the last point that I will make and then yield back to the senior Senator from Georgia is this: This is no time for the United States to run from the future. This is a time when we should speak to the pride of this Nation. To quote a very famous Democrat, President Franklin D. Roosevelt, "The only thing we have to fear is fear itself."

The opponents of this agreement have espoused fear. There is no reason

for America to be afraid of the future. There is no reason to be afraid of the future. We have the best workers in the world. We have the best productivity numbers in the world. We produce the most educated work force in the world. This is a time to be bold. This is a time to exert leadership. This is a time to tell the world that the United States will become an insurmountable economic power in world trade. This is a time for all Americans to seize our destiny and to make the next century, as was the past century, a century for America.

Thank you, Mr. President.

I yield back to the senior Senator from Georgia and again thank him for his courtesy in the process we have just engaged.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank my friend and colleague from Georgia, Senator COVERDELL, not only for his remarks today, but it has been a great pleasure for me to work with him, trying to analyze how this rather complex, complicated agreement that is with so many people not only important but also emotional, and how to analyze it in a rational way to see how it really affects our State and the people we represent in Georgia and also how it affects the course of our Nation and our country.

It has been a pleasure working with him, and he and I have worked together and come to the same conclusion both by working together and by our independent analysis.

So I am very grateful for his comments and for his cooperation in representing our people.

Mr. President, the Senator from Georgia has referred to various segments of our Georgia economy. I am going to talk about those also before he leaves the floor, and I know he must leave.

We have winners. We have some that are perhaps losers. And we have some that are mixed in this process. What we have tried to do is to those who were perceiving themselves as losers in the NAFTA agreement we have tried to do everything we can and I think have succeeded to a considerable extent to ease some of the transitions that these industries are going to have to go through.

The Senator has already referred to peanuts, and that is absolutely true in the case of peanuts and the people who produce peanuts. It is also true with the textile industry itself as a whole at the beginning of this process, and their position now is such that most of the textile industry is endorsing the NAFTA agreement because improvements have been made. Also, it is true in other agricultural areas, and I think it is true in several areas relating to apparel, and those areas.

So, it is not that we are saying that everyone is going to be a winner here.

We are saying, on balance, we have, we believe, in our State a net benefit, a net increase in jobs, a net increase in business activity, a net increase in exports, and, bottom line, a benefit for overall the people of Georgia.

It has been a pleasure for me to work with the junior Senator from Georgia on this matter, and I thank him.

Mr. President, I rise today to announce my support for the North American Free-Trade Agreement [NAFTA]. I do so after taking a close look at NAFTA and talking to many people on both sides of the issue about its potential ramifications. My bottom line assessment is that NAFTA is in the best interests of Georgia and the Nation as a whole.

Mr. President, many Americans, as we all know, are fearful of NAFTA, and I understand that, given the prolonged recession of recent years, the fragile recovery that we are still in from this recession, a recovery that does not carry with it much in the way of new job creation and, in an overall sense, not in keeping with normal recoveries, as well as the well-financed campaign aimed at preventing NAFTA's enactment, and it has been well organized, and it has been well financed. For all of those reasons, many people believe, understandably, that NAFTA will threaten their economic livelihood.

There is no doubt that the last several years have been economically difficult for millions of Americans and many people in my own State, but NAFTA has not caused these problems and defeating NAFTA will not cause these problems to go away.

As President Clinton said in his September 14 White House speech:

It is no use to deny that these fears and insecurities exist. It is no use denying that many of our people have lost in the battle for change. But it is a great mistake to think that NAFTA will make it worse. Every single solitary thing you hear people talk about that they're worried about can happen whether this trade agreement passes or not, and most of them will be made worse if it fails. And I can tell you it will be better if it passes.

Just as the country suffered from the shortsighted protectionist policies of the 1930's and prospered from the bold and imaginative free trade policies following World War II, the United States stands to benefit greatly from free trade, not protectionism. U.S. economic growth and prosperity are not elements of a zero sum game. They are the results of attempts to expand the size of the economic pie, not efforts to divide a fixed pie into smaller and smaller pieces. This holds true for both NAFTA and the Uruguay round of GATT.

I believe my colleague, BILL BRADLEY, neatly summed this up in a September 16 editorial to the Wall Street Journal. He stated that:

Defeating NAFTA won't create jobs, control immigration, or clean the environment.

Either we address the problems of economic transformation head on, or we bury our heads in the sand, blame NAFTA for situations it did not create, and accept a lower standard of living and a fraying social fabric. * * * NAFTA opens more than a trade door. It will enhance our nation in ways that are absolutely critical to growth, progress, and security in the 21st century.

Mr. President, many of our Nation's jobs are directly attributable to exports. It is estimated that one out of every six manufacturing jobs depends on exports and that the crops on 1 out of every 3 acres planted by America farmers is destined for export. The Commerce Department estimates that every billion dollars in exports creates 20,000 jobs in this country. And, one of the United States recent economic success stories is our trade balance with Mexico.

In 1986, the Government of Mexico under the leadership of President Salinas began a series of unilateral initiatives to reduce its trade barriers. With this partial opening of its market to imports, United States exports to Mexico since 1986 have increased from \$12 billion a year to over \$40 billion a year in 1992.

And that is from 1986 to 1992; more than a tripling of exports in 6 years.

In Georgia alone, exports have increased from \$108 million in 1987 to \$463 million in 1992, an increase of over 320 percent in Georgia in that brief period of time. Mexico is now the third largest export market for the United States, trailing only Canada and Japan. The average Mexican consumer already buys much more per capita of American goods and services than the average consumer in Japan, and this is true even though the average Mexican consumer earns roughly one-sixth of the Japanese consumer.

While these steps to reduce trade barriers are laudable, Mexico still has much greater trade barriers, tariff and nontariff alike, than exist in the United States. Today, on average, Mexican tariffs are 2½ times those in the United States. Under NAFTA, these differences will be phased out, some immediately and some over 5, 10, or 15 years. For instance, after enactment of NAFTA, the percentage of United States exports entering Mexico duty free would rise from 20 to 50 percent; after 5 years, it would be 66 percent and after 10 years, 99 plus percent. A similar phaseout also holds true in the U.S. market. Among the sectors of our economy that will benefit the most from removal of Mexican barriers are automobiles, chemicals, pharmaceuticals, household appliances, machine tools, industrial machinery and equipment, electronics, textiles, telecommunications, and financial services.

To give an example of what this tariff and other nontariff reductions means to an American industry, I would like to highlight briefly

NAFTA's impact on the U.S. automotive industry. Voices within the industry are divided on NAFTA—management of the Big Three automobile producers strongly supports NAFTA and the United Automobile Workers strongly oppose it. Georgia is proud of its Ford Atlanta assembly plant which produces the best-selling Ford Taurus and Mercury Sable and General Motors' Doraville assembly facility which produces the Oldsmobile Cutlass Supreme and soon will add minivan production to this facility.

Since 1925, Mexico has maintained high tariff and nontariff barriers to automobile imports. These barriers have led many American firms to build assembly plants in Mexico to sell cars both in Mexico and back across the border in the United States. NAFTA will eliminate these penalties in Mexico against American automobile companies. The American Automobile Manufacturers Association estimates that Big 3 exports to Mexico will rise from roughly 1,000 to over 60,000 in the first year of NAFTA alone. In the longer terms, we also need to realize the tremendous potential of the Mexican auto market. A Congressional Budget Office study stated that there were fewer than 8 cars for every 100 people in Mexico compared to 57 per 100 in the United States. This is a huge untapped market.

I understand that many automotive workers fear that production will continue to shift to Mexico. American manufacturers argue however that when trade surplus requirements and tariffs on American-made cars are eliminated in Mexico they will be able to move production for some models back to more efficient American plants. As Thomas Schoenbaum, a University of Georgia Law School professor and the executive director of the Dean Rusk Center for International and Comparative Law, pointed out in "The North American Free-Trade Agreement [NAFTA]: A Guide for the Perplexed":

The precise impact of the NAFTA on the automotive industry will depend, however, on future decisions by the Big Three auto makers and how they restructure their Mexican operations. However, under NAFTA there will be less incentive for U.S. manufacturers to transfer production to Mexico. This should mean more jobs for U.S. workers.

In addition to the automotive industry, there are a number of other Georgia industries which will benefit from NAFTA. Economists at the Federal Reserve Bank of Atlanta reviewed the agreement and see NAFTA as a winner for Georgia electronics, high technology, engineering services and timber. I concur with their assessment. Given Georgia's natural comparative advantage in high technology companies, particularly in medical fields, this will be an area we will benefit from for years to come under NAFTA.

Mr. President, one area of NAFTA I looked at particularly closely was the

agricultural sector, which is a vital element in Georgia's economy. Currently the American farmer is at a disadvantage because fully one quarter of American agricultural exports to Mexico must enter under import licenses awarded by the Mexican government. Under NAFTA, these import licenses would be terminated, which would open a large market for American farm products.

However, this is of little consolation to Georgia's peanut farmers. They are extremely concerned about NAFTA's impact on their livelihood, first because of possible flooding of the United States market with lower quality Mexican peanuts and second that Mexico will become an export platform for peanuts grown in Argentina and China and exported into the United States, to take advantage of NAFTA's favorable tariff treatment.

In the first case, the historical evidence does not show Mexico to be a major producer of peanuts. Its climate is dry and it lacks the irrigation capacities. The fact is that United States exports of shelled peanuts to Mexico have quadrupled since 1987 and most experts believe that a developing Mexico will increase its demand for United States products. A 1992 United States Department of Agriculture study concluded that Mexico will continue to be a net importer of peanuts, and that there is little reason to expect Mexico to become a net supplier of peanuts to the United States.

As to the possibility that Mexico will become an export platform for non-NAFTA peanuts, peanut producers are not alone in this justifiable concern. NAFTA addresses these concerns through export surge and point of origin provisions designed to protect our economy's interest from such abuses.

Professor Schoenbaum noted that NAFTA contains a bilateral safeguard procedure (which) may be invoked so that tariffs snapback to pre-NAFTA levels for up to 3 years if increased imports cause or threaten serious injury to a domestic industry. He goes on to note that NAFTA also includes:

*** strict country-of-origin rules so that non-NAFTA nations cannot use a NAFTA country as a low-tariff export platform for entry into the North American market. NAFTA is therefore designed to limit the benefits of the agreement to products originating in North America.

The point of origin provisions must be effectively enforced and the Clinton administration has pledged to do so. It is also important to note that peanut tariffs will not be completely eliminated for 15 years, the longest protection period allowed under NAFTA.

I have tried to be as helpful as possible in bringing the concerns of Georgia peanut farmers before the U.S. Trade Representative. I am pleased that NAFTA preserves the United States rights to apply our current

quality standards to imports of shelled and in-shell peanuts. I am also pleased that the implementing legislation will ensure that future imports of peanut paste and peanut butter, which are currently exempt from section 22 provisions, meet quality and grade standards comparable to those of Marketing Agreement 146. I joined Senator HEFLIN and several other colleagues last month in asking the administration to include these safeguards in the NAFTA implementing legislation. In summary, special consideration was given to peanuts, but obviously this is not sufficient to address all the peanut farmers' concerns about NAFTA.

Mr. President, on the whole, I believe these concerns are outweighed by the benefits NAFTA will bring to Georgia's and America's farmers. The National Cotton Council, the National Corn Council, the National Cattleman, the National Broiler Council, the Pork Producers, and the American Soybean Association all support NAFTA. These groups, representing a substantial portion of Georgia commodity interests, make it clear they believe that Georgia agriculture will benefit from NAFTA. The Georgia Commissioner of Agriculture Tommy Irvin also supports NAFTA.

Mr. President, another industry important to Georgia is the textile and apparel industry. Similar to Georgia's agricultural community, the case is mixed here. The textile groups broadly support NAFTA. Given the enormous investment this industry has made in new plant and equipment, manufacturing and management processes, and worker training, the textile industry believes it can compete and succeed in a free trade agreement with Mexico. Looking at its recent successes, I have no reason to doubt it.

The apparel industry, however, has not, or has been unable to make, the same level of investments, and it is very concerned about competing with the Mexican apparel industry given the low wage rate and the differences in environmental and safety standards between the United States and Mexico. These are valid concerns, and I have looked at them carefully, but I have concluded that most of these concerns would exist with or without NAFTA.

NAFTA answers some of these concerns, particularly through the side agreements on labor and environmental standards, but the bottom line is that the apparel industry will have to continue to adjust to the changing economic times and these adjustments will not be easy. NAFTA will not be a cloud with a silver lining. However, I believe that its worker retraining programs and its provisions which limit qualifying products in the textile and apparel industries will help ease these adjustments.

Mr. President, I have in my remarks today a rather detailed analysis of certain sectors that are very important in the Georgia economy.

For instance, automobile production is very important in Georgia. We are very proud of the Ford plant in Atlanta, GA. We are very proud of the General Motors plant in Doraville. The best selling car in America, the Taurus, is made in Atlanta, GA. We have an awful lot of good workers there.

Mr. President, there are many people in the automobile production business who are concerned about NAFTA. There are many who are very much for it, and there are many who are very much against it.

I think the best analysis I have seen on this subject has been done by Mr. Thomas Schoenbaum, who is a dean and professor of law at the University of Georgia. We also have the benefit of an analysis from the Federal Reserve Bank of Atlanta. In both of these analytical products, they were not setting out to prove anything. These analyses were tempered by being away from Washington and not tainted by the advocacy positions that everyone here in Washington seems to take. I believe that these are convincing presentations relating to the overall net benefit to Georgia.

The Federal Reserve Bank, for instance, says the clear winners in Georgia include high technology, engineering services, electronics, and timber.

The Schoenbaum study says that clearly automobiles are a winner and that there will be more jobs in the automobile industry because of this.

It also is clear, when you look at the number of individual commodity groups in Georgia that have endorsed NAFTA, that they believe it is in the best interest of Georgia's agriculture, at least their commodities.

So, overall, Mr. President I am convinced that this agreement is in the best interest of our State.

Mr. President, I will refrain from citing the many numerous studies that have been conducted about the overall economic impact of NAFTA on the United States. Almost all of them conclude that on a jobs basis that NAFTA will be a net producer of jobs in the United States. The truth is no one can predict with certainty the exact number of jobs that will be gained or lost under NAFTA. And no one can predict with certainty the timeframe under which this will occur. I am convinced, however, that both Georgia and the Nation will be a net gainer of jobs from this agreement.

The argument that cheap labor in Mexico will kill a million jobs here in the United States presumes that the cost of labor is the primary or even sole factor in determining when and where to locate a business enterprise. If this were true, Botswana, Bangladesh, and Haiti would be international economic powerhouses.

We know that is not true. We know from history that is not true. We know, after World War II, everything we have done to expand trade, even with nations with much lower wage rates, has ended up building jobs in this United States.

In the last 10 or 12 years, we have had rough relationships with some of our competitors, Japan and others, but it was not because of wage differentials. It was because of other economic factors.

If this were true, if wage rates determined the be-all and end-all of trade patterns, then Mercedes-Benz would not have recently decided to open a new plant here in the United States. They would have gone to some other location.

Mr. President, we all know that the cost of labor is but one of a number of factors business planners take into account. There is the training and skill of our workers, the productivity of labor, availability of raw materials, the size and quality of the local transportation and communications networks—the list goes on and on. Claims that the passage of NAFTA will suck 1 million jobs south imply that there is today some kind of barrier preventing United States businesses from going to Mexico. But no such barrier exists.

Much of the criticism of NAFTA should more accurately be directed at the status quo. Most of the arguments against NAFTA apply more aptly to the current United States-Mexico trade arrangement; that is, low United States tariffs, high Mexican tariffs, maquiladora plants in Mexico along the United States border polluting the environment and lax labor laws. Each of these existing problems is being addressed by NAFTA, not caused by NAFTA. And, as President Salinas of Mexico aptly pointed out when commenting on the environmental side agreement, "It is not automatic that with growth the environment will improve, but it is automatic that with poverty the environment will worsen."

Mr. President, we not only stand to benefit directly from NAFTA, but also indirectly—via improvements in the Mexican economy. Not only will it mean that the average Mexican wage earner will have more funds available to buy United States goods which they have already shown they like to buy, but over the long term it will certainly ease the immigration crisis that we are facing on our southern border with Mexico. Millions of Mexicans—and other Latin Americans—are trying to flee their countries every year in search of better paying jobs. Clearly most Mexicans would prefer to stay in their home in Mexico, but there are few jobs. If their economy grows along with ours, there will be more jobs available to them at home. These jobs will be for many years to come lower paying, lower technology jobs by our stand-

ards, but nonetheless better jobs than are available today throughout Mexico.

Over the long haul, NAFTA will enable and require Mexico to tighten its environmental laws and its labor safety laws. It is clear looking around the world that any country that is not experiencing growth finds it very difficult to devote significant resources to improving the environment, labor conditions, education or infrastructure. Improvements in these areas taken cumulatively are in both Mexico's and our Nation's common interest.

I realize that my decision will not be warmly received by some in Georgia, but, in my judgment, passage of NAFTA is in our best interests in the long term. NAFTA's defeat will not only undermine our relations with Mexico, it will sour them with our friends throughout Latin and South America, and it will certainly further jeopardize the conclusion of the Uruguay round of GATT. Like NAFTA, the Uruguay round is not perfect, but it goes a long way toward bringing about a global, free, and fair trading system. And, as we all know, America and its workers not only compete well, but usually win, in that environment.

Mr. President, history shows that protectionism is economically self-defeating in the long run. We ought to know. We have tried it before, with disastrous results. For America's long-term economic health, we must promote expanded free trade. Therefore, I shall vote in support of NAFTA.

Mr. President, we must also recognize that the NAFTA is much more than a trade agreement. NAFTA is a major test of our foreign policy in the post-cold war world. The treaty represents a continuation of the spectacularly successful liberalization of world trade spawned by the historic Bretton Woods Agreement concluded at the end of World War II. It represents a historic opportunity for an expanded and enduring partnership with Mexico, and ultimately all of Latin America.

Mr. President, NAFTA represents a refusal to turn our backs on the outside world. It represents the courage not to take counsel of our fears in an era of hard times.

In closing, I would say NAFTA is just plain economic sense. We must not retreat to economic protectionism and ultimately political isolationism of the kind that sparked the worldwide Great Depression of the 1930's, which in turn helped fan the flames of fascism throughout Europe.

The United States cannot afford to repeat the trade and foreign policies it pursued in the 1920's and 1930's. Maybe we did not know any better then, but we have no excuse now. We now know that expanding trade works, and protectionism over the long haul does not work. We know that international political engagement works, and that isolationism and nativism do not.

I conclude that passage of NAFTA is in the best interests of the State of Georgia and our Nation and I will support it.

I yield any time I have remaining.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. Are we in morning business?

The PRESIDING OFFICER. We are on the crime bill, so the Senator would need consent in order to speak in morning business.

Mr. DOMENICI. Mr. President, I ask unanimous consent I be permitted to speak for up to 15 minutes as in morning business.

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

Mr. HELMS. Mr. President, will the Senator yield for another unanimous-consent request?

Mr. DOMENICI. Of course.

Mr. HELMS. Mr. President, when the distinguished Senator from New Mexico has finished his remarks I ask unanimous consent I be recognized to make some.

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

Mr. HELMS. I thank the Chair and thank the distinguished Senator.

NAFTA

Mr. DOMENICI. Mr. President, I was on the floor for part of the speech that Senator NUNN just delivered. Frankly, I did not plan it this way, that I would be here following him. But I am very pleased that in this RECORD my remarks will follow his. I am not sure they will be as eloquent as his, but nonetheless, when I see Senator NUNN come to the floor with some very difficult problems in his own State and speak with such firmness about our future, and with such positive overtones, I get the feeling I am on the right side even more so than I thought this morning when I woke up and decided to speak about NAFTA.

So let me take a few minutes to tell my colleagues why I think this is the right thing.

First, in 1979, I say to Senator NUNN, believe it or not when I was a junior Senator and he was already moving ahead in his expertise in armed services, obviously I did not have a lot of big assignments. We were still in the minority. In fact I graduated a bit from my two assignments which, believe it or not, were space and public works. Two years into my assignment they abolished the Space Committee, so I had one assignment and that assignment had another Senator from New Mexico very senior to me on the same committee. So when I hear Senators complain about assignments, it seems to me things worked out all right for the Senator from New Mexico, even though I did not have very good ones to start with.

In 1979 I introduced a legislation calling for a North American integrated market. I do not know that was NAFTA, but clearly at that time many Senators, far less junior than I, and trade experts, admired that initiative but said it is never going to happen.

Now I see a tremendous momentum building in the direction of integrated markets in this hemisphere. In fact, practically the entire economic profession is in favor of NAFTA because it makes good economic sense for our country—period.

I ask unanimous consent to have a letter signed by 300 economists in support of NAFTA printed in the RECORD at this point.

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

SEPTEMBER 1, 1993.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As economists, we feel it is necessary to set the record straight on the costs and benefits of the North American Free Trade Agreement.

While we may not agree on the precise employment impact of NAFTA, we do concur that the agreement will be a net positive for the United States, both in terms of employment creation and overall economic growth. Specifically, the assertions that NAFTA will spur an exodus of U.S. jobs to Mexico are without basis. Mexican trade has resulted in net job creation in the U.S. in the past, and there is no evidence that this trend will not continue when NAFTA is enacted. Moreover, beyond employment gains, an open trade relationship directly benefits all consumers.

A recent review by the Congressional Budget Office fairly summarizes professional opinion:

"... NAFTA, if passed, would produce both winners and losers, but that the total gain to winners would be larger than the total loss of the losers in both Mexico and the United States. The effects on the U.S. economy—both good and bad—would be small for many years because (1) U.S. tariffs and other trade barriers are already small, (2) elimination of the tariffs and other barriers would be phased in slowly, and (3) the Mexican economy is only about 4 percent of the size of the U.S. economy. The benefits would grow over time, however, as the Mexican economy [grows] larger."

Working with our neighbors to build a strong partnership in North America is a desirable parallel track to multilateral efforts for an open world trading system. We urge your support for the North American Free Trade Agreement.

ECONOMISTS ENDORSING THE NAFTA

Henry J. Aaron, Brookings Institution. Joshua Aizenman, Dartmouth College. Christine Amsler, Michigan State University. Torben G. Andersen, Northwestern University. James E. Anderson, Boston College. Kenneth J. Arrow,* Stanford University. Patrick R. Asea, U.C.L.A. David K. Backus, New York University. Philip Bagzoni, Brookings Institution. Jushan Bai, M.I.T.

Martin Neil Baily, University of MD. David S. Bates, University of Pennsylvania. A. Benavie, University of NC-Chapel Hill. Andrew Bernard, M.I.T. Ernst R. Berndt, M.I.T.

*Denotes Nobel Laureate.

Jess Benhabib, New York University. Marcelo Bianconi, Tufts University. Gary A. Biglaiser, University of North Carolina. Mark Bils, University of Rochester. Robert Bishop, M.I.T.

Stanley W. Black, University of North Carolina. Margaret Blair, Brookings Institution. Olivier Blanchard, M.I.T. Zvi Bodie, Boston University. Michael Bordo, Rutgers University. Barry Bosworth, Brookings Institution. Kenneth D. Boyen, Michigan State University. S. Lael Brainard, M.I.T.

William Brainard, Yale University. William Branson, Princeton. Bryan W. Brown, Rice University. Cary Brown, M.I.T. Donald J. Brown, Stanford University. Drusilla Brown, Tufts University. Ralph Brynart, Brookings Institution. James Buchanan,* George Mason University. Gary T. Burtless, Brookings Institution. Ricardo Caballero, M.I.T.

John Campbell, Princeton University. Geoffrey Carliner, NBER. Stephen G. Cecchetti, Ohio State University. A. Chakraborty, Boston College. Judy Chin, Tufts University. Menzie Chinn, University of CA-Santa Cruz. Richard H. Clarida, Columbia University. John Colhrane, University of Chicago. Harold Cole, Federal Reserve Bank of Minneapolis. Susa M. Collins, The Brookings Institution.

Patrick Conway, University of NC-Chapel Hill. Joyce Cooper, Boston University. Richard Cooper, Harvard University. Russell Cooper, Boston University. Donald Cox, Boston College. Roger Craine, University of CA-Berkeley. Betty Daniel, SUNY-Albany. Steven J. Davis, University of Chicago. Alan V. Deardoff, University of Michigan. Gerard Debreu,* University of Michigan. Peter Diamond, M.I.T.

Avinash K. Dixit, Princeton University. Evsey D. Domar, M.I.T. Rudi Dornbusch, M.I.T. Kathryn Dominguez, Harvard University. Jonathan Eaton, Boston University. Janice Eberly, University of Pennsylvania. Richard Eckaus, M.I.T. Barry Eichengreen, University of CA-Berkeley. Randall Ellis, Boston University. Charles Engle, University of Washington.

Robert Engle, University of CA-San Diego. Ray C. Fair, Yale University. Joseph Farrell, University of CA-Berkeley. R. Feenstra, University of CA-Davis. Alfred J. Field, Jr., University of North Carolina. Stanley Fischer, M.I.T. Franklin M. Fisher, M.I.T. Ronald C. Fisher, Michigan State University. Albert Rishlow, University of CA-Berkeley. Peter Fortune, Tufts University. Jeffrey A. Frankel, University of CA-Berkeley.

Milton Friedman, Hoover Institution. Kenneth Froot, Harvard University. Richard Froyed, University of NC-Chapel Hill. James Galbriath, University of TX-Austin. R.E. Gallman, University of NC-Chapel Hill. Peter M. Garber, Brown University. David Genesove, M.I.T. Mark Gertler, New York University.

Linda S. Goldberg, New York University. Henry N. Goldstein, University of Oregon. Frank Gollop, Boston College. Claudia Goldin, Harvard University/Brookings Institution. Robert J. Gordon, Northwestern University. Edward Gramlich, University of Oregon. Zvi Griliches, Harvard University. Gene M. Grossman, Princeton University. Herschel Grossman, Brown University. Jonathan Gruber, M.I.T.

May Hagiwara, University of North Carolina. Brian J. Hall, Harvard University. Daniel Hamermesh, University of TX-Austin. Gordon Hanson, University of TX. Arnold C. Harberger, University of CA-Los Angeles. Peter R. Hartley, Rice University. Jerry

Hausman, M.I.T. Stephen Haynes, University of Oregon. Miguel A. Herce, University of North Carolina. Richard J. Herring, University of PA.

Robert J. Hodrick, Northwestern University. Harry J. Holzer, Michigan State University. Hendrik S. Houthakker, Harvard University. Robert Glenn Hubbard, Columbia. Dale W. Jorgenson, Harvard University. Paul Joskow, M.I.T. Charles Kahn, University of Chicago. James A. Kahn, University of Rochester. Anil Kashyap, University of Chicago. J.R. Kearn, Brigham Young University. Tim Kehoe, University of MN.

Peter B. Kenen, Princeton University. Miles Kimball, University of Michigan. Lawrence R. Klein,* University of PA. Michael Klein,* Tufts University. Jan Kmenta, University of Michigan. Sam Kortum, Boston University. Lawrence Kotlikoff, Boston University. Carsten Kowalczyk, Dartmouth College. Melvin Krauss, Hoover Institution. Michael Kremer, M.I.T.

Kala Krishna, University of PA. Randy Kroszner, University of Chicago. Anne O. Krueger, Stanford University. Paul R. Krugman, M.I.T. Corine M. Krupp, Michigan State University. Kenneth Kuttner, Federal Reserve Bank of Chicago. David A. Lam, University of Michigan. Kevin Lang, Boston University. Lester B. Lave, Carnegie Mellon University. Robert Lawrence, Harvard University. John V. Leahy, Harvard University.

Bruce N. Lehmann, University of CA—San Diego. Wassily Leontief,* New York University. Donald Lessard, M.I.T. Jack Lettich, University of CA—Berkeley. Richard Levich, New York University & NBER. Philip I. Levy, Stanford University. Karen Lewis, University of Pennsylvania. Susan J. Linz, Michigan State University. Glenn Loury, Boston University. Linda D. Loury, Tufts University.

Robert E. Lucas, Jr., University of Chicago. Nora Lustig, The Brookings Institution. Richard Lyons, University of CA—Berkeley. Louis Maccini, Johns Hopkins University. Thomas MacCurdy, Stanford University. N. Gregory Mankiw, Harvard University. Richard L. Manning, Brigham Young University. Nancy P. Marion, Dartmouth College. Jane Marrison, Boston College. David Marshall, Northwestern University. Richard C. Marston, University of PA.

K. Matsuyama, Northwestern University. Steven J. Matusz, Michigan State University. Bennett T. McCallum, Carnegie-Mellon University. Rachel McCulloch, Brandeis University. David McFarland, University of NC—Chapel Hill. Thomas G. McGuire, Boston University. Warwick J. McKibbin, Brookings Institution. Ronald McKinnon, Stanford University. Allan H. Meltzer, Carnegie Mellon University. Claudio Mezzetti, University of North Carolina.

Peter Mieszkowski, Rice University. Raymond F. Mikesell, University of Oregon. Merton Miller,* University of Chicago. Jeffrey A. Miron, Boston University. Frederick S. Mishkin, Columbia University. Franco Modigliani,* M.I.T. Guillermo Mondino, University of Chicago. Wallace P. Mullin, Michigan State University. Michael A. Murphy, Boston College. Charles R. Nelson, University of Washington—Seattle. Daniel Nelson, University of Chicago.

Victor Ng, University of Michigan. William D. Nordhaus, Yale University. Maurice Obstfeld, University of CA—Berkeley. David H. Pappell, University of Houston. Sam Peltzman, University of Chicago. George Pencavel, Stanford University. John Pender, Brigham Young University. Lynne Pepall, Tufts University. George L. Perry, Brook-

ings Institution. Harold A. Peterson, Boston College.

Kerk L. Phillips, Brigham Young University. Stephen Craig Pirronz, University of Michigan. Steve Pischke, M.I.T. Keith T. Poole, Carnegie Mellon University. William Poole, Brown University. Rulon Pope, Brigham Young University. James Poterba, M.I.T. Joseph F. Quinn, Boston College. Matthew Rabin, University of CA—Berkeley. Michael R. Ransom, Brigham Young University. Carol Rapaport, University of North Carolina.

Robert H. Rasche, Michigan State University. Peter C. Reiss, Stanford University. J. David Richardson, Syracuse University. Dani Rodrik, Columbia University. Kenneth Rogoff, Princeton University. Christina Romer, University of CA—Berkeley. David Romer, University of CA—Berkeley. Andrew Rose, University of CA—Berkeley. Nancy Rose, M.I.T. B. Peter Rosendorff, University of Southern CA.

Robert W. Rosenthal, Boston University. Julio Rotemberg, M.I.T. Michael Rothschild, University of CA—San Diego. Nouriel Roubini, Yale University. Paul A. Ruud, University of CA—Berkeley. Jeffrey D. Sachs, Harvard University. Xavier Sala-I-Martin, Yale University. Michael K. Salemi, University of North Carolina. G. Saloner, Stanford University. Dominick Salvatore, Fordham University. Paul A. Samuelson, M.I.T.

Huntley Schaller, Carleton University. Fario Schiantarelli, Boston College. Richard Schmalensee, M.I.T. Catherine Schneider, Boston College. Charles L. Schultze, Brookings Institution. Anna J. Schwartz, N.B.E.R. G. William Schwert, University of Rochester. Theodore W. Schultz,* University of Chicago. William F. Sharpe,* Stanford University. John B. Shoven, Stanford University.

Mark Showalter, Brigham Young University. Larry Singell, University of Oregon. Ken Singleton, Stanford University. Gordon W. Smith, Rice University. Ronald Soligo, Rice University. Robert Solow,* M.I.T. David E. Spencer, Brigham Young University. Robert W. Staiger, University of Wisconsin. Doug Steigewald, University of CA—Santa Barbara. Ernesto Stein, University of CA—Berkeley. Robert M. Stern, University of Michigan, Institute of Public Policy Studies.

Chandler Stolz, University of TX—Austin. James H. Stock, Harvard University. Alan C. Stockman, University of Rochester. Jow A. Stone, University of Oregon. Thomas M. Stoker, M.I.T. Nancy L. Stokey, University of Chicago. Federico Sturzenegger, U.C.L.A. Robert S. Sullivan, Carnegie Mellon University. John B. Taylor, Stanford University. Chris Telmer, Carnegie Mellon University. Peter Temin, M.I.T.

Linda L. Tesar, University of CA—Santa Barbara. Richard H. Thaler, Cornell University. Mark Thoma, University of Oregon. Lester Thurow, M.I.T. James Tobin,* Yale University. Kenneth Train, University of CA—Berkeley. Stephen Turnovsky, University of Washington & NBER. Henning Ulodt, Kiel Institute of World Economics. Andres Velasco, New York University. Raymond Vernon, Harvard University. Anne Vila, Boston University.

Mark W. Watson, Northwestern University. Roger N. Waud, University of NC—Chapel Hill. Shangjin Wei, Harvard University. E. Roy Weintraub, Duke University. Sidney Weintraub, University of TX—Austin. William Wheaton, M.I.T. W. Wilson, University of Oregon. Larry T. Wimmer, Brigham Young University.

Frank Wolak, Stanford University. Holger Wolf, New York University. Michael

Woodford, University of Chicago. Janet Yellen, University of CA—Berkeley. Kei-Mu Yi, Rice University. David Yoffie, Harvard University. Jeffrey Zabel, Tufts University.

Mr. DOMENICI. Every living President and all recent Secretaries of State, all U.S. Trade Representatives support this accord. We have heard the point that "it makes good economic sense" made here on the floor over and over again, clearly and succinctly. Let me quickly review the reasons why this is true:

Tariffs going in the right direction—down; international markets expanding trade to produce high value, high-wage jobs, and paying an average of 12 percent higher wages than an average American job; average United States wages and incomes increasing, and a net increase of up to 170,000 jobs; more United States exports flowing south; the result will be higher paychecks for Mexican workers who spend about three-fourths of every export dollar in the United States; illegal immigration pressures decreasing, and more resources for environmental cleanup, cross-border crime prevention, and drug interdiction; and last, an integrated continental economy successfully competing head on with regional trading blocs in Europe and the Far East.

How do we know we will get these results? Actually, it seems to me absolutely beyond questioning credibility—that this is a treaty that we can almost predict the results, and they are positive. And those who are gloomy about our future are dreaming up facts that are just not so.

Look at what has happened between the United States and Mexico over the last 8 years, as Mexico unilaterally reduced trade restrictions, deregulated and privatized. We are going to get more of that, not less, once we adopt NAFTA, and what happened with Mexico moving in the right direction, but not all the way they will go when NAFTA is adopted. Between 1985 and 1991, the last year for which we have total facts, even without a full NAFTA, Mexican import purchases from the United States increased 144 percent; twice what we bought from them. Despite their modest incomes, average Mexicans spent about \$450 annually on our products while our affluent trading partners in Japan bought only 385 dollars' worth.

We are interested in opening the Japanese markets and we are debating closing the Mexican markets, or leaving them in a state of disrepair, and already they are spending more per capita on American goods than Japan.

As a result, the United States trade balance with Mexico has grown from a deficit of \$5.5 billion as recently as 1985 to a surplus of \$5.4 billion last year. You add the two, from negative to positive, and a tremendous increase in exports to Mexico and jobs in America,

high-paying jobs in America, is the result.

Since they opened their markets, more than 400,000 new jobs have been created in this country, raising the total number of Mexico-tied jobs in this country to over 700,000.

So what is it that still troubles people about NAFTA? I am not talking about special interests. I am not talking about the labor unions who clearly, I believe, are trying to hold back international trade. I cannot understand why the change has occurred, but seemingly it has and it is all built on the back of NAFTA.

I am going to talk not about those kinds of interests, but the interests of real people with real concerns about the deficit, about the direction of our economy—those in New Mexico, those in every State around who are just paying attention and trying to understand and have no special interest other than a genuine concern for economic prosperity and jobs.

Many of these concerns come from altered workforce strategies by business. These are reflected by longer work weeks, more overtime, but fewer new jobs as business reacts to higher employment overhead and Government mandates.

I believe that NAFTA is like Zozobra. Zozobra is an effigy that is ignited every year in the city of Santa Fe. Zozobra represents old man gloom, sorrow, worry, bad thoughts and ideas. And every year in the city of Santa Fe they burn old man gloom.

NAFTA is being used as a Zozobra symbol, a focus about our economic fears, about our future, about worry, about lack of confidence. And we ought to burn old man gloom with the adoption of this amendment.

We have these kinds of fears. Just last week the conference board consumer confidence survey reported another decline in people's expectations about their economic future.

The economic expectations index declined to 65.4 percent, the lowest in more than a year and a half. But allaying our fears about the future on the back of NAFTA is just not justified. The truth is that any negative consequences could not possibly be big enough to justify torching NAFTA. The burning of Zozobra is part of a day's fun in Santa Fe, the capital of New Mexico, but burning NAFTA now will make our problems greater in the future.

Let us put the fears in perspective. There will be no wholesale relocation of U.S. factories and jobs. First, the economy of Mexico is only the size of Los Angeles today. Second, Mexico gives up the most. Mexicans must reduce trade barriers that are 6 feet tall by comparison. We remove 6-inch curbing, nothing more than a bump; for our tariffs are small in comparison to theirs—and I repeat—Mexicans will re-

duce their trade barriers and the trade barriers are 6 feet tall. By comparison, we remove a 6-inch curb, nothing more than a bump.

The average trade tariff in the United States running against Mexican-made goods is a mere 4 percent. Mexico's is an average of 10 and, in many instances, 20 percent, meaning if you try to sell something American in Mexico, you just add 20 percent to the cost and pay it to the coffers of Mexico as a tax or a tariff. Obviously, if we are doing well now selling to them, how much better are we going to do when the tariffs are down?

On the other hand, eliminating these Mexican tariffs, as high as 20 percent, will do much more to create jobs in the North as Mexico's markets open and Mexico's economy grows. Let me use a couple of examples.

The impact of NAFTA on the auto industry is a good example of aggravated but misplaced facts. Fact: Currently car manufacturers in Mexico face a 2.5-percent duty and unrestricted access to the American market today; a 2.5-percent duty and unrestricted access by Mexican auto manufacturers selling automobiles here.

Fact: Currently, United States automakers have virtually no access to Mexico. To export, they must manufacture cars in Mexico, use 36 percent Mexican content, export from Mexico roughly twice the value of cars they seek to sell there and, finally, pay a 20-percent duty on the cars that are imported.

Under NAFTA, Mexico eliminates all of those restrictions. The big three automakers exported 1,000 vehicles to Mexico last year, a pittance—1,000. They tell us now that they can export 60,000 automobiles in the first year of NAFTA. Carmakers believe that it will bring \$1 billion in new revenues, thus protecting American high-paying jobs, precisely what we want to do in this hemisphere. The Commerce Department says it could be closer to \$2 billion. But let us take the automobile manufacturers' \$1 billion and 60,000 cars, compared with 1,000 cars today made in America and sold in Mexico.

Frankly, how can those who are interested in a future for the workers who work for the automobile manufacturers of America oppose NAFTA on the basis that it is bad for their jobs?

The attraction of Mexico's now legendary cheaper labor force is exaggerated. Cheaper labor is not more productive nor better labor, otherwise all jobs would be flowing to Haiti.

More to the point, killing NAFTA would not stop firms from moving jobs overseas. There is nothing to stop them from moving now. Let me repeat that: More to the point, killing NAFTA would not stop firms from moving overseas. There is nothing to stop them from moving now.

The alternative to locating in Mexico is not necessarily continued United

States production but relocation to Asia or Europe. While United States wages can be as much as seven times higher than Mexican wages, United States manufacturing workers can be seven times as productive. That is the way to stay competitive and that is the way we want to keep it—expanding high-wage, high-value jobs.

For the first time in history, a trade pact is tied to a concrete environmental agreement, the integrated environmental plan for the Mexican-United States border. The irony is that only with NAFTA will our Mexican neighbors generate the resources to clean up the problems that impact on all residents—Mexican and American—in that border region. What I am saying is, if you defeat NAFTA, put a damper on the growth that is occurring, you will get less environmental cleanup, not more.

Studies show that economic prosperity and environmental quality rise together. So this plan, improving the environment, addresses the ecological problems along the border and lays the groundwork for fixing them.

Finally, the most important reason for passing NAFTA is not what it will do for us but what we and the hemisphere will lose if we fail to pass it. NAFTA serves as a beacon to all Latin America. In fact, Argentina's President, President Menem, calls it his highest priority, even though his country is not a part of it.

To Mexico, NAFTA means institutionalizing the Salinas government's free market reforms that have been stimulating their economy since the late 1980's. A more prosperous Mexico will help to relieve illegal immigration and the pressures that it brings, and help provide political stability to this hemisphere.

These are sunny days in Mexico now because of the Salinas government and its movement toward open markets and prosperity, but that was not always the case. If we derail Salinas' train, we may not like the direction future Mexican governments take. And I am certain of that. That has not been spoken of enough. But if you derail this after all the effort of the party, PRI, his party, the cabinet and Salinas, what they told their people, I cannot believe that future Mexican governments are going to look favorably on their neighbors to the north.

In fact, I see some enormous problems as Mexico decides, and then the rest of Latin America, that the United States does not care, does not care about them, does not care about their growing prosperity; that all we worry about is what certain demagogues say, and certain demagogues who say, everything going wrong with America is because of the open trade that is now going on with Mexico and that will go on even more so if we approve NAFTA.

So in summary, our economic future depends on our ability and willingness

to compete, not repeat, these global markets of today. This country cannot build a wall of protectionism around itself and hope to maintain a standard of living for our children. We must compete, and the expanded markets offered by NAFTA give us the incentive and the means to hone our global edge.

I submit that even though Mexico is a small country, the signal we send by defeat of NAFTA will be out of all proportion to the size of the Mexican market now as it might integrate with ours. The ripple will affect Central and South America, where we have an opportunity to open even a larger market for our high-paying jobs and manufactured products.

It will also perhaps break the multilateral agreements that are being worked out, it will weaken the President, and who knows what is going to happen to those, and we desperately need them as everybody understands.

From a more general perspective, the gains from NAFTA to the people of North America are great: Higher standards of living, stronger economies and governments, stability and security but with no threat to our national sovereignty since any party can withdraw with 6 months notice. I do not know why we are discussing this issue of sovereignty when it is written right in the treaty any country can get out.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator's time has expired.

Mr. DOMENICI. I ask for 2 additional minutes.

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

Mr. DOMENICI. Any of the three can get out with 6 months official notice. We want the principles embodied in NAFTA to be the wave of the future for us around the world. We cannot afford to turn our backs on our own backyard. I understand that President Salinas will visit the Far East in December, shortly after we vote on the NAFTA implementing legislation. I hope that finding a substitute trade relationship is not added to his agenda. I hope, when he leaves, he leaves saying we are doing for ourselves in our own backyard. But I tell you, if he leaves with a defeated NAFTA, on his agenda will be a proposal for new trade relationships with other countries that are just waiting to enter that market.

So, Mr. President, it is my pleasure today to indicate on the Senate floor that I support NAFTA. Frankly, I have been on the side of NAFTA from the beginning. But as I witnessed the debate and the discussions, it seemed to me that the time was today for me to come down and put in perspective as best I could what we are really talking about.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. NUNN. Mr. President, will the Senator from North Carolina yield me about 2 minutes on a brief statement about an important matter—

Mr. HELMS. Certainly.

Mr. NUNN. I think Senators would like to know about. I would appreciate it very much if I could have a couple minutes.

First, let me thank the Senator from New Mexico for an excellent statement which I identify with in almost every respect.

CHRISTENING OF THE U.S.S.
"JOHN C. STENNIS"

Mr. NUNN. Mr. President, tomorrow is a day that I believe our colleagues in the Senate would all like to know about because I think our hearts and minds, even though many of us will be in other parts of the country and even the world, will be with the people who will be dedicating a new giant aircraft carrier called the U.S.S. *John C. Stennis*, which will be christened tomorrow.

The ship befits the man. To me personally, John Stennis was both valued friend and patient mentor. But he was also a giant of the Senate, as well as a steady, able, and wise participant in the shaping of American foreign and defense policies during the cold war.

Indeed, Senator Stennis' service in the Senate coincided with the beginning and the end of that critical period in the history of the free world. John Stennis came to the Senate in 1947—the year the Marshall plan was announced and the Truman doctrine pronounced. He left the Senate in 1989, the year the Berlin Wall came down.

Simply consider the scope of the national military agenda of those 42 years. For just a few of the highlights: George F. Kennan's famous "Long Telegram." The 1947 Key West Agreements and the surrounding inter-service rivalries. The Berlin airlift of 1948. The formation of NATO in 1949. The Korean war of 1950–53 and the establishment of a large peacetime U.S. military presence in Europe. The Eisenhower administration's embrace of massive retaliation and new-look policies, and extension of containment to Asia. The Kennedy administration's adoption of flexible response and mutual assured destruction policies. The failed Bay of Pigs invasion and subsequent Cuban missile crisis. The Johnson administration's increased involvement in the Vietnam war and subsequent fraying of bipartisan consensus on foreign and defense affairs. The promulgation of the Nixon doctrine in 1969. The hollow forces and the legislative-executive branch disputes on foreign policy prerogatives in the immediate post-Vietnam era. The termination of conscription and passage of the War Powers Act in 1973. Subsequent Soviet attainment of strategic nuclear parity and the appearance of destabiliz-

ing MIRVed systems. The collapse of the American position in Iran, the Soviet invasion of Afghanistan, and President Carter's extension of containment to the Persian Gulf. The bitter controversy within NATO over the so-called neutron bomb. The SALT I and Panama Canal Treaties. The decision to create a rapid deployment force, and a failed hostage rescue mission in Iran that prompted calls for military reform. The serious decline in the manpower quality of the All-Volunteer Force in the 1970's. The election of Ronald Reagan and subsequent largest peace time military buildup in American history. The Soviet campaign to stop NATO from deploying Pershing II nuclear missiles as a counter to Soviet SS-20 missiles. President Reagan's 1983 announcement of the strategic defense initiative and the controversy that program provoked for the remainder of the decade. United States intervention in Lebanon and Grenada. The monumental 1986 Defense Reorganization Act. Indirect United States intervention in the Iraq-Iran war. The INF Treaty.

Mr. President, Senator Stennis played a role in all of these events. I cannot begin to summarize his impact on American defense policy during this period. But let me point to a few recurring themes in his approach to defense policy.

First, Senator Stennis consistently supported a strong defense. He supported whatever was necessary to protect this country, even in those times when it was not popular in some circles to support defense spending and even the American military itself.

At the same time, Senator Stennis was downright intolerant of wasted and misspent dollars. He always opposed those who wished to write the Pentagon a blank check. He scrutinized any program that was poorly managed or that was not really needed, and was not afraid to say, as he once did, that "To support military readiness a Senator does not have to be a wastrel."

Senator Stennis was also a staunch foe of the recurring isolationist impulse in the American body politic. At a critical juncture in American history, he stood with President Harry Truman in support of extending an American commitment to Europe's defense in peacetime—an act which spared non-Communist Europe from Soviet aggression from 1949 until 1989, the year of Senator Stennis departure from the Senate—and of the beginning of the end of not only of the Soviet Empire in Eastern Europe but also of the Soviet Union itself. In this country in the late 1940's there was strong public and congressional opposition to entering the kind of dreaded entangling alliance in Europe of which George Washington warned in his Farewell Address. But Senator Stennis, like Truman, had the courage and vision to recognize that America could no longer

turn its back on the world, that America had to engage its military power overseas on behalf of freedom if yet another world war was to be avoided. He voted to join NATO and to put powerful America military forces in Europe, where some of them still remain.

Senator Stennis remained a steadfast ally of the Atlantic alliance. He understood that NATO wasn't simply a favor to Europe, but rather was central to American security. In the late 1960's and early 1970's, as Vietnam war-induced sentiment against all overseas United States military involvement mounted in the Senate, Senator Stennis exerted his critical influence to thwart proposals for the pellmell, unilateral withdrawal of United States troops from Europe.

At the same time, Mr. President, Senator Stennis remained suspicious of excessive military involvement overseas. Like his great colleague Richard Russell, whose Senate seat I was honored to inherit in 1972, John Stennis never blindly signed on to any and all proposals to intervene overseas in the name of anticommunism. During the Eisenhower years, he warned against getting sucked into the doomed French war to retain Indochina as a colony, and a decade later he remained wary of the initial Johnson administration decisions that committed the United States to an open-ended and ultimately tragic war in Vietnam.

Once committed to any war, however, Senator Stennis believed that American fighting forces should be provided the means necessary to accomplish the objectives assigned to them. And those means included not just material support, but also the requisite operational authority and latitude to conduct military operations consistent with broad political guidance. Senator Stennis rejected academic theories that held war to be first and foremost an act of discrete political communication. He rejected gradualist applications of force, and unwarranted civilian intrusion upon the operational prerogatives of field commanders. He had no patience with micromanagement, be it congressional micromanagement of the Pentagon or White House micromanagement of battlefield commanders.

Mr. President, it is testimony to Senator Stennis' enduring influence on the course of this country's defense policy that he joins Chester Nimitz, Dwight Eisenhower, Abraham Lincoln, Carl Vinson, George Washington, and Theodore Roosevelt as the only other Americans after whom a Nimitz-class carrier has been named.

Senator Stennis' career in the Senate was an inspiration to me in my original decision to run for the Senate over 20 years ago. From my first days in the Senate, he was a teacher, ally, and cherished friend. As chairman of the Armed Services Committee, he set a

daunting standard for all of his successors. Mr. President, in all my years in the Senate, no higher honor has come my way than serving alongside this giant.

May God bless the U.S.S. *John C. Stennis* and all those who will serve on her.

I thank the Senator from North Carolina.

Mr. HELMS. The Senator is quite welcome. I will say to him that I share his affection and regard for John Stennis. Senator NUNN and I came to the Senate on the same day and we have served on the same committees from time to time. But I might add that Senator Stennis's daughter is a North Carolinian and she will christen the ship tomorrow.

THE CLINTON DEFENSE REVIEW: A PRESCRIPTION FOR DISASTER

Mr. HELMS. Mr. President, I have often and proudly observed that the people of North Carolina are honored that our State is home to a great many of the world's most famous and honored combat units. To more than 25 percent of the troops who fought in Desert Storm, North Carolina is the place they call home.

So I am honored, on the eve of Veterans Day, to express my gratitude that as a U.S. Senator from North Carolina, I am representing America's Guard of Honor—the 82d Airborne Division; the 2d Marine Division; the Special Operations Command; the Special Forces—the famous Green Berets—along with many Marine Corps and Air Force fighter squadrons. Add to that honor roll thousands of guardsmen and reservists and it is obvious that North Carolina is not only "First in Freedom," North Carolina is also "First in National Defense."

Having said that, Mr. President, on behalf of these outstanding young men and women across North Carolina I have pledged to do everything humanly possible to ensure that when they are called to duty it will be limited to defending the vital interests of the American people, not fulfilling the fantasies of Mr. Boutros-Ghali and his acolytes in the Washington political arena.

In the last year American soldiers and marines have been sent to Somalia, Bangladesh, Liberia, Macedonia, Haiti, and the Republic of Georgia. We are lurching from crisis to crisis without a clear understanding of our own national interest. With the collapse of the Soviet bloc we have no coherent defense strategy and our young people are being sent into harm's way while the United Nations gets around to deciding what is and what is not, a legitimate use of American power.

At the same time we are committing more Americans to ventures sanctioned by the United Nations, the Clinton administration seems bound and

determined to destroy the morale and effectiveness of our Armed Forces. First, it was the threat of placing open homosexuals in the barracks, and women in combat; then it was sending combat troops to Somalia without adequate equipment; now it is the so-called Bottom-Up Review which will cut our military to the bone thereby creating perilous risks for our national security.

The administration's whiz kids are swiftly dismantling the military safety net built by Ronald Reagan and George Bush. They slavishly adhere to the discredited notion that military downsizing is essential for economic prosperity. We have been down that road before and each time, without exception, we have met catastrophe—after World War I, World War II, Korea, and Vietnam.

As a result of the President's plans, our manpower and combat strength will be slashed by at least 40 percent before this decade is out. The White House has already announced that defense spending will be cut by a further \$127 billion beyond what the Bush administration planned by 1998. As such, the Bottom-Up Review—"designed to streamline a more combat ready force"—is a fraud—and it ought to be identified as such and recognized as such—because the President has already determined that America's defense needs will be guided by his domestic spending priorities not by the strategic realities of a very hostile world.

In addition to downsizing the Armed Forces, the Bottom-Up Review asks how many wars should the military be asked to fight at any given time and what role does the United States play in regional disputes around the globe.

Early in 1993, the Clinton administration proposed that the Pentagon adopt a win-hold-win strategy, whereby ground forces would fight one war and have the Air Force and the naval air arm hold down the second front until land units can be transferred to the scene. After pointed criticism from the military, the Congress, and our allies—particularly South Korea and Great Britain—the White House quickly jettisoned win-hold-win. In response to skeptics, Secretary Aspin then stated that in the event of war, America's strategy will be, to quote the Secretary:

*** our forces must be able to fight and win two major regional conflicts, and nearly simultaneously.

Yet, the win-win strategy enunciated by Secretary Aspin is empty rhetoric when you look at it. If enacted, the Bottom-Up Review will lead to disastrous reductions. It recommends cutting the number of troops on active duty to less than 1.4 million. The Clinton carrier force will be between 8 and 12 ships, yet 1 carrier will be used only for training. The total number of ships

in the fleet will fall from 545 to between 300 and 340. Our 15 carrier air wings will be reduced to 8. The number of Active Army divisions will be reduced from 16 to 10, possibly 8, and the number of Reserve divisions from 10 to 6. Marine expeditionary units will move from 3 to 2. Our active fighter wings will drop from 36 to 20, while on-line bombers will be reduced from 268 to between 120 and 140.

The Clinton-Aspin plan contends that troop shortfalls will be made up by the massive deployment of so-called smart weapons, such as laser guided bombs, brilliant antitank munitions, sensor-fuzed weapons, and satellite guided projectiles. The strategy rests on the assumption that these smart weapons will be deployed in such numbers as to overwhelm two simultaneous armored offensives on the scale of those seen in the Arab-Israeli wars. But, many of these weapons are not even available to the military now or in the future. The sensor-fuzed weapons are not scheduled to be on-line until late 1994 and the brilliant anti-tank weapons are still on the drawing board and even if they were deployable we do not have the means to pay for them.

As we saw in Desert Storm, the capabilities of these weapons are often oversold. Problems perpetually exist with maintenance and the inability to use these weapons in bad weather or at night limits their effectiveness. Remember, all of our technological wonders could not prevent Saddam Hussein's second rate missile force from raining death and destruction on helpless Israeli civilians. The largest number of American casualties in Desert Storm came when one Scud missile broke through our Patriot system and killed dozens of American airmen asleep in their bunks.

The administration wants to place all of our eggs in the high-technology basket which experience has constantly shown to be full of holes, especially when research is underfunded as it is. It should be made clear that this administration is proposing massive cuts in research and development for all of the Armed Forces—the means by which these smart weapons would be developed. As one Marine Corps general remarked:

The U.S. military is expected to execute its mission with weapons that are not yet developed, carried on platforms that aren't adapted for them.

Mr. President, there are more problems. As we draw down our forward deployed forces around the globe the importance of our military transportation system concomitantly increases. During Desert Storm, the Department of Defense commandeered every available American merchant vessel. We even rented foreign flagged ships. Yet, it still took us almost 6 months to build up enough forces to launch offensive operations against Iraq. We cannot

assume that a future adversary will repeat Saddam Hussein's mistakes and foolishly allow us to engage in an unopposed, protracted set-piece buildup.

The win-win strategy depends on air and sealift forces which the United States does not now possess nor is in a position to acquire under the Clinton-Aspin plan advanced by Mr. Clinton and Mr. Aspin.

According to the Rand Corp. the margin for error with such limited fighting and transportation capabilities is very small. If two conflicts broke out within 1 month, Rand notes that, "the strains on tanker and airlift forces alone would prevent the United States from deploying forces to the second conflict in a timely manner." Yet air and sealift is drastically cut.

Let there be no mistake about it, we are returning to the days of the hollow force, when troops trained without equipment, weapons had no ammunition, and half the fleet was docked because there were no spare parts or adequate crews. If the Congress acquiesces, the Clinton-Aspin cuts will result in a military which is profoundly smaller and substantially weaker than the force which destroyed Saddam Hussein's army. As the American Defense Institute noted in an August 27, 1993, briefing:

*** this force would be unable to successfully handle a conflict such as Desert Storm and repel a North Korean attack on South Korea—precisely what Aspin's win-win strategy seeks to accomplish.

This strategy makes it more probable that we will have to resort to the use of nuclear weapons in order to prevent defeat.

Mr. President, as I noted earlier, while this administration is gutting our conventional strength it is also injecting our forces in regional conflicts from Haiti to Macedonia. These operations are having a devastating impact on readiness.

Ambassador Jeanne Kirkpatrick recently remarked that "peacekeeping is more a function of money than it is troops or equipment." So where are we getting the money to pay for operations in Bosnia, Somalia, and Haiti? It is certainly not from our financial contributions to the United Nations nor from overhead at the State Department. The money for so-called peacekeeping is coming directly from the training, readiness, and maintenance funds of the Navy, Marine Corps, Army, and Air Force. Let me go down the list:

NAVY

To pay for its contribution to operations in Somalia, the Navy has had to borrow over \$25 million from its maintenance account. The Navy now has a repair backlog of 150 aircraft and over 250 aircraft engines. The American Defense Institute also reports that the maintenance backlogs of the Navy—which also includes needed overhauls of the fleet—exceed over \$750 million.

MARINE CORPS

The Marines have spent well over \$100 million to pay for humanitarian and peacekeeping operations in Bangladesh and Somalia. These funds are being taken from the readiness account of the corps at the same time that the Clinton administration is reducing the budget for training. The current maintenance backlog of the Marine Corps is over \$150 million.

ARMY

The Army is paying for peacekeeping operations in the Somalia and the Sinai out of maintenance and training funds. The Army's repair backlog is over \$600 million.

AIR FORCE

The Air Force is funding humanitarian and peacekeeping operations in Bosnia, Somalia, and Bangladesh from its maintenance accounts which are in arrears for almost \$250 million.

The Bottom-Up Review did not stop with plans to overhaul conventional programs. On October 29, 1993, the Clinton administration produced its assessment of American nuclear policy. After studying the plan, it appears to this Senator that the United States is about to go out of the nuclear weapons business.

Pariah states like Iraq, Iran, Libya, and North Korea are on the verge of uncovering nuclear arsenals but more importantly Russia continues to pose the greatest danger for our long-term security. The Russian nuclear assembly line continues to roll on. While we have not deployed a new nuclear weapons system in over a decade the Russian Defense Ministry is developing new delivery systems, including mobile ICBM's, and it continues to engage in full blown nuclear exercises designed to practice for attacks on the United States. In a report of the Center for Security Policy, Frank Gaffney, former Assistant Secretary of Defense under President Reagan, notes:

*** according to the head of the Russian Ministry of Atomic Energy, Victor Mikhailov, the Russians possess far larger stocks of nuclear weapons than has been assumed by Western intelligence. They also reportedly continue to operate a "Doomsday machine" capable of automatically launching attacks if fallible sensors suggest that nuclear weapons have been used against Russia.

Secretary Aspin says that America must focus on the proliferation of nuclear weapons to the third world not "the old Soviet threat." That is fine, on its face, but what is our response to the threat of thousands of nuclear warheads located throughout the former Soviet Union which are still pointed at the United States? Our intelligence community can not guarantee that the government in Moscow exercises adequate command and control over nuclear weapons in Russia and the republics. It is exceedingly dangerous to discount the nuclear threat posed by an

unstable Russia because such a scenario does not fit neatly into the administration's politically correct view of how things should be.

Mr. President, what proposals have emerged from the Bottom-Up Review of our nuclear deterrent? If they look like proposals lifted from the agenda of the so-called peace movement of the 1960's, 1970's, and 1980's it is not a coincidence. This is where the recommendations of the review will lead us:

First, declare an end to American nuclear testing;

Second, suspend production of nuclear weapons;

Third, shut down most of the nuclear weapons infrastructure such as labs and production facilities.

Fourth, permit domestic supplies of critical materials, such as tritium, plutonium, and enriched uranium to degenerate.

Fifth, adopt a no first use policy;

Sixth, keep a large percentage of ballistic missile submarines in port while confining those at sea to predesignated "sanctuaries";

Seventh, separate land based warheads from their delivery vehicles; and

Eighth, discontinue research and development of a strategic defense system.

If these proposals are adopted the Clinton administration will have reduced, if not destroyed, the readiness and credibility of our nuclear deterrent as well as eliminated—in the form of SDI—any means of defending against ballistic missile attack should other means fail to stop an aggressor. I am not willing to accept such a risk and neither are the American people.

Mr. President, I have scarcely scratched the surface of the national security problems we face. The Clinton-Aspin defense proposals send the wrong signal, at the wrong time, to our friends and foes. The hope of a new world order is no basis for a defense policy. No matter how optimistic we are about peace, that optimism must always be tempered by the reality of hard historical experience. That experience tells us that we must support our ideals with military strength and the will to act when our interests are threatened.

Vigilance is the price of freedom. As Margaret Thatcher said, "Ronald Reagan won the cold war without firing a shot." That is what happens when we remain strong. Unfortunately, the Clinton-Aspin defense program takes America in the wrong direction and is a prescription for a more dangerous future for this country and the American people.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

THE NAFTA DEBATE

Mr. LEAHY. Mr. President, I just wanted to note, along with others, that all of us were here until late last night, and as a result most of us were either on the floor or in our respective Cloakrooms to get a chance to see the debate between the President of the Senate, Vice President GORE, and Ross Perot. I know I did.

I just wanted you to know how proud I was of the Vice President. I thought he handled a very complex subject in a very clear fashion, and marshaled his facts well and stated them well.

He resisted the impulse to resort to one-liners, or to try to obfuscate or simplify a subject which should not be. I think that he gave both the administration and himself a great deal of credit in that. I was not one who was thrilled at the prospect of the debate in the first place, but having seen it, I think that the Vice President was the clear winner on the issue. I commend him for that.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. LEAHY. Mr. President, I would like to speak on the crime bill that we have before us. It is something I have given a great deal of thought to as I have listened to the debate here.

In some ways, this debate makes me think of debates we sometimes have on military matters or questions of whether the United States should send forces into action. We hear a lot of people, whether it is in this Chamber or outside, who have never been in the military or never faced combat or never have been involved in it, who will sometimes give the strongest speeches about how we ought to just send the troops in there and charge this hill and take that valley, and so on and so forth. And they are not the ones that do it. I sometimes think that the debate loses touch with the reality of the situation—that is, on military matters.

Here we are talking about crime. I must admit that there has been almost an attitude among some to see who can be more against crime. Well, we can pass a sense-of-the-Senate resolution stating that all Senators are against crime, if that is going to make people feel better. All Members, all Governors, all mayors, all editorial writers, all news writers, and everyone else—all are against crime. We all ought to state that but not try to prove how much we are against crime by doing things that lose sight of reality.

Nobody here condones the violent crime that is taking place in this country. Nobody wants the type of drug-addicted society that is ruining the opportunities for our young people, that is destroying their future, destroying our cities, and destroying the lives of so many innocent bystanders.

I have spent some time working in the criminal justice system. I have prosecuted murder cases. I daresay I probably have prosecuted as many murder cases as all but two or three people in this body. I prosecuted rape cases and sexual assault cases and child molestation cases. I do not say that as somebody running for prosecutor or county sheriff. I say it because I come here with some sense of what is involved.

I think we are making some basic mistakes in this body when we assume that we have to start federalizing every single crime there is. It is a mistake to assume that just because there is a headline one of us might want to hold up for the day to demonstrate how tough we are on crime, that we have to go and make whatever the crime is a Federal crime, as though there are no State authorities, as though there are no local authorities, as though the States do not have a State police system or a local police system or county police system, as though they do not have prosecutors and judges within the States. We are concerned about the grim facts. There was one very horrifying case of carjacking in this area. It is terrible if somebody jumps in your car, puts a gun or a knife or club in your face and drives off leaving you injured or killed. That is a terrible thing. But should we suddenly be directing the FBI to get involved in this?

If we feel that the State and local authorities are not up to it, well then, give them the tools. We have suddenly added billions and billions of dollars to this crime bill, just like that, in one amendment. We added more money into this crime bill than virtually all of the painful cuts we are going to make by taking money from education and money from the elderly and money from environmental protection and money from nutrition and money from school lunches and everything else, and we have dumped it into the crime bill, just like that, to show just how tough we are.

Let us not suddenly waste this by saying, oh, yes, the FBI, the Federal authorities are going to start taking over all of these local crimes. I think that is a mistake. It is not that we are in favor of child molestation or sexual crimes or carjacking or murder or stabbings or gang warfare if we say they do not all have to be Federal crimes. There are things that the Federal authorities can do and the State authorities cannot, such as take on major interstate drug rings. Your local State police or county police or sheriffs are not going to be able to handle that. The FBI, the Justice Department, and the DEA can do that. If you have major cases involving armed gangs moving from State to State, again, they can do that. But, Mr. President, I do not want the FBI to suddenly be called into cases best handled at the

local level. It really means that we are telling the Justice Department and the American people that we have given up on our own States, on our own local authorities.

I doubt very much if there is a single Senator who votes for this extension of Federal authority who will go home to his or her home State and say: I voted this way because I have no faith in the chief of police of this city, or, I have no faith in the district attorney of this district or county; I have no faith in the Governor of my State to utilize whatever State police authority he or she might have.

We are not going to do that. But that is basically what we are saying. We are coming close to making it a Federal crime to jaywalk if the street is connected to a main road in your town which goes out to a State road which might connect to an interstate highway. Let us just make jaywalking across that street a Federal crime. Somebody can undoubtedly make the nexus to interstate commerce.

I think, Mr. President, that we end up looking like we are involved in some kind of a bidding war to say that we are all against crime, so dump in all of the money you can as fast as you can, federalize as many crimes as you can. But, if something really comes up that might actually affect crime, back off in a hurry. If somebody says maybe we should not have teenagers armed with greater armament than our Marines in Mogadishu might have; if we say maybe we ought to restrict that armament in our cities, then someone says, well, wait a minute, this is going a little bit too far. We are not that hairy chested about crime prevention. We better back away from that.

If we say maybe we ought to take some of the social steps to restore the family, you can say, well, we do not need to talk about those kinds of things. I mean, that is nice, wishful thinking. It is the same where we say we will pass a new law that you have to be careful what you show on television. You cannot show violence or this or that and the other thing. That way we will fight crime.

Does anybody stop to think that maybe the parents ought to say to those children "Do not watch that program"?

When my children were growing up, when there was something I did not want them to watch, they did not watch it. It was the same way with me. I did not expect someone to stand up in the U.S. Senate and pass a law saying what I could and could not watch.

Maybe we ought to find some ways of strengthening the family. Maybe we should ask ourselves why children think they have to carry guns to school? Then we should remove the guns from where children can get them.

I have owned guns since I was 12 or 13 years old. I was a champion shooter in

college, and that was one of the ways I helped make it through college. I am very proud of that. I own many guns today, semiautomatics, both handguns and rifles. I am not too concerned about having my choice of what kind of guns I might own limited a little bit if we could stop having cities that have become fortresses of fear.

People are afraid to go out and get in their car and go to the corner store. When they are going to their car, because they walk three blocks they are afraid what might happen along the way.

Passing a Federal law and turning everything over to the FBI will not stop that. But helping the cities and local authorities might and putting some basic values back in our schools—where you tell people they will graduate and go through school only if they really do learn how to read and write and not just pass them on—telling people they are responsible for their individual actions will also help. But making a spectacle of ourselves here in the U.S. Senate by seeing who can out bid whom by making more things Federal crimes will not solve the problem.

I recall when I was a prosecutor saying I needed help with training for our local police, training for our prosecutors, and training for our judges—I remember going to the State legislature and hearing them say: "We are going to show how tough we are on crime. We are going to double the penalty of almost every crime there is in the books." I said, "Whoopee. Whoopee."

Crimes are being committed because people think they are not going to get caught, in the first place. Simply increasing the penalty is not going to make any difference.

I use an easy example. You have two warehouses full of television sets. One has an alarm system, and one does not. The one without the alarm system has double the penalty. It is known which has which. In which one do you think there is going to be a burglary? Which one do you think gets burglarized? Obviously, it is the one without the system because people feel they will not get caught.

In most of these crimes, people are not going to get caught by Federal authorities. They are going to get caught, if they get caught, by local authorities. That is what we ought to be strengthening; that is where we ought to be helping.

Let us not try to fool people into thinking we are tough on crime because we have simply federalized virtually every crime in the book.

I had not meant to speak this long on the subject. When I came to the Chamber, there were not other Senators waiting to speak. I believe there are now. I will shortly yield the floor.

I refer just once again to the issue of guns. We can do symbolism or we can do reality. In my estimation, the Brady

bill is pure symbolism. Eliminating a whole class of weapons that have no place in hunting or in sports may well do something. It may well be a step. A modest step was taken last night in that regard. I think it was a justifiable step.

It is not a position that I would have taken I believe 20 years ago or 19 years ago when I came to the Senate, but it is a different country than it was 19 years ago.

There are always different concerns. My State has probably one of the highest rates of gun ownership in the country. It has, I think, the second lowest crime rate in the country, proving that simply having guns does not mean increased crime is a necessary corollary. We have virtually no gun control laws and we have the second lowest crime rate in the country.

That does not address the reality in a lot of our cities. I know that people in this country, a country that should be the most free and is the most Democratic Nation on Earth, walk in fear day by day. I know that there is not a Member in this Chamber who dares walk out of here and go 5 blocks when we leave this session as we often times do at midnight or 1 a.m. There is not a Member of the U.S. Senate who would dare walk five or six blocks from the U.S. Senate by themselves late at night without fear in their heart. Time and time again we leave here at 1 o'clock in the morning. We leave and our cars are usually parked at the foot of the steps of this Capitol. We walk down well-lit steps with police officers standing there, get in the cars and drive home. We have an awful lot of staff members, men and women, who do not have that luxury, and they walk out of here in fear.

What is this country coming to? This is the Nation's Capitol. It is a symbol of democracy for the whole world. We need to get our house in order. We are not going to get our house in order by symbolism. We are not going to get it in order by rhetoric. It is going to take long, tough, difficult steps.

This crime bill has a number of those long, tough, and difficult steps. But I am afraid that some of us are not resisting the temptation to so load it down with symbolism that we ruin the chance to do something about crime in this country. Some of us are more interested in one-upmanship and symbolism than we are in substance.

Stop the rhetoric. Face the reality. That is what we should do. We should trim out a lot of the Federalized crimes. We should direct resources where they will do the most good. We should understand that we have a failing family structure in this Nation that is being ignored, is being ignored by our schools, by our homes, by our churches, by ourselves. And no matter what we put in the crime bill, it will not do any good until we face that.

We have to understand that we cannot seek the lowest common denominator in our schools but the best in our schools.

We have a lot of steps beyond this bill. Of all the speeches we might give here, all the chest pounding we might do, and all we say we are doing to make this country strong, I would ask only this question of every Senator: If you leave here at 1 o'clock in the morning, do you want to walk to where your car is if it is five blocks from here?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. BOXER] for 5 minutes.

Mrs. BOXER. Mr. President, I thank the Chair very much.

I thank my colleague and my friend from Maryland, Senator MIKULSKI, for allowing me to proceed ahead of her.

Mr. President, if you would indicate when the 5 minutes are about to approach, I will wrap up.

THE CRIME BILL

Mrs. BOXER. Mr. President, while we are waiting for an agreement on how to proceed on the crime bill, I wanted to make some comments about what occurred last night when the Senate failed to table the Feinstein amendment which would ban certain types of assault weapons.

I want to state how proud I am of the Senator from California, my senior Senator DIANNE FEINSTEIN. She refused to get beaten down. She never gave up on the fight to ban these weapons, even though, believe me, many were saying to her this a futile effort.

She made a bill that was acceptable to enough of us. And the guns that are banned in that amendment are guns that can kill a lot of people fast. They are not guns for hunting, not guns for protecting one's own home, but basically they are guns that are turning our country into the killing fields.

Now, there may or may not be an agreement forthwith on the Feinstein amendment. I hope there is, because I know that amendment will now be agreed to, and the message will be clear that we intend to bring peace back to our streets, our roads, our homes, and our schools.

Mr. President, we need that message to go out from this beautiful Chamber.

I want to take just a couple of minutes to talk about some amendments that I hope will be offered to this bill and, if not to this bill, if there are other ways we can move these amendments forward. I want to speak very briefly about them.

First of all is the clinic access bill, which is very important. We have people who are exercising their constitutional rights going to birth control clinics and health clinics being abused, being hurt, being stopped from exercising

their constitutional rights, being stopped.

So this bill is very important. I am working with Senator KENNEDY and my other colleagues on it.

I want to talk about the fact that today in about 37 States you can find someone's license number, see it on his or her car, call up the motor vehicle bureau and find out the personal name and address of that driver. This is a real problem. Many people do not even know this is the case.

In California, Rebecca Shafer, an actress, was slain because someone found out her home address. This is something that we need to take up. I have a lot of support for this amendment. I hope to offer it, if possible. I have, I believe, a very good solid majority here for that.

In addition, I do not even think people understand that the DMV [department of motor vehicles] sells your name to marketing firms and that is why you get so much junk mail at home. They know lots of things about you, I say to my fellow Americans, that you think they do not know.

And under our amendment, you would be able to opt out and tell the DMV you no longer want that information sold. So I am very hopeful we can get that amendment up.

Very quickly, I have an amendment which would stop gun license tampering. We have people who apply for one kind of gun license and then they wind up forging the documents, and it is a very dangerous situation. I have a lot of support from the Department of the Treasury that regulates guns. They say, "In our experience, falsified licenses are being used to make large purchases of firearms for illegal resale." I hope to have an opportunity to offer that amendment.

Last, we have an amendment that would increase the penalties for those who forge documents of illegal immigrants. And that is a very important issue.

In closing, Mr. President, this crime bill is going down a very fast track. Should it close down, I hope we are going to have other opportunities to offer these amendments.

And I wanted to make one point more. Not only do we pass laws here that are important—this crime bill is very important—but people in the private sector are doing some good things. Bass Tickets in San Francisco is offering two free tickets to any bay area show to anyone who is willing to trade in a gun. So we have the private sector that is getting the message—too many guns; we have the U.S. Senate that is getting the message—too many dangerous assault weapons; and I am proud to be part of this debate.

Again, I want to thank my colleague, my dear friend, the Senator from Maryland, for allowing me the chance to precede her in this free time that we have here today.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland [Ms. MIKULSKI].

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, I rise today to add my strong support as a cosponsor to the Violent Crime Control and Law Enforcement Act of 1993.

We can not tolerate any more what is happening on our streets. Children in our cities are hostages in their own homes. Kids in Baltimore are afraid to play jacks on their white marble steps or to walk out after dark to go to the library.

We cannot continue to turn the other cheek when a nun is raped and strangled to death in her own convent. Or a mother is beaten to death in the home she grew up in. Or a 10-year-old is killed in a drive-by shooting.

We have to find a way to contain crime and help those who practice self help. We have to find and hold up those innovative ideas that say yes to those who say no.

Our communities are living a fragile existence. We can not tolerate a proliferation of violence.

My principles for fighting crime are: prevention; police; and punishment.

First, prevention: what are we doing to prevent crime?

What are we doing to prevent women from the horror of being raped?

We need to support rape prevention, rape shelters and crisis centers. We have to eliminate this fear. Mothers and daughters going to the grocery store shouldn't have to fear the terror of rape.

We need to make investments in our youth before the trouble begins. That is why we should get boys and girls clubs going in public housing projects and support the midnight sports leagues. These are the positive programs that make a difference.

For many young people in our cities today, gangs are the only option if they want a social life—or want to feel like they belong. We need to show there are other things to do.

We also have to prevent nonviolent offenders from getting into more trouble. The way to do that is to promote boot camps.

Maryland's boot camp in Jessup teaches standards and responsibility. I support the boot camp concept for non-violent offenders.

These are not the cop-killers or the drive-by shooters, but young adults who have committed burglaries or gone the wrong way with drugs.

These young adults at the boot camp: Wake up at 5 in the morning—go through calisthenics and drills;

Weed roadsides and clean public places; and

Deal with a drill sergeant in their face.

These military style boot camps help them gain discipline and a sense of responsibility and self-esteem. If they can survive the boot camp, they will have the confidence to accomplish anything.

In Maryland, more than 800 offenders have graduated from the Boot Camp Program. Graduates of the Boot Camp Program are 50-percent less likely to return to prison than other inmates.

Second police: Any crime bill should increase police officers on the streets. We need to get police—out of patrol cars; out from behind desks and the piles of paper; and put them back on the streets.

Budget strapped police departments across America focus sending their uniformed officers out on 911 calls. They should have the resources to contain and prevent crime.

That is what community policing does. It brings the high tech police forces of the 1990's into the community to be high touch. And it is going on in Maryland.

In Silver Spring, police officers located in the urban business district patrol the community on bicycles. In Baltimore, police are walking the beat, getting to know their neighbors, and empowering people to speak up and prevent crime before it happens.

We have to support new and innovative approaches to policing. This bill will put 100,000 more community police officers on the street to:

Solve problems before they become violent;

Get people involved in their community and encourage them to speak up about where the thugs hang out; and

Gives kids a chance to be friends with the local cop instead of the local drug dealer.

Finally punishment: We must make sure violent criminals are put away and serve their time. This bill will do that.

We have to make sure our penal system receives the respect it deserves, so criminals do not disregard it because they know they will be out the door as soon as they walk in.

Punishment should be swift and certain. And we should increase penalties for repeat violent offenders. Take a tougher stand on those dealing in illegal firearms. And enhance the Federal penalty for those dealing drugs near public housing. This bill does all those things.

We need a strong response to crime. We need to provide real resources that will make a difference.

And we need to stop the tolerance of violence that has led to a war zone in our cities and suburbs.

DEDICATION OF VIETNAM WOMEN VETERANS MEMORIAL

Ms. MIKULSKI. Mr. President, while we are talking about crime on our

streets and those things that give Americans pause and even fear, I think on the eve of Veterans Day we should remember those things about our country that give us pride, give us energy, and renew our sense of patriotism and a sense of duty.

And that is why tomorrow, as we celebrate Veterans Day, I want to express my gratitude to all those who served so valiantly, especially for those who gave the ultimate sacrifice or those who bear the permanent wounds of war.

There will be a special event that occurs tomorrow. On this Veterans Day 1993, we will celebrate a special event to commemorate one of the forgotten chapters in our recollection of Vietnam—the American Vietnam women veterans. Tomorrow we will unveil and dedicate the Vietnam Women Veterans Memorial, an event which is long overdue.

I recall the distinguished Senator from Colorado, presiding today, was one of the first Galahads in the House of Representatives to support the cause of the Vietnam Women Veterans Memorial. And today at lunch, the women who served in Vietnam paid tribute to the Senator for his support for not only their statue but their cause.

I, too, am one of the cosponsors of the authorizing legislation for this memorial. I am honored to be part of this celebration.

After a decade of planning and fundraising and hearings and congressional legislation, this memorial is finally ready. At long last, we will pay a tribute to the unsung heroes of the Vietnam war—the women who served there and the civilian women who risked their lives there.

Later on, within the next year or so, there will be a memorial in Arlington to all of the women who served in all of our wars—the Revolutionary War, the Civil War, the Spanish-American War, World War I, World War II, Korea, Vietnam, and Desert Storm.

Tomorrow, however, we will give special thanks to those who served in Vietnam. There are 265,000 American military women who volunteered during that era. Eleven thousand of them went to Vietnam. Eight of those women lost their lives in the service of their country.

These valiant women were there to save lives. They were nurses, lab technicians, physical therapists—mostly in medical tasks. They nursed the sick, helped the injured to heal, and for the dying, they were often the last comfort.

But for our women vets, the numbers of men on the wall would be far greater.

History operates in some unique ways. We entrusted our women vets to take care of our boys in Vietnam. And how ironic that, two decades later, it is a woman U.S. Senator who has been entrusted to oversee the appropriations of the Department of Veterans Affairs.

As the Chair of the VA, HUD, and Independent Agencies Appropriations Subcommittee, I believe our country's commitment to veterans, both men and women, should be measured not by words but by deeds.

As the scripture says, "Not by their words but by their deeds shall you know them."

There is a Latin phrase—and you do not have to write it down—that says: Exegi monumentum aere perennius.

The translation is: We must work to build a monument more lasting than bronze.

And that is what we need to do for America's vets, both men and women, who served in the Vietnam war.

I believe that, as we have our statues, we also need to show a monument more lasting than bronze in the services that we provide American vets, and particularly VA medical care.

A special recognition needs also to be provided to women Vietnam vets. Our women Vietnam vets have served many of the same agonies as did the men—whether it was posttraumatic stress or exposure to Agent Orange.

But, as a group, these women have never been given due recognition.

Until recently, the Department of Veterans Affairs had not had a good record in treating women vets. While there are 1.2 million women veterans in the United States of America from all of our wars, only 78,000 of them use VA hospitals. Why? Because up until recently and up until the Clinton administration, VA hospitals were simply not user friendly to the women.

That is why I added \$11.5 million to the VA budget over the last 2 years for programs for women vets—counseling for sexual trauma, the purchase of supplies and equipment unique to the biomedical needs of women; adding \$16 million to construction of privacy facilities for both acute-care services and long-term services.

And we have also directed the Department of VA to ensure that the quality of care for women be as good, if not better, in the private sector.

These gallant women who served there can continue to count on me to fight for this funding, as do the men who served in Vietnam. They, too, will know that as we move to new health insurance reform, we are going to make veterans care the best of the best.

Tonight, women who served in Vietnam are gathering in Washington. Tomorrow, they will march down Constitution Avenue. They will be joined by people like yourself who served and supported them.

Later on, tomorrow night, there will be a vigil. And when we participate, I hope we think of a Vietnam nurse name Dusty.

Dusty did two tours in Vietnam, from 1966 to 1968. What kept her going was that she thought she could make a difference.

She comforted a dying soldier by the name of David and she wrote a poem to his honor, which she left at the Vietnam Memorial. She said:

Hello, David—
My name is Dusty.
I'm your night nurse.
I will stay with you.
I will check your vitals every 15 minutes.
I will document inevitability.
I will hang more blood and give you something for your pain.
I will stay with you and will touch your face.
Yes, of course,
I will write your mother and tell her you were brave.
I will write your mother and tell her how much you loved her.

Dusty went to Vietnam as a young nurse to care, help, and to heal the sick. She came home herself psychologically wounded. Today she is married to a businessman who has no idea she was ever a nurse or ever in Vietnam. I hope tomorrow she comes forward and maybe she, herself, will read for us the concluding part of her poem.

Despite all the facts and statistics citing the outstanding job the Army, Navy, and Air Force doctors and nurses did in Vietnam, many faced a hostile public when they came back. Some nurses in uniform at U.S. airports were even spat upon by war protesters while waiting for their flights home.

For some heroines of care and healing like Dusty, it has taken more than 20 years to ease their painful nightmares and raise their hopes and ease their sufferings. In the final segment of her poem to David, Dusty wrote this:

Goodbye, David—my name is Dusty.
I'm the last person you will see.
I'm the last person you will touch!
I'm the last person who will love you.
So long, David—my name is Dusty.
David, who will give me something for my pain?

Tomorrow, when we dedicate the Vietnam Women's Memorial, I hope we give Dusty and a quarter of million others who served, something for the pain.

Mr. President, tomorrow, as we have on every Veterans Day since we celebrated the World War I Armistice at the 11th hour, on the 11th day, in the 11th month, a grateful nation will give thanks and honor to the men and women who have fought to preserve our democracy and our way of life for more than two centuries—America's veterans.

To all those who have served so valiantly, especially for those who made the ultimate sacrifice, they have my thanks and those of all Americans.

On Veterans Day 1993, however, we will celebrate a special event to commemorate one of the forgotten chapters in our recollection of Vietnam—America's Vietnam women veterans. We will unveil and dedicate the Vietnam Women Veterans Memorial—an event which is long overdue.

As one of the cosponsors of the authorizing legislation for this memorial,

I am honored to be a part of this celebration. After a decade of planning, fundraising, hearings, and congressional legislation, this memorial is finally ready. And at long last we pay tribute to the unsung heroes of the Vietnam war.

We should give a special thanks to those women who served in Vietnam, particularly Diane Carlson Evans and Diana Hellinger, and the other members of the Vietnam Women's Memorial project, who kept the dream alive for this memorial.

Despite the skepticism and the controversy over whether or not such a memorial should even be built, they kept their rudder steady, and their ship on course. They should be so proud of your remarkable accomplishment.

There were 265,000 American military women who volunteered to serve during the Vietnam war. Eleven thousand of them went to Vietnam. And eight of our sisters lost their lives in service to their country.

These valiant women were there to save lives. They were the nurses, and technicians, and physical therapists—mostly in medical tasks.

They nursed the sick, helped the injured to heal, and for the dying were often the last comfort as they left this world for the next.

But for our women vets, and number of names on the wall would be far greater.

History always operates in unique ways. We entrusted our women vets to take care of our boys in Vietnam. And how ironic that two decades later it is a women U.S. Senator who has been entrusted to oversee the budget and operations of the Department of Veterans Affairs.

As the Chair of the VA, HUD and Independent Agencies Appropriations Subcommittee, I believe that our country's commitment to veterans, including our sister veterans, should be measured not by our words, but by our deeds.

As the Scriptures say, "Not by their recent words, but by their deeds shall ye know them."

So as we celebrate this new testament to our women Vietnam veterans, those of us in Congress must work to build a monument more lasting than bronze.

Our women Vietnam vets have suffered from many of the same agonies as did our boys in combat—whether it was posttraumatic stress disorder or exposure to agent orange.

And as a group, these women have never been given due recognition.

Until recently, the Department of Veterans Affairs has not had a good record in treating women vets. While there are 1.2 million women veterans, only 78,000 of them use the VA hospital system. And this is primarily because VA hospitals are simply not user-friendly to women.

That is why I added \$11.5 million to VA's budget over the past 2 years for programs for women veterans. This includes counseling for traumas like sexual abuse, and the purchase of unique supplies and equipment.

We also added \$16 million this part year for the construction of privacy facilities within VA hospitals to accommodate the unique needs of women.

We have also directed the Department to ensure that quality of care for women veterans is at least as good as—if not better than what is available in the private sector. Until my subcommittee intervened, when a women vet went to a VA hospital for a pap smear or a mammography, the VA did not have to make sure its lab testing standards equaled those the Department of Health and Human Services required of other hospitals.

And these women can count on me to continue fighting for additional funding and legislation to make further improvements in the care of women veterans, including in particular critical preventive care programs like mammographies.

I believe our new Secretary of Veterans Affairs is taking steps to improve the care women receive in the VA, and I commend him. He has shown a sensitivity to the needs of women veterans and the women who work in the VA system, and for that we should all be grateful. I think he would tell you that his own awareness is shaped in some small part because of the nurses who helped him in his own recovery from the wounds of war.

Finally, I am proud to say that I am a cosponsor of the Vietnam Women's Memorial Coin Act, upon which I hope the Congress can act in the 103d Congress.

It is with great excitement that I anticipate attending the dedication of the Vietnam Women's Memorial tomorrow. It will give our Nation a chance to say hats off to all those fine women who helped make the end of the cold war possible.

And it should renew in this Senate and the entire country a commitment to provide for our women vets by what we do for them, not just what we say about them.

Without these brave women, our great Nation could not have paved the way for democracy across the globe. We are proud of them—because they were there when our boys needed them. Let us hope we are there for them when they need us.

Mr. President, I ask unanimous consent the article from the Retired Officer magazine containing Dusty's poem be printed in the RECORD.

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

[From the Retired Officer magazine,
November 1993]

HEROINES OF HEALING

(By Col. Henry J. Pratt, USAR-Ret.)

In high school, her nickname was Dusty, and she loved taking science classes that allowed her to work with test tubes and use chemistry lab reference books. Dusty's guidance counselor suggested the bright teenager continue schooling and become a science librarian. But Dusty joined the Army and became a nurse. Because she got grade promotions earlier than usual, she was a registered nurse and in Vietnam by the time she was 21 years old.

Dusty did two tours in Vietnam from 1966 to 1968. What kept her going then—and what helps a little now—is the knowledge that she made a difference. She was a skilled, caring and dedicated nurse.

David is the soldier Dusty remembers most. Years after her Vietnam nursing experiences, she wrote a poem about this 19-year-old serviceman who died in a combat hospital thousands of miles from his home and family. The poem was found one day at the Vietnam Veterans Memorial in Washington, D.C. Anonymously she had penned:

Hello, David—

My name is Dusty.

I'm your night nurse.

I will stay with you.

I will check your vitals every 15 minutes.

I will document inevitability.

I will hang more blood and give you something for your pain.

I will stay with you and will touch your face.

Yes, of course.

I will write your mother and tell her you were brave.

I will write your mother and tell her how much you loved her.

Dusty went to Vietnam as a young nurse to care, help and heal, but she came home so psychologically wounded herself that to survive, she changed her name, her profession and her past. Today, she is married to a businessman who has no idea his wife was ever a nurse, ever in the Army or ever in Vietnam.

Nursing the sick, wounded and dying GIs in Vietnam was very different than in the earlier wars, World War II and Korea. Formally established front lines were absent, creating a myriad of problems. Among them was the fact that GIs frequently didn't know who or where the enemy was.

Lethal mines, high-velocity missiles and treacherous booby traps often caused multiple wounds that required multiple amputations. The swift and efficient medevac helicopter, which transported the wounded from firefights to hospitals where there were doctors and nurses, became both a curse and a blessing.

Official figures show that about 11,000 U.S. military women, all volunteers, were stationed in Vietnam during the war. Ninety percent were nurses in the U.S. Army, Navy and Air Force. Other American women served in Vietnam as doctors, physical therapists. Medical Service Corps personnel, air traffic controllers, communications and intelligence workers and clerks.

More than a quarter of a million women served our country during the 12 years of the Vietnam War. Thousands were stationed in Japan, Guam, Hawaii, the Philippines or at stateside hospitals. Many Navy women served off-coast on the *USS Repose* and the *USS Sanctuary*.

In March 1962, the first contingent of 13 nurses was assigned to the 8th Field Hospital in Nha Trang, located in South Vietnam's

eastern-central region. It was the only U.S. Army hospital in-country for three years, and the unit's medical experiences helped set precedents for other treatment facilities that followed. Then came the big buildup in 1965, beginning with the 3rd Field Hospital, Saigon. Following the 1968 Tet offensive, the number of nurses sent to Vietnam increased gradually as the buildup of troops continued, with the U.S. Army Corps reaching its peak strength of 900 in 1969. By March 1973, the last nurses had departed the Republic of Vietnam, two months after the cease-fire.

The weapons used to kill, as well as the sites where many GIs were injured—in rice paddies and along waterways where human and animal feces were common—made Vietnam a "dirty war," wrote MGen Spurgeon Neel, former U.S. Army deputy surgeon general, in his book, "Medical Support of the U.S. Army in Vietnam, 1965-70." "Yet, helicopters were able to evacuate most casualties to medical facilities before a serious wound could become worse," says Neel. "There were practically no conditions under which the injured were denied timely evacuation; all were surmounted by the capabilities of the air ambulances and the skill of their crews."

A string of field and evacuation hospitals stretched from Camp Evans near the demilitarized zone to the swollen rice paddies around Can Tho. Each of the hospitals had a nursing staff on hand to receive soldiers directly from battle areas and treat them until they could return to duty or be air evacuated to Japan or the continental United States (CONUS).

According to Neel, the Vietnam War produced the most critically wounded soldiers ever to survive evacuation to in-country or mainland hospitals. Still, despite the incredible efforts of hospital staffs, many GIs died. Those who survived endured months and even years of reconstructive surgery and rehabilitation.

The war killed more than 58,000 Americans. Their names are on the Vietnam Veterans Memorial wall in Washington, D.C. Another 350,000 service people were wounded. Among the wounded are some 75,000 permanently disabled veterans, many of whom are amputees living in wheelchairs today.

Nurses who served in Vietnam say coping with the fear and the unforgettable sights of blood and multiple amputations was a way of life. Like the soldiers they treated, nurses could die from sudden gunfire, land mines triggered by motor vehicles, a chopper crash or, more slowly, from a variety of rare diseases.

To cope, nurses, like combat troops, practiced what psychiatrists call "persistent denial," convincing themselves they would never be killed or injured. Denial helped make life in Vietnam at least marginally tolerable. Nurses worked 12-hour shifts, six days a week at most hospitals. Some nurses said they didn't mind all the work because it helped time go by faster. It also helped the denial process.

What was life like in an Army evacuation hospital? The 93rd Evac, located near Long Binh, was unique in design, says Evangeline Jamison of Walnut Creek, California, who served there as chief nurse in November 1966. The 93rd Evac was the only medical facility in Vietnam shaped in the form of a cross, with four Quonset huts forming each wing and a nursing station in the center.

Living arrangements at the 93rd Evac were primitive, particularly in the early war years. The hospital was staffed with about 60 nurses, who wore fatigues both on and off-

duty. The nurses slept in bunk beds in their Quonset huts.

Lack of air conditioning and an average daytime temperature of more than 100 degrees made sleeping difficult, especially for those who worked on the night shift. Bathroom facilities consisted of a crude shower and outdoor toilets. Everything was covered by the ubiquitous Vietnam dust and later, during the monsoon season, by a sea of mud.

With little off-duty recreation available, nurses would head for the officers club, where lonely soldiers begged them to talk and dance. This distraction worked for a while, but most of the nurses, who were already exhausted, soon sought rest and stayed away. Loneliness and boredom contributed to another tragedy of the war, some nurses became hooked on drugs or alcohol.

Obtaining personal items, especially feminine care items, was never easy or convenient for nurses stationed deeper in-country. In Pleiku, which was the supply line's end, the nurses with the 71st Evac never did get the tampons they ordered.

Hourly or daily, depending upon the hostility level, hundreds of patients flooded into these treatment facilities. Injured and seriously ill GIs were choppered in, often just barely breathing and with arms or legs torn off, jaws or eyes missing, backs broken or with big holes in their chests and stomachs.

During these emergencies, nurses had to pitch in among the pools of blood and perform duties usually performed by physicians. Nurses became adept at triage, inserting chest tubes, doing tracheotomies, debriding wounds and closing up patients after an operation so the surgeon could proceed to the next wounded person.

Neel found that between January 1965 and December 1970, there were 133,447 wounded admitted to medical treatment facilities in Vietnam, and of these, 97,659 were sent to hospitals. The hospital mortality rate for this period was 2.6 percent, compared to 4.5 percent in World War II and 2.5 percent in Korea.

"The very slight increase in hospital mortality in Vietnam over Korea," says General Neel, "was a result of rapid helicopter evacuation, which brought into the hospital mortally wounded patients, who, with earlier, slower means of evacuation, would have died en route and would have been recorded as killed in action."

Despite all the facts and statistics citing the outstanding job that our Army, Navy and Air Force doctors and nurses did in Vietnam, many faced a hostile public when they came back. Some nurses in uniform at U.S. airports were even spat upon by war protesters while waiting for their flights home. For some heroines of care and healing, like Dusty, it has taken more than 20 years to erase their painful nightmares, raise their hopes and ease their suffering.

In the final segment of her poem to David, Dusty wrote:

Goodbye, David—my name is Dusty.

I'm the last person you will see.

I'm the last person you will touch.

I'm the last person who will love you.

So long, David—my name is Dusty.

David, who will give me something for my pain?

[From the Retired Officer magazine,
November 1993]

HONORING VIETNAM'S WOMEN VETERANS

This month, many Vietnam women veterans, along with other women who served in-country, are finally receiving the respect and recognition long due them. On November 11,

Veterans Day, the Vietnam Women's Memorial will be dedicated in Washington, D.C. Twenty years after the Vietnam War ceasefire, a grateful America is finally honoring its sister veterans—the women whose skill, caring and dedication helped save lives.

Designed by noted sculptor Glenna Goodacre of Santa Fe, New Mexico, the bronze memorial statue depicts three female nurses, all wearing combat fatigue uniforms. One cradles a wounded male soldier. Another nurse kneels in shock and disbelief over the horror of the war, and a third nurse looks skyward for a medevac helicopter.

The memorial stands directly across from the wall—the Vietnam Veterans Memorial. Designed by Maya Lin and dedicated 11 years ago, the wall contains the names of more than 58,000 war dead, eight of these names are of women nurses.

Near the wall is a statue by Frederick Hart, added in 1984, showing three infantrymen in Vietnam. While it is an emotionally powerful monument, it didn't speak for, recognize or honor the women who also served.

Then, in 1983, Vietnam veteran Army nurse Diane Carlson Evans of Northfield, Minnesota, came up with an idea for a memorial honoring women who had served in the war. Evans knew that if women had not served well in Vietnam, many more thousands of names of dead GIs would be on the wall.

Thousands of GIs in Vietnam died with a woman nurse beside them. For many, a gallant, brave and caring nurse was the last person they saw. Thousands more men, among the 350,000 who were wounded, were saved by a nurse's prompt, skillful and concerned medical treatment.

Evans has worked tirelessly and without pay on the memorial project for the past 10 years, while raising her family, in an effort to gain recognition, for the gallant service performed by women in Vietnam. In addition to those who were nurses, an unspecified number of civilian women worked for the American Red Cross, as news correspondents, with the United Service Organizations (USO), the American Friends Service Committee, the Catholic Relief Service or other humanitarian groups. Evans' efforts won the support of every major U.S. veterans group, governmental commissions, Congress and President Ronald Reagan, who, in 1988, signed a bill authorizing the building of the Vietnam Women's Memorial.

To Evans, having the Vietnam Women's Memorial dedicated on Veterans Day is a dream come true. With the memorial's dedication, thousands of brave, skilled and caring women who served in Vietnam will be honored at last, and we will be one step closer to the healing of our nation.—H.J. PRATT.

The PRESIDING OFFICER (Mr. KERRY). The Chair recognizes the Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY. Mr. President, I would like simply to compliment the Senator from Maryland for her eloquent statement. It is a very important event tomorrow and I think she has commemorated it with her usual strength, integrity, and sincerity.

NAFTA

Mr. BRADLEY. I do not know how many million Americans watched Vice President GORE and Ross Perot debate the North American Free-Trade Agreement last night but my guess is it was

a considerable number, well into the millions. Immediately after the debate, there was a quick CNN poll where a vast majority supported the view that the Vice President made his points rather decisively and effectively. And I agree with that poll.

During the last couple of days, I have spoken on the floor of the Senate to state why I think the North American Free-Trade Agreement is enormously important to the future of our country. Two days ago, I talked about how it will generate jobs in the manufacturing sector and in the service sector. I talked about the 60,000 autos that will be sold in the first year as opposed to the 1,000 autos that were sold just last year. I talked about the tremendous demand for capital equipment on a continuing basis. I talked about the need for all sorts of small manufactured exports that will flow to Mexico.

I also pointed out that the Mexican economy is only 23 percent manufacturing. It is 60 percent services. And with the North American Free-Trade Agreement, if it passes, we will finally be able to penetrate the service sector of the Mexican economy, a service sector that is not young people over a griddle flipping hamburgers as opponents of this agreement would have us believe, but is everything from construction to transportation to the export of pharmaceuticals, computer software, film distribution, civil engineering, oil drilling, power equipment, and powerplants. All of these will be open, now, for U.S. exports.

On the section that is manufacturing, it is quite understandable. The reality is that United States companies have already invested in manufacturing in Mexico. That is what we had to do in order to get access to that market. It was a closed market, 100 percent tariffs and nontariff barriers that effectively blocked the export of United States manufactured goods to Mexico. That is why there is a Ford Hermosillo plant; that is why there are other investments in Mexico by the manufacturing industries of this country.

But with NAFTA, that will not be necessary. In an automobile market where, last year in Mexico, they bought 750,000 autos—people say they do not have any money down there to buy the goods. Last year they bought 750,000 autos. By the end of this decade it will be a million autos. And they do not have the capacity to meet that demand in Mexico. That means that over a long period of time, there will be a dramatic increase in the export of automobiles and vehicles. The reality is that the North American Free-Trade Agreement will generate jobs in the manufacturing sector; it will generate jobs in the service sector.

I pointed out in an earlier speech this week, one industry—just one pharmaceutical company—said they will increase jobs by 800 to 1,000 if this passes,

because of intellectual property guarantees in Mexico that do not now exist. In other words, you cannot counterfeit a drug. If you invented a drug, you sell it, you get the credit. If you produce the drugs in the United States, you export them to Mexico.

The same thing with film distribution; the same thing with the fastest growing export we have in the export market, computer software.

Right now, the energy industry of Mexico is basically a closed industry. Under this agreement we will be able to invest in oil drilling, we will be able to invest in natural gas. The result will be that Mexico will produce more oil and more natural gas. When they produce more oil and more natural gas, they will have more to export to the United States. The result will be we will be less dependent on insecure sources of oil in the Persian Gulf and we will be able to get our oil from our neighbor to the south because of the North American Free-Trade Agreement.

There is also a fundamental misconception on the issue of jobs out there. That is, it is widely recognized that all exports generate jobs. But it is not true that all imports subtract jobs. Think a minute about the product I was just speaking of—oil. We import 750-800 million barrels of oil on an annual basis. We import that oil. That is counted as an import from Mexico in the trade figures, imports subtracted from exports. But these imports do not cost American jobs. In fact, they fuel American jobs, literally, by giving us more oil to use in our industrial machinery.

At the same time, an import that comes into the United States does not just come to the dock or airport and stop there. There have to be people employed in America to distribute it, to market it, to sell it. The reality is, therefore, that the notion that you can tabulate jobs by simply subtracting imports from the exports is wrong. The reality is, exports always produce jobs, but imports also produce jobs. The net balance out of this is that more jobs will be produced—more net jobs will be produced with the North American Free-Trade Agreement than without it in both the manufacturing sector and in the service sector.

Yesterday I talked about why I thought this was a historic moment, why this was a legitimate moment to analogize with Thomas Jefferson's decision as to whether to purchase Louisiana or not, or Lincoln and Johnson's decision as to whether to purchase Alaska, or Harry Truman's decision as to whether to reject isolationism and embrace the world economy and try to structure it so we can have an increase in world trade across the board. All of those decisions required vision. All those decisions affected the kind of country that we are. All of those decisions were not easy when they were

made. Whether it was Thomas Jefferson or Lincoln and Johnson or whether it was Harry Truman, they saw the historic moment for what it was and they made the decision. The result is that we are a better country today because of it.

We are a continental power, we have an enormous Alaska as a State of the Union. We have structured a world system of trade and finance that has produced the highest standard of living for the greatest number of people in world history.

That now brings us to today's comments.

I want to address what happens if the North American Free-Trade Agreement is rejected next Wednesday when the House of Representatives convenes.

First, let me suggest that the rejection of the North American Free-Trade Agreement by the Congress of the United States will be viewed around the world as a self-destructive act. It will be viewed by our partners in Europe, in Japan, the developing world, Latin America as a self-destructive act. It is so much in our interest to pass the North American Free-Trade Agreement that when the United States, as the world's greatest power, does not take an action which the rest of the world perceives to be so clearly in its interest, it has ramifications.

There was a time before when we made that mistake. That was back in the early thirties when we passed Smoot-Hawley. Precisely at the time of the depths of the Depression, we decided we would cut off trade with the world. The connection is the rest of the world could not understand it because precisely at the time where Britain and the world economy was no longer able to hold things together, the United States, by the passage of the Smoot-Hawley tariff, chose not to hold things together, chose not to expand, chose not to think of the future, but only that moment. It led to a broader and deeper depression.

So make no mistake, Mr. President, the world will view a vote of "no" on NAFTA next week as a self-destructive act. It will also have more real ramifications for the President of the United States, President Bill Clinton. I believe if the North American Free-Trade Agreement is defeated next week, it will damage his ability to lead in the world; I think it will damage his ability to deal with Congress; I think it will damage his chances for reelection in 1996.

I believe that if the North American Free-Trade Agreement is defeated, that in the month of December, when we are supposed to be completing the GATT trade round, the agreement worldwide, multilateral trade agreement, that either we will not get any agreement or the agreement we get will be less than we could have gotten. The French will not really put on their table what their

final offer is in agriculture. The Japanese will not put on the table what their final offer is in agriculture. We will end up with less of an agreement than we could have gotten. The result will be less trade worldwide and the result at home will be fewer jobs in the export sector.

That will have a direct impact on the President's promise to create 8 million jobs by 1996. As I said, I also think it will damage the relationship with Congress.

Last August, we had a big debate in the Congress about a budget. This was the make-or-break issue for the President of the United States. The reality is that if we had not gotten the budget last August, we would have probably stayed here during the August recess. We would have hammered out something. It would not have been the end of the world. There might have been more spending cuts, a little less tax increase, but we would have come up with some kind of budget. There would have been the next day.

That is not the case here, Mr. President. If the Congress rejects the North American Free-Trade Agreement, it is rejecting the moment when it is offered and there will not come another moment. I think that people have to understand the dynamics of Mexican politics in order to understand why that is so.

A friend of mine, one of Mexico's leading environmentalists, says this is the most historic event in Mexican history since the revolution, the NAFTA. And, indeed, I agree that this is the most historic event in Mexico since the revolution.

Since the revolution, Mexican politics have had an aura that was, shall we say, anti-American. They have sided frequently with the Cubans in the United Nations; they voted against us on many different measures. They had a knee-jerk reaction and, yet, if you are ever in Mexico City, I urge people to go to the Museum of Intervention where they describe all the times the United States intervened militarily in Mexico's affairs. You can say, maybe it was not so irrational, that attitude. But clearly it existed. That ended in the mid-1980's with President de la Madrid and was accentuated and furthered under the leadership of President Carlos Salinas and, for the first time, the Mexicans reached their hand north to the United States and offered a hand of partnership.

If the United States rejects this agreement, it is essentially turning its back on Mexico, looking down at Mexico. It is essentially saying that we reject this once-in-a-century offer by the leaders in Mexico. I believe that would have a tremendously damaging impact. There will be a Presidential election next year in Mexico. A rejection of NAFTA would mean a different kind of Presidential candidate, probably one

much more nationalistic. Clearly in the middle of a Presidential election, there could not be a renegotiation of NAFTA. In my view, it would structure things negatively for the United States-Mexican relationship for the foreseeable future. If it goes down, I hope it will not be that way forever, but it clearly would be for the foreseeable future.

In addition, Mr. President, a rejection of the North American Free-Trade Agreement would send a message that ripples all the way through Latin America, where for the first time since the end of the 19th century, liberal democracy has triumphed, liberal democracy means respect and openness for democracy. It also means open markets; it means a robust private sector; it means seeking worldwide investment; it means seeking to export and accepting imports.

For the first time since the end of the 19th century, Latin America has now essentially opted for this model. It is for better or worse—and I think for better—the American model, and Mexico is the best example of a society that transformed itself. For those of us, for example, in this body who huff and puff about cutting spending, under President Salinas, Mexico has cut spending the equivalent of three Gramm-Rudmans in 4 years. We have not been able to get through one in 5 years. It has opened its markets. It has restored some credibility to its political process. It has a long way to go. In my view, it is not a full democracy yet, but there are two states that have non-PRI governors and it is making progress. Therefore, it is the best example of a leadership that is beginning to transform the country, according to the principles of open trade and liberal democracy, and the market is the allocator of resources.

If we reject this, that says, well, you have done everything we have ever asked of you, Mexico. We wanted you to deregulate, we wanted you to open your markets, we wanted you to allow foreign investment, we wanted you to stop subsidizing, et cetera, et cetera. You have done all that, but still, you are not going to be able to have a partnership with the United States.

What will that say to Argentina that also has taken this move in this direction, or to Chile which has taken a move in this direction, or to Colombia, or to Venezuela? It will essentially say to these countries: No matter what you do, we will always find something wrong where we cannot become partners because of what we find wrong.

So, Mr. President, if this agreement is rejected next Wednesday, it will be a self-destructive act widely perceived. It will affect the President's relationship with the world in terms of his ability to lead. It will produce a GATT agreement that is less than it otherwise

could be. It will damage his relationship with Congress, perhaps even damage his prospect for national health insurance, and it will damage his reelection prospect in 1996.

Mr. President, if it is rejected next week, my deepest regret will be for what that action has prevented us from accomplishing, and that relates a little bit to what I said yesterday. If we have the North American Free-Trade Agreement, we have a unique opportunity to be able to demonstrate how a great power leads in a post-cold-war world.

The problems of the Mexican-U.S. relationship, while unique, have some parallels elsewhere. Europe, for example, has countries to the east and countries to the south. Countries to the south are Moslem countries. In my view, it is unlikely that there will be any significant consolidation with Europe of those countries, for cultural reasons. Countries to the east are part of the Western tradition. What has Europe done? Europe has applauded the end of communism but has said, "We will accept none of your exports. Anything you can sell us, if you have comparative advantage, that is good, but we will not accept them"—the exact opposite of what the United States is proposing to do with Mexico.

I would argue that the lost opportunity, in defeating the NAFTA, would be the opportunity to lead the world by the power of an example that is rooted in pluralism and a Western tradition and rooted in optimism in liberal democracy and rooted in the hope that people can build a better life for themselves if they cooperate with each other and if they think of the future and not the past.

Not that people who oppose this agreement are not wise or are not caring people. Obviously, they are. They are just looking in the rear view mirror. They are looking in the rear view mirror, and they are seeing job loss for the assortment of other changes that I elaborated in the first speech 2 days ago—world markets, international competition, the knowledge revolution, the giant debt.

They see people losing jobs and say to themselves, "Well, we care about them." Of course, we care about them. We should do something for them. We should have health care for them; we should have lifetime education; we should have pension security. But we should not kill off the one hope that a lot of Americans have, and that is a job in the export sector. To defeat NAFTA would go a long way to killing off that hope.

So, Mr. President, I think next Wednesday is going to be a decisive day for this country. It will be a historic vote. If it passes the House, it will come to the Senate. We will have a lot of time to talk about the pros and cons of this issue. But as I think about the votes that I have cast in the Senate in

the last 15 years, I really cannot imagine a more important vote or a vote that will have a longer range impact on the nature of our society, the prospect for our children to have a higher standard of living, and our ability to lead the world by the power of our own example.

I yield the floor.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I ask to speak as if in morning business.

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

Mr. RIEGLE. I thank the Chair.

May I inquire as to how much time the Senator from New Jersey consumed?

The PRESIDING OFFICER. The Senator from New Jersey spoke for approximately 23 minutes.

Mr. RIEGLE. I thank the Chair.

NAFTA

Mr. RIEGLE. I wish to respond to several of the points that the Senator from New Jersey made because I feel very strongly that passage of the NAFTA will be terribly destructive to our country. It will be very damaging to the job base of America. I wish to cite some reasons why I hold that view.

Let me start with the New York Times today, the front page, where other Members of Congress from the very region of the Senator from New Jersey have examined this issue and have come to an entirely different view than the one he expresses. I certainly have respect for him and the view he holds. I just strongly disagree with it.

The headline on the story is "Democrats in New York Area Oppose Clinton on Trade Pact." It also talks about Republicans who oppose him as well. I just want to read a few paragraphs:

As evidence of the steep hill President Clinton must climb if he is to win congressional approval next week of the North American Free Trade Agreement, no Democrat in the New York, New Jersey and Connecticut delegations in the House of Representatives is committed to voting for it.

Three Democratic representatives—Floyd H. Flake, Nita M. Lowey of New York and Robert G. Torricelli of New Jersey—say they have still not decided which way they will go when the trade pact is put to a vote on November 17. But the other 25 Democrats in the three states are firmly opposed to the agreement.

The opponents include such normal Clinton loyalists as Representatives Charles B. Rangel of Manhattan, an influential member of the New York delegation, Charles E. Schumer of Brooklyn, who went out of his way to rally support for the President's budget last summer, and Rosa DeLauro of New Haven, whose husband, Stanley B. Greenberg, Mr. Clinton's pollster, is working hard on behalf of the agreement.

Now listen to this. I am continuing to quote:

The 22 Republican representatives from the three states are divided. Some conservatives

who usually advocate free trade are opposing the pact because they think their congressional districts would suffer. One example is Gerald B.H. Solomon who represents the Hudson River Valley from just north of the New York metropolitan area almost to the Canadian border.

Now listen to this:

The strong opposition to the measure in the New York region is somewhat surprising since many of the area's most important employers, including banks, brokerage houses, insurance companies, pharmaceutical manufacturers and publishing concerns, would indisputably benefit from improved trade with Mexico. Senator Bill Bradley of New Jersey, for one, emphasizes this point when he tries to round up votes for the measure.

I will put the rest of the article in the RECORD. Everything I just read is a direct quotation.

Let us go back to who the winners are. Banks, brokerage houses, insurance companies, pharmaceutical manufacturers and publishing concerns are the ones they cite here. It is not surprising to me that 25 Democrats—

Mr. BRADLEY. Will the Senator yield?

Mr. RIEGLE. Not just at this point, but I will when I have consumed an equal amount of time as did the Senator from New Jersey.

It is not surprising to me that every single Democrat in the House delegation that has taken a position, from the States of New Jersey, New York, and Connecticut, understand that NAFTA will be very damaging to their region of the country and to the whole country. So I have a very strong disagreement with the arguments that were made just a moment ago by the Senator from New Jersey, as do his colleagues, according to this New York Times story on the front page of the paper today.

Now, to the issue of a pluralistic society. We have a pluralistic society in America today, although I am afraid we are losing it. We are losing it to violence. We are losing it to a growth of the underclass, a breakdown of the social order, the grinding down of the middle class—not enough jobs for our people.

I have seen jobs by the thousands leave my State of Michigan to go to Mexico. Under NAFTA many thousands more will leave Michigan, New York, New Jersey, and other States to go to Mexico.

How do I know that? First of all, the economic hydraulics tell us that, if we are realistic about it, you cannot have a situation with these wage differentials where a Mexican worker is paid one-seventh on average of what an American worker is paid and not see these jobs migrate down to the low wage levels, the low environmental standards, the lack of enforcement of labor laws in the workplace, and other things of that kind.

We have seen it already. It is manifest. It is going to multiply the minute

these investment guarantees go into place that are so attractive to the bankers, the securities companies, and the others that are cited in this New York Times article today. Those are the economic elites. Yes, they are the winners under NAFTA. There are people who will carry their case for them. On the other side, the working people of this country are the losers under NAFTA because the number one export to Mexico if NAFTA passes will be American jobs, jobs that we desperately need in this country.

I want Mexico to do well, but not at the expense of this country. We are losing our own country today. We are losing our own pluralism because we do not have enough jobs for our own people.

Some have said, well, if we lose jobs to Mexico, we will put something new in place. We will have maybe an economic security platform. There is no money for an economic security platform. That is not provided for in the NAFTA agreement. There is no program that is going to provide a guaranteed job at the same wage, or hopefully even a better wage, for somebody who loses their job to Mexico. There is nothing proposed along that line.

This is an agreement where the elite of this country, the economic elite who stand to gain, have taken a position directly against the working people of this country.

It is just that plain. It is wrong. People who look at it for any length of time understand it. No other country has ever gone into a free trade agreement with a bordering nation where the standard of living and the labor costs are as low and as vastly different as they are from ours.

When Turkey wanted to come into the Common Market with Europe, with differentials about the same as between ourselves and Mexico, they were turned away. Turkey was turned away. And other countries with a lesser gap—Portugal, Spain, and Greece—were allowed in, but only on the condition that they would raise their standards.

Do you know what the minimum wage today is in Mexico? It is 58 cents an hour. They are talking about saying, well, in the future it will be better—unlike the past, where the living standards have been dropping over the last 10 years for workers in Mexico—over the last 10 years, the real wages for workers in Mexico have gone down; that is the 10-year record. They will go down further in the future, in my view.

Yes, the Mexican Government, as dictatorial as it is, has made a promise that they will allow wages to go up by the increase in productivity. Suppose productivity is 7 percent. Suppose they keep their promises, although they have a lousy record of keeping their promises even to their own people. Amnesty International, which looks around the world to dictatorial govern-

ments, lists Mexico as one of the worst in the world in terms of human rights abuse and responding properly to the needs of their own people.

But suppose they kept this promise, and they allowed a 7 percent wage increase. If that was the productivity increase, year by year, of a 50-cents-an-hour minimum wage, it would take years—years and years—before they would even begin to reach the minimum wage in this country today.

That is why jobs are going to flee south of the border. The other day, President Clinton went to some of the business supporters of NAFTA because he was trying to get votes desperately in the House. He is not getting them out of the Northeast from the House Members because they are smart enough to know how damaging this will be to their region of the country, as is reported in the papers here today.

But he went to the business leaders and he said: Look, I am having a tough time rounding up the votes in the House because everybody is figuring out we are going to lose jobs to Mexico. So he asked the business leaders supporting NAFTA if they would make a public pledge that they would not close plants in America in the future and send those jobs to Mexico. Do you know what the business leaders said? "Sorry, Mr. President, we are not prepared to make that pledge."

Why are they not willing to make that pledge? Because they know darned good and well they are going to have to move jobs to Mexico. In fact, some of these investment companies that are the winners here that are cited in this article are right now out raising millions and millions of dollars of capital, investment capital.

What are they raising it for? They are raising it to go out and buy manufacturing companies here in the United States, manufacturing companies that have a low rate of profitability. And the plan is to buy those plants, close them down, move the plant operation down to Mexico, employ Mexican workers who are only paid one-seventh as much as the American workers who would be losing their jobs; and once the business is relocated in Mexico, run it for 2 or 3 years, improve the profit margins because of low labor costs, drive up the price of the stock, and then sell the stock at a profit.

Meanwhile, you are going to have thousands and tens of thousands of American workers here in New Jersey, in Michigan, and in other States who lose their jobs and have no prospect today of ever finding other jobs.

We talk about job retraining. It is a meaningless phrase. I got a letter the other day from a man in Texas with a masters degree who has been through three job retraining programs and still cannot find a job. I have top graduates from the University of Michigan, from Michigan State University with

straight 4-point averages, great college records, outside activities, part-time job experience, and so forth, circulating their resumes, not finding any jobs and ending up unemployed, going back home to live with their parents. Are they disillusioned about America? You bet they are. Because we do not have a direct job strategy for this country.

Do you know what NAFTA is? NAFTA is a job strategy for Mexico. If it passes, God forbid, next Wednesday, you are going to have 60 million new Mexican workers joining our North American labor force. They will be coming in at average wages of about \$1.25 an hour. That is going to take a lot of jobs out of this country and take them into Mexico. And it is going to continue to pull down wage levels in America. We cannot afford to have our wage levels drop any more in America. They have been dropping for 20 years.

Now, in most families, you have both husband and wife going to work in order to make any semblance of a living. But in many cases, both of them are now having to work two jobs. So both mother and father, probably working four jobs in many families that I know about today, are trying to eke out enough money to support a family because they earn so little in each of the jobs.

How long are we going to let that go on? We wonder about crime in this society. What are the opportunities for young people today in the inner cities, particularly the minority youth? The unemployment rates are 50, 60, 70 percent. Why? There are no jobs. We need jobs in America. We need a jobs plan for this country. And NAFTA is not that. NAFTA is a jobs program for Mexico.

That is why the Mexican Government is spending tens of millions of dollars to ram it through the Congress. It is why the business interests in this country, the economic elite who stand to make billions by moving these jobs, are for it. That is why Bill Brock, former Senator, former Trade Ambassador for this country, has been employed by the Mexican Government at the figure of \$360,000 a year—our former Chief Trade Ambassador is now a lobbyist for Mexico—to ram this thing through.

That is more, by the way, than we pay the President of the United States. That is the kind of special-interest money and pressure that is driving this thing.

But it is going to be destructive of what is left of the middle class in this country, and of our industrial base. We need our industrial base. We do not have replacement jobs. When I hear the economic elite talk about this, whether they run corporations or write newspaper editorials or teach in academic settings, when I ask them if they are willing to work for one-seventh of what they are now being paid—in other

words, to compete head-on with Mexican labor, which is what our manufacturing workers are being asked to do—then they want no part of it. They want no part of it.

In fact, if NAFTA were to work in such a way as it would with the economics to replace the editorial writers, the executives, and the academic people by Mexican replacements earning one-seventh of what they are now presently making here in the United States, they would be against this in a "New York minute".

But, no. They are out of the line of fire. So they are quite willing to feed other Americans into the line of fire.

That is what is wrong with this country these days. We have forgotten about looking after our own people. People in America need work. They need it to live. They need it for dignity. They need it for identity in this society. If you do not have a job in America today, you are a nobody.

There is a story in the paper today. We have 500,000 American veterans who are homeless in America today. Those are veterans, people that wore the uniform of this country, who went off and risked their lives, came home, and not only cannot find a job, but they are homeless, living on hot-air grates, park benches, under doorways and bridges. That is how serious the problem is. Yet, some people wrongly think it is fine to send more jobs to Mexico.

There is a better way. FRITZ HOLLINGS, our colleague from South Carolina, has laid it out. What we need is a common market arrangement where we deal product by product and area by area.

And when they raise their standards up to a point and when it is fair competition based on cost of labor, environmental standards, and workplace standards, then we will have an open trading relationship. We ought to have it, and we ought to want to have it. But it is not smart nor right to rip America apart in the name of creating more jobs in Mexico and enriching the economic elite that will cash in on this to the tune of tens of billions of dollars.

Do you want to know the proof of that? Look yesterday at what happened to the currency market with respect to the peso in some of the Mexican stocks. Yesterday, the value of the Mexican currency went down quite sharply. I do not know what it is doing today. Why did it go down? Because now there is an expectation that NAFTA may well be defeated next week in the House of Representatives—and I hope it is. But what it shows you is that the speculators have been bidding up the price of the peso, and now they are caught short because the American people are speaking and will speak over this weekend, the debate last night notwithstanding. When Members go home this weekend, they

are going to hear from people of their district about their justifiable concerns about the threat to their jobs from this NAFTA agreement.

That is exactly where we stand today. It is essential that this NAFTA be turned down. This package, negotiated by George Bush and Carla Hills, is not worth the paper it is written on. And to try to dress it up with side agreements that have no meaningful enforcement power does not make it one bit better.

I have talked with workers in Michigan 2 weeks ago; I met with women who lost their jobs because the plant was closed and taken to Mexico. They talked to me with tears running down their faces as to how demeaning it is to lose their job and not find a replacement job, to buy all their clothes in yard sales. You cannot demean the American people this way. I know that at the top reaches of our society, where there is lots of money and lots of privilege, NAFTA may look wonderful because that crowd is out of the line of fire. It might have some attractiveness here in the Senate because the people that get hit between the eyes come from a different strata of society.

If we are not going so stand up for them now in the Senate and in the House, I am not sure we have any right to be here. People need work in America today. We are about to put out revised unemployment statistics that will show the unemployment rate in America is much higher than we have been told it is. In fact, the way we calculate the statistics today, if a worker works as little as 1 hour a week, they are counted as employed. You try to live and support yourself or your family on 1 hour of work a week. Yet, we say that person is employed.

We must vote down this NAFTA. The notion that somehow by enlarging the market with this meager amount of income that Mexico has to spend to enlarge the North American market by 4 percentage points, which is what Mexico would bring in if we go into the NAFTA, and at the same time bring in 60 million additional workers from Mexico into the United States work force, to bring in 60 million workers earning \$1.25 an hour on average, in order to get a 4-percent increase in market share, is economic lunacy—unless you are one of the big shooters that is going to cash in on it.

So I understand why the investment houses in New York like it, because they are railroading capital down to Mexico every single day. They got caught short a little yesterday because the peso dropped, and they may lose some more money—and good riddance. If this thing goes down in the House of Representatives next Wednesday, as it should, those speculators, those people trying to cash in on moving jobs from America to Mexico, deserve to lose their money. Better they should lose

their money than some worker and family across this country, numbering in the hundreds of thousands, who would lose their jobs and livelihoods and the ability to even hold their families together.

Our No. 1 requirement in America today is to have more private sector jobs, not in the year 2000 or the year 2010 and at some future time way down the line. People need to eat today and need to feed their children tonight, and they need to get up in the morning and have work to do to provide for their family tomorrow and next week and next month. That is the issue. That is why Bush and Quayle were thrown out, because they missed the boat on the economic issue. Quite to the contrary, I say to my friend from New Jersey, if this thing passes, this will finish Bill Clinton, not reelect him. This is a major miscalculation.

The working people of this country understand this issue because their lives are at stake. We have come to not value their lives very much, in all of the lofty conversation and with all of the lobbyists rolling in here. You know, with all of the big money effort by the Mexicans and all of the big corporate interests and all of the big New York investment interests promoting NAFTA, they roll in here and they have all these wonderful arguments why NAFTA is a good thing. The rank and file people cannot afford a plane ticket to come to Washington to make their case. That is why we are not seeing them. If they could get here, they would fill this place; they would have a ring of people around this building so far you could not see the end with the naked eye, because people are desperate for work in America today. They need to have the work. We cannot afford to send the jobs to Mexico—and to have the effrontery to suggest that we should do that, that we should have a jobs program for Mexico when we cannot put our own people to work—I find that insulting, especially given their own terrible record on human rights and the deprivation of their own people in their own society.

If you try to form a union today to get the wages up in Mexico, you are likely to disappear—I mean really disappear. You are subject to violence and subject to being assassinated if you try to challenge the existing order down there. That is why Amnesty International, as I said, listed them as one of the most dictatorial regimes in this hemisphere.

This whole thing is about big money, big money as against average, every day working people. This is a critical test. It will be a test as to whether the little people of this country still have enough strength to be able to fight back for themselves to protect their own economic future and that of their children.

So I have had it with all of the conversation from the economic elite, who

are out of the line of fire, living off of the fat of the land, with large incomes and great savings accounts and all kinds of nice retirement benefits. They are not the ones that are going to take it on the chin. They are not the ones that are going to have their lives turned upside down when a plant is closed and the jobs are moved to Mexico.

When the last typewriter plant closed in upstate New York and went to Mexico, what happened to those workers? How are they doing today? Have they gotten into a nice retraining program and into nice new jobs? Of course not. That is why every single Democrat in the Congress from the States of New York, New Jersey, and Connecticut that has taken a position on NAFTA—that is all but 3; there are 25 or so that have all taken positions against the NAFTA—against the NAFTA. So let us not be misled on this thing. This is a critical issue for our country and a critical issue for our people.

I want to just end on the theme of pluralism, because I feel as strongly about it as anybody here. You know, we brought African-Americans to this country 300 years ago in chains, in the holds of slave ships. If you look at maps and drawings of those ships, they were made to lay right down on the floor of the slave ship. They actually had a chalk drawing on the floor so they could put as many people in as possible. The children were dropped off first at some port of call in the Caribbean, and the mothers and fathers were taken further up the coast of North America and dropped there. That is what happened in terms of ripping families apart. For all these years now, we have been trying to overcome that problem and have been trying to get social and economic justice for African-Americans in this country, and for Hispanic-Americans, and for Americans of other backgrounds and ethnic and racial origins.

But in order to do that, in order to be a melting pot in America, you have to have enough work to go around. If you do not have work to go around, we fight among ourselves. We fight over the few jobs. We have to have enough jobs for all of our people. We cannot afford to be shipping hundreds of thousands of additional jobs to Mexico at this time. Our economy is in trouble. Make no mistake about it. We have the defense downsizing. Virtually every corporation in America is reducing employment levels, furloughing people. People are going out, circulating résumés. They cannot find work. You are finding people with Ph.D.'s in engineering working in McDonald's, working at other tasks below their skill levels. That is all they can find in order to make a living just to keep food on the table.

Before we bring 60 million workers into our work force from Mexico earn-

ing \$1.25 an hour on average, we have to think about what the impact will be here on our own people. That is our first responsibility.

I know some have this great world view, and I care about the rest of the world—I do very much. But if the American experiment fails because we do not manage our own economy properly and hold our own social order together, we have not proven anything except that we let democracy slip out of our hands.

We have guns all across this society. That is what we have been debating here the last 2 days. I do not want to see a country driven to a point of desperation where people who want to work and have the skills to work and desire and need to work cannot find work, and the jobs are being taken en masse down to Mexico.

That is what we have been seeing in my State of Michigan, and we are increasingly seeing it across the country.

I hope the country is going to be smart enough to understand the dangers involved here. We need to defeat the NAFTA. And I say to every House Member that I hope they have the courage to withstand the pressure from the economic elitists, withstand the arm twisting from the White House, all overtures that if you vote this way we will give you this or that. I hope they will stand up against that.

The NAFTA vote ought not to be for sale. We ought to turn out NAFTA and start over with a fresh negotiation that can look after the jobs and interests of working people and all the people of this country. If it is defeated, that is exactly what will happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I am glad to yield to the Senator from Ohio for a minute or two, whatever he wants without losing my right to the floor to propound a unanimous consent.

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

The Senator from Arizona will retain the right to the floor, and the Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I appreciate the courtesy of my friend from Arizona.

I rise to commend and thank the Senator from Michigan.

Day in and day out, week in and week out, he has been the spokesperson for the workers of this country and leading the opposition to the NAFTA on the floor of the U.S. Senate.

He is aware of the problems and the challenges that are faced by the workers of this country should the NAFTA be enacted.

Senator RIEGLE has come to this floor on many occasions to speak out on this issue. He has held a major rally in his own State. He has been a champion of the cause of working people in

this country on behalf of all of them and all Americans.

I rise to express my appreciation to him.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, it is my intent, with the concurrence of the other side of the aisle, to proceed to S. 1301, the intelligence authorization.

However, the Senator from Washington has been here for a long time, waiting to speak, as is the Senator from Rhode Island.

I ask unanimous consent request that the Senator from Washington has 5 minutes to speak as if in morning business on whatever subject and the same for the Senator from Rhode Island, and then we proceed immediately to S. 1301.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. I thank the Senator from Arizona.

A TRIBUTE TO WASHINGTON STATE VETERANS

Mrs. MURRAY. Mr. President, I rise today to pay tribute to those brave men and women across America and across my State of Washington who have served in the Armed Forces. My father is a veteran, and it is with great pride that I come to the Senate floor today to share my thoughts on the observance of Veterans Day this Thursday, November 11, 1993.

We are reminded time and time again by the radio, newspapers, and television that peace is a rare commodity. Day after day, the images brought to us from around the globe serve as a constant reminder of the price of our freedom. And while it has been said many times before, each year we must remind ourselves that the profound costs of securing our freedom do not end when the guns stop firing and the troops come home.

America's veterans deserve the Nation's respect, thanks, and admiration. But even more, our veterans must be provided with the necessary assistance to help heal the physical and mental wounds of war.

For a time during the Vietnam war, I volunteered at the VA hospital in Seattle, where I saw first hand the difficulties and challenges facing veterans returning from war. I will never forget the pain and anguish, both mental and physical, that many young men and women experienced.

As the daughter of a disabled veteran, I understand the challenges that Washington State veterans and their families face everyday. I have always believed that this country has a special responsibility to provide the highest quality health care and benefits possible to these courageous men and women.

When the parades end and the crowds go home, our veterans need and deserve our support more than ever. Every soldier who returns from war must readjust to civilian life. Some have physical disabilities and need intensive medical care. Some suffer from posttraumatic stress disorder, and others need job counseling or educational assistance.

Tragically today, thousands of veterans live on America's streets, homeless and without care. Even as we struggle with the tough choices necessary to bring down our Nation's troubling deficit, we cannot allow these men and women to fall through the cracks. Whatever challenges we face as a nation, we can never compromise on the care we provide our veterans and their families. They delivered for us. Now we must deliver for them.

Tomorrow is an especially important day for women veterans. Here in Washington, DC, the first memorial specifically in honor of women veterans will be dedicated. This memorial, the product of a decade of commitment and hard work, will commemorate the approximately 11,000 American military women who served in Vietnam. The memorial will provide a healing ground for the thousands of women who served in Vietnam as nurses, physicians, physical therapists, air traffic controllers, and in many other capacities—most of whom were in the midst of conflict, some of whom died. The women who served as medical personnel in Vietnam dealt with extraordinary injuries and worked under extremely harsh conditions.

In addition to the women who were actually stationed in Vietnam during the war, the Vietnam Women's Memorial honors the 265,000 women who served this Nation during the Vietnam war all over the world and in a variety of occupations. These women were stationed throughout Asia, Hawaii, and elsewhere in the United States, caring for the wounded and dying.

Many of the women who served our country during the Vietnam war have had no network of support to rely on since those difficult days. The new memorial will provide them with a place to come together and to heal. The Vietnam Women's Memorial to be dedicated tomorrow will serve as a companion to the treasured Vietnam Veterans Memorial, and I commend all of those who have worked so hard to bring this memorial to life for their most valuable contribution to this city and our Nation.

Mr. President, Washington State is the proud home of more than 650,000 veterans. Tomorrow, across the State of Washington, families and friends will gather to pay tribute to the brave men and women who served, and in some cases died, to preserve our freedom. On this day, and throughout the rest of the year, we must honor our

veterans not only with flags and ceremonies but through active support for the programs, services, and research so vital to our Nation's courageous service men and women.

I am proud to observe Veterans Day 1993, and I am honored to join with the President, the Congress and the citizens of this great Nation in recommitting ourselves to the cause of caring for our veterans and their families.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized for 5 minutes.

NAFTA: SHORT-TERM PAIN WILL RESULT IN LONG-TERM GAIN

Mr. PELL. Mr. President, I speak today regarding the decision I have reached on the North American Free-Trade Agreement, commonly known as NAFTA. I come to this point after months of listening to, reading, and reviewing the hearings on this issue and after visiting with and listening to the views of hundreds of Rhode Islanders who support this proposal and many others who oppose it. Indeed, there has been no lack of opinion on this issue for this trade agreement has sparked the largest and most comprehensive public debate on international trade that I have witnessed in all my years in the Senate. In that connection, I watched the televised encounter between the Vice President GORE and Ross Perot last night and was particularly struck by the excellent points that the Vice President made. The broader debate on this issue is a positive development for it represents a long-overdue acknowledgment of the interconnectedness of the global economy and world marketplace. Today, more than ever before, the United States cannot afford to be indifferent to the rules and conduct of world trade.

I have decided that I will support NAFTA with its accompanying side agreements. I will do so because I believe that in the long run, NAFTA is good for the country as a whole and in particular for my home State of Rhode Island. NAFTA is good for the United States because it will lead to the creation of good, high-wage jobs here in this country as we become the cornerstone of the world's largest free trade zone involving over 365 million consumers who generate over 6.5 trillion dollars' worth of trade annually. NAFTA is good for my home State of Rhode Island because the industries which will benefit most from the agreement are of those that we have in Rhode Island. NAFTA is good because it inaugurates an era in which environmental protection is incorporated in international trade agreements. NAFTA is good because it advances the elimination of trade barriers worldwide, a goal established following

World War II and to which we will be one step closer with culmination of the Uruguay round of GATT talks. NAFTA is good because it marks the commitment of the United States to the positive development of our relationship with Mexico with favorable consequences for future relations with other countries struggling to establish market-based democracies in Central and South America. NAFTA is good because it prepares and positions the United States for the reality of the world marketplace in the 21st century. For all of these reasons, NAFTA should be approved by the Congress when it is considered in the upcoming weeks.

I have reached this conclusion after carefully and thoroughly examining many concerns about the agreement which can be loosely grouped into three basic categories. They are: First, preservation of U.S. jobs and labor standards; second, protection of the environment; and third, implications for international relations in North America and the Western Hemisphere. In each of these areas I have come to the determination that my concerns have been met and that the arguments for NAFTA outweigh those against it.

1. JOBS AND LABOR STANDARDS

Central to the debate over NAFTA are the questions about what impact the agreement will have on jobs, wages, and labor standards in this country. This is appropriate, for as we contemplate adjusting the rules by which this country participates in international trade, we must concentrate on preserving our economic base, providing opportunity for job growth in this country, and protecting the living standards and working conditions which we have labored so hard over the years to achieve. It would be unwise and reckless for us not to appreciate the struggles that our parents and grandparents have gone through to establish humane and responsible workplaces for our workers and an economic base which has the resources and adaptability to insure prosperity for our children.

Likewise, it would be equally foolish to subscribe to the notion that we can afford to be indifferent to changes in the global economy and not adapt our trading rules when it makes sense to do so. As the world changes, we must recognize reality and do what we can in Government to foster rather than hinder economic opportunity and job creation through our trade laws.

In the end, after sifting through all the arguments presented on both sides, my concerns over the potential negative impacts on jobs and labor standards have been met.

First with regard to the sheer numbers of jobs likely to be created or lost, the studies on this issue are widely variant with some predicting substantial job gain and others showing massive job loss. What can one make of

these conflicting views? After looking at the cumulative total of the serious attempts to predict the job impact of NAFTA, I come to the conclusion that there will be modest job growth. Indeed, 22 of 23 independent studies on NAFTA and 16 of 19 living Nobel Prize winning economists—the other three withheld an opinion—all assert that NAFTA will be good for employment in the United States. This confirms my own long-held general belief that free trade is in the best interest of the United States because, given equalized trading rules, we have the ability to be competitive with anyone. This will hold true for NAFTA and the addition of the Mexican market. The reduction of trade barriers in North America will result in somewhat more jobs being created in the United States than are lost.

In Rhode Island, numerous major manufacturers and employers in my State have contacted me stating their support of NAFTA and the belief that it will create opportunity for them to expand their exports and boost their sales. They include companies like Hasbro, American Tourister, Textron, Taco, Allied Signal, and A.T. Cross as well as textile and fabric manufacturers, machinery suppliers, computer companies, and advertisers. They include members of the financial services industry like Fleet Bank and Rhode Island Hospital Trust. Indeed, the largest manufacturing sector in Rhode Island, the jewelry industry, has stated its strong support for the agreement, believing that tariff-free access to the Mexican market will continue the trend of increasing sales to Mexico which began when Mexico began lowering its tariffs in 1987. It is clear that Rhode Island businesses expect to benefit from increased exports as a result of NAFTA.

But the conclusion that there will not be massive job loss but rather modest job gains from NAFTA is not the end of the inquiry about whether or not this is good for American workers. If we gained a million jobs from NAFTA but saw wages drastically reduced, workplace safety protection disappear, and the gradual erosion of benefits such as health care and unemployment compensation, then this agreement would not be worth signing. In this regard, the President, the relevant Federal agencies, and the Congress have made their intentions clear that this will not be allowed to happen and I am convinced that all will follow through on their commitments.

First of all, the harmonization of workplace standards such as safety concerns, child labor, and the minimum wage will be harmonized upward from Mexico's current law, not down from the United States. Moreover, the United States and individual States are free to impose whatever additional safeguards they may want within their

own jurisdictions. Second, no administration in history has ever taken so seriously the Federal Government's responsibility to ensure quality health care for all Americans. American workers' health care benefits are not threatened by NAFTA. Third, the administration has pledged worker retraining programs which will ensure that workers who do lose their job because of NAFTA—or any other cause for that matter—will have the opportunity to gain the skills to find new jobs in today's modern work force.

All in all, I believe that American workers have much to gain from the agreement, and that the potential negative effects have been thoughtfully and adequately addressed so that their impact will be as minimal as possible. It is also important that with NAFTA, the United States will be committing itself to a strategy of competing with Japan and Germany and other advanced nations for the high-tech, high-wage jobs of the future rather than the jobs of the past. As a result, I believe that the American worker of tomorrow will stand a much better chance of maintaining the standard of living that he enjoys today.

2. PROTECTION OF THE ENVIRONMENT

Regarding environmental protection, I believe NAFTA moves forward in the effort to combat destructive practices throughout North America. I note that the major environmental groups are themselves split over whether or not to endorse NAFTA. In my view, I feel that there are three compelling reasons in the environmental arena which argue for the approval of NAFTA.

First, this trade agreement marks the first time in our Nation's history that environmental issues have ever even made it to the negotiating table in an international trade agreement. This is important for if NAFTA is approved, it will set a precedent that the environment can and should be part of future trade agreements. If NAFTA is not approved on environmental grounds, its rejection may augur ill for its inclusion at all in future trade negotiations. I believe that it is important that we recognize the importance of establishing once and for all that environmental issues belong in international trade negotiations.

Second, the environmental problems from which we recoil in Mexico, especially on the Mexican border, are not the product of NAFTA but rather the product of not having something like NAFTA which requires that the Mexican Government actually do something about its environmental problems. Without NAFTA, companies committing irresponsible and often criminal acts of pollution will have no incentive to change their ways. Nor will the Mexican Government face any additional pressure to crack down on them. Indeed, many predict that the problems will actually get worse. NAFTA gives

the United States the ability to challenge abuses and require that Mexico cannot disregard protection of the environment.

Third, contrary to the assertions of those opposing NAFTA, nothing in the agreement or side agreements will allow the circumvention of environmental laws in this country. Concern has been raised about the possibility of losing control over who will decide environmental standards. This agreement will allow local control to remain in place. States and local jurisdictions will retain full authority to establish and maintain whatever environmental standards they wish. This is important in Rhode Island where we have a proud tradition of establishing and maintaining high standards of environmental protection. This agreement does nothing to threaten this tradition.

In sum, I believe that while the environmental provisions of the agreement are not perfect—we could have a speedier dispute resolution process for example—we are better off with the agreement than without it. Without NAFTA we have no ability to effect change in Mexico. Our companies would still have to compete with Mexican companies and to the extent that Mexican companies are ignoring environmental protection now to gain competitive advantage they will still do so. Moreover, I again note that with NAFTA, we begin down the road of international recognition of the inclusion of environmental protection in our trade agreements, accelerating the day when it will no longer be considered extraordinary to have environmental provisions considered in all trading arrangements. For these reasons, I believe that NAFTA should be supported on environmental grounds.

3. INTERNATIONAL RELATIONS IMPLICATIONS

One area that has not received nearly as much attention it should is how the acceptance or rejection of NAFTA by the United States will affect the relations between the countries involved as well as the rest of Central and South America. This issue, however, should not be ignored. Without doubt, the acceptance or rejection of NAFTA will send signals throughout the hemisphere about the direction the United States will take as it embraces the next century. It is important, then, that we determine what message will be sent if we choose to accept or reject NAFTA and how much of a role should that play in our decisionmaking process?

If we accept NAFTA, it is almost universally agreed that reaction in Mexico, Canada, and the rest of the Western Hemisphere will be positive. Such an action would signal a willingness by the United States to use its influence to further an ongoing effort to reduce the barriers between our countries with the goal of common advantage. It serves our purpose to be responsible,

interested, openminded, and engaged when it comes to determining the international economic affairs of our region. Support of NAFTA by the United States would be viewed as all these things in Mexico, Latin America, and South America. Moreover, it would provide support and credibility to the young and struggling efforts to establish democracies throughout the nations of these regions. Mexico, it is clear, does not have the democratic tradition of the United States. Abuses of power and influence are still a reality today. But progress is being made and NAFTA furthers that progress. We should encourage that.

In addition, I believe we must acknowledge the rise of regional trading blocs around the world, namely in the European Community and in the Pacific Rim, and what advantages a competitive North American free trade block would allow. Eventually, the free trade zone may grow to encompass all of North and South America enabling us to prepare for what will be the reality of the 21st century in world trade. If we draw in and build tariff walls around the United States, we will be ignoring the clear trend in the rest of world trade and thereby place ourselves at a disadvantage in the future world marketplace.

Yet another consideration is the impact NAFTA will have on illegal immigration. In the long run, I believe that with the stabilization of the workplace conditions and the raising of the standard of living in Mexico, as well as the location of industry away from the United States-Mexican border, illegal immigration will decline. Moreover, it is additionally predicted that as stable employment becomes available in Mexico, illegal immigrants in this country will return to Mexico. NAFTA will do more to reduce illegal immigration than it will to increase it.

The importance of these considerations cannot and should not be dismissed. The United States gains tremendously from expanded trade, new markets, and cordial relations in the Western Hemisphere and to the extent that NAFTA and free trade can further these aims, it should be considered as a factor favoring approval of the accord.

On the contrary, should the United States reject NAFTA, there will be a negative backlash in Mexico and to a lesser extent throughout Central and South America. The Government of Mexico has staked much of its political capital in negotiating NAFTA, working against years of mistrust and outright antagonism toward the United States which was part and parcel of official government policy for most of this century. It would be all too easy for anti-American sentiment to rise again if the United States were to reject an agreement which was negotiated in good faith and at great risk by those in power in Mexico. It also can be reason-

ably assumed that Mexico would not engage in the foreseeable future in any negotiations of concern to the United States. Such an event would be a setback for hemispheric affairs and would be extremely regrettable.

Given these likelihoods of international reaction, the question becomes how much should this be taken into consideration in the calculus of whether to support NAFTA? While consideration of these factors should not be overriding, they also cannot be ignored if we are to be responsible in hemispheric affairs and they would argue with a clear voice for supporting NAFTA.

SUMMARY

In conclusion, after examining all of the arguments which have been presented in this complex and far-reaching agreement, I repeat that we should support NAFTA. In making this decision, I note that I am going against the sentiments of many of my friends in the labor community whom I have supported over the years for their tireless work in furthering the concerns of American workers. Undoubtedly I will continue to do so but simply believe that in the end, the American worker will benefit from this agreement. I have no illusions that some will not lose their jobs but with an appropriate safety net, we can provide a future where new, better jobs will be available for them. I have often said that this agreement amounts to short-term pain for long-term gain and if NAFTA is implemented, I look forward to the day that we can look back and point to our having the courage to take this historic and important step forward.

HEMISPHERIC DIALOG ON THE BROADER MEANING OF THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. DODD. Mr. President, I attended a remarkable event today, and I would like to take a few moments to tell my colleagues about it.

This event—attended by officials of the United States, Mexico, Canada, the Organization of American States and Inter-American Dialogue—took place at the Inter-American Development Bank. The bank and its president, Dr. Enrique Iglesias, organized it to demonstrate the broad-based support that exists for the North American Free-Trade Agreement throughout the Americas, and I commend Dr. Iglesias for his efforts. All too often we overlook the regional implications of our imminent decision on this agreement, and I think today's event helped put those implications in sharper focus.

For this reason, I believe the gathering was a historic one. It symbolizes a shift in the relationship between the United States and its neighbors to the south. While the geographic distance between the United States and the

other nations of the hemisphere is relatively small, the economic and political distance has been distressingly wide over the years.

The countries of Latin America and the Caribbean largely closed off their economies to ours. Economic nationalism was the ideology; protectionism and high barriers to trade were the result.

In recent years, nothing short of a revolution has swept the hemisphere. Cross-border tariffs have fallen; cross-border trade has grown. Mutual suspicion has dissipated; mutual understanding has increased. A hemisphere that was long divided by differences over ideology and economics has come together around the shared principles of democracy and trade.

This message came through clearly in five video-taped speeches delivered to this morning's gathering by heads of state from all across the hemisphere. Gonzalo Sanchez de Lozada, President of Bolivia; Cesar Gaviria Trujillo, President of Colombia; Rafael Leonardo Callejas R., President of Honduras; P.G. Patterson, Prime Minister of Jamaica; and Luis Alberto Lacalle, President of Uruguay, all spoke eloquently of the broader implications of Congress' decision on the North American Free-Trade Agreement.

As these leaders made clear, the eyes of the entire hemisphere are on this body: Congress' decision will reverberate throughout the Americas. These nations will interpret a vote for the trade agreement as a signal that the United States remains true to its historic ideal of free trade and that it supports the course of reform most of our neighbors have pursued.

Conversely, the five heads of state also made it clear that a vote against the free-trade agreement would be seen as a cold, hard slap in the face to reformers who have been pushing the painful changes that the United States has long urged them to adopt.

I would like to give my colleagues the opportunity to read for themselves what these five leaders said this morning, and I hope Members will keep these words in mind when they cast their votes on the North American Free-Trade Agreement next week. I ask unanimous consent that the five statements appear at this point in the RECORD.

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

GONZALO SANCHEZ DE LOZADA, PRESIDENT OF BOLIVIA

NAFTA is of vital importance for the world, for our hemisphere, and for my country, Bolivia. By uniting the economies of Canada, the United States, and Mexico, NAFTA creates the world's largest trading bloc. It will be like a sun, and the rest of the economies of our hemisphere will be like planets in orbit around it, bringing down

trade barriers between our nations and having, eventually access to this wonderful system of free trade, standardization of democratic practices, labor laws and environmental sensitivity.

We can't underestimate how important NAFTA is as a symbolic message of inclusion and not of exclusion. For the first time in history, the countries of the developed world invite the underdeveloped world to join in the great project which will be a project to create wealth, to bring social justice and more equality in the framework of freedom.

We think that the dynamics of this market will be so important that it will oblige other trading blocs around the world to start to bring down the walls which they are building in preparation for trade wars. We think it will be what will lead the world into a truly world economy. And in this way, it will bring hope to the underdeveloped part of the world with work, with dedication to education and health, with care toward the environment. And with justice, we can export not just violence and drugs, but products, creativity, and value-added.

We must understand that without NAFTA things will be very dark indeed. With it, it will be a beacon of hope, although we know that time will go by before we're reincluded in that trading market. But we know that eventually, as we achieve certain standards and as we achieve levels of growth and maturity and development in our economies, we have the possibility of having trade and not only looking for aid.

As the Cold War has finished, there is no longer the incentive for the developed world to bring aid to our countries. And this means that we must look for trade. A country like Bolivia that stopped hyperinflation in democracy, the first country in Latin America to do so, and opened up its markets, and has achieved stability, not only economic but democratic stability—we know that we must have trade if we want to continue and if we want to have a future. And it is for this reason that we're so devoted to and so interested in seeing that NAFTA takes place, and we can look forward with confidence to the future, not with preoccupation and uncertainty.

So, on behalf of the present but especially on behalf of the future, I would very strongly say that this decision—a positive decision on the NAFTA treaty—will be a historical decision and a very positive one. We will be waiting then, full of hope, for the final decision and thinking that it is for the good of the countries involved, but especially for the whole of Latin America, for the whole of America in the future years.

CESAR GAVIRIA TRUJILLO, PRESIDENT OF
COLOMBIA

Throughout history, Latin America and the United States have striven to create a real partnership for the Americas, a relationship based on mutual benefit and equal opportunity. For years, we talked about the importance of having trade and not just receiving aid from the United States. But it was just talk, nothing else. In the past, foreign assistance was the predominant means by which the United States helped emerging nations to develop their economies. Until now, Latin American nations raised protectionist walls around themselves while the United States looked towards other markets to expand its trade.

Two developments have significantly altered that scenario: the North American Free Trade Agreement and the silent economic and democratic revolution undergone by Latin America. NAFTA is a watershed in

our history. We view this initiative as a critical step towards the creation of a hemispheric free trade zone of democratic nations. NAFTA is a means to achieve greater prosperity for all the Americas, north and south of the Rio Grande. It's also a catalyst for political change as well as for strengthening democracy and respect for human rights throughout the region.

My own country, Colombia, is an example of how economic integration and the opening of markets within a democratic framework can bring about progress and prosperity for its citizens. The Colombian government is deeply committed to trade reform and reduced tariff rates from an average of 48% in 1987 to 11.4% today. As a result of this policy change, U.S. exports to Colombia increased a dramatic 68% last year, creating an estimated 45,000 new jobs for American workers. Members of the U.S. Congress who are uncertain as to whether NAFTA will be good for their constituencies have only to look at the example of the dynamic rise of U.S.-Colombian trade since its liberalization. Hasn't Colombia taken important steps to promote the kind of economy envisioned by NAFTA? As a result of these actions, our trade with a country like Venezuela increased from \$500 million in 1990 to \$1 billion in 1992, and they reached \$1.5 billion at the end of the current year.

You may ask yourself, What does all this have to do with NAFTA? A great deal. NAFTA is a continuation of the trade liberalization process under way throughout Latin America, including negotiations of MERCOSUR, the Andean Pact, the G3 (Colombia, Venezuela and Mexico) as well as the talks to reduce Central American and Caribbean tariffs. Colombia and its South American neighbors support NAFTA because we believe it's a critical step to the economic integration of the Americas.

Given our successful experience, we are startled by the growing calls for isolationism and protectionism ignited by the NAFTA debate in some quarters of the United States. After all, the United States has benefited from developing successful trade relations around the world, and rising exports are driving the U.S. economic recovery. This demonstrates that free trade produces concrete economic benefits for everyone who has the courage to overcome initial fears.

As the U.S. Congress prepares to cast its historic vote on NAFTA, its members should be aware that it represents much more than just signing a treaty. Its passage or its defeat will have lasting effects on the entire continent. Moreover, NAFTA's defeat may stifle further progress, a loss for both industrialized and developing nations.

As President Clinton stated recently, the real job gains from NAFTA will come when we take the agreement and take it to Chile, to Argentina, to Colombia, to Venezuela, to other market-oriented democracies in Latin America and create a consumer market of 700 million people—soon to be over a billion people in the next century. Thank you.

RAFAEL LEONARDO CALLEJAS R., PRESIDENT OF
HONDURAS

Barely one week ago in Guatemala, the presidents of six Central American countries, including mine, Honduras, unanimously approved absolute support of the North American Free Trade Agreement, NAFTA. In spite of the uncertainties it generates in our own societies and economies, we understand that the free trade agreement between the United States, Canada, and Mexico opens a unique opportunity to generate increases in trade, and consequently, gains in economic growth,

and therefore higher benefits for our people. All that we request is that NAFTA open the alternative for the six Central American countries; that once we constitute ourselves into a free trade zone, we have access to NAFTA under conditions that make us competitive with the other partners, especially Mexico.

We don't fear this type of association because we believe—and I personally—that free trade is the alternative for economic development and growth. So why fear? Obviously in this new world there are winners and losers. Those who lose are the groups, the persons, the societies and countries that persist on a protectionist alternative. We believe, I believe, that competition is clearly associated with free trade; and therefore, I can stress that we hope that you support the NAFTA free trade agreement. And that once it is approved—which we hope it will be—then you support us, the Central American countries, in order that jointly we can proceed to adapt ourselves and incorporate ourselves to the biggest market of the world.

This decision will change the realities of the whole Western Hemisphere, and it's most probable that when NAFTA is signed, other countries on the continent will be clearly adapted to this mentality. Let's go ahead, let's support NAFTA. Let's request that the Congress of the United States, the Senate of the United States, that they too understand the realities of globalization of this new world. And push forward. Obviously there are risks involved. But the biggest risk of all is not making the right decisions with respect to NAFTA.

P.G. PATTERSON, PRIME MINISTER OF JAMAICA

The end of the Cold War that for so long dominated the world provided leaders and governments with a welcome opportunity to end their preoccupation with destruction and to concentrate their energies and resources on human development on this planet which we all inhabit.

Experience has shown that the free market system provides the best method by which to achieve economic growth and social development. For this system to be effective, there must be the opening of world markets and an end to protectionism. Tariff barriers must be removed. The world economy will be increasingly globalized, market driven and technologically oriented.

Here in Jamaica, we have taken the tough decisions to transform our economy into one that is market driven. My administration has, with unswerving determination, taken the road toward full transformation of our economy. We have begun the process of simplifying and improving the effectiveness of our tax and incentive systems. We are pursuing a policy of privatization. Our private sector is now taking up the challenge to move our economy into the 21st century of free trade, where competition is intense and protectionism is no more.

We in the Western Hemisphere must ensure that we are not left behind as other countries around the world develop regional trading blocs, large in size and of great market potential.

Within the Caribbean and Latin American region we have strengthened our economic and trading associations through CARICOM, the planned association of Caribbean states, and through new trading initiatives with the countries of Latin America.

We firmly believe that the North American Free Trade Agreement (NAFTA) offers a unique opportunity to build mutually beneficial relationships between the three nations involved. We view NAFTA as the first

important step towards a hemispheric free trade area that has the potential to lift the standard of living of the people of this hemisphere, thereby ensuring the spread of democracy and the maintenance of political stability.

We believe the coming into being of NAFTA would mark a historic moment for the people of the hemisphere and the people of the world. As with every new experience, there will be moments of initial apprehension. There will be the need for adequate transitional provisions. But it is indeed a bold step in the direction that we must all take. Thank you.

LUIS ALBERTO LACALLE, PRESIDENT OF THE
REPUBLIC OF URUGUAY

The people and government of Uruguay are following with great interest these final stages of negotiation of the treaty amongst the governments of Canada, Mexico and the United States. We see it as a very important milestone in the history of the end of the 20th century. We see it as a natural tendency of uniting markets, of creating wider economic zones. That is a tendency we see the world over. But in this case, as Mexico belongs to Latin America, we see it as a historical step toward renewed and more fruitful relationships between North America and its southern neighbor Mexico. And of course, we see it as a signal that perhaps in the future we will be able to widen that kind of cooperation.

It is true the history of the United States tells us very loudly that trade and prosperity through the opening of markets is a reality. That everyone benefits when there is more trade. That jobs will be created. That opportunities will be also created. So we do think that it is in the best philosophy and interest of the concerned parties in the first place. But it is also in the best interest of a more developed and deep relationship with the rest of Latin America that this treaty be approved. These days, when we see that trade is the central issue of politics, when people are demanding more than anything to be able to trade more freely and to generate opportunities, we do think that this is a step in a very positive direction.

My colleagues here in South America, we recently had a meeting in Santiago de Chile, and it was in the center of our discussions: the final decision on the NAFTA treaty. So if I could convey to the people of Congress in the United States, to the people in business, to the people in labor unions, some kind of message, I would say that the rest of America is looking very keenly at this decision because it can be a signal of better days for everybody. We are thinking not in terms of one administration, of one government, but in terms of creating stable economic relationships, and of course through that, more stable institutions, and stronger democracy all over America.

We are no longer as Latin Americans part of a problem; we are part of the solution. Many millions of jobs in the United States depend on trade with Latin America. I would almost say all of our imports—80% of them—come from the United States. So all kinds of cooperation, all kinds of opening of opportunities will be seen as a very positive sign, not only by governments, not only by presidents, but by the people that work and live in my country.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1301.

The legislative clerk read as follows:

A bill (S. 1301) to authorize appropriations for fiscal year 1994 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment on page 14, line 24, to strike "(c)" through "Treasury" on page 15, line 2.

So as to make the bill read:

S. 1301

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

Sec. 202. Technical corrections.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. General Counsel of the Central Intelligence Agency.

Sec. 402. Technical amendments to the CIA Act and National Security Act.

TITLE V—DEPARTMENT OF DEFENSE

Sec. 501. Foreign language proficiency pay for members of the reserve components of the Armed Forces.

Sec. 502. National Security Education Trust Fund.

TITLE VI—FEDERAL BUREAU OF INVESTIGATION

Sec. 601. Federal Bureau of Investigation counterintelligence access to consumer credit records.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the conduct of the intelligence activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The National Reconnaissance Office.
- (6) The Central Imagery Office.
- (7) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Federal Bureau of Investigation.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized

to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1994, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate to accompany (S. 1301) of the One Hundred Third Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—The Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1994 under section 102 of this Act whenever the Director determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1994 the sum of \$144,588,000. Within such amounts authorized, amounts identified for the Advanced Research and Development Committee shall remain available for obligation through September 30, 1995.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Account of the Director of Central Intelligence is authorized 237 full-time personnel as of September 30, 1994. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1994, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than 1 year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1994 the sum of \$182,300,000.

SEC. 202. TECHNICAL CORRECTIONS.

(a) CORRECTIONS.—The Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) is amended as follows:

(1) In section 101(7)—

(A) strike out the comma after "basic pay" and insert in lieu thereof "and"; and

(B) strike out ", and interest determined under section 281".

(2) In section 201(c), strike out "proviso of section 102(d)(3) of the National Security Act of 1947, (50 U.S.C. 403(d)(3))" and insert in lieu thereof "requirement in section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5))".

(3) In section 211(c)(2)(B), strike out "the requirement under section 241(b)(4)" and insert in lieu thereof "prior notification of a current spouse, if any, unless notification is waived under circumstances described in section 221(b)(1)(D)".

(4) In section 221—

(A) in subsection (a)(4), strike out "(or, in the case of an annuity computed under section 232 and based on less than 3 years, over the total service)";

(B) in subsection (f)(1)(A)—

(i) insert "after the participant's death" before the period at the end of the first sentence; and

(ii) strike out "after the participant's death" in the second sentence;

(C) in subsection (g)(1), strike out "(or is remarried)" and insert in lieu thereof "(or is remarried, "; and

(D) in subsection (j), strike out "(except as provided in paragraph (2))".

(5) In section 222—

(A) in subsection (a)(7), strike out "any other annuity" the first time it appears and insert in lieu thereof "any survivor annuity";

(B) in subsection (c)(3)(C), insert "the participant" before "or does not qualify"; and

(C) in subsection (c)(4), strike out "shall terminate" and all that follows and insert in lieu thereof "in the case of a spouse, shall terminate on the last day of the month before the spouse dies, and, in the case of a former spouse, shall terminate on the last day of the month before the former spouse dies, or on the last day of the month before the former spouse remarries before attaining age 55".

(6) In section 224(c)(1)(B)(i), strike out "former participant" and insert in lieu thereof "retired participant".

(7) In section 225(c)—

(A) in paragraph (3), strike out "any other annuity" the first time it appears and insert in lieu thereof "any survivor annuity"; and

(B) in paragraph (4)(A), strike out "1991" and insert in lieu thereof "1990".

(8) In section 231(d)(2), strike out "241(b)" and insert in lieu thereof "241(a)".

(9) In section 232(b)(4), strike out "section 222" and insert in lieu thereof "section 224".

(10) In section 234(b), strike out "sections 241 and 281" and insert in lieu thereof "section 241".

(11) In section 241—

(A) in subsection (c), strike out "A lump-sum benefit that would have been payable to a participant, former participant, or annuitant, or to a survivor annuitant, authorized by subsection (d) or (e) of this section or by section 234(b) or 281(d)" and insert in lieu thereof "A lump-sum payment authorized by subsection (d) or (e) of this section or by section 281(d) and a payment of accrued and unpaid annuity authorized by subsection (f) of this section";

(B) redesignate subsection (f) as subsection (g); and

(C) insert after subsection (e) the following new subsection (f):

"(f) PAYMENT OF ACCRUED AND UNPAID ANNUITY WHEN RETIRED PARTICIPANT DIES.—If a

retired participant dies, any annuity accrued and unpaid shall be paid in accordance with subsection (c)."

(12) In section 264(b)—

(A) in paragraph (2), insert "and" after the semicolon at the end;

(B) in paragraph (3), strike out "and to any payment of a return of contributions under section 234(a); and" and insert in lieu thereof ", and the amount of any such payment;"; and

(C) strike out paragraph (4).

(13) In section 265, strike out "Act" each place it appears and insert in lieu thereof "title".

(14) In section 291(b)(2), strike out "or section 232(c)".

(15) In section 304(i)(1), strike out "section 102(a)(3)" and insert in lieu thereof "section 102(a)(4)".

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of February 1, 1993.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

There are authorized to be appropriated to carry out the purposes of this Act such additional amounts for fiscal year 1994 as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations in this Act does not constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) POSITION ESTABLISHED.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following:

"GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY

"SEC. 20. (a) There is a General Counsel of the Central Intelligence Agency appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The General Counsel of the Central Intelligence Agency is the chief legal officer of the Central Intelligence Agency.

"(c) The General Counsel of the Central Intelligence Agency shall perform such functions as the Director of Central Intelligence may prescribe."

(b) PAY FOR POSITION.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"General Counsel of the Central Intelligence Agency."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SEC. 402. TECHNICAL AMENDMENTS TO THE CIA ACT AND NATIONAL SECURITY ACT.

(a) AMENDMENTS TO CIA ACT.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended as follows:

(1) In section 5(a)—

(A) strike out "Bureau of the Budget" and insert "Office of Management and Budget"; and

(B) strike out "sections 102 and 303" and insert in lieu thereof "subparagraphs (B) and (C) of section 102(a)(2), subsections (c)(5) and (d) of section 103, subsections (a) and (g) of section 104, and section 303".

(2) In section 6, strike out "section 102(d)(3)" and insert in lieu thereof "section 103(c)(5)".

(3) In section 19(b)—

(A) strike out "231" in the subsection heading and in the matter after clause (iv) and insert in lieu thereof "232"; and

(B) strike out "(50 U.S.C. 403 note)".

(b) AMENDMENTS TO NATIONAL SECURITY ACT.—Section 103(d)(3) of the National Security Act of 1947 is amended by striking out "providing" and inserting in lieu thereof "provide".

TITLE V—DEPARTMENT OF DEFENSE

SEC. 501. FOREIGN LANGUAGE PROFICIENCY PAY FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) BONUS AUTHORIZED.—Section 316(c) of title 37, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) Under regulations prescribed by the Secretary concerned, when a member of a reserve component who is entitled to compensation under section 206 of this title meets the requirements for special pay authorized in subsection (a), except the requirement prescribed in subsection (a)(1), the member may be paid an annual foreign language maintenance bonus.

"(2) The amount of the bonus under paragraph (1) shall be determined by the Secretary concerned but may not exceed the annual equivalent of the maximum monthly rate of special pay authorized under subsection (b) for a member referred to in subsection (a)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 502. NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1904(e)) is amended by adding at the end thereof the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund."

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking "(1)";

(2) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2); and

(3) by striking paragraph (2).

[(c) TRANSFER OF FUNDS REQUIREMENT.—The Secretary of Defense shall transfer \$25,000,000 from the National Security Education Trust Fund to the miscellaneous receipts account of the Treasury.]

TITLE VI—FEDERAL BUREAU OF INVESTIGATION

SEC. 601. FEDERAL BUREAU OF INVESTIGATION COUNTERINTELLIGENCE ACCESS TO CONSUMER CREDIT RECORDS.

Section 608 of the Fair Credit Reporting Act (15 U.S.C. 1681f) is amended—

(1) by striking "Notwithstanding" and inserting "(a) DISCLOSURE OF CERTAIN IDENTIFYING INFORMATION.—Notwithstanding"; and

(2) by adding at the end the following new subsection:

"(b) DISCLOSURES TO THE FBI FOR COUNTERINTELLIGENCE PURPOSES.—

"(1) CONSUMER REPORTS.—Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish a consumer report to the Federal Bureau of Investigation when presented with a written request for a

consumer report, signed by the Director of the Federal Bureau of Investigation (hereafter in this section referred to as the 'Director') or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(A) such records are necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought is a foreign power or an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978.

"(2) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(A) such information is necessary to the conduct of an authorized foreign counterintelligence investigation; and

"(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978.

"(3) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of such consumer reporting agency may disclose to any person, other than those officers, employees or agents of such agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this subsection, that the Federal Bureau of Investigation has sought or obtained a consumer report or identifying information respecting any consumer under paragraph (1) or (2), nor shall such agency, officer, employee, or agent include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such a consumer report or identifying information.

"(4) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing credit reports or identifying information in accordance with procedures established under this title, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this subsection.

"(5) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this subsection outside of the Federal Bureau of Investigation, except to the Department of Justice as may be necessary for the approval or conduct of a foreign counterintelligence investigation.

"(6) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection

with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this subsection shall be construed to authorize or permit the withholding of information from the Congress.

"(7) REPORTS TO THE CONGRESS.—On a semi-annual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to paragraph (1) and (2).

"(8) DAMAGES.—Any agency or department of the United States obtaining or disclosing credit reports, records, or information contained therein in violation of this subsection is liable to the consumer to whom such records relate in an amount equal to the sum of—

"(A) \$100, without regard to the volume of records involved;

"(B) any actual damages sustained by the consumer as a result of the disclosure;

"(C) such punitive damages as a court may allow, where the violation is found to have been willful or intentional; and

"(D) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney's fees, as determined by the court.

"(9) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this subsection and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(10) GOOD-FAITH EXCEPTION.—Any credit reporting agency or agent or employee thereof making a disclosure of credit reports or identifying information pursuant to this subsection in good-faith reliance upon a certificate by the Federal Bureau of Investigation pursuant to provisions of this subsection shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(11) LIMITATION OF REMEDIES.—The remedies and sanctions set forth in this subsection shall be the only judicial remedies and sanctions for violations of this subsection.

"(12) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this subsection, injunctive relief shall be available to require compliance with the procedures of this subsection. In the event of any successful action under this subsection, costs together with reasonable attorney's fees, as determined by the court, may be recovered."

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided, on the bill itself. There is an agreement for 2 hours and 10 minutes for debate on the amendment of the Senator from Ohio [Mr. METZENBAUM]. Three amendments are in order during the time of debate on the bill itself.

The pending question at this time is the committee amendment on page 14, line 24.

Is there any further debate on that amendment?

If not, the question is on agreeing to the amendment.

The committee amendment on page 14, line 24, was agreed to.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I thank the Chair for the restatement of the unanimous-consent agreement and the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, it is a distinct privilege for me in this my first year as chairman of the Select Committee on Intelligence, to present to the Senate, along with my distinguished colleague from Virginia and vice chairman of the committee, Senator WARNER, S. 1301, the Intelligence Authorization Act for fiscal year 1994.

As always, this has been a bill arrived at by the committee after many hours of hearings and briefings, after digesting literally thousands of pages of budget justification program relating to every intelligence program undertaken by our Government.

Indeed, Mr. President, I daresay that there is not another area of Government activity that receives the kind of detailed scrutiny of its activities from the Congress than does the area of intelligence. We are blessed with a particularly talented, knowledgeable staff who serve well the interests of the committee and the Senate as a whole.

Mr. President, this bill authorizes funding for fiscal year 1994 for all of the national intelligence activities of the Federal Government, to include those of the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the Central Imagery Agency, and the intelligence elements of the military departments, the FBI, and the Departments of State, Treasury, and Energy. In addition, it provides certain administrative authorities which I will explain in more detail at the end of my statement.

Because the amount authorized for national intelligence programs is classified by the executive branch, as well as the amounts authorized for specific programs, I am unable to provide specifics in an open session of the Senate. Every Senator is entitled to know, however, what is being authorized for every intelligence activity if he or she desires. As we do each year, the committee invited Members to come to its offices to see the specific numbers for themselves, or, if they preferred, to be briefed on them.

While I am unable to provide the specific numbers, Mr. President, the bill we are recommending today represents

a significant cut from the administration's original request and would essentially hold the line at or just below last year's appropriated level. This would mean that for a fifth consecutive year, dating back to the fall of the Berlin Wall and collapse of the Soviet Union, the budget for national intelligence activities has declined. Overall, if this bill is enacted, intelligence resources will have shrunk 13 percent in real terms when compared with 1989 appropriations.

Last year, the cut imposed by Congress was particularly severe, the largest percentage cut in at least 20 years. In addition to these funding cuts, Congress levied an across-the-board 17.5-percent reduction in personnel in all intelligence agencies, including the CIA, by 1997. So, there should be no mistake, Mr. President, intelligence has been cut and cut severely over the last 5 years. Functions are being consolidated, and agencies are being streamlined.

The administration, moreover, continues to tell us that it intends to fulfill its pledge to cut the prior administration's projected spending for intelligence by \$7 billion over the next 4 years. It is optimistic that intelligence capabilities can be further restructured in a way that additional savings will be possible. At the same time, it urges us to work with it to draw down in a measured way which will leave the United States with a flexible but adequate capability to gather and analyze information needed by the President and other policymakers, by our military forces, and by literally thousands of other intelligence consumers in government and industry. The cuts being recommended to the Senate in this year's authorization bill, in my view, represent such a measured approach.

Yes, the world has changed. We no longer face the same sort of threat to our survival that we faced during the cold war. At the same time, we cannot ignore the legitimate and continuing demands being placed upon intelligence.

To begin with, the focus of United States intelligence during the cold war, namely the military threat posed by the Soviet Union and its Warsaw pact allies, though changed, has not entirely disappeared. There remain in the Russian Republic and the former Soviet Republics of Ukraine and Kazakhstan roughly 30,000 strategic and tactical nuclear weapons. While the governments of these republics are no longer hostile to the United States and presently seem unlikely to become so, control of these weapons, to prevent their loss to extremist states or terrorists, remains a significant concern of the United States.

Indeed, the United States has a serious stake in preventing the proliferation of weapons of mass destruction, whether they be nuclear, chemical, or

biological weapons, as well as the proliferation of missile systems able to deliver these weapons over long distances. It is clear that several states—some of whom are hostile to the United States or have unstable relationships with neighboring countries—countries like North Korea, Libya, Iran, and Iraq—are attempting to become nuclear states or are developing chemical or biological weapons. Should they succeed in developing these capabilities, other states in the same region may decide they have no alternative but to follow a similar path.

The intelligence community monitors the control and movement of existing weapons of mass destruction and tracks the development and production of these weapons and the systems designed to deliver them. The results of these efforts have been the basis for diplomatic actions by the United States and increasingly are being provided to international bodies charged with monitoring compliance with treaties designed to prevent the spread of such weapons and related delivery systems.

The intelligence community also provides virtually the sole means of verifying many bilateral and multilateral agreements signed by the United States. In addition, the intelligence community plays a key role in terms of advising U.S. diplomats involved in negotiating such agreements.

In a similar vein, the intelligence community is asked to monitor the effectiveness of international economic or military sanctions which might be imposed on other countries by the United Nations or by the United States on a unilateral or multilateral basis. Frequently the results of these efforts have led to diplomatic or military actions to enforce or effectuate the sanctions or embargoes concerned.

A large part of the intelligence community's efforts are devoted to support of U.S. military forces, which, with the end of the superpower conflict, must prepare for a variety of new contingencies. While clearly the threat of nuclear devastation has lessened, longstanding ethnic, cultural, and political rivalries previously held in check by the superpower conflict have been unleashed. Regional conflicts have been spawned around the globe, and it has become increasingly difficult to predict where U.S. military forces might be deployed, what their objectives will be once deployed, or what type of military threat they might face. The job of the intelligence community is to anticipate where such deployments might occur and maintain an information base capable of supporting such contingencies.

This function entails not only identifying the capabilities and vulnerabilities of opposing military or paramilitary forces, but also gathering information to be used in planning U.S.

operations, targetting data to guide U.S. smart weapons, data to counter enemy radars and sensors which otherwise might threaten U.S. aircraft, and other military support functions.

Once U.S. forces are deployed, the intelligence community typically brings to bear its entire capability in their support, both to achieve the rapid success of the mission and to protect U.S. lives and resources.

Increasingly, the intelligence community is also supporting the operational deployments of U.N. peacekeeping forces as well, providing intelligence on threats to the safety and mission of such forces. This has recently occurred in support of United Nations operations in Cambodia and Bosnia and Herzegovina. Clearly, where United States forces are participating in United Nations operations, as they currently are in Somalia, the level of intelligence support is substantially enhanced.

In addition to supporting military operations, the intelligence community also provides support to the planning of U.S. military force structures and tactics, as well as to the research, development and acquisition of military weapons and equipment by the Department of Defense. Even in an era of military downsizing, the intelligence community continues to provide literally thousands of defense planners and contractors with information concerning foreign military capabilities which must be taken into account as they assess U.S. military needs of the future and build the capabilities to match them.

The end of the cold war has also seen increasing recognition of the importance of a strong domestic economy as an element of U.S. national security. This recognition has caused a reexamination of the intelligence community's capabilities and proper role in terms of supporting the competitive position of U.S. industry abroad. While there are clear pitfalls to be avoided in this area, intelligence agencies are increasingly being called upon by Federal agencies which are charged with promoting U.S. competitiveness abroad—principally, the Departments of State, Commerce, and the Treasury—to alert them to cases in which there is a need to keep the playing field level for U.S. business interests abroad. Similarly, the Federal Bureau of Investigation [FBI] and other elements of the intelligence community provide information to firms within the United States which indicates such firms may be the subject of an intelligence attack by foreign governments or by persons or companies acting under the sponsorship of a foreign government.

The intelligence community also plays important, though largely unseen, roles in the areas of counterterrorism and counternarcotics.

The FBI intelligence division has responsibility for tracking and monitoring possible international terrorist activity within the United States. The CIA and other intelligence agencies are involved in monitoring terrorist activities abroad. Such monitoring includes tracking the movements of known or suspected terrorists, developing information on their training, tactics, operations and equipment, and developing information regarding the relationships between terrorist groups and foreign governments. The information developed as a result of such monitoring is shared by the United States with the authorities of other governments whose nationals or resources might be threatened by terrorist activities. The objectives of such monitoring are to prevent terrorist incidents from taking place, such as the recent action by the FBI to prevent a series of bombings and assassinations in New York City, or to apprehend and prosecute the perpetrators of terrorist acts, such as the recent bombing of the World Trade Center or the downing of Pan Am 103 several years before. In each of the cases cited, the intelligence community played a significant role in preventing or redressing terrorist incidents involving U.S. citizens or property.

The role of the intelligence community in countering international narcotics activities is also significant but not well appreciated. U.S. intelligence capabilities are frequently used to determine where narcotic substances are being grown or produced in foreign countries, to determine where narcotics are being shipped or transported, to understand the network used to produce and distribute these narcotics, or to learn where proceeds from their sale are being used or deposited. This information is turned over not only to U.S. drug enforcement authorities, but to appropriate authorities in other governments to identify and locate the individuals involved in such activities and to preclude them from successfully carrying out their plans. Often, there is only an indirect benefit to the United States, and more often than not the role of U.S. intelligence agencies is not publicly acknowledged by other governments. Suffice it to say, the involvement of U.S. intelligence often provides the key to a successful raid on a drug installation in a foreign country or a successful interception of narcotics in international transit.

Finally, Mr. President, the President and other key policymakers have a continuing need for secret, nonpublicly available information regarding the intentions and capabilities of other governments. To be sure, the world political environment has become far more open and foreign leaders more accessible since the end of the cold war. Communications between the United States and other governments, aided

by the explosion of technology in recent years, have become more voluminous, direct, and timely. News media instantly flash images and commentary concerning world events to all points of the globe.

Still, the President needs a capability to assess what other governments are saying. Are events as they seem? Can the President rely upon what other governments are saying privately or what they state publicly? How firm is their position? What is their reaction likely to be if the United States takes a particular action and not another? Are U.S. interests threatened and, if so, how?

The intelligence community, by attempting to gather and analyze information concerning the actions or attitudes of other governments which is not publicly available, is often able to provide unique insights to the President and other policymakers. On occasion, this information has provided a reliable basis for a significant U.S. diplomatic or military initiative which would not have otherwise been attempted. This is not to say that the contribution made by U.S. intelligence has always been unique or reliable or actionable. I, myself, have criticized the intelligence community's analysis regarding the former Soviet Union and Iraq's military strength during the Persian Gulf war. I simply note that at times the contribution of intelligence has been invaluable.

In short, Mr. President, we have to stay ready. It makes no sense for us to close our eyes and ears to developments around the world which could ultimately save U.S. lives and resources. This funding level authorized by this bill leaves us in a strong position, and I believe deserves broad, bipartisan support within this body.

In addition to authorizing funds for intelligence, the bill achieves a number of other purposes. Let me summarize the key provisions very briefly.

Title I of the bill contains the annual authorizations for the funding and personnel levels of the community management staff, the element used by the Director of Central Intelligence to support his role as head of the U.S. intelligence community.

Title II of the bill authorizes the annual appropriation for the CIA retirement and disability fund and contains a series of technical amendments correcting errors in the CIA Retirement Act enacted last year.

Title III of the bill contains general provisions governing intelligence activities which appear in each year's authorization.

Title IV would create a statutory position of general counsel for the CIA, to be appointed by the President and subject to Senate confirmation. At present, the general counsel is appointed by the Director of Central Intelligence and is not subject to Senate confirmation.

Senator GLENN offered this amendment at the committee markup explaining that in his view Senate confirmation of the CIA general counsel would be an important safeguard in terms of ensuring that qualified attorneys rather than political cronies are appointed to this key position. This provision had bipartisan support within the committee.

Title IV also contains a series of technical amendments to the CIA Act of 1949 and the National Security Act of 1947.

Title V provides the Secretaries of the military departments with authority to offer enhanced payments to members of military reserve components who maintain proficiency in foreign languages. At present, the maximum that can be paid to reservists as an incentive to maintain such proficiency is \$185 per year, or a little over \$15 per month. The bill would allow the military to pay up to \$100 per month, the same as active duty military.

Title V also contains a minor amendment to the National Security Education Act and repeals the requirement in the law for an annual authorization in order to remove money from the trust fund established by the act. An annual appropriation would still be required.

Finally, title VI of the bill would amend the Fair Credit Reporting Act to grant the Federal Bureau of Investigation access to consumer credit records in counterintelligence and terrorism investigations. This authority was requested by the administration and was justified to the committee as an important adjunct to the FBI's investigative authorities.

I am pleased to note that the Committee on Banking, Housing and Urban Affairs, which has jurisdiction over the Fair Credit Reporting Act, consented to our committee doing this on our bill and has worked closely with us in crafting appropriate wording.

Mr. President, those are the key features of this year's intelligence authorization bill. It is a responsible bill which enjoys bipartisan support from our committee. I urge my colleagues to support it.

Mr. President, I yield to my vice chairman, Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first I would like to commend the chairman of the committee, Senator DECONCINI. We have worked, I think, in a bipartisan spirit, together with the members on our committee, to forge this important piece of legislation. We have also been assisted by very capable staff on this.

Mr. President, I support passage of S. 1301, the Intelligence Authorization Act for fiscal year 1994. It has been a privilege to work with the chairman of our Select Committee on Intelligence,

Mr. DECONCINI, in fashioning a bill to ensure that the Nation has the intelligence capabilities it needs for the future. We also appreciate the fine cooperation we received from the chairman, Mr. NUNN, and the ranking Republican, Mr. THURMOND, of the Committee on Armed Services.

With the end of the cold war and the dissolution of the Soviet Union and its Warsaw pact military alliance, the United States had hoped for a new world order with stable and steady progress toward greater democracy, freedom, and free enterprise. What the United States faces in the post-cold-war era, however, is a more chaotic environment with multiple challenges to U.S. interests that complicate the efforts of the United States and cooperating nations to achieve the desired progress. In an unstable world of diverse and increasing challenges, the need for robust and reliable intelligence capabilities has grown rather than diminished.

Enactment of S. 1301 will help build and maintain the intelligence capabilities we need.

America faces a world in which ethnic, religious, and social tensions spawn regional conflicts; a number of nations possess nuclear weapons and the means to deliver them on a target; other nations seek nuclear, chemical, or biological weapons of mass destruction and the means to deliver them; terrorist organizations continue to operate and attack U.S. interests; international drug organizations continue on a vast scale to produce illegal drugs and smuggle them into the United States; and U.S. economic interests are under constant challenge. Of course, the United States continues to have a vital interest in close monitoring of developments in the independent Republics on the territory of the former Soviet Union.

As is reflected in the minority views accompanying the intelligence committee report on the bill (S. Rept. 103-115), I would have preferred a level of funding for intelligence activities higher than the committee recommended. Among other things, such activities are an important force-multiplier for our Armed Forces in meeting an increasing variety of challenges. Funding for the full range of Federal activities has grown extremely tight, especially in recent months as Congress has considered fiscal year 1994 funding bills, which is appropriate to protect American taxpayers interests. It is in this context that I support passage of S. 1301 to move the process forward. Within the overall level the committee has set for intelligence funding—which must, of course, remain secret—the committee has generally distributed the funding among the various intelligence programs effectively, to maximize the capability achieved from the given level of resources.

I support the four committee amendments, which are:

The Armed Services Committee amendment relating to the National Security Education Act;

The Intelligence Committee amendment relating to pay retention for certain FBI New York personnel;

The Intelligence Committee amendment requiring a report on gaps in U.S. intelligence capabilities; and

The Intelligence Committee amendment that revises section 307 of the National Security Act and ratifies a past funding transaction.

I will oppose the amendment to be offered by the junior Senator from Ohio to express the sense of Congress that the intelligence budget should be disclosed.

I regret that we were unable to reach a timely agreement with our majority colleagues on the Armed Services Committee on an amendment to section 504 of the National Security Act of 1947. The amendment the select committee was pursuing would have made it legally unnecessary to pursue supplemental intelligence authorization statutes in situations in which funds are appropriated for intelligence activities in excess of, or in the absence, of authorization of appropriations for such activities. It is our intention to pursue such an amendment to section 504 promptly as separate legislation. I introduced such legislation on October 21, 1993 (S. 1578) to solve the problems created by section 504, as set forth in detail in my statement upon introducing S. 1578, which is printed in the CONGRESSIONAL RECORD of that date.

I urge passage of S. 1301 with the four committee amendments.

Mr. President, I will summarize in just several sentences.

We are downsizing the Armed Forces of the United States. We do that by necessity because of the budget situation in the United States today. I personally think we are moving too fast in that direction. We have cut back too far.

But, nevertheless, the Nation's intelligence, as gathered by the various components—the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Reconnaissance Office, and other departments and agencies that work in the intelligence field—becomes a force multiplier. By providing timely and accurate intelligence for our Armed Forces, our intelligence agencies help us use our smaller Armed Forces to maximum effect.

The intelligence gathered by these intelligence services is fed to our decisionmakers, from the President on down, and becomes a force multiplier to help compensate for the reduction in defense spending.

So I urge our colleagues to adopt this bill. It is a good bill. It is carefully forged.

Regrettably it does not, dollarwise, meet the intelligence budget request for fiscal year 1994 of the President of the United States. I was very much in favor of the budget request of the President of the United States, which provided for strong U.S. intelligence capabilities. But it was not in the judgment of the majority of the committee to support that level of funding. I was overruled. I accept that judgment that the committee decided to mark to a lower figure.

I would also make just a few remarks on the amendment just adopted by the Senate. It is an amendment relating to the national security education trust fund, which is a concept that originated primarily with Senators BOREN, NUNN, myself, and others. I am very pleased that that is incorporated as a part of the bill.

Mr. President, the Committee on Armed Services, on which I serve in addition to being vice chairman of the Select Committee on Intelligence, recommended a single amendment to the intelligence authorization bill.

The Armed Services Committee amendment would strike from the bill a provision that would return to the Treasury \$25 million from the national security education trust fund. That trust fund finances a program of scholarships for undergraduate study abroad, graduate study in the United States, and grants to institutions of higher learning devoted to the study of foreign languages and cultures.

The Armed Services Committee amendment supports the National Security Education Program and had our support. We are pleased to support this program originated by Senator BOREN when he was chairman of the Select Committee on Intelligence.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. Mr. President, I yield myself whatever time is necessary.

Mr. President, S. 1301 was reported by the Senate Select Committee on Intelligence by a vote of 12 to 5 on July 28, 1993. It was subsequently referred to the Committee on Armed Services, pursuant to the provisions of Senate Resolution 400 of the 94th Congress, and has now been reported by that committee with one minor amendment, which has just been discussed, regarding the National Security Education Act and has just been adopted.

Mr. GLENN. Mr. President, I rise in support of the fiscal year 1994 Intelligence Authorization Act. This marks the first budget cycle that the Senate Select Committee on Intelligence, of which I am a member, has been under the capable leadership of Chairman DENNIS DECONCINI and Vice Chairman JOHN WARNER. I would like to take this time to express my great respect and admiration for these two gentlemen and their fine work on the committee.

My colleague from Arizona has recently made the difficult decision to retire from the Senate after his current term expires. I know that this was a difficult decision for Senator DECONCINI, but he has many reasons to be proud of his record here in the Senate. It has been a pleasure serving with him on the Senate Intelligence Committee and I look forward to continue serving with Senator DECONCINI on the committee through next year under his chairmanship.

Despite my concerns with the level of reductions contained in this legislation, I ultimately supported final passage of the committee's markup of the fiscal year 1994 intelligence authorization bill. Under Chairman DECONCINI's leadership, I believe that the reductions made to the intelligence budget in our committee markup were generally reasonable and responsible. Some of my Senate colleagues are anxious to further reduce the intelligence budget. I strongly oppose any such effort and would urge my colleagues to do the same.

Mr. President, I believe that intelligence comprises an unique and irreplaceable component of America's national security infrastructure and should be treated accordingly. With the end of the cold war—which existed in a comparatively stable and predictable international environment—the need for a robust and reliable intelligence capability has grown rather than diminished. In the wake of the dissolution of the Soviet Union, the so-called new world order is anything but orderly.

As the recent parliamentary crisis in Russia and the continued upheaval in the former republics clearly demonstrates, America continues to have significant interests in developments in the former Soviet Union. The intelligence community must continue to aggressively monitor these changes.

To the extent that we need to reduce resources to certain intelligence targets, we must focus more of our intelligence capabilities and resources on other security threats such as the proliferation of weapons of mass destruction, drug smuggling, terrorism, environmental change, arms control monitoring, low-intensity conflict in the Third World, and the illicit export of high-technology items.

Mr. President, in this period of enormous change and uncertainty, the need for timely and accurate intelligence is particularly compelling. Indeed, the United States depends on intelligence to detect and monitor these changes in the international system so we can reallocate increasingly scarce national security resources in a more efficient manner.

The effectiveness of United States military forces in Somalia, Iraq, Panama, and elsewhere are directly attributable to timely and effective intel-

ligence. Without question, accurate and timely intelligence is our greatest force-multiplier—particularly at a time when we are significantly reducing our defense spending. When the day comes that the United States must rebuild our national defense—to confront a threat that is now difficult to foresee, we must do so from the strongest and most reliable intelligence base possible.

This body should overwhelmingly oppose any effort to take a meat ax to America's intelligence budget.

Mr. President, I would like to address another aspect of the legislation before the Senate today. The bill contains a provision I sponsored in committee requiring Presidential nomination and Senate confirmation of the CIA general counsel. Currently, only three CIA officials—the Director of Central Intelligence [DCI], the Deputy Director of Central Intelligence [DDCI], and the inspector general [IG]—are confirmed by the Senate.

The precedent for White House and Senate involvement in the selection of senior CIA officials was established at the inception of the present-day U.S. intelligence establishment. The National Security Act of 1947 provided for Presidential nomination and Senate confirmation of the DCI, and the same procedure for selection of the Deputy Director of Central Intelligence (DDCI) was established in 1953. In 1989, President Bush signed legislation into law which created a statutory inspector general [IG] for the CIA with a requirement that the nominee be confirmed by the Senate.

The general counsel position was in existence when the CIA was established in 1947. The CIA general counsel is responsible for providing legal advice to the DCI and the Agency as a whole on all matters, and is responsible for determining the legality of CIA activities and for guarding against any illegal or improper activity.

The responsibilities of CIA's general counsel are in some ways more significant than those of other general counsels in view of the extremely sensitive programs involved that directly affect our Nation's security. Many of the legal issues are unique to the CIA and have to be treated without the extensive public discourse and numerous precedents that aid other general counsels. The incumbent CIA general counsel deserves the status of a Presidential appointment and Senate confirmation as well as the prestige that this status will give the incumbent in inter-agency deliberations.

Mr. President, I sponsored this provision because I am convinced that the confirmation process has become an increasingly important means to insure the accountability of senior level executive branch officials to the American people through their duly elected representatives in the Congress. This is

particularly true of the CIA, which plays a special role in our Government.

Indeed, the CIA is unique among all Federal agencies in the level of trust it demands from the American public and the Congress. And the CIA is unique from other intelligence agencies such as the Defense Intelligence Agency [DIA], the National Security Agency [NSA], the National Reconnaissance Office [NRO], and the FBI.

Although the CIA is not charged primarily with policymaking, it plays a significant role in the formulation of national security policy. The close relationship between the CIA and policymakers is recognized in the legislation that established the CIA.

Among the duties assigned to the CIA by section 103(d)(5) of the National Security Act of 1947 as amended is to "perform such other functions and duties related to intelligence affecting the national security as the President or the National Security Council may direct." This broad provision has been interpreted to include, among other things, the CIA's role in planning and implementing various types of sensitive activities overseas—including covert action, which is, need I remind my colleagues, operational U.S. policy.

As the CIA has grown over the years, its support to U.S. national security policies has broadened into many different areas. The individual who holds the CIA general counsel position advises the DCI and the DDCI about the legality of CIA activities. The DCI and the DDCI are in turn responsible for providing leadership and direction not only to the CIA, but the entire U.S. intelligence community as well. Thus, the CIA general counsel plays a significant role supporting the entire national security infrastructure of our Nation.

Unlike other intelligence agencies such as NSA, DIA, the NRO, or the FBI, the CIA is not organizationally subordinate to another department of the Federal Government—by statute, it directly supports the President and the National Security Council. NSA, DIA, and the NRO are agencies of the Department of Defense, and the FBI is subordinate to the Department of Justice. In addition, the CIA, unlike the NSA, DIA, the NRO, and the FBI and all other components of the intelligence community, is the only intelligence agency—and indeed the only Federal agency—that is not subject to GAO audits. This organizational independence places the CIA in a different category from other components of the intelligence community and argues for a greater degree of scrutiny of high-level agency officials.

Mr. President, I would also note that at the present time, all components of the intelligence community—except the CIA—are part of departments with statutory general counsels—or the equivalent—who are appointed by the

President, and confirmed by the Senate. In some departments the title of general counsel does not exist, but essentially similar functions are performed by solicitors or legal advisers.

Specifically, the general counsels of the Department of Energy and the Department of the Treasury are confirmed, as is the Department of State's legal advisor. The FBI is an element of the Department of Justice, which has a Senate confirmed Assistant Attorney General in the Office of Legal Counsel. The Defense Intelligence Agency [DIA], the National Security Agency [NSA], and the National Reconnaissance Organization [NRO] are all elements of the Department of Defense—which has its general counsel confirmed.

The CIA, as a result of its size and importance within the Federal Government, should be treated in the same manner as other departments, including those having national security responsibilities. The Senate Select Committee on Intelligence has taken the lead in the last few years in seeking to provide a clearer statutory framework for intelligence agencies—and this initiative is a logical part of this effort.

Mr. President, Senate confirmation of the CIA general counsel is not a new idea. Indeed, it has been recommended to the Senate several times over the last two decades.

For example, the Church Committee, in its final report in 1976, recommended that the CIA have a general counsel nominated by the President and confirmed by the Senate.

A similar recommendation in favor of Senate confirmation of the CIA general counsel was made by the congressional committees investigating the Iran-Contra affair in 1987. During the Iran-Contra affair, the CIA's general counsel drafted a retroactive Presidential finding to justify the Reagan administration's covert arms-for-hostages policy and provide after-the-fact authorization for CIA operations. This finding, in part, directed "the Director of Central Intelligence not to brief the Congress of the United States * * * until such time as I may direct otherwise." The final version of this covert action finding was not reported to the Congress for almost a year when public disclosure of the Iran-Contra affair made it impossible to continue to hide the finding from the intelligence committees.

Concerns about the working of the CIA General Counsel's Office were raised more recently.

Earlier this year, the staff of the Senate Select Committee on Intelligence completed an investigation of the intelligence community's role in the BNL-Atlanta affair. The committee staff report documented a number of instances where the performance of the CIA General Counsel's Office was deficient. The most egregious of all the shortcomings documented in this epi-

sode was the preparation and release of a letter by the CIA General Counsel's Office to the Department of Justice—a public letter which lawyers at the CIA subsequently acknowledged was incomplete and misleading. Essentially, the letter failed to acknowledge information that the CIA had in its possession which might well have been pertinent to a Federal sentencing hearing in Atlanta.

If not for the diligence of the Senate Select Committee on Intelligence and others in Congress who—unlike the American public—had access to enough secret information to recognize that the letter was misleading, this action might have gone unnoticed. Instead, the controversy over the letter led CIA back to its secret files, where it found even more information relevant to the BNL-Atlanta case that had never been disclosed to the court or even to Federal prosecutors.

The committee staff report also found that the CIA General Counsel's Office had been remiss in responding to the concerns of the presiding judge at the Atlanta hearing, Judge Marvin Shoob. In addition, the report also found shoddy staff work performed by the CIA General Counsel's Office in terms of responding to Justice Department requests—as well as ensuring that the CIA itself was meeting its obligations under applicable case law.

Undeniably, mistakes can occur in any office and errors in judgment can take place whether or not the head of the CIA General Counsel's Office is confirmed by the Senate. But I do think that this unfortunate episode underscores the importance of the functions the CIA General Counsel's Office performs on a daily basis. Not only does this office serve an important advisory function to the DCI, but the CIA General Counsel's Office is also the point of interface with the Department of Justice and the courts. It is therefore essential that the CIA have someone in this position who not only understands intelligence, but the law enforcement system and judicial process as well. Our best guarantee of attaining this objective is to make sure that the Senate has an opportunity to assess the CIA general counsel's qualifications through the confirmation process.

Mr. President, I believe that both the Iran-Contra and the BNL-Atlanta examples clearly demonstrate why it is important that the top legal office of the Central Intelligence Agency be fully accountable to the Congress and the American people through the Senate confirmation process. I am convinced that Senate confirmation of the CIA general counsel would make the individual holding that important office far more sensitive to the fact that the Congress shares both the power and the responsibility for our nation's security.

And when confronted with decisions such as whether to deliberately ignore the requirement to provide notification to the congressional intelligence committees or publicly release deceptive information, a CIA general counsel who has faced the scrutiny of the confirmation process would likely think twice before considering whether or not it is possible to safely disappear in the fog of unaccountability at the CIA.

Mr. President, it is important to note that on the infrequent occasions when a presidential nominee is rejected, it is often because the nominee is considered to lack the requisite professionalism for the position. Hence, the confirmation process tends to support professionals against any administration's efforts to place unqualified non-professionals into senior positions in the Federal Government.

Senate confirmation is a constructive means of enhancing public and congressional confidence in the senior leadership of the CIA. This is accomplished not only by ensuring that the nominee has the necessary qualifications for the job, but that the nominee is also firmly committed to the intelligence oversight laws and will be truthful, candid, and forthcoming in dealing with Congress.

In view of their responsibilities in supporting the National Security Council in sensitive areas of policy formulation, I believe that Senate confirmation of the CIA general counsel will ultimately serve to create confidence and rapport between the nominees and the legislative branch. Through the record established during confirmation, the nominee and the SSCI could clarify and establish a common understanding of the position's role and responsibilities, develop a constructive working relationship, and define the appropriate constraints on CIA activities. This process will go a long way toward avoiding problems as a result of misunderstandings, which in turn could lead to abuses of authority.

Mr. President, some might argue that the DCI should make his or her own selection for this position and that we should be wary of anyone vetted through the so-called political swamp of the White House nomination process. This highly dubious line of reasoning presupposes that DCI's will be infallible in making selections for senior positions at the CIA. A review of the CIA's history and senior CIA officials appointed to their positions by past Directors of Central Intelligence would result in the inescapable conclusion that some of these individuals—ostensibly placed in their positions without the political taint of the confirmation process—have been far from divinely inspired choices.

Alternatively, I would note that today there are currently three officials at the CIA—Director Jim Woolsey, Deputy Director Bill Studeman,

and Inspector General Fred Hitz—who have been vetted through the dreaded White House political swamp and survived the Senate confirmation process intact. All three of these fine public servants have proven themselves to be excellent in their respective positions out at the CIA—and none of them seems to be worse off from the Senate confirmation experience.

Some have argued that requiring Senate confirmation of a senior position at the CIA—or anywhere else in the Federal bureaucracy—somehow politicizes the office. In fact, just the opposite is true. The confirmation process can only block the President from appointing a particular individual—it cannot compel the nomination of anyone with a particular viewpoint preferred by the Senate.

As Alexander Hamilton stated in the *Federalist Papers* No. 66:

It will be the office of the President to nominate, and with the advice and consent of the Senate to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice he may have made.

In other words, without a requirement for Senate confirmation, there is nothing to prevent the politicization of a senior Federal Government position by an administration. Indeed, Senate confirmation should do more to prevent politicization than to promote it. As Dr. Richard Betts of Columbia University has stated, "considering the difference between the power to appoint and the power to review the appointment, politicization comes from the Executive more readily than from Congress. If a President or * * * DCI wish to put unqualified political cronies in sensitive CIA positions, they can do so, as of now, without challenge."

It should also be noted that the confirmation of senior officials in Government has traditionally worked to protect against the politicization of these positions, while failure to confirm has worked to protect the President's political prerogatives. For example, senior Government officials who are not confirmed—such as the White House Chief of Staff and the Assistant to the President for National Security Affairs—have been exempted from the confirmation process precisely to prevent Congress from interfering with the President's political control of these positions on the President's personal staff.

Indeed, Senate confirmation will help prevent politicizing the position of the CIA general counsel by raising the standards of this important post. Because the nominee must appear before the Senate Select Committee on Intelligence [SSCI], the nominee is more likely to be scrutinized carefully—by both the executive branch and the Con-

gress—than otherwise. This process would help preclude a hasty or ill-considered appointment by a single individual—the DCI.

Requiring Senate confirmation of the CIA general counsel is no more likely to politicize the operation of the Central Intelligence Agency than would the existing requirement to confirm the DCI, the DDCI, and the inspector general.

Mr. President, I would also like to point out to my colleagues that under the legislation passed by our committee, the DCI—as well as the President—can remove the statutory CIA general counsel from office. Also, the committee report states specifically that the "establishment of the statutory position does not impair or affect the existing authority" of the DCI, and that the DCI should be afforded "substantial flexibility to decide from time to time what authorities to delegate and duties to assign to the CIA general counsel."

The bill also stipulates a one-year period before the statutory CIA general counsel provision takes effect—allowing the Agency and the administration adequate time to take any necessary administrative and personnel actions for this transition to take place.

Mr. President, I strongly believe that accountability is the fundamental objective of congressional oversight of intelligence.

And intelligence oversight imposes a unique burden on the two congressional intelligence committees which serve as surrogates, not only for the Congress as a whole, but the American people. Because congressional oversight of the CIA and the rest of the intelligence community must necessarily be conducted in the black box of secrecy, the committees must demand accountability and possess the will to conduct thorough oversight. I would also point out to my colleagues that the CIA is the only intelligence agency over which the Senate Select Committee on Intelligence has sole and exclusive authorization and oversight jurisdiction in the Senate.

Before the two intelligence oversight committees were created in the mid-1970's, Congress conducted what I refer to as oversight by oversight of U.S. intelligence—preferring to know little more than it was told by the CIA. As one Senator stated some years ago: "It is not a question of reluctance on the part of CIA officials to speak to us. Instead, it is a question of our reluctance, if you will, to seek information and knowledge on subjects which I personally * * * would rather not have. * * *"

Mr. President, this is an attitude that this body can ill-afford, particularly in the post-cold-war era.

I am second to no one in my support for a strong, effective, and responsible CIA. Nevertheless, the Central Intelligence Agency, like any large bureauc-

racy, is capable of waste, abuse, mismanagement, and incompetence. Because the CIA is such a vast and secretive organization, it is essential that it be made fully accountable for its actions.

Intelligence activities are consistent with democratic principles only when they are conducted in accordance with the law and in an accountable manner to the American people through their duly elected representatives. I am convinced that the confirmation process is a constructive means of demanding accountability, thereby enhancing public and congressional confidence in the senior leadership of the CIA.

Senate confirmation of the CIA's general counsel will serve to strengthen the accountability of the CIA—and ultimately enhance the effectiveness of this important agency.

Mr. President, I urge my colleagues to support this bill as reported out of our committee.

AMENDMENTS NOS. 1154, 1155, AND 1156

Mr. DECONCINI. Mr. President, there are three additional amendments. I send them to the desk and ask for their immediate consideration and ask the three amendments be considered en bloc.

The PRESIDING OFFICER. The clerk will report the three amendments en bloc.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. WARNER, proposes amendments en bloc numbered 1154, 1155, and 1156.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendments are as follows:

On page 11, after line 2, insert the following:

SEC. 304. REPORT ON INTELLIGENCE GAPS.

(a) REPORT.—The Director of Central Intelligence and the Secretary of Defense jointly shall prepare and submit by February 15, 1994, to the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate, and to the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives a report described in subsection (b).

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify and assess the critical gaps between the information needs of the United States Government and intelligence collection capabilities, to include the identification of topics and areas of the world of significant interest to the United States to which the application of additional resources, technology, or other efforts would generate new information of high priority to senior officials of the United States Government;

(2) identify and assess gaps in the ability of the intelligence community (as defined in section 3(4) of the National Security Act of 1947) to provide intelligence support needed by the Armed Forces of the United States

and, in particular, by the commanders of combatant commands established under section 161(a) of title 10, United States Code; and

(3) contain joint recommendations of the Director of Central Intelligence and the Secretary of Defense on appropriate means, to include specific budgetary adjustments, for reducing or eliminating the gaps identified under paragraphs (1) and (2)."

Page 2, line 2, insert the following after the item relating to Section 303 (as added by committee amendment No. 2):

"Sec. 304. Report on Intelligence Gaps."

AMENDMENT No. 1155

(Purpose: To provide temporary pay retention for certain FBI employees)

On page 11, after line 2, insert the following:

SEC. 303. TEMPORARY PAY RETENTION FOR CERTAIN FBI EMPLOYEES.

(a) The Federal Employees Pay Comparability Act of 1990 as contained in Section 529 of the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509) is amended by striking section 406 and inserting in lieu thereof:

"SEC. 406. FBI NEW YORK FIELD DIVISION.

"(a) No employee of the Federal Bureau of Investigation assigned to the New York Field Division prior to September 29, 1993 in a position covered by the demonstration project created by section 601 of the Intelligence Authorization Act for Fiscal Year 1989 (Public Law 100-453), as amended, shall have his or her total pay reduced as a result of the termination of the demonstration project, unless that employee ceases or has ceased at any time after that date to be employed in a position covered by the demonstration project: *Provided*, That, beginning on September 30, 1993, any periodic payment under section 602(a)(2) of the Intelligence Authorization Act for Fiscal Year 1989 for any such employee shall be reduced by the amount of any increase in basic pay under title 5, United States Code, including an annual adjustment under section 5303, locality-based comparability payment under section 5304, initiation or increase in a special pay rate under section 5305, promotion under section 5334, periodic step increase under section 5335, merit increase under section 5404, or other increase to basic pay under any provision of law."

"(b) The amendment made by subsection (a) shall take effect as of September 30, 1993, and shall apply to the pay of employees to whom the amendment applies that is earned on or after that date."

(b) On page 2, line, insert in the table of contents the following after the item relating to section 302—

"Sec. 303. FBI New York Field Division."

AMENDMENT No. 1156

(Purpose: To amend Section 307 of the National Security Act of 1947 and to ratify a funding transaction)

On page 11, after line 2, insert the following:

SEC. 303. AMENDMENT TO SECTION 307 OF THE NATIONAL SECURITY ACT AND RATIFICATION OF A PAST TRANSACTION.

(a) AMENDMENT TO SECTION 307 OF THE NATIONAL SECURITY ACT OF 1947.—Section 307 of the National Security Act of 1947 is amended by striking "provisions and purposes of this Act" and inserting in lieu thereof "provisions and purposes of this Act (other than the provisions and purposes of sections 102, 103, 104, 105 and titles V, VI, and VII)".

(b) RATIFICATION OF FUNDING TRANSACTIONS.—Funds obligated or expended for the Accelerated Architecture Acquisition Initiative of the Plan to Improve the Imagery Ground Architecture based upon the notification to the appropriate committees of Congress by the Director of Central Intelligence dated August 16, 1993 shall be deemed to have been specifically authorized by the Congress for purposes of Section 504(a)(3) of the National Security Act of 1947.

On page 2, line 2, insert in the table of contents the following after the item relating to section 302—

Sec. 303. Amendment to Section 307 of the National Security Act of 1947 and Ratification of Past Transaction.

Mr. DECONCINI. Mr. President, I am offering three committee amendments to S. 1301, numbers 1154, 1155, and 1156, respectively. Let me briefly explain the purpose of each amendment.

Amendment No. 1155 provides that employees of the FBI Field Division in New York who were receiving certain retention payments as part of a previously authorized demonstration project will not suffer a loss in pay as a result of the termination of that project. Senator D'AMATO, an outstanding member of our committee, first brought this matter to our attention and has taken the lead in developing the amendment I offer today.

Let me elaborate briefly. Pursuant to authority contained in the Intelligence Authorization Act for fiscal year 1989, a 5-year demonstration project was established in the FBI Field Division in New York whereby employees assigned to that division received a one-time payment to relocate to the New York office and thereafter received periodic payments up to 25 percent of their basic pay so long as they remained employed. The demonstration project terminated on September 29, 1993.

The Department of Justice and Office of Personnel Management recently concluded that in the absence of new legislation, the payments being made under the demonstration project must terminate on the date the project itself terminates; that is, September 29, 1993.

In order to avoid what in some cases would be a considerable loss of pay by individuals already receiving that pay, the administration has requested that the Congress provide authority to continue the payments under the project to those who have been receiving them. However, it has agreed that in the interests of fairness the basic pay of such employees should not rise in the future until the level of payments being made under the demonstration project has been surpassed as a result of incremental increases in the compensation of the employees concerned.

This is the policy embodied in the committee amendment. It has the approval of the administration and has been cleared with the Committee on Appropriations. It is a sensible compromise which will ensure that FBI employees in New York who have un-

dertaken financial obligations in anticipation that the payments under the demonstration project would continue beyond the demonstration project itself are not unfairly penalized. I urge the adoption of this amendment.

Amendment No. 1154 would require a joint report from the Director of Central Intelligence and the Secretary of Defense to the appropriate committees of the Congress identifying gaps in U.S. information needs and the intelligence collection capabilities of the United States available to satisfy them. Where possible, the report will also include actions recommended to eliminate or close the gaps to satisfy the requirements of both civilian policymakers and military commanders in the field.

Senator DANFORTH was instrumental in developing this proposal, and, once this analysis has been completed, I believe it will provide a very valuable basis to assess future budget requests. I commend the Senator for his initiative.

The third and final amendment, No. 1156, has two purposes.

The first is to amend section 307 of the National Security Act of 1947, which provides a general authorization for any funds necessary and appropriate to carry out the provisions and purposes of the act, to make clear that such general authorization does not satisfy the requirement of section 504 of the National Security Act of 1947 that there be a specific authorization by the Congress in order for intelligence agencies to obligate or expend funds available to them. Subsection (a) of the amendment addressed this issue.

The second purpose of this amendment is to ratify a previous transaction notified to the appropriate committees of the Congress as satisfying the requirement of section 504 for a specific authorization by the Congress. This transaction involved the obligation of certain funds for an accelerated architecture acquisition initiative of the plan to improve imagery ground architecture, which was notified by the Director of Central Intelligence to the appropriate committees of the Congress on August 16, 1993. The proposed transaction met with no substantive objection from the committees concerned. The purpose of subsection (b) of the amendment is to deem this transaction, as a matter of law, as satisfying the requirement of section 504(a)(3) of the National Security Act of 1947.

Mr. WARNER. Mr. President, as I have stated, I support passage of S. 1301 with the Armed Services Committee amendment and the three Intelligence Committee amendments. Each of the three Intelligence Committee amendments addresses a problem with U.S. intelligence activities that the Intelligence Committee has examined. One deals with pay retention for certain

FBI personnel in New York, one requires a report on gaps in U.S. intelligence, and one amends section 307 of the National Security Act and ratifies a past funding transaction so that it complies with section 504 of the National Security Act of 1947. These amendments address satisfactorily the problems the committee has examined, and these select committee amendments are accepted.

AMENDMENT TO PROVIDE PAY RETENTION TO CERTAIN FBI PERSONNEL IN NEW YORK

The Intelligence Authorization Act for fiscal year 1988 (Public Law 100-453) authorized a 5-year demonstration project to provide retention bonuses and mobility payments to certain employees of the Federal Bureau of Investigation's New York Field Office, because of concerns about attracting and retaining talented FBI counterintelligence personnel for service in the expensive New York area. Congress has since addressed on a Governmentwide basis pay for Federal employees in high-cost-of-living areas, with enactment of the Federal Employees Pay Comparability Act (Public Law 101-509) and other legislation relating to Federal employee locality pay.

The demonstration project expired on September 29, 1993. Absent further legislation, the FBI personnel covered by the demonstration project would receive a cut in pay, compared to what they had received under the demonstration project. Because FBI headquarters had innocently but erroneously represented to such employees to believe that the employees would continue to receive the higher pay, and the employees relied on such representations, the committee believes that legislation to address the employees' pay is appropriate.

The question has arisen of how best to provide relief to the affected FBI employees, coordinate it with implementation of the new legislation regarding locality pay, and avoid pay inequities among similarly situated Federal employees. The Department of Justice proposed that current FBI personnel who were receiving the special pay and benefits provided under the demonstration project continue to receive them until the pay and benefits provided under other laws equals the amount payable to those personnel covered by the demonstration project. The demonstration project would end now in the sense that no one new could qualify for benefits under the demonstration project, but those individuals who were receiving benefits under the demonstration project at the time of its expiration would continue to receive the benefits as long as they continue to meet the criteria that applied under the demonstration project.

The Senator from New York [Mr. D'AMATO], a distinguished member of the Select Committee on Intelligence, has the committee's appreciation for

bringing the pay situation of FBI employees in New York to the committee's attention and for his origination of the committee amendment to correct the situation.

AMENDMENT RELATING TO INTELLIGENCE GAPS

To manage effectively the resources of the United States devoted to intelligence activities, and indeed to decide what that level of resources should be, the United States must assess what it needs to know, what it does know, and what it does not know about events abroad. To assist the Secretary of Defense, the Director of Central Intelligence, and the Congress in allocating resources for intelligence, the committee is proposing an amendment to the bill to require an executive branch report assessing the gaps in U.S. intelligence capabilities and recommending how to address those gaps.

The Senator from Missouri [Mr. DANFORTH], a distinguished member of the Select Committee on Intelligence, has originated this amendment to ensure that the executive and legislative branches have the information they need to address funding for U.S. intelligence activities effectively next year and in the years beyond.

AMENDMENT TO REVISE SECTION 307 OF THE NATIONAL SECURITY ACT AND TO RATIFY A FUNDING TRANSACTION

Section 307 of the National Security Act of 1947 contains a general statement that there are authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of the act. Such general language does not suffice to meet the requirements in section 504 of the National Security Act that, to obligate or expend funds for an intelligence or intelligence-related activity, such funds must be specifically authorized by the Congress, which means that the amount of funds was authorized by statute to be appropriated for that activity. To make that point explicit in section 307, the amendment excludes from the scope of section 307 the intelligence provisions of the National Security Act of 1947.

The committee amendment also ratifies a transaction proposed to the committee by the Director of Central Intelligence on August 16, 1993, relating to the accelerated architecture acquisition initiative of the plan to improve the imagery ground architecture. The committee's review of the proposed transaction brought to light a need for changes to section 504 of the National Security Act to allow this transaction and others like it to go forward under the law.

The committee plans to proceed with separate legislation to make the necessary changes to section 504 to take care of the problem permanently. The committee understands, however, that the Director of Central Intelligence went forward with the funding transaction proposed by the letter of August

16, 1993; the proposed amendment is necessary to ratify that transaction, which otherwise would run afoul of section 504 of the National Security Act. The committee amendment ratifies explicitly the transaction proposed by the Director by letter dated August 16, 1993, because the review of that transaction first brought to the committee's attention that the phrase "specifically authorized by the Congress" in section 504(a)(3) of the National Security Act, like section 504(a)(1), required enactment of an authorization statute and could not be satisfied by a scheme of notification to and concurrence by committees of the Congress. Transactions prior to the August 16, 1993, action which were undertaken based on the mistaken, but good faith, belief that the phrase "specifically authorized by the Congress" in sections 504(a)(1) and (a)(3) of the National Security Act could be satisfied by notification to and concurrence by committees of the Congress also are intended to be deemed ratified, which protects certifying and disbursing officers.

Section 504 of the National Security Act of 1947 currently allows obligation and expenditure of appropriated funds for intelligence activities only in three situations. First, the appropriated funds may be used for an intelligence or intelligence-related activity when such use of the funds for the activity has been "specifically authorized by the Congress," a phrase defined in the statute. Second, the appropriated funds may be used for an intelligence or intelligence-related activity when the funds involved are funds appropriated for the CIA Reserve for contingencies and the congressional intelligence and appropriations committees have been notified. Third, the appropriated funds may be used for an intelligence or intelligence-related activity if they were specifically authorized by Congress for a different activity and the activity for which they are instead proposed to be used is of higher priority, is based on unforeseen requirements, and the congressional intelligence and appropriations committees have been notified.

The phrase "specifically authorized by the Congress" as defined and used in sections 504(a)(1) and (a)(3), means specifically authorized by statute, a requirement that cannot be satisfied by notification to and concurrence by committees of Congress. That interpretation is mandated under the constitutional principles enunciated in *INS v. Chadha*, 462 U.S. 919 (1983), is supported by the text of the very legislative provision originally adding the provision to the National Security Act, is supported by the legislative history reflected in a statement on the House floor at the time of the adoption of the final version of the legislation in 1985, and is supported by the consistent practice of the Congress since then in enacting waivers of section 504(a)(1) as

part of appropriations continuing resolutions enacted at the close of fiscal years when the annual intelligence authorization bills had not yet been enacted. My statement upon introduction of the Intelligence Authorization Process Adjustment Act (S. 1578), printed in the CONGRESSIONAL RECORD of October 21, 1993, sets this matter forth in further detail.

Provisions of section 504 require notification to appropriate committees of Congress of certain proposed funding transactions. Those provisions were enacted with the understanding that, as a matter of comity between the executive and legislative branches, the concurrence of the committees will be obtained before certain proposed transactions go forward. The statutory requirements in Section 504 for advance notification to the committees of Congress are consistent with the Constitution (see *Sibbach v. Wilson*, 312 U.S. 1, 24 (1941)). Any theory that a statutory requirement for notification of the congressional intelligence committees in advance of the use of funds for intelligence or intelligence-related activities could in any way be construed as an unconstitutional condition has been considered and is rejected. Such a theory was propounded in the erroneous and recently published July 31, 1989 advisory opinion, addressing never-enacted legislation, by the Assistant Attorney General of the Office of Legal Counsel concerning notification of the intelligence committees of use of funding for certain CIA activities.

In proceeding with the amendment to section 307 of the National Security Act and with the ratification of the transaction proposed on August 16, 1993, the committee is aware that there remains important unfinished business. The committee needs to pursue legislation to amend section 504 of the National Security Act to allow—after statutory notification to congressional committees, and with a nonstatutory, continued understanding that the concurrence of the committees will be awaited—use of funds for intelligence activities in excess of or in the absence of authorization by statute of appropriation of those amounts for those activities. A similar regime of statutory notification and non-statutory concurrence should apply when funds appropriated for one activity are intended to be used for a different intelligence or intelligence-related activity. Accordingly, the committee should pursue legislation to amend section 504 to achieve three goals: First, ensure compliance with the Constitution and laws of the United States in the funding and conduct of intelligence activities; second, preserve the Congress' power of the purse with respect to these sensitive activities; and third, ensure sufficient flexibility for the executive branch in the conduct of intelligence activities.

I urge the adoption of the three intelligence committee amendments to S. 1301.

FEDERAL BUREAU OF INVESTIGATION NEW YORK DEMONSTRATION PROJECT PAY RETENTION AMENDMENT

Mr. D'AMATO. Mr. President, I want to begin by commending the senior Senator from Arizona, the very able chairman of the Intelligence Committee and my good friend, for his inclusion in the committee amendment of an amendment to correct a technical problem with statute language relating to the end of the FBI's New York demonstration project. I also want to thank our vice chairman, my friend, the distinguished senior Senator from Virginia, for his support and assistance with this amendment.

This amendment is very simple. What it does is provide for pay retention for FBI personnel assigned to the New York Field Division after the end of the New York demonstration project.

Without this amendment, FBI employees assigned to the New York field division face real pay cuts—let me say this again—real pay cuts—of 8 percent for special agents, of 17 percent for GS-grade support personnel, and of 25 percent for Wage Grade support personnel.

This situation arises because the New York demonstration project, which was established by section 601 of the Intelligence Authorization Act of 1989, expires on October 23, 1993. The demonstration project was created because of the difficulty the FBI was experiencing in recruiting new personnel or transferring personnel into the New York Field Division, due primarily to the very high cost of living in the New York City metropolitan area.

As a result of this problem, the FBI could not fully staff the New York Field Division, endangering important investigations and operations. Congress responded to this problem by authorizing the FBI to pay \$20,000 lump sum payments to FBI special agents who accepted reassignment to the New York Field Division for a 3-year tour of duty. We also authorized periodic payments of an additional 25 percent of basic pay to such personnel.

The Federal Bureau of Investigation informed us that they were having similar difficulty with support personnel, so we expanded the demonstration project to include all personnel assigned to the New York Field Division. We did this when we adopted section 601 of the Intelligence Authorization Act of 1990.

The New York demonstration project was intended to meet this critical need. In addition, it was intended to be a prod to the Federal personnel management structure to address the hardships high cost of living areas posed to Federal employees across the Nation. With passage of the Federal Employees Pay Comparability Act, Public Law

101-509, in 1990, a structure was established to provide for locality pay for Federal employees in high cost-of-living areas.

The New York demonstration project worked. It dramatically reduced attrition and made the New York Field Division an attractive assignment for experienced special agents and enabled the division to recruit and hire the specialized support personnel some of its operations require.

Mr. President, I ask that the executive summary of the August 1993 "Fourth Annual Assessment of the FBI's New York Demonstration Project," published jointly by the U.S. Office of Personnel Management and the Federal Bureau of Investigation, be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

One provision of this act, section 406, contained language that the FBI thought would protect the personnel receiving New York demonstration project special pay once the project ended. Because this pay retention provision was adopted, no FBI employee had reason to believe that he or she might face a very serious real cut in pay when the project ended.

Many FBI employees signed mortgages, bought cars, and made college plans for their children based upon the level of pay they were receiving under the New York demonstration project and that they thought had been guaranteed by passage of section 406 of FEPCA.

However, this August, the Office of Personnel Management and the Department of Justice Office of Legal Counsel concluded that section 406 did not, in fact, grandfather these employees' pay. The FBI was told that when the New York demonstration project terminated by operation of section 601(b) of the statute that created it, the FBI had no legal authorization to continue to pay former demonstration project pay recipients at their former pay rates.

Mr. President, this situation is thoroughly discussed in an August 23, 1993, memorandum from Mr. Walter Dellinger, Acting Assistant Attorney General, to Mr. Joseph R. Davis, Assistant Director, legal counsel of the Federal Bureau of Investigation.

I ask unanimous consent that this memorandum be printed in the RECORD at the end of my remarks.

Accordingly, the FBI has asked for legislative assistance to address this situation. Attorney General Reno, the Office of Personnel Management, and the Office of Management and Budget have declared that seeking such a legislative remedy is administration policy.

Mr. President, what we have here is an appeal to equity and fairness. If we

do not pass this amendment, FBI special agents and support personnel investigating the World Trade Center bombing and the Sheik Rahman's Islamic Fundamentalist terror network will be in danger of having their homes foreclosed upon, their cars repossessed, and their children forced to leave school.

Finally, this amendment only grandfathered the pay levels FBI New York Field Division personnel are now receiving. The demonstration project itself still ends on October 23, 1993. After that date, no new personnel will be entitled to receive either the lump sum payment or the periodic payments. Only the total level of pay will be protected for persons already receiving the periodic payments.

Mr. President, the language of the amendments provides that increases in all other statutorily authorized pays—including promotions, step increases, and cost of living increases—will be offset against payments under this grandfather clause.

What this means is that every person now receiving New York demonstration project pay will effectively be under a pay cap until the combination of the total increases from these other pay provisions exceeds the amount of New York demonstration project payments. Only then will they be able to receive a higher level of pay.

Mr. President, I ask my colleagues to vote for this amendment. I know my colleagues well enough to know that they will not thank the very law enforcement personnel who took great personal risks and worked long hours to break the World Trade Center bombing case and the Islamic Fundamentalist terrorist ring cases by cutting their pay.

EXHIBIT 1

FOURTH ANNUAL ASSESSMENT OF THE FBI'S NEW YORK DEMONSTRATION PROJECT—EXECUTIVE SUMMARY

In September 1988, President Reagan signed the Intelligence Authorization Act, Fiscal Year 1989, authorizing the New York Demonstration Project. The demonstration project permits lump-sum mobility payments of \$20,000 upon directed assignment to the New York Office for those employees who sign a three-year service agreement, relocate from a different geographical area, and agree to reside within approximately 50 miles of the office. It also provides retention allowances of 25 percent of basic pay to New York Office employees. Originally, demonstration project allowances and payments were provided to all Special Agents and approximately 35 percent of the support employees in the office. In November 1989, pursuant to Public Law 101-193, all employees of this division became eligible for project payments. Retention allowances are paid biweekly, but are not considered to be part of basic pay. This report addresses the fourth year of the demonstration project, covering the period of October 1991 through September 1992.

The cost of the project for Fiscal Year 1992 was \$13,258,084, \$1.3 million less than projected due to reductions in retention payments made to offset geographic pay adjust-

ments for law enforcement officers and interim geographic adjustments for all other employees. Total project costs to date are \$63,642,948; estimated costs for Fiscal Year 1993 are comparable to those of Fiscal Year 1992 and are projected to be \$13,254,594.

During the time period addressed by this report, the FBI was unexpectedly confronted with two significant organizational challenges which affected the administrative operations of the New York Office. First, of the employees predicted to separate from the FBI during this fiscal year (due to resignations or retirements), only 25-30 percent elected to do so and attrition was significantly less than expected. Agency-wide, the FBI exceeded its authorized target staffing level by more than 700 employees and a general hiring freeze was imposed in May of 1992. To complicate matters further, in response to changes in the geopolitical arena associated with the end of the cold war, the Department of Justice mandated a shift in program emphasis, requiring the FBI to reallocate some of its resources away from foreign counterintelligence work to violent crime matters. The impact of the hiring freeze and the shift in program emphasis on the New York Office are addressed in this report.

SPECIAL AGENTS

Staffing: Due to policy changes concerning target staffing level allocations for Special Agents assigned to the New York Office, they began Fiscal Year 1993 one percent over their authorized staffing level; prior to the project, staffing levels ranged from six to 12 percent below authorized levels.

Resignations: Since the project was implemented, Special Agent resignations have declined by 98 percent, from 41 to one. During each of the three years prior to the project, an average of eight Special Agents resigned annually upon receiving transfer orders to New York; since the project began, only three Special Agents have resigned under transfer.

Tenure: Average tenure of Special Agents assigned to this office has now been increased by 19 percent or 16 months. Supervisory tenure also increased by an average of a year and a half.

Transfers: Prior to the demonstration project there were no transfers of senior Special Agents into this office as their Office of Preference. Since project inception, there have now been 45 such transfers. Additionally, the presence of Newark Special Agents on this list has now declined, returning to predemonstration project levels, due largely to the number of Office of Preference transfers into the New York Office already granted to Newark Special Agents, as well as the provision of a 16 percent Special Pay Adjustment for Law Enforcement Officers for Special Agents assigned to Newark.

SUPPORT EMPLOYEES

The support complement in the New York Office encompasses professional, administrative, technical, and clerical personnel who provide direct operational support to FBI Special Agents.

Staffing: During the first year of the project, approximately 65 percent of the support staff was excluded from the project and the office was five percent below its target staffing level. During the second and third years of the project, when all employees were included, the office exceeded its authorized target staffing level by one percent. During the project's fourth year, due to increases in target staffing level allocations for support personnel, the office slipped below its authorized target staffing level by one percent.

Resignations: Support resignations have declined from 15 percent during the first year of the project to three percent in Fiscal Year 1992. Specifically, when only 35 percent of the support complement received project allowances in 1989, there were 120 support resignations. During the project's fourth year when all employees were included, resignations dropped to 23.

Tenure: As expected, due to hiring increases resulting from the provision of more competitive salaries, tenure was initially diluted. However, during the project's fourth year, tenure finally rose by 10 months or 11 percent.

ATTITUDES

In response to questions contained on the December 1992 attitude survey, the following data provides important insight into the perceptions of employees:

Ninety-five percent report strong satisfaction in working for the FBI (down slightly from 97 percent the previous year);

Eighty-nine percent report satisfaction with the amount of job security provided by employment with the FBI (down slightly from 90 percent the previous year);

Eighty-nine percent report their jobs are interesting, (the same as the previous year);

Seventy-nine percent believe their jobs provide personal satisfaction, (down slightly from last year);

Only eight percent of respondents indicated that they will look for outside employment during the next year (up slightly from the seven percent of respondents indicating such intentions on the 1991 survey);

Seventy-six percent of survey respondents believe they have good supervisors, (a one percent decrease from the previous year);

Seventy-six percent of respondents stated that the demonstration project has improved their standard of living (an increase of five percent); and

Thirty-four percent of survey respondents reported satisfaction with their salaries (up slightly from 33 percent).

CONCLUSION

The fourth year of the demonstration project cost the FBI \$13.3 million; \$1.3 million less than initial projections due to the provision of additional compensation initiatives. To date, many of the primary objectives of the project have been successfully addressed. However, a downturn in the economy, resulting in fewer employment opportunities, and internal policy changes, such as the extension of the retirement ceiling, have quite likely impacted New York Office employees, making it difficult to specifically attribute recent positive changes in the office directly to this project.

Nevertheless, since the demonstration project began, the Special Agency resignation rate has declined by 98 percent and resignations of Special Agents under transfer to the New York Office have been eliminated. At the beginning of Fiscal Year 1993, the New York Office was one percent over its Special Agent target staffing level. On the support side, the New York Office slipped to one percent below its support target staffing level for the first time since the project was extended to all employees. Additionally, support resignations dropped from 120 to 23 and sick leave usage held steady with the previous year's level.

Lastly, employee satisfaction with the FBI as an organization remained constant, as did satisfaction with job security and supervisory personnel. Although satisfaction with overall compensation remains low at 34 percent, it reflects a slight improvement over

previously reported satisfaction levels. Overall, 88 percent of survey respondents believe they have meaningful work, 78 percent are satisfied with their current work assignments, and 76 percent of survey respondents believe the demonstration project has improved their standard of living.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGAL COUNSEL,
Washington, DC, August 23, 1993.

Memorandum for Joseph R. Davis, Assistant Director, Legal Counsel, Federal Bureau of Investigation

Re: Construction of § 406 of the Federal Employees Pay Comparability Act of 1990

This memorandum responds to your request for our opinion whether § 406 of the Federal Employees Pay Comparability Act of 1990 (FEPCA), 104 Stat. 1427, 1467,¹ preserves extraordinary benefits payable under § 601 of the Intelligence Authorization Act, Fiscal Year 1989, Pub. L. No. 100-453, Stat. 1904, 1911 (1988), as amended by § 601 of the Intelligence Authorization Act, Fiscal Year 1990, Pub. L. No. 101-193, 103 Stat. 1701, 1710 (1989) (collectively, § 601), even after expiration of § 601's payment authority. We conclude that § 406 does not preserve the benefits payable under § 601 beyond the expiration of the latter provision.

Section 601 establishes a demonstration project that attempts to improve recruitment and retention at the New York Field Division (NYFD) of the Federal Bureau of Investigation (FBI) by increasing the pay of NYFD employees. See H.R. Rep. No. 591(I), 100th Cong., 2d Sess. 11-12 (1988). Pursuant to § 601, any FBI employee transferred to the NYFD receives a lump sum payment of up to \$20,000, conditioned upon the employee's agreement to serve at least three years in that office. § 601(a)(1). In addition, all employees in the NYFD receive periodic bonus payments of between 20% and 25% of their basic pay for the period covered by the bonus. § 601(a)(2). Section 601(b) provides that these benefits will terminate five years after the program is established by the FBI. We understand from you that this date falls on September 30, 1993.

FEPCA institutes a system of pay adjustments for general schedule employees throughout the Federal government, including locality pay to accommodate the higher cost of living in certain areas. Under FEPCA, special agents in the NYFD currently receive a 16 percent premium over base pay to account for New York's higher cost of living. Similarly, support staff who receive pay under the general schedule receive an 8 percent premium. Support staff who receive pay under the federal wage system do not receive any premium. See FEPCA §§ 101, 404, 104 Stat. at 1429-30, 1466; Exec. Order No. 12786, Schedule 9, 5 U.S.C. § 5304 note.

Thus, § 601 and FEPCA each provide extra pay for NYFD employees (except for wage employees who receive benefits under § 601 but not FEPCA). FEPCA's § 406, however, instructs the Office of Personnel Management (OPM) to coordinate the two programs to ensure that their payments are not cumulated:

Notwithstanding [§ 601], as amended, the Office of Personnel Management shall reduce the rate of periodic payments under such section as the provisions of this Act [FEPCA] are implemented: Provided, That no such reduction results in a reduction of the total pay for any employee of the New York Field Division of the Federal Bureau of Investigation. Notwithstanding such [§ 601],

the Office of Personnel Management may make such periodic payments inapplicable to employees newly appointed to, or transferred to, the New York Field Division on or after January 1, 1992.

The main clause in the first sentence of § 406 clearly does not authorize a continuation of § 601 benefits beyond the life of the demonstration project. On the contrary, it expressly directs OPM to reduce § 601 payments to NYFD employees as FEPCA is implemented. The second sentence of § 406 also contemplates the curtailing of § 601; it instructs that employees hired after January 1, 1992, need not receive any § 601 benefits.

Notwithstanding this general thrust of § 406, it has been suggested that the proviso in the first sentence might be intended as independent authority to "grandfather" current NYFD employees with continued extra pay at the § 601 level. The suggestion is that the proviso forbids any reduction in the total pay of NYFD employees as a result of a reduction in § 601 benefits. Therefore, because the termination of § 601 benefits will otherwise cause a reduction in the total pay of NYFD employees (because FEPCA's benefits are lower and also do not extend to wage employees), it is urged that the proviso operates to authorize continued pay at the § 601 level.

This suggestion misconstrues the purpose of the proviso. As indicated above, the main clause of § 406 directs OPM to reduce § 601 payments in response to FEPCA. That clause, however, does not specify by how much the payments are to be reduced. It is the proviso that limits OPM's discretion in this regard. The proviso precludes any reduction of § 601 benefits that "results in a reduction of the total pay for any employee of the [NYFD]." In effect, this means that OPM may not reduce § 601 benefits by more than one dollar for every dollar introduced under FEPCA; if it did, an employee's total pay would be reduced, in violation of the proviso. Thus, for each reduction in § 601 payments implemented pursuant to the main clause of § 406, the proviso caps the reduction at the amount of FEPCA dollars that the employee receives, which prevents any net loss of pay.

It must be understood that the proviso's protection applies only with respect to OPM's reduction of § 601 benefits pursuant to § 406. This much is established by the phrase, "no such reduction," which unmistakably links the proviso's operation with the preceding clause. See also 2A N. Singer, *Sutherland Statutory Construction* §§ 47.08, 47.09 (5th ed. 1992) (in general a proviso should be strictly construed to relate to the enactment of which it is part). In this case, the reduction of pay will occur as a result of the winding down of § 601's internal clock, and not pursuant to § 406. Thus, the proviso will not be triggered. Accordingly, § 406 cannot be said to authorize continued extra pay at the § 601 rate.²

Please let us know if we may be of further assistance.

WALTER DELLINGER,
Acting Assistant Attorney General.

FOOTNOTES

¹FEPCA was enacted as § 529 of the Treasury, Postal Service and General Government Appropriations Act, 1991, Pub. L. No. 101-509, 104 Stat. 1389 (1990). All references to provisions of FEPCA in this memorandum will cite the internal section numbers and corresponding pages in the statutes at large.

²We can find no references in the legislative history of FEPCA (nor were any presented to us) to suggest that § 406 was intended to continue § 601 benefits beyond their natural span.

Mr. DANFORTH. The amendment I have originated relating to intelligence

gaps is designed to accomplish one simple task: To inform members of congressional committees responsible for the intelligence budget of what policymakers and warfighters most want to know but are unable to learn with existing intelligence resources. A clear understanding of our intelligence gaps—ranked according to our national security priorities—is a prerequisite to any responsible sizing of our intelligence and defense budgets.

Currently each major intelligence agency provides a congressional budget justification book outlining proposed initiatives for the next fiscal year. These books also suggest the enormous accomplishments which the past year's efforts have secured. Such agency-by-agency review of programs, systems and architectures made sense during the cold war; the adversary was well understood and the threat it posed was of an evolutionary kind.

Yet in today's world, threats are likely to develop and dissipate quickly. Strategic plans and their attending security requirements fluctuate. We must not wait for war, an unexpected nuclear explosion or new terrorist attack to clarify the deficiencies in our collection capabilities. We must anticipate them and we must end them before they tie our hands or cost us lives.

To accomplish this end, the executive branch must help Congress understand in concrete terms what the intelligence community is not good at but should be. Congress needs to know when and how changing national security priorities change intelligence collection requirements and stretch our capabilities across agencies and programs. Congress must also be convinced that any gaps—real or impending—will be efficiently addressed. What requirements do the huge amounts of resources, labeled only as base funds, fulfill? What gaps in information justify new resource expenditures in which agency's programs and why? How do we know resources cannot be transferred from other accounts?

This amendment simply requires the Director of Central Intelligence and the Secretary of Defense to present to Congress by March of next year, a report on the key gaps in our intelligence collection capabilities, ranked according to policy priorities. This report will include an assessment of how next fiscal year's budget submission affects or closes those gaps and, when appropriate, why new appropriations must be sought.

Fortunately, the DCI has just approved a refined requirements process which will capture information on policy needs and collection capabilities for budgeting purposes. Moreover, the National Intelligence Council is productively engaged in systematic review and evaluation of our national estimates so that these gaps can be identified and corrected as efficiently as possible. I heartily endorse these efforts

and hope that they are fully implemented.

This amendment will ensure that the appropriate congressional committees are fully apprised of the results of these new evaluative processes within the context of our annual budgetary reviews. If the results of these new initiatives are as significant as I expect them to be, the report called for in this bill will become a useful annual instrument for illuminating and measuring our intelligence priorities.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1154, 1155, and 1156) were agreed to en bloc.

Mr. WARNER. Mr. President, I move to reconsider the vote by which these amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I do want to say that the support that we have had from the vice chairman is appreciated by this Senator. He and I have had some disagreements on where we should go with national intelligence. But there is no one for whom I have more respect or who knows more about armed services and the defense of this country than the Senator from Virginia, who has also served this country with a distinguished career as Secretary of the Navy.

We have forged what I believe is a good bill. It is not perfect, by any means, but it approaches the intelligence necessities here for our national security in such a way that I believe the national intelligence agencies can provide the necessary information that is necessary for our national security. I feel that without the Senator from Virginia we would not be here today. We had a long time getting this bill up. I am glad the Senator was able to help me in that capacity.

I also want to thank the staff on both the minority and majority sides for their long, long efforts in putting this together.

Mr. President, under the previous order, the only amendment to be offered is a sense-of-the-Congress amendment to be offered by the Senator from Ohio [Mr. METZENBAUM] calling for disclosure of the intelligence budget. Under the previous order, debate on the Metzenbaum amendment is limited to 2 hours and 10 minutes, with 75 minutes being controlled by the Senator from Ohio, 45 minutes controlled by the Senator from Virginia, and 10 minutes for the Senator from Pennsylvania [Mr. SPECTER].

I am hopeful, Mr. President, that we will not use all this time, because I think this subject matter has been discussed at some length, but I know the Senator from Ohio feels very strongly and wants to go into the background of this.

Mr. WARNER. Mr. President, if I may just join my colleague and express my appreciation for his personal comments here. I certainly share those sentiments with respect to the Senator from Arizona.

I look forward to next year. We have a very fine committee under our joint leadership. I think we achieved the Senate's wishes in terms of our Nation's intelligence.

Mr. DECONCINI. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 1157

Mr. METZENBAUM. Mr. President, on behalf of myself, Mr. BOREN, Mr. MURKOWSKI, Mr. INOUE, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. LEAHY, Mr. BUMPERS, and Mr. WOFFORD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself, Mr. BOREN, Mr. MURKOWSKI, Mr. INOUE, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. LEAHY, Mr. BUMPERS, and Mr. WOFFORD, proposes an amendment numbered 1157.

Insert at the appropriate point the following new section:

"SEC. . SENSE OF CONGRESS REGARDING DISCLOSURE OF ANNUAL INTELLIGENCE BUDGET.

"It is the sense of Congress that, in each year, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner."

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I hope those who are cosponsors of this amendment will see fit to join us on the floor. There certainly will be time available for them if they wish to be heard.

This is just a minor amendment that Members of the Senate should readily support. Although it is a minor amendment, however, there is a significant reason for us to adopt it.

I am pleased to report that it is cosponsored by all the former chairmen of the Senate Intelligence Committee who still serve in the Senate; that is, Senators INOUE, DURENBERGER, and BOREN; by all but one of the former vice chairmen of the committee who are still serving; that is, Senators MOYNIHAN, LEAHY, and MURKOWSKI; and by Senators BUMPERS and WOFFORD.

As my colleagues know, the budget that this bill addresses is, in fact, classified. Indeed, in the budget documents we receive from the executive branch, the figure for the total intelligence budget is classified "Secret." In theory, pursuant to Executive Order 12356, this means that unauthorized disclosure of that number "reasonably could be expected to cause serious damage to the national security."

But that does not mean, of course, that you cannot read estimates of that number. A witness before our committee once called it the worst-kept secret in Washington. And earlier this year, a Washington Post article based at least partly on an interview with the outgoing Director of Central Intelligence included a detailed chronology of the requests and the cuts in the fiscal year 1993 national and tactical intelligence budgets—to the nearest \$100 million.

Yet, that budget figure is still classified. The American people may read leaks, estimates, or rumors on that figure. But nobody is permitted to tell them honestly and openly how much of their hard-earned money is being spent on U.S. intelligence programs.

I wish we could enact something much stronger than the amendment I have just introduced. But I regret to say that anything stronger than this would be opposed by the administration. And that is a great disappointment to this Senator and to many others in this body and in this country.

Two years ago, the version of the Intelligence Authorization Act for fiscal year 1992 that was passed by the Senate did contain language to require, beginning in 1993, disclosure of the total amount requested, authorized, and spent for intelligence and intelligence-related activities.

I had proposed that initiative in the Intelligence Committee markup, and I was very pleased that it gained the support both of our chairman, Senator BOREN of Oklahoma, and of our vice chairman, Senator MURKOWSKI of Alaska.

Both of those fine gentlemen have since left the Intelligence Committee, but both are cosponsors of the present amendment, for which I am most grateful. Their steadfastness is a reminder that the issue of leveling with the American people has real continuity. It does not go away; rather, it lasts through the years.

President Bush opposed the Senate's language 2 years ago and threatened to veto the authorization bill over it. Faced with that threat, our House colleagues became nervous and the Committee of Conference settled on sense-of-Congress language instead. The language that was enacted was as follows:

It is the sense of Congress that, beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner.

The very same language was enacted again last year, in the Intelligence Authorization Act for fiscal year 1993, without any debate or opposition.

My colleagues will note that the language I am proposing today is essentially the same as that previous language. I have merely dropped the reference to the year 1993, since that year is already upon us.

The amendment before us would, thus, simply restate the policy that Congress has enacted each of the last 2 years. It does not require budget disclosure; it merely keeps us from backsliding on the issue and it indicates that the Congress believes that the number should be disclosed; and it is a message to the President and the head of the Central Intelligence Agency.

This year we have a new President of the United States of whom we are very proud. He has proclaimed a new commitment of openness in Government. I expected and encouraged the President, therefore, to determine how best to disclose the intelligence budget total and, in the words of a popular advertising slogan, to "just do it."

As I said in a letter to the President last February:

With the end of the Cold War, there is a new requirement to buttress public trust in U.S. intelligence. The old forces that once assured a consensus on the need for secret intelligence no longer exist.

A limited budget disclosure such as that which Congress has recommended would be an important, and simple, first step toward creating a new basis for that public trust.

On March 27, the President replied as follows:

*** I take seriously your suggestion that our Administration disclose the aggregate amount spent on intelligence when we submit our Fiscal Year 1994 budget to the Congress. But as Jim Woosley and the rest of our national security team attempt to structure new intelligence priorities, my hope is that you will allow us the opportunity to evaluate carefully both the benefits and legitimate concerns which are associated with such public disclosure.

I willingly gave the administration more time to adopt a policy on this matter, confident that there were no concerns that could not be readily answered. But the new Director of Central Intelligence has rather old-fashioned views on this issue. He fears that disclosure of the budget total would result in his budget being cut. He also argues—without justification, in my view—that such disclosure would lead inexorably to more detailed budget disclosure.

Mr. President, intelligence budget disclosure is an old issue. And although the administration has not moved smartly on this issue, we are making some gradual progress.

In the old days, opponents of disclosing the intelligence budget total used to argue that disclosure of even this one figure would provide important intelligence information to foreign countries. That argument is no longer used. People realize that little or no intelligence information can be gleaned from this figure, even though it does provide a useful indicator of budget priorities to the American people, which the American people have a right to know.

Two years ago, the Senate Intelligence Committee asked several wit-

nesses whether any danger to the national security would result from disclosing the intelligence budget total. On March 21, 1991, Admiral Bobby Inman, former Deputy Director of Central Intelligence in the Reagan administration, spoke directly to this issue, saying:

Our worry has been *** that somehow if we release those figures, it was going to help foreign intelligence services figure out where to go burrow in and conduct effective counterespionage. And I have increasingly had difficulty in seeing where just the total figures were going to let them do that.

Admiral Inman said that we could even disclose the budget totals by agency without harming the national security. We chose not to go that far, but here was a former NSA Director and Deputy DCI assuring us that such highly aggregated budget figures can be disclosed without betraying any sensitive information.

Two months later, we had a hearing with some of the old boys who had held major CIA positions in the earliest days of the cold war. One of those witnesses was Ray Cline, an aide to Wild Bill Donovan in OSS who went on to become CIA Deputy Director for Intelligence and then Director of the State Department Bureau for Intelligence and Research. He commented on budget disclosure as follows:

If you are talking just about the total, I think it is entirely appropriate now to make it public. I don't see any reason not to. *** It really was the kind of fascination with clandestinity that caused it to be kept [secret] so long.

Perhaps because of such testimony as that, the next Director of Central Intelligence actually supported disclosure of the intelligence budget total. On September 16, 1991, responding to a question from Senator WARNER of Virginia in the first of his confirmation hearings, Robert Gates testified as follows:

I don't have any problem with releasing the top line number of the Intelligence Community budget. I think we have to think about some other areas as well.

The following day, in response to a question from Senator CHAFEE of Rhode Island, Dr. Gates added that his stand was "premised on my belief that it would send a good signal to the American people of change" that would reflect the intelligence community's adjustment to a changing world.

That need to "send a good signal to the American people of change" is still with us, Mr. President. The American people need some assurance that in a post-cold war world, U.S. intelligence programs will no longer be run on a cold war basis.

In particular, the American people need assurance that their views will be considered when Congress and the executive branch decide how much of the national treasury to spend on this function of Government. And that is what disclosure of the intelligence

budget total would accomplish, for it would permit the American people to compare what we spend on intelligence with what we spend on other Government activities—on housing, on education, on the U.S. Navy, or whatever the case may be.

Clearly, if the American people are ever to trust their secret arms of Government, the time has come to trust the American people in turn with the basic fact of how much we spend on intelligence. I am, frankly, baffled, Mr. President, by the thought that anybody would still fear that disclosure of this budget figure would harm the national security.

I know some people still say that if we release one number, we will go on to release more details. That is the so-called slippery slope argument. It is sort of like original sin, or eating just one potato chip: once we start, presumably we will be unable to control our base impulses to disclose more and more information.

Having served over 6 years on the Intelligence Committee, I must say that I trust my colleagues not to do that. We handle very sensitive matters all the time. And if we and the executive branch agree on the proper extent of intelligence budget disclosure, I am utterly confident that none of us would breach that agreement and make improper disclosures.

As I noted earlier, there are already plenty of leaks and press reports regarding the intelligence budget figure. But that is not how the intelligence budget should be handled.

The fact is that the executive branch's historic preoccupation with secrecy in this matter is precisely what has bred this city's cynical acceptance of leaks and rumors of intelligence budget information. The best way to stop leaks is to adopt a sensible disclosure policy, one that accepts the public's right to know this information when it can be released without harming the national security.

The argument that disclosure of the intelligence budget total would lead to cuts in that budget is more interesting. I have to admit that I think it would do just that, or at least it might do that. I think the American people would object to spending so much on intelligence. If the budget figure is more than the American people want spent on intelligence, then why should we be spending it? Are we not here to reflect the views of the people whom we represent?

I also think the American people would be right if they thought that the budget should be cut. Too much is spent on intelligence today, and a leaner Intelligence Establishment would be both more efficient and more effective.

When it comes to the intelligence budget, then, you may count me on the same side as Gen. Bill Odom, the former NSA Director, who testified to the Intelligence Committee as follows:

*** I would not be at all hesitant to impose a 15- to 20-percent reduction on intelligence in the next couple of years and let them scramble. ***

But you do not have to favor budget cuts to support this modest bit of openness. This bit of openness has nothing to do with whether you favor a higher budget or lower budget. Some of my colleagues look at our total Defense bill and say that intelligence is a bargain by comparison. But they, too, are not afraid to let the American people know how much this costs. It is the old bureaucrats who do not want the American people to be told how much money the executive branch wants or spends for intelligence.

Frankly, those bureaucrats are being shortsighted in their approach to budget disclosure. The world has changed. Intelligence budget cuts are very likely unavoidable, given the end of the cold war and our economic problems at home.

Even CIA Director Woolsey may recognize this. In a letter to many of us on October 5, he wrote as follows:

I certainly recognize and support the urgent need to reduce the budget deficit by cutting back on expenditures. Intelligence cannot be immune from such reductions.

So the handwriting is on the wall: the intelligence budget is very likely to be cut, at least in the short run, whether the budget total is disclosed or not.

Disclosure of the budget figure will simply permit the American people to take part in deciding budget priorities, as they should do in this great democracy. The American people have a right to be told—in a regular and official way, rather than through leaks and rumors—how much is actually being spent on intelligence.

And that right of the American people is especially important to us in the Congress. That is because we, too, must deal with a climate of voter distrust. And continued Government secrecy on something as basic as the intelligence budget total preserves not the budget itself, but rather the people's distrust both of intelligence and of congressional oversight.

Mr. President, I am certain that some day disclosure of the intelligence budget total will be permitted. The American people's right to know this information is clearly implied—if not required—by clause 7 of article 1, section 9 of the U.S. Constitution, which reads as follows:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations, made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

That is from the Constitution.

It has become abundantly clear that there is no real security justification for keeping the intelligence budget total secret. So if the executive branch continues to hide this information

from the people, it will only look more and more out of date. I believe that this is a President who is very much up to date. I believe that this is a President who is very much with it. I believe that the President of the United States has been misinformed and misadvised in connection with this issue.

I hope that the administration will see the light sooner, rather than later, and simply disclose the intelligence budget total. Our continued expression of concern on this issue should serve to hasten that day. If it does not, Mr. President, then some day both Houses of Congress must summon the courage to require this modest and sensible disclosure.

For now, however, renewing our traditional expression of the "sense of Congress" will send a useful message of our continued commitment to openness in Government and specifically of our belief that a measure of openness can be achieved on the intelligence budget without endangering the national interest.

I urge my colleagues to join me and the other cosponsors of this amendment in supporting this basic commitment to open Government.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio yields the floor.

The Chair recognizes the Senator from Virginia [Mr. WARNER].

Mr. WARNER. Mr. President, I yield to myself such time as I require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WARNER. Mr. President, the distinguished Senator from Ohio said the President of the United States was misinformed. I bring to his attention that the Director of Central Intelligence and the Central Intelligence Agency were established in 1947, so does that mean Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush, and Clinton were all misinformed, I ask the Senator?

I doubt that. Under the Constitution, they—the Presidents—are the Commander in Chief. Under the Constitution, they are the chief architect of foreign policy. Nothing is more essential to the discharge of those two constitutional responsibilities than the collection of intelligence.

They were not misinformed, I say to the Senator. They were fully informed. They made a careful decision, which has been consistent throughout the Presidency since 1947, that the top figure or any other figures relating to the Nation's intelligence should not be disclosed.

If I may ask a question of my colleague from Ohio, how many major nations of the world adhere to the objective of the Senator from Ohio and disclose their top line intelligence budget?

Mr. METZENBAUM. I have not the slightest idea, and I do not think it would be relevant.

Mr. WARNER. That to me just shows the fallacy of this whole debate. The other major nations do not do it.

Mr. METZENBAUM. I say to my colleague, I do not believe the United States is supposed to follow Germany, or England, or France, or the former Soviet Union, or Russia, or any other nation in this world. I believe this relates to an obligation of this Congress and this Government to report to the people of America, and we are not responsible to other nations. I am amazed that my colleague would suggest that.

Mr. WARNER. Mr. President, the Senator from Ohio has answered my question. Not a single, major nation in this world discloses the top line of their budget. And why? Because intelligence is an interlocking, interdependent network. When we have problems in various areas of the world, we call on colleagues in those nations to help us supplement such knowledge as we may or may not have.

That is one of the fundamental reasons. Intelligence is an interlocking, interdependent network. If we were to adopt the resolution as advocated by my friend from Ohio, it would begin to undermine that very structure of interdependent, interlocking network of intelligence throughout the world that makes it possible to preserve freedom and our security. If cooperating countries saw us disclosing our intelligence budget, they might become concerned about what else we would disclose.

I say to my colleague, why did 265—I repeat, 265—Members of the House of Representatives vote no on a proposition comparable to that of the Senator from Ohio? Only 168 went along with that proposition.

I do not know what we gain as a nation standing alone, as the Senator points out, in disclosing this. I can show nothing on the positive side to contributing to the national dialog on national defense. But I can show you any number of negatives, strong negatives, for not adopting the resolution of the Senator from Ohio.

Indeed, this would, in my judgment, undermine a most valuable asset that we have in that our President must act on a moment's notice both in matters of national security as well as foreign policy, while the Congress is dispersed across the United States.

So, Mr. President, I now yield the floor.

Mr. METZENBAUM. Will the Senator yield for a question?

Mr. WARNER. Mr. President, I yield to the Senator from Maine such time as he may require.

Mr. METZENBAUM. Will the Senator yield for a question?

Mr. WARNER. Of course. Mr. President, we will yield only on both sides.

We would yield on the time of the Senator from Ohio because I gave him time to try to make his point. I only need half the time to make mine.

Mr. METZENBAUM. Twice as many people want to come over and speak on my side, want to be a cosponsor and want to protect their rights.

The PRESIDING OFFICER. The Chair would ask whose time is being yielded?

Mr. WARNER. Mr. President, I suggest the time of the Senator from Ohio. I will yield for a question.

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

Mr. METZENBAUM. Would the Senator from Virginia care to expand upon the point he just made that the President has to be prepared to act on a moment's notice when there is a problem anywhere throughout the world, and explain what relevance that has to this amendment, which only says that the American people are entitled to know how much we are spending on intelligence and is a sense of the Congress?

Mr. WARNER. Precisely. I thank the Senator.

Mr. President, the answer to that is as follows. Often that decision he must make in a matter of seconds is dependent on the quality and the quantity of the intelligence he has at hand. I have a fundamental precept that to adopt this amendment begins to erode the international network of contributions, interlocking contributions by other nations of the world because they will become suspect as to how we manage our intelligence here and what we will keep secret.

Mr. METZENBAUM. I thank the Senator from Virginia for his response. But I have to say that I think it is a non sequitur. I do not think it is a response to the question, but we will let it go at that.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield such time to the Senator from Maine as he may require.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine, [Mr. COHEN].

Mr. COHEN. Mr. President, I came in only on the very tail end of that particular exchange, but let me offer a few observations. As I understand it, the Senator from Ohio is offering this amendment because the public has a right to know.

The public does know through its elected officials, Members of the House and Members of the Senate. We sit in deliberation day after day after day and listen to the presentations on budgetary and other matters. Reports are made to the Senate Armed Services Committee and the House Armed Services Committee. Every Member in this Chamber has access to those numbers. And so the public does have knowledge through its elected officials.

But the Senator from Ohio wants to go further. He is suggesting the public has a right to know the bottom line number that we spend for intelligence. I would then raise the question, to what end? Is it for the purpose of allowing our constituents to know whether we are spending too much for intelligence? If that is the purpose, then you have to ask the next question. How will they know?

Assume you give them the figure of \$5 billion, \$10 billion, \$15 billion, \$50 billion. How is the public to make a judgment as to whether that is too much or too little unless they know what? Unless they know all of the other factors involved.

So the next question will be, how much are we spending for satellite coverage? How much are we spending for human intelligence? How much are we spending for covert activity? How much are we spending for a whole variety of programs that the intelligence community and the President recommend and believe is in our national security interest to pursue?

That is the only way the public has any measure of knowing whether there is too much money being allocated for intelligence or too little.

So the notion that somehow we are going to disclose to the public the bottom line figure and that is going to inform the public I think is sheer nonsense—I think it is sheer nonsense—unless we are willing to say the public has a right to know the components that make up that total budgetary figure. Then you can make the argument the Senator from Ohio is making. Then the public will be in a position to make a judgment as to whether we are spending too much or too little.

Now, I was tempted to come over here and offer a second-degree amendment to the amendment of the Senator from Ohio, and that would be to have the markup of the Intelligence Committee conducted in the open. Make it open, and that way the public through C-SPAN or any other network could then listen to the debate and the presentations made to the members of the committee. Then the public would be able to judge whether or not their Senators are measuring up to what is perceived to be their responsibility to the public as to whether we are making the right kinds of decisions.

Are we spending too much on satellite coverage over Iraq? Are we spending too little on satellite coverage over Libya? Should we have greater resources devoted to what used to be the Soviet Union? Will there be a proliferation of nuclear weapons? Who is watching this? Is it enough, or is the cold war over? Do we have to be concerned about 30,000 nuclear weapons rolling around over there or the chemicals being developed even to this day by Iraq or those in Iran—or the biological weapons, or do we not need to be

concerned about them because the cold war is over?

I submit to you, Mr. President, and to my colleagues in the Senate, disclosing the bottom-line figure of what we spend on intelligence will not contribute one iota to the public's understanding of what goes into the makeup of that intelligence budget, and we have determined as a Senate and as a House that that knowledge should not be made public. We have imposed sanctions on the Members not to disclose that information under penalty of being expelled from this place and prosecuted by the Justice Department if they disclose the components of that particular budget.

Yet, if you really want to say the public has a right to know, you have to take the next step. And the next step is to allow the public to see what are the ingredients of that budget, and allow not only our public, but every nation's public, to understand the ingredients of what makes up our intelligence community.

We had something of this debate last spring when there was a motion made, apparently successfully as I recall, to cut \$1 billion out. I argued strenuously against that because I thought it was ill-advised. But that is another matter.

But the Members at least had access to the budget figures. They had access to go over and examine what the budget was so they could make a reasonable determination as to whether they favored more or less for the intelligence community. I tried to point out that it is ironic that many of the Members who were calling for greater reductions in spending for intelligence also were demanding more from the intelligence community, better analyses, better human intelligence. We all know it takes a long time to develop good agents in the field, to develop the kind of intelligence that is necessary. But that is another issue altogether.

I see the chairman of the committee. I respect the kind of work he has been doing in the intelligence field, both in the FBI and the CIA, as well as all of our intelligence community. But at least he has access to that information. I think he would be the last one to say let us disclose everything that the budget is made up of.

I find it ironic also that here we are prepared, at least on the part of some, to disclose a bottom line, a specific figure, on what we spend for intelligence activities in this country. And yet we adopt some broad categories for financial disclosure on the part of Members. It struck me as I was coming over here that we are very protective of our own particular personal situation. We have categories, zero to \$10,000, \$10,000 to \$50,000, \$50,000 to \$200,000, whatever the assets might be. We are very general and vague about protecting things that we deem to be of some private nature.

Yet, this is the most private. The secrets of this country are the most private. They are the most important. Yet, we say, let us just disclose the specific numbers. I submit to you if you disclose the number this time, that is just the beginning and not the end because next year in the next debate there will be an effort to say it does not tell us anything. How can we as a public, the American people, judge exactly what is being spent? Tell us more. How much will this satellite cost? How much will that satellite cost? What will it do? Where will it go? How often will it cycle over that specific area? You mean to say we are spending that amount of money for this particular system? We could do a whole lot better by getting four systems for that one with a little less capability.

So the debate will start not in the Senate Intelligence Committee or the Armed Services Committee, but in the general public forum.

Mr. President, I know there are a lot of speakers who would like to talk on this issue. But I would say that I spent a good deal of time on this committee. I still take a great interest in its activities and mission. I can think of nothing positive that will come from an amendment like this should it pass. I can see a whole lot of negatives.

So I want to alert my colleagues that, if this were to pass, I would be prepared to move that we open up the intelligence process so that the public really can know and can see its Members in operation, reviewing the systems, the programs, and the activities that come before the Members, and let the public make a judgment as to whether we are fulfilling our responsibilities.

I think that is really the logical consequence of this amendment. But simply to tell the public we are serving you by telling you the bottom-line figure really is misleading them into thinking they will be able to make a judgment as to whether it is too much or too little.

Is it too much because the percentage of defense spending is coming down? There are Members on both sides of the aisle who will point out to you that as defense spending is coming down you really want to increase your intelligence, not decrease it. Intelligence is a force multiplier. It does not matter how many weapons you have, how many systems you have to fight a war if you cannot see and you cannot hear and, moreover, you do not understand what is going on in the world. We need more intelligence, not less.

So then you can find yourself locked into some kind of arbitrary formulation that if you just keep squeezing that defense budget down, we can take more and more out of intelligence. That is the wrong way to go. But that

would be the force of that particular line of argument.

So, Mr. President, I suggest that there is no good to come from this amendment. It is misleading the public to suggest that they will now know something of very positive value that will enable them to make a judgment as to whether we are spending too much on intelligence. We would then have to disclose all of the ingredients of the intelligence budget. And that, I think, would lead to a great compromise of our national security interests.

Mr. WARNER addressed the Chair. The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I express my appreciation to my friend and colleague, with whom I have served for almost 15 years on the Armed Services Committee. A comparable argument can be made: That the Senate go into that committee's work and make disclosures on all types of programs that the Armed Services Committee handles. I would be against that. The basic point is that the people in the United States elected us to come here to discharge the trust they reposed in us, and in such instances, to discharge that trust in a way that we maintain the confidentiality of sensitive national defense matters.

I thank the Senator from Maine for his very valuable contribution. He has served 8 years on the Senate Intelligence Committee, the last 4 of which he was the vice chairman of that committee. He knows of what he speaks.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as I listen to the arguments on the pending issue, I do not find that they are very compelling, candidly, on either side. But I think that the balance of persuasion is on the side of and in favor of disclosure.

When the Senator from Virginia talks about strong negatives, I did not hear him say any strong negative at all.

He talks about "interlocking independence." I really do not know what that means. He talks about undermining an asset of a President. Whatever asset the President has by way of intelligence, he has it or he does not have it. But the disclosure of the total figure seems to me not to have any real disadvantage at all.

The question as to what is the advantage, I suggest, is not too great either. I think there is some advantage, Mr. President, of having the total figure because it does show some relationship to what the figure was in the past, what the figure was in relation to the total budget, what the figure was in relation to the defense budget.

The Senator from New York [Mr. MOYNIHAN], introduced a similar reso-

lution back in 1990 where I joined him. At that time, the then chairman of the committee, the Senator from Oklahoma [Mr. BOREN], and the Senator from Maine [Mr. COHEN], then vice chairman, took the floor and suggested that there be hearings on the subject. I served 6 years on the Intelligence Committee myself and am looking forward to going back next year for my final 2 years, hopefully as chairman—that will only require a Republican majority—and, if not, then as vice chairman.

I do not recall whether the hearings were held. This was referred from the proceedings we had back in 1990. I have heard the statements from quite a number of the former heads of the CIA, Mr. Inman and Mr. Gates, both of whom favor disclosure. One factor which weighs in my mind is the constitutional provision, article I, clause 7, which says:

No money shall be drawn from the Treasury but as a consequence of the appropriations made by law, and a regular statement of account of the receipts and expenditures of all public moneys shall be published from time to time.

On its face, the statement about a regular statement of accounts of expenditures of all public moneys shall be published from time to time would appear to include this type of a disclosure.

I have great respect for my colleague from Maine with whom I served on the committee for 6 years, and also my colleague from Virginia. Based on what has been said thus far, I have not seen any strong reason for nondisclosure.

When the Senator from Maine talks about disclosure as to Members' programs, it should be more precise. If so, I would have no objection to that. I think that kind of disclosure really is on the high side anyway. I look at the totals in the newspapers about my net worth, and it is a lot higher than my actual net worth.

When the Senator from Virginia talks about disclosures on the Department of Defense budget, there are precise figures which are made there. But in the absence of some compelling reason why there should not be disclosure—and I know of none from the arguments today, or from my service on the Intelligence Committee, or from my service in the Senate, or from my general activities as a citizen—then there is some value in that, in combination with the factor that we have twice passed a sense-of-the-Senate resolution calling for disclosure.

I am informed that this year the sense-of-the-Senate resolution was not included on the expectation that there would be a stronger resolution compelling disclosure. I wonder, as I listen to the amendment of the Senator from Ohio, why his amendment does not call for mandatory disclosure. So in the context of this record, it seems to me

that it would be a step backward to treat even from the sense-of-the-Senate resolution. That is why, on a narrow reading, without very powerful arguments on either side, my inclination is to support the amendment of the Senator from Ohio.

Mr. WARNER. Might I briefly reply to my colleague from Pennsylvania, who could quite likely become the vice chairman of the Intelligence Committee next year, succeeding me on the committee.

Mr. SPECTER. Quite likely the chairman.

Mr. WARNER. My point in a most serious vein is that you questioned my statement with respect to the defense budget. There are many programs to which we refer by the generic term of "special access programs." The funding for those programs is not a matter of public record.

Second, you expressed concern about my point with respect to the interdependency of other nations in our intelligence network. Each day our intelligence agencies are working in a cooperative way with their counterparts in many nations. It is that flow back and forth which contributes to the quality and, indeed, in many instances, the quantity of the intelligence made available to our President as Commander-in-Chief.

I point out that nine Presidents, I say to my friend from Pennsylvania, have had the authority to disclose the U.S. intelligence budget if they wished, and each of them has declined to do so, including the current officeholder of the Presidency.

Mr. SPECTER. By way of brief reply, I am well aware of the provisions in the Department of Defense budget as to nondisclosure. Nonetheless, I thank my colleague from Virginia for pointing that out.

Not only are those figures not disclosed to the public, but there is substantial effort to avoid disclosure of those figures to Senators. I recall one day in 1982 or 1983 when there was an issue on the Senate floor involving \$100 million, and I asked what it was about. I was taken into the Cloakroom by the then chairman of the Armed Services Committee, and we had quite a discussion as to whether a sitting Senator, albeit a junior one, ought to know about it. So I think Senators ought to know about those figures, even though some other Senators might say no. There are good reasons why those figures are not subject to public disclosure. I do not think that impacts on the pending argument in any way.

When the Senator from Virginia talks about working in cooperation with intelligence agencies in other countries, I am well aware of that. But I do not think total disclosure will have a negative impact on foreign cooperation. When the Senator from Virginia says that no President has made

a voluntary disclosure, I have not seen any President make any voluntary reduction of a scintilla of executive power. I am not impressed by the fact that Presidents do not give up anything, even if it is a semicolon. I balance this weight in favor of the Senator from Ohio.

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

The PRESIDING OFFICER. The Senator from Pennsylvania has 4 minutes remaining.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia has 27 minutes remaining.

The Chair recognizes the Senator from Rhode Island, Senator CHAFEE.

Mr. CHAFEE. Mr. President, I rise in opposition to the amendment of the Senator from Ohio.

Senator METZENBAUM argues that greater openness regarding the intelligence budget will somehow prove to be of value to the American people without jeopardizing national security. Let's examine this concept for a moment.

I would like to ask the Senator from Ohio, if greater openness regarding intelligence is desirable, why is he only proposing to release the total budget figures? Why not release the budgets on each intelligence agency? Why not release the budget figures for specific satellite programs? Why is he only proposing to release the overall figures for intelligence spending instead of more detailed budgetary information? Obviously, we cannot provide such information without damaging our security.

Mr. President, I would like to suggest that revealing the intelligence budget total could be worse than meaningless, because it could very well lead to unauthorized disclosures that would compromise some of the substantial investments we have made on sophisticated technical collection systems. That is where most of our intelligence dollars are. In addition, if greater scrutiny leads to more leaks, this amendment could ultimately jeopardize sensitive relationships with over countries and deter potential agents who might fear for their personal safety.

Anyone who doubts the slippery slope argument should recall what happened with the B-2 bomber. The fact is, it simply became impossible to support the B-2 program without a detailed discussion of the plane's capabilities. Information regarding the plane's range, payload, radar cross section, armaments and other characteristics quickly became public once we began to debate the B-2 bomber's cost. In the case of the B-2, this has been a useful and necessary debate and one that has not damaged U.S. national security. I say that because the plane's incredible capabilities serve as a deterrent to potentially hostile nations. Further, this aircraft is so sophisticated that there

is little prospect other countries can duplicate it or develop effective countermeasures. Intelligence capabilities, however are often highly perishable. Billions of dollars have been invested in intelligence capabilities that could be rendered useless if they were disclosed.

Intelligence is inherently a secret business and will always remain so. The sponsors of this amendment implicitly acknowledge that fact by indicating that they do not want to reveal the details of classified programs. If the details of the intelligence budget remain secret, then the only impact this amendment can have is to frustrate a curious public and politicize the intelligence budget. If the details do not remain confidential, then the impact will of course be to compromise programs that we rely on to protect our soldiers and citizens.

The Senator from Ohio says that the overall intelligence figure is a poorly guarded secret, and its release will cause no harm. Why not release other poorly guarded intelligence information? There have been leaks regarding some of our intelligence satellites, which are very expensive, why not declassify the budget figures for these programs? Perhaps that would enable us to come down to the Senate floor and offer amendments regarding different intelligence satellites. Clearly, this is a very slippery slope.

Mr. President, I believe this amendment is falsely advertised. Its sponsors have no intention of permitting the public to see or understand how their intelligence dollars are spent. They readily admit that they have no intention of revealing sensitive programs or capabilities. So the idea that the public will be better informed, or in a position to evaluate intelligence spending, is pure hyperbole. What the proponents want to do is to put a bulls eye on the intelligence budget, and hold it up as a target for public ridicule, recognizing full well that we cannot engage in a meaningful public debate regarding intelligence programs.

There are many opportunities here in Congress, within the confines of at least six committees, to freely debate the intelligence budget. The Senate intelligence committee has hearings and briefings virtually every week, as does its House counterpart. We have an audit team that travels to distant parts of the world to examine the minute details of intelligence programs. The Senator from Ohio, who serves on the intelligence committee, and the Senator from Arkansas, who serves on the appropriations panel, have every opportunity to review this budget and offer committee amendments proposing specific reductions. Their party controls both the White House and the Congress. In these committees, there is a level playing field because intelligence costs and capabilities can be freely discussed. But the

sponsors of this legislation have not had much luck on a level playing field, so they now want a public debate on a tilted field where they can discuss costs but others cannot discuss capabilities.

I believe that all of us in the Senate support the concept of openness. Yet, we also all realize that there is a great deal of Government information that should remain confidential. For example, we all agree that the data compiled by the FBI during background investigations should not be made public, although some could argue that the public would be better informed if the FBI records regarding the administration's nominees were made public. There are appropriate limits on openness and the public expects us to protect sensitive information. Similarly, we all agree that many defense and intelligence programs need to remain classified in order to protect national security.

Mr. President, if you want to politicize the intelligence budget, invite unauthorized disclosures, or have a meaningless or even misleading public debate about intelligence spending, then you should vote for this amendment. That's all that revealing the top line figures can produce. On the other hand, if you believe that the intelligence, armed services and appropriations panels do their jobs properly, and provide effective oversight; and if you believe that intelligence, like foreign policy, should not be a partisan issue, you should oppose this amendment.

Indeed, I want to ask the Senator from Ohio a couple of questions, if I might.

If the objective is greater openness so the public can better understand the intelligence budget, why do you only reveal the total budget figure? Why not get into the details of each of the agencies, for example, and why not release the budget figures for specific satellite programs? It seems to me, then, one can compare the budgets of agencies A and B and C, and what the various capabilities are of the overhead programs; that is the way to really make sense out of this. Whereas, if you just argue about an overall fixed sum, intelligence costs x billions of dollars, so what? I am curious. Will the Senator help me on that?

Mr. METZENBAUM. I am happy to respond to my colleague and friend from Rhode Island. I think you can compare it to other expenditures in Government. We spend x dollars on the intelligence budget as compared to so many dollars that we know we are spending on education, or on crime, or on issues that challenge us with respect to the environment. So we have a chance to make a comparison, and the American people have a right to know whether we are spending half as much, twice as much, or five times as much on intelligence as we are on other worthwhile programs.

Mr. CHAFEE. I appreciate that from the Senator. I have a limited amount of time. I did ask a question, and he was very kind to respond. But I am caught in the situation where I have to receive very brief answers—unless, of course, the Senator could respond on some other time. Is that possible? Could the Senator get any time to respond to me?

Mr. METZENBAUM. Mr. President, I will respond on my own time.

The PRESIDING OFFICER. The Senator from Ohio has 54 minutes remaining.

Mr. METZENBAUM. The other point has to do with the fact that if we went too far, there were some who are more knowledgeable than I about intelligence, who have actually worked in this field, who would indicate a concern that if we got into the specifics of spending so much on this program or on that program, that others throughout the world might be able to divine, discern, or determine just how far we are in this particular intelligence-gathering process, and that it might serve some useful purpose for them as far as their being able to relate to America's strategic advantage or disadvantage.

For that reason, I have not advocated the specifics. I am frank to say that I am not sure that I could not be persuaded that there would be an advantage to going further than this amendment.

But this amendment really goes just the very slightest amount. It merely says that it is the sense of the Congress that this one number should be made public.

It is a fact that we have already enacted this. We passed this very same thing last year and the year before, saying that it is the sense of the Congress that in 1993 the numbers should be made public.

This does not even say that. It does not say the 1993 figure should be made public, but it indicates that the Congress has not backed off its commitment to the concept that this number should be made public.

As I said before in offering the amendment, I am very proud of the fact that just about every former chairperson and vice chairperson, with one or two exceptions, are cosponsors of this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I voted against it in the past and I will vote against it in the future. I am quite consistent here.

I think it is bad business. You get a total figure. It does not do you any good. You get x billions of dollars on intelligence. So what are you getting—a new satellite system? Are you using new type of equipment? Are you establishing CIA representatives in such and such a country? You do not know anything significant when you only get a

lump sum figure. Therefore, you start down a slippery slope of having to get disclosures of what you are going to spend the money on.

When you go out to buy a car, you see what you are going to get for your money. What kind of a car is it? Is it some kind of clunker, or does it have all these marvelous things with the upholstery that smells like leather, and all those other wonderful options? That is what you find out when you are going out to buy a car. You just do not work with a lump sum.

It seems to me that all that can come of the Senator's amendment, if approved, is that with the details of the budget remaining secret, as it does under his amendment, it only frustrates the public, which wants to find out more about how the money is spent.

Some say that there have already been leaks regarding some of our satellites, for example, which are very expensive, and perhaps by disclosing the lump sum and then getting down into more detail, we would be able to come on to this floor and discuss the capabilities of the various intelligence satellites. But that in itself I believe would be a great mistake.

You might say, well, here we are. We are all moving around in the dark. That just is not so. We have six committees in the Congress, three in each body, that have the capability of knowing every single detail of the intelligence budget, the Appropriations Committee, the Intelligence Committee, and the Armed Services Committee.

Any Senator on those committees or any Senator, really, in the Senate who wants to know the details of the budget of the Intelligence Agency, all he has to do is go find out. The difference is, are we going to discuss it here on the floor and reveal it entirely to the public? I think that would be a great mistake. You might say oh, well, nowhere else do we keep anything a secret. That just is not so.

We all know that the FBI records concerning nominees that come up to us are not made public. When we get a nominee come before us, there is an FBI report on that individual. That is not made public. That is kept secret. Think of it. That wicked word "secret" is used, but the facts are that for good reason the public expects us to protect sensitive information.

I believe if you want to politicize the intelligence budget, if you want to invite unauthorized disclosures, if you want to have misleading or meaningless public debate about intelligence spending, then go ahead and vote for this amendment.

I think it would be a mistake. I hope the Senate will reject the amendment of the Senator from Ohio.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I yield 10 minutes to the former vice chairman of the Intelligence Committee, Senator MOYNIHAN.

The PRESIDING OFFICER. The Senator from New York [Mr. MOYNIHAN] is recognized for 10 minutes.

Mr. MOYNIHAN. I thank my friend from Ohio.

Mr. President, once again I rise to discuss this matter with a combination of concerns, not the least of which is that the honor and the reputation of the Central Intelligence Agency should be left intact at the end of the cold war for which it was established and through which time it has existed.

I would tell the Senate an anecdote which I think we might all learn from or recognize. It takes place in 1984 and that wonderful gentleman from Massachusetts, Mr. Boland was retiring. He had been chairman of the House Select Committee on Intelligence. A reception was given for him on the House side. It was quite an elaborate reception, I may say, and some industrial firms, electronic firms, and aerospace firms paid for it. The Speaker of the House was there. I was asked to come over representing the Senate committee to say just a word or two of friendship to our departing counterpart.

About halfway through this, a senior official of the intelligence community came up and said: "Senator, everyone has known for years that if an activity in the executive branch wishes to thrive, it gets itself a pair of committees on Capitol Hill to look after them. Senator, could you explain to me how it has taken something called the intelligence community 30 years to figure this out," as he looked at all this happiness going on about him because, indeed, the Intelligence Committee had been then only 4 years old, barely that.

Here we are 10 years later, more or less, with the mission of this intelligence activity having been, finished. The committee continues to insist that it exists. It is a pattern all over Government but a particularly difficult pattern in this case.

The Central Intelligence Agency has had a mixed experience.

Present at the creation of the Agency was Dean Acheson. There are many of us who perhaps remember Dean Acheson in this Chamber. He was a man of great perspicacity when the Agency was created in July 1947. In his memoirs, he wrote, "I had the gravest forebodings about this organization and warned the President"—that would be President Truman—"that as set up neither he, the National Security Council, nor anyone else would be in a position to know what it was doing or to control it," an experience President John F. Kennedy had within the first 4 months of his administration.

The Agency has done important things, but I do not think it could es-

cape the general proposition that it vastly overestimated the size and power of the Soviet Union and failed completely to see its demise.

Only today we were talking at lunch about the problem of nuclear weapons in the Ukraine, an independent Ukraine, a prospect that was absolutely inaccessible to the community mind of the 1980's.

Adm. Stansfield Turner, who headed the Central Intelligence Agency under President Carter, wrote in *Foreign Affairs* 2 years ago, that here and there was sought insight in the intelligence community about the weaknesses of the Soviet Union during the cold war but, in the main, the corporate view failed totally.

That is an admiral standing up to the facts. Rocks and shoals: If your ship goes aground, you are held accountable.

We missed it. He said a revisionist view is coming into place, but it ought not. Yet it has.

My friend, the gallant Senator, and former Secretary of the Navy, has spoken of the Agency's work and how things might be revealed about it.

This April 15, we opened the *New York Times* to learn that the administration had asked for a substantial increase in intelligence spending. At a time when this Senator was devising a means to cut moneys from charity hospitals in the central cities of this country, the secret proposal to increase was made public. It was public all the time. It is an instrument of national policy to give out CIA material when it is in the interest of the administration.

Now they are moving on to painful matters. I received a letter from a man I respect greatly, the present head of the Agency, not long ago telling us that, "Yes, the cold war is over but," said Mr. Woolsey, "the demise of the Soviet Union has had no effect on international narcotics cartels which continue to pour poison into this country."

I wrote him to say that if I understand the word "cartel" correctly a cartel is a group of businesses which get together to restrict supply in order to raise prices. Well, theoretically, we should welcome the existence of drug cartels, because they would be sending less of this poison, as it were.

The answer came back, "We said 'cartel,' but that is not what we meant," and so forth. Well, if you do not mean what you say, why have you said it?

Finding activities like narcotics interdiction and such like, that is called organizational maintenance. It is normal for a bureau to seek ways to survive. Every suburban county in this country has extension agents of the Department of Agriculture advising on how to grow better lawns and to get more corn. But do we really want it and is it really in the interest of the intelligence community?

The intelligence community is too large by half. Its military intelligence is not used by the military: They have their own intelligence. It is just not the nature of the military to take a civilian agency's advice in matters having to do with war and peace.

Its economic intelligence is at the level where, 2 years before the Berlin Wall came down, the Central Intelligence Agency estimated that the per capita gross domestic product in East Germany was higher than in West Germany. I know that drives them crazy when one says that, but they did. Any taxi driver in Berlin could have told you it was not so, but the internal logic of our model told us it was.

Back in the 1950's, they developed models which showed the Soviet economy growing at something like a 6-percent rate a year, at rates in which the Soviet economy would now surpass the American economy. The internal logic of those models was never accessible because they are secret. Secrecy conceals intelligence. It conceals failure, and it conceals mistakes. Do you not correct your mistakes?

So President after President was driven by the impression of an enormous power in the Soviet Union that was not there. At a time in the late 1970's, we estimated the size of the Soviet economy to be about 60 percent of the United States GNP. It was, in fact, perhaps 20 to 25 percent. The difference had enormous strategic consequences. The arms buildup went on far past the time in which it need have done. And we are left with ethnic strife and missiles spread across Eurasia that we had no contingency plans for.

This is a very modest proposal. The Senator from Ohio has been restrained, has been respectful, has been factual. I hope he might be heard.

Mr. President, I yield the floor and I thank the Chair.

The PRESIDING OFFICER. The Senator from New York has yielded the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield 7 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska, Senator STEVENS, is recognized for 7 minutes.

Mr. STEVENS. Mr. President, I oppose the amendment of the Senator from Ohio, and I join the Senator from Virginia in opposing it very strongly.

Having been associated with defense appropriations for many years, we have dealt with the intelligence structure. This past year, I decided I would attempt to, and have, become a member of the Intelligence Committee because of some of the trends I perceived in that committee, and I wanted to find out a little bit more what was happening. This amendment is a good example of that.

If the Senator from Ohio really wants to force this disclosure, he should offer an amendment to do it. It is another sense of the Senate. It just states a policy of some people that they would like to start down the track of destroying the intelligence apparatus of this country.

As a practical matter, now is the worst time that I have known since I have been in the Senate to start down this track. We know we are reducing the intelligence budget. It is being reduced much lower than I would like to have it reduced.

As a matter of fact, I wish we could talk about some of the votes that have taken place in the committee. I wish we could come out here and tell the American public who is reducing it down so low.

But to go down this track of now disclosing the numbers would confirm to some of our potential enemies throughout the world what we have done, what we are doing to reduce the redundancy in our intelligence system, what we are doing to lower the support for some of the most sustainable systems we have ever developed, and what we are doing to increase the risk to our defense.

Now, having been so involved in the defense structure in terms of watching the funding for defense, we will soon be here to tell the Senate that we have funded, to the maximum extent possible, the authorization bill. That is not to say we provided the kind of money that we need for the defense of the United States. It is going very low. As a matter of fact, the intelligence level is too low, and to say now we should start disclosing that is just like starting to draw a nice, big picture of what it is like.

A nation such as ours needs secrets. We need to have the ability for people to worry about what we will be able to do should they challenge our interests or our people abroad. We saw that in the Persian Gulf. We disclosed some of our secrets in the actions in the Persian Gulf, and we now are rebuilding some of those. We are developing new concepts, albeit at a very low level. That means we have to make decisions.

Now, I see no reason, no reason at all, for even passing a sense-of-the-Senate resolution on this matter.

Again I say, and I ask the Senator from Ohio, if he really wants it done, why does he not make it a matter of law?

We now have one of the finest Directors of the Central Intelligence Agency. He is from the other side of the aisle. He has worked with us openly through the years as a very well-known, articulate Democrat. Jim Woolsey has indicated he opposes this. He is in transition in intelligence. Why should we ask this man, give him a sense-of-the-Senate resolution that says, "Oh, by the way, we are not going to pass a law saying you have to, but why don't you disclose your budget?"

Now, as a practical matter, to my knowledge the President of the United States has not supported this, either.

And I believe when people become Presidents, when they become Directors of the CIA, when they have the job, they have a different sense of responsibility than when they are the ex-Presidents and ex-Directors of the CIA.

I am not an ex-Senator, and I do not look forward to becoming an ex-Senator in the near term. And I do not expect to vote to start down the path of telling our potential enemies what we are working on by virtue of showing them our ever-decreasing budget.

Now, that is my point to you. If you start that this year, I guarantee you will show next year how much more we requested and how much more we have the next year.

We are on a path, as far as I am concerned, of reducing the intelligence support down to the level where it increases the risk of the security of this country.

Now, for those people who support this, I will tell you, you are wrong. You are wrong. As a matter of fact, we ought to have a meeting like we used to have out here and talk about this in camera.

Do you know why we cannot do that, Mr. President? It is because we have the television cameras. They did not tell me that when I voted for television in the Senate.

We really cannot go into the security interests of the United States before the Senate now because there is no way to disconnect the apparatus that is here to provide the public knowledge as to what the public should hear.

I think the public trusts us to deal with the security interests of this country. They know we need intelligence on foreign activities. They know we need systems to deal with those potential enemies of the United States. This is no way to treat it, by asking us to tell the Director of the CIA, it is the sense of the Senate you should disclose what we have authorized you to spend.

To me it is wrong to ask us to take a position on that. If we want to make it a matter of law, bring it out here and make it a matter of law. But this idea of telling the Director of the CIA, make public what you have, and once you start down the path you will do it every year, and pretty soon anyone who is involved in the system will be able to see what we peeled off.

Periodically we surge. Periodically, we have to surge, in terms of support of systems like this, adding new systems that cost money and then pulling some out. There is no reason to demonstrate that we are doing that. Because anyone who reads that can say within 2 or 3 years we are going to be fielding a new system; in 2 or 3 years we might be retiring a system when we reduce. That kind of information ought to be kept close.

It has been pointed out when I came to the Senate there were four people in the Senate who had knowledge of this budget; four people. Today, we have three full committees and we have a rule that every Member of the Senate can go to a classified area and obtain a full briefing on what is in this budget. We have gone to the point where we do not just have a few people examining this budget. But we do still have a system of being able to keep the confidence, keep the intelligence secrets we must have in order to preserve a system and, by the way, just in closing, to protect the lives of people who are out there throughout the world to try to help gather this information to provide for our defense and sustain our economy.

I oppose this amendment.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time? The Senator from Virginia.

Mr. WARNER. Mr. President, momentarily I will yield the floor, but I ask unanimous consent to have printed in the RECORD following the remarks of the distinguished Senator from Alaska, the pertinent part of the document from the Executive Office of the President which indicates the policy of the Clinton administration. It is dated October 18, 1993. I read one sentence:

Furthermore, the Administration opposes any change to S. 1301 that would disclose, or require the disclosure of, the aggregate amount of funds authorized for intelligence activities.

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

STATEMENT OF ADMINISTRATION POLICY—S. 1301—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

OFFICE OF MANAGEMENT AND BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT.

Washington, DC., October 18, 1993.

The Administration supports S. 1301. The Administration will seek to manage prudently reductions of the intelligence authorization contained in the bill, but notes that S. 1301 already makes cuts beyond those in the House bill. The Administration will oppose any amendment that would further reduce intelligence spending beyond what the Select Committee on Intelligence has recommended. Furthermore, the Administration opposes any change to S. 1301 that would disclose, or require the disclosure of, the aggregate amount of funds authorized for intelligence activities. The current procedure that provides for the authorization of appropriations in a classified annex continues to be appropriate.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I yield myself such time as I use.

Just in response briefly to the Senator from Alaska, who indicated he just recently came on the Intelligence Committee, I would like to point out to him three former chairpersons of the committee and three former vice chairpersons of the committee, three of

whom are Members of his party and three of whom are Members of my party, all are cosponsors of this amendment. One of them is from the same State as the Senator who just spoke, from Alaska.

Having said that, I think we might get some gems of wisdom from the former chairman, the immediate past chairman of this committee.

Therefore, Mr. President, I yield 3 minutes to the Senator from Oklahoma.

Mr. WARNER. Will the distinguished Senators from Ohio and Oklahoma permit the Senator from Nebraska, who has been waiting for some period of time, to use 3 minutes of the time under the control of the Senator from Virginia?

Mr. METZENBAUM. I have no objection. Mr. President, may we just then yield 3 minutes on Senator WARNER's time to Senator EXON, and 3 minutes of my time to Senator BOREN.

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

Mr. EXON. I thank the Chair, Senator WARNER, and my colleagues for their consideration. I am going to be very brief.

Certainly the amendment offered by my distinguished friend from Ohio, with a very impressive list of cosponsors on the sense-of-the-Senate resolution, might make some believe it should be agreed to.

I rise because a substantial portion of the funding for our intelligence agencies, and they are far flung—we hear the CIA, time and time again. I suspect most of the people in America think most or all of the intelligence money goes to the CIA. I am not going to get into the disposition of the total intelligence budget but that portion of the intelligence budget known as defense intelligence comes through my subcommittee. It has for many, many years.

Certainly Senator BOREN, Senator WARNER, I believe my friend from Ohio, and certainly the present chairman, the distinguished Senator from Arizona, and others know that for many, many years I have been holding a club over this, saying we have to cut down the expenditures on international intelligence especially in the areas I have first jurisdiction over.

I would simply echo the comments made by the Senator from Alaska. We have made significant reductions, in cooperation with Senator BOREN when he was chairman, and now the new chairman Senator DECONCINI—with their counterparts on the other side of the aisle. So significant cuts, in billions of dollars, have been made.

I am not going to go so far as the Senator from Alaska, when he said he thought we are spending too little today on national security intelligence. But I would say it is probably about right. Certainly those who are in

a position of responsibility, in my opinion, have done a very, very good job in making recommended reductions. I think we are on the right track. I do not believe we should go down the track, though, as suggested in the sense-of-the-Senate resolution by the Senator from Ohio for several reasons.

The President of the United States is not for it. Some say they are disappointed that the new President of the United States is not for this. Probably before he was President of the United States he, like so many others, said we should spend this much less. I simply say, Mr. President, now that the cold war is over the demands on our defense agency I think are more.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WARNER. I am pleased to yield 2 additional minutes to the Senator from Nebraska.

Mr. EXON. Mr. President, I would simply say, with the new challenge facing our defense intelligence and national intelligence agencies, and CIA, the problems they face today are increased significantly over when we were concentrating only on the Soviet Union. To put it another way, there are more hot spots and trouble spots, potentially, around the world, than we had 5 years ago.

So I say this is the wrong road we are going down. I emphasize that if and when we ever put out publicly what the total billions of dollars in expenditures are, I can hear now, with the offsetting requirements we have in the budget bill, when somebody comes up with a very, very good program,

It is only \$100 million. Let us just take that out of defense intelligence or the CIA, or out of the intelligence budget total.

I think it is a step in the wrong direction. The President of the United States, the Commander-in-Chief opposes it; the head of the CIA opposes it; most of the military leadership involved in military intelligence, which is my domain, are opposed to it. I simply say while it sounds good I agree with the Senator from Alaska, I believe the people of the United States recognize when you start making disclosures, then the question is how much are you spending for that satellite? How much are you spending for this human intelligence?

I am afraid when we announce what it is we open up a can of worms. The demands are going to be made, how are you spending it and in what areas?

When you get down to that level, then we have concerns. I have no basic concern with the lump-sum disclosure, but I cannot vote for the sense-of-the-Senate resolution because I am afraid, as the Senator from Alaska has indicated so forcefully, once we start down that road it is going to be picked to pieces and when you start picking it to pieces, then you are going to reveal to potential enemies how much we are

spending and approximately in what areas.

I hope we will defeat the sense-of-the-Senate resolution.

I yield the floor and reserve the remainder of any time.

The PRESIDING OFFICER. The Senator from Oklahoma has been yielded time by the Senator from Ohio.

Mr. BOREN. Mr. President, I thank the Chair and thank my colleague from Ohio for yielding to me.

I have been listening to this discussion. It is a matter that has been debated for a long time. It was being debated during the time when I served on the Intelligence Committee and had the privilege of serving as chairman.

This is, in my mind, a relatively close question. It is a matter about which very honorable people, sincere people—and let me say highly intelligent and capable people—can differ.

There is a strong argument that can be made on both sides. On balance, I come down on the side of those who feel it is appropriate to reveal the aggregate figure. As others who have spoken previously, I would be very concerned if we went further than that. If I really thought that it was going to lead to demands that would be complied with or full disclosure of major items in the budget, differentiating how much we were spending on certain technical systems—for example, human intelligence in certain parts of the world—I would not be for it. I do not think it will necessarily lead to those kinds of steps that would follow on.

I also do not support this amendment because I believe that we ought to dismantle the intelligence community. I heard some of the comments made by the Senator from New York earlier who has advocated very sharp cuts, if not the dismantling, of the intelligence institutions, as we now know them, in our country. At a time in which we are undergoing rapid change in our world, at a time when we are cutting back on the defense budget, at a time in which we are going to have fewer and fewer forces in a forward position around the world, I strongly believe that that is the time when you need intelligence even more than you needed it before. You need early warning, you need an understanding of what is going on in very complex areas of the world, and you need to know about it as soon as possible because we are not so forward in position, we are not able to respond quickly militarily.

We all know that intelligence is a force multiplier: The better information you have, the more you can cope with an emergency with a smaller number of forces. If we are indeed going to go forward and cut the defense budget as has been felt necessary, it is even more important we have a strong intelligence capability.

Having said all of that, let me return directly to the subject of this amendment. I have always believed that even

though, of necessity, the intelligence operations and budgets and programs must be essentially conducted in secret—there are many things that have to be secret—that we should go as far as we possibly can in protecting those things that should be kept secret.

I see the Senator from Maine on the floor who served as vice chairman while I served as chairman. We were known as something of fanatics about safeguarding those things that should be kept confidential and secret in the national interest. We developed very strong rules in our committee about disclosing classified information.

My philosophy is this: Those things that should be kept secret, keep them secret, have very strong rules that make certain, that do everything you can to keep them secret in the national interest. But those things that do not have to be kept secret, that can be known by the full Congress, that can be known by the American people, allow those things to be made public so that you have as much accountability as you can possibly have in the intelligence process.

So much has to be secret that I think it is healthy when we share with the American people as much as we can. We tried to do that in the confirmation process with Mr. Gates, to give the American people a glimpse into how the intelligence community operates, how the analysts work, how the operators work, to the maximum degree possible. It is a shame that most of the successes—we heard some of the failures of the intelligence community discussed publicly—it is a shame that the successes cannot be known publicly. By very definition, often the success is a success because the program worked and it remained secret. I think if the American people knew more about the quality and caliber of those serving in the intelligence community, they would feel better about it than they do. They would have a more positive view of the work of those people in intelligence, who often risk their lives and who are people of enormous talent, than they do.

So let me just say this: Since I think we need as much accountability as we can have, I think our committees of the two Houses, the two Intelligence Committees, because they do operate largely in secret, should be under as much constraint as possible to make sure that the budgets are held to levels where they should be, that we get the full dollar's worth out of a dollar invested.

I do not think it is going to compromise the basic capability of our country, I do not think it is going to compromise too much information if we share the total figure with the public as to how much is being expended on intelligence matters, just as I did not think that we compromised anything by having open hearings on the

proposed reorganization of the intelligence community to cope with changes in the post-cold-war world, just as I did not think it was unhealthy for us to share, during confirmation process, with the American people as much as we possibly could about the operation of the intelligence community.

It is a delicate balance between what can be shared with the public and what should not be shared in the national interest. I realize honest people can differ as to where that balance should be struck. I simply believe we should share with the people as much as we can, we should be as accountable as we possibly can be, just as I always believe that in judging covert actions, we should always make sure that those actions, if they were known by the American public, would be actions that would be approved of as being consistent with basic American values.

The committee operates in a trusteeship role.

Mr. COHEN. Will the Senator yield?

Mr. BOREN. I will yield in a moment. It is under the very able leadership of the distinguished vice chairman and the distinguished chairman, Senator WARNER and Senator DECONCINI. It is under fine leadership, and these are issues, as I said, that honest people can differ about. I simply believe the balance will be better struck by agreeing to the Metzenbaum amendment.

Mr. COHEN. Will the Senator yield for a question?

Mr. BOREN. I will be happy to yield.

Mr. WARNER. Can the question be answered on the time of the Senator from Ohio? Because we are rather short on this side.

Mr. BOREN. How much time is remaining to this Senator?

Mr. METZENBAUM. Take another minute or two.

The PRESIDING OFFICER. There are 34½ minutes remaining on the time allocated.

Mr. BOREN. Mr. President, I believe the Senator from Ohio yielded me a couple extra minutes.

Mr. COHEN. Will the Senator explain to me how the public is going to be in a better position to know whether the Senate and the House are acting appropriately in terms of its allocation of funds by the simple disclosure of the bottom line figure? For example, assume that it were \$50, \$60, or \$70 billion—giving an exaggerated figure, obviously, in order to not disclose any figures—assuming that was the case, how does the public really know whether or not that is an appropriate amount? It has no basis to know, if there were a 10-percent increase, as to whether or not that was for a new satellite system.

Let me suggest to my colleagues, the Senator and I were involved in a very delicate matter to get a particular type of system paid for that could not come

out of the intelligence budget. We went to great, extraordinary lengths to do that. That was not a matter that I think the Senator from Oklahoma or the Senator from Maine would want to make a matter of public record, in terms of what the system was or its costs or its function and when it is going to be deployed and under what circumstances. Those are the kinds of issues that really have no business being in the public domain.

Yet, I submit to my friend from Oklahoma, with whom I served for so many years, that the mere disclosure of the bottom-line figure tells the public very little. And when you say it is a close question, I ask whether or not it is better to err on the side of preventing us from going to the next stage, which is tell us what the ingredients of the intelligence budget are.

Mr. BOREN. I will say to my colleague—and it is rare I differ with him on any matter of intelligence policy. Usually we see eye to eye, and we certainly do 99 percent of the time. I do not think we necessarily will go down to the next stage, and I do think that, at least in some sense, it would inform the American people. If, indeed, we are spending \$50 billion on intelligence, which we obviously are not, or \$60 billion, certainly we would have a sense that we have gotten out of hand; it is far too much. If we are spending \$1 billion on intelligence or \$2 billion on intelligence, which I am glad to say we are not, that would inform us of doing far too little in terms of the intelligence capability.

So within certain parameters, I think it does inform, to a degree—not to a large degree. That is the reason I say it is a close question.

Mr. COHEN. Will the Senator yield further?

Mr. BOREN. In just a moment. I will say also that the figure has often been bandied about in the press. There has been speculation about the figure. You can say, "Well, it has never been confirmed one way or the other," and I am not here commenting on the accuracy of every press report. They have not always been the same number. Generally they have been in the same ballpark.

I think even that it is generally a widely discussed matter that when something continues to be discussed over and over again, it almost then causes a disregard for those things that should be kept secret. That is the reason I believe in sort of building a very strong line between something that can be told, that really is not going to hurt the national security interests, and those things that clearly are on the other side of the line, and we should go to the wall to protect those things from ever being known.

My colleague makes a good case. I cannot quarrel with the arguments that he makes. I simply do not think we necessarily go all the way down the

primrose path if we release this one figure, which is often bandied about in the press already.

Mr. COHEN. Can I ask a further question? In the Senator's judgment, is it appropriate that the intelligence budget should be considered as a percentage of the defense spending or a percentage of the total budget? He indicated \$50 billion would be, obviously, too much; \$2 billion too little. How does the Senator go about calculating what is a fair percentage for the intelligence budget to be based upon?

Mr. BOREN. I would look at both, frankly. I think as defense budgets go down, I honestly think the percentage of the total Defense budget devoted to intelligence has to go up because it is a force multiplier, as I said earlier.

I think, in terms of total spending, you still have to look at the total resources of the country. Whether or not we are educating our children properly and a lot of other areas of Government spending ultimately relate to our national security in the broadest sense.

So I think there has to be some balance kept. So I would really look at both of those figures.

Mr. COHEN. That is the basis on which the American people make a judgment, the percentage of the defense spending plus the percentage of the total budget? On that they can make a proper determination of the intelligence needs of the country?

Mr. BOREN. I do not think the American people are going to make an exact determination, but I think they will have some general idea as to whether or not the Congress is staying within the bounds of some reason, or within the border of some reason.

Mr. COHEN. How do you determine what is reasonable under the circumstances?

Mr. BOREN. I would say to my colleague, by the two measures he just talked about.

Mr. COHEN. Is it the threat that drives or should shape the budget, or is it the budget that shapes what we appropriate for intelligence matters?

Mr. BOREN. I think we have enough discussion of public policy matters in foreign policy and defense policy, and we discuss Defense appropriations on this floor, which we certainly do quite openly except for a very few programs. I think the American people have a common sense, basic judgment about the nature of the threat facing this country and would have some parameters with which to judge whether or not we are in the ballpark on defense spending by looking at an aggregate number.

Mr. COHEN. I thank my friend from Oklahoma.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I could ask one short question to

my colleague from Oklahoma on the time allocated to the Senator.

Mr. BOREN. Mr. President, I would have to ask the Senator from Ohio. I do not want to intrude upon his time.

Mr. METZENBAUM. On whose time? Mr. WARNER. The Senator from Ohio. We gave the Senator 2 minutes for every minute we have.

Mr. METZENBAUM. I am running out of time. I have other speakers coming. I did not interrupt the Senator from Maine and the Senator from Oklahoma.

Mr. WARNER. Will the Senator yield a minute for him to reply to a short question?

Mr. METZENBAUM. I yield 1 minute. Mr. WARNER. Mr. President, I thank my friend from Ohio.

I think the key words used in the Senator's presentation to the Senate are that this is a "delicate balance." I repeat, that is a very wise and judicious characterization of this debate, a "delicate balance." Then I ask my friend, why, given that it is a "delicate balance," would the Senator want to go against the collective judgment of nine Presidents, the majority in the other body, the House of Representatives, and the fact that no other nation, major nation, in the world has taken the initiative as sought by the Senator from Ohio? Why would the Senator want to upset that "delicate balance"?

Mr. BOREN. Mr. President, as always, the Senator from Virginia asks a very difficult question, and now I wish I had not agreed to yield to such a difficult question because he asks it very well.

I would just have to say that there are others who have other judgments. Presidents, I think institutionally, hesitate to share this information just as they are always skeptical about oversight itself and do not always see the positive nature of oversight of a process.

There are others, I would say, not just myself but others, who have shared the responsibilities in the Intelligence Committee and in the intelligence community who have been in favor of open accounts.

The PRESIDING OFFICER. The time has expired.

Mr. BOREN. It is a judgment each Senator will have to carefully make.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM and Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I yield 10 minutes to the chairman and manager of the bill.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. I thank my friend from Ohio.

Mr. WARNER. Mr. President, if I might interrupt, we have one Senator

who cannot stay. Can we allocate him 4 minutes, Mr. President, I ask the Senator from Arizona?

Mr. DECONCINI. On the Senator's time.

Mr. WARNER. Yes. I thank the Senator for his courtesy.

Mr. President, I allocate 4 minutes to the Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Chair and thank the Senators.

Mr. President, a curious thing. America is a great country that does nice things, but it is not a great country because it does nice things. It is a great country because it does strong and wise things.

This is not a strong and wise thing. It may well be a nice thing. It may well satisfy some curious need to be "a well-informed public." But the public cannot be well informed through this amendment. Foreign intelligence agencies can be well informed through this amendment but the public cannot be.

The Senator from Oklahoma was talking about the needs and the common sense of the American people. They have it in spades. But they cannot possibly be expected to know of the changing circumstances worldwide day in and day out. Our requirements for intelligence, I am sure the Senator from Virginia would agree, are much more complicated than they were during the cold war. We have missile proliferation. We have what is coming out of China. We have what is coming out of Pakistan. We have what is coming out of India. We have what is coming out of Iran and Iraq. We have what is coming out of Libya. We have places in the world that are taking untold, unpredictable, and unknown, unknowable steps.

Now, those circumstances are going to change, and they do not require the same kinds of intelligence purposes that we had before.

What sort of information is the public going to derive by our satisfying those needs through a changing bottom line figure? The bottom line figure is going to give them absolutely nothing, to know the needs of America and whether or not they are going to be met.

What this does is a little bit like sort of a prurient peep show—having given you a little look, you want to look under the sheet now. You want the movie to become more explicit and yet more explicit.

The fact is that what America needs—it is an intelligence world—is very well satisfied by the amount of information that is now provided through the Senate of the United States in its what, three committees and through the House of Representatives and its three committees.

We have untold numbers—in the judgment of the Senator from Wyoming, almost irresponsible numbers—of people now knowing the details, plus

the fact there is not a Senator here who cannot satisfy his or herself as to the details of the intelligence community if they wish.

Now, I suspect that those who are voting for this have never come to the committee and asked to be informed. It is too darned difficult to be informed. It is easier just to have us come and publish it.

My friends, that is not the responsible road to travel. Great nations remain strong, great nations by doing wise things. This is nice to know. This is not needed to know. What is needed to know the Senator from Ohio can get and any other Senator can get, any other Member of the House of Representatives can get. They need to have the ambition to go get it. When they have taken those steps, maybe the Senate ought to agree that a further step would be taken. But until that time, I suggest this is just a way, a lazy man's way, of finding out information that means little or nothing when published, literally nothing, except to foreign intelligence agencies who can draw great inferences by tracking that figure.

I thank the Senator from Virginia. I thank especially the Senator from Arizona for allowing me to proceed in front of him.

Mr. WARNER. Mr. President, we do thank the Senator from Wyoming.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Who seeks recognition?

Mr. WARNER. Madam President, I simply say that the Senator from Wyoming has nearly a decade of service on the Senate Intelligence Committee.

Mr. DECONCINI addressed the Chair. The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I am going to proceed on the time allocated to me from the Senator from Ohio.

I thank the Senator from Ohio for bringing this to us again. The distinguished former chairman from Oklahoma, Senator BOREN, has operated this committee longer than anybody I believe, and he certainly has an understanding of what is dangerous or what is necessary for security reasons and has imposed some very tight rules, along with the Senator from Maine when he was the vice chairman, and the Senator from Virginia and I have attempted to maintain that.

I think it is very important that some information be kept secret. Why is that? The American public may say, well, tell everything. Because there are many, many dangers involved in the gathering of intelligence, those who gather it, those who inform, those who take pictures, those who give information, and instruments, if that is all exposed, even the amounts that are paid for or contributed to such activities, would jeopardize some people.

It is interesting to note how many nations today are looking at the Unit-

ed States. I know the Senator from Virginia often gets visitors from foreign countries. We had some parliamentarians here from Bulgaria. They want to know about the oversight. We have had parliamentarians from Romania. We have had parliamentarians from Hungary, from Russia, and from the Ukraine.

I have talked to most of them. They want to know what we do. They want to know, well, how much does it cost? Of course, I cannot tell them. They say, well, in your democracy, do you not publish that? We tell them no, we cannot do that because of the reasons I have explained.

Even the U.K., having talked to Members of the Parliament there on both sides of the aisle, talk about oversight for the first time. They have literally no parliamentary oversight. They do not know, the members, what is spent. They want to know.

Then of course the question is, we know, does the public need to know? Indeed I think there is some public information and public purpose for the amendment that is before us today.

It is my best judgment that I have to disagree with my friend from Alaska, who said we do not spend enough on intelligence. I would ask him or anybody else who thinks we do not spend enough to show me one program that we have cut, one program that this committee has cut, or the appropriations defense committee, which will be on the floor shortly, that we have cut that has damaged or jeopardized the national security. We have not.

We did not do everything that was requested of us because it costs a lot of money. And it is time that we reduce the expenditures, not only of the Defense Establishment and the defense part of our bill, but also the intelligence.

That is where I think the Senator from Virginia and I have tried to steer this committee. Perhaps the Senator would have gone a little bit further with the expenditures, and I might have gone a little further with reductions. But we have reached a compromise. Nothing has been jeopardized.

The Senator from Alaska sits on the Defense Appropriations Committee as the ranking member. I sit on that committee too. That committee that will be before us on the floor shortly cut more than the authorizing committee, than this committee did.

So now we are not jeopardizing the national intelligence and the national security capabilities of this country by this bill or the appropriations bill.

Look at the increase of what has been spent on intelligence. Of course the figure is secret. We have all read about amounts that are in the newspapers, the press. I cannot confirm nor deny. But we know from just those stories it is a lot of money. And rightfully so.

The public asks me. Is that an accurate figure? I am sorry. I cannot tell you. They say, well, if it is, it is a lot of money.

Then you get to the point where the Senator from Maine says what is it for? I am sorry. I cannot tell you what it is for. Why not? Well, because of the reasons I have explained.

But yet they would like to know just how much you are spending. I have to come down on the side of the Senator from Ohio. I think it is a proper thing to tell them this is what we are spending, and then explain it to them. It is not difficult to explain to them why you cannot disclose each figure or each category of the expenditures.

So we are faced here with a public confidence or lack of public confidence. When we see in the decade of the eighties where the intelligence expenditures went up over 100 percent more than the defense expenditures did under the Reagan and partially the Bush administration—and I voted for it—I thought, yes, sir, the President is correct. We have to spend that money on intelligence. We have to know what the Soviets are doing. We have to understand what they are doing, and we have to follow it.

We saw the Senator from New York point out how improperly intelligence can be used and how improperly it was used in analyzing the Soviet Union. We were told year after year that the Soviet Union had an economy second to none, except the United States. And we know it is a basket case. When it fell as it did, we know now that that intelligence was misused. Maybe they had too much money. Maybe there was a wrong direction coming from the executive branch to that agency. "You cook up what we want. You work for us." And then use that for public policy.

That is wrong in my judgment. What does Congress do when some agency does something like that? You start cutting away at their budget, and rightfully so. That is what we have done. We have done that with other agencies who have misused the public trust, and to the credit of Mr. Woolsey, he has changed that, and also to the credit of Mr. Gates, his predecessor, who I did not support because I was afraid he would not have the courage to change the direction of the Central Intelligence Agency as to what kind of information was brought forward to the National Security Council, the White House, and to the Congress of the United States.

There is one example after another. During the Persian Gulf war, we received daily briefings on that war. We were told what the casualties would be. We were told what a great army Saddam Hussein had, sixth largest, fourth largest army, the state of the art technology from the former Soviet Union, had the faster tanks. We found out they did not have those. We knew it.

We had intelligence information that was wrong. And I contend that it was purposely supported in order to build public opinion. That is not what intelligence is for. It is so the people who need that information can make a judgment.

So what do you do with an agency that misuses—that is what I think happened—the public trust and the public funds? You start reducing, you oversee, and you ask the questions. Why? That is what we have done here.

The Senator from Ohio says, well, let us just tell the public. The Senators from Maine, Alaska, Wyoming, or Virginia will say, wait a minute. They do not need to know. If they need to know, they will want to know about every specific item.

The public is not as dumb as some of us might think that on occasion they are. If the public knew that 100-percent increase in the intelligence budget over the 10-year period during the eighties, I think they would ask us all some questions. And we had better have some answers for them.

Then when they looked at it, found out that the Soviet Union was not the second-largest economy that our Government said it was, they would say, well, did you get a good amount of information for the money you spent?

I think that is a valid public information policy to have out. That is what the Senator is asking us to do. I am not afraid to explain it to the public in Arizona. I am not afraid at all to say, yes, that is what we spent. I cannot explain every program but I think it is important for them to know and they will judge—and rightfully so—they should judge how much we spend on defense, how much we spend on intelligence, how much we spend on health care, and how much we spend anyplace else.

So, Madam President, I think the Senator has approached this in a most reasonable way, and not as the Senator from Alaska who I have great respect for and work not only on this committee of defense and many other committees of appropriations whom I have great respect for. Why does he not just go out and do it all, and make it law? Or the Senator from Maine, say do all the programs, and make it law? Well, that would be irresponsible. And I do not think it is appropriate.

The Senator has only asked to start to build the confidence in the public that the amount of money totally spent, the total amount is this much. If you are going to spend more next year, maybe you should explain why. Maybe because there are areas in the former Yugoslavia that we need to know more information about, or areas in Africa, or some other continent that we need to know more about, or the political or economic changes in Asia or some other place. And explain that. If they are not there, then why is the budget going up?

Mr. STEVENS. Madam President, will the Senator yield for one question, respectfully?

Mr. DECONCINI. I am happy to yield on his time.

Mr. WARNER. We have to allocate the time of the Senator from Ohio.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. WARNER. How much time does the Senator from Virginia have?

The PRESIDING OFFICER. You have 2 minutes and 50 seconds.

Mr. WARNER. I wish to allocate now 2 of those minutes to the Senator from Maine. Madam President, we have the pending question of the Senator from Alaska.

Mr. DECONCINI. My time has expired. I will ask the Senator from Ohio to yield an additional couple of minutes after the Senator from Maine is finished.

The PRESIDING OFFICER. The Senator from Alaska is recognized for the present time for 2 minutes.

Mr. METZENBAUM. I yield the Senator from Arizona 1 minute.

Mr. WARNER. Parliamentary inquiry.

Mr. STEVENS. One second. Go ahead.

Mr. WARNER. If I understand, Madam President, the Senator from Virginia has 2 minutes and 50 seconds.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I ask that 2 of those minutes be given to the Senator from Maine.

The PRESIDING OFFICER. I beg your pardon. I thought you said Alaska.

Mr. WARNER. I thank the distinguished Chair, and 50 seconds remaining under the control of the Senator from Virginia.

Mr. STEVENS. Madam President, I will take 1 minute. As chairman—

The PRESIDING OFFICER. Does the Senator from Ohio yield for these purposes?

Mr. METZENBAUM. What is the question?

Mr. STEVENS. I want to ask the Senator from Arizona a question, and I need 1 minute for him to answer it.

Mr. METZENBAUM. I yield 1 minute to the Senator.

Mr. STEVENS. I am on the committee with the Senator from Arizona, who is our chairman. The chairman just said if next year we had to increase it, we could explain why.

As a member of your committee, am I at liberty to explain why we have increased the intelligence budget? Could I come out here and tell the public what we increased it for?

Mr. DECONCINI. I believe the Senator could come out here and, in the areas that it was increased and in the areas it was decreased, make some general statements as to why we spent

that much. I think the Senator from Alaska decreased it in appropriations, and I support it. I suspect you are going to vote for the conference report here that cuts more than this committee. How are you going to explain that? I think you can explain it.

I reserve the remainder of my time.
The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. COHEN. Madam President, the Senator from Arizona said, "Show me a program that we have cut which jeopardized the national security." The problem is that you cannot point to any program that has been cut until there has been a disaster. After you have a disaster, that is the one way you can tell. Like in Somalia, apparently a decision was made to reject a recommendation coming from the field commanders that was approved all the way through the Chairman of the Joint Chiefs. It was rejected. A disaster ensued. A decision was made that somehow contributed, or appeared to have contributed, to a very sad incident in that country.

The Senator from New York has indicated he would like to abolish the CIA and transfer all of its responsibilities to the State Department. I have to ask the question: Is the mission of the CIA, as the Senator from New York has said, over? Are the nuclear weapons in the world over? Is Libya over? Is China over? Does it matter if North Korea builds a nuclear weapon? Does the NSA matter anymore? Do we disband it all and give it to the State Department? A lot has been said that is critical of our Central Intelligence Agency and the intelligence community.

I would like to submit, for the RECORD at least, that I believe it was our agency's activity that contributed to the defeat of the Soviet Union in Afghanistan. I think that was of seminal importance in leading to the dismantlement of that empire. They were bogged down and defeated in Afghanistan largely due to the efforts of our agency.

How about the success in the discovery of the Krasnoyarsk ABM radar? Our intelligence community said that is a violation of the ABM Treaty. That is not a satellite-tracking system. That is an ABM battle management system. Over the objections of many on the other side and many in the other House, and listening to the argument and lies of Mr. Gorbachev, who said it is only for satellite tracking purposes, our intelligence community was correct.

Also, with respect to the Persian Gulf, let us give our intelligence community credit that the Persian Gulf war was won largely as a result of the kinds of intelligence provided to our military, notwithstanding the kind of statements made on the floor today.

Mr. DECONCINI. I have a few seconds left, I believe.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. To respond, we saw General Schwarzkopf criticize the intelligence. That is what we have tried to correct in the committee and in the appropriations process. We know that there is always some good intelligence, and that is correct; there are some very good examples, even in the Persian Gulf, where overall the intelligence was not good, at least as told to the oversight committee. I was there every day listening to it, and it turned out to be pretty ugly.

Mr. COHEN. We won the war pretty well.

Mr. METZENBAUM. Madam President, I will suggest the absence of a quorum to be charged to the parties if nobody wishes to speak. I see that Senator SPECTER wishes to speak.

Mr. WARNER. I object. We only have 50 seconds left. I seek recognition.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I have to respectfully disagree with the chairman of the committee, which I seldom do, about the reports that he tells us of the gulf war. The Senator from Maine is exactly right. He tells us it was key to the execution of that conflict, and while General Schwarzkopf bore in on certain real-time features and the need to improve that, there was no overall indictment by him or anybody else.

Mr. COHEN. It was real-time tactical intelligence.

Mr. WARNER. The Senator is correct. It was real-time tactical intelligence.

Madam President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table is not in order while time remains.

Mr. WARNER. I ask that at the appropriate time the Senator from Virginia be recognized for the purpose of moving to table.

Mr. DECONCINI. I object.

The PRESIDING OFFICER. There is objection.

Mr. WARNER. I know exactly when and where that can be done. I am just trying to accommodate the Senate.

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

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. SPECTER. Madam President, I agree with the most recent comments made by the Senator from Maine concerning the value of the Central Intelligence Agency. In supporting the amendment by the Senator from Ohio, I do not do so on the grounds that it is a way to weaken or undercut or cripple the CIA. I believe the CIA is a very important agency. I believe that the CIA may well be in a better position to command more support for its operation if its funding is disclosed and if

there is a greater public understanding of what is going on in the intelligence community.

When we are debating the total appropriation figure, as I said earlier, I think it is a close question. I have not yet heard, at least to my satisfaction, any forceful reasons to oppose total disclosure. I think the tilt is in favor of disclosure, and it accords with the constitutional provision which calls for disclosure. But I believe there are many phases of the CIA's activities which require substantial support, like human intelligence, the issue of locating terrorists, which is a big issue for the United States. There are major areas of deficiency. For example, we do not have sufficient intelligence on the ground. We had sufficient ideas as to what was happening in the Soviet Union prior to August 19, 1991.

It may well be that if the public had more of an idea, there would be more public support for the CIA. I think there are some areas which do have to remain secret. My colleague from Virginia made a comment to me that my earlier remarks were not clear as to whether there were funds in the Department of Defense which are black box, not publicly disclosed. There may be ambiguity in the RECORD on my comments. Permit me to make it plain that there are such funds in the DOD budget which are not subject to public disclosure, and necessarily so. But to the extent that disclosure may be made in a free society, it is highly desirable. Just because other countries do not do it—no country is as free and open as the United States. My view is that we can derive considerable strength from that openness, and I think the CIA would, in fact, be stronger with this minimal disclosure. It is only a sense of the Senate.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 15 seconds.

Mr. SPECTER. I would be glad to yield that time to the Senator from Virginia.

Mr. WARNER. Madam President, this has been an excellent debate. A key statement was that it is a very delicate balance whether or not to proceed with this amendment.

The Senator from Maine pointed out in a very forceful manner, as I have endeavored to do, if it is a delicate balance, why should we do it? How do you go back home to your constituencies and say that we have changed the positions of nine consecutive Presidents? And say that we have taken a position inconsistent with every other nation in the world? If we were to do so, we may have jeopardized not only the lives and the safety of some of our agents serving overseas, but indeed the men and women in the Armed Forces, who so highly depend upon the quality and quantity and accuracy of our intelligence, which could be jeopardized.

Madam President, as I understand the Chair is about to rule the time of the Senator from Virginia has expired.

The PRESIDING OFFICER. I think you got it.

The Senator from Ohio.

Mr. METZENBAUM. Madam President, I yield up to 10 minutes or such time as the Senator uses in excess of 10 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Madam President, I thank the Senator from Ohio for yielding. I will not take 10 minutes.

I came over to express my very strong support for the Senator's amendment.

Let me say, first of all, that I do not believe there is a single person in the Senate naive enough not to know that the reason Members of Congress do not want the macro figures on the amount of the intelligence budget is because not having them makes it almost impossible to have an intelligent legitimate debate on how much we ought to be spending. How can the American people evaluate whether they think it is too much or not?

Some people around here take the position it is none of the American people's business; we have to do a certain amount of intelligence; we are going to do it no matter what the cost; and this is really none of their concern.

A lot of the people who are involved in making up this number feel the same way about Members of the United States Senate. If you are not on the Intelligence Committee or the Armed Services Committee, the subconscious or maybe overt belief is that other Members of the Senate have no business talking about this issue.

I have been so gun shy, even though it has been published, in trying to cut the intelligence budget. This year I consistently referred to the New York Times and the Los Angeles Times and what they say the intelligence budget is, \$28 billion.

We are not here today debating about whether that is enough or too much. I personally feel, as you all know, that it is too much.

At the height of the cold war, when we were spending 65 to 70 percent of it spying on the Soviet Union, it was not much more than that. You get the same justification for the intelligence budget as you get for the B-2, the super collider, and the space station: We have already spent so much; you cannot cut funding.

The Senator from Virginia, who I consider one of the very finest men in the United States Senate, one of the most courageous and certainly my dear friend, just got through saying we might jeopardize our agents. Nobody here really wants to jeopardize an agent, an on-the-ground human agent that the CIA might have someplace.

While we are not debating the amount of the intelligence budget, I

want you to think about this: Our intelligence budget is bigger than the entire defense budget of 10 NATO countries. Our intelligence budget is bigger than the French defense budget. You think about that. And the present CIA director, unlike his predecessor, Robert Gates, is strenuously opposed to making this total figure public.

Mr. WARNER. Madam President, could I ask a 10-second question of my good friend.

Mr. BUMPERS. Absolutely.

Mr. WARNER. The Senator questioned the statement by the Senator from Virginia with respect to the statement not only regarding intelligence agents abroad but the men and women of the Armed Forces. Tell me how releasing this figure is going to increase their ability to perform the mission, be they agents or men and women of the Armed Forces? That is the question you have to ask. How will it increase their safety abroad or their security if it is released?

Mr. BUMPERS. It does not increase or decrease their ability to carry out their mission. That is not my reason for being here. I am not trying to cut the feet out from under the intelligence community. They perform a useful function. Nobody denies that.

But I am just simply saying, What kind of nonsense is it for us to come here as 100 men and women of the United States Senate and say we cannot dare mention the total amount we are talking about? You know what the debate was about on the intelligence budget when I was trying to cut it. Someone said, We have already cut 3.7 percent. But then the question is for the ordinary citizen of the country and most of the United States Senators, 3.7 percent of what? Nobody had a clue. Maybe 3.7 percent of \$50 billion or \$10 billion.

It was 3.7 percent from the President's request, which was a substantial increase over last year's budget.

The President is my dear friend, and I forgive him because he is a first-year President, and this is a very arcane subject. But you think about it. You think about it—us standing around here not knowing a percentage of what we are cutting. It is just such powerful nonsense. It has nothing to do with jeopardizing agents on the ground. It has nothing to do with the reconnaissance or anything else. What it has to do with is, Is the figure too high or is it too low and how on Earth can you know if you do not know what the figure is?

I thought the Senator from Virginia was going to challenge me on the statement I made about how we spend more on intelligence than the French spend on defense. I was wrong by \$5 billion. They spend \$33 billion on defense, and we spend \$28 billion on intelligence according to the press.

But look at this: Italy, \$5 billion less on their entire defense budget than we

spend on intelligence; Saudi Arabia, \$15 billion; China—look at that—we spend almost twice as much on intelligence as China spends on its entire defense budget, and every time we are threatened by the Chinese military we jump under our desk. In South Korea, one of our stepchildren, who we defend, they are putting up \$13 billion, not half as much as we spend on intelligence.

Good Lord.

The amount we spend is important, and if you cannot deal with this, you cannot deal with anything else unless you know what you are talking about.

Mr. WARNER. Madam President, now I ask: Is the Senator informing the Senate and indeed the American public as to the total of the U.S. commitment to intelligence? If so, it seems to me that could be very much a violation of the rules of the Senate.

Mr. DECONCINI. Will the Senator yield?

Mr. WARNER. I will not yield.

It would be a violation of the rules of the Senate to disclose information submitted in confidence by the executive.

Mr. BUMPERS. Do I have the floor?

Mr. METZENBAUM. Regular order.

The PRESIDING OFFICER (Mr. CONRAD). If the Senator will yield for a moment, the Senator from Arkansas retained the floor.

Mr. BUMPERS. He asked a question.

The PRESIDING OFFICER. Is the Senator yielding for the purpose of a question?

Mr. WARNER. That is correct.

The Senator yielded, and I was propounding the question when others sought to interject. I retain the floor, and I pose the question.

The PRESIDING OFFICER. No. The Senator from Virginia does not retain the floor. The Senator from Arkansas retains the floor. The Senator from Virginia asked for permission to ask a question.

Mr. WARNER. Mr. President, the permission was granted, and I was in the course of asking the question when others sought to interject.

The PRESIDING OFFICER. The Senator may proceed to ask a question.

Mr. WARNER. Mr. President, the question to my colleague is: Does that figure marked "U.S. intelligence" represent—

Mr. BUMPERS. Right.

Mr. WARNER. Their \$28 billion?

Then I ask the question without confirming or denying the accuracy of the number stated on the chart the Senator is displaying: The rules of the Senate state that Members may not disclose publicly information which is transmitted by the President in confidence to the Senate.

Mr. BUMPERS. Mr. President, to answer the Senator's question, see this big asterisk here next to the number on the chart. It is down here. That is according to the Los Angeles Times, August 4, 1993, and the Senator's ques-

tion is precisely why I am over here supporting the amendment of the Senator from Ohio because the Senator would deprive me or anyone else from using anything except press reports. I know what the figure is, but I am not telling the world what I know. I am telling the world what has been reported in the Los Angeles Times, and that is about what 80 of the Senators in this body has to go by—what they read in the newspaper.

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

The Senator from Ohio.

Mr. METZENBAUM. Mr. President how much time does the Senator from Ohio have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 42 seconds.

Mr. METZENBAUM. Mr. President, I yield 3½ minutes to the Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator.

Mr. President, I have served on the Intelligence Committee for 8 years and 2 years as vice chairman of the committee.

I support the Metzenbaum amendment, which expresses the sense of the Congress that the President disclose the aggregate amount of the intelligence budget.

This is not a new position for me. While I served as vice chairman of the Select Committee on Intelligence, I supported a similar measure which emerged in a conference agreement with our House counterparts, and some speaking against it today also supported it then.

Providing the public with the total funding provided to the intelligence community will not harm our national security, nor should it compromise our ability to engage in sensitive intelligence activities. I rely on intelligence professionals, like Robert Gates, in arriving at these conclusions. During our confirmation hearings of Bob Gates to be Director of Central Intelligence, he acknowledged that releasing the overall budget figure would do no harm.

In fact, under Director Gates and President Bush, the intelligence community began promoting greater openness in dealing with the public on a variety of subjects. For example, Director Gates testified in open sessions, before various congressional committees on activities in the former Soviet Union, on proliferation of nuclear and other weapons, and other topics affecting our national security. To me, giving the public more information from our intelligence experts, not less, proves the worth of our investment in our national intelligence system.

This has led me to support this sense-of-Congress approach, which urges the President to release the gross intelligence budget figure. The public ought to understand that we take our Nation's intelligence mission very seriously, and that we are willing to spend

a large amount of money to maintain an active and effective intelligence capability. I have no difficulty defending spending levels for our intelligence community, nor any individual portion of it. It is money well spent, and is as necessary today as it was when the Soviet Union was our primary adversary. It is often said that our intelligence mission today has become much more complicated, with renewed attention being paid to regional conflicts, international drug networks, proliferation of weapons, and even global economic issues. Therefore, releasing the overall amount of money we spend on this important aspect of our national defense should inform our taxpayers that we take quite seriously our need to gather intelligence, and to assess events in a complex world.

I do not favor providing details on funds allocated to individual programs or activities. Our adversaries, whoever they may be at any given moment, should not be given any insights that may indirectly or directly advance their causes.

Finally, let me reiterate that the ultimate decision to release the aggregate budget number for intelligence will still reside with the Commander in Chief, if the Metzenbaum amendment is adopted. This mild proposition will do no harm, and it has already passed Congress in a previous authorization bill.

I urge my colleagues to support the Metzenbaum amendment.

I thank the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3116

Mr. MITCHELL. Mr. President, I ask unanimous consent that, upon the disposition of H.R. 2330, the intelligence authorization bill, the Chair lay before the Senate the conference report accompanying H.R. 3116, the Department of Defense appropriations bill; that there be 2 hours for debate on the conference report, with the time controlled as follows: 1 hour, equally divided and controlled between Senators INOUE and STEVENS, 30 minutes under the control of Senator MCCAIN, and 30 minutes under the control of Senator NUNN; that when all time is used or yielded back, and without intervention action or debate, the Senate proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. I now ask unanimous consent that it be in order to request the yeas and nays on the adoption of the conference report.

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

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

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

The yeas and nays were ordered.

PROVIDING FOR A RECESS OR ADJOURNMENT OF THE HOUSE AND THE SENATE

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 178, a concurrent resolution just received from the House, providing for a recess or adjournment of the House and Senate, and that the concurrent resolution be agreed to and the motion to reconsider laid upon the table.

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

So the concurrent resolution (H. Con. Res. 178) was agreed to, as follows:

H. CON. RES. 178

Resolved by the House of Representatives (the Senate concurring). That when the House adjourns on Wednesday, November 10, 1993, it stand adjourned until noon on Monday, November 15, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, November 10, 1993, pursuant to a motion made by the majority leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, November 16, 1993, or at such time as may be specified by the majority leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. MITCHELL. I thank my colleagues.

I yield the floor.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

Mr. KERREY. Mr. President, I rise in support of the amendment of the Senator from Ohio. The overall, top line amount appropriated for intelligence should be made public because it is constitutionally mandated, because there is no longer a security reason for keeping the figure secret, and because it is time for intelligence to stand on its own feet and compete openly on its own merits with other programs.

The Constitution directs in article 1, section 9, that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and ac-

count of the receipts and expenditures of all public money shall be published from time to time." During the cold war we set up an artifice to exempt intelligence from this requirement. We kept the intelligence budget number secret and concealed most of its programs in the Defense budget. We did this for good reason: we had in Moscow an adversary with a large intelligence service that would have taken this figure, had it been available to them, to measure America's effort. So we kept it from them, and rightfully so, even if in the process we kept it from our people as well. But today we have no such adversary. If our present antagonists, countries like Libya, Iran, Iraq, had any idea how much we spent on intelligence, they would be dismayed to learn that we spend far more on intelligence than they do on their whole governments. But they would learn nothing, in my view, that they could use against us.

I noted that it is time for intelligence to stand on its own feet, and I say that for several reasons. First, if intelligence is the valuable commodity that I contend it is in this very uncertain world, a world of new threats but from which the old nuclear threat has not completely faded, if it is the force multiplier that our military commanders say it is, than it ought to be amply funded. If it is tied to Defense with a continuation of the current policy of hiding the intelligence budget inside the Defense budget, then it is at risk of declining along with Defense. Absent new military threats, I believe we all agree that the Defense budget will continue to drop, perhaps steeply. A concurrent drop in the intelligence budget would not be appropriate. That is why I favor letting intelligence compete freely as a separate program. To do that, you have to announce the top-line intelligence budget figure.

Don't misunderstand me. Intelligence and Defense will always be functionally linked. As long as military commanders are the top priority customers for intelligence—and they always will be—the Defense Department should have an active role in managing intelligence programs and the Armed Services Committee should continue to take the intelligence authorization bill on sequential referral. But the top-line figure should be made public.

There's another reason, beyond the decline of the old threat and the shrinking Defense budget, for making the intelligence figure public. This is an age of increasingly open government. Don't take my word for it.

Look at the CIA. They began declassifying documents under the last DCI, Bob Gates, and are continuing to do so under Jim Woolsey. We all recall the recent release of previously classified documents on the assassination of President Kennedy. A great many other documents have been declassified and released as well.

The intelligence community is working with the scientific community to provide scientifically useful data on such things as whale migration and climate change, data collected by systems designed to pinpoint enemy submarines.

The CIA is seeking more of its information from open source material. It has even joined the Internet computer network, which means that virtually anyone can go online with them.

A Presidential panel is charting a whole new system of Government information security which will bring forth a more open system that will limit secrecy.

Intelligence topics like imagery and cryptology are now discussed in the public media, with surprising accuracy.

The Intelligence Committees of the House and Senate have an increasing number of open hearings.

Let's face it. Openness is the order of the day, and unless a threat as formidable and as lethal as the old Soviet Union comes along, our society and Government will steadily become more open. Our task is to make intelligence more useful to more Americans, not hoard it. I know that Bill Clinton understands this—his support for openness in Government is one of the driving factors behind this trend. That's why I can't believe that he personally opposes this amendment.

I also can't believe that stating the top-line intelligence figure would hurt the intelligence community. I know from my service on the Intelligence Committee that our extraordinarily capable intelligence structure is both priceless and a bargain. It can compete successfully with other Government programs.

Finally, I reject the argument that stating the top-line figure will lead to an additional peeling of the onion, a steady revelation of more secrets. This won't happen if we do it right: One way would be to simply require the President to state two figures when he submits the annual budget; the amount appropriated for the last fiscal year, and the amount the President requests be appropriated for the next fiscal year. In that way there would be no opportunity to compare the bills of different committees or to compare outlay versus budget authority. This would be one way to avoid the slippery slope, and I am sure there are others, which the Senator from Ohio's amendment leaves the President free to suggest.

The power to change is the power to keep our democracy vibrant and young. The budget secrecy that was necessary during the cold war is today at best dysfunctional. We can do better in the sunshine. Both our intelligence community and our democracy will be healthier for it. I urge adoption of the amendment.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I wish to say a concluding word to my colleagues.

In 1991, the Senate passed a provision to require disclosure of the budget total—to require it. That provision was watered down in conference, but the Senate had approved requiring disclosure.

This proposal does not require it. It is just a sense-of-Congress resolution as to our policy, that it should be disclosed. We enacted the same sense-of-Congress language in the 1991 conference report and again in 1992. All we are saying today is, pass again something that is really much less than that which the Senate passed in 1991.

Mr. WARNER. Mr. President, is all time yielded back?

The PRESIDING OFFICER. Has the Senator from Ohio yielded back all time?

Mr. METZENBAUM. I yield it back.

The PRESIDING OFFICER. All time is yielded back.

Mr. WARNER. Mr. President, I move to table the amendment and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia [Mr. WARNER] to table the amendment of the Senator from Ohio [Mr. METZENBAUM]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—49

Bennett	Faircloth	McCain
Bond	Ford	McConnell
Breaux	Gorton	Nickles
Brown	Gramm	Nunn
Burns	Grassley	Packwood
Chafee	Gregg	Pressler
Coats	Hatch	Reid
Cochran	Helms	Roth
Cohen	Hutchison	Shelby
Coverdell	Jeffords	Simpson
Craig	Johnston	Smith
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dodd	Lieberman	Wallop
Dole	Lott	Warner
Domenici	Lugar	
Exon	Mack	

NAYS—51

Akaka	Dorgan	Kohl
Baucus	Durenberger	Lautenberg
Biden	Feingold	Leahy
Bingaman	Feinstein	Levin
Boren	Glenn	Mathews
Boxer	Graham	Metzenbaum
Bradley	Harkin	Mikulski
Bryan	Hatfield	Mitchell
Bumpers	Heflin	Moseley-Braun
Byrd	Hollings	Moynihan
Campbell	Inouye	Murkowski
Conrad	Kennedy	Murray
Daschle	Kerry	Pell
DeConcini	Kerry	Pryor

Riegle	Sarbanes	Specter
Robb	Wasserman	Wellstone
Rockefeller	Simon	Wofford

So the motion to lay on the table the amendment (No. 1157) was rejected.

Mr. DECONCINI. I urge the adoption of the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Is there any further debate? If there is no further debate, the question is on agreeing to the Metzenbaum amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. WARNER. Mr. President, I object. I object two times.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued the call of the roll.

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

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

Mr. MITCHELL. Mr. President, parliamentary inquiry. What is the pending matter?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [Mr. METZENBAUM].

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—52

Akaka	Glenn	Mikulski
Baucus	Graham	Mitchell
Biden	Harkin	Moseley-Braun
Bingaman	Hatfield	Moynihan
Boren	Heflin	Murkowski
Boxer	Hollings	Murray
Bradley	Inouye	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Riegle
Byrd	Kerry	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dorgan	Levin	Specter
Feingold	Lugar	Wellstone
Feinstein	Mathews	Wofford
Ford	Metzenbaum	

NAYS—48

Bennett	Durenberger	McCain
Bond	Exon	McConnell
Breaux	Faircloth	Mack
Brown	Gorton	Nickles
Burns	Gramm	Nunn
Chafee	Grassley	Packwood
Coats	Gregg	Pressler
Cochran	Hatch	Reid
Cohen	Helms	Roth
Coverdell	Hutchison	Shelby
Craig	Jeffords	Simpson
D'Amato	Kassebaum	Smith
Danforth	Kempthorne	Stevens
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner

So the amendment (No. 1157) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the bill?

Mr. DECONCINI. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Arizona has 3 minutes, 2 seconds. The Senator from Virginia has 14 minutes 7 seconds.

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

Mr. WARNER. Mr. President, I thank the Senate for its indulgence in having a second vote on this very important issue. If the Senate feels so strongly that it wants to pass a sense-of-the-Senate, I wish it would have the courage to step up and pass the law then. I yield the remainder of my time.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

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

The PRESIDING OFFICER. Under the previous order, the Intelligence Committee is discharged from further consideration of H.R. 2330, and the Senate will proceed to the immediate consideration of the bill.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 1224 is inserted in lieu thereof.

The clerk will read the bill for the third time.

The bill (H.R. 2330) was ordered to a third reading and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WARNER. Mr. President, is this to be done by voice vote, in which case or Senator from Virginia has no objection?

Mr. DECONCINI. The Senator is correct.

Mr. WARNER. The request for yeas and nays has been withdrawn?

Mr. DECONCINI. It was never formulated or consummated.

Mr. WARNER. Mr. President, this is to be done by voice vote?

The PRESIDING OFFICER. If no one requests the yeas and nays, yes.

The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2330) was passed.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I ask that the Chair appoint conferees, and they are before the Chair.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes, and the Chair is authorized to appoint conferees on the part of the Senate.

The Chair appoints the following conferees.

The legislative clerk read as follows:

From the Select Committee on Intelligence: Mr. DECONCINI, Mr. WARNER, Mr. METZENBAUM, Mr. GLENN, Mr. KERREY, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. JOHNSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. GORTON, Mr. CHAFEES, Mr. LUGAR, Mr. WALLOP, and Mr. STEVENS.

From the Committee on Armed Services: Mr. NUNN and Mr. THURMOND.

The PRESIDING OFFICER. Under the previous order, S. 1301 is indefinitely postponed.

The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, that finishes the authorization.

I thank my distinguished vice chairman for his counsel and advice. I know he feels very strongly about this subject matter. We spent a good part of the afternoon, and I respect his position on this. I hope we can work in the future to maybe find a little better way to handle it. I pledge to him to continue to work with him.

I thank the dedicated staff on both the majority and minority side for their work in putting this bill together.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished chairman, colleague, and friend. I join him in commending our staff. We have an excellent staff. We try as best we can to perform in a bipartisan manner such important issues to this Nation as its intelligence. I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report accompanying H.R. 3116.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 9, 1993.)

The PRESIDING OFFICER. The Senator from Hawaii [Mr. INOUE] is recognized.

PRIVILEGE OF THE FLOOR

Mr. INOUE. Mr. President, before proceeding, I ask unanimous consent that the following persons be given floor privileges during consideration of this conference report: Denise Baken, Paul Joula, Nancy Lescavage, Karen Miller, and John J. Young, Jr.

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

Mr. INOUE. Mr. President, I am pleased to offer the conference report (H. Rept. 103-339) making appropriations for the department of Defense for fiscal year 1994. The conference report before you provides funds to operate, maintain and equip the Defense Department and our military forces during fiscal year 1994.

The bill provides \$240.6 billion for DOD, a reduction of \$1.4 billion from the President's budget request. It is within the subcommittee's 602(b) allocation. Discretionary outlays from the bill will be \$255.2 billion, a reduction of \$3.2 billion from the budget request and less than \$50 million below the subcommittee's allocation.

Mr. President, this is a very lean bill. The budget authority in this bill is \$13.5 billion below the level funded for fiscal year 1993, and nearly \$40 billion lower than funds provided 10 years ago not counting inflation. I must advise my colleagues that not every worthwhile program could be accommodated in this austere bill, but the conferees

have done their best to produce a bill which meets the needs of our men and women in uniform.

MILITARY PERSONNEL

The bill provides a total of \$70.6 billion for military personnel pay, allowances and related costs. This amount includes \$1.1 billion to fully fund a 2.2-percent pay raise for our uniformed personnel. Military end strength will decline by 103,000 active duty personnel during fiscal year 1994. Guard and reserve strengths are above the administration's request by 5,300, reflecting the increased requirements to be levied on our reserve components.

OPERATION AND MAINTENANCE

To operate and maintain our forces, the conference agreement recommends \$77.1 billion. This is \$1.6 billion below the budget request, but most of this reduction is from fact of life savings in fuel pricing, undermanning of civilian personnel and lower costs of foreign currency.

In addition, funding has been added to the President's request for aircraft and ship maintenance programs, unit training activities, and for returning excess Army equipment from Europe. We began this year by emphasizing the need to maintain the readiness of and quality-of-life for our troops. I believe this bill does preserve that critical readiness for another year.

Also in title II, funds were added for select defense conversion programs supported by many Members in this body. For example, the conference agreement adds funds for military youth programs, economic development programs in California, Florida, Michigan, and many other States affected by base closures, and aid for school districts.

PROCUREMENT

The bill would fund \$44.7 billion for procurement, a decrease of \$300 million from the request. Mr. President, this amount is \$10 billion below the levels funded in fiscal year 1993.

Significant army highlights of this action include providing a \$275 million in increases for Apache and AHIP helicopters.

For the Navy, the agreement provides funds to support the three DDG-51 destroyers as requested. Full funding is provided for the Trident Missile Program and the purchase of 36 F/A-18 aircraft.

BQG-5 WIDE APERTURE ARRAY

Mr. President, the conferees agreed to provide \$33 million for the BQG-5 wide aperture array program, as noted in the statement of the managers. Unfortunately, the table which accompanies the statement of the managers does not include funding for the program. Mr. President, I want it to be clear that the conferees funded this program, and the Navy is directed to adjust the amounts shown in the tables to reallocate funds from other pro-

grams which were not increased above the budget request in the other procurement Navy appropriation to fund this important program.

Mr. President, one issue that is of interest to many Members is funding for the CVN-76 aircraft carrier. The Senate bill included \$3.4 billion to complete the financing of the next nuclear aircraft carrier. The House committee included \$1 billion to finance a portion of the costs; however, the specific earmark for using these funds for the carrier was deleted on the House floor.

I made a statement on the Senate floor on October 26, explaining the reasons that the Senate provided funds for the carrier and urging the conferees on the Defense authorization bill to include authorization for the balance of the carrier. I will not repeat all the arguments here, but just remind my colleagues that funding the carrier in 1994 instead of 1995 would have saved U.S. taxpayers \$200 million.

Unfortunately, the Defense authorization bill did not authorize the remaining balance for the aircraft carrier. While many of my colleagues agree that the authorization granted in 1993 to begin financing the ship is sufficient authorization to complete payment for the ship, there are those here and in the House who believe that this issue should await additional authorization.

It is somewhat ironic that, while we are discussing this issue today in the Senate, tomorrow, in Newport News, VA, a new nuclear aircraft carrier will be christened. Some of my colleagues will remember that, in 1987, Congress authorized \$644 million in advance procurement funds to partially fund this carrier and then appropriated \$6.2 billion, the full amount required to fund two aircraft carriers. I think that is important to keep in mind.

Mr. President, I was not chairman during that period. My predecessor, Senator John Stennis, was the chairman. It was Senator Stennis who spearheaded the effort to fund the two carriers. Senator Stennis knew a good deal when he saw it. By fully funding the two carriers in 1 year instead of funding them incrementally over several years, the Congress, at Senator Stennis' urging, saved the taxpayer about \$1 billion. Some shortsighted individuals complained at that time that the ships were not authorized completely, but in that instance, reason prevailed. It is even more ironic to note that tomorrow this new carrier will appropriately be christened the *John C. Stennis*.

Mr. President, I am sorry to report that the conferees on the Defense appropriations bill were unable to convince the House of the merits of this case. In a compromise, the conferees agreed to provide \$1.2 billion in additional national defense sealift funds which may be used to help purchase

the CVN-76, if subsequent authorization is provided. I would note that, if authorization is not granted, these funds could be used for chartering roll-on/roll-off vessels, or for constructing additional sealift ships.

Significant highlights for Air Force procurement include providing \$2.2 billion to buy six C-17 aircraft this year and advance procurement funds for buying eight in fiscal year 1995. The conferees also agreed to purchase 12 F-16 aircraft, for \$400 million.

Mr. President, the conference report reflects the strong support of the Senate regarding National Guard and Reserve equipment. While the House earmarked funds for specific projects, the Senate did not.

The conference agreement allows the chiefs of the Reserve components to determine which specific items will be purchased. The statement of the managers earmarks \$400 million for miscellaneous equipment and lists items which it believes should be given priority, but does not mandate which equipment must be acquired. In addition, the statement earmarks \$800 million for new transport aircraft. The conferees intend that these aircraft can be either new production or newly refurbished aircraft.

RESEARCH AND DEVELOPMENT

Mr. President, in order to preserve readiness and still live within the funding constraints imposed upon the committee, the conferees made significant reductions in research and development. A total of \$3.4 billion was cut from the budget request of \$38.6 billion. Included in the reductions, the bill terminates the Army's Sadarm Precision Submunition Program, terminates the Navy's AF/X attack aircraft, and slows down the F-22 program, cutting the request for that aircraft by \$168 million.

In other highlights, the agreement fully funds the Army's Comanche helicopter, fully funds the Navy's F/A-18 E/F program, and the Navy's new attack submarine.

Mr. President, the conferees provided \$2.6 billion for ballistic missile defense. For the first time, the conferees agreed to recommend a number of discrete reductions in this program.

The discrete reductions recommended by the conferees provide the level of funding for theater and national missile defenses as we expect will be authorized. The full Senate previously approved virtually all of the recommended reductions.

The ballistic missile defense organization also recently decided to terminate several projects in preparing to adjust to a lower level of fiscal year 1994 spending. The conference recommendations include these reductions.

Mr. President, I believe the discrete spending recommendations in this conference report are an important first step in demystifying the Ballistic Missile Defense Program. The Congress

should evaluate the ballistic missile defense research and development programs just like other Pentagon programs. We should endorse those programs which are militarily-justified and cost effective. We should reduce programs which are lower priority, unjustified or duplicative.

Mr. President, this is not micro-management. This is prudent oversight of the taxpayers resources. Within the overall ballistic missile program we are talking about a number of large acquisition programs, each receiving hundreds of millions of dollars. The Congress should have a voice in the allocation of funds to major acquisition programs such as Patriot, Thaad, and the many other major acquisition efforts embodied in the overall ballistic missile defense program.

The conference report recommendations express that voice as it should be expressed. It is essential that the Defense Department understand the seriousness with which I view this action to begin exercising the same oversight over these programs as Congress exercises over other defense programs.

The Department should heed these words and follow the recommendations to make the discrete reductions highlighted in the conference report. Should the Pentagon wish, based on new information or some better justification than so far provided, to change these discrete funding allocations, it is my strong opinion that DOD should consult with, and notify, the committee well in advance of taking any such action.

The conference recommendation clearly indicates the Congress' priorities. I look forward to working with the leadership in the Department of Defense to assure that our views are reflected in their allocations of fiscal year 1994 funds.

In other matters, the conference report affirms the position of the Senate regarding U.S. peacekeeping activities. The Byrd amendment restricting United States forces in Somalia is incorporated in the conference agreement as are amendments adopted by the Senate regarding Haiti, Bosnia, and command and control of United States forces. A new general provision has been added which expresses the sense of the Congress that the President should consult with Congress prior to undertaking any new humanitarian or peacekeeping deployment and pay for such operations through supplemental appropriations.

Mr. President, this has been a tough year for the Defense Subcommittee. The funding constraints that the committee must meet required that \$3 billion in outlays be reduced from the bill. After 9 straight years of reducing defense spending, that is not an easy task. The Senate was up to the challenge in its passed bill, and I am happy to say the conferees have also responded to that difficult challenge.

The conference report reflects a good compromise between the priorities of the Senate and the House. But most importantly, it is a good agreement which will provide for the safety and support of our men and women in uniform. I urge all Members to support the conference report.

Mr. President, before I conclude, I would like to say a few words about the staff of this subcommittee. These dedicated professionals have earned the respect and admiration of their colleagues in the Senate and in the executive branch. They have served individual Senators—and the Senate as an institution—in a most exemplary fashion.

I know them, I trust them, I am grateful to them.

It is not a large staff, just a dozen in number. Their names are: Richard L. Collins, Charlie Houy, Steve Cortese, Dick D'Amato, Peter Lennon, Jay Kimmitt, David Morrison, Mary Marshall, Mazie Mattson, Susan Char, Jim Morhard, and Donna Patty.

As in past years, this staff has been supplemented by a departmental support group: John Young, Denise Baken, Paul Joula, and Karen Miller.

Mr. President, this is an extraordinary staff. Their well earned reputation for a thorough and reasoned analysis of the President's budget for defense appropriations was enhanced this year when, in an unparalleled achievement, through their study and analysis, this subcommittee met the challenge posed by the sharply circumscribed allocations it received in the budget process. It was only through their study and analysis that Senator STEVENS and I were able to do this, and I would note that, of all of the Defense committees, this subcommittee was the only one to meet its target.

Mr. President, this kind of an achievement does not rest on the efforts of one person alone; it requires a team effort, and they all deserve recognition. And yet, as many know, in the years that I have been chairman of this subcommittee, I have thought it appropriate, each year, to single out an individual for special recognition.

This year, I am in a position to do both, because this year I want to give recognition to an individual who exemplifies the team effort which has made Senator STEVENS and me so proud of our subcommittee.

Steve Cortese is the minority staff director of the Senate Subcommittee on Defense Appropriations. He is a patriot, a trusted advisor, and a friend. He works for my good friend, TED STEVENS; he serves us all.

This year Steve and his wife, Eileen, had a baby girl, Lauren Elizabeth, who has kept him up late at night, almost as often as the Senate has. And yet, he is invariably good-humored, well-informed, and ready to contribute. And, most capable of advancing the goals

and objectives of his party within the Senate.

Mr. President, I am pleased to have an opportunity to recognize the contributions of a dedicated public servant. Steve Cortese has served the vice chairman of this subcommittee, Senator STEVENS, and myself in an exceptional manner. He has served the Senate in an exceptional manner. He serves his country every hour of every day, without complaint and without expectation of great reward. In doing so, he rewards us all.

And, for that, I am grateful.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, let me, on behalf of my good friend and assistant and associate, Steve Cortese, thank the Senator from Hawaii for his usual graciousness, and the kind words he has said about our minority staff director for this subcommittee. It is a great pleasure to have worked with him, and with Senator INOUE.

I want to go quickly through some points on this bill. But I, too, would remember that it is not quite 6 years ago that I offered the amendment to name the new nuclear aircraft carrier, the *John C. Stennis*. That was on December 11, 1987. I think we mentioned this carrier not only because of our great love for John Stennis—and on that day I mentioned I have never known a man like John Stennis in my life, who had the stamina and the will to continue and the great love for country that John Stennis had; but we mentioned the *John C. Stennis*' christening tomorrow, and Senator COCHRAN I know will be there to do that; unfortunately, we are not able to be there—primarily because of the time lag in authorizing an aircraft carrier, and getting it to the point where the *John C. Stennis* will be tomorrow, where it can be christened.

On the conference committee that approved the *John C. Stennis* were John Stennis, Senator Proxmire, Senator Chiles, Senator Burdick, Senator Weicker, Senator McClure, Senator Garn, Senator Kasten, and Senator Rudman. In 6 years, all of those Senators have departed from this body and we are just getting the *John C. Stennis* to the first stage of its service in the U.S. Navy. It takes the time of a lot of people to bring a major ship on the line in the United States Navy. We have been only able to take a very small step toward the next aircraft carrier.

I want to emphasize what the Senator from Hawaii said concerning the money that is earmarked in this bill for that carrier, in the event that it is authorized. And I do urge the authorization committee to promptly authorize it next year, keeping in mind this very, very long time before that aircraft carrier will become a part of the U.S. Navy.

The bill we present to the Senate is \$511 million below the President's request. Every Member of the Senate can be confident that this bill accommodates the priorities of the Joint Chiefs as well as the theater commanders in the field. Senator INOUE and I have personally visited with them this year, prior to the preparation of this bill. It is a bill that has \$1.2 billion in a modernization initiative for the National Guard and Reserve, taking into account the new burden that falls upon those forces in their overall plan for our country's defense.

We have not this year earmarked any of the funds for specific systems. The authority to allocate the funds for the Guard and Reserve rests with the commanders of those forces, of course under the control of the President and his appointees. But it is a new initiative.

I think of interest to our conferees is the funding provided for aircraft to modernize the Guard fleet. We expect the Guard and Reserve to procure either new aircraft or refurbished or modified aircraft to best meet their mission requirements. And the Congress in this bill will give them the discretion to make the best decisions to give us the best force possible.

A success story has been in the procurement of an especially modified C23-B aircraft for the National Guard, existing planes with alterations, dedicated to a Guard-specific mission. This conference reports the authorized level of funding for the Ballistic Missile Defense Program, with the accounts for Patriot, Erint, and Arrow programs. They are fenced, but that is to ensure the full funding of those programs. There is no constraint on the funding for Brilliant Pebbles, and \$140 million is provided to continue the program for the Brilliant Eyes initiative.

We have a new provision that I wish to discuss. That makes available \$100 million to initiate contractor provided logistic support for United States and United Nations forces in Somalia. While I support this provision as an important step to accomplish withdrawal of our forces by March 31, as is indicated by the action of the Congress and as stated by the President, I do express my concern for the safety and protection of these American civilian contract workers in Somalia.

I am sure that the matter will be settled expeditiously. We should take steps to ensure that no Americans will be at risk in Somalia as part of our national and United Nations support for the effort there.

This is a new initiative. We did assure ourselves that it has total support of the Commander in Chief and, therefore, we have initiated this money for contractor-supported logistics for those forces in Somalia. I again state, however, that it is not contrary to the position taken by the Senate to require

the withdrawal of U.S. forces by no later than March 31.

The proposed bill supports the Army structure as it has been outlined to us by the authorization program. There still is a question about the rest of the 5-year program. That has not been initiated yet by the authorization committee.

The Army organization is at 540,000 military personnel and 12 divisions. In my judgment, we should not go any further. We have accomplished our reduction in force for the Army, so far as this Senator is concerned. The troops deployed over the past 5 years in Panama, Desert Shield, Desert Storm, Somalia, and Hurricane Andrew—so many events in these past 5 years—have demonstrated the flexibility of preparedness and professionalism of our United States Army. It cannot stand any further reductions at this time. It is a precious asset for a democracy such as ours to have such a professional military force as we have in the U.S. Army.

I am not neglecting the Air Force and the Navy, but I do believe it is time to draw the line and say there should not be any more cuts. There should be a floor under the 12 divisions, as far as the Army is concerned.

I express our thanks to the Senator from Hawaii and his distinguished assistant, Richard Collins. The four of us have traveled, literally, throughout the world. We get some criticism for it, but we visit remote places in this world to see what is happening and why we have forces where we do have them around the world in this period. It is a matter of great pride to me that we continue to serve together, as I have stated to this Senate previously. In the time I have worked on this bill with my friend, which is almost 25 years now, we have never had a basic disagreement.

I again close as I started, Mr. President. I know of no Member of the Senate that served a longer period of time and dedicated his soul and his existence to the concept that this Nation deserves a total defense than John Stennis. He served as chairman and then when I was chairman of the subcommittee, he was the ranking member. He became chairman again for a short time, and my friend from Hawaii then became the chairman.

We have worked together as a team on this defense appropriations concept. We feel, I think—the two of us—that we are sort of the students of John Stennis, and since tomorrow will be John C. Stennis Day, I hope the Senate will take the time to commemorate the service of this distinguished gentleman who will now have his name prolonged in the history of the U.S. Navy he loved so well in the form of this great new carrier, the *John C. Stennis*.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized for 30 minutes.

Mr. MCCAIN. Mr. President, I would like to express my concurrence with the views concerning Senator Stennis just voiced by my two colleagues. He is, indeed, a wonderful giant of a man, a great leader, one I had the privilege of serving with on the Armed Services Committee in my first years in the Senate. He will stand as one of the giants of the U.S. Senate.

I have one question for either my colleague from Alaska or the Senator from Hawaii, to begin with.

Is there a printed copy available of the appropriations bill?

Mr. INOUE. It has been printed in the CONGRESSIONAL RECORD.

Mr. MCCAIN. Fine. I say it is too bad we do not have a printed copy on our desks, as we should have. I want to alert my two colleagues, next year if the appropriations bill is not printed and available for me and my staff—as is the custom here—to read, I will object to consideration of a \$241 billion bill until such time as I have the opportunity to look at it. I think that is something we have a right to.

I repeat, I believe that appropriations bills should be printed and on the desk—

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. Yes.

Mr. STEVENS. I am informed that my staff spent an hour or more going over every sheet of this bill with the Senator prior to this being printed in the CONGRESSIONAL RECORD.

Mr. MCCAIN. With the Senator?

Mr. STEVENS. It is printed in full in the RECORD.

Mr. MCCAIN. No member of your staff has been over anything with me. They may have been over it with my staff.

Mr. STEVENS. With your staff.

Mr. MCCAIN. Fine. I believe I should have the right myself to be able, as every other Member, to have a copy of the bill on our desk. I believe it is customary in the Senate.

Mr. STEVENS. It is on the Senator's desk. It is in the CONGRESSIONAL RECORD.

Mr. INOUE. If the Senator will yield.

Mr. MCCAIN. My staff tells me it is not printed in the CONGRESSIONAL RECORD.

Mr. INOUE. If I may respond, it is in the CONGRESSIONAL RECORD and it has been the tradition, I have been advised, as to the printing of the bill itself, the Government Printing Office does that after the President signs the bill. So what we have before us is the conference report, and it is in the CONGRESSIONAL RECORD of November 9, 1993, on page H8978.

Mr. MCCAIN. Thank you for that information. I am not going to take too

much time. It is my understanding that it was not available until this afternoon. That is not a lot of time to examine a bill that entails \$241 billion.

What I am complaining about, obviously, is that in the days, weeks and months to follow, we will find unauthorized appropriations, special pork-barrel projects, which this Senator is going to continue to do everything I can to bring to a stop.

I see special earmarks for defense conversion: New London State Pier, \$3.7 million; Miami Dade County Community College, \$10.5 million; Aviation Technology and Training Center—I have no idea where—\$4.5 million; World Language and Cultural Studies Center at Pfeiffer College, \$250,000; Health Care Network, New York, \$2.5 million; CFC Free Refrigeration Technology Project, \$200,000—on and on and on and on—the list goes on and on. And cuts to these appropriations, by the way, require the consent of all four appropriations committees—these I just read—there are some 56 of them, coming up to over \$221 million, which are special congressional interests. That despite the fact that an amendment of Senator BROWN was accepted and I understand it was accepted in the Senate bill:

None of the funds appropriated or otherwise made available by this act may be used for a defense technology reinvestment project that is not selected pursuant to the applicable competitive selection and other procedures set forth in chapter 148 of title 10, U.S. Code.

The intent of the Brown amendment was to prevent this, and yet I see that funds are earmarked for projects that have, as far as I can see, absolutely nothing to do with national defense, at the same time, at the very same time—and I sound a little emotional about this over and over again—we are going to cut 103,000 men and women out of the military. We are going to tell 103,000 men and women in the military that we cannot afford to keep them because we have to cut the defense budget—103,000 of them, many of them on short notice. Most of them had wanted to stay in the military for a career.

What are we going to do? We are going to spend \$2 million to establish a marine environmental research facility in Astoria, OR; \$1.3 million for a replacement landfill in Kotzebue, AK. I am sure I mispronounced that name. \$500,000 for environmental remediation and wells on Walker River Paiute tribal lands; \$1.5 million for the purchase and rehabilitation of an LCU ship as a commercial cargo vessel to be transferred to the Government of American Samoa; \$7 million for an MDIS tele-imaging medical diagnostic program at Madigan Army Medical Center in Washington State; and \$2.3 million for cell adhesion molecule research. Get this:

The \$2.3 million for cell adhesion molecule research; specifies that the research be done

at a "nonprofit foundation in the northeast by an integrated team of scientists with extensive experience in the molecular analysis of the immune system. The scientific team must have extensive experience in the identification and analysis of cell adhesion, signal transduction pathways, cytokine production and gene regulation."

Mr. President, that must be some place in somebody's district. What in the world, what in the world has that to do with national defense? I am all for investing in cell adhesion molecule research. What does it have to do with national defense?

What do I tell these young men and women who are in my State, who are saying, "Senator, I do not want to leave the military. I wanted to stay in the military for a career. And now I am being separated because they say they cannot afford to keep me."

Mr. President, the fact is that what we are doing is not acceptable. My greatest fears about defense conversion were that the money for defense conversion that we appropriated would not be used to help with conversion of industries which need help, but they would be used for pork barrel projects.

The World Language and Cultural Study Center in Pfeiffer College is going to get \$250,000. What is the requirement for defense conversion?

New London State pier. I do not know what that has to do with defense conversion. It is earmarked. I am sure that there will be answers for all of these.

I am sure that the Paiute Indians need to have something paid for and cleaned up. What do the Paiute Indians have to do with national defense? There are no greater supporters in this body than this Senator and the Senator from Hawaii for Native Americans. I have yet to see any connection between Paiute Indians, who are going to get \$500,000, and at the same time that is called national defense.

I would like to talk for a minute about the *Seawolf* submarine, a fantastic example of what is wrong with the system here, Mr. President.

The *Seawolf* submarine, a \$5.2 billion weapons system, which no military person in the world will say there is a requirement for—not a one, not any Navy, not any Army, not any Air Force official, no one will say there is a threat to this Nation's national security that requires the presence of a *Seawolf* submarine. The amendment that I had added during the Senate debate on this bill, which was accepted, said that there would be a cap placed on the expenditures for the two previous submarines, the SSN-21 and 22.

Now, I was not trying to kill it. We went through that. We went through the attempt to terminate the program. But all I asked for was a cap. I used the cap which was stated in the letter from the Secretary of the Navy of September 13. The letter that I got from the Secretary of the Navy, which I in-

cluded in the RECORD at that time, said we need no more than those funds. So I thought, well, if the Secretary of the Navy says they do not need any more money than that, approximately \$4.673 billion—\$4.673 billion—surely that would be enough. But that amendment was dropped in conference. The Department of Defense said as follows from their appeal letter:

This cap greatly curtails our flexibility in managing the shipbuilding account. *** While the Department feels confident that an estimate of \$4,673.4 million for the SSN-21 and 22 is currently achievable, it should be recognized that it is difficult to provide absolute assurance in overall costs. *** The Department urges the conferees to exclude this provision.

We contacted Electric Boat Co., the people who make the submarine, and asked, is \$4.673 billion enough for you for two submarines? Two, count them, two submarines. They said "yes." In fact, they told us they would write us a letter and say yes.

So I thought it was reasonable perhaps to tell the American taxpayers that we were not going to spend any more than what the shipbuilder and the Secretary of the Navy said they needed.

What happened? Dropped in conference, Mr. President, because there is no fiscal discipline. We could have taken this \$5 billion boondoggle and paid each one of those workers whose jobs we are saving somewhere around \$200,000 each.

Mr. STEVENS. Will the Senator yield right there?

Mr. MCCAIN. I will be happy to yield.

Mr. STEVENS. I want the record to show that at times the Senator from Arizona and I have slightly disagreed on these matters. But on this one, I am entirely in accord with the Senator, as the Senator knows. I fought the *Seawolf*. I have opposed the *Seawolf*. I continue to oppose the *Seawolf*, as I did the battleships when they were refloated and now we are putting them back as museums.

But the majority wins in these matters, and I appreciate the statement the Senator is making. But I do remind him that we have lost that battle every time we fought it in this Chamber. As a consequence, there is nothing much we can do about it except I do commend him once again for making the record that we do not need the *Seawolf*; it is a waste of money, and I hope he will continue reminding people of that fact. But the fact remains that the action taken by the conference was in accordance with the opposition bill.

Mr. MCCAIN. Let me tell my friend from Alaska that I understand that it is in accordance with the authorization bill, and I do not intend to sign the authorization bill. I intend to vote against the authorization bill for that and a variety of reasons, including our dramatic derogation in readiness and capability that is the result of a steady decline in defense spending.

Let me just remind my friend from Alaska that there were two issues that I brought before the Senate with regard to the *Seawolf* submarine. One was to kill it. The other was to put a cap on the expenditure as a result of the letter that I received from the Secretary of the Navy.

That amendment was accepted and approved by the Senate. Obviously, the House must have felt differently and the House prevailed. I regret enormously that the position of the House obviously prevailed which caused my amendment, which had been accepted by the Senate on a voice vote, to be dropped. But what it proves is that this system is so broken that we cannot even put caps on expenditures for a weapons system that both the Navy and the people who are building the ship say they can adhere to. We cannot even do that. At the same time—this is what galls me so much—we tell these young men and women, "I am sorry; we are paying you \$30,000 a year." That is the average salary of a young enlisted person. "We cannot afford to keep you. But our expenditures on the *Seawolf* submarine are basically without caps, without limit."

Mr. President, I was able to compile last July a very interesting document, at least interesting to me, called "Going Hollow." And they were not my thoughts. They were the thoughts of the various chiefs of staff who I asked various questions. For example, the Commandant of the Marine Corps stated in response to my request:

The Marine Corps is underfunded by \$101 million it needs to compensate for readiness funds it had to use to pay for humanitarian and peace keeping operations.

It has current combat equipment backlogs that would cost \$93 million to cure, and the cost of correcting these backlogs will rise to \$165 million in 1994.

Combat training is underfunded by \$7.8 million.

The Marine Corps has only received \$115 million of the \$230 million in DBOF 1993 cash transfers needed to maintain proper readiness.

The Marine Corps has reached a critical point in modernizing medium lift.

We are funding Marine Corps real property maintenance at \$250 million versus \$430 million we really need.

These are all statements I got from the various chiefs of the services.

The Chief of Staff of the Army said:

Although Operational tempos have been kept high at the cost of other forms of readiness, the amount of money spent on OPTEMPO per division has still dropped by 21% from FY1985 to FY1989—from \$124 million to \$98 million.

The amount of base operations support per division has dropped by 14%, measured relatively to a FY1985-FY1989 baseline. It has declined from \$107,000 to \$92,000 per soldier, severely reducing the quality of life for military personnel.

Total operations and maintenance expenditure per soldier has dropped by 36%.

The funding of supplies and related maintenance per division has dropped by 22%.

This is a drop from \$244 million to \$191 million per division.

That list goes on.

The same is true of the Navy. The same is true of the Air Force. Each service is well documented in this document by their statements and warnings—not mine—that we are approaching a hollow military.

Then we turn around and do this. I wish I did not understand it. I am not happy with it. I will continue to do whatever I can to stop it, and to publicize this because the American taxpayers deserve better. The American fighting men and women deserve better. Sooner or later they are going to get better.

I spend a lot of time in my State of Arizona for a variety of reasons. The fact is the people in my State are angry. They are upset, and they are fed up. They think that this kind of thing has to stop.

I have been made keenly aware that this may cause my State or military installations in my State to suffer. It already has—and that there will be all kinds of problems that I am generating, that I should go along with this system. I have been advised to go along with this system.

Mr. President, I cannot. Life is too short. Life is too short for me to go along with a system both in the authorizing process and in the appropriating process that may cause us to repeat again the errors of the last century, four times in this century, where we have allowed our military to decline to the degree where lives are wasted as we restore our military viability and again are required to fight and engage in conflict when we are not prepared to do so.

Mr. President, let me focus now on the broader context of this bill before I address the specifics once again.

Our debate takes place at a time of crisis in many areas of the world. The importance of this bill increases in the context of post-cold war global instability and the potential threat of proliferation of weapons of mass destruction. The decisions the Congress makes today will determine the ability of this Nation in the future to play an effective role in world affairs and to protect our own security and that of our friends and allies. Therefore, the debate in the Senate today is not about just another defense bill—it is a debate about ensuring our security far into a challenging future.

Of particular importance, then, are the decisions of this body as we attempt to reconcile our local and special interests with our legitimate national security needs—all within the limited dollars of a defense budget which continues to decline to levels well below what I believe to be prudent in this time of uncertainty. Every special request, every special interest item, every bit of pork, comes at the

expense of direct national security requirements of the United States, and at the expense of the careers of hundreds of thousands of men and women who serve in our military. In making our choices in this body, we must not lose sight of this and several other important facts.

We all know that economic considerations have forced us to continue to cut the defense budget and the military forces of this Nation. Real defense spending has been cut steadily every year since 1985. According to a recent estimate by the Congressional Research Service, we have cut defense spending, in constant 1994 dollars, from \$388 billion in 1985 to \$278 billion in 1993. The budget resolution requires that we cut the defense budget to \$263 billion this year.

The Clinton administration budget submitted earlier this year plans to cut defense spending to \$234.1 billion by 1998. This is a total cut in real defense spending of roughly 43 percent—in only slightly more than a decade.

Because of these huge funding cuts, we are forcing hundreds of thousands of men and women out of the military. Our defense industrial base is being cut to the bone. We are accepting compromise after compromise in our military capabilities. The United States has eliminated all programs to modernize our strategic deterrent forces, even though a great degree of uncertainty exists as to the status of such programs in the former Soviet Union. We are cutting readiness, and some aspects of our forces are rapidly becoming hollow. We must draw the line, and draw it now.

Mr. President, the new strategy and reduced force posture just announced by the Clinton administration in the Bottom-Up Review is seriously underfunded, by nearly \$100 billion, according to some of our best defense experts. Even if the Congress never spent one dime of the defense budget on pork and special interests, we could not afford to pay for the force posture called for in the Bottom-Up Review with the funds that the Clinton administration has allocated in its future years defense plan [FYDP].

Yet I have no indication that the Clinton administration plans to find the additional funding required to pay for the new force structure. It is imperative that the Congress insist on honest budgeting and adequate resources to ensure the national security of this Nation. I intend to continue to work hard to halt the decline in defense spending at this point; I do not believe we can safely cut any more.

This funding shortfall, however, is only the tip of the iceberg. It assumes there will be no more raids on the defense budget for peacekeeping operations or domestic programs, like cancer research and environmental restoration. It also assumes that defense

dollars will not be diverted to other needs. But, as I have said and will repeat many more times, consider the Defense appropriations conference report before the Senate today. Money that is vitally needed for Defense programs goes to special interests and programs that have absolutely nothing to do with the defense of our Nation. This is not a new problem. But it must be remedied now. Our future security depends on our responsible actions today.

Mr. President, on October 18 and 20, during the Senate's earlier consideration of the Defense appropriations bill, I spoke at length about the history of congressional funding for unrequested, unauthorized appropriations—to the tune of \$28.7 billion over the period fiscal years 1990-93, according to CRS. In short, as our national defense budget dropped steadily during those 4 years, the Congress spent nearly \$30 billion on unauthorized activities and programs, on pork barrel projects, and on other special interests.

My colleagues know my views on this issue. Programs which are not authorized should not be funded in appropriations bills. That is the process in the Senate; we should follow it. Or we should change it. And I intend to propose changes that will strengthen the process.

We have an established budgetary process. We hold hearings with the civilian and military leadership of the Pentagon—whose appointments and promotions are approved by this very body—to determine the accuracy and adequacy of the budget request. We have scores of staff members who collect data from contractors, consultants, and the military in an effort to recommend authorizations for only those items which will guarantee the best military forces and weapons for the money.

After all this information is gathered, processed, and debated, the Congress votes on an authorization bill which reflects the collective judgment of the members of the Armed Services Committee on the appropriate mix of programs in the Defense budget. The entire Congress participates in this process and votes on passage of the authorization legislation. At times, this legislation is not officially completed when the appropriators are conducting their conference, but the substantially completed recommendations of the authorization conference are always available to the appropriators in a timely fashion.

But the appropriators routinely ignore the authorization process and provide funding for billions of dollars of programs for which there is no request and no authorization. In the very short time that this conference report has been available to me, I surveyed one account—Army research and development—and found that nearly \$380 million was provided for line items in ex-

cess of the amount contained in the Defense authorization conference report. If I had the time, I'm sure the amount of unauthorized appropriations would be substantial.

Mr. President, the authorized appropriations contained in this bill are hurting the military. These expenditures threaten the viability of a necessarily smaller Defense force and the long-term security of our Nation. But in an immediate sense, unrequested and unauthorized spending take away the jobs of men and women in Defense industry who earn those jobs by working on programs the country really needs. And they drive highly skilled men and women out of the military services, including many minorities, and make it more difficult to attract capable men and women to enter into the military as a career.

Mr. President, I receive requests on a daily basis from my constituents who serve in the military and desire above all else to remain on active duty. These are hard-working, patriotic Americans whose jobs are valuable to the country. But these young men and women are being forced to leave the service because we can no longer afford to pay for their services. We can't afford to pay for their services, but we can afford to appropriate billions of dollars for projects that have little or no military value. We displace thousands of dedicated, highly trained people who serve all the people of this country, just to create a few jobs which benefit specific districts and States.

I have made this plea many times to my colleagues. We have a process in this body; we should follow it. And I will work to ensure that we are forced to follow our own procedures.

Mr. President, I also spoke at length during the Senate's debate on the Defense appropriations bill about the practice of earmarking scarce Defense dollars for special projects at particular institutions or organizations which are important to particular Senators. I provided an extensive listing of earmarks in the fiscal years 1990-93 Defense appropriations bill, compiled by CRS, which demonstrates just how egregious earmarking of appropriations has become.

At that time, I offered an amendment, together with Senators NUNN, BINGAMAN, THURMOND, and SMITH, which would have required competitive award of contracts and grants, regardless of any earmarks in the bill, for projects involving community adjustment assistance, environmental restoration, strategic environmental research, and university research. The managers of the bill accepted my amendment, and it was included in the Senate-passed version of the Defense appropriations bill.

Mr. President, the amendment I offered was just a start. But I thought that, at least, my colleagues on the Ap-

propriations Committee, having accepted the amendment, would take to heart its intent. Unfortunately, that is not the case.

My amendment to permit competitive award of contracts and grants was dropped in the conference. There is no language restricting the earmarks in this bill.

In the short time this conference report has been available to me, I have found innumerable examples of earmarks in a number of areas, and most of these are programs which I discussed in the earlier debate on this bill. Let me list just a few of these.

The sum of \$2.3 million for cell adhesion molecule research; specifies that the research be done at a nonprofit foundation in the northeast * * * by an integrated team of scientists with extensive experience in the molecular analysis of the immune system * * * the scientific team must have extensive experience in the identification and analysis of cell adhesion, signal transduction pathways, cytokine production, and gene regulation.

The sum of \$7 million for a MDIS teleimaging medical diagnostic program at Madigan Army Medical Center in Washington State.

The sum of \$1.5 million for the purchase and rehabilitation of an LCU ship as a commercial cargo vessel to be transferred to the Government of American Samoa.

The sum of \$2 million to establish a marine environmental research facility at Astoria, OR.

The sum of \$1.3 million for a replacement landfill in Kotzebue, AK.

The sum of \$500,000 for environmental remediation and wells on Walker River Paiute tribal lands.

The sum of \$12 million for AKAMAI medical project at Tripler Army Medical Center in Hawaii.

And, Mr. President, I particularly want to highlight the earmarked programs for which the conferees provided language which reads as follows:

The conferees recommend that the following conversion projects be funded. * * * DD Form 1414 shall show them as items of special congressional interest, a funding decrease to which requires prior congressional approval. * * *

Mr. President, the conferees provided this protection for 56 separate projects in the defense conversion account, for which funds are earmarked totaling nearly \$222 million. I ask unanimous consent that the listing of these projects be included in the CONGRESSIONAL RECORD following my statement.

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

(See Exhibit 1.)

Mr. MCCAIN. Mr. President, to meet the targets of the budget resolution, the Armed Services Committees of both Houses cut \$2 billion out of the operations and maintenance accounts

of the Department of Defense, the lifeblood of military readiness. Then, the members of the Appropriations Committees in both houses are informed that they may divide among themselves \$4 billion in member add-ons in this year's defense budget.

Objections to the extravagance of spending \$4 billion on unnecessary, unrequested, and indefensible programs are rejected by appropriators with assurances that such extravagance has been much worse in the past. Granted, the House-passed version of the DOD appropriations bill included over \$6.5 billion in earmarks. But \$4 billion dollars' worth of pork-barrel spending is thus defended as an example of congressional discipline and fiscal responsibility.

Mr. President, \$4 billion in pork projects is a model of congressional discipline that this country can ill afford. It is irresponsible. It is unacceptable. And I will not vote for it.

This bill contains abundant evidence of just how dysfunctional our budget process has become. Mr. President, it is well past time for Congress to begin repairing a process that serves the parochial interests of members at the unaffordable expense of denying this country all the goods and services it requires for an adequate defense.

Mr. President, the most egregious example of a pork-barrel project is the *Seawolf* submarine program—a \$5.2 billion boondoggle. I argued during the floor debate on the Defense appropriations bill that the *Seawolf* is typical of what happens with pork-barrel projects: they grow far beyond their original cost and live on indefinitely.

Mr. President, my colleagues agreed with my amendment to cap the costs of the SSN-21 and SSN-22 submarines, costs which, I hasten to point out, have already grown far beyond any reasonable projections. My colleagues agreed that the cost of these submarines had to be controlled. My colleagues agreed to impose fiscal responsibility on both the Navy and the contractors building *Seawolf*.

Apparently, however, pork-barrel politics is stronger than fiscal responsibility. As the appropriators went into conference on this measure, the Department of Defense sent an appeal of the *Seawolf* spending caps to Congress. The appeal stated:

This cap *** greatly curtail(s) our flexibility in managing the shipbuilding account. *** While the Department feels confident that an estimate of \$4,673.4 million for the SSN-21 and SSN-22 is currently achievable, it should be recognized that it is difficult to provide absolute assurance in overall costs. *** The Department urges the conferees to exclude this provision.

Mr. President, I am curious about the Department's aversion to a cost cap on this program, when the Secretary of the Navy assured the Congress in a letter dated September 13, 1993, that \$4.673 billion was sufficient to complete work

on the first two submarines. So I contacted the Electric Boat division of General Dynamics to get their view on the cost cap. Officials of Electric Boat advised that they could live with the cost cap as stated in the amendment.

Electric Boat, the builder of *Seawolf*, said that they could live with the cost cap, yet DOD says that the cost cap would hinder the construction of these submarines. In other words, the Defense Department cannot live within the highly inflated means that defense contractors are willing to accept. I strongly suggest that the Department of Defense thoroughly examines its budgeting procedures to see if they have any relation at all to fiscal responsibility and the defense needs of this Nation.

Not surprisingly, the appropriations conference committee dropped the cost cap amendment which had been agreed to by the Senate. By so doing they have sent an emphatic message: no matter how great the cost overruns, no matter how useless the projects, no matter how detrimental to the nation's security, Congress will accept no limits on its appetite for pork.

Mr. President, when will we learn the lesson that pork projects, once appropriated, become an entitlement for the Department which manages the project and the people in the districts who benefit from that project? As we all know, entitlements rarely die. All the pork in this bill, like *Seawolf*, cell-adhesion molecule research, and the Astoria marine environmental research facility should be removed and the funds re-applied to legitimate national security needs.

We have disillusioned our military personnel. No matter how hard they work, no matter how much they sacrifice in service to the country, they can be sent home whenever the costs of their service conflicts with spending habits of Congress. No matter how much they try to explain why modern weapons are needed, or why improvements are necessary to prevent weapons from becoming obsolete, they will continue to go into harm's way inadequately armed and trained because the cost of preparation conflicted with the costs of pork-barrel spending.

We previously spent money to train our military personnel. Now, we have to pay for their involuntary separations, pay for their retraining, and pay for their unemployment benefits. But at least we still have funds to pay for the requirements of our constituents, even if their most important requirement—their security—erodes.

Mr. President, our continued practice of pork-barrel spending has jeopardized the ability of this country to defend our national interests. We have diminished the stature of our defense forces and contributed to the decline in our economy. The Congress is doing the opposite of what it was charged to do by the Constitution.

Dollars earmarked for pork are dollars taken away from identified, high priority, military requirements of the Department of Defense. They are dollars which are required to pay the salaries of the dedicated men and women who make up our all volunteer force today. They are dollars taken away from programs which directly support the training and welfare of our active duty military personnel. Pork-barrel programs are not free. Their cost is the continued degradation of the readiness of our military forces at a time of continuing instability in the world.

Every one of these pork-barrel projects—from the smallest earmark to the *Seawolf* submarine boondoggle—should be eliminated from this bill and the funds allocated to national defense programs—not local economic enhancement programs. I urge my colleagues to join me in opposing these special interest set-asides by voting against this conference report. Send this agreement back to the drawing table with instructions to appropriate money for the defense of our Nation, and not the special interests of a few.

I urge my colleagues to demonstrate their commitment to good government and responsible leadership. I urge my colleagues to vote against this conference report.

EXHIBIT 1

Defense conversion earmarks

Southeastern Pennsylvania Consortium for Information Technology and Training	\$875,000
Western Michigan University School of Aviation Sciences/Fort Custer Industrial Park	6,000,000
Illinois Vietnam Veterans Leadership Program	125,000
Monterey Institute of International Studies	5,000,000
California State University System	15,000,000
New London State Pier	3,725,000
Conversion of Homestead Air Force Base	5,000,000
Miami Dade Community College	10,500,000
California Statewide Economic Development Network	3,125,000
San Diego State University Center on Defense Conversion	7,000,000
San Francisco State University California Economic Recovery and Environmental Restoration Project	750,000
Hampton University/Hughes Aircraft Aerospace Institute	3,750,000
Rand Study on Force Downsizing and Immigration	1,000,000
Personnel Training in Law Enforcement and Health Care Professions	15,000,000
Mare Island & Charleston Shipyard Conversion/Reuse Studies	500,000
Mare Island Worker Retraining for Environmental Restoration	2,500,000

Section 1333 Worker Re-training	5,000,000	Device Independent Multi-Media Universal Interface System for Medical Information Management	1,400,000
Personnel Transition Assistance	3,750,000	Ben Franklin Partnership and Industrial Resource Center	14,000,000
Century Brass Products' Environmental Cleanup ..	5,000,000	Methanol Plantship	3,000,000
Aviation Technology and Training Center	4,500,000	Low Cost Continuous Emission Monitoring System	185,000
System International Job Training Education Program	8,000,000	Mojave Regional Technical Center for San Bernardino County	167,000
World Language and Cultural Studies Center, Pfeiffer College	250,000	Software Engineering Environment for Parallel Processor Supercomputers	7,851,000
Urban-Renewal Health Care Network—Carolinas Health Care Network—New York	3,000,000	Environmental Technology Project at Duquesne University	750,000
Servicemen Occupational Conversion and Training Act	6,250,000		
CFC Free Refrigeration Technology Project	200,000	Total	221,975,750
Shipboard Material Handling System	500,000		
Plastics and Rubber Technologies	3,125,000		
Drew Medicine and Science Health Occupations Retraining Demonstration Project	2,000,000		
Midwest Regional Centers for Advanced Technology Development	20,000,000		
Far West Regional Office Technology Transfer Project	79,000		
Renewable Electric and Renewable Thermal Utility Demonstration Projects	6,250,000		
Ocean Thermal Power Plantships Technology Project	2,000,000		
St. Louis Manufacturing Extension Program	1,000,000		
Center for Photochemical Sciences	1,250,000		
Center for Advanced Control System Technology	2,500,000		
Queens Hall of Science "Discovery Lab" Project	2,500,000		
Lahey Clinic Ambulatory Surgical Research	750,000		
RPI New York Regional Manufacturing and Engineering Center, Troy, New York	1,250,000		
Miami Health Technologies Science Center Defense Reinvestment Project	750,000		
Tucson Defense Conversion Project	225,000		
Joint Arizona Center for Manufacturing and Training (JACMET)	375,000		
Curved Plate Technology Project in Norfolk, VA ..	15,000,000		
Joint Army Ammunition Plant Transfer Project ..	18,750		
Southeast Health Professional Training Center at Mount Sinai Medical Center of Miami, FL	750,000		
High Technology Center of Rochester, NY	6,000,000		
Magnetically Levitated Transportation Prototype Test Track	0		
USF/DOE Pinellas Technology Deployment Center	10,000,000		

Device Independent Multi-Media Universal Interface System for Medical Information Management	1,400,000
Ben Franklin Partnership and Industrial Resource Center	14,000,000
Methanol Plantship	3,000,000
Low Cost Continuous Emission Monitoring System	185,000
Mojave Regional Technical Center for San Bernardino County	167,000
Software Engineering Environment for Parallel Processor Supercomputers	7,851,000
Environmental Technology Project at Duquesne University	750,000
Total	221,975,750

Mr. MCCAIN. Mr. President, I want to assure my colleagues on the Appropriations Committee of my continued respect and admiration for their work.

I also want to assure them of my continued criticism and steadfast opposition to a process that gives us this kind of result.

I yield the remainder of my time.

Mr. INOUE. Mr. President, I received word from the Senator from Georgia [Mr. NUNN], that he has no desire to participate in this debate, and he asks that the time that was set aside for him be deleted.

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

Mr. INOUE. If all time is returned, I urge that the Senate adopt the conference report.

The PRESIDING OFFICER. All time has been yielded.

Under the previous order, the question before the Senate is the adoption of the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

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

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INOUE. Madam President, I urge adoption of the conference report.

Mr. DOLE. Mr. President, as we turn to the consideration of the Defense appropriations conference report, I want to commend the chairmen and the ranking Republicans of both the House and Senate Defense Subcommittees for their work in crafting this legislation. Their task has become increasingly difficult as the defense budget continues to shrink.

In fact Mr. President, it is this trend in our defense spending which concerns me. Over the past several months, the United States has expanded its mili-

tary commitments around the world. And yet, at the same time, the administration has sent defense budget proposals to Congress which will gut the Nation's defenses. In my view, we have embarked upon a very dangerous path, and if we are not careful, we will end up with another hollow military. It seems others are starting to realize this too. Just this week Defense News reported that Pentagon officials are concerned that the Navy "may soon become overextended" as a result of increased "overseas commitments and a declining force structure." Additionally, when the Senate first considered this bill last month, the distinguished chairman and the ranking member of the Defense Appropriations Subcommittee both voiced their concerns about a continually declining defense budget. How can anyone square the fact that we are undertaking more missions and expanding our presence around the world while the Congress continues its slash and burn policy toward the defense budget? We are not cutting defense. We are gutting it. If we continue down this path which the President has planned, we will most certainly threaten our Nation's ability to defend itself and its vital interests. I know the administration likes to characterize our current health care system, unemployment, and many of our domestic problems as threats to national security. These domestic issues are critically important, and need to be addressed, but unless we start paying attention to the threats posed by some foreign powers, we won't have to worry about dealing with domestic problems. There are some that say the United States no longer has any real enemies or faces any real threats. But as I have pointed out before, North Korea, as well as, India and Pakistan, continues to develop its nuclear weapons capabilities. China continues its massive arms build-up, and the conflict in the Balkans is threatening to draw in surrounding nations. Let us not also forget our old friends in Iraq and Iran. Furthermore, our new friend, Russia, has just released a new military doctrine which establishes guidelines for using nuclear weapons, and makes it quite clear that Russian forces will conduct offensive, as well as defensive operations. Yet, some Members of this body think we should slash all of our strategic programs and our intelligence budgets. Mr. President, the truth remains, the world is still a dangerous place, and the United States must be prepared to face any future threat.

Congress and the administration are cutting the defense budget too far and too fast. The defense appropriations bill for fiscal year 1994 is approximately \$13 billion less than last year's bill. Last year, we reduced defense spending from the previous year's level by \$17 billion. In fact, this year's bill represents a 33-percent reduction in defense spending since 1985. That is one-

third less than what it was just 9 years ago. By the end of the Clinton budget plan, defense spending will have been reduced by 43 percent since 1985. Mr. President, I believe the conference committee has done the best it possibly can to ensure that vital accounts are adequately funded. However, this will become increasingly difficult in the coming years. I urge my colleagues to closely examine the defense cuts which have been imposed over the last few years. We simply cannot continue to cut defense spending like this. If we do, we will not be prepared to face the uncertainties that await us.

Mr. WARNER. Mr. President, as vice chairman of the Intelligence Committee, I want to express my appreciation to Senators INOUE and STEVENS, the chairman and ranking Republican of the Defense Appropriations Subcommittee, for their cooperation with the Intelligence Committee.

That cooperation assured proper coordination of the intelligence authorization and appropriations processes.

I would note that the Defense Appropriations Act contains a provision, section 8152, requested by the select committee on Intelligence to ensure that intelligence funding may lawfully be obligated and expended prior to enactment of the fiscal year 1994 Intelligence Authorization Act. Absent section 8152 of this act, such obligation and expenditure would be prohibited by section 504 of the National Security Act.

Mr. SASSER. Mr. President, I rise today to voice my support for the Defense appropriations conference agreement. The defense community, and indeed the Nation, I believe owe a debt of gratitude to Senator INOUE, the distinguished chairman of the Appropriations Subcommittee on Defense. I am very pleased that we have succeeded in forging an agreement which meets the budget caps for new budget authority and fiscal year 1994 outlays, while generously providing for our Nation's real national security needs.

This bill provides \$77.1 billion for operations and maintenance. Although that is \$1.6 billion below the budget re-

quest, most of the reductions come from pricing adjustments which reflect lower than expected costs for items such as fuel and foreign currency. The committee added over \$1 billion to the budget request to improve readiness, with funding for activities such as unit readiness training. This bill is consistent with the recent amendment that cut over \$700 million from the budget request for the strategic defense initiative, which the Senate approved during consideration of this year's Defense authorization bill. The research and development and procurement accounts receive over \$120 billion.

One decision made by our committee which I believe to be of the highest importance is the allocation of over \$1 billion not requested by the Defense Department to fund a 2.2-percent pay raise for our military personnel effective January 1, 1994. The men and women serving our country in uniform, whether on active duty or in the Guard and Reserve components, are far and away the most important safeguard of our national security.

I am deeply convinced, and I think any commander in the field would agree, that the unmatched excellence of the men and women serving under arms in the U.S. military is our greatest national military asset, and the greatest deterrent to any potential adversary of the United States. Far more than star wars or the B-2 bomber, it is the world renown for the valor and professionalism of our Armed Forces which will give pause to those who might consider challenging our vital national interests.

The 2.2-percent pay raise will both acknowledge and reward our outstanding service members. Just as importantly, it will help preserve the most important resource of our Armed Forces—an unsurpassed tradition of excellence.

STATEMENT ON DEFENSE APPROPRIATIONS CONFERENCE REPORT

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 3116, the Defense appropriations conference report, and has found that the bill as reported out of conference is

under its 602(B) allocation by \$58 million in budget authority and \$43 million in outlays.

I would like to compliment the distinguished manager of the bill, chairman INOUE and the ranking member, Senator STEVENS, for their excellent work in bringing this bill back to the Senate under its 602(b) allocation. Mr. President, every year we hear from the advocates of large military expenditures that the spending levels approved by the Appropriations Committee will bring about the complete collapse of our military forces and their morale. And this year, like previous years, the Defense Appropriations Committee has met its targets while maintaining our highly trained military forces.

Mr. President, I have a table prepared by the Budget Committee which displays the official scoring of the Defense appropriation conference report and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE'S SCORING OF H.R. 3116

DEFENSE APPROPRIATIONS
[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill	240,378	161,005
Outlays from prior years appropriations		94,418
Permanent/advance appropriations	0	0
Supplementals	10	-212
Subtotal, discretionary spending	240,388	255,212
Mandatory Total	180	180
Bill total	240,568	255,392
Senate 602(b) allocation	240,626	255,435
Difference	-58	-43
Discretionary total above (+) or below (-):		
President's request	-522	-2461
House-passed bill	968	-401
Senate-reported bill	1392	109
Senate-passed bill	1392	109

BILL HISTORY—H.R. 3116: FISCAL YEAR 1994 DEFENSE APPROPRIATIONS

[In thousands of dollars]

	President's request		House-passed		Senate-reported		Senate-Passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
BILL SUMMARY										
Discretionary total:										
New spending in bill	240,899,231	163,465,802	239,409,239	161,406,289	238,985,585	160,896,045	238,985,585	160,896,045	240,377,645	161,005,200
Permanents/advances		94,418,312		94,418,312		94,418,312		94,418,312		94,418,312
Outlays from prior years	0	0	0	0	0	0	0	0	0	0
H.R. 2118, 1993 spring supplemental	10,000	-211,901	10,000	-211,901	10,000	-211,901	10,000	-211,901	10,000	211,901
Subtotal, discretionary	240,909,231	257,672,213	239,419,239	255,612,700	238,995,585	255,102,456	238,995,585	255,102,456	240,387,645	255,211,611
Mandatory total:										
Mandatory spending in bill	182,300	182,300	182,300	182,300	182,300	182,300	182,300	182,300	182,300	182,300
Budget resolution adjustment	-2,300	-2,300	-2,300	-2,300	-2,300	-2,300	-2,300	-2,300	-2,300	-2,300
Subtotal, mandatory	180,000	180,000	180,000	180,000	180,000	180,000	180,000	180,000	180,000	180,000
Bill total	241,089,231	257,852,213	239,599,239	255,792,700	239,175,585	255,282,456	239,175,585	255,282,456	240,567,645	255,391,611
602(b) allocation	240,626,000	255,285,000	240,626,000	255,285,000	240,626,000	255,285,000	240,626,000	255,285,000	240,626,000	255,435,000

BILL HISTORY—H.R. 3116: FISCAL YEAR 1994 DEFENSE APPROPRIATIONS—Continued

(In thousands of dollars)

	President's request		House-passed		Senate-reported		Senate-Passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Difference	463,231	2,567,213	-1,026,761	507,700	-1,450,415	-2,544	-1,450,415	-2,544	-58,355	-43,389

PRINCIPLES OF APPROPRIATIONS LAW

Mr. HATFIELD. Mr. President, during Senate consideration of the fiscal year 1994 Department of Defense appropriations bill, the junior Senator from Arizona [Mr. MCCAIN] made a presentation to the Senate concerning what he views to be unauthorized appropriations, and used material developed at his request by the Congressional Research Service of the Library of Congress.

Senator MCCAIN's arguments were rebutted quite forcefully and effectively by Senators INOUE and STEVENS, and I saw no need to participate in the discussion at the time. Upon reading the CRS study prepared for Senator MCCAIN, however, I was concerned that it did not reflect a thorough understanding of appropriations law or of Senate procedure. I discussed the matter with the Librarian of Congress, and suggested that perhaps the American Law Division of CRS might take another look at the issue with these legal and procedural questions in mind.

Last Friday, CRS Director Joseph Ross sent me a memorandum prepared by the American Law Division on the subject of authorization vs. appropriations. As we consider the conference report on the fiscal year 1994 Defense appropriations bill, I thought it useful to bring this memorandum to the attention of the Senate.

I will emphasize two points the memorandum makes. First, the rules of the Senate provide that the Committee on Appropriations may recommend appropriations in excess of amounts authorized, or indeed in the complete absence of authorization. Of course, the Senate is free to reject such a recommendation, but the Committee on Appropriations is free to make it. And it is good that we are, for we often lack authorization for entire Federal departments.

Second, it is quite clear that one committee's report language has no binding effect on another committee's recommendations, the Senate's action on them, or an agency's implementation of them. So to assert that a program, project, or activity is authorized or not authorized by virtue of its inclusion or exclusion from a committee report expands the definition of authorization beyond the limits established in Senate procedure and principles of appropriations law.

Mr. President, I ask unanimous consent that the November 5, 1993 memorandum from the American Law Division of the Congressional Research Service, together with the transmittal

memorandum from CRS Director Joseph Ross, be printed in the RECORD at this point.

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

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC.

To: Hon. Mark Hatfield, Senate Appropriations Committee.

From: Joseph Ross, Director.

Subject: Memorandum on "Unauthorized" Appropriations.

Attached is a memorandum that addresses certain questions you raised regarding the posture of appropriations that depart from provisions in an authorization committee report.

CONGRESSIONAL RESEARCH SERVICE
Washington, DC, November 5, 1993.

To: Hon. Mark Hatfield, Senate Committee on Appropriations.

From: American Law Division.

Subject: Binding Nature of Authorization Committee Report Language.

You have inquired as to the legal issues that might be raised in the situation where an appropriation item in funding legislation may be inconsistent with a provision contained in an authorization committee report.

In essence your inquiry raises the fundamental question as to the legally binding nature of report language or other species of legislative history in the area of appropriations law, which requires that our analysis begin by asking the preliminary question, "binding on whom?"

If the report language standing alone is meant to bind an agency, a court is likely to hold that it will fail in its object. The Supreme Court in *Lincoln v. Vigil*, 113 S. Ct. 2024 (1993), most recently reiterated the rule that legislative history is not legislation in the context of a dispute over whether repeated references to a particular program in appropriations legislative histories thereby bound an agency to spend a portion of a lump-sum appropriation on that program. "[A] fundamental principle of appropriations law is that where 'Congress merely appropriates lump-sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should or are expected to be spent do not establish any legal requirements on the agency,'" quoting *LTV Aerospace Corp.*, 55 Comp. Gen. 307, 319 (1975). 113 S. Ct. at 2031. See also *American Hospital Ass'n v. NLRB*, 111 S. Ct. 1539, 1545 (1991) (statements in committee reports do not have the force of law); *Tennessee Valley Authority v. Hill* 437 U.S. 153, 191 (1978) ("Expressions of committees dealing with requests for appropriation cannot be equated with statutes enacted by Congress."). Judge (now Justice) Scalia succinctly stated the rule as follows: "The issue here is not how Congress expected or intended the Secretary to behave, but how it required him to behave, through the only means it can . . . require anything—the enactment of legislation." *United Auto Workers v. Donovan*, 746 F.2d 855,

860-61 (D.C. Cir. 1984), cert. denied sub. nom. *Automobile Workers v. Brock* 474 U.S. 825 (1985). And see 2 U.S. General Accounting Office, Principles of Federal Appropriations Law, 6-159 (2d ed. 1992) (Principles).

If the report language in question is meant to bind another committee or the House in which it originates, different considerations arise but the ultimate conclusion is likely to be the same: the report language is not binding.

Pursuant to its constitutional authority "to determine the rules of its proceedings," Art. I, sec. 5, cl. 2, each House has established rules with respect to the relationship of authorization and appropriations legislation and how (and whether) matters may be included in appropriations measures. See, House Rule 21 and Senate Rule XVI. The particular application or non-application of those rules is essentially non-reviewable by a court. See e.g., *Nixon v. United States*, 113 S.Ct. 732 (1993); Principles at 1-18.¹ Thus, in the first instance, resort must be made to the language and practice under the respective House rules for authoritative guidance.

While it is the general practice of Congress to create programs and authorize appropriations for them in authorization legislation and then to provide the budget authority to fund those programs in one or more appropriations acts, the rules of each House provide varying means to deviate from this strict order.

House Rule 21 controls more stringently than the Senate consideration of appropriations for which there is no authorization. While House rules do not expressly require authorizations, they do bar unauthorized appropriations. Rule 21(2). Under the rules, before the House can consider most appropriations measures, the purposes for which the money is to be provided has to be authorized by law. The House sometimes waives the rules against unauthorized appropriations by adopting a "special rule" before taking up the appropriations bill. Also, the rule against unauthorized appropriations applies only to general appropriations bills. Under the precedents of the House, a continuing resolution is not deemed to be a general appropriations bill. Hence, unauthorized programs can be funded in it. See, generally, Manual on the Federal Budget Process, CRS Report No. 91-902, 117 (1991)(Budget Manual). Otherwise, appropriations in excess of the

¹The principle, as stated by GAO, is that: The potential effect of a rule or statute subjecting a provision to a point of order is limited to the pre-enactment stage. If a point of order is not raised, or raised and not sustained, the provision if enacted is no less valid. To restate, a rule or statute subjecting a given provision to a point of order has no effect or application once the legislation or appropriation has been enacted. *Principles of Appropriations Law at 1-18.*

There are a few statutory requirements for authorization prior to appropriation in specific statutes (e.g., 10 U.S.C. 114(a)) but as GAO notes a "statutory requirement for prior authorization is . . . essentially a congressional mandate to itself." *Principles at 2-35.* There is also the provision prohibiting State Department obligation of funds that have not been previously authorized, 22 U.S.C. 2680. The provision may, however, be waived in the appropriations law. See, Manual on the Federal Budget Process, CRS Report No. 91-902 GOV at 121 (1991).

amount authorized by statute or in absence of any statutory authorization are subject to a point of order. House Rule 21(2)(a).

Neither the Standing Rules of the Senate nor Senate precedents establish a general prohibition against making appropriations for a project or program in the absence of an authorization: "The Committee on Appropriations, under Rule XVI, may propose to increase appropriations or propose a new item of appropriation in excess of authorizations or even in the absence of any legislative authority as long as the proposed amendment does not contain legislation." Riddick's Senate Procedure, S.Doc. 101-28, 101st Cong., 2d Sess. 188 (1992). See also, Fisher, "The Authorization-Appropriations Process in Congress: Formal and Informal Practices," 29 *Cath. U.L. Rev.* 51, 62-63 (1979). However, an amendment offered on the floor that proposes such an appropriation is subject to a point of order "unless it be made to carry out the provisions of some existing law, treaty stipulation, or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of the Committee on Appropriations or of a committee of the Senate having legislative jurisdiction of the subject matter, or proposed in pursuance of an estimate submitted in accordance with the law." Rule XVI.1. See, Budget Manual at 118. Thus the Senate rule does not create an insurmountable obstacle to appropriations without authorizations.

The language of both the House and Senate rules would appear particularly pertinent to the question under consideration. In neither rule is there any reference to the language of reports accompanying authorization legislation before it. ("No appropriation shall be reported in any general appropriation bill, or shall be in order as an amendment thereto, for any expenditure not previously authorized by law." House Rule 21(2)(a); Senate Rule XVI, quoted above). Implicit in the rules is the recognition that report language is not legislation but rather the expression of the views and recommendations of another congressional committee which is to be accorded no more or less weight than that of other committees. Thus there is some analogy to the rationale underlying the reluctance of the courts to accord legally binding authority to committee report language and other expressions of intent in sources of legislative history. More compelling, however, is the fact that congressional practices which depart from so-called principles of appropriations law have no legal consequences outside the legislative process; are disciplined by the internal politics of each House; and are ultimately constrained by the constitutional lawmaking requirements of Article I, section 7 mandating bicameralism and presentment.

ARMY NATIONAL GUARD ASSISTING U.S. BORDER PATROL

Mrs. BOXER. It is my understanding that the conferees did not address Senate report language directing the Army National Guard to train personnel to assist the U.S. Border Patrol because there was no dissent among the conferees on this provision. I ask the chairman, is my understanding correct?

Mr. INOUE. The Senator from California is correct.

Mrs. BOXER. Is it the understanding of the chairman that the Senate report language remains in full effect? Is it

his understanding that the Army National Guard is directed to train personnel to assist the U.S. Border Patrol in the manner outlined in the Senate committee report?

Mr. INOUE. The Senator from California is correct. The Army National Guard is so directed.

NATIONAL GUARD AND RESERVE EQUIPMENT

Mr. JOHNSTON. Mr. President, I would like to ask the distinguished chairman of the defense subcommittee to clarify for me an item contained in the National Guard and Reserve equipment section of the conference report.

Mr. INOUE. I would be pleased to assist the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the conference report lists several programs to be considered priorities by the heads of the guard and reserve components for miscellaneous equipment. I noticed an inadvertent error in that the name of one of the programs agreed to by the conferees was not listed. An additional program intended to be included by the conferees is the AN-AQS-14 airborne mine countermeasure trainer. This program is in addition to the AN-AQS-14 MATE program listed in the conference report. The AN-AQS-14 program was begun last year and requires an additional appropriation to be completed. I would ask the distinguished chairman if I am correct in my statement.

Mr. INOUE. The Senator from Louisiana is correct. The intent of the conferees was to include the AN-AQS-14 airborne mine countermeasure trainer for the Naval Reserve.

Mr. JOHNSTON. I thank the chairman and yield the floor.

COMPETITION AND EARMARKS

Mr. BINGAMAN. Mr. President, I would like to engage in a colloquy with the distinguished chairman of the Defense Appropriations Subcommittee about the conference report, which I have had only a very brief opportunity to review.

As the Senator from Hawaii knows, I have been very concerned about the earmarking of Federal funds to specific entities and projects without competition. I cosponsored the amendment offered by Senator MCCAIN when the defense spending bill was before the Senate. That amendment was intended to reinforce current statutory requirements for competition for programs in community adjustment assistance, university and strategic environmental research, and environmental restoration.

I also was very supportive of the committee's action to retain the House recommended bill language—known as the Brown amendment—to reinforce competition and cost sharing requirements for funds in the Technology Reinvestment Defense Conversion Program.

I would like to ask the distinguished chairman whether my understanding is correct that the McCain amendment

was dropped in conference and that the Brown amendment language was retained?

Mr. INOUE. My colleague from New Mexico is correct. There was a general consensus among the conferees to retain the Brown amendment. Such a consensus was not possible with respect to the McCain language.

Mr. BINGAMAN. I applaud the retention of the Brown amendment. I naturally am disappointed that the McCain amendment did not survive the process. I also would like to ask the distinguished chairman several questions about the conference report bill and statement of managers language regarding earmarks for specific projects.

Mr. INOUE. I would be happy to respond to the Senator's questions.

Mr. BINGAMAN. I note that the statement of managers contains many earmarks for defense conversion projects to be financed with operations and maintenance and technology reinvestment research funds. Does the chairman believe that these report language earmarks override the statutory requirements for the distribution of funds for these purposes?

Mr. INOUE. It is clear to me that statutory language outweighs report language in terms of guiding the distribution of Federal funds. Report language, while important, cannot override statutory language.

Mr. BINGAMAN. I appreciate the Senator's answer. Would the chairman's response also apply in the case of earmarks for specific research projects at colleges and universities?

As the chairman knows, section 2361 of title 10 of the United States Code requires competition in the award of research grants and contracts to institutions of higher education unless specifically waived.

Mr. INOUE. My colleague from New Mexico again is correct. I would point out that, unlike in past years, the conference report now before us does not contain any bill language specifically waiving this competition requirement.

Mr. BINGAMAN. I also have been concerned about the prospects for earmarking funds for specific projects in the defense environmental restoration account, or DERA. I know that the Senator from Hawaii has been a leader in shaping the Department's environmental programs. Could he share with us the conference report's position on DERA earmarks?

Mr. INOUE. At the Senate's initiative, the conferees clearly rejected earmarks in DERA. The statement of managers says "the conferees continue to strongly agree that individual site cleanup projects should not be specifically earmarked within the DERA account."

Mr. BINGAMAN. I thank the chairman. Finally, I would ask what has been the disposition of the House earmarks in the Strategic Environmental Research and Development Program?

Mr. INOUE. The Senate conferees were able to reduce the dollar impact of the proposed earmarks. As my colleague understands, a conference report represents compromise and a balancing of Senate and House positions on dollar amounts, and bill and report language. I believe that the Senate conferees did the best they could to mitigate the earmarks in this program.

Mr. BINGAMAN. I recognize the efforts by the Senate conferees during what, I am sure, was a difficult conference.

In summary, I am confident that the Senate conferees did their best on all these issues. However, I remain concerned that Congress has not adequately resolved the issue of earmarking defense funds.

We had a very good discussion when the defense appropriations bill originally came before the Senate about this general problem. I think there was general agreement at that time that it was the primary responsibility of the authorizing committees to set broad policy guidelines in this area. Unfortunately, the Armed Services Committee was unable to make as much progress as I would have hoped on this issue in its conference with our House counterparts.

I hope that much more progress can be made next year and I look forward to working with the chairman of the Defense Subcommittee to arrive at a satisfactory solution.

Mr. INOUE. I stand ready to work with my distinguished colleague from New Mexico on this matter. I know how carefully he has considered this issue. He has become a leader on the Armed Services Committee in the defense acquisition area, and we look forward to hearing his views next year on this important subject.

The PRESIDING OFFICER (Mrs. BOXER). The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] is necessarily absent.

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

The result was announced—yeas 88, nays 9, as follows:

[Rollcall Vote No. 368 Leg.]

YEAS—88

Akaka	Boxer	Campbell
Baucus	Bradley	Chafee
Bennett	Breaux	Coats
Biden	Bryan	Cochran
Bingaman	Bumpers	Cohen
Bond	Burns	Conrad
Boren	Byrd	Coverdell

Craig	Hollings	Moynihan
D'Amato	Hutchison	Murkowski
Danforth	Inouye	Murray
Daschle	Jeffords	Nickles
DeConcini	Kassebaum	Nunn
Dodd	Kempthorne	Packwood
Dole	Kennedy	Pell
Domenici	Kerrey	Reid
Dorgan	Kerry	Riegle
Durenberger	Kohl	Robb
Exon	Lautenberg	Rockefeller
Faircloth	Leahy	Sarbanes
Feinstein	Levin	Sasser
Ford	Lieberman	Shelby
Glenn	Lott	Simon
Gorton	Lugar	Simpson
Graham	Mack	Specter
Gramm	Mathews	Stevens
Grassley	McConnell	Thurmond
Gregg	Metzenbaum	Warner
Harkin	Mikulski	Wofford
Hatch	Mitchell	
Heflin	Moseley-Braun	

NAYS—9

Brown	Helms	Smith
Feingold	McCain	Wallop
Hatfield	Roth	Wellstone

NOT VOTING—3

Johnston	Pressler	Pryor
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So the conference report was agreed to.

Mr. INOUE. Madam President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

PUERTO RICO VOTES ON STATEHOOD

Mr. STEVENS. Madam President, on November 14, the people of Puerto Rico will be voting on their future. They will vote on whether they will become our 51st State, remain a territory or become an independent nation. This plebiscite may be the most important vote in the history of Puerto Rico.

The United States annexed Puerto Rico after the Spanish-American War in 1898. Puerto Rico is now a commonwealth associated with the United States. The U.S. Congress is responsible for governing Puerto Rico, but Congress has allowed it broad powers of self-rule. Puerto Rico gained this local autonomy in 1952 when the United States agreed to a constitution that provided for a locally elected Governor and a bicameral legislature.

Luis Ferre, a statehooder, was elected Governor of Puerto Rico in 1968 and continues to work for statehood today. Carlos Romero Barcelo, who is currently the Congressman from Puerto Rico and a former Governor, is also a proponent of statehood.

The current Governor, Pedro Rossello, also is prostatehood and was elected by a landslide in 1992. In that same election statehood candidates won 20 of 29 Senate seats, 36 of 53 seats in the House, and 54 of 78 municipalities.

Now, for only the second time, there will be a referendum held in Puerto Rico regarding self-determination. I

support this important process and will work to see that Congress supports the decision of the citizens of Puerto Rico. The people of Puerto Rico must communicate their status preference to the United States before Congress can take action.

Congress considered legislation from 1989 to 1991 that would have authorized a status referendum and would have bound Congress to implement the status option adopted by the people of Puerto Rico. None of the bills passed. Many Members of Congress maintain that Puerto Rico should vote first on self-determination and then communicate their choice to Congress. That will happen on November 14.

As a Senator from one of the last States accepted into the Union, I am very familiar with the statehood process. My advice to the Puerto Rican people is to get out and vote on November 14 for their self-determination and should Puerto Rico choose statehood, they must be prepared to work hard and keep a steady course in their efforts. The fight for Alaska statehood was lengthy and arduous—as I expect it will be for Puerto Rico.

It took 42 years from when an Alaska statehood bill was first introduced in Congress in 1916 until 1958 when Congress finally approved Alaska statehood. In 1946 there was a referendum in the territory of Alaska and about 60 percent of the people supported statehood. The territorial legislature created a committee of private citizens to work on the goal of statehood.

After the plebiscite and persistent efforts of the Alaska Statehood Committee, the issue was given much more attention by Congress. Efforts to partition the territory and efforts to make Alaska a commonwealth were defeated.

I was very involved in that process from when I first moved to Alaska until the 1958 passage of the Statehood Act. I was working as an assistant to Secretary of the Interior Fred Seaton when we finally achieved statehood.

In 1955, the territorial Governor called a constitutional convention. In 1956, Alaskans adopted a constitution and a provisional form of government which included two nonvoting Senators and one nonvoting Representative to help fight for statehood in Congress. In 1958, Congress came to final debate on the Alaska Statehood Act. Alaska's neighbor and friend, Senator Henry "Scoop" Jackson led the bipartisan supporters in a 6-day debate on the Senate floor to fend off efforts to change a House-passed bill.

On June 30, 1958, by a 64 to 20 vote, the battle for statehood was won. President Eisenhower signed the Alaska Statehood Act on July 1, 1958.

The Alaska Statehood Act required that Alaskans vote for statehood. In August of 1958, Alaskans again voted on the statehood issue. This time it was approved by an overwhelming 83

percent of the citizens. The Presidential proclamation making Alaska the 49th State of the Union was signed on January 3, 1959.

I do not want to mislead the Puerto Rican people. There are problems which must be faced by a new State. Some of the commitments that were made by Congress under the Alaska Statehood Act, such as the provision granting Alaska the right to select 103 million acres of public lands and providing 90 percent of the proceeds for coal, gas and oil and other mineral leases on Federal lands in Alaska have been impeded by acts of later Congresses. The State of Alaska is currently suing the Federal Government to seek compensation for broken statehood promises. I support the Governor's efforts in that suit.

But on the whole, statehood has been very meaningful for Alaska and our people. Representation here in Congress gave us the voices needed to settle our Alaska Native land claims; to achieve approval of the trans-Alaska pipeline; to obtain extension of U.S. jurisdiction to 200 miles to protect our fisheries from foreign destruction practices; and to obtain title to some of the land owned by the Federal Government—so we could try to build our economy. Prudhoe Bay oil discoveries were made on State-owned lands—lands Alaskans would never have profited from if we had not obtained Statehood.

Like Puerto Rico, Alaska, and Hawaii, the 49th and 50th States, are a good distance from the 48 contiguous States. In fact, one of the arguments that was made against Alaska and Hawaii statehood was the distance from the other States.

The distance argument was overcome, and the great contributions that Alaska and Hawaii have provided the United States has proven those critics wrong. If Puerto Rico should choose statehood, these experiences we had with Alaska and Hawaii should help them in their efforts. In both cases, statehood was good for our States because it gave them representation and a voice in Washington, DC.

I look forward to seeing the results of this momentous November 14 vote by the Puerto Rican people—and I look forward to working with them to deal with the outcome of the plebiscite here in Congress. This vote could prove to be one of the most important events in the history of the island—just as it was for my great State. My message to the people of Puerto Rico is the decision is yours.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The PRESIDING OFFICER. The pending business is S. 1607, the crime bill.

The Senate continued with the consideration of the bill.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

SUPPRESSING VOTER TURNOUT

Mr. BRADLEY. Madam President, I would like to call the attention of the Senate to an article that appeared on the front page of the Washington Post this morning. The headlines said: "Rollins"—referring to Mr. Ed Rollins—"Rollins: GOP Cash Suppressed Black Vote."

That is the headline. The story goes on to quote Mr. Ed Rollins, who was the campaign manager of the successful gubernatorial campaign in New Jersey just completed, that in New Jersey, roughly \$500,000 was spent to suppress the black voter turnout.

I now quote from the article. Mr. Rollins now speaking:

"Here is how we used it," he said, the walking around money, he implies. "Here is how we used it. We went into the black churches and basically said to ministers who had endorsed Florio:—the Democratic candidate—"Do you have any special project [that needs financial support]? We see you have already endorsed Florio. That's fine. But don't get up in the Sunday pulpit and preach. * * * Don't get up there and say it's your moral obligation to vote on Tuesday, to vote for Jim Florio."

When asked how the payments were made, Mr. Rollins said: "We made contributions to their favorite charity."

Madam President, I do not know how any other Member of the Senate felt when they read this story today in the Washington Post, but if it is true, I think it is reprehensible. Any political party should not try to discourage people from voting, they should try to encourage people to vote.

In one State senate district in Newark, NJ, about 16,000 people voted; in another one, about 23,000 people voted. In a suburban Senate district, heavily Republican, about 76,000 people voted, roughly the same populations. When I saw those numbers, I was surprised, to say the least. Then I read the story in today's paper that offers some explanation—that \$500,000 was spent to suppress the voter turnout of African-Americans in urban New Jersey.

This is not the first time this has happened in New Jersey. Often people think about intimidation of voters, particularly African-American voters, as taking place somewhere in the South. Well, it is taking place in New Jersey. It is taking place in New Jersey all too often.

In 1981, during the gubernatorial race, there was a special ballot security task force established by the State party, as I remember, that stood outside polling places, where there were heavy turnouts of African-Americans several yards down, intimidating the voters not to vote. That was taken to the Federal court afterwards, of course. From that point forward, every other attempt to intimidate voters, whether it was in Louisiana, or Texas, or anywhere else, came under that precedent. But, unfortunately, that precedent was set in New Jersey.

It seems that from Mr. Rollins' quotes the technique has become a little more sophisticated. You do not stand outside the polling booth and try to intimidate voters now. That is too obvious. What you do is go to those opinionmakers and attempt to buy them off so they do not go out and tell people to vote.

The true irony of this story, Madam President, is that the Governor put his career on the line 4 years ago to dramatically increase funding for public schools in urban areas, and here was an attempt to suppress voter turnout in districts that specifically benefited from that program.

I must say that if this story is true, it is not only the Republican Party or whatever special interest group might have been behind this if it was not the Republican Party, but it is also those who took the money who also have some explaining to do.

The reality is that if there is one pageant of American history we can be proud of, it is broadening participation in the voting process. I have often on this floor done a 60-second history of voter participation in America. When the Constitution was written, the only people who could vote were white males with property. In the 1830's, white males without property were given the right to vote. In the 1860's, black males were given the right to vote. In 1919, for the first time, women in America were given the right to vote. In the 1950's and early 1960's, 18- to 21-year-olds were given the right to vote, and in 1960, some of the obstacles for people of color participating in the process were eliminated.

Yet, it took us 3 years to get a motor-voter registration bill passed. In last year's Presidential election, if 40 percent of the voting age population wanted to vote, they would have been denied the right to vote because they were not registered. Why? Because obstacles have been put in the path of their registering.

Then we have this story on the front page of the Washington Post saying in very clear language by the campaign manager on the other side that there was \$500,000 spent attempting to buy off opinionmakers in the African-American community and workers in the precincts to depress turnout; in other words, to deny people the vote.

Some people say it did not deny them the right to vote. No, they did not deny them the right to vote. It is much more sophisticated. You buy off those people who are followed or who are responsible for getting a group of senior citizens from a housing project to the polls. Buy them off; pay them some money not to have the bus come at a particular time to take them to the polls.

Madam President, if that is true, it is reprehensible, and I think, frankly, the Attorney General should look into this. My distinguished colleague, Senator LAUTENBERG, and I have sent a letter asking her to look into this, to see if any law was broken. I know this is just a story on the front page of the Washington Post. It might not be true. People are going to be trying tomorrow and the next day to escape the words that appeared in black and white and that were broadcast throughout my State on radio because there were reporters in the room that taped these comments.

Madam President, this was a sad day. When I saw those turnouts in the districts—16,000 votes in one and 76,000 votes in another; 23,000 votes in one and 60,000 votes in another—I wondered if something was not wrong. Maybe the message did not get through about what the Governor had attempted to do. Maybe people feel so disenfranchised, disconnected, frustrated and hopeless because they do not believe the political process can produce anything that will change the circumstances of their lives as they live everyday amidst joblessness, family disintegration and increasing violence.

I looked at those numbers and thought, well, maybe that is what happened, for which we all bear some responsibility. That includes those who do not make the extra effort to get to the polls, notwithstanding the fact that they might be feeling hopeless, because if there is any lesson in American history it is that voting is the only way to change circumstances in America.

So I had all those thoughts, and then I read this paper this morning, read this story, and will await further developments in order to see if this one can be explained away, too. Back in 1981, I think the election was 1,000 votes or so—a very narrow election. Easily that number could have been intimidated in 1981 with off-duty police and security personnel a certain distance from the polling place asking for identification: What do you have? Do you have your identification card? You know, if you go in there and vote, you might be subject to prosecution if you vote and you do not have proper identification.

Maybe that is what happened in that election in 1981. But it kind of drifted away. The court took over. The precedent was set. And they tried to do it in

Louisiana in 1986. The New Jersey precedent came into action and, indeed, it backfired. Here we have the next iteration, the next innovation in modern campaign techniques, the next brainstorm of a genius political operation. It is to discourage people from voting, pay people off so they do not vote.

Madam President, if this is true—and I can read the words that were said by Mr. Rollins—a lot more people are going to have to answer for this than are today willing to step forward and say what happened and why. That is why I hope the Attorney General will look into this.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the pending Feinstein and Levin amendments be laid aside; that the present consent agreement governing consideration of this bill be modified by the provisions of this agreement; that on Tuesday, November 16, at 8 a.m., the Senate proceed to the consideration of S. 636, a bill to permit individuals to have freedom of access to certain medical clinics; that there be 1 hour for debate on the bill and the committee substitute amendment to be modified by Senator KENNEDY, with the following amendments as the only floor amendments in order to that bill and limited to 40 minutes each for debate, unless otherwise noted, equally divided in the usual form, with second-degree amendments in order if they are relevant to the first-degree amendments, with the second-degree amendments to be considered also under 40 minute time limitations.

The amendments are: 1. An amendment by Senator HATCH regarding assaults during labor disputes, 90 minutes equally divided; 2. An amendment by Senator HATCH regarding assaults interfering with religious exercise; 3. An amendment by Senator HATCH to punish violent offenses more severely than nonviolent and exempt peaceful offenses; 4. An amendment by Senator HATCH to limit protection to legal abortions; 5. An amendment by Senator HATCH to strike State Attorney

General authority to sue; 6. An amendment by Senator HATCH to protect first amendment rights and give cause of action; 7. An amendment by Senator SMITH or his designee that is relevant; 8. An amendment by Senator HATCH to protect other constitutional rights; that Senator HATCH or his designee may offer his amendments; that the 90 minute amendment will be offered at 8 a.m. on Tuesday, November 16; that at that time Senator HATCH or his designee will indicate which two of the remaining seven amendments shall be stricken from the list; that at the conclusion or the yielding back of time and the disposition of the above amendments, the bill be read a third time; and the Senate without any intervening action or debate vote on passage of S. 636, as amended, if amended; that upon the disposition of S. 636, the Senate turn to the consideration of S. 1657, a habeas corpus bill, to be introduced by Senator SPECTER, attached to this agreement and placed on the calendar upon the granting of this request; that there be 3 hours for debate on that bill divided as follows: 2 hours under Senator SPECTER's control, 1 hour under Senator BIDEN's control; that the only amendment in order thereto be a relevant Biden amendment to be considered under a 30-minute time limitation equally divided in the usual form; that upon the use or yielding back of time on the bill and the disposition of the amendment, if offered, the Senate vote without any intervening action or debate on or in relation to Senator SPECTER's bill, as amended, if amended; that upon the disposition of Senator SPECTER's bill, the Senate resume consideration of S. 1607, and vote without any intervening action or debate on Senator FEINSTEIN's amendment, number 1152; to be followed by a vote on Senator LEVIN's amendment number 1151, as amended, if amended; that upon the disposition of Senator LEVIN's amendment, number 1151, the habeas corpus provisions be stricken; that prior to the passage of the crime bill, it be in order for each manager to offer one package of cleared amendments with the concurrence of the two leaders; that if one package is not acceptable, that it then not be in order to offer either package of cleared amendments; that upon the striking of the habeas corpus provisions, Senator DOLE be recognized to offer a relevant amendment under a 2-hour time limitation; that second-degree amendments which are relevant to the Dole amendment be in order, with 30 minutes for debate, on such second-degree amendments; that the list of amendments in order to S. 1607 be reduced to the following: that they be the only floor amendments remaining in order for the bill to be considered under 30-minute time limitations, unless otherwise noted, with no second-degree amendments in order thereto; that the first of

the listed amendments is to be offered upon the disposition of Senator DOLE's amendment; that all debate times be equally divided in the usual form; 1, an amendment by Senator HUTCHISON regarding Pell grants and prisons; 2, an amendment by Senator HELMS regarding prison caps; 3, an amendment by Senator D'AMATO regarding drug kingpin death penalty; 4, an amendment by Senator SMITH regarding local law enforcement; 5, an amendment by Senators KEMPTHORNE and HATCH regarding minimum population grants; 6, an amendment by Senator GRAHAM of Florida regarding aliens and prisons; 7, an amendment by Senator HEFLIN regarding funding for State judges; 8, an amendment by Senator KERRY of Massachusetts regarding community policing and police corps; 9, an amendment by Senator BOXER regarding departments of motor vehicles; 10, an amendment by Senator LEVIN regarding mandatory life imprisonment in lieu of death penalty on which amendment there be 1 hour for debate; that upon the disposition of the above listed amendments, the bill be read a third time, and the Senate proceed to the consideration of H.R. 3355; that all after the enacting clause be stricken, and the text of S. 1607 be inserted in lieu thereof, and the Senate vote on passage of H.R. 3355, as amended; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees; that in both the case of S. 636 and S. 1607, the amendments shall be considered in the order listed in this agreement; that if a Senator is not ready with his or her amendment upon the disposition of the preceding amendment, that his or her amendment shall no longer be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, I shall not object, I think it is fair to say that at least there is an understanding that there will be no further habeas corpus amendments offered for the balance of this year.

Mr. MITCHELL. That is my understanding. I believe it would be appropriate for the distinguished chairman of the committee to respond to that.

Mr. BIDEN. That is my understanding. The condition upon which we remove habeas from the underlying bill is that there be no habeas amendments or bills this year other than the one, the one vote contained in the unanimous consent agreement by Senator SPECTER and a possible second amendment by me.

I thank the leaders for clarifying that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank the Republican leader, Senator

BIDEN, Senator HATCH, and the many Senators who have devoted more than 24 nearly consecutive hours to negotiating this agreement.

Under this agreement, so that every Senator can arrange his schedule accordingly, the Senate will return to session next Tuesday, November 16, at 8 a.m. At that time, it is in order for an amendment to be offered under a 90-minute time limitation. So it is possible that a vote will occur as early as 9:30 a.m. on Tuesday, November 16.

Pursuant to this agreement, there will be as many as 17 measures presented during the day, and although I do not expect that every one of them will require a vote, it is clear that many of them will require votes. Then we will proceed to final action on the crime bill.

So I strongly urge all Senators to be certain that they are present when the Senate returns to session early next Tuesday morning and are prepared to remain here throughout the day to vote on these important measures.

We will then be in session for each day next week, including Saturday and possibly Sunday, if necessary.

It remains my hope that we can complete this session of Congress prior to Thanksgiving, and the obtaining of this agreement is a major step toward our achieving that objective.

Mr. DOLE. Mr. President, first, I have a note that I intend to offer three of the amendments tonight on behalf of three of my colleagues, and insert their statements, which I think will save some time on Tuesday, which would be contrary to the agreement. But I guess it should not be offered until after disposition of an amendment which I may offer on Tuesday.

Mr. MITCHELL. Mr. President, I think it would be entirely in order for the Senator simply to offer them out of order.

Mr. DOLE. I will ask unanimous consent to do that.

Further, Mr. President, I thank the majority leader, and the distinguished chairman of the committee, Senator HATCH, and members of our staff, particularly on this side, Elizabeth Greene, who has been working since 9 o'clock this morning contacting Member after Member after Member.

In my view, we may have saved ourselves a great deal of time. I know a lot of people were wondering what was happening throughout the day. We disposed of two conference reports in the meantime. We have gone from about 200 amendments down to 10 or 11—well, maybe more than that if you look at the access provision.

But anyway, the number has been sharply reduced because of the cooperation of Members on each side, giving up amendments that they would otherwise have offered.

So it seems to me, unless we have overlooked something, we have tried to

let everybody know. We have had hotlines, we have had staff, and I hope somebody does not come in on Tuesday saying somebody failed to contact me or somebody may be upset with the agreement which we have been working on it since 9 o'clock this morning, almost every minute since 9 o'clock this morning; I know Elizabeth Greene has. I hope that our colleagues understand that we have done the best we could with lots and lots and lots of amendments. I think the chairman will introduce some agreed-to amendments tonight, and we will, if we can find ours, offer agreed-to amendments, and there will be other opportunities on Tuesday, if amendments can be agreed to, for each manager, Senator HATCH and Senator BIDEN, to offer one additional package.

I thank the majority leader. I think we have a good agreement, and I hope it means we can expedite the business of the Senate.

Mr. BIDEN. Mr. President, I want to echo the comments of the Republican leader. I am sure there are some Senators on the Democratic side that may not be overwhelmingly happy with the chairman of the Judiciary Committee, but I thank them all for their cooperation. I do want to thank the Republican leader's staff and the majority leader's staff. I will have a long list on Tuesday, but particularly Cynthia Hogan, chief counsel for the Judiciary Committee; and Cathy Russell, Chris Putala, Demetra Lambros, Tracy Doherty, Mark Disler and Manus Cooney. With a great deal of help from a lot of people, they have been basically driven nuts during the last 12 to 15 hours. They have done an incredible job, and I thank them. And also the staffers of the Appropriations Committee, particularly Dorothy Seder, who has been here the entire time. There are a number of people I would like to name. I think what they have done in the last 15 hours was above and beyond the call. I personally want to thank them all.

I thank the leader for yielding those few minutes.

AMENDMENT NO. 1158

(Purpose: To amend the Higher Education Act of 1965 to prevent the awarding of Pell Grants to prisoners)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mrs. HUTCHISON, proposes an amendment numbered 1158.

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

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

The amendment is as follows:

At the end of subtitle G of title XXIX, add the following:

SEC. . AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED.

(a) IN GENERAL.—Section 401(b)(8) the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows:

“(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal State or local penal institution.”.

(b) CONFORMING AMENDMENTS.—

(1) COST OF ATTENDANCE.—Section 472 of such Act (20 U.S.C. 108711) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7), (8), (9), (10) and (11) as paragraphs (6), (7), (8), (9) and (10), respectively.

(2) TECHNICAL AMENDMENTS.—Section 401(b)(93)(B) of such Act (20 U.S.C. 1070a(b)(3)(B)) is amended—

(A) by striking “472(8)” and inserting “472(7)”; and

(B) by striking “472(9)” and inserting “472(8)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act.

PELL GRANTS FOR PRISONERS AMENDMENT

Mrs. HUTCHISON. Mr. President, an editorial from Monday's Houston Chronicle stopped me dead in my tracks, and ought to give all of my colleagues reason for pause, as well. Permit me to read to my colleagues a short paragraph.

Something is wrong with the system when federal Pell Grants, which were intended to help low- and middle-income students to go to college, are being used to pay for higher education of criminals in prison.

Pell grants ought to be awarded on the basis of common sense. The bottom line is that the honest and the hard-working are being elbowed out of the way by the criminals. This blatant misuse of the grants needs to be stopped.

Mr. President, I offer an amendment to prohibit Pell grants to those who are behind bars for committing crimes against their fellow Americans. Let me explain my reasons.

According to advocacy groups, up to \$200 million in Pell grants are awarded each year to imprisoned convicts; \$200 million, courtesy of the American taxpayer, to allow thousands of convicted felons to graduate directly from sentencing and imprisonment to college.

This \$200 million annual figure is an exponential increase over just a few years ago. Why? In part, because some convicts have figured out that Pell grants are a great scam: rob a store, go to jail, and get your degree.

Also, some unscrupulous trade school operators have figured out that they can get away with practically any approximation of a training or education program, and collect Pell grant money on behalf of convicts. In fact, until the Department of Education cut it off a few years ago, some of these schools collected room-and-board money, as well as tuition, for prisoners who received Pell grants.

Pell grants, as we all know, were created to help children from families of modest means. They are awarded on a needs basis. If, for instance, you are a Pell grant applicant who has no income, you go to the head of the line. And of course, prisoners have no income. Therefore, as more prison inmates and more schools that specialize in prisoners catch on each year, more convicts go to school for free each year, courtesy of the Pell Grant Program. This past year, the \$200 million in Pell grants claimed by convicts deprived about 100,000 law abiding kids of federal assistance.

The Department of Education apparently is aware that as many as 100,000 youngsters are being elbowed aside by those behind bars. Education Department personnel concede that the current situation isn't what Congress had intended.

Mr. President, I am all for encouraging prisoners to try to rehabilitate themselves while they serve time in prison. Education, technical training, learning a skill—all are integral parts of turning from a life of crime to respectability and productivity.

A person who has made a mistake deserves a second chance. We currently spend upwards of \$100 million each year on different education and training programs for prisoners, money that we all should hope is well spent. But the issue here is that students for whom Pell grants were intended are being denied a first chance.

If we do not act to curb this abuse, we are, in effect, sanctioning the diversion of money from a program established by Congress for the express purpose of helping to educate the sons and daughters of lower income families.

Mr. President, I repeat: a person who makes a mistake deserves a second chance—but not at the expense of a student who has behaved, studied hard, and earned an opportunity. It is those who steal, assault and murder who owe a debt to society, not the other way around.

Mr. President, the Senate sought to address this issue last year, when this body approved by voice vote an amendment—similar to mine—offered by the distinguished senior Senator from North Carolina, Senator HELMS. But it was watered down in conference to restrict use by those on death row or sentenced to life in prison without parole.

But one year later, the amount of Pell grant moneys apportioned to those behind bars has risen. At the current rates of increase, Mr. President, we will soon have the best educated prison population in the world—but we will have sacrificed the hopes and dreams of hundreds of thousands of our young men and women, who always have been good citizens, who always have done what society has expected of them, who have earned a chance to further their educations and better their lives.

In closing, this is not a matter of turning our backs on those who have erred and want to pay their debt to society. This is a question of preserving opportunities for those who are children of low income working people and have not committed crimes, and who by dint of their attentiveness to school have already hoisted themselves up towards a better life. Ninety-five percent of Pell grant recipients come from families with annual incomes of \$30,000—70 percent from families with under \$15,000 in income.

A police patrolman and his wife, living in Colebrookdale, Pennsylvania, adopted a daughter at the age of 15. They weren't able to plan for her college.

They both work and their combined incomes are \$46,000. Their daughter cannot qualify for a Pell grant—so she is living at home and commuting to Penn State. Her parents are borrowing money to give her this chance.

Patrolman Dotterer was outraged when he learned that the criminals he puts behind bars can get the Pell grant that his daughter cannot—and his hard-earned tax dollars are paying for it. Those dollars could help the daughter he and his wife are struggling to educate. He said in a recent newspaper article that the wrong message is being sent to potential criminals: put in some jail time and get a free education.

“If that is the case,” fumed Dotterer, “Maybe I'll take my badge off and rob a store.”

Let us stand up for those who make sacrifices to build better lives for themselves and their children, who work hard simply to put food on the family table, a roof over their heads, and to experience the American dream of seeing their children get a better education than they were able to have. If we value what they contribute to our society, if we value their hard work and honesty, we should approve this amendment and give up to 100,000 more needy, deserving students the opportunity to attend college.

AMENDMENT NO. 1159

(Purpose: To repeal the prison caps and provide for reasonable and proper enforcement of the eighth amendment)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. HELMS for himself, Mr. GRAMM, and Mr. GRAHAM, proposes an amendment numbered 1159.

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

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

The amendment is as follows:

At the end, add the following:
SEC. . APPROPRIATE REMEDIES FOR PRISON OVERCROWDING.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Subchapter C of chapter 229 of part 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3626. Appropriate remedies with respect to prison crowding

"(a) REQUIREMENT OF SHOWING WITH RESPECT TO THE PLAINTIFF IN PARTICULAR.—

"(1) HOLDING.—A Federal court shall not hold prison or jail crowding unconstitutional under the eighth amendment except to the extent that an individual plaintiff inmate proves that the crowding causes the infliction of cruel and unusual punishment of that inmate.

"(2) RELIEF.—The relief in a case described in paragraph (1) shall extend no further than necessary to remove the conditions that are causing the cruel and unusual punishment of the plaintiff inmate.

"(b) INMATE POPULATION CEILINGS.—

"(1) REQUIREMENT OF SHOWING WITH RESPECT TO PARTICULAR PRISONERS.—A Federal court shall not place a ceiling on the inmate population of any Federal, State, or local detention facility as an equitable remedial measure for conditions that violate the eighth amendment unless crowding is inflicting cruel and unusual punishment on particular identified prisoners.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to have any effect on Federal judicial power to issue equitable relief other than that described in paragraph (1), including the requirement of improved medical or health care and the imposition of civil contempt fines or damages, where such relief is appropriate.

"(c) PERIODIC REOPENING.—Each Federal court order or consent decree seeking to remedy an eighth amendment violation shall be reopened at the behest of a defendant for recommended modifications at a minimum of 2-year intervals."

(b) APPLICATION OF AMENDMENT.—Section 3626 of title 18, United States Code, as added by paragraph (1), shall apply to all outstanding court orders on the date of enactment of this Act. Any State or municipality shall be entitled to seek modification of any outstanding eighth amendment decree pursuant to that section.

(c) TECHNICAL AMENDMENT.—The subchapter analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3626. Appropriate remedies with respect to prison crowding."

(d) SUNSET PROVISION.—This section and the amendments made by this section are repealed effective as of the date that is 5 years after the date of enactment of this Act.

Mr. HELMS. Mr. President, countless thousands of prisoners are being released from prisons early because of the prison "caps" or ceilings limiting the number of prisoners whom the federal courts will allow to be confined in specific jails or prisons.

Criminals are free to strike again, committing murders and rapes that wouldn't have happened if the federal judges had not imposed unreasonable ceilings on prison occupancy. If North Carolina had not had such a court-ordered cap, Michael Jordan's father would not have been killed and two

Charlotte police officers would still be alive.

Mr. President, let me share a letter that tells an all too familiar story:

My name is Robert E. Stafford and I am writing in regards to the murder of my brother. I have recently discovered that the two men who shot and killed my brother * * * were convicted felons and were released early. I would like to know how many more murderers, robbers, rapists etc. are going to be released? My brother * * * left behind a wife and two children * * *. People are losing faith in our laws and government as far as protecting them.

Mr. President, the pending amendment will go a long way toward cutting back on the number of violent criminals being released to commit more crimes. There are thousands of murders committed by hoodlums who should still be behind bars. The courts clearly protect what they regard as criminals' rights far more than the rights of innocent, law-abiding citizens.

Mr. President, the federal courts will allow only 21,200 prisoners in North Carolina prisons. As a result, in 1992, more than 26,000 prisoners were released early from North Carolina prisons, including 88 murderers and 37 rapists. In 1993, 17 paroled prisoners have been rearrested and jailed on murder charges.

Mr. President, as a result of the prison caps in North Carolina, criminals serve only 18 percent of their prison terms, and then are turned loose on an innocent, law-abiding public.

There is a bloody abundance of one-line horror stories. Tony Gist got out early, went home and murdered his girlfriend. Odell Cawthorn got out early and murdered his wife. These stories are repeated, over and over again.

Michael Jordan's father, James Jordan, is allegedly murdered by an individual who got out of jail early.

Alden Harden is charged with killing two Charlotte police officers: he has 19 arrests and 9 convictions, but spent less than 6 months in prison.

Mary White was shot to death in Raleigh, June 1993 by Woody Herring: Herring served only 15 months of a 4-year sentence for selling drugs.

Jerry Evans was murdered in Winston-Salem, August 1992 by Aaron Baity: Baity served only 22 months of a 5-year sentence for robbery.

This amendment changes the rules on the federal courts. This amendment specifies that a judge cannot hereafter merely hand down a general ruling that prison conditions are cruel and unusual for the entire population of a prison. The judges must find the conditions are cruel and unusual, or whatever, as to each individual prisoner.

Mr. President, I have been assured by constitutional scholars that this amendment is constitutional. It merely sets a specific standard. For example, Bruce Fein has assured me that "The proposed amendment follows the teachings of the United States Supreme

Court and thus easily passes constitutional muster."

No doubt we will be met with a prediction that this will not work; or that prisoners need comfortable prison cells. Such arguments beg fundamental questions, such as, how much is an innocent life worth? Is the comfort of a murderer really more important than the life of Robert Stafford's brother, and countless other innocent people who have been slain by criminals set free by Federal judges?

Mr. President, we must keep criminals behind bars. If this amendment passes, there will be more room if the courts stop imposing unreasonable specifications on the States—that each prisoner needs 50 square feet, and that three-level bunks are illegal.

Finally, everyone agrees about the need to build more prisons. I insist that we use military bases to do it. Thank the Lord that a good first step was taken last week when a bi-partisan prison amendment was adopted, including the military base proposal.

Mr. President, North Carolinians—indeed, Americans everywhere are fed up. Dozens of victims in my State have filed a lawsuit protesting that North Carolina's prison cap is unconstitutional. Here are a few examples of the victims:

Mary White: Son, 19, shot to death in Raleigh, June 1993 by Woody Herring:

Prior Sentence: 4 years for selling drugs—Time Served: 15 months.

Jerry Evans: Son, 33, murdered in Winston-Salem, Aug. 1992 by Aaron Baity:

Prior Sentence: 5 years for robbery—Time Served: 22 months.

Louis Gadrinab: 47, kidnaped, assaulted, and forced to witness the sexual assault of daughter by Michael Brown:

Prior Sentence: 12 years for robbery—Time Served: 4 years.

John K. Gallaher: Daughter, 37, kidnaped, robbed, sexually assaulted and choked, September 1992 by Ernest Cherry:

Prior Sentence: 14 years for breaking and entering—Time Served: 3 years.

Mr. President, this travesty must stop. Courts must be told to stop forcing States to release criminals early. The great need is to protect the innocent citizens, instead of murderers and rapists. This amendment is a step in the right direction.

I ask unanimous consent that a letter from Bruce Fein to me, dated November 3, 1993, be printed in the RECORD.

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

BRUCE FEIN,
 ATTORNEY AT LAW.

Great Falls, VA, November 3, 1993.

Hon. Senator JESSE HELMS,
 U.S. Senate,
 Washington, DC.

DEAR SENATOR HELMS: This letter responds to your request to evaluate the constitutionality to a proposed amendment to S. 1488

that would prescribe the evidentiary showing necessary to prove a violation of the Eighth Amendment based on prison or jail crowding, and to limit the equitable power of a federal court to place a ceiling on inmate populations if a violation is established. The proposed amendment follows the teachings of the United States Supreme Court and thus easily passes constitutional muster.

The proposed amendment declares that plaintiff inmates must prove in federal courts that prison or jail crowding is inflicting cruel and unusual punishment on them, individually, as a condition to finding a constitutional transgression. In other words, a federal court cannot declare crowded conditions unconstitutional in the abstract. Instead, it must find that cruel and unusual punishment is being inflicted on identifiable plaintiff inmates because of crowding as an indispensable foundation for holding the crowding unconstitutional.

The proposal accords with a seminal Supreme Court precedent. In *Rhodes v. Chapman*, 452 U.S. 337 (1981), the Court denied that double celling, simpliciter, violated the Eighth Amendment. The Court declared that the totality of circumstances must be examined to determine whether prison conditions, including crowding, inflicted cruel and unusual punishment on the inmates. The touchstone of the Eighth Amendment inquiry, the Court stressed, is the effect on the imprisoned, not some utopian penological ideal, see 452 U.S. at 366-368. Thus, *Rhodes* endorses the proposed required evidentiary nexus between crowding and the infliction of cruel and unusual punishment as regards particular plaintiff inmates.

The proposal would also limit equitable relief when such proof is forthcoming to the least necessary to remove the unconstitutional conditions of confinement. That rule accords with the Supreme Court's doctrine that equitable relief for a constitutional violation should be generally confined to creating the conditions that would have obtained absent the infraction, see e.g., *Dayton Bd. of Ed. v. Brinkman*, 433 U.S. 406, 420 (1977).

The proposal would further explicitly prohibit ceiling caps on inmate populations as an Eighth Amendment remedy unless crowded conditions are found to be inflicting cruel and unusual punishment on the plaintiff inmate. That stipulation is constitutional because, for the reasons amplified above, an Eighth Amendment violation premised on crowding cannot be established under *Rhodes* absent proof that the crowding is imposing cruel and unusual punishment on one or more of those who are imprisoned.

Finally, the proposed would permit reopening of final federal court judgments that impose remedies for Eighth Amendment violations to determine whether modifications would be justified in light of changed factual or legal conditions. The opportunity created by the proposal to modify a remedy in accord with constitutional standards is legally irrevocable. See generally *Rufo v. Inmates of Suffolk County Jail*, 112 S. Ct. 748 (1992).

Sincerely,

BRUCE FEIN.

AMENDMENT NO. 1160

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. SMITH, proposes an amendment numbered 1160.

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

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

The amendment is as follows:

At the appropriate place, add the following:

"SEC. . (a) IN GENERAL.—Section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended by adding at the end the following new subsection: "(g)(1) For any fiscal year beginning more than 2 years after the date of the enactment of this subsection—

(A) 50 percent of the funds allocated under subsection (a), taking into consideration subsections (e) and (f) but without regard to this subsection, to a State described in paragraph (2) shall be distributed by the Director of such State; and

(B) 50 percent of such amount shall be allocated equally among States that are not affected by the operation of subparagraph (A).

"(2) Paragraph (1)(A) refers to a State that does not have in effect, and does not enforce, in such fiscal year—

(A) truth in sentencing with respect to any felony crime of violence involving the use or attempted use of force against a person, or use of a firearm against a person, for which a maximum sentence of 5 years or more is authorized that is consistent with that provided in the Federal system in chapter 229 of title 18, United States Code, which provides that defendants will serve at least 85 percent of the sentence ordered and which provides for a binding sentencing guideline system in which sentencing judges' discretion is limited to ensure greater uniformity in sentencing;

(B) pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(C) sentences for firearm offenders, where death or serious bodily injury results, murderers, sex offenders, and child abuse offenders that, after application of relevant sentencing guidelines, result in the imposition of sentences that are at least as long as those imposed under Federal law (after application of relevant sentencing guidelines); and

(D) suitable recognition for the rights of victims, including consideration of the victim's perspective at all stages of criminal proceedings.".

Mr. SMITH. Mr. President, last week the Senate adopted an amendment that sets forth certain requirements with which States must comply in order to qualify to send their violent offenders to the new regional prisons for violent criminals that this bill establishes. There are four such requirements.

First, in order to qualify, States must provide truth in sentencing with respect to felony crimes of violence against persons such that violent offenders serve at least 85 percent of their sentences. In addition, States must have binding sentencing guideline systems.

Second, in order to qualify, States must have pretrial detention similar to the Federal system.

Third, in order to qualify, States must provide sentences for violent firearm offenders, murderers, sex offenders, and child abuse offenders that are

at least as long as those provided under Federal law.

And fourth, in order to qualify, States must give suitable recognition for victims' rights.

Mr. President, the purpose of my amendment is to provide the States with an additional incentive to comply with these requirements. But before I explain how my amendment accomplishes this goal, let me take a few moments to put the matter in perspective.

Mr. President, violent crime in America is out of control. Last month, the FBI reported that 1,932,274 violent crimes were committed in the United States during 1992. That figure represented an increase of 1.1 percent over the previous year.

A violent crime occurs every 22 seconds in the United States.

These statistics demonstrate all too clearly that the first freedom of all Americans—the freedom from fear of crime—is not secure in the United States today.

One of the principal reasons why Americans are not free from the fear of violent crime today is that our criminal justice system has lost its credibility. According to the Bureau of Justice Statistics at the U.S. Department of Justice, the typical prison sentence for a violent crime is 5 years. But the median sentence that actually is served by violent offenders is only 2.16 years, or just 42 percent of the sentence.

The median sentence for murder is 15 years, but, sadly enough, the convicted murderer only serves 5½ years behind bars. A typical rapist is sentenced to 8 years in prison, but serves only 3 years behind bars.

The examples of violent crimes that are committed by criminals out on parole are legion, but let me cite just one recent example.

In March of 1991, Daniel Andre Green was sentenced to 6 years in prison after he assaulted another young man with an ax, causing permanent brain damage to the young victim. A little more than 2 years later, the brutally violent 19-year-old was free again—let out of prison early on parole.

Just think about that for a minute, Mr. President. A man attacks someone by driving an ax into his brain and he is out on parole in 2 years.

Last August—when he should have still been in jail under his sentence—Green was one of two men arrested for the brutal murder of basketball star Michael Jordan's father, James Jordan. The unfortunate Mr. Jordan had pulled off of an interstate highway to rest for awhile when he was murdered in cold blood.

Mr. President, not every victim of a violent criminal on parole is a relative of a famous person. But every such victim is a person who had a right to expect that society would do its level best to keep him or her safe by making violent criminals serve their full sentences.

Mr. President, the American people are sick and tired of liberal parole policies. A Gallup poll taken just last month and cited in Sunday's Washington Post reported that fully 82 percent of Americans want to make it more difficult for criminals to get out of jail early on parole. That figure is up sharply from 68 percent four years ago.

Given the size of those poll figures, it is not surprising that George Allen, who ran for Governor of Virginia on a platform that featured his promise to abolish parole for violent offenders, won a landslide victory in last Tuesday's election.

This body seems to have gotten the message. Barely 48 hours after George Allen's smashing election victory, the Senate voted overwhelmingly for the tough truth-in-sentencing, pretrial detention, sentencing for violent offenders, and victims rights provisions that I described a few moments ago.

Mr. President, this Senator would have preferred that we went further. I believe that violent offenders should serve not 85 percent, but 100 percent of their sentences. As the now-famous phrase so aptly puts it, if you do the crime, you should do the time—all the time. But I voted for that provision last week because I believe that it is such a major step forward.

Mr. President, I believe that we need to take yet another step forward. Under the regional prisons provision that was adopted last week, some States may choose not to comply and thus to forego the opportunity to send some of their violent offenders to the new regional Federal prisons. It certainly is their right to do so. I may strongly disagree with them, but under the amendment adopted last week, they can decline to comply.

But I do have a problem, Mr. President, with those States continuing to receive their full share of Federal funding under the state and local law enforcement assistance grants program.

My amendment, therefore, is quite straight-forward. Under my amendment, which would take effect in two years, any State that does not meet the same set of requirements that it must satisfy in order to send its violent offenders to the new Federal regional prisons will be entitled to only 50 percent of the Federal financial assistance for its criminal justice programs that it otherwise would receive under the Omnibus Crime Control and Safe Streets Act of 1968.

By the same token, those States that step up to the plate and meet those requirements would share in the equal distribution of the 50 percent of the funds that the States that choose not to comply would not receive.

Mr. President, my amendment takes the same approach that the Congress took in 1990 when it enacted a provision cutting the allocation of such criminal justice assistance funds by 10

percent for those States that do not choose to enact laws requiring sex offenders to undergo AIDS testing at the request of their victims.

Mr. President, my amendment is entirely consistent with the approach that we took last week. Under the regional prisons provision now in this bill, the States remain free not to enact truth-in-sentencing laws under which violent criminals serve at least 85 percent of their sentences. But if they do not, they cannot send their violent offenders to the regional prisons. Under my amendment, the States remain free not to meet those standards. But if they do not, they cannot get the full amount of Federal assistance to their criminal justice programs to which they otherwise would be entitled.

Thank you, Mr. President. I urge my colleagues to vote to adopt my amendment. I ask for the yeas and nays.

Mr. DOLE. Mr. President, on the three amendments just offered on behalf of my colleagues, I yield back all but 5 minutes of the time on each amendment.

Mr. MITCHELL. Mr. President, I want every Senator to be aware of the provision in this agreement contained in the last clauses of the agreement which states:

The amendments shall be considered in the order listed in this agreement; that if a Senator is not ready with his or her amendment upon the disposition of the preceding amendment, his or her amendment shall no longer be in order.

That is with the exception of the three which by unanimous consent the Republican leader has introduced this evening. That means with regard to every Senator on this list, if that Senator is not present when the disposition of the preceding amendment occurs, the Senator's amendment will no longer be in order.

In this last week of the session, we are not going to tolerate the lengthy delays that usually occur while we wait for a Senator to appear to offer an amendment. Under this agreement, it is self executing, and the amendment simply will not be in order. I alert all Senators to that. I am well aware that most of them are not now listening to this, but I hope their staffs are, and I know that both Senator DOLE's staff and mine will be sure to call this to the attention of all Senators who are on the list prior to next Tuesday.

I believe the chairman is going to proceed now with some other cleared amendments, and I am awaiting his presence.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

MORNING BUSINESS

Mr. FORD. Mr. President, as if in morning business, I ask unanimous consent that Senators be allowed to speak for up to 5 minutes.

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

REAL WORK REMAINS FOR FEDERAL GRAZING POLICY

Mr. DORGAN. Mr. President, for the sake of completing our Interior appropriations bill for the year, and I believe, for the sake of Western ranchers, it is best that the leadership has agreed to remove the proposed Federal grazing amendment from the appropriations bill.

Despite his best intentions to work out a compromise that is fair to ranchers, Senator REID's withdrawal of his proposed amendment is a step in the right direction. The amendment proposed not only an increase in grazing fees but also more than a dozen provisions of new law on range land management, most of which have never had a hearing in the Congress.

I had to agree with my North Dakota constituents that it was unfair to saddle family ranchers with a whole new set of provisions dealing with range land management that had never been the subject of congressional hearings and on which our ranchers have never had the opportunity to comment.

We are going to see an increase in grazing fees. I think most ranchers on public lands understand and accept that. I've consulted closely with North Dakota family ranchers and I feel strongly that they deserve the opportunity to be a part of the discussions about not only grazing fees but also range land management and improvement reforms.

These changes in law should be the subject of hearings and our North Dakota ranchers and others concerned or affected by public land policies deserve the opportunity to testify and to help shape this change in public policy.

TRIBUTE TO SPC. JAMES SMITH, COMPANY B, 3D BATTALION, 75TH RANGER REGIMENT

Mr. LAUTENBERG. Mr. President, I stand before you today to pay tribute to Spc. James Smith, a Ranger tragically killed in the recent clash with Somali forces loyal to warlord Mohamed Farah Aided. Along with 11 other U.S. soldiers, Mr. Smith died when he was pinned down near the crash site of a U.S. helicopter.

James Smith, a New Jersey native, graduated from West Morris Central High School, Long Valley, NJ. While growing up, he participated in the Boy Scouts and varsity lacrosse and football. Following the family tradition, Jamie, as his family and friends knew

him, decided to try for the elite Ranger unit with which his father had served in Vietnam. In October of 1990, he enlisted in the Army and trained in Fort Benning, GA. He was sent to Somalia on a mission of mercy at the end of August.

Specialist Smith was the leader of the five-man unit trained for fast, highly violent confrontations. After entering the Army, James not only became more dedicated and responsible, he also became extremely focused on his commitment to the U.S. Army.

Like his comrades, Specialist Smith died a hero. This country is indebted to him for his service. As the more than 800 mourners at his memorial service demonstrated, his passing leaves a void in the lives of many. His commitment to his nation, his strength of character, and his love of family and friends will always be remembered.

TRIBUTE TO SPC. DOMINICK M. PILLA, COMPANY B, 3D BATTALION, 75TH RANGER REGIMENT

Mr. LAUTENBERG. Mr. President, I stand before you today to pay tribute to Spc. Dominick M. Pilla, a Ranger tragically killed in the recent clash with Somali forces when his helicopter was shot down by a rocket-propelled grenade.

Dominick Pilla, a New Jersey native, was a recent graduate of Vineland High School, Vineland, NJ. While still a student he enlisted in the Army, following the family tradition. Dominick's father, Ben, served in Vietnam, while his older brother, Frank, is a Navy veteran of the Persian Gulf war. Dominick, however, knew from the beginning that he wanted to try for the elite Ranger unit trained for fast, highly violent confrontations.

Specialist Pilla had honorably served 3 years of a 4-year enlistment. He was sent to Somalia this past August as part of a mission of mercy. As a machine gunner, Pilla's duty was to guard the door of the Blackhawk helicopter in which he was killed.

Like his fellow soldiers, Specialist Pilla died a hero. The United States is indebted to him for his service. He will be remembered not only for his dedication to his nation, but also for his strength of character and his love of family and friends. His passing leaves a void in the lives of many.

TERESA HEINZ

Mr. SPECTER. Mr. President, today I take note of some poignant remarks delivered last week by a good friend of mine, Mrs. Teresa Heinz.

Mrs. Heinz, as you know, is the widow of our late esteemed colleague, Senator John Heinz. Many of our colleagues know from direct experience that Teresa is a dedicated and capable leader. On issues as diverse as the envi-

ronment, children's health, nutrition, the rights of the elderly and education, Teresa has demonstrated time and again, throughout her life, that leadership is not confined to politics.

I borrow that phrase from some observations made by Teresa last Friday, when she announced to the disappointment of many in our State that she would not seek election to the U.S. Senate in 1994. In announcing her decision, she shared some personal and I think highly relevant thoughts on the political process. They come from a woman who knows whereof she speaks, and I believe her thoughts deserve to be shared with every Member of this institution, as well as with the American public.

This was a difficult and personal decision for Teresa, but I respect her deeply for having made it. I respect her all the more for using this opportunity to remind those of us who are in public service—on both sides of the aisle—of the challenges we face in regaining the confidence of the American people.

I ask unanimous consent that the full text of Mrs. Heinz' statement be entered in the RECORD as well as a copy of an editorial from the Pittsburgh Post Gazette.

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

STATEMENT OF TERESA HEINZ, NOVEMBER 5, 1993

Thank you all for coming out here today. This has been a difficult and intensely personal decision for me, and I wanted to feel comfortable in sharing it with you. My home is the perfect place for me to do that. Thank you for giving me the liberty to share my decision with you in this unconventional setting.

I know you want to hear about what that decision is. But to me, the most important aspect of this decision isn't so much the what—it's the why. So please bear with me and let me begin with that.

Ultimately, my decision has hinged on one deceptively simple question: Where can I be most effective in addressing the issues that most concern me—whether they be national or local?

For me, those issues are compelling. Ours is a time of pain and possibility. Far too many Americans today have no fonder wish than for something the President recently wished for the people of the Middle East: "the quiet miracle of a normal life." Today, many people believe American is failing them, and too often, they are right. Schools that are supposed to teach, do not. Streets that are supposed to be safe, are not. Careers that were supposed to last a lifetime, will not. What, we wonder, can we rely on?

Americans today, even Americans with good jobs and intact families, live in a state of almost constant dread. One by one, it seems, the building blocks of a normal life are being taken away and replaced with uncertainty and fear. We want our schools back * * * we want our streets back * * * we want our jobs back * * * most of all, we want our dreams back.

But no one—no one—is going to give those things back to us. We will have to take them back, each of us, as individuals.

This is a critical moment—not just in the history of our state and nation, but in the

history of our world. It is a time when those blessed with the opportunity to lead must choose to do so.

I understand the essence of leadership. True leadership is confined to politics. Leadership occurs at all levels, among all kinds of people, in all walks of life. It is fundamentally an individual act that begins with one person's concern and a decision to act on that feeling. To me, that is the defining act of being American. That is the American spirit.

I believe America's future rests with its ability harness that power. That may seem like an odd statement. At a time when the American spirit seems so beleaguered, when we are struggling to find our way in a world seemingly gone mad with hate and violence, how can that spark inside of us represent our hope for the future? And yet it does. Without that spark there is no light in the world—this country and its people must provide it.

The question I have forced myself to think through, carefully and in detail, is how I can best be part of that. It may not be fashionable these days, but I have tremendous respect for Congress as an institution. I believe in public service, and take very seriously the power that a Senator can wield. The impact that our legislators can and do have on our daily lives is more awesome in its scope than most people realize. I have seen the first hand, both the incredible good and the terrible bad that government can do. Public office is, even in our cynical age, a high responsibility.

It is sad how often, in pursuing public office, candidates are willing to sacrifice in the very principles that make politics a noble act. Government cannot be made more effective by people who defile the institution. I believe Americans are fed up with the politics of negativism. We are looking for solutions, not insults.

Washington can be part of the solution. But today's most creative thinking is not happening in Washington. It is happening in our neighborhoods, community centers, activist groups, churches, schools. Onto these groups has fallen the responsibility to craft the truly innovative solutions—solutions that the government may eventually act on, but no longer has the flexibility to create.

The best ideas for change unfortunately no longer come from political campaigns. Today, political campaigns are the graveyard of real ideas, and the birthplace of empty promises. Those good ideas that do not surface are vitiated by party labels and lose their impact in rancorous, partisan politics. The political process, which should be healing and unifying, instead too often is divisive, dismissive and destructive.

We need a new politics of inclusion, in which people are invited and encouraged to join together and participate in something bigger than themselves. The sort of thinking our society needs most desperately is the sort that bubbles up from the enthusiasm and creativity of individuals energized by the simple realization that they have the power to make a difference.

Through the work that I have been doing these past two years, I have had the opportunity to help individuals and groups and communities learn to unleash the phenomenal power that is locked within them. I have been blessed to be able to help them discover their own personal spark of leadership.

And that brings me to my decision. When my husband John died, I lost my best friend. I would like to have discussed this decision with him, as we discussed every other major decision in our lives. But this decision I

must make on my own, and I have decided to follow my own path and not seek election to the U.S. Senate in 1994.

The Senate does not represent the best place for me at this moment to have a sustained impact in changing the course of our economy, bringing nutrition and health care to millions of American children, helping to guarantee that growing old does not equate with poverty, or developing pragmatic solutions to our environmental challenges.

Like many other people in this state, I came to this country as an immigrant. Maybe it takes somebody from another place to truly appreciate how great this country really is, and how much greater it still can be. We have, even today, extraordinary potential.

The ultimate keeper of that potential is not Congress. It is you and I. Americans truly are different, simply because they believe they can change the world. And as long as we believe that, and we must, it will be true.

I want to thank this country and the people of Pennsylvania for giving me the opportunity to even consider running for office. But the best way for me to contribute is as I always have, as a thinking, practical private citizen—working on behalf of Pittsburgh, our state and our nation.

[From the Pittsburgh Post-Gazette: Nov. 6, 1993]

MRS. HEINZ PASSES; HER ABSENCE WILL TILT THE GOP SENATE RACE RIGHTWARD

Teresa Heinz's elaborate waltz around the issue of whether to run for the U.S. Senate ended unexpectedly yesterday when she turned in her dance card.

"I want to thank this country and the people of Pennsylvania for giving me the opportunity to even consider running for office," she said during a press conference at her Fox Chapel home. "But the best way for me to contribute is as I always have, as a thinking, practical citizen—working on behalf of Pittsburgh, our state and nation." So much for the speculation that she would seek the seat once held by her late husband John Heinz.

Her statement was at once a tribute to what is right about America and a warning about what is wrong. "Ours is a time of pain and possibility," she said, talking of schools that don't teach, streets that aren't safe and careers that don't last.

It was also a pointed assault on the meaning (or meaninglessness) of campaigning. "Today, political campaigns are the graveyard of real ideas, and the birthplace of empty promises." Sounding something like Bill Clinton during his campaign for the presidency, she complained of a political process that is divisive, dismissive and destructive rather than healing and unifying.

Her withdrawal from consideration likely means a less divisive Republican primary and a clearer path for U.S. Rep. Rick Santorum of Mt. Lebanon, who probably is having a hard time containing his glee. Rep. Santorum represents the conservative wing of the party while Mrs. Heinz represents the increasingly fragile moderate or liberal wing.

We regret that because of her decision, this point of view may not be well-heard during the primary. And it may lead to a more ideologically charged general election than this state is accustomed to—with a potential matchup of classic liberal Democrat Sen. Harris Wofford and conservative Rep. Santorum.

But it is hard to argue with her assessment that she can do more through the Heinz charities than as a freshman senator. We

wish her well as she tackles her daunting and worthy list of challenges: "to have a sustained impact in changing the course of our economy, bringing nutrition and health care to millions of American children, helping to guarantee that growing old does not equate with poverty, [and] developing pragmatic solutions to our environmental challenges."

IN PRAISE OF THOMAS PELLIKAAN, EDITOR OF THE DAILY DIGEST

Mr. HATFIELD. Mr. President, a gentleman who had become almost an institution in this body recently celebrated 30 years of service to the U.S. Senate. Mr. Thomas Pellikaan, editor of the Daily Digest, has contributed much during his time here, and I would like to take a moment to share with my colleagues an account of his work.

When I came to the Senate in 1967, Thom Pellikaan had already been here 4 years. Having come to this town with Senator Edward Long of Missouri, Thom established himself early on as a helpful assistant and somehow did not manage to go home to Missouri quite as soon as he had planned.

He ended up serving over a decade as the Senate press liaison, a position crucial to keeping the public informed of our workings in the days before C-SPAN. Having served during the turbulent sixties and into the seventies, Mr. Pellikaan witnessed incredible events on the floor of the U.S. Senate.

Perhaps the most memorable of these times was the sad day that President Kennedy was assassinated. Mr. Pellikaan was the first to break the news to the U.S. Senate, telling Senator Everett Dirksen first of the news. He watched as word spread quickly from one senator to another. Witness to the genuine and heartfelt reactions of usually stoic public figures, Mr. Pellikaan carries with him today a true understanding of the humanness of the Senate. It is a perspective which served him well during his later years at the Daily Digest.

Of the 291 Senators who have served in the U.S. Senate during Mr. Pellikaan's years here, only 5 of the original Members remain. In that same span of time, 8 Presidents have occupied the White House. Nine Vice Presidents have presided over the U.S. Senate. Most all of us are junior to Mr. Pellikaan in seniority.

I have known Thom throughout my tenure in the Senate. His perspective on our work in this Chamber has been as valuable to my colleagues and me as has been the friendliness he extends to all he encounters. I appreciate his service very much.

ANTONIO MOLINA, JR.

Mr. KERRY. Mr. President, today I pay tribute to a brother Vietnam veteran, Antonio Molina, Jr., U.S. Marine. Mr. Molina was the first Hispanic-

American wounded in Vietnam. For his gallantry and bravery, Staff Sergeant Molina was awarded the Purple Heart, the Presidential Unit Citation and six other decorations.

That same commitment to country is still being demonstrated today as Sergeant Molina has become a leader in his community. Here he has fought in a different type of battle, the war against teenage dropouts. He has served as a liaison between the Hispanic community and city government. He has developed youth programs and established nursing exchange programs with Puerto Rico.

Currently he runs El Universal, a Hispanic newspaper that has served as a catalyst for the development of community activities.

As a soldier fighting for freedom in a foreign country or as a soldier fighting for the freedom of opportunity in America, Staff Sergeant Molina has lived by the code of Semper Paratus. I commend him for both his military record and his civilian services, and express the hope that all of us—and particularly those who live in his community—will continue to benefit from his contributions.

THE 55TH ANNIVERSARY OF KRISTALLNACHT

Mr. DODD. Mr. President, few episodes in history evoke the bitter anger and the silent anguish that is brought on by the memory of Kristallnacht, the night of broken glass. This week we honor that memory by pausing to observe the 55th anniversary of Kristallnacht, and by paying tribute to the victims of this dreadful human tragedy.

On November 7, 1938, a young Jewish student by the name of Herschel Grynszpan shot to death a German official in Paris after receiving the news that his parents had been deported to Poland. Within hours of the official's death 2 days later, Adolf Hitler and the rest of the Nazi party decided on their revenge. Early on the morning of November 10, soldiers in Germany and Austria set out on a violent anti-Semitic pogrom, smashing storefronts, destroying synagogues, and looting homes and shops owned by Jews. They chose to call it Kristallnacht—Crystal Night.

In the ensuing violence, some 7,500 Jewish businesses were ransacked, 267 synagogues were burned, 91 Jews were killed, and between 20,000 and 30,000 Jews were taken to concentration camps. But the dreadful toll of Kristallnacht cannot be captured by mere numerical figures. For Kristallnacht was more than a sudden act of retribution by a vengeful and hateful regime; in truth, it was a dry run for the Holocaust itself. The broken glass of Kristallnacht would soon be followed by the shattered dreams of an entire people.

Today, 55 years after Kristallnacht, we look back on the events of November 1938 and seek to make some sense of them. We are revolted by the atrocities committed against the members of the Jewish communities in Germany and Austria and the inhuman hatred that propelled these events. We are equally revolted by the failure of the international community to respond: the denial of visas to Jews; the unwillingness to raise immigration quotas; the deplorable refusal of the world to intervene. These actions of quiet complicity—the unconscionable sins of the silent—gave a green light to the Nazis and their genocidal intentions.

Mr. President, to fully come to terms with Kristallnacht and the Holocaust that followed is in some ways to comprehend the incomprehensible; it cannot be done and perhaps it ought not be done. What we can do—what we must do—is to recall these grisly events of the past and make every effort to impart their lessons to future generations. "Learn," Elie Wiesel once said, "and hope is possible. Forget, and despair is inevitable." On this 55th anniversary of Kristallnacht, those powerful words ring ever true.

ELECTIONS IN JORDAN

Mr. PELL. Mr. President, as events rapidly unfold in the Middle East, I would like to draw the attention of the Senate to recent developments in Jordan. On Monday, Jordan held elections for the Lower House of the Parliament, the second time it has done so after a hiatus of more than 30 years.

Jordan's experiment with the democratic process began in earnest in 1989, with King Hussein's call to establish a National Charter. The National Charter, which was crafted by a broad coalition of prominent Jordanians representing nearly every segment of the population, was intended to serve as a roadmap to a new system of political participation.

Shortly thereafter Jordan held elections resulting in the establishment of a new parliament. Though political parties were still banned at the time, the parliament did represent a range of diverse views, including most notably a significant bloc of Islamist representatives and their independent allies.

This week's elections, which will be followed shortly with the appointment of a new government, were important for a number of reasons. First, as the followup to the 1989 elections, they represent another step forward in Jordan's democratic course. Second, these elections were held under new rules that enabled the participation of political parties, and that provided for a single-member district, one-person, one-vote system. Third, the number of Jordanians voting increased substantially in comparison to the 1989 elections. Finally, the elections resulted in a

diminution of strength in the Islamist bloc, as evidenced by the fact that a woman won a parliamentary seat. Some analysts believe the results demonstrate a public vote of confidence in Jordan's recent overtures to Israel, and are in vindication of Jordan's decision to allow—rather than bar—participation by the Islamists.

Mr. President, I do not wish to give the impression that Jordan has successfully concluded a transition to democracy, or that there are no other issues of concern in Jordan's relationship with the United States. Jordan still has far to go before reaching political maturity. I believe it is important to point out, however, that Jordan is making some progress on the domestic political front, and I wish to ensure that does not get overlooked in the whirlwind of recent developments in the Middle East.

I ask unanimous consent that an article from the New York Times, "Jordanian Vote Endorses Peace Effort," be included in the RECORD at this time.

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

[From the New York Times, Nov. 10, 1993]

JORDANIAN VOTE ENDORSES PEACE EFFORT

(By Youssef M. Ibrahim)

AMMAN, JORDAN, November 9.—Jordanians have given a strong endorsement to the Middle East peace effort by spurning Islamic militants whose principal platform was opposition to any peace talks with Israel.

The Islamic Action Front won only 16 seats in Jordan's 80-member Parliament in the elections on Monday, according to official results announced today. The Muslim fundamentalist voting bloc, which includes two nominal independents in addition to the Action Front, also shrank significantly from 32 in the last Parliament to 18. Parties were not permitted until after the last elections, which were in 1989.

The relatively large turnout, 68 percent of the estimated 1.2 million eligible voters, appeared to have been a response to King Hussein's repeated appeals to preserve Jordan's participation in the talks with Israel and to elect "responsible" representatives who will preserve Jordan's interest. In the 1989 election, only 49 percent of eligible voters went to the polls.

ARAFAT PREDICTS ACCORD

The results exceeded the expectations of anti-fundamentalist forces here, who were worried about the impact on votes of a recent flurry of secret and public negotiations between Jordanians and Israelis. In Brussels today, the Palestine Liberation Organization chairman, Yasir Arafat, predicted that the two countries will "sign a friendly agreement" within days.

Questioned at a news conference today about his secret contacts with Israeli leaders, King Hussein said only, "We are now engaged in this peace process and we are committed to it." Asked when he might visit Jerusalem or meet publicly with the Israeli Prime Minister, Yitzhak Rabin, the King only smiled and said, "All in good time."

Visibly pleased with the election results announced this morning, he told the news conference, "I don't find in our Islam anything that stands in the way of peace or progress."

MILITANTS REJECTED

The election offered a first look at how much support Muslim militants can gain in a democratic framework after they have compiled a track record. The result was an unmistakable rejection of social and economic programs presented by the fundamentalists over in the past four years, when they had some control over the legislative agenda and had a chance to practice what they preached.

Several leading Muslim fundamentalists, including the Parliament speaker, Abdelatif Arabiyat, lost their seats. Independent supporters of the Islamic bloc were voted down in favor of middle-of-the-road tribal figures who are certain to support the Government and the King, who played heavily on tribal loyalties for those elections.

Voters also elected the first woman parliamentarian in Jordan's history, Tojan al-Faisal. She failed to win a seat in the 1989 parliamentary elections in the face of fierce opposition by fundamentalists to her views and gender.

Mrs. Faisal, 44 years old, is an ardent feminist whom militants have persecuted by attempting to annul her marriage and going so far as to ask immunity for anyone who sheds her blood.

THE FUNDAMENTALISTS LOST

Jordanians said the Palestinian-Israeli peace agreement signed in Washington has pulled the rug from under the militant Jordanian fundamentalists, who based their political message on rejection of any peace with Israel. Improving economic conditions have also marginalized the fundamentalists' domestic program, which consists of opposing economic reforms suggested by the International Monetary Fund.

"The issue in the election was the fundamentalists and the peace process," said Fahd el-Fanek, an economist and columnist. "The answer is the fundamentalists lost. It is evident their power is declining here. It's an important message for the region and other Arab leaders, namely that within a democratic practice fundamentalists do not do well when they adopt strident views."

Several Jordanians, including the King, pointed out that the Jordanian experience should be examined by other Arab governments that are experiencing difficulties with fundamentalist groups. Algeria and Egypt are wrapped in fierce confrontations with militants who are excluded from the political dialogue.

In Jordan, the Islamic bloc still remains the largest single party in Parliament. Ishaq Farhan, a leader of the Islamic Action Front, vowed that even with a reduced presence, the Islamic movement "will confront in the next Parliament all the attempts at normalization with the Jewish state and the Zionist onslaught with all the political means within the law."

The elections were contested by 534 candidates, most of them independents and the rest grouped into 20 parties. Leftist candidates with strong antipeace views were also shunned by the voters, leaving Parliament firmly in the hands of centrists.

Palestinians, who comprise somewhere between 40 percent and 50 percent of the Jordanian population of four million, seemed by and large to vote in favor of candidates who support the Government peace strategy.

"The Palestinian vote was a factor in the sense that those who supported the peace process did enter the race and won," said George Hawatmeh, editor of The Jordan Times.

RANGERS LEAD THE WAY

Mr. INOUE. Mr. President, I recently had an opportunity to visit with some of America's best and bravest young men—members of the Nation's elite 75th Ranger Regiment just back from Somalia. Brothers—black, white, Asian, Hispanic—bonded together by a calling of service to Nation. Like generations of Rangers before them, they have volunteered to take on the toughest missions and, if need be, give up their lives for the needs of the Nation and those of their fellow citizens.

Much has been said and written about the manner in which these Army Rangers acquitted themselves in the recent action in Mogadishu. There has been no shortage of Monday morning quarterbacks criticizing their planning and performance. Some have gone so far as to suggest the unit failed in its mission.

Mr. President, these critics are wrong. These brave men did not fail. The Rangers of the 75th Regiment did not fail their Nation nor did they fail their brothers in arms. They, in fact, accomplished what they set out to do, snaring two dozen key members of Aideed's staff. These brave young men and their fallen comrades epitomize the qualities we expect in American warriors: unequalled skill in their profession, unflinching devotion to duty, gallantry in action, loyalty to both the Nation and one's comrades in arms, and selfless sacrifice. They have done all the Nation could have asked, and more.

Our history is replete with the incredible courage, determination and selfless sacrifice displayed by Roger's Rangers, Francis Marion, "The Swamp Fox," Darby's Rangers, and Merrill's Marauders. No one who has ever stood on the edge of Pointe du Hoc on the Normandy coast and looked down that steep cliffside could ever believe that ordinary men actually scaled those cliffs under withering fire. They were not ordinary, they were Army Rangers.

Throughout their existence, Army Rangers, through action, not words, have set an incredibly high standard. Mentally alert, physically strong, morally straight, they always shouldered more than their share of the task at hand. When they met the enemy they were usually victorious, when they were not, the enemy paid a terrific price for victory. Surrender has never been, and thankfully is still not, in the Ranger vocabulary.

Today's Army Rangers are no different than their predecessors. They met the challenge in Somalia. Not only did they succeed in capturing two dozen key members of Aideed's staff, but when the fog of war engulfed their operation they fought for over 9 hours against incredible odds inflicting far heavier casualties than they themselves took. It is no small coincidence that Aideed agreed to a cease-fire after

the capture of 24 of his top lieutenants and the death of hundreds of his soldiers.

Incredibly, some have criticized these Rangers for staying with their fallen comrades. This criticism strikes at the very foundation of what makes all our service men and women perform together so well under pressure, what makes people give that last full measure for their comrades and for their Nation. I know from my personal experiences as a soldier during the Second World War how critical this bond of trust is between comrades in arms. The Ranger creed states in part: "I will never leave a fallen comrade to fall into the hands of the enemy and under no circumstances will I ever embarrass my country * * *." This is not some anachronistic rhetoric, it is at the very core of the Ranger ethic.

The Nation shares the sorrow of those Rangers whose brothers in arms were killed in Mogadishu and that of the families who lost their loved ones. But above all, these Army Rangers and their families have every right to stand tall and feel proud of their performance under fire, for we, as a Nation, are most proud of them. Their example of gallantry in action, perseverance, loyalty to each other—even unto death, and adherence to their creed, serves as an inspiration to all Americans. Their performance in Mogadishu on October 3 and October 4 is a testament to the skill, bravery, and fortitude of America's finest young men. Their steadfast courage under fire once again proves beyond doubt that "Rangers lead the way."

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,423,280,357,586.04 as of the close of business yesterday, November 9. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$17,220.66.

A CRITIQUE OF CLINTONOMICS

Mr. PRESSLER. Mr. President, I rise today to bring to the attention of this

body an insightful article on today's current economic situation by our former colleague, Senator Bob Kasten of Wisconsin, and Cesar Conda, executive director of the Alexis de Tocqueville Institution. Senator Kasten is serving as the chairman of the de Tocqueville Institution's Center on Regulation and Economic Growth.

As the ranking Republican on the Small Business Committee, I found this article of particular interest. Others in the body may, as well. The de Tocqueville article reviews the President's economic agenda, specifically focusing on health reform and the Federal budget deficit.

Mr. President, I am personally concerned about the potentially devastating effects on small business of employer mandates in the President's health care reform plan. Forcing new mandates on already overregulated businesses could further jeopardize economic expansion and cause layoffs of workers in America's small businesses.

I ask unanimous consent that the article appear in the RECORD immediately following my remarks.

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

CLINTON'S HEALTH CARE FIGURES DON'T COMPUTE

(By Robert W. Kasten and Cesar V. Conda)

On Oct. 1, the American middle-class was introduced to the first major installment of "Clintonomics." The federal gasoline tax was increased by 4.3 cents per gallon as part of the president's deficit-cutting plan (the so-called "rich" have already paid their "fair share" in taxes because Clinton retroactively raised the top tax rates effective last Jan. 1). And now, the Clintons have proposed a substantial increase in "sin taxes" and employer insurance mandates to finance a federal takeover/overhaul of the nation's health care system.

Unfortunately, both the Clinton budget and health care reform plans are built on a foundation of quicksand. By imposing harmful disincentives and higher costs on the economy, the tax financing mechanisms will raise less additional tax revenue than the administration estimates—and in some cases, actually reduce net tax revenue—leaving a multibillion dollar deficit hole in the federal budget.

Furthermore, given Clinton's proclivity to raise taxes before cutting spending, he may well opt to implement a more dangerous tax to fill these financial gaps—the value added tax (VAT).

The reason budget projections rarely hold up is because the government's estimators and accountants live in the fantasy world of static revenue analysis. Their economic models rarely account for the real world impact that higher taxes and other government-imposed burdens have on human behavior and economic activity—and as a result, their revenue estimates often miss the mark.

For example, in the case of the recent gas tax increase, the government estimators totally ignored the fact that higher gasoline taxes would raise costs at all stages of production for businesses, thereby reducing economic growth. The Institute for the Research on the Economics of Taxation estimated the 4.3-cent gas tax hike will reduce

gross domestic product by some \$16 billion and jobs by 110,000 by 1998. The result is that only \$5 billion will be raised in net additional tax revenue over five years instead of the \$24 billion estimated.

Also during the budget debate, Harvard economist Martin Feldstein argued forcefully that the sharp jump in marginal tax rates in the Clinton budget would collect only one-fourth of the projected \$100-plus billion five-year revenue gain. That's because high-income individuals would work fewer hours and load their portfolios with tax-exempt municipal bonds in order to reduce their taxable incomes and avoid the higher marginal tax rates.

Congress should have learned its lesson when it imposed a 10 percent excise tax on expensive boats in 1990, only to destroy thousands of boat manufacturing jobs and actually reduce net tax revenues for the government. As Jack Kemp, former congressman and Cabinet member, cogently put it, "Virtually every time the government has raised tax rates, the federal deficit has grown even larger."

As with its budget plan, the Clinton administration has disregarded the dampening effect of its health care proposal on the economy and tax revenues. Consequently, the financing mechanisms, to borrow the words of Sen. Daniel P. Moynihan, D-N.Y., "are a fantasy."

First of all, the proposed tax increase of 75 cents a pack on cigarettes would raise less than half of the \$15 billion revenue pickup estimated by the administration, according to professor Robert D. Tollison of George Mason University. Tobacco makes up about 2 percent of the Consumer Price Index and a large tax increase on cigarettes would increase the index by as much as 1 percentage point. This in turn would increase government spending on inflation-adjusted programs such as Social Security and food stamps, and cut tax revenue collected from the standard deduction for federal income taxes.

The employer mandates also would end up depressing the economy and tax revenue. Under the plan, employers would pay for an employee's health insurance equal to 3.5 percent of payroll for businesses with less than 50 employees and 7.9 percent for all others. Businesses would be forced to pass along the added costs to consumers and workers through higher prices, lower wages, and fewer jobs.

Hillary Rodham Clinton recently said that she can't "save every undercapitalized small business in America." But the employer mandates in her health plan would make it more difficult for viable, capitalized small businesses to keep their doors open.

The plan also contains another anti-job provision: In order to qualify for the federal government subsidies that would keep mandated costs to no more than 3.5 percent of payroll, small businesses would limit their size to no more than 50 workers. Employers at or near the threshold would be induced to shed full-time jobs.

The International Mass Retail Association sponsored a recent nationwide survey which found that any employer mandate would put 1.9 million jobs at risk of being eliminated. Other reputable studies predict job losses as high as 3.1 million. Even Laura Tyson, the chairwoman of the president's Council of Economic Advisors, now admits that the burdensome employer mandates in the Clinton health plan could cost as many as 600,000 jobs in its early years.

Fewer people working in taxpaying jobs and more people on unemployment com-

passment programs means less tax revenue, more government spending and bigger deficits. According to economist Feldstein, the Clinton health plan as it now stands would probably reduce tax revenues by at least \$50 billion per year.

To fill these gaping financing holes, President Clinton is likely to resurrect the idea of a valued added tax. Such a tax has long been attractive to politicians because of its ability to generate sizable tax revenues. But as the European experience has shown, it could be a fatal attraction; a VAT tends to hide the true cost of government, and eventually leads to high and oppressive levels of taxation and spending over time. As former treasury secretary William Simon put it, a VAT "would rob us blind."

Instead of new and higher taxes, Congress should support the bipartisan efforts of legislators such as Sen. Bob Kerrey D-Nebr., Rep. Bob Andrews, N-N.J., and Rep. Bill Zeliff, R-N.H., to advance additional spending reductions to cut the deficit. This effort must include a serious effort to reform entitlement programs. Before proceeding with health care reform, Congress should demand realistic cost estimates that factor in the negative impact of the Clinton health plan's taxes and mandates on the economy.

As the old saying goes, "there's no free lunch." The American public must be made aware of the real economic costs of the Clinton agenda.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise again today in my continuing effort to put a face on the health care crisis facing our country. Today I want to share the story of Patricia Rutkowsky, from Avoca, MI. Patricia, who is 37 years old, has epilepsy.

Patricia's memories of the first 25 years of her life are of the hospital. Her epilepsy was so severe that she suffered as many as six seizures every day. After having brain surgery 12 years ago, she now only endures about two seizures each year. Given her history, however, health insurance companies and employers still consider her to be a high risk.

Up until May 1984, Patricia was covered under her father's health insurance policy at Ford Motor Co. Because Patricia was disabled, she could be covered under her father's policy until she moved out of her parents' home. Ford provided very comprehensive coverage. During this time, Patricia's only medical cost was \$2 per month for prescriptions.

After leaving her parents' house to marry her husband Rick, Patricia looked for 3 years before finding a company that would sell her health insurance because of her history of epilepsy. During this time, she remained uninsured and paid all of her medical costs out of pocket.

Over her lifetime, Patricia has held and then lost 20 jobs. While none of her employers ever came right out and said that her seizures were their reason for letting her go, none was able to offer her sufficient grounds for her dismis-

sal. Because she has not been able to hold a job for any significant amount of time, she has not had an opportunity to be covered through an employer's health insurance. She has also been unable to obtain coverage through her husband's employers because of her preexisting condition.

Patricia now carries an individual policy through Blue Cross/Blue Shield that costs \$195 each month. Although her policy covers most services and prescriptions that she needs with small copayments, it does not cover her regular visits to the doctor. Patricia estimates that she has paid over \$2,000 for her physician visits during the past 2 years.

For the past 2 years, both Patricia and Rick have been unemployed. Rick does not have health insurance, and the Rutkowskys have been told that they are not eligible to receive public assistance because Rick owns a home and 40 acres of land. Patricia and Rick have been living off their savings for the past 2 years. Because of Patricia's medical history they believe that continuing to pay her health insurance is a priority. If the cost of Patricia's insurance continues to go up, however, she could be forced to drop it and join Rick as 1 of the 37 million people in our country who are uninsured.

It is essential that people like Patricia and Rick have a guarantee of health insurance coverage regardless of disabilities of preexisting conditions or employment status. And that coverage must be affordable so that people like the Rutkowskys don't have to deplete their savings to enjoy the peace of mind that coverage brings.

I have been working to fix these problems with our health care system for many years, and I am pleased that we finally have an administration that is providing leadership for this effort. I would just like to say to Patricia and Rick and to everyone else who has faced problems with our health care system that I am going to do everything I can to make sure this Congress passes comprehensive health care reform before the end of next year.

GRAZING DEBATE ON FISCAL YEAR 1994 INTERIOR APPROPRIATIONS BILL

Mr. HATFIELD. Mr. President, I am pleased to note that grazing provisions included in the Interior appropriations bill for fiscal year 1994 have been dropped. I commend my colleagues on both sides of this issue for their stalwart efforts to pursue a course they believe to be correct on grazing fee increases and rangeland reform.

My views on this issue are a little different from a number of my western colleagues. I believe a grazing fee increase is necessary and overdue. I also believe improvements in rangeland management are essential. The

changes in the so-called Reid-Babbitt compromise, however, were inappropriate.

First, an amendment codifying permanent national policy should not have been included on this appropriations bill. I have been chided for the last 4 years by both sides of the forestry debate for codifying a regionally based, 1-year, emergency measure to prevent the national forests of my region from shutting down completely. This agreement, called section 318 of the fiscal year 1990 Interior bill, was forged based on full consultation with my Democrat and Republican House and Senate colleagues in the Pacific Northwest region, including the Governors of Oregon and Washington. Yet to this day, I receive constituent mail telling me "no more riders on appropriations bills." While I reserve the right to propose any action which I believe responds to an unusual or emergency situation, I want my colleagues to know that I generally do not support using authorizing amendments on appropriations bills to resolve substantive problems.

The Reid-Babbitt proposal was one such amendment which had no review, no consultation, no hearings, and was not based on any consensus. There was, in fact, no effort to discuss the issue with Members likely to have concerns prior to its inclusion in the Interior conference report. Equally troubling was the fact that many Members of Congress and interest groups who had opposed authorizing amendments on appropriations bills relating to natural resource policy in the past were now suddenly supporting the Reid-Babbitt amendment because it was politically correct to support grazing reform.

Additionally, I was particularly disturbed by the inconsistent wavering of one of the most important players in this debate: the States. Late last week, a number of State Governors' offices agreed to the Reid-Babbitt proposal as long as changes were included in the language relating to water, sections 406(d) and 406(i)(2), and improvements at projects partially or fully on Federal lands, 406(m). Still, just yesterday, some of these same offices of western attorneys general were backing off their earlier support for the proposal on the grounds that they had found new problems with other elements of the language. These questions are properly answered through the congressional and administrative hearing processes. That is why these processes exist.

Realizing the need for hearings to clarify the questions raised surrounding the Reid-Babbitt provision, I was distressed by the course this debate had taken over the last few weeks. The proponents of Reid-Babbitt pushed an all-or-nothing agenda—accept a fee increase and significant policy changes relating to rangeland management or

accept nothing. Several legitimate and worthy alternatives, however, were offered by my colleagues, Senator BYRD of West Virginia, and Senator BAUCUS of Montana. Senator BYRD offered to drop all grazing-related provisions in the bill and sent it to the House for approval. Additionally, Senator BAUCUS offered to keep the fee increase in the bill, removing all references to rangeland reform, and instead allowing the Secretary to proceed with administrative hearings.

As the ranking member of the Appropriations Committee and a reform conscious westerner, I was torn by the all-or-nothing choice which confronted us. The Founding Fathers of this Nation developed our bicameral Congress with the intention that passing significant legislation would be difficult. The proponents of the Reid-Babbitt grazing proposal, however, attempted to ram this legislation through both Houses of Congress on a 1-year appropriations bill with no hearings, no debate, and no consensus.

Let my colleagues be quite clear about one thing: increasing the grazing fee is not the issue. Grazing fees are going to increase. This issue is how the Congress will set policies regarding natural resources use during the remainder of this administration. By striking deals between small groups of congressional Members with no consideration for what the rest of the 430 Members and their constituents think? By setting water, forestry, mining, and other natural resource policies through the appropriations process every year? I certainly hope not. The proper forum for these discussions is the authorizing committees of Congress: the Committee on Energy and Natural Resources in the Senate, and the Committee on Natural Resources in the House. I look forward to and encourage hearings as soon as possible.

It is on these grounds—setting permanent, nationwide policy on appropriations bills and the presence of two specific alternatives—that I would have opposed the cloture motion on the interior conference report yesterday. I commend Senators on both sides of this issue and the Secretary on the Interior for their commitment on both the issues of rangeland management reform and the people of the west dependent on public rangeland for their livelihood.

DIGITAL SWITCHING IN ABERDEEN: AN UPDATE

Mr. PRESSLER. Mr. President, on several occasions I have addressed my colleagues regarding efforts to bring advanced telecommunications technologies to Aberdeen, SD. I have been working for a number of months with the Aberdeen community to upgrade Aberdeen's analog switch to digital. Today, I have good news.

Recently, Mayor Tim Rich, the Aberdeen Development Corp., and US West announced that a new digital switch will be installed by March 1, 1994. AT&T also will upgrade its equipment in Aberdeen, which will allow the new switch to be fully utilized. I was pleased to participate in this announcement in Aberdeen via a videotaped message. Everyone involved should be proud. In particular, I would like to commend the efforts of Mayor Tim Rich, Jim Barringer, executive vice president of the Aberdeen Development Corp. Vi Stoia and all the members of the Community Action Resource Team, and the citizens of Aberdeen. I also commend the State public utilities commission—Chair Laska Schoenfelder, Vice Chair Ken Stofferahn, and Commissioner Jim Burg—Paul Knecht, Deputy Commissioner of the Governor's Office of Economic Development, and representatives of US West and AT&T. It truly was a team effort.

Early this summer Mayor Rich and other leading citizens informed me of their goal to upgrade Aberdeen's analog switch to digital technology. When digital switching is the first subject a mayor discusses with his U.S. Senator, we know the world is changing. Why was this important to the people of Aberdeen? The reason is simple: they recognized this technological change is vital for economic development. At the dawn of our country, the boom towns were those along the coast or a major river. And not long ago, proximity to major interstate highways determined whether a community would expand or contract. Soon, access to the information superhighway will determine a community's long term economic fate.

We are at the dawn of a new technological age. It seems that every time we pick up a newspaper or turn on a television, we learn of yet another exciting telecommunications breakthrough. The Nation awaits the coming of an age when information can be sent to any person, at any place, and at any time. Families ponder the ominous and exciting possibilities of 500 television channels. Those young in age and young at heart look forward to playing interactive computer games with friends and family thousands of miles away.

Policymakers await the implications. As a member of the Senate Commerce, Science and Transportation Committee, I will work to ensure that the benefits of advanced telecommunications are shared by all Americans. The challenge of policy makers is not favoring particular technologies. Rather, we must make sure technology is universally shared. We must make sure communities have the opportunity to progress with the changing times.

The Commerce Committee currently is considering legislation designed to

stimulate investment in telecommunications networks by encouraging competition. I favor competition where it can work. However, everyone predicts that competition would bring new services to major metropolitan markets long before these services reach small cities and towns. Why? Part of the reason is that technology is far outpacing the ability of competition to carry it to every corner of the Nation. Without initiative from community leaders and Federal, State and local officials, a two-tiered telecommunications world of haves and have nots would be created. That must not happen. We cannot leave small communities behind.

We must combine competition with grassroots initiative. That may be easier said than done. The prospect of technological change has touched off an unprecedented multibillion dollar media merger mania. Recently, we have learned of a proposed \$33 billion merger of Bell Atlantic with TCI—a move that prompted the Senate Judiciary Committee, on which I also serve, to hold hearings on the impact of these media mergers. Clearly, the battle is for the larger markets. The citizens of South Dakota will not benefit significantly from these mergers, if all they bring is 500 channels of television. The information age should promise much more than this.

The proposed information superhighway could be the artery of future economic development. Communities like Aberdeen have a great deal to offer in terms of quality of life. Many more people would choose to live there if they could be assured of a good job. The Aberdeen community knows advanced telecommunications capabilities are essential for attracting and securing economic opportunities. Their new switch promises precisely such opportunities. It will attract new business. It will enable existing business to expand. It will provide their on-ramp to the information superhighway.

Aberdeen's digital switch will be equipped to provide Signaling System Seven [SS7] and Integrated Services Digital Network [ISDN]. SS7 is a network architecture feature that permits network signaling to be done out of band. This means signaling information can be transmitted separately from voice and data traffic. SS7 is a building block for advanced services. Services like ISDN, which provide two data channels and one voice channel that can be used simultaneously, are already known. Other new services are yet to be developed.

I cannot stress enough the importance of community action. US West did not realize there was demand for video conferencing before Aberdeen began surveying its potential communications needs. Previously, only a Fortune 500 company could afford video conferencing. With digital switching, small- and medium-sized companies

will have access to video conferencing on a dial-up basis. Switched high-speed data services also will be available for small- and medium-sized companies that cannot afford private lines. US West and AT&T have pledged to work with the Aberdeen community to identify additional services the new switch can provide. The lesson for communities like Aberdeen is clear: Community action can have positive results.

Once a community has the technology, future possibilities are limited only by our imaginations. Nonetheless, Aberdeen's first digital switch is merely the beginning. Whether digital services become widely available in northeast and north central South Dakota will depend on the continued efforts of citizens, policymakers and telecommunications providers. The city of Aberdeen proved it can be done. Cities and towns like Aberdeen can and should participate in the vast telecommunications developments that await us. I stand ready to work with South Dakotans, my colleagues, and all Americans to ensure no one is left behind. They must not be left behind. Citizens of small cities, towns and rural areas deserve to be in the driver's seat and on the fast lane in tomorrow's information highway.

HOW THE HEALTH SECURITY ACT BENEFITS OUR NATION'S VETERANS

Mr. DASCHLE. Mr. President, as Veterans Day approaches, many of us will be reflecting on the debt we owe to veterans across the Nation, those citizens who risked their lives to further the goals of democracy and freedom around the world.

As we engage in this collective reflection, let us remember that one of the most important ways we can show our appreciation to these men and women is to give them something far too few of them have now—health security.

For this holiday should not only remind us of the terrible costs of war, but of the pain that lingers afterward. Long after the battle is fought, we must deal with one of war's most tragic consequences—the pain and suffering that comes from sustained illness or injury.

Unfortunately, I fear that we have failed to fulfill our promise to ease the pain of our veterans, to ensure that they will have health care that is always there.

While our VA system makes an outstanding contribution to our Nation's health care, it is pressured by far too many financial and bureaucratic obstacles that must be surmounted in order for those who use the system to experience the feeling of security that veterans, indeed all citizens, of other western nations take for granted.

It has been a long, hard battle for those of us who have been fighting to

ensure that all veterans have the kind of health security they so richly deserve. But there really is a light at the end of this tunnel, and that light is health reform.

Reform brings with it a means of resolving the major issues that now confront the VA, issues whose resolution is long overdue.

WHAT THE PRESIDENT'S PLAN DOES FOR VETERANS

Finally we have a President whose commitment to health reform has caught up with the public's demand for it. President Clinton recently presented to the Congress the Health Security Act, a plan that guarantees health security—health care that is always there—for every American, especially our Nation's veterans.

The plan is designed to preserve the important contributions of the VA to the Nation's health care system, while offering solutions to the problems the VA currently faces. It maintains and enhances the benefits veterans receive by preserving free health care for those veterans with service-connected disabilities or low incomes, and providing all veterans with choices that they have not had before.

This represents the best of all possible worlds for veterans.

Under the reform plan, the VA will become a viable health care choice for millions of veterans who, today, are unable to access the VA system. Every veteran will have the right to enroll in a VA plan, while major new resources will be made available to provide more comprehensive services. At the same time, veterans will be allowed to choose any of the health plans available to other Americans, with the added option of joining health plans specifically designed for veterans.

Specifically, the VA may organize its facilities into health plans, or they may serve as providers contracting with other plans or providers. And all health plans, including VA plans, will be required to provide the comprehensive benefits package guaranteed by the Health Security Act. These benefits include full coverage of hospital care, preventive services, prescription drugs, rehabilitation services, durable medical equipment, hospice, home health, and extended care services.

In addition, the VA health plans will offer specialized services such as treatment for posttraumatic stress disorders and other services that are available under the current VA medical system.

Finally, VA facilities will be able to provide services on a reimbursable basis to veterans who are members of other health plans and to higher income, non-service-connected veterans with Medicare coverage.

Under such a plan, the VA system can be a national model for successful integration of the continuum of care, from outpatient to acute hospital to

long-term services. And a fiscally sound system ensures that the VA can continue its support of research in basic science and clinical applications and its role in training tens of thousands of health care professionals.

Veterans Affairs Secretary Jesse Brown, in a recent visit to my home State of South Dakota stated that veterans will be "1,000 percent" better off under this plan.

Is this hyperbole? Maybe. But even if he's only half right, we will have come a very long way.

Unfortunately, none of the other major health plans introduced to date address the VA health system's problems in such a comprehensive fashion as the Health Security Act. In fact, the plan authored by Senator CHAFEE and the Cooper/Breaux bill barely mention this important component of our health care system.

As a consequence of the attention the President's proposal gives to VA health care, the major associations representing veterans have endorsed the Health Security Act's approach to veterans' health care. These organizations include the American Gold Star Mothers, The American Legion, AMVETS, American Ex-Prisoners of War, the Blinded Veterans Association, Catholic War Veterans, Disabled American Ex-Prisoners of War, the Blinded Veterans Association, Catholic War Veterans, Disabled American Veterans, Legion of Valor, the Military Order of Purple Heart, the Noncommissioned Officers Association, Paralyzed Veterans of America, Veterans of Foreign Wars, Vietnam Veterans of America, and the Polish Legion of American Veterans, USA.

Let me quote from some of their letters:

The Paralyzed Veterans of America wrote to Mrs. Clinton:

Beyond the VA initiative, your efforts in health care reform offer, for the first time, a substantial new program of long term care and assistive services offering new hope for millions of Americans with disabilities. Your efforts afford new prospects for those Americans who have experienced catastrophic disability for a more dignified and cost-effective alternative to institutional care.

The Vietnam Veterans of America wrote to Mrs. Clinton:

This letter is intended to express the sincere appreciation of my organization for your inclusiveness and openness in responding to the concerns of the organized veterans community on health care issues throughout your work in crafting a comprehensive health plan for the nation. The veterans community provided you with its preferences and you delivered.***

The American Legion added:

Clearly, you and the members of the health care task force took our concerns seriously, and we are most appreciative of the efforts each of you made to ensure that veterans will be treated with equity and dignity.

Finally, the Veterans of Foreign Wars wrote to Mrs. Clinton:

We are particularly appreciative that you have solicited our views, and the views of our fellow veterans service organizations, throughout the process. We believe the health reform concept proposed by the Administration is a good one. Further, we believe the role assigned the VA health care system under this plan is good for America and in the best interest of veterans. We are pleased to offer our support.

Only the Health Security Act has received such a warm welcome from our veterans organizations.

CONCLUSION

"To care for him who shall have borne the battle and for his widow and his orphan." Those words, spoken by Abraham Lincoln in 1865, appear at the entrance to the VA's central headquarters in Washington. It is my hope and my belief that enactment of comprehensive health reform will help fulfill that promise to our Nation's veterans.

As we consider alternative health reform plans, we must not allow the VA system to be an afterthought of the debate. Our Nation's veterans deserve more than that.

They deserve a future secure in the understanding that they will always have comprehensive health coverage. Benefits that can never be taken away. Health care that is always there.

I ask unanimous consent that the letters from veterans organizations appear in the RECORD.

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

PARALYZED VETERANS OF AMERICA,
Washington, DC, September 22, 1993.

Mrs. HILLARY RODHAM CLINTON,
The White House, Washington, DC.

DEAR MRS. CLINTON: On behalf of the members and officers of the Paralyzed Veterans of America (PVA), I want to thank you and commend you and all the individuals involved with the "American Health Security Act of 1993," to secure health-care reform for all Americans. As a veterans' service organization chartered by Congress with the mission of ensuring that the needs of veterans who have experienced catastrophic spinal cord injury or dysfunction are met, we applaud and support your efforts to secure appropriate, affordable health care for all Americans.

I want to extend PVA's appreciation for the time you spent this past Saturday, September 18, briefing us on the outlines of the proposal and listening to our concerns. As you advised, we are working with the Secretary of Veterans Affairs, Jesse Brown, to clarify those issues which remain a concern to our members and we have conveyed those issues to the Secretary in a separate letter.

PVA is extremely pleased that the plan, as outlined, provides for a national, independent veterans health care system. And, we support your initiative to incorporate additional resources such as Medicare funding into the income stream available for veterans' health care.

Beyond the VA initiative, your efforts in health care reform offer, for the first time a substantial new program of long term care and assistive services offering new hope for millions of American with disabilities. Your efforts afford new prospects for those Ameri-

cans who have experienced catastrophic disability for a more dignified and cost-effective alternative to institutional care.

PVA supports the concept of your program and we look forward to working with the Administration and the Congress, to bring about this much needed change. We thank you and all involved in this endeavor.

Respectfully,

GORDON H. MANSFIELD,
Executive Director.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, September 20, 1993.

HON. HILLARY RODHAM CLINTON,
The First Lady,
Old Executive Office Building, Washington, DC.

DEAR MRS. CLINTON: This letter is intended to express the sincere appreciation of my organization. Vietnam Veterans of America (VVA), for your inclusiveness and openness in responding to the concerns of the organized veterans community on health care issues throughout your work in crafting a comprehensive health plan for the nation. The veterans community provided you with its preferences and you delivered by sustaining VA's health operations as an independent entity within the overall national health plan.

It is gratifying to note that the extraordinary hospitality you and the President have shown the veterans organizations is without parallel in recent memory. In this connection, it is hoped the demonstration of hubris by a representative of one of the veterans groups at last Saturday's meeting is not mistaken for a representation of ingratitude by all of the veterans groups.

Mrs. Clinton, even without having reviewed the important details of your plan, you may feel free to assume with considerable confidence that VVA is prepared to place the full weight of its advocacy efforts on Capitol Hill behind your plan. It may also interest you to know that unlike most of the other veterans groups, the availability of choices for VA-dependent veterans in selecting health providers, as your plan makes possible for the first time, is even more important to VVA than the maintenance alone of an independent VA health system.

Under the circumstances, our involvement in the legislative effort to achieve national health will be focused not only on VA, but instead on the overall program. This is because we are convinced that the better the program for the nation as a whole, the better the choices for veterans. The only difference we have with you on this program has more to do with assumptions than with substance. We have less confidence than perhaps you have in how successful VA will be in becoming user-friendly and therefore competitive in attracting paying subscribers to VA health facilities. What we are certain of however, is that VA health cannot survive in a national health environment absent your program for veterans.

As the battle lines begin to take shape in this titanic struggle to achieve national health, we look forward to playing a role in supporting both you and the President. It should be added here that the reach of our efforts will extend well beyond the Veterans Affairs Committees. It is indeed ironic that Vietnam veterans have never enjoyed the privilege of being able to rely on the Veterans Affairs Committees alone.

Sincerely,

PAUL S. EGAN,
Executive Director.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,

Washington, DC, September 22, 1993.

HILLARY RODHAM CLINTON,
The White House, Washington, DC.

DEAR MRS. CLINTON: On behalf of the Veterans of Foreign Wars of the United States I would like to thank you for your efforts in working to reward health care reform. We are particularly appreciative that you have solicited our views, and the views of our fellow veterans service organizations, throughout the process. We believe the health care reform concept proposed by the Administration is a good one. Further, we believe the role assigned the VA health care system under this plan is good for America and in the best interest of veterans. We are pleased to offer our support.

I would also like to commend Secretary of Veterans Affairs, Jesse Brown. On this issue, as with many others, he has encouraged veterans to become part of the process thereby ensuring our concerns are addressed and voices heard.

As the health care debate begins the VFW looks forward to continued dialogue with both the Administration and Congress. Tough and difficult battles lie ahead. We are preparing for future battles confident that we will ultimately succeed.

Sincerely,

GEORGE R. CRAMER,
Commander in Chief.

MILITARY ORDER OF PURPLE
HEART OF THE USA,

Springfield, VA, September 21, 1993.

HILLARY RODHAM CLINTON,
The White House, 1600 Pennsylvania Avenue,
Washington, DC.

DEAR MRS. CLINTON: It gives me a great deal of pleasure to inform you that the Military Order of the Purple Heart of the USA, an organization of combat wounded veterans, endorses the VA Participation in the National Health Plan as outlined by Secretary Brown in a recent briefing to the Veterans Service Organizations. We hope that the Secretary's plan will be adopted as part of the National Health Plan.

Sincerely,

MICHAEL D. TOMSEY,
National Commander.

AMERICAN LEGION,
NATIONAL HEADQUARTERS,
Indianapolis, IN, September 21, 1993.

Mrs. HILLARY RODHAM CLINTON,
The White House,
Washington, DC.

DEAR MRS. CLINTON: Thank you for inviting our staff to participate in the informative briefing on September 18, about how veterans will be affected by the administration's Health Security Act.

The American Legion's Veterans Planning and Coordinating Committee has been discussing this issue for more than 2 years. The recommendations of the VPCC were endorsed by the Legion's National Executive Committee in May 1992, and our plan was published late last year.

From the beginning of your deliberations on a national health care plan we were concerned not so much with what veterans could get out of any change in the delivery of health care nationally, but with the prospect that veterans might be left out of the overall mix of delivery schemes. On several occasions in the past 8 months we have shared our concerns with Secretary Jesse Brown and with you. Clearly, you and the members of the health care task force took our con-

cerns seriously, and we are most appreciative of the efforts each of you made to ensure that veterans will be treated with equity and dignity.

While we do not know the final shape of the Health Security Act, we stand ready to fight to protect the benefits that have been described to us by you and Secretary Brown, and to use the power we have to let members of Congress know how we feel.

The American Legion will not stand by and let VA suffer from the status quo. We are well aware of the importance of the inclusion of VA health care in a national health program, if the system designed for veterans is to survive.

Sincerely,

BRUCE THIESEN,
National Commander.

DISABLED AMERICAN VETERANS,
Washington, DC, September 20, 1993.

First Lady HILLARY RODHAM CLINTON,
The White House,
Washington, DC.

DEAR MS. CLINTON: I am writing to extend the most genuine appreciation and gratitude of the Disabled American Veterans for your taking the time out of what must be a most hectic schedule to meet with the Veterans' Service Organizations this past Saturday to apprise us of the role identified for the Department of Veterans Affairs (VA) in the quest to make meaningful health care reform a reality for the citizens of our nation.

At the conclusion of the meeting, there were, I believe, three salient points that emerged. First, was the President's deep, personal feelings and commitment to the importance of maintaining and preserving an independent, quality VA health care system whose primary mission will continue to be the treatment of disabled veterans. The DAV agrees this is how it should be.

Secondly, and what we view to be the most central feature of the reform package, is the assurance that veterans now utilizing the VA for their health care needs will not experience a diminution of services. In fact, many veterans will experience an increase in the scope of benefits provided by VA.

Finally, we embrace the concept of securing reimbursement for the care provided certain veterans from Medicare. We agree with you that this is most central to the continued stability of the VA in the years to come.

In summation, Mrs. Clinton, the DAV supports and endorses the role identified for the VA in the Administration's Health Care Reform Plan.

Sincerely,

ARTHUR H. WILSON,
Executive Director,
Washington Headquarters.

AMVETS,
Lanham, MD, September 20, 1993.

Mrs. HILLARY RODHAM CLINTON,
The White House,
Washington, DC.

DEAR MRS. CLINTON: I am writing to express AMVETS' appreciation for your personal involvement to reform the VA medical system and to make it a leading force in national health care.

The plan, as presented at our meeting with you on Saturday, September 18 accomplishes much of what AMVETS has proposed to reform the VA system. AMVETS is confident that relatively small changes will provide greater incentive for the higher income, non service-connected veteran to participate. With the addition of a plan to provide long term care in the basic benefits package, VA

will become a system veterans will use increasingly and take pride in.

We urge a continuing dialogue between the administration and veterans organizations so that we may assist with the details and support the plan in Congress.

Mrs. Clinton, thank you once again for your service to America's veterans. AMVETS looks forward to working with you on this most important issue.

Sincerely,

JAMES J. KENNEY,
Transition National
Executive Director.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 481. Richard H. Stallings, to be Nuclear Waste Negotiator;

Calendar 507. Jonathan Z. Cannon, to be Chief Financial Officer, Environmental Protection Agency;

Calendar 508. Robert T. Watson, to be an Associate Director of the Office of Science and Technology Policy;

Calendar 509. Jane M. Wales, to be an Associate Director of the Office of Science and Technology Policy;

Calendar 510. Mary Rita Cooke Greenwood, to be an Associate Director of the Office of Science and Technology Policy; and

Calendar 511. Those officers named to be rear admiral (lower half) in the U.S. Coast Guard.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed, en bloc, are as follows:

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

Richard H. Stallings, of Idaho, to be Nuclear Waste Negotiator.

ENVIRONMENTAL PROTECTION AGENCY

Jonathan Z. Cannon, of Virginia, to be Chief Financial Officer, Environmental Protection Agency.

EXECUTIVE OFFICE OF THE PRESIDENT

Robert T. Watson, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

Jane M. Wales, of New York, to be an Associate Director of the Office of Science and Technology Policy.

Mary Rita Cooke Greenwood, of California, to be an Associate Director of the Office of Science and Technology Policy.

IN THE COAST GUARD

The following officers of the United States Coast Guard for appointment to the grade of rear admiral (lower half):

Douglas H. Teeson, II.

Robert C. North.

Edward J. Barrett.
Timothy W. Josiah.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the following nomination reported today by the Committee on Energy and Natural Resources: Martha Anne Krebs, to be Director of the Office of Energy Research, Department of Energy.

I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination was considered and confirmed, as follows:

DEPARTMENT OF ENERGY

Martha Anne Krebs, to be Director of the Office of Energy Research.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH IRAN—MESSAGE FROM THE PRESIDENT—PM 70

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on May 14, 1993, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency

Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report covers events through October 1, 1993. The last report, dated May 14, 1993, covered events through March 31, 1993.

1. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560, or to the Iranian Assets Control Regulations, 31 CFR Part 535, since the last report.

2. The Office of Foreign Assets Control (FAC) of the Department of the Treasury continues to process applications for import licenses under the Iranian Transactions Regulations.

During the reporting period, the U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the Iranian Transactions Regulations. Office of Foreign Assets Control and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Additional forfeiture and civil penalty actions are under review.

3. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered two awards, both in favor of U.S. claimants. Including these decisions, the total number of awards has reached 547, of which 369 have been awards in favor of American claimants. Two hundred twenty-two of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 147 were decisions adjudicated on the merits. The Tribunal has issued 36 decisions dismissing claims on the merits and 83 decisions dismissing claims for jurisdictional reasons. Of the 59 remaining awards, 3 approved the withdrawal of cases and 56 were in favor of Iranian claimants. As of September 30, 1993, the value of awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at \$2,351,986,709.40.

The Security Account has fallen below the required balance of \$500 million almost 50 times. Iran has periodically replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. The aggregate amount that has been transferred from the Interest Account to the Security Account is \$874,472,986.47. Iran has also replenished the account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC. Iran has

not, however, replenished the account since the last oil sale deposit on October 8, 1992, although the balance fell below \$500 million on November 5, 1992. As of September 28, 1993, the total amount in the Security Account was \$213,507,574.15 and the total amount in the Interest Account was \$5,647,476.98.

Iran also failed to make scheduled payments for Tribunal expenses on April 13 and July 15, 1993. The United States filed a new case (designated A/28) before the Tribunal on September 29, 1993, asking that the Tribunal order Iran to make its payment for Tribunal expenses and to replenish the Security Account.

4. The Department of State continues to present other United States Government claims against Iran, in coordination with concerned Government agencies, and to respond to claims brought against the United States by Iran. In June and August of this year, the United States filed 2 briefs and more than 350 volumes of supporting evidence in Case B/1 (claims 1 and 2), Iran's claim against the United States for damages relating to the U.S. Foreign Military Sales Program. On September 29, the United States submitted a brief for filing in all three Chambers of the Tribunal concerning the Tribunal's jurisdiction over the claims of dual nationals who have demonstrated dominant and effective U.S. nationality. In addition, the Tribunal issued an order accepting the U.S. view that Iran has to support all aspects of its claim in Case A/11, in which Iran claims the United States has breached its obligations under the Algiers Accords, rather than to ask the Tribunal to first decide "interpretative issues" separate from the merits of its case. In another case, the Tribunal declined Iran's request that it stay a case against Iran in U.S. courts for an alleged post-January 1981 expropriation, where the plaintiffs' case at the Tribunal had been dismissed.

5. As reported in November 1992, Jose Maria Ruda, President of the Tribunal, tendered his resignation on October 2, 1992. No successor has yet been named. Judge Ruda's resignation will take effect as soon as a successor becomes available to take up his duties.

6. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals for less than \$250,000.00, the Foreign Claims Settlement Commissions (FCSC) has continued its review of 3,112 claims. The FCSC has issued decisions in 1,568 claims, for total awards of more than \$28 million. The FCSC expects to complete its adjudication of the remaining claims in early 1994.

7. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets

Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the Iranian Transactions Regulations issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.
THE WHITE HOUSE, November 10, 1993.

MESSAGES FROM THE HOUSE

At 10:12 a.m., a message from the House of Representatives, delivered by Mr. Dendy, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1036. An Act to amend the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 170. A concurrent resolution directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia.

At 12:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House had agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 178. A concurrent resolution providing for an adjournment of the House from Wednesday, November 10, 1993 to Monday, November 15, 1993 and an adjournment or recess of the Senate from Wednesday, November 10, 1993 to Tuesday, November 16, 1993.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3276. An Act to make technical corrections to title 23, United States Code, the Federal Transit Act, and the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes.

ENROLLED BILLS SIGNED

At 5:36 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2520. An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 6:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 131. A joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week."

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3436. An Act to amend the Food Stamp Act of 1977 to ensure adequate access to retail food stores by recipients of food stamps and to maintain the integrity of the Food Stamp Program.

ENROLLED JOINT RESOLUTION SIGNED

At 6:42 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following joint resolution:

S.J. Res. 131. Joint Resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

A message from the House of Representatives, announced that the Speaker has signed the following enrolled bill:

H.R. 3116. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1036. An Act to amend the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws; to the Committee on Labor and Human Resources.

H.R. 3276. An Act to make technical corrections to title 23, United States Code, the Federal Transit Act, and the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3436. An Act to amend the Food Stamp Act of 1977 to ensure adequate access to retail food stores by recipients of food stamps and to maintain the integrity of the Food Stamp Program; to the Committee on Agriculture, Nutrition and Forestry.

The following measure, previously received from the House of Representatives, was read, and referred as indicated:

H. Con. Res. 170. A concurrent resolution directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1740. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of deferrals of budget authority in the General Services Administration building programs; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Environment and Public Works.

EC-1741. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report relative to contracts awarded in support of Saudi Arabian Armed Forces; to the Committee on Armed Services.

EC-1742. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report evaluating the costs of expanding the CHAMPUS Reform Initiative into Washington and Oregon; to the Committee on Armed Services.

EC-1743. A communication from the Acting Administrator of the Farmers' Home Administration, transmitting, pursuant to law, a report on the FmHA Housing Demonstration program for fiscal year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-1744. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC-1745. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the status of Exxon and Stripper Well oil overcharge funds; to the Committee on Energy and Natural Resources.

EC-1746. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final regulations for the Talent Search Program; to the Committee on Labor and Human Resources.

EC-1747. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the implementation of the Individuals with Disabilities Education Act; to the Committee on Labor and Human Resources.

EC-1748. A communication from the Treasurer of the Army and Air Force Exchange Service, transmitting, pursuant to law, report of the retirement annuity plan; to the Committee on Governmental Affairs.

EC-1749. A communication from the Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law,

the report of the Office of Inspector General for the period for fiscal year 1993; to the Committee on Governmental Affairs.

EC-1750. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, a report of the analysis of the District of Columbia water and sewer utility administration's commercial and residential accounts receivable; to the Committee on Governmental Affairs.

EC-1751. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, a report of the review of the University of the District of Columbia President's Representation Fund for fiscal years 1990, 1991 and 1992; to the Committee on Governmental Affairs.

EC-1752. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, a report of the comparative analysis of the structure of the District of Columbia Water and Sewer Enterprise Fund; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution for Fiscal Year 1994" (Rept. No. 103-175).

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 657. A bill to reauthorize the Indoor Radon Abatement Act of 1988, and for other purposes (Rept. No. 103-176).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 423. A bill to provide for recovery of costs of supervision and regulation of investment advisors and their activities, and for other purposes (Rept. No. 103-177).

By Mr. FORD, from the Committee on Rules and Administration, with an amendment in the nature of a substitute and an amendment to the title:

S. 716. A bill to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes (Rept. No. 103-178).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1361. A bill to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes (Rept. No. 103-179).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1125. A bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence (Rept. No. 103-180).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Martha Anne Krebs, of California, to be Director of the Office of Energy Research, Department of Energy.

By Mr. NUNN, from the Committee on Armed Services:

Henry Allen Holmes, of the District of Columbia, to be an Assistant Secretary of Defense;

R. Noel Longuemare, Jr., of Maryland, to be Deputy Under Secretary of Defense for Acquisition; and

Gilbert F. Casellas, of Pennsylvania, to be General Counsel of the Department of the Air Force.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Harold Varnus, of California, to be Director of the National Institutes of Health.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1647. A bill to provide a fair process, with maximum opportunity for public comment, that will help eradicate from this Nation those weapons for which no legitimate purpose exists and which are so lethal that they constitute an unreasonable risk to law enforcement and the public at large, while at the same time ensuring that the law-abiding public has full access to firearms created for legitimate purposes, including firearms intended for hunting and recreational use; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. INOUE, and Mr. D'AMATO):

S. 1648. A bill to direct the Secretary of Transportation to demonstrate on vessels ballast water management technologies and practices, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in the Great Lakes and other United States waters, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE:

S. 1649. A bill to amend title 38, United States Code, to make improvements in the procedures used by the Department of Veterans' Affairs in adjudicating claims for veterans' benefits, and for other purposes; to the Committee on Veterans Affairs.

By Mr. WARNER:

S. 1650. A bill to designate the United States Courthouse for the Eastern District of Virginia in Alexandria, Virginia, as the Albert V. Bryan United States Courthouse; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself and Mr. FAIRCLOTH):

S. 1651. A bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the United States Military Academy at West Point, New York; to the

Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNETT:

S. 1652. A bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1653. A bill for the relief of The Triax Company, a Utah corporation; to the Committee on the Judiciary.

By Mr. INOUE:

S. 1654. A bill to make certain technical corrections; to the Committee on Indian Affairs.

By Mr. JEFFORDS:

S. 1655. A bill to reform certain statutes regarding civil asset forfeiture; to the Committee on the Judiciary.

By Mr. BENNETT (for himself and Mr. SIMON):

S. 1656. A bill to amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. SPECTER):

S. 1657. A bill to reform habeas corpus procedures.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 1658. A bill to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. LIEBERMAN, Mr. BOREN, and Mr. HOLLINGS):

S. Res. 163. A resolution to express the sense of the Senate regarding positive consideration of crime fighting activities by financial institutions under the Community Reinvestment Act of 1977; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. D'AMATO, Mr. LAUTENBERG, Mr. HATCH, and Mr. GRASSLEY):

S. Res. 164. A resolution expressing the sense of the Senate commemorating the bombing of Pan Am Flight 103; to the Committee on the Judiciary.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1647. A bill to provide a fair process, with maximum opportunity for public comment, that will help eradicate from this Nation those weapons for which no legitimate purpose exists and which are so lethal that they constitute an unreasonable risk to law enforcement and the public at large, while at the same time ensuring that the law-abiding public has full access to firearms created for legitimate purposes, including firearms intended for hunting and recreational use; to the Committee on the Judiciary.

FIREARMS LEGISLATION

Mr. BINGAMAN. Mr. President, I first congratulate the Senator from California and the Senator from Michigan for their very serious and credible effort to deal with the problems of semiautomatic assault weapons. I share their concern over the proliferation of those weapons throughout our country.

However, I have concern about the way the amendment was crafted. It would legislate an extensive list of prohibited weapons and another even more extensive list of acceptable weapons. I believe that making these determinations requires substantial expertise, as technology rapidly changes and new technologies and new weapons are introduced. I do not believe that Congress is well-equipped to make these expert determinations or to do so on the ongoing basis that is required, because new weapons are coming onto the market at all times.

I have expressed these concerns to the Senator from California, and because of those concerns, I voted to table the Senator's amendment.

A preferable alternative, in my view, would be to authorize the Attorney General to make rules in this area under the Administrative Procedures Act. These rules would be made only after receiving recommendations from a standing commission on semiautomatic assault weapons that would be established to investigate the danger posed by particular weapons and to recommend, based upon that investigation, the proper restrictions to be imposed upon weapons sale and distribution. Any such regulations would not then become effective until Congress had had a chance to override the Attorney General's rule.

Mr. President, today I rise to introduce legislation incorporating that basic idea. Although the procedural situation in the Senate does not make it possible for me to offer this as an amendment to the pending measure at this time, I hope that it can be considered in the coming days, and I encourage my colleagues to review the bill.

The job of the Congress should be to set general policy. When we get into legislating very specific provisions about brands and models of weapons, we are presuming more expertise than we have. This is particularly true in an area like this where the technology is changing very rapidly and the ability of gun manufacturers to produce new variations of weapons is almost infinite.

Our law enforcement agencies are where the necessary expertise resides, and my proposal is for the Attorney General to establish a standing commission on semiautomatic assault weapons with eight members. The membership of this commission would be as follows: First, the Assistant Attorney General for the Criminal Divi-

sion in the Department of Justice; second, the heads, or their designees, of the FBI, the Bureau of Alcohol, Tobacco and Firearms, and the Drug Enforcement Agency. Next would be two representatives of national citizens organizations concerned with protecting the rights of the law-abiding public to keep and bear arms. And, finally, two representatives of national citizens organizations concerned with protecting the public safety and the needs of the Nation's law enforcement officers.

This commission would be established within 30 days of the effective date of the act. It would have as its duty to investigate on an ongoing basis and make recommendations to the Attorney General on restricting the manufacture, sale, distribution, and possession of domestic-made semiautomatic assault weapons and large-capacity ammunition-feeding devices.

Once a recommendation is received by the Attorney General, she would determine whether to accept it in whole or in part. If some or all of the recommendations were accepted, she would then proceed to publish notice, as called for in the Administrative Procedures Act. And after following the procedures of that act, the Attorney General would have the authority to issue a regulation governing that weapon.

The regulations would be submitted to the committees of jurisdiction in the Congress once the Administrative Procedures Act procedures were complete. The effective date of the regulations would be delayed for 90 days, during which they could be overridden by the passage of a joint resolution of the Congress.

Mr. President, I am aware that my proposed amendment is objectionable to people on both sides of this debate. The National Rifle Association objects because it does not want the authority to restrict gun sales delegated to any nonelected official. The gun control supporters object because they would see some additional months of delay before prohibition of sales would become effective.

But while my proposed legislation is not the first choice of either group, I do believe it is a responsible course to follow and it ultimately will lead to a better system for restricting sale of these semiautomatic assault weapons.

By Mr. GLENN (for himself, Mr. INOUE and Mr. D'AMATO):

S. 1648. A bill to direct the Secretary of Transportation to demonstrate on vessels ballast water management technologies and practices, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in the Great Lakes and other United States waters, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INNOVATIVE BALLAST MANAGEMENT ACT

• Mr. GLENN. Mr. President, I introduce the Innovative Ballast Management Act—legislation to create a voluntary program to demonstrate promising ballast management technologies and practices which will help prevent the introduction and spread of aquatic nonindigenous species into U.S. inland and saltwater systems. Senators INOUE and D'AMATO join with me in this important effort.

This bill calls for the Secretary of Transportation to undertake a study of ballast water technologies and practices that may prevent the introduction and spread of aquatic nonindigenous species into the Great Lakes and other U.S. waters. Based, in part, on the study's recommendations, the Secretary will conduct an 18-month ballast water management demonstration program, involving the retrofitting of current vessels and the possible inclusion of technologies into future ship designs.

Ballast water, which is necessary to insure ship's stability, appears to be the main culprit in the movement of foreign aquatic species to U.S. waters. Unwanted plant and animal species, and even pathogens, may hitch a ride to U.S. waters from foreign ports of call in the ballast tanks of merchant ships. Upon entering our waters, these aquatic pests may become established and proliferate to wreak havoc on our coastal environments and economies.

In the Great Lakes, the zebra mussel is the most notorious of several exotic species that have arrived via ballast water. The zebra mussel now costs industrial water users millions of dollars annually and has spread well outside the Great Lakes basin. Exotic species also infest our marine coastal systems creating significant environmental and economic impacts. For example, in San Francisco Bay, the Asian clam has dramatically displaced native mollusks. In 1991, the Coast Guard documented the presence of human cholera in oyster beds near Mobile, AL. Upon further study, the Coast Guard concluded that ballast discharge was the likely vector.

I authored the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101-646) because our Nation lacked a national policy or program to prevent and control unintentional introductions of aquatic nuisance species to U.S. waters. To me, the prevention provisions are the most significant part of this legislation. Regulations originating from the act were put into effect in May 1993, and require special ballast water management practices for each vessel entering the Great Lakes/St. Lawrence system. Currently, the primary method of compliance is a saltwater ballast exchange outside the exclusive economic zone. But this method is regarded as an interim solution because it is unreliable and cannot be applied to all situations.

For example, some freshwater species may survive a saltwater exchange. Also, ballast exchange is not effective for coastwise ship movements or intra-Great Lakes basin voyages. Furthermore, safety concerns may preclude ballast exchange during rough seas.

Innovative ballast treatment technologies and practices show promise for providing a permanent technological solution, making ballast exchange unnecessary. The nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 called for a shipping study to characterize the role shipping plays in the transfer of aquatic exotic species. The study also indicated several technologies that may help prevention efforts. Filtration, lethal heat, and ultraviolet treatments are just a few ideas that may be applicable.

A sense of urgency exists in the Great Lakes to move forward with this bill. The European ruffe, discovered in Duluth Harbor of Lake Superior in 1986, has displaced several native species, including the yellow perch. Movement of this small but aggressive fish to the other Great Lakes, where yellow perch and walleye proliferate, could devastate the fishery. A technological approach may be the only way to prevent the ruffe's movement through ballast transfer.

It is for this reason that I call for quick action on my bill. The examination and demonstration of these new approaches is a logical and progressive step in our efforts to prevent aquatic stowaways from entering and infesting our waters. Such a solution would be welcomed by shipowners and environmentalists alike.

Aquatic nonindigenous species are causing problems worldwide; there is an emerging need for these technologies, not only for vessels visiting our waters, but for international commerce in general. As a result, this bill could help U.S. industries take the lead in an emerging environmental technology of international proportions.

I look forward to the support of my colleagues in gaining enactment of this important legislation.

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

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

S. 1648

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Innovative Ballast Management Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Aquatic Nuisance Species Task Force" means the task force established under section 1201 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721);

(2) the term "ballast water" means water and sediments taken into or expelled out of the ballast system of a vessel;

(3) the term "nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its historic range, including any such organism transferred from one country into another;

(4) the term "Secretary" means the Secretary of Transportation; and

(5) the term "United States waters" means navigable waters and territorial waters of the United States.

SEC. 3. BALLAST MANAGEMENT STUDY.

(a) IN GENERAL.—The Secretary shall study ballast water technologies and practices that prevent aquatic nonindigenous species from being introduced into and spread through ballast water in the Great Lakes and other United States waters.

(b) IDENTIFICATION OF TECHNOLOGIES AND PRACTICES FOR DEMONSTRATION.—Based on the study conducted pursuant to subsection (a), the Secretary shall identify for demonstration under section 4, technologies and practices that—

- (1) may be retrofitted on existing vessels or incorporated in new vessel designs;
- (2) are operationally practical;
- (3) are safe for vessel and crew;
- (4) are environmentally sound;
- (5) are cost-effective;
- (6) the vessel operator can monitor; and
- (7) are effective against a broad range of nuisance organisms.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit a report to Congress on the results of the study conducted pursuant to this section, including a list of the technologies and practices identified for demonstration.

SEC. 4. BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct an 18-month ballast water management demonstration program to demonstrate technologies and practices, including technologies and practices identified under section 3, to prevent aquatic nonindigenous species from being introduced into and spread through ballast water in the Great Lakes and other United States waters.

(b) UNITED STATES SHIPYARDS AND SHIP REPAIR FACILITIES.—Installation and construction of the technologies and practices shall be performed in a United States shipyard or ship repair facility.

(c) VESSEL SELECTION.—In demonstrating technologies and practices on vessels under this section, the Secretary shall—

- (1) use only vessels that—
 - (A) have ballast systems conducive to testing technologies and practices applicable to a significant number of merchant vessels;
 - (B) are documented under the laws of the United States; and
 - (C) are publicly or privately owned and are in active use for trade or other cargo shipment purposes during the demonstration; and
- (2) seek to use—
 - (A) vessels that call on ports in the United States and on the Great Lakes and vessels that are operated along the other major coasts of the United States and inland waterways; and
 - (B) a variety of vessel types.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall prepare and submit a report to Congress on the demonstration program conducted pursuant to this section. The report shall include findings and recommendations.

SEC. 5. AUTHORITIES; CONSULTATION AND COOPERATION WITH INTERNATIONAL MARITIME ORGANIZATION AND AQUATIC NUISANCE SPECIES TASK FORCE.

(a) AUTHORITIES.—In conducting the study under section 3, and the demonstration program under section 4, the Secretary may—

- (1) enter into cooperative agreements with other Government agencies and private entities;
- (2) accept funds, facilities, equipment, or personnel from other Federal agencies; and
- (3) accept donations of property and services.

(b) CONSULTATION AND COOPERATION.—The Secretary shall consult and cooperate with the International Maritime Organization and the Aquatic Nuisance Species Task Force in carrying out this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$2,000,000 to carry out this Act.●

● Mr. D'AMATO. Mr. President, I rise today to join with my colleagues Senator GLENN and Senator INOUE to introduce legislation to study ways to lessen the impact that aquatic pests manifest in U.S. waters. This legislation, the Innovative Ballast Management Act, will provide for the study and demonstration of ballast management technologies and practices to help prevent the infestation of our waters with non-indigenous aquatic species.

My State of New York enjoys a long tradition of shipping and is blessed with ports on both the Great Lakes and the Atlantic Ocean. However, these waters have been hard-hit by aquatic nuisances, most notably the zebra mussel infestation in the Great Lakes. Such pests cause countless dollars' worth of damage to industry and the environment. We must do what we can to protect our waters from further invasions of nonindigenous aquatic species. This bill will help address that effort.

Mr. President, our Nation's waters are still of vital importance to commerce and recreation. The impact of nonindigenous aquatic nuisances is something that we have now come to realize is a threat that must be managed. This bill will help investigate methods to combat future introductions of such pests into our Nation's waters. I commend my colleague, Senator GLENN, for introducing this important legislation, and I urge our colleagues to join us in cosponsoring this bill.●

By Mr. WELLSTONE:

S. 1649. A bill to amend title 38, United States Code, to make improvements in the procedures used by the Department of Veterans' Affairs in adjudicating claims for veterans' benefits, and for other purposes; to the Committee on Veterans' affairs.

VETERANS ADJUDICATION PROCEDURES ACT OF 1993

● Mr. WELLSTONE. Mr. President, today I am introducing the Veterans Adjudication Procedures Act of 1993.

This legislation is designed to reduce delays in processing veterans' claims and appeals of denied claims for VA benefits, ensure greater equity in adjudicating appeals of certain claim denials, and provide Congress and the Department of Veterans Affairs with the data they need to determine whether veterans claims and appeals are being handled as expeditiously as possible and pinpoint the problem areas.

There is no question that the growing delays in handling veterans claims and appeals are reaching crisis proportions. Secretary of Veteran Affairs Brown has pointed out that the average response time to veterans appeals has increased from 139 days 2 years ago to a projected 441 days by the end of this year. To make matters even worse, the Board of Veterans Appeals is estimating that by the end of fiscal year 1994 the average response time will soar to almost 2 years. And, a ranking Veterans Affairs Department official conceded that it is already taking about 2 years between the time a VA regional office reaches a decision on a claim to review by the Court of Veterans Appeals. Secretary Brown has characterized the situation as being unacceptable. I couldn't agree with him more.

As alarming as this situation is, it could well get worse as a consequence of such factors as a continued downsizing of the military and an increasing number of Persian Gulf war veterans filing benefit claims. From fiscal year 1991 to fiscal year 1993, original compensation claims filed are expected to have increased by nearly 54 percent, rising from 104,000 to 160,000. Clearly, the time for action is now. Delay in addressing the veterans claims and appeals crises can only produce a calamitous situation where veterans lose faith in the willingness of their Government to honor its obligations to them.

Mr. President, I can't emphasize enough that the causes of the sharp increases in the time it takes to handle veterans appeals are complex and the problem is not amenable to quick fixes. While several factors have led to the current situation, let me briefly outline one of the more important ones.

The establishment by Congress of the Court of Veterans Appeals in 1988 and followup legislative action and judicial decisions to strengthen due process protections have had a profound effect on claims and their adjudication. While the quality of adjudication decisions clearly has improved and veterans are now required to receive statements of the reasons for adverse VA decisions and a summary of the evidence used in reaching decisions, these changes have tended to slow decisionmaking. Moreover, Court of Veterans Appeals precedents are not only applied prospectively but also to similar pending claims dating back as far as 2 years. To some extent, this also contributes to

the long waits veterans experience before final decisions are reached. Workloads of both the VA regional offices and the Board of Veterans' Appeals have grown as a consequence of Court of Veterans' Appeals decisions. For example, the percentage of cases remanded by the Court has increased from 23 percent in fiscal year 1990 to an estimated 55 percent in fiscal year 1993, greatly affecting VA regional offices around the country. Court decisions have reduced the productivity of Board of Veterans' Appeals personnel and helped produce an odd situation where the number of appeals the Board receives is declining but the number of pending cases at year's end is rising. This is in no way intended as a criticism of the Court of Veterans' Appeals, which is doing an effective job of ensuring that veterans receive due process protection and fair treatment throughout the adjudication process, but merely intended to highlight an important element underlying the frustrating delays veterans face.

I believe the measure I'm introducing will contribute to more timely claims and appeals decisions, ensure greater equity for veterans filing appeals, and make the adjudication system more transparent, permitting us to more readily identify bottlenecks and take remedial action. But let me stress that my bill is not a quick fix or magic bullet. The fact is there are no quick fixes or magic bullets. Much more needs to be done by the Congress, the VA, and veterans groups acting in concert.

Such key issues as adequate staffing levels, training of adjudication personnel, and optimal use of modern technology to speed appeals processing are not addressed in my bill, but need to be addressed on an urgent basis.

To his credit, Secretary Brown has taken some important steps recently to cope with the situation, including submission of legislation aimed at improving the veterans' appeals process which was introduced by Senator ROCKEFELLER, chairman of the Veterans' Affairs Committee, as S. 1445. Major veterans groups acting collectively have also addressed this issue, drafting a series of recommendations to increase timeliness and enhance the quality of claims appeal decisions at the request of Congressman JIM SLATTERY, chairman, Subcommittee on Compensation, Pension and Insurance of the House Veterans Affairs Committee. My bill incorporates features of both S. 1445 and the veterans' groups recommendations.

The Veterans Adjudication Procedures Act of 1993 has four key elements. First, VA employees who adjudicate claims would no longer receive credit for work on a claim until a final decision is reached. Under the present system, an environment exists in which high volume, low quality results are encouraged and rewarded. My pro-

posal would change the work measurement standards. This change has been recommended by the major veterans groups, who argued persuasively that the current system of work credits used by the VA provides incentives for case churning rather than emphasizing quality and that current work standards "don't give a true picture of the amount of time it takes for a claim to be processed from beginning to end."

Second, this legislation mandates that the Secretary of Veterans Affairs submit an annual report to Congress on the status of benefit claims during the preceding fiscal year. The report will provide detailed data on the average number of days elapsing after a claim is initially received by the VA until decisions are reached both by regional VA offices and the Board of Veterans Appeals. To give the VA adequate time to modify its information collection and processing system to provide the required data, the first report would not be required until the third fiscal year ending after the bill is enacted. This reporting requirement is consistent with the recommendation of a May 1990 GAO report on reducing waiting time on veterans appeals decision. Noting that the VA wasn't accurately reporting appeals processing times, the GAO argued that the VA can neither assess how well its appeals process serves veterans nor identify improvements needed unless it has accurate and complete data on the appeals process. The GAO recommended that the VA modify its collection data methods "to account for the time spent on appeals, thereby providing more complete data for management and the Congress." This is precisely what my bill seeks to accomplish.

Third, the legislation provides that an individual rating official at the regional office may make initial determinations on all original and reopened claims and an individual Board of Veterans Appeals member may make determinations at Board proceedings. Currently, at both the regional office and the Board, decisions must be made by panels of officials. These steps should reduce backlogs for both regional offices and the Board of Veterans Appeals without affecting the quality of decisions. Secretary Brown estimates that allowing individual Board members to make decisions would permit the Board of Veterans Appeals to boost the number of decisions issued in 1994 by more than 25 percent. It should be noted that most major veterans groups support instituting single-member decisions at both regional and Board levels.

Finally, the measure permits decisions made at the regional office or at the Board of Veterans Appeals to be revised on the grounds of clear and unmistakable error at any time after the decision is made. This provision would codify what now exists only by virtue

of a long-standing VA regulation. The VA is interpreting this regulation as giving claimants a right to a review of a previous final VA regional office decision based on clear and unmistakable error regardless of the time that has elapsed since the decision, but not to a previous final Board decision. The VA is proposing a rule that would allow a claimant only 45 days after a Board decision was reached to file for a review based on clear and unmistakable error. Our bill will level the playing field so that clear and unmistakable error claims would be treated identically for both regional office and Board decisions. Major veterans groups have supported similar provisions to those in our bill.

Mr. President, hundreds and possibly even thousands of Minnesota veterans have complained to me about the excessive time that elapses before decisions are made on their claims and appeals. There is little question in my mind that their complaints are amply justified.

We recently distributed a questionnaire to Minnesotans to elicit their views on the claims and adjudication process. We heard from veterans and their families, veterans groups, county veteran service officers, veteran claims representatives, and even the chair of the Board of Veterans Appeals and the VA Deputy Under Secretary for Benefits. About 90 percent of those responding considered the problems of timeliness of claims decisions and claims backlogs to be either serious or very serious. Respondents ranked improving the claims and appeals process as one of the highest veterans' legislative priorities.

I found many of the comments received with the questionnaire to be quite moving, reinforcing my determination to reform the handling of veterans claims and appeals. For example, one veteran stressed the issue was very serious "because it sometimes leads to the death of a veteran by suicide over frustration and injustices suffered." In a similar vein, a county veterans service officer lamented that "veterans * * * die before their claims have been adjudicated," and a VA psychologist observed that "veterans are losing homes, selling personal belongings, and committing suicide while waiting 1 to 3 years for their claims to be adjudicated."

I know of many instances where veterans have been compelled to wait 3 to 4 years, sometimes longer, for their claims to be finally resolved. In fact, a veteran recently asked for my assistance on an appeal for service-connected benefits. He desperately needed help because his appeal was bouncing back and forth between the St. Paul Regional Office and the Board of Veterans Appeals for over 4 years while his family was suffering financial hardship. This is completely unacceptable.

For the sake of veterans who have risked so much for this country, we can't allow this intolerable situation to continue and I will do all that I can to see that it doesn't.

Mr. President, in closing I would like to note that Representative LANE EVANS introduced a companion bill in the House of Representatives last month and I express my appreciation to him for his close cooperation on this legislation. Representative EVANS is a tireless champion of the interests of all veterans and I commend him for his outstanding work on their behalf.

I urge my colleagues to support this legislation, and I ask consent that the text of the bill be printed in the RECORD.

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

S. 1649

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans Adjudication Procedures Act of 1993".

(b) **REFERENCES TO TITLE 38, UNITED STATES CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. WORK RATE STANDARDS FOR ADJUDICATIVE EMPLOYEES.

(a) **IN GENERAL.**—(1) Chapter 7 is amended by adding at the end the following new section:

"§ 713. Work rate standards for adjudicative employees

"(a) The Secretary shall provide that under the work rate standards that apply to employees of the Department who adjudicate claims for benefits that have been submitted to the Secretary, those employees do not receive credit for work on a claim until the decision on the claim becomes final. Such a decision shall not be considered to have become final until the claimant has exhausted, or failed to timely exercise, the right to appellate review by the Board of Veterans' Appeals."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"713. Work rate standards for adjudicative employees."

(b) **EFFECTIVE DATE.**—Section 713 of title 38, United States Code, as added by subsection (a), shall apply with respect to claims for benefits that are submitted to the Secretary of Veterans Affairs after the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 3. ANNUAL REPORT ON STATUS OF CLAIMS FOR BENEFITS.

(a) **IN GENERAL.**—(1) Chapter 5 is amended by inserting after section 529 the following new section:

"§ 530. Annual report on status of claims for benefits

"(a) The Secretary shall submit to Congress an annual report on the status of claims for benefits before the Department

during the preceding fiscal year. The report for any fiscal year shall be submitted in conjunction with the report under section 7101(d) of this title for that year.

"(b)(1) Each report under subsection (a) shall separately set forth, with regard to claims for benefits in which a decision of the agency of original jurisdiction or the Board of Veterans' Appeals became final during the preceding fiscal year, the average number of days that passed from the date on which the claim was initially received by the Department until the following dates, as applicable:

"(A) The date on which the notice of decision was provided to the claimant, for those cases in which the claimant did not file a timely notice of disagreement (along with the number of such cases).

"(B) The date on which the statement of the case was provided to the claimant, for those cases in which the claimant filed a timely notice of disagreement, and the agency of original jurisdiction did not conduct a hearing, and the claimant did not file a timely substantive appeal to the Board of Veterans' Appeals (along with the number of such cases).

"(C) The date on which the statement of the case was provided to the claimant or the date on which the notice of the decision rendered after the conduct of a hearing of the agency of original jurisdiction, whichever is later, for those cases in which the claimant filed a timely notice of disagreement, and agency of original jurisdiction conducted a hearing, and the claimant did not file a timely substantive appeal to the Board of Veterans' Appeals (along with the number of such cases).

"(D) The date on which the notice of the Board of Veterans' Appeals decision was provided to the claimant, for those cases in which the Board of Veterans' Appeals did not remand to the agency of original jurisdiction before issuing its decision and neither the agency of original jurisdiction nor the Board of Veterans' Appeals conducted a formal hearing (along with the number of such cases).

"(E) The date on which the notice of the Board of Veterans' Appeals decision was provided to the claimant, for those cases in which the agency of original jurisdiction conducted a hearing, and the Board of Veterans' Appeals issued a decision on the appeal of the claim without conducting a formal hearing and without remanding the appeal to the agency of original jurisdiction before issuing its decision (along with the number of such cases).

"(F) The date on which the notice of the Board of Veterans' Appeals decision was provided to the claimant, for those cases in which the agency of original jurisdiction conducted a hearing and the Board of Veterans' Appeals issued a decision on the appeal of the claim after conducting a formal hearing and without remanding the appeal to the agency of original jurisdiction before issuing its decision (along with the number of such cases).

"(G) The date on which the notice of the Board of Veterans' Appeals decision was provided to the claimant, for those cases in which the agency of original jurisdiction did not conduct a hearing, and the Board of Veterans' Appeals issued a decision on the appeal of the claim after conducting a formal hearing and without remanding the appeal to the agency of original jurisdiction before issuing its decision (along with the number of such cases).

"(H) The date on which the notice of the Board of Veterans' Appeals final decision

was provided to the claimant, for those cases in which the Board of Veterans' Appeals did not conduct a formal hearing and remanded the case on one or more occasions to the agency of original jurisdiction before issuing its final decision (along with the number of such cases).

"(1) The date on which the notice of the Board of Veterans' Appeals final decision was provided to the claimant, for those cases in which the Board of Veterans' Appeals conducted a formal hearing and remanded the case on one or more occasions to the agency of original jurisdiction before issuing its final decision (along with the number of such cases).

"(2) Each report under subsection (a) shall also set forth the number of claims for benefits pending a final decision as of the end of the fiscal year preceding the submission of the report."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 529 the following new item:

"530. Annual report on status of claims for benefits."

(b) EFFECTIVE DATE.—(1) Section 530 of title 38, United States Code, as added by subsection (a), shall apply only with respect to claims for benefits that are received by the Secretary of Veterans Affairs more than 180 days after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall submit the first annual report under section subsection (a) of such section 530, as so added, for the third fiscal year ending after the date of the enactment of this Act.

SEC. 4. OFFICIALS DETERMINING ORIGINAL AND REOPENED CLAIMS FOR BENEFITS.

(a) IN GENERAL.—Subchapter I of chapter 51 is amended by adding at the end the following new section:

"§ 5109A. Officials acting on behalf of Secretary

"(a) The functions of the Secretary under this chapter in making determinations on a claim for benefits filed under this chapter shall be carried out in each case by a single official (known as a 'rating official'). A single rating official (rather than a board of officials) shall make the initial determination of the Secretary on all original and reopened claims filed with the Secretary.

"(b) Whenever a hearing is requested following a decision of a rating official denying (in whole or in part) a claim for benefits, the official who conducts the hearing shall make a determination in the case without referring the case back to the rating official who initially decided the case (or another rating official) and shall issue a decision on the case in the manner prescribed in section 5104 of this title."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5109 the following new item:

"5109A. Officials acting on behalf of Secretary."

SEC. 5. BOARD OF VETERANS' APPEALS PROCEDURES.

(a) TERMINATION OF ACTION BY BVA THROUGH SECTIONS.—(1) Sections 7102 and 7103 are amended to read as follows:

"§ 7102. Decisions by the Board

"A proceeding instituted before the Board shall be assigned to an individual member of the Board (other than the Chairman). A member who is assigned a proceeding shall

make a determination thereon, including any motion filed in connection therewith. The member shall make a report under section 7104(d) of this title on any such determination, which report shall constitute the member's final disposition of the proceeding.

"§ 7103. Reconsideration; correction of obvious errors

"(a) The decision of the member of the Board determining a matter under section 7102 of this title is final unless the Chairman order reconsideration of the case. Such an order may be made on the Chairman's initiative or upon motion of the claimant.

"(b) If the Chairman orders reconsideration in a case, the case shall upon reconsideration be heard by a section of the Board. Any such section shall consist of not less than three members of the Board (and may include the Chairman). The member of the Board who made the decision under reconsideration may not serve as a member of the section.

"(c) When a case is heard by a section of the Board after such an order for reconsideration, the decision of a majority of the members of the section shall constitute the final decision of the Board.

"(d) The Board on its own motion may correct an obvious error in the record, without regard to whether there has been a motion or order for reconsideration."

(2) The items relating to sections 7102 and 7103 in the table of sections at the beginning of chapter 71 are amended to read as follows:

"7102. Decisions by the Board.

"7103. Reconsideration; correction of obvious errors."

(b) CONFORMING AMENDMENTS.—(1) Section 7110 is amended by striking out "section" both places it appears and inserting in lieu thereof "member".

(2)(A) The heading of section 7110 is amended to read as follows:

"§ 7110. Traveling members".

(B) The item relating to section 7110 in the table of sections at the beginning of chapter 71 is amended to read as follows:

"7110. Traveling members."

SEC. 6. REVISION OF DECISIONS BASED ON CLEAR AND UNMISTAKABLE ERROR.

(a) ORIGINAL DECISIONS.—(1) Chapter 51 is amended by inserting after section 5109A, as added by section 4, the following new section:

"§ 5109B. Revision of decisions on grounds of clear and unmistakable error

"(a) A decision by the Secretary under this chapter is subject to revision on the grounds of clear and unmistakable error. If evidence establishes the error, the prior decision shall be reversed or revised.

"(b) For the purposes of authorizing benefits, a rating or other adjudicative decision that constitutes a reversal or revision of a prior decision on the grounds of clear and unmistakable error has the same effect as if the rating or decision had been made on the date of the prior decision.

"(c) Review to determine whether clear and unmistakable error exists in a case may be instituted by the Secretary on the Secretary's own motion or upon request of the claimant.

"(d) A request for revision of a decision of the Secretary based on clear and unmistakable error may be made at any time after that decision is made.

"(e) Such a request shall be submitted to the Secretary and shall be decided in the same manner as any other claim."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5109A, as added by section 4, the following new item:

"5109B. Revision of decisions on grounds of clear and unmistakable error."

(b) BVA DECISIONS.—(1) Chapter 71 is amended by adding at the end the following new section:

"§ 7111. Revision of decisions on grounds of clear and unmistakable error

"(a) A decision by the Board is subject to revision on the grounds of clear and unmistakable error. If evidence establishes the error, the prior decision shall be reversed or revised.

"(b) For the purposes of authorizing benefits, a rating or other adjudicative decision of the Board that constitutes a reversal or revision of a prior decision of the Board on the grounds of clear and unmistakable error has the same effect as if the rating or decision had been made on the date of the prior decision.

"(c) Review to determine whether clear and unmistakable error exists in a case may be instituted by the Board on the Board's own motion or upon request of the claimant.

"(d) A request for revision of a decision of the Board based on clear and unmistakable error may be made at any time after that decision is made.

"(e) Such a request shall be submitted directly to the Board and shall be decided by the Board on the merits, without referral to any adjudicative or hearing official acting on behalf of the Secretary.

"(f) A claim filed with the Secretary that requests reversal or revision of a previous Board decision due to clear and unmistakable error shall be considered to be a request to the Board under this section, and the Secretary shall promptly transmit any such request to the Board for its consideration under this section."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7111. Revision of decisions on grounds of clear and unmistakable error."

(c) EFFECTIVE DATE.—(1) Section 5109B and 7110 of title 38, United States Code, apply to any determination made before, on, or after the date of the enactment of this Act.

(2) Notwithstanding section 402 of the Veterans Judicial Review Act (38 U.S.C. 7251 note), chapter 72 of title 38, United States Code, shall apply with respect to any decision of the Board of Veterans' Appeals on a claim alleging that a previous determination of the Board was the product of clear and unmistakable error if that claim is filed after, or was pending before the Department of Veterans Affairs, the Court of Veterans Appeals, the Court of Appeals for the Federal Circuit, or the Supreme Court on the date of the enactment of this Act.●

By Mr. WARNER:

S. 1650. A bill to designate the U.S. Courthouse for the Eastern District of Virginia in Alexandria, VA, as the Albert V. Bryan United States Courthouse; to the Committee on Environment and Public Works.

ALBERT V. BRYAN COURTHOUSE ACT OF 1993

● Mr. WARNER. Mr. President, I introduce legislation to transfer the name of the Albert V. Bryan United States Courthouse to the new Federal courthouse in Alexandria, VA, upon its completion.

The current Federal courthouse at 200 South Washington Street in Alexandria, VA, bears the name of one of Virginia's most distinguished jurists, Albert V. Bryan.

My legislation simply ensures that when the new courthouse is opened it shall be known as the Albert V. Bryan United States Courthouse.

Mr. President, the recognition of the many accomplishments and contributions of Judge Bryan to his chosen profession—the law—and to his community is not a new matter for this body.

On October 9, 1986, the Senate passed by unanimous consent S. 2890 to designate the Federal courthouse in Alexandria in honor of Judge Bryan's lifetime of public service. Since 1987, the Alexandria courthouse has carried his name.

Appointed to the U.S. district court in 1947 by President Truman and promoted to the appeals court by President Kennedy in 1961, Judge Bryan developed a record as a legal conservative and a strict constructionist. He was known for his tolerance on the bench, demonstrating reluctance to cut off lawyers in mid argument, and reacting sternly to those who flouted his judicial orders.

Throughout his 37 years on the Federal bench, Judge Bryan was known to be fair, firm and thorough. His was a low-key personality, his demeanor marked by modesty, politeness and courtliness spiked with a good dose of dry wit. Chief Judge Harrison L. Winter of the Fourth Circuit Court of Appeals once remarked that Judge Bryan represented "old Virginia at its very best."

Judge Bryan's renowned wit was further evidenced in his dislike of pomposity. He worked diligently to ensure that his writing were clean and precise, often laboring lengthily to identify the exact wording he sought. Once, seeking a simple synonym for "gravamen," the essential part of a legal complaint, he rejected such complexities as "quintessence," settling instead on the word "nub."

Born in 1899, Judge Bryan grew up in Alexandria just one block from the courthouse where he would later preside. He attended Alexandria public schools, then distinguished himself at the University of Virginia and, ultimately, its law school. He is said to have taken great pride in having been named rector of the University in later life.

Returning to Alexandria in 1921, he became something of a fixture in the city. He was comfortable riding the bus to his west end home, and he was frequently seen taking lunch in modest, small restaurants near the courthouse.

A conservative on racial issues, Judge Bryan, while a district court judge, ordered that four black students be enrolled in Arlington's all-white Stratford Junior High School in 1958.

The students' admission the following February marked the first day of desegregation in Virginia. He also served on the Federal judicial panel that ordered racial integration for Prince Edward County's public schools. The Prince Edward case later became part of the Supreme Court's historic *Brown versus Board of Education* decision.

In 1969, Judge Bryan and two additional appeals judges struck down Virginia's tuition grant program—the last vestige of massive resistance to integration. One year later, he gained considerable notice when he rejected an appeal by Yippie leader Jerry Rubin, sending the Vietnam protestor to jail for 30 days for disorderly conduct during a 1967 demonstration at the Pentagon.

Judge Bryan is credited with writing 322 opinions as a circuit judge and an additional 18 opinions while he was a district judge. He was reversed in only four cases—a dramatic record which few could equal.

Judge Bryan's accomplishments are perhaps best summarized by the comments made at the original courthouse dedication in 1987, by Supreme Court Justice Lewis Powell, Jr.

He was indeed an exceptionally able and scholarly judge. Every lawyer who ever argued a case before the Fourth Circuit Court was happy to find Judge Bryan had been assigned to the panel.

Judge Powell also quoted a beautiful tribute to Judge Bryan made by Chief Judge Harrison Winter at the Fourth Circuit Judicial Conference: "Albert Bryan was a man of love, a man to respect, and a man to emulate."

The General Services Administration soon will break ground to begin construction for a new Federal courthouse in Alexandria to be located at Courthouse Square South and Jamieson Avenue. My legislation provides that when this facility is completed it shall be known as the Albert V. Bryan Courthouse.

Mr. President, as the Environment Committee's ranking member of the subcommittee responsible for the naming of Federal buildings, I am pleased that Chairman BAUCUS has committed to favorable action on this bill early next session.

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

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

U.S. DISTRICT COURT,
EASTERN DISTRICT OF VIRGINIA,
Alexandria, VA, November 8, 1993.

Hon. JOHN WARNER,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR JOHN: Enclosed you will find a copy of the resolution of the Judicial Council of the Fourth Circuit urging that the United States Congress transfer the designation of the Albert V. Bryan United States Courthouse from the present location to the new courthouse in the Eisenhower Valley.

With kind personal regards, I remain
Very truly yours.

JAMES C. CACHERIS,
Chief Judge.

RESOLUTION

Whereas a new United States Courthouse is being constructed in the Alexandria Division of the Eastern District of Virginia and

Whereas Circuit Judge Albert V. Bryan, Sr., served as both a United States District Judge and a Judge of the United States Court of Appeals for the Fourth Circuit with great distinction and

Whereas Circuit Judge J. Michael Luttig and the district judges and magistrate judges of the Alexandria Division are of the unanimous view that the new courthouse should carry the name of the "Albert V. Bryan United States Courthouse": Now, therefore

The Judicial Council of the Fourth Circuit adopts this Resolution urging that the United States Congress transfer the designation of the Albert V. Bryan United States Courthouse from the old courthouse on South Washington Street, Alexandria, Virginia, to the new courthouse in Eisenhower Valley, Alexandria, Virginia.

For the Council:

SAMUEL W. PHILLIPS,
Secretary.●

By Mr. D'AMATO (for himself
and Mr. FAIRCLOTH):

S. 1651. A bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the U.S. Military Academy at West Point, NY; to the Committee on Banking, Housing, and Urban Affairs.

U.S. MILITARY ACADEMY BICENTENNIAL
COMMEMORATIVE COIN ACT OF 1993

Mr. D'AMATO. Mr. President, I rise today on the eve of Veterans Day to introduce, and urge my colleagues to support, the United States Military Academy Bicentennial Commemorative Coin Act of 1993. I am introducing this bill on behalf of myself and my colleague, Senator FAIRCLOTH. My fellow New Yorker Congressman HAMILTON FISH and 54 of his colleagues are introducing identical legislation in the House of Representatives today.

This legislation would provide for the minting of coins to commemorate the bicentennial of the U.S. Military Academy located in West Point, NY. The Academy will celebrate its bicentennial on March 16, 2002.

The Military Academy has provided our Nation with the core of its military officers. It was founded in 1802, principally as a result of the vision of George Washington. West Point has been the source for most of our Nation's great military leaders, like Robert E. Lee, Ulysses S. Grant, John Pershing, Dwight Eisenhower, and Norman Schwarzkopf. However, West Point is much more than a training school for military leaders; it has always been a national bedrock of values which are best expressed by the Academy's motto, Duty Honor, Country.

West Point graduates have continued to lead and contribute in virtually every profession and walk of life even

after they have left the military. Among these are: engineers like George Goethals who built America's bridges, railroads, highways, and canals; medical doctors, like the late Dr. Thor Sundt of the Mayo Clinic; Presidents Grant and Eisenhower; businessmen like Robert Wood, the CEO of Sears Roebuck; and astronauts like Frank Borman.

Mr. President, the money raised from the surcharges in the bill would be used by the Association of Graduates to provide direct support to the academic, military, physical, moral, and ethical development programs of the Corps of Cadets at the U.S. Military Academy. The Association of Graduates provides important activities and programs for the cadets in hopes of helping each young person adjust to the tough and demanding 4 years at West Point. These activities and programs are not funded by the taxpayers.

Young men and women from all 50 States dream of attending West Point. West Point is perhaps the most competitive and demanding institute of higher learning in our country. Tomorrow, as we participate in Veterans Day activities back in our home State, I hope each of us will think of the young people who choose to attend West Point and dedicate themselves to serving their country instead of attending a conventional college or university.

Mr. President, I urge Congress to support this legislation. The U.S. Military Academy plays a vital role in defending and leading our Nation. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1651

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Military Academy Bicentennial Commemorative Coin Act of 1993".

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall issue not more than 50,000 \$5 coins, which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of the \$5 coins shall be emblematic of the United States Military Academy and its motto "Duty, Honor, Country". On each such coin there shall be a designation of the value of the coin, an inscription of the year "2002", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 250,000 \$1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the \$1 coins shall be emblematic of the United States

Military Academy and its motto "Duty, Honor, Country". On each such coin there shall be a designation of the value of the coin, an inscription of the year "2002", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) HALF DOLLAR CLAD COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 350,000 half dollar coins, each of which shall weigh 11.34 grams, have a diameter of 1.205 inches; and be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) DESIGN.—The design of the half dollar coins shall be emblematic of the United States Military Academy and its motto "Duty, Honor, Country". On each such coin there shall be a designation of the value of the coin, an inscription of the year "2002", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

(a) SILVER BULLION.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(b) GOLD BULLION.—The Secretary shall obtain gold for the coins minted under this Act pursuant to the authority of the Secretary under existing law.

SEC. 4. SELECTION OF DESIGN.

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the Commission of Fine Arts and the Bicentennial Steering Group, Association of Graduates, United States Military Academy. As required by section 5135 of title 31, United States Code, the designs shall also be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF THE COINS.

(a) GOLD COINS.—The \$5 coins authorized under this Act may be issued in uncirculated and proof qualities and shall be struck at the United States Bullion Depository at West Point.

(b) SILVER AND HALF DOLLAR COINS.—The \$1 coins and the half dollar coins authorized under this Act may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) COMMENCEMENT OF ISSUANCE.—The coins authorized under this Act shall be available for issue not later than March 16, 2002.

(d) SUNSET PROVISION.—No coins shall be minted under this Act after December 31, 2002.

SEC. 6. SALE OF THE COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge provided in subsection (d) with respect to such coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of \$25 per coin for the \$5 coins, \$5 per coin for the \$1 coins, and \$1 per coin for the half dollar coins.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

The total surcharges collected by the Secretary from the sale of the coins issued under this Act shall be promptly paid by the Secretary to the Association of Graduates, United States Military Academy to assist the Association of Graduates' efforts to provide direct support to the academic, military, physical, moral, and ethical development programs of the Corps of Cadets, United States Military Academy.

SEC. 9. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Association of Graduates, United States Military Academy as may be related to the expenditure of amounts paid under section 8.

SEC. 10. NUMISMATIC PUBLIC ENTERPRISE FUND.

The coins issued under this Act are subject to the provisions of section 5134 of title 31, United States Code, relating to the Numismatic Public Enterprise Fund.

SEC. 11. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this Act shall result in no net cost to the United States Government.

(b) ADEQUATE SECURITY FOR PAYMENT REQUIRED.—No coin shall be issued under this Act unless the Secretary has received—

(1) full payment therefore;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

By Mr. BENNETT:

S. 1652. A bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

THE GREAT WESTERN TRAIL ACT

Mr. BENNETT. Mr. President, I am introducing today a bill which would direct the U.S. Forest Service, in consultation with the Department of the Interior, to study the Great Western Trail to determine if it should be included in the National Scenic Trail System.

The Great Western Trail promises to deliver some of the greatest outdoor and natural experiences the West has to offer. The trail will be a continuous, multiple-use route from Mexico to Canada. It encompasses a series of existing

trails on mostly public lands running through a Western corridor extending border to border from the northern tip of Idaho to the southern tip of Arizona. Included along its path are recreational opportunities for the entire trails community as it passes through areas rich in Western heritage as well as some of the most spectacular scenery in the world.

Mr. President, the Great Western Trail would provide a positive experience for all users in conjunction with land and resource capability, public safety, and administrative requirements. It is beneficial because it takes advantage of volunteer construction, maintenance, and management of the trail system. The Great Western Trail will become a significant and vital addition to America's system of national trails.

By Mr. BENNETT:

S. 1653. A bill for the relief of the Triax Co., a Utah corporation; to the Committee on the Judiciary.

TRIAx CO. RELIEF LEGISLATION

Mr. BENNETT. Mr. President, I am introducing today a private bill for the relief of the Triax Co., a Utah firm that has provided construction contracting services for the U.S. Government for well over 20 years. In the early 1980's, Triax won a contract for a construction project with the Memphis Naval Air Station in Millington, TN. As the company fulfilled its contract, the Navy made over 20,000 changes to the contract during the course of the work, and Triax lost well over \$2 million as a result. They have brought suit to recover the damages, and the case has now dragged on for 8 years.

On April 28 of this year, a ruling was handed down by Judge Loren A. Smith of the U.S. Court of Federal Claims, in which he acknowledged the Government's moral obligation to Triax, but said, in effect, that the strict application of the law prevented him from meeting that obligation—a somewhat amazing statement, in my opinion.

I do not wish to put words in Judge Smith's mouth, so I will quote his ruling directly. However, in the interest of clarity, I will take words out of his mouth. His opinion was delivered orally and is somewhat rambling and hard to follow, which is why I have taken the liberty of editing it. I am submitting the transcript of Judge Smith's exact words and ask unanimous consent that this document be printed in the RECORD at the conclusion of my remarks.

Mr. President, here is the core of what Judge Smith said, stripped of his side comments:

I would hope that there is some possibility the parties can settle * * * (given) the moral factor that * * * the plaintiff was hurt by the Form A's and the Form B's * * * I think it's the Government's interest to look at things as not only what the legal issues are, but what's the right thing to do * * * I hope that

counsel * * * is committed to doing what is right and just.

I hope there is some possibility of working that out. The Court will be happy to use its good offices to that extent. * * * In this case, I think there are good reasons for settlement.

Mr. President, I find that an incredible statement from a judge who has just ruled that Triax is not going to get anything from the Government. How can counsel do what is right and just when the judge has just told counsel for the Navy that, legally, they do not have to pay Triax a dime. References to the court's willingness to use its good offices to pursue a result that is right and just strike this layman as, in layman's terms, a moral cop-out.

That is why I am introducing this bill. I agree with the judge that it is the "Government's interest to look at * * * the right thing to do," and the right thing to do is to make Triax whole for the damage that it suffered as a result of this contract. This bill will accomplish that purpose.

In addition to righting an acknowledged wrong, this bill will have another effect—it will allow Triax to survive. As I said, the Triax Co. has been in business for over 20 years, employing hundreds of people and providing the U.S. Government with services worth millions of dollars, bidding below its competitors. It is, in Judge Smith's words, "a good contractor," run by "decent and honorable people," who suffered, again in the judge's words, "a legitimate loss. It is a real loss, and I have no reason to believe it was not in the \$2.8 million range."

Mr. President, at this time in the economy, we constantly hear talk of jobs, jobs, jobs. Here we have a firm that is providing jobs, with a track record of solid accomplishment and sound management. By passing my bill, the Government will therefore do two things—right a wrong, which Judge Smith says he is willing to use his good offices to assist, and at the same time, preserve hundreds of jobs. If ever there was justification for a private bill, this combination of circumstances meets the criteria.

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

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

[Transcript]

BENCH RULING BY JUDGE LOREN A. SMITH,
APRIL 28, 1993

The CLERK: The United States Court of Federal Claims is now in session. The Honorable Loren Smith presiding.

The COURT: Please be seated. As counsel have probably talked to you, Mr. Nixon is really the main interested party in the room, so this is kind of a—I guess, Mr. McKay as a witness for the Government, I'm sure is interested, but it's kind of directed to you on the record.

I think counsel talked to you, and it always is, I think, it is important for the Judge to give the decision when the Judge feels most able to do it, and I think the fact that counsel have asked, or it's when they're both wanting to have a bench ruling at this time is good in the sense that The Court feels that it wouldn't have a different decision, it might have a little more articulate decision after several weeks or several months.

On the other hand, I think in fairness to the parties, this case has waited a lot longer than it should have for a decision, and giving it now is probably as good in meeting that need as can be done at this time. The Court also is somewhat sensitive to the fact that if the case is appealed, and the plaintiff chooses to appeal, there's probably an obligation to them, and to the defendant, and to the Federal Circuit to put it a little more coherently. So what I'm doing is this is a tentative Bench Ruling.

I mean, it's not tentative in the sense that the conclusions will change, but it's tentative in the sense that depending on what counsel want to do, and they're going to confer over the next couple of weeks, The Court will be willing to make it a final Bench Ruling, and from The Court's point of view, obviously that ends when otherwise is an additional burden on The Court.

On the other hand, I think that burden owed to the parties and to the Court of Appeals it, indeed, there is a need to appeal. So I leave that really on the recommendation or advice, even if there's a need to appeal, if parties don't feel a need for a written decision, and if the timing is desired to be rapid, I'll consider making this the final decision.

As I said, that's something I'll leave to both counsel to discuss, but I think it's important to the parties to have that discussion.

The other thing that I've suggested to counsel, and obviously have discussed it with clients, is I think there is some argument here that—in fact, not only some, but a significant argument here that the law may mandate one decision, but to the extent that this decision is by no means the classic bright line case, there is some good and logical reasons, I think, for seeing if a settlement can be worked out.

I suggested a figure which counsel mentioned, but I think that's still a worthwhile goal. And I don't suggest that when I think this is all on one side, or another decision. I've had a lot of cases where I would in effect—one of this magnitude where I recommended that the decision should be greater in favor of the contractor.

It was a Navy case as well, and a settlement was worked out, and in others where I felt that the Air Force—it was an Air Force case—where they were willing to give the contractor at the beginning of the trial a sum of money, and I recommended that at the end of the trial, they give them half that. That would be the only thing in settlement I would recommend.

This case, I think, is different. I think this is not the easy 90/10, or more appropriate, I'm surprised at how many 99/1's I get, or 1/99's. This is not that. This is a 40/60, maybe not in terms of how the amount would come out, but at least in terms of the clarity. I feel no discomfort in giving it because 60/40 is a good margin.

On the other hand, this contractor, I think, was a good contractor. The contractor tried his best, as Mr. Snuffer said in oral argument at the end, and I don't have any doubt. I found the witnesses of the contractor credible, and I find them decent and honorable

people who, I think in their best interests, were trying to do the best job possible under our free market system.

However, under the rule of law, that doesn't—it isn't motives or intentions of people that decide the law. The law is what the legal rights are. The best person who invests—they make a bad investment, they lose their money.

The worst person buys a lottery ticket, or buys an unknown stock, and is totally a bad person, if the stock goes, they make money. So that's our basic system. It's not a moral judgment on the person or the fact that the contractor tried his best, and I can do that with my students when I'm teaching law school and I give a certain percentage of points for doing your best.

On the other hand, I don't think, as a judge, it was up to me, probably I couldn't do that. But if it's under my oath, I think I have to decide what the facts show me and what the laws apply. The decision we render will be in favor of the defendants, and it's not, as I said, because there's no loss. I do believe the loss the plaintiff suffered was a legitimate loss. It was a real loss, and I have no reason to disbelieve it was in the two point eight million dollar range.

I don't think that the plaintiff, however, has met its burden of proof of showing that that loss was caused by the Form A's and Form B's. I don't think that in reviewing the evidence—and I've agonized over this case probably more than any other case that I've had in my eight years, partly because of the volume of the case, but partly because it is so much closer to a close issue that at no point did the bad guy or good guy emerge, as often happens, and surprisingly often happens.

You find that the contractor is awful, or the contracting officer just didn't know what they were doing and was outrageous. In this one, that never occurs, and I think Mr. McKay, who is sitting in the room, his testimony was very helpful because I saw him very candidly saying that on the stand when I asked him the question.

He was obviously a very strong Government witness, and yet he had the same quandaries and doubts which I find refreshing that an expert witness admits that often. There's absolutely no doubts. They knew exactly why the contractor or the Government, or whoever they were working for—why the other side messed up.

And he had the same puzzlement that I did, and it may be that there is no cause, but the only way I can grant the plaintiff recovery is if they can prove with preponderance of evidence, that it was the Form A and Form B system, and that just hasn't been done.

One of the statements made frequently by the plaintiff's witnesses, and I think credibly in their own terms—I don't think they were lying, or I don't think they were doing anything other than giving their best testimony—was the flaw of the Form A's and the large number of Form A's. Well, I think that's a fairly common characteristic when there's a problem. You're engulfed by it.

In my other hat, as chief judge manager, you've probably seen me sometimes during a trial come back, and they will come back. I mean, it will come back and say this is outrageous, this conduct of GSA, or the conduct of our people in our own organization, or whatever the particular problem.

It does engulf you, and it does seem terrible, and I've gone through periods when, you know, everything is going badly, and all the people who seem to deal with their incompetence, and you are limited particu-

larly in management of a contract for construction by what we see and experience. And I'm sure there were periods when that added to and affected the managers and colored their testimony.

In fact, I think the facts, however, don't support that. The accounting of Form A's and Form B's, it was not a—become a flood. They would give the impression they were coming in every few minutes. There were one Form A interior for each unit. There was one Form A exterior for not quite all the units. They were for buildings.

There were the Form B's, which generally were relatively short in terms of dollar volume. The magnitude did not compare with the lump sum changes. That's the sort of first sentence.

The second, and I think most powerful bit of evidence that tends to support that is the fact there was a smooth flow, and apparently an ability to schedule after Mr. Barbre and Mr. Bergovoy came forward.

And while I don't think Mr. Vallet was incompetent by any means, I think he was a good project manager, as was Mr. Durst, for whatever the reason is, they couldn't get a handle on the job, and the fact that Mr. Barbre and Bergovoy did; it seems to me, very strong proof that it wasn't the Form A's and Form B's that caused the problem primarily. I mean, they may have played a part in the problem, but that isn't the basis for awarding damages.

I think Mr. Carlson's testimony, to the contrary, was not particularly convincing. I think Mr. Carlson was attempting to do something probably way more sophisticated. His testimony raised surprising questions to The Court of putting all the Form A's and Form B's on the computer and was taking, I think he said, over a year to do that.

Some of the ideas that Mr. McKay suggested seemed to me feasible ways of scheduling the job. Again, the ultimate reinforcement is what Mr. Bergovoy and Mr. Barbre actually did in saying that his is not—Mr. McKay was not just doing this as an expert who's speculating.

The fact that Mr. Bergovoy and Mr. Barbre did do that, and that we did seek to have 80 percent flowing relatively smoothly just is inconsistent with, I think the basic theory the plaintiff puts forward.

Also, the Navy, in their concessions—I've seen cases where I consider the Government, the Navy, and two in particular, a thing of acting outrageously, and acting to a contractor as if the contractor was the enemy, and when the Navy had messed up. And yet, this case, had none of that. Mr. Fulmar was a credible witness. He was, I thought, an excellent witness, and probably my real concern in this case when I read the transcript was Mr. Fulmar's testimony was very powerful then. I found his testimony highly consistent with what he said in the first trial.

I found him to be a good witness, not in the sense of speaking, or demeanor, or those kinds of attitudes, although he wasn't bad in those, but he was a good witness in those, but he seemed to be an outstanding witness for the government in that his credibility was very unshaken.

Mr. Snuffer, as I said, is one of the better counsel I've seen. I don't say that lightly. In this Court, we get an extremely good bar. His cross-examination, I thought, was excellent, and I think it's probably the most powerful tool for finding the truth that humans have yet come up with, and yet, with what I thought was a well wielded tool, he didn't make any significant impacts on Mr. Fulmar's testimony which, to me, indicates

it was highly credible, and his actions were highly consistent.

The few things that were mentioned, the statements that Mr. Fulmar had made, were highly consistent with the manager who again is experiencing the same kinds of frustrations, concerns that Triax managers were their overstatements. That doesn't seem to me to do anything to his credibility.

His administrative conduct was credible, and there were also—I mean, I've said things to my staff that I wouldn't say to a third party because it would be misleading and unfair, but to my staff, I'd say we need this instantly when you really don't need it until the next day, but you know that if you say you need it instantly you'll probably get it before the next day. John being an exception.

The other thing, I guess, which is sort of a secondary reason for looking at the—or supports the conclusion that the burden of proof has not been met were that there were other problems that were raised, to The Court at least, were not rebutted wholly, and help—or further to reinforce The Court's view that the Form A's and the Form B's were not the total problem.

The lump sum mods were probably the first, and the order of magnitude of those was about three times the Form A's and Form B's, and it just was not shown to the extent that the Form A's and Form B's proved a significant impact. The met lump sums would not have proved a much more significant impact.

The problem, at least from the flow of work that The Court was able to analyze—and I think I've chewed on this case more than I've ever done any other case—is that those management—those lump sums fit into a pattern of management problems.

Management problems existed during Mr. Durst and Mr. Vallet's period, not because Mr. Durst or Mr. Vallet were incompetent, but whatever the reason is, they existed. The submittals, some of the labor problems, I don't think it was shown that they caused the impacts of delays. But at least they were indicative that the management wasn't flowing smoothly early in the job.

With respect to labor and efficiencies, maybe that's another aspect of that. They, themselves, were not the problem, but both the management problems that existed undercut the plaintiff's and really convinced The Court, or take away the convincing that the plaintiff has to make that the burden of proof that the plaintiff has, that it was the Form A's and Form B's that caused the problem.

The bid adequacy also raised some questions in The Court's mind. The fact we don't have the bid, the fact that there was a significant loss, labor was significantly higher than the actual trial balance that Mr. Simmons prepared was almost three—not quite three times what it had been estimated to be, two-and-a-half times.

And that really relates to the management of labor, given the amount of Form A and Form B work, The Court does not think the explanation that this was called caused by the Form A and Form B explains those labor problems.

There's some other issues that are somewhat peripheral, but I think they've been raised, so no need to give maybe quick reasons. That's the core of the opinion. I don't believe that the plaintiff has met its burden in proving the Form A and Form B's were the problem, and in fact, the evidence into The Court indicates they weren't the primary problem, although it is also The

Court's believe that they did impact negatively on the plaintiff, which is again why I suggested that there are reasons for settling this case on the basis of fairness.

The site visit, I don't think, was a problem. The plaintiff—none of the impact the plaintiff had on the contract—or the site visit—let me rephrase that. The Government alleged that the failure to make the site visit was a contributing cause. I don't think that's true in any way.

As Mr. McKay admitted, and I think it enhanced his credibility, he admitted that same thing, and I thought, again, that that reinforced his analysis. A site visit was what I had indicated before in the sense of a red herring. Mod 7 is a closer call, but I think it seems to be clear that the Plaintiff did not into an accord and satisfaction.

I did have some questions about Mr. Barbre's testimony as being a little bit inconsistent on citing Mod 7, but I don't think we needed to get to that. It was clear that all through this, the plaintiff was engaged in a controversy, but before Mod 7 and after Mod 7, it's just not credible that Mod 7 was intended to work in accord and satisfaction.

The issues of shop submittals, and the various quality problems that were raised as possible causes, again by the Government of the problems, I don't think there was any proof that the shop submittals significantly delayed the project nor the quality problems. On the other hand, they do win further support that the problem was management at the job site and not at least in the early part of the contract, at the job site rather than Form A and B's.

Some other things in that same category were stealing. I didn't see any indication that there was anymore stealing on this project, or anymore drunkenness, or anymore absenteeism than there are on other construction projects, and those were not the causes.

And I guess, frankly, The Court is not still a hundred percent sure what the causes were, but it has to make a decision on the plaintiff's burden of proof, and The Court believes the plaintiff has not met its burden of Proof that Form A and Form B system was the cause, and in fact, it feels fairly, I guess, strongly that the Government has proven that that wasn't the sole cause, or even the primary cause.

One of the things that was cited in a lot of the testimony, so I should comment on it, is the fact that the plaintiff was an experienced and successful renovation contractor. And I think that was proven. There was support for that. It was a credible position and I saw no evidence to really disprove that; in fact, some to support that.

On the other hand, that can't count as the same kind of weight that certain other types of past practice count as when we're dealing with documents. The fact that one has processed 50,000 documents in a certain way puts very strong evidence on the fact that the document in question was processed the same way, and that's almost proof itself. In fact, in the Federal Rules of Evidence in the business records area, and the burden is totally on the other side to prove that wasn't the case.

In this kind of situation, however, it seems the fact that plaintiff was a successful and competent contractor and its officials and people were competent can't count very much as proof, in this case, it was competent simply because even the best companies make bad mistakes, or miscalculations, or do things that are not what you would expect, and that isn't a way that a court can

judge something because the contractor is a good contractor that counts as a significant part of evidence in the case.

I mean, maybe if there were 50,000 contracts and this is the first one that anything went bad with, you're starting to get to the business records level of certainty. Given the history of Triax, if one was evaluating it to hire it as a contractor, it would certainly count for a lot, and I think it's a competent contractor.

To the extent that that proves that it didn't make either mistakes in its bid, or mistakes in the management of the job, that doesn't count for much weight because the fact that you've had 20 contracts that have been well run doesn't mean that one out of 20 a mistake is bad.

These are tragic mistakes and crazy people, although it can cost a great deal of money, but they're mistakes that were made in bidding, which is a complex thing, or a mistake in the general management of a job.

I'm still puzzled by the loss, why it became as great as it was and had the impact it had on the Plaintiff. I don't know the answer to that. I guess that's one of the things that's probably most disturbing to me because I think the worst thing as a judge that you can do is if there's any harm to a party, that they don't deserve to suffer, you want to remedy that harm.

You want to provide that party with redress. I guess that's what courts are for, in general, and in the specific instance when we can't do that, it's always unsettling. I mean, I hate to—hate is maybe too strong of a word. I find it very tough to issue a decision on the Statute of Limitations question when the party looks like it's clearly entitled to the relief, but for the Statute of Limitations question.

But that, after all, is the role of the law. It's not—if we wanted just to appear whenever the person is right and good, we wouldn't have rules like the Statute of Limitations, or other structural rules. So you don't, when there is real harm that's legally been suffered and to which the parties should not legally have to suffer, it's very hard not to give relief.

And that's why, I guess, I've agonized over it as much, but I just have not been able to seem that that harm was caused by the Form A and Form B primarily, or that the burden of proof was met to show that that was the cause, and therefore, I have to enter judgment in favor of the defendant.

I would hope that there is some possibility the parties can settle, or obviously the possibility of an appeal, and so I think the moral factor that I think the plaintiff was hurt by the Form A and Form B's, and therefore, in looking at this, as I think it's the Government's interest to look at things as not only what the legal issues are, but what's the right thing to do, and I hope that counsel—encouraging to me that the counsel in this case on both sides, I thought very reasonable on both sides, is committed to doing what is right and just.

I hope there is some possibility of working that out. The Court will be happy to use its good offices to that extent and as I said, I have not been hesitant in the past about telling when I think settlement is appropriate of caving in, or when settlement is appropriate of giving the party, not even the money they retained from them because the parties acted egregiously, and in this case, I think there are good reasons for settlement.

I thank both counsel and all the witnesses, and I think that The Court has been well served by its counsel.

By Mr. INOUE:

S. 1654. A bill to make certain technical corrections; to the Committee on Indian Affairs.

INDIAN LAND AND WATER CLAIMS TECHNICAL CORRECTIONS ACT OF 1993

Mr. INOUE. Mr. President, I rise to introduce a bill to provide technical amendments to certain laws enacted to resolve Indian land and water claims against the Federal Government and for other purposes.

I ask that the bill and the explanation of amendments be printed in the RECORD.

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

S. 1654

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

SECTION 1. NORTHERN CHEYENNE INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) ENVIRONMENTAL COSTS.—Section 7(e) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374, 106 Stat. 1186 et seq.) is amended by adding at the end thereof the following new sentences: "All costs of environmental compliance and mitigation associated with the Compact, including mitigation measures adopted by the Secretary, are the sole responsibility of the United States. All moneys appropriated pursuant to the authorization under this subsection are in addition to amounts appropriated pursuant to the authorization under section 7(b)(1) of this Act, and shall be immediately available."

(b) AUTHORIZATIONS.—The first sentence of section 4(c) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374; 106 Stat. 1186 et seq.) is amended to read as follows: "Except for authorizations contained in subsections 7(b)(1)(A), 7(b)(1)(B) and 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section."

(c) EFFECTIVE DATE.—The amendments made by this section shall be considered to have taken effect on September 30, 1992.

SEC. 2. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992

(a) AMENDMENT.—Section 3704(d) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (Public Law 102-575) is amended by deleting "reimbursable" and inserting in lieu thereof "nonreimbursable".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on October 30, 1992.

SEC. 3. TRIBALLY CONTROLLED COMMUNITY COLLEGES.

The part of the text contained under the heading "BUREAU OF INDIAN AFFAIRS", and the subheading "OPERATION OF INDIAN PROGRAMS", in title I of the Department of the Interior and Related Agencies Appropriations Act, 1994, which reads "Provided further, That any funds provided under this head or previously provided for tribally controlled community colleges which are distributed prior to July 1, 1994 which have been or are being invested or administered in compliance with section 331 of the Higher Education Act shall be deemed to be in compliance for current and future purposes with

title III of the Tribally Controlled Community Colleges Assistance Act." is amended by deleting "section 331 of the Higher Education Act" and inserting in lieu thereof "section 332(c)(2)(A) of the Higher Education Act of 1965".

SEC. 4. WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985.

Section 7 of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended by adding at the end thereof the following:

"(f)(1) The Secretary is authorized to make a one-time deletion from the second list published under subsection (c) or any subsequent list published under subsection (e) of any allotments or interests which the Secretary has determined do not fall within the provisions of subsection (a) or (b) of section 4, or subsection (c) of section 5, or which the Secretary has determined were erroneously included in such list by reason of misdescription or typographical error.

"(2) The Secretary shall publish in the Federal Register notice of deletions made from the second list published under subsection (c) or any subsequent list published under subsection (e).

"(3) The determination made by the Secretary to delete an allotment or interest under paragraph (1) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota."

EXPLANATION OF AMENDMENTS

Section 1 clarifies provisions regarding funding and responsibility for environmental compliance associated with the repair and enlargement of Tongue River Dam. The amendment is a revised version of Senate language that was deleted from the Energy and Water Appropriations bill while in conference following receipt of an objection from the Administration. The committee understands that the revised language is acceptable to the Administration.

The Northern Cheyenne Settlement Act ratifies a Water Rights Compact negotiated by the Tribe, the State of Montana, and federal representatives. The Act and the Compact provide for the United States and Montana to fund jointly the work on the currently unsafe Tongue River Dam. All of the additional water resulting from the enlargement would benefit the Tribe.

Section 7(b) of the Act authorizes \$31.5 million in federal appropriations through fiscal year 1997 for the dam project. \$700,000 is authorized for each of fiscal years 1993 and 1994; however, Section 4(c) of the Act conditions the effectiveness of the remaining authorizations on the Montana water court's entering and approving a settlement decree.

Section 7(e) contains a separate authorization for "such sums as are necessary" for fiscal year 1993 and each fiscal year thereafter, "to carry out all necessary environmental compliance associated with the Compact, including mitigation measures adopted by the Secretary (of the Interior)".

After the settlement was enacted, it became apparent that the State and Interior's representatives held different views regarding the settlement's provisions regarding environmental compliance. To clarify the mat-

ter, the Montana delegation and Senators Inouye and McCain, in a February 24, 1993, letter to Secretary Babbitt, wrote:

"Environmental compliance due to the raising of the reservoir is clearly a federal responsibility since all additional storage has been allocated to the Northern Cheyenne Tribe. The intent of the legislation is to authorize funding for environmental compliance in addition to the funding for project construction contained in Section 7(b). The Congressional Budget Office estimate of total authorizations contained in both the House and Senate Committee reports for P.L. 102-374 reflects this intent".

To clarify this intent in the statute and to authorize federal reimbursement to Montana prior to the water court's issuing a settlement decree, the Senate added language to the Fiscal 1994 Energy and Water Appropriations bill. Regrettably, the proposed language inadvertently eliminated the Section 4(c) condition that the Montana water court decree must be issued before the authorizations of 1995 through 1997 fiscal year funding become effective. The Administration objected, and the language was dropped.

The revised amendment is intended to accomplish three purposes: (1) to amend section 7(e) to make clear that all costs of environmental compliance and mitigation associated with the Compact, including mitigation measures adopted by the Secretary, are the sole responsibility of the United States; (2) to make clear that section 7(e) environmental compliance funds are authorized in addition to funds authorized in section 7(b)(1) for the Tongue River Dam project; and, (3) to amend section 4(c) to make clear that section 7(e) funds can be expended prior to the Montana water court's issuance of a settlement decree.

Sec. 2 would correct an error in the text of the San Carlos Apache Tribe Water Rights Settlement Act, Title 37 of the Omnibus Reclamation amendments, P.L. 102-575, 106 Stat. 4600, by changing the word "reimbursable" in the last sentence of subsection 3740(d) to "nonreimbursable". Failure to correct this error could jeopardize implementation of the settlement.

The Central Arizona Water Conservation District (CAWCD), which operates the Central Arizona Project (CAP), charges contractors of municipal and industrial category water for a portion of the CAP's construction cost, together with a share of operation and maintenance costs, for each acre-foot of water. Construction costs for the Indian category water are deferred under the Leavitt Act and are not a reimbursable cost for the CAWCD. Where the parties to Arizona water rights settlements have agreed that some amount of CAP non-Indian M&I water will become Indian water, the obligation to pay construction costs associated with that water ceases to be a reimbursable obligation of the CAWCD and becomes a deferred obligation of the United States (operation and maintenance costs are usually paid by the tribe or by its lessees).

Subsections (a), (c) and (d) of Section 3704 each provide for reallocating CAP water from the M&I category to the Indian category. The last sentence of each subsection is intended to make clear, in identical language, that with the reallocation the CAWCD shall no longer be obligated to pay any construction costs associated with that water. The last sentence of subsections (a) and (c) read as follows:

"The Secretary (of the Interior) shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP

(Central Arizona Project) as provided in Article 9.3 of contract No. 14-0906-09W-09245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be *nonreimbursable*." (emphasis added)

Inexplicably, the last word of the same sentence in subsection (d) appeared in the final version of the act as "reimbursable". The amendment would change it to "non-reimbursable" as intended by the committee and all parties to the settlement. Without the change, the subsection does not make sense and as such would operate to deny the Tribe the opportunity to lease or otherwise benefit from the water.

Sec. 3 corrects a citation in the Department of the Interior and Related Agencies Appropriations Act, 1994, to conform with the intention stated by the Interior Appropriations Subcommittee in S. Rept. 103-114 to "continue to permit the investment of tribal colleges' endowment funds in Government securities, rather than in federally insured banks or savings and loan institutions." The corrected citation will accomplish this intention. The citation struck, Section 331 of the Higher Education Act of 1965, was repealed by P.L. 102-325.

Sec. 4 corrects problems that have arisen as a result of the publication of the identification of parcels of land in the Federal Register. Pursuant to the Act, there have been a number of parcels of land listed in the Federal Register as consisting of allotments or interests therein which had been determined to fall within one or more of the provisions food Sections 4(a), 4(b) or 5(c) of the Act but which determinations were, in fact, erroneous. These erroneous determinations occurred for a variety of reasons, including simple typographical errors in the land descriptions. The majority of the parcels, however, were determined to qualify under the Act based on information thought to be complete at the time, but upon receipt of additional information, such as precise birth dates of allottees or heirs, they have subsequently been determined not to qualify.

Because listing of a parcel in the Federal Register pursuant to Section 7 of the Act requires that a compensation determination be made with respect to moneys owned for loss of that allotment or interest therein, it is necessary to delete those parcels as to which compensation is not owed. There is currently no authorization to correct errors previously made or to delete parcels erroneously included on previous lists.

It is also necessary to limit the ability to make such deletions, so that there will be no uncertainty with respect to the title clearing benefits of previous publications. It is also necessary, however, to permit a limited time within which to challenge inclusion of a parcel on the list of deletions to be published in the Federal Register, in the event anyone with an interest in a given parcel has relied on a previous listing, possibly to his detriment.

By Mr. JEFFORDS:

S. 1655. A bill to reform certain statutes regarding civil asset forfeiture; to the Committee on the Judiciary.

CIVIL ASSET FORFEITURE REFORM ACT

• Mr. JEFFORDS. Mr. President, I introduce the Civil Asset Forfeiture Reform Act [CAFRA]. This bill would reform certain statutes to make the procedures used in connection with civil

asset forfeiture proceedings more equitable.

Many Vermonters who saw the "60 Minutes" program or any of the many other media reports on this topic over the past few years were surprised to learn about the mere existence of forfeiture laws. Further, they were shocked and dismayed by the abuses which these reports have documented. I suspect that they are like most Americans in this. Those who have contacted me opposing these laws did so primarily because of the devastating psychological impact that the confiscation of homes can have on the innocent children who live in them.

In the State of Vermont, this issue has been widely discussed in connection with the case of the Manning family. The Manning parents were accused, and eventually convicted, of Federal drug violations. The Government also commenced a civil forfeiture action against the Manning's sole asset, the farm on which they lived with their four children. I was active in the Manning case in attempting to get the U.S. attorney to think in terms of a trust for the kids and to allow them to continue living on the farm even if confiscated. That idea has been adopted and proceedings to establish the beneficial trust for the children are now almost complete. However, achieving that result required extraordinary efforts on the part of a large number of people. The need for all that extra effort would be unnecessary if the reforms contemplated in this bill are enacted.

Mr. President, the idea of the Government confiscating assets that drug traffickers and other criminals have used in connection with their criminal enterprises, or bought with their ill-gotten profits, is a good one. I do not want to hinder the legitimate pursuit of this objective. The value of these seizures in 1992 was over half a billion dollars. Those funds are available for use by Federal, State, and local law enforcement agencies in their continuing efforts to fight crime, and this is good.

However, the problem is that too often the property or cash taken are not owned by criminals, but by parties innocent of any crime. As much as 80 percent of the people whose property is seized are never charged with, let alone convicted of, a crime. Further, because forfeiture is a civil proceeding, not a criminal one, the seizure process is easily accomplished by the Government, but is extremely difficult for the property owner to reverse.

We should be able to accomplish these goals without trampling on the rights of innocent citizens or creating perverse incentives for law enforcement officers to cross the lines of propriety and engage in the types of abuses which increasingly have been disclosed in the media.

The bill which I introduce today, Mr. President, was first offered in the

House of Representatives by my good friend and colleague Representative HENRY HYDE. I give him full credit for advancing this issue as he has in the other body. Further, it gives me great pleasure that we share our views on this issue and share the support of the American Civil Liberties Union and the National Association of Criminal Defense Lawyers. I see this as strong indication that those across the political spectrum can see gross injustice which can result from civil asset forfeiture and take action to address the need for reform.

Mr. President, I have spoken with the distinguished chairman and ranking member of the Judiciary Committee regarding my interest in this matter, and they have agreed to work with me in pursuing legislative reforms to address the abuses which exist. I thank them for their cooperation and look forward to working with them and our other interested colleagues to advance this legislation.

The terms of the bill are relatively simple, and its objectives are modest at best. I hope that my colleagues will give it the serious consideration which it deserves, and I invite those of you who are like-minded on this issue to join me in sponsoring this measure.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 1655

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Asset Forfeiture Reform Act".

SEC. 2. LIMITATION OF CUSTOMS AND TAX EXEMPTION UNDER THE TORT CLAIMS PROCEDURES.

Section 2680(c) of title 28, United States Code, is amended by striking "law-enforcement officer" and inserting "law enforcement officer, except that this chapter and section 1346(c) shall apply to a claim based on the negligent destruction, injury, or loss of goods or merchandise (including real property) while in the possession of an officer of customs or excise or any other law enforcement officer".

SEC. 3. LONGER PERIOD FOR FILING CLAIMS IN CERTAIN IN REM PROCEEDINGS.

Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims to the Federal Rules of Civil Procedures (28 U.S.C. App.) is amended by striking "10 days" and inserting "60 days".

SEC. 4. CLAIM AFTER SEIZURE.

Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended to read as follows:

"SEC. 608. SEIZURE; CLAIMS; REPRESENTATION.

"(a) IN GENERAL.—

"(1) FILING OF CLAIM.—At any time within 60 days after the date on which a notice of seizure is first published, a person who claims a vessel, vehicle, aircraft, merchandise, or baggage seized under a law described in section 605 may file with the appropriate

customs officer a claim stating the person's interest in the property.

"(2) CONDEMNATION.—On filing of a claim under paragraph (1), the customs officer shall transmit the claim, with a duplicate list and description of the articles seized, to the United States attorney for the district in which the seizure was made, who shall proceed to a condemnation of the merchandise or other property in the manner prescribed by law.

"(b) COURT-APPOINTED COUNSEL.—

"(1) IN GENERAL.—If a person filing a claim under subsection (a), or a claim regarding property seized under another law that incorporates by reference the seizure, forfeiture, and condemnation procedures of the customs laws, is financially unable to obtain representation of counsel, the court may appoint appropriate counsel to represent the person with respect to the claim.

"(2) COMPENSATION.—(A) The court shall set the compensation for counsel appointed under paragraph (1) in an amount that is equivalent to that provided for counsel appointed under section 3006A of title 18, United States Code.

"(B) Compensation of counsel appointed under paragraph (1) shall be paid from the Justice Assets Forfeiture Fund established under section 524 of title 28, United States Code."

SEC. 5. BURDEN OF PROOF IN FORFEITURE PROCEEDINGS.

Section 615 of the Tariff Act of 1930 (19 U.S.C. 1615) is amended to read as follows:

"SEC. 615. BURDEN OF PROOF IN FORFEITURE PROCEEDINGS.

"(a) IN GENERAL.—In a suit or action described in subsection (b), the burden of proof is on the Government to establish by clear and convincing evidence that the property is subject to forfeiture.

"(b) SUITS AND ACTIONS DESCRIBED.—A suit or action is described in this subsection if it is—

"(1) a suite or action (other than a suit or action arising under section 592) brought for the forfeiture of a vessel, vehicle, aircraft, merchandise, or baggage seized under any law relating to the collection of duties on imports or tonnage; or

"(2) a suit or action brought for the recovery of the value of any vessel, vehicle, aircraft, merchandise, or baggage, because of a violation of that law."

SEC. 6. RELEASE OR SEIZED PROPERTY FOR SUBSTANTIAL HARDSHIP.

Section 614 of the Tariff Act of 1930 (19 U.S.C. 1614) is amended—

"(1) By inserting "(a) RELEASED UPON PAYMENT.—" before "If"; and

"(2) by adding at the end the following new subsection:

"(b) RELEASE OF SEIZED PROPERTY FOR SUBSTANTIAL HARDSHIP.—

"(1) REQUEST FOR RELEASE.—(A) A claimant is entitled to immediate release of seized property if continued possession by the Government would cause the claimant substantial hardship.

"(B) A claimant seeking release of property under this subsection shall—

"(i) request possession of the property from the appropriate customs officer; and

"(ii) state in the request the basis for such release.

"(2) CIVIL ACTION.—(A) If, within 10 days after the date on which a request is made under paragraph (1), the subject property has not been released, the claimant may file a complaint in any district court that would have jurisdiction over forfeiture proceedings relating to the property.

"(B) A complaint under subparagraph (B) shall state—

"(i) the nature of the claim to the seized property;

"(ii) The reason why the continued possession by the United States Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant; and

"(iii) the steps that the claimant has taken to secure release of the property from the appropriate customs officer.

"(3) RETURN OF PROPERTY.—If a complaint is filed under paragraph (2), the district court shall order that the property be returned to the claimant, pending completion of proceedings by the United States Government to obtain forfeiture of the property, if the claimant shows that—

"(A) the claimant is likely to demonstrate a possessory interest in the seized property; and

"(B) continued possession by the United States Government of the seized property is likely to cause substantial hardship to the claimant.

"(4) CONDITIONS. The court may place such conditions on release of the property as the court finds are appropriate to preserve the availability of the property or its equivalent for forfeiture.

"(5) TIME FOR DECISION.—The district court shall render a decision on a complaint filed under paragraph (2) no later than 30 days after the date of the filing, unless such 30-day limitation is extended by consent of the parties or by the court for good cause shown."

SEC. 7. JUSTICE ASSETS FORFEITURE FUND.

Section 524(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "law enforcement";

(B) by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively; and

(C) by inserting after subparagraph (G) the following new subparagraph:

"(H) payment of court-awarded compensation for representation of claimants pursuant to section 608(b) of the Tariff Act of 1930;"; and

(2) in paragraph (9)(A), by striking "(H)" and inserting "(I)".

SEC. 8. CLARIFICATION REGARDING FORFEITURES UNDER THE CONTROLLED SUBSTANCES ACT.

Section 511(a)(7) of the Controlled Substances Act (21 U.S.C. 881(a)(7)) is amended by striking "without the knowledge or consent of that owner" and inserting "either without the knowledge of that owner or without the consent of that owner".

SEC. 9. APPLICABILITY.

The amendments made by this Act apply with respect to claims filed under section 608 of the Tariff Act of 1930 and suits and actions filed under section 615 of that Act on or after the date of enactment of this Act.

SUMMARY: CIVIL ASSET FORFEITURE REFORM ACT

What Does the Civil Asset Forfeiture Reform Act (CAFRA) Do?

1. Switches the Burden of Proof:

Currently, the property owner, not the government, must meet the burden of proof when her or she tries to get property back. All the government needs to do is make an initial showing of probable cause that the property is "guilty"; the property owner must then establish by a preponderance of the evidence that the property is innocent or otherwise not subject to forfeiture.

"This probable cause standard for seizure allows the government to dispossess property owners based only upon hearsay or innuendo—'evidence' of insufficient reliability to be admissible in courts of law." Reed, American Forfeiture Law: Property Owners Meet the Prosecutor 3 (CATO Institute Police Analysis No. 179, 1992).

While it has been argued that civil forfeiture is criminal (punitive) in nature and, therefore, should require the government to prove its case, courts have not accepted this argument. See Stahl, Asset Forfeiture, Burdens of Proof and the War on Drugs, 83 J. Crim. L. & Criminology 274 (1992).

CAFRA switches the burden of proof to the government. It would have to prove by clear and convincing evidence that the property is subject to forfeiture—that the unlawful act on which the forfeiture is based actually occurred and that there is a sufficient nexus between the property and the unlawful act. [The bill amends 19 U.S.C. Sec. 1615 because most federal forfeiture statutes rely on this provision of the customs law to set the burden of proof in forfeiture proceedings.]

The clear and convincing evidence standard is used by the State of New York in its drug forfeiture law. See New York CPLR Sec. 1311(3). It is also the standard that the Supreme Court of Florida ruled was mandated by the due process clause of that State's constitution:

"In forfeiture proceedings the state impinges on basic constitutional rights of individuals who may never have been formally charged with any civil or criminal wrongdoing. This Court has consistently held that the [Florida] constitution requires substantial burden of proof where the state action may deprive individuals of basic rights."—*Department of Law Enforcement v. Real Property*, 588 So.2d 957, 967 (Fla. 1991).

2. Provides Counsel for Indigent Property Owners:

Currently, there is no effective right to appointed counsel in civil forfeiture cases. (Before *Lassiter v. Department of Social Services*, 452 U.S. 18 (1981), a constitutional right to appointed counsel was only recognized in cases where a litigant might lose his or her physical liberty. While *Lassiter* set up a balancing test in other situations, the Alaska Supreme Court in *Resek v. State*, 706 P.2d 288 (Alaska 1985), rejected the argument that counsel should be appointed in civil forfeiture cases.)

CAFRA would provide representation for counsel for whomever is financially unable to obtain representation to challenge a federal civil forfeiture. Maximum compensation would not exceed \$3500 per attorney for representation at the district court level, and \$2500 per attorney for appellate court representation. [These sums are equivalent to the maximums for appointed counsel in federal felony cases. See 18 U.S.C. Sec. 3006A(d)(2).]

Further, in cases of "extended or complex" representation, waivers may be obtained from the chief judge of the circuit for payments in excess of the minimums. 18 U.S.C. 3000A(d)(3). Money for this purpose will come from the Justice Assets Forfeiture Fund. 21 U.S.C. 881(a)(7).

3. Protects Innocent Real Property Owners:

Real property used or intended to be used in any manner to commit or facilitate a federal drug crime is forfeitable unless the violation was "committed or omitted without the knowledge or consent of [the] owner. 21 U.S.C. Sec. 881(a)(7). This language is meant to protect innocent owners. However, a num-

ber of federal courts have seriously eroded the provision's protections by ruling that the owner must both have had no knowledge of and provided no consent to the prohibited use of the property. See e.g., *United States v. Lot 111-B, Tax Map Key 4-4-03-71(4)*, 902 F.2d 1443 (9th Cir. 1990).

This interpretation of Sec. 881(a)(7) would mean that property owners like Jesse Bunch would be out of luck. Mr. Bunch owned a bar and residential apartments in a highly active drug trafficking area. He did know of the drug selling activity, but took many steps to prevent it. He fired two bartenders after they were arrested at the bar for drug violations, evicted two residents following their arrests, restricted use of the restrooms, posted signs advising patrons that they were subject to search and seizure, restricted the bar's hours of operations and periodically called police to report drug activity in the vicinity of his property. However, the drug activity continued and his property was seized by the government. See *United States v. All Right, Title & Interest in Property Known as 710 Main Street, Peekskill, N.Y.*, 744 F. Supp. 510 (S.D.N.Y. 1990).

Luckily for Mr. Bunch, the court ruled that he was protected by the innocent owner defense because of his lack of consent to the illegal drug trafficking and his reasonable efforts to put it to an end. "Mr. Bunch, who was trying to eke out an income from a business located in a drug-infested area that posed great risks to the safety of him and his family * * * fulfilled his legal obligation." *United States v. All Right, Title & Interest in Property Known as 710 Main Street, Peekskill, N.Y.*, 753 F. Supp. 121, 125 (S.D.N.Y. 1990). This is only fair and should be the proper interpretation of the innocent owner defense. CAFRA would clarify that lack of consent to (including reasonable efforts to prevent) illegal activity is a valid defense to forfeiture by a property owner.

4. Eliminates the Cost Bond Requirement:

Under current law, a property owner wanting to contest the seizure of property must post a bond in the amount of the lesser of \$5000 or 10% of the seized property's value (but not less than \$250). 19 U.S.C. Sec. 1608. This money is to cover court and storage costs should the government win. The cost bond requirement is unconstitutional as applied to indigent claimants. See *Wren v. Eide*, 542 F.2d 757, 763-64 (9th Cir. 1976). Further, it serves little purpose in other cases.

There is no reason that a person whose property is seized by the government should have to post a bond to defray the government's litigation and storage expenses in order to have a right to day in court to contest forfeiture. This requirement, along with the high cost of obtaining legal counsel, is a prime reason why so many forfeitures are not contested.

CAFRA would abolish this cost bond requirement.

5. Provides a Reasonable Time for Challenging a Forfeiture:

Under current law, a property owner wanting to challenge a forfeiture must "file his claim with 10 days after process has been executed." Supp. Rule of Civil Procedure for Certain Admiralty and Maritime Claims C(6). [This is the date when a U.S. court takes possession of the property through "arrest" by a federal marshal, not the date of initial seizure by a law enforcement officer.] This time period is woefully inadequate.

"Even assuming that notice is published the next day after process is executed, the reader of the notice will have a mere nine

days to file a timely claim. Most local rules require that notice be published for three consecutive weeks, on the assumption that interested parties will not necessarily see the first published notice. But by the time the second notice is published, more than ten days will have elapsed from the date process was executed. Thus anyone who misses the first published notice will be unable to comply with the exceedingly short time limitation for filing a claim."—Smith, Prosecution and Defense of Forfeiture Cases Sec. 9.03(1).

Even though this time limit is sometimes ignored in the interests of justice, failure to file a timely claim can result in judgment in favor of the government.

CAFRA would lengthen this period to 60 days.

6. Provides a Remedy for Property Damage Caused by Government Negligence:

Under current law, the federal government is exempted from liability under the Federal Tort Claims Act for damages caused by negligent handling or storage of property detained by law enforcement officers. See *Kosak v. United States*, 465 U.S. 848 (1984).

"Seized conveyances devalue from aging, lack of care, inadequate storage, and other factors which awaiting forfeiture. They often deteriorate—engines freeze, batteries die, seals shrink and leak oil, boats sink, salt air and water corrode metal surfaces, barnacles accumulate on boat hulls, and windows crack from heat. On occasion, vandals steal of seriously damage conveyances."—United States Gerald Accounting Office, Better Care and Disposal of Seized Cars, Boats, and Planes Should Save Money and Benefit Law Enforcement ii (GAO/PLRD-83-94, 1983).

Vacant and boarded-up real property is especially subject to deterioration. Further, government agents sometimes destroy seized property in the futile searches for contraband goods.

CAFRA would simply allow property owners to sue the government for negligent damage to their property.

7. Allows for the Return of Property Pending Final Disposition of a Case:

Under current law, seized property can be released pending the outcome of a case upon payment of a full bond (*i.e.*, the case value of the property). See 19 U.S.C. Sec. 1514. However, a property owner who cannot afford to secure such a bond is out of luck. In cases where the property is used in a business, its lack of availability for the extended time necessary to win a victory in court can force an owner into bankruptcy. Often, the property owner must settle with the government, even where the government's case is weak, merely to regain active use of the property.

CAFRA specifies that property can be released if continued possession by the government would cause the claimant substantial hardship. However, such conditions may be placed on release as are necessary and appropriate to preserve the availability of the property (or its equivalent) for forfeiture should the government eventually prevail.

CAFRA Does Not Affect State Asset Forfeiture Laws.

At least 45 states have adopted their own forfeiture laws. CAFRA would not directly affect these statutes. However, the bill would discourage the practice known as "adoptive forfeitures." Under this practice, state law enforcement officers seize property under state law and bring it to a federal agency for federal forfeiture (provided that violation of a federal statute is alleged to have occurred and the property is forfeitable under federal law). The feds then return 85% of the net proceeds to the state or local agency that initi-

ated the case. Adoptive forfeiture is often relied upon to circumvent state laws allocating forfeited assets to non-law enforcement uses. For example, in Missouri, all forfeited funds go to the state's general fund. See Mo. Ann. Stat. 513.623. Since CAFRA would make the procedural going rougher for the government in federal court, many state officials would presumably decide to stick with their state courts. The result would be more money going to education, drug treatment, and other services funded by forfeiture under state laws.

Enactment of CAFRA would also take away the ability of state law enforcement officials to seize property under federal law to get around state procedural safeguards.●

By Mr. BENNETT (for himself and Mr. SIMON):

S. 1656. A bill to amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes; to the Committee on the Judiciary.

FEDERAL FIREARMS LICENSE REFORM ACT OF 1993

Mr. BENNETT. Mr. President, I rise today to introduce the Bennett Simon bill on Federal firearms license reform and to clarify the intent of the legislation. The legislation I am introducing today makes improvements in the application process for a Federal firearms license and tightens some of the parameters for conducting a legitimate retail firearms business. The changes that will occur upon the enactment of this legislation will in no way hamper or restrict the ability of a federally licensed dealer to conduct business as usual. Indeed, the intent of this legislation is to codify the accountability of responsible dealers—in effect, these changes will be little noticed by legitimate and responsible firearms dealers.

It has been brought to my attention that allegations of harassment on the part of the Bureau of Alcohol, Tobacco and Firearms [BATF] in the past have made many responsible small gun shop owners leery of the agency established to monitor and regulate the sale of guns in our country. While this legislation includes a provision which will allow BATF additional flexibility in conducting a compliance inspection associated with the trace of a gun used in committing a crime, it is in no way our intent to give free rein to BATF to conduct unmerited compliance inspections on legitimate and responsible gun dealers. I believe that many of my colleagues in this body would join me in condemning such harassment by the Federal Government. Again, I wish to reiterate, the intention of this amendment is to strengthen current law in an effort to improve the Federal Firearms License Program.

I also want to acknowledge the leadership of my distinguished colleague, Senator PAUL SIMON, for his assistance in working out the issues contained in this legislation.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 1658. A bill to establish safe harbors from the application of the anti-trust laws for certain activities of providers of health care services, and for other purposes; to the Committee on the Judiciary.

THE HEALTH CARE ANTITRUST IMPROVEMENTS ACT OF 1993

Mr. HATCH. Mr. President, there have been dramatic changes in the health care marketplace since I came to the Congress.

We have seen the government encourage hospital construction, with Federal aid from the Hill-Burton Program.

And, we have seen the government encourage hospital closures and consolidations, with the pressures for efficiency forced by the Prospective Payment System and other Medicare reimbursement changes.

We have seen the government work to limit the flow of technological advances to the marketplace, with implementation of the Health Planning and Resources Development Act, Public Law 83-641.

And, we have seen the government recognize that consumers want and need access to the latest medical technology breakthroughs. As a matter of fact, I helped lead the efforts in 1986 to repeal the health planning.

We have seen the government encourage the education of health care providers, with programs such as the National Health Service Corps, graduate medical education under Medicare, and the health manpower programs authorized in title VII of the Public Health Service Act.

And we have seen Federal support for those programs cut back as resources dwindled in the 1980's and 1990's, and as oversupplies of certain specialties led to inefficient use of precious health care resources.

We have seen doctors, hospitals, and other providers band together to build efficient, cost-effective delivery systems which extend services to our citizens, especially those who live in the most underserved rural and urban areas.

And we have seen the long arm of the Justice Department and the Federal Trade Commission reach down to stymie the most effective of those collaborations, in all areas of our country, large and small.

Evolution of the health care marketplace will continue, and should continue, with or without a dramatic restructuring of our health care system. Effective and creative alliances will be forged between all types of health care providers in all areas of this country.

I believe that government should be a catalyst for such alliances, rather than an impediment to their formation. I believe that it is the function of government to foster the provision of quality health care services, rather than to

concoct burdensome mandates and other disincentives which drive up the cost of care and price it out of the marketplace for many.

Today Senator THURMOND, a long-time champion of reducing government intervention, joins me to introduce S. 1658, the Health Care Antitrust Improvements Act of 1993, a measure to ensure that all players in the health care marketplace have the opportunity to pursue appropriate alliances and joint ventures that will provide better services and lower costs for health care consumers. Our good friend and colleague, Congressman BILL ARCHER, the senior Republican on the Ways and Means Committee, worked closely with us in developing this legislation. Today he is introducing the House counterpart.

Representative ARCHER, Senator THURMOND, and I have a long history of working for reforms in the antitrust laws that apply to the health care industry. The committees on which we serve, Finance, Judiciary, and Ways and Means, have held extensive hearings into the issue of our antitrust laws and how they can harm, rather than protect, those who receive health care services.

We have heard countless stories of costly duplications of services, inefficient arrangements which communities cannot even begin to address because the very act of initiating discussions could trigger antitrust action by the Federal Government.

We have heard testimony from the Ukiah Valley Medical Center president, ValGene Devitt, who told us of his 43-bed, not-for-profit hospital's 4½-year ordeal after it sought to buy the assets of a 51-bed hospital nearby. Last year, a court found that the transaction benefited consumers and would lead to an improvement in quality care.

More recently, we have seen two Utah hospitals, the University of Utah's University Hospital and Primary Children's Medical Center, needlessly spend over \$7 million just to prove to the Justice Department that their joint work in pediatrics helped patients, not harmed them. This investigation should have never happened. The \$7 million these hospitals were forced to pay in lawyer fees could have gone toward patient care.

My extensive study of this issue has forced me to question the government's motive in challenging such mergers.

Is it against our citizens' interests to see rural hospitals combine and improve their efficiency?

Is it against our citizens' interests for a community to effect millions of dollars in cost savings while eliminating duplicative services and staffing?

Or, more importantly, is it against our citizens' interests for the government to spend millions on needless litigation, millions which could have been spent on patient care, to satisfy this Washington witch hunt?

As a responsible Member of Congress, I cannot stand by and allow the Federal Trade Commission and the Justice Department to drive up health care costs through such unwise antitrust actions.

While I applaud the administration's attention to reforming health care, I am concerned that its bill, the Health Security Act, offers little in the way of antitrust revision. The administration has offered general operating guidelines, but they are nonbinding and have no effect whatsoever in reducing the costs of private party antitrust litigation.

I believe that it is possible to craft a carefully balanced change to the statute that will both continue Federal protections against self-serving monopolies and institute the measure of flexibility necessary to foster resource-sharing alliances and group ventures.

My legislation sets out specific safe harbors for the cooperative activities of health care providers. This will lead to lower costs while increasing provider quality and consumer access to needed services. My bill also directs the Attorney General to undertake three specific tasks. First, to develop needed guidelines for providers developing joint ventures. Second, to administer a program for expediting reviews and granting of waivers. Third, to develop additional safe harbors as warranted by the changing needs of the health care industry and consumers.

This legislation was developed after extensive consultations with representatives of the health care provider community. We have designed the Health Care Antitrust Improvements Act of 1993 to respond to the needs of today's health care marketplace as well as the evolving marketplace of the future.

In introducing this legislation, we recognize that our national dialog on health care reform will continue to evolve as the marketplace is evolving.

We recognize that changes in this bill will be necessary to accommodate unforeseen issues. We want to work with all in the health care arena to make those changes, be it health care facilities, such as hospitals, nursing homes, or home health agencies; licensed health care providers, such as physicians, nurse practitioners, or chiropractors; or other critical players in the health care marketplace, such as insurance companies.

In a similar spirit, we wish to work with our colleagues to refine this bill as it moves through the legislative process. It is abundantly clear to us that the Federal Government needs to take immediate action to clarify the rules of the game so that those in the health care community who wish to undertake alliances are assured a stable, predictable playing field. That is the intent of the Health Care Antitrust Improvements Act of 1993.

Mr. President, this legislation is the result of a great deal of time and effort

by many people, and I particularly want to pay tribute to the senior Senator from South Carolina and to Representative ARCHER. They have provided me with invaluable insight and expertise.

As we move toward health care reform, it is imperative that we address the inequities found in our current antitrust laws. This legislation meets that goal.

Mr. THURMOND. Mr. President, I rise in support of the Health Care Antitrust Improvements Act of 1993, which I am cosponsoring with Senator HATCH. This bill addresses antitrust issues which are crucial in our efforts to improve America's health care system.

Health care reform is very likely to be a key issue under consideration by the Congress during the next session. In order to reduce costs and eradicate waste, various health care reform proposals seek increased collaboration and integration by medical providers into larger, more efficient groups. Since the antitrust laws require unfettered competition, not collaboration, it is not surprising that health care reform raises significant antitrust issues. The antitrust laws should continue to protect competition, but must be able to accommodate evolving health care markets in order to promote high quality, affordable health care.

In order to permit more efficient activities and organization by health care providers, the legislation we are introducing today provides safe harbors for certain categories of conduct which should not be subject to the antitrust laws. In addition, because of the difficulty in determining where to draw the lines in changing markets, the Attorney General is given the tasks of developing guidelines and additional safe harbors for desirable conduct by providers, as well as reviewing and issuing certificates to providers to cover specific situations. Finally, our legislation reduces antitrust penalties for health care providers upon notification of their joint activities to the Attorney General, following the pattern of the production joint venture bill that passed the Congress and was signed into law this year.

Mr. President, this legislation begins the process of establishing a framework for adjusting the antitrust laws to changing health care markets, to achieve the ultimate goal of more efficient, higher quality medical services at reasonable prices for the benefit of all Americans.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SARBANES, the names of the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to

establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 265

At the request of Mr. SHELBY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 289

At the request of Mr. REID, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 483

At the request of Mr. SHELBY, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 839

At the request of Mr. HOLLINGS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 839, a bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes.

S. 985

At the request of Mr. INOUE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 1125

At the request of Mr. DODD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1288

At the request of Mr. AKAKA, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Louisiana [Mr. BREAUX], and the Sen-

ator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1329

At the request of Mr. SASSER, his name was added as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1361

At the request of Mr. SIMON, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1361, a bill to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

S. 1408

At the request of Mr. ROTH, his name was added as a cosponsor of S. 1408, a bill to repeal the increase in tax on Social Security benefits.

S. 1443

At the request of Mr. EXON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1463

At the request of Ms. MIKULSKI, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1463, a bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education and to assist schools and educational institutions in the elimination of sexual harassment and abuse.

S. 1489

At the request of Mr. METZENBAUM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1489, a bill to redesignate the J. Edgar Hoover Federal Bureau of Investigation Building located at Ninth and Pennsylvania Avenue, NW Washington, D.C., as the Federal Bureau of Investigation Building.

S. 1495

At the request of Mr. ROTH, his name was added as a cosponsor of S. 1495, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1517

At the request of Mr. HOLLINGS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1517, a bill to establish a marine biotechnology program within the National Sea Grant College Program, and for other purposes.

S. 1533

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. BEN-

NETT] was added as a cosponsor of S. 1533, a bill to improve access to health insurance and contain health care costs, and for other purposes.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Carolina [Mr. THURMOND], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE JOINT RESOLUTION 140

At the request of Mr. LAUTENBERG, the names of the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day."

SENATE RESOLUTION 163—RELATIVE TO THE COMMUNITY REINVESTMENT ACT OF 1977

Mr. PRYOR (for himself, Mr. BUMPERS, Mr. LIEBERMAN, Mr. BOREN, and Mr. HOLLINGS) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 163

Whereas the United States is experiencing an explosion of violent crime that is destroying families, devastating communities, and causing senseless loss of life;

Whereas banks, savings associations, and other financial institutions are important community institutions that can assist in fighting the causes of violence and in preventing crime by providing credit and investments in high crime neighborhoods;

Whereas activities undertaken by financial institutions that help to fight the causes of violence and to prevent crime are important community investments and should be recognized as such in the implementation of the Community Reinvestment Act of 1977; and

Whereas it is the purpose of this resolution to encourage financial institutions to provide credit and to make investments that may assist in fighting the causes of violence and that help prevent crime in their immediate and extended communities: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) in any effort by the Federal financial institution regulatory agencies to reform regulations implementing the Community Reinvestment Act of 1977, such agencies should consider giving financial institutions credit in evaluations conducted under that

Act for providing credit and investments which may assist in fighting the causes of violence and of preventing crime in their communities, including—

(A) loans to police officers and firefighters who establish their residences in high crime neighborhoods;

(B) loans for community recreation facilities in high crime neighborhoods;

(C) loans for job creating activities that will train or employ youths or adults who might otherwise become involved in crime; and

(D) other similar credit and investment activities;

(2) regulations promulgated or amended under the Community Reinvestment Act of 1977 should give positive consideration under that Act to investments made by financial institutions in other financial intermediaries which have the effect of stabilizing neighborhoods and fighting the causes of violence and preventing crime in those neighborhoods, including—

(A) community development corporations;

(B) community development credit unions;

(C) community development loan funds;

(D) specialized small business investment companies;

(E) community development financial institutions; and

(F) other similar institutions;

(3) loans and investments extended by a financial institution for the purpose of fighting the causes of violence and preventing crime outside of its normal lending area or geographic community should be considered legitimate community reinvestment activities; and

(4) reformed regulations under the Community Reinvestment Act of 1977 should not define a financial institution's "local community" so narrowly that loans and investments provided to fight the causes of violence and help prevent crime will not be positively considered under that Act simply because they are extended outside of the area normally delineated by the financial institution as its "local community".

Mr. PRYOR. Mr. President, I submit a resolution which contains the points I have just discussed with the distinguished chairman of the Banking Committee. This resolution is known as the Credit for Crime Fighting Resolution of 1993, and I am joined in the introduction of this resolution by Senators BUMPERS, LIEBERMAN, BOREN, and HOLLINGS.

As we all know, crime is not a simple problem, and it will not be solved with simple solutions. No single approach, no single strategy, and no single program will eliminate this scourge from our communities. Every individual and every institution in our society must play a role in preventing and fighting crime. Banks, savings and loans, and other financial institutions are powerful, influential institutions in their communities, and we need their help making our neighborhoods and our streets safer and more peaceful.

This resolution does not direct financial institutions to undertake any new activities, nor does it place any new burdens on them. Far from placing new burdens on banks, this resolution gives banks and other financial institutions new opportunities for earning CRA

credit. I do not believe CRA should be used to compel financial institutions to undertake activities that are inconsistent with their traditional function of providing credit within the guidelines of safety and soundness.

This resolution is very consistent with the traditional function of CRA. What is new about this resolution is that it is an attempt to spur lenders' consciousness about their community reinvestment role. With this resolution we are trying to get the regulators and the banks to think about community reinvestment in a slightly different way, in hopes that new types of CRA activities can be initiated which will help reduce the crime and violence that rob many people of the very kinds of opportunity and prosperity that CRA is designed to enhance.

I ask the Federal banking regulators and financial institutions to review this resolution and consider how they can use their resources to make our communities safer. We all have a role to play in this fight, and I hope this resolution will provide both the encouragement and the reward to lenders who will play their role.

I rise to express my concern about the explosion of violent crime that is destroying families, devastating neighborhoods, and causing senseless loss of life. I believe that banks, saving and loans, and other regulated financial institutions can play an important role in assisting our efforts to fight the causes of disenfranchisement among residents of economically distressed neighborhoods which leads to crime and violent behavior. Lending and investment activities by financial institutions can create jobs and opportunity for small businesses and residents of these neighborhoods. I believe the Federal Government can and should encourage financial institutions to provide credit and make investments that will help prevent crime in distressed communities and adjacent neighborhoods.

Mr. RIEGLE. I wish to commend my distinguished colleague for raising this important issue. I concur with his assessment that lack of access to credit and investment capital starves many neighborhoods. Without credit or investment capital, economic activity ceases and residents are left without jobs, businesses, and hope. This lack of opportunity results in many people turning to crime. The Banking Committee has held many hearings over the last several years about impact of redlining and lending discrimination. Testimony at these hearings clearly indicates that community credit needs have not been fully met. Like my colleague, I believe that banks, thrifts, and other regulated financial institutions can play a significant role in reversing disinvestment in distressed, high crime neighborhoods.

Mr. PRYOR. I thank my colleague, the chairman of the Banking Commit-

tee, for his remarks. I believe that the Federal Government can provide incentives for regulated financial institutions to invest in high crime areas through the Community Reinvestment Act [CRA]. Currently, the bank regulatory agencies are in the process of developing a reform package to improve implementation of CRA.

In determining CRA compliance, I believe the reform package should take into consideration lending and investment activities undertaken by financial institutions in high crime neighborhoods which assist in preventing crime. Examples of activities that may reduce crime include home mortgage loans to police officers and firefighters who establish their residences in high crime neighborhoods; financing for community recreation facilities; business lending in distressed neighborhoods which encourages the creation or retention of job opportunities for residents or facilitates the ownership of businesses by residents; or other activities that provide skills and opportunities for youths and young adults who might otherwise become involved in crime.

I also believe bank regulatory agencies should take into consideration activities by regulated financial institutions that assist in stabilizing distressed communities by investing in community development financial institutions. Community development financial institutions have a primary mission of promoting community development and pursue comprehensive strategies for revitalizing distressed communities. Such community development financial institutions include community development banks, community development credit unions, community development loan funds, community development corporations, micro-enterprise funds, and specialized small business investment companies.

Mr. RIEGLE. The administration's CRA reform package should take into account a variety of community investment activities undertaken by financial institutions—including lending and investments that reduce crime in distressed neighborhoods. Such activities are currently given favorable consideration by regulators in determining CRA compliance. It is anticipated such activities will also be given favorable consideration under the CRA reform package.

As my colleague indicated, the bank regulatory agencies are in the process of revising current CRA implementation practices. The administration's CRA reform effort is scheduled for completion in early 1994. As chairman of the Banking Committee, I support these efforts and look forward to seeing the reform package when it is complete. It is my understanding that the regulators are actively reviewing CRA enforcement to shift its focus to performance and minimize paperwork burden. It is anticipated they will clarify

CRA performance standards and make them more objective as well as reform regulations and supervision to improve performance.

The administration is working hard to develop a reform package that is fair, balanced, and will catalyze investment in under-served communities. Regulators have held many hearings and heard from over 200 witnesses in cities including Washington, San Francisco, Los Angeles, Albuquerque, New York, Chicago, and Henderson, NC. Regulators are soliciting comments for changes from the public, community groups, and the banking and thrift industries.

Mr. PRYOR. I also look forward to the administration's forthcoming reform package. I believe we need to find ways to utilize the resources of regulated financial institutions to help catalyze investment in crime ridden neighborhoods.

SENATE RESOLUTION 164—COMMEMORATING THE BOMBING OF PAN AM FLIGHT 103

Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. D'AMATO, Mr. LAUTENBERG, Mr. HATCH, and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 164

Whereas, 259 passengers and crew members of Pan American Airways Flight 103 and 11 persons on the ground in Lockerbie, Scotland, were killed by a terrorist bomb on December 21, 1988;

Whereas, 189 Americans were victims of this heinous attack along with citizens from 20 other nations;

Whereas, this was effectively an attack on the United States and on all nations which support the rule of law;

Whereas, the families and friends of the victims of this outrageous and criminal act have suffered an incalculable loss and have worked actively to diminish the possibility of future attacks;

Whereas, on December 21, 1993, five years will have passed without the terrorists who murdered the passengers and crew of Pan Am Flight 103 being brought to justice;

Whereas, the United States must never forget the victims of this crime nor weaken in its resolve to bring their murderers to justice;

Whereas, it is appropriate and fitting that the United States set aside a day to commemorate the bombing of Pan Am Flight 103 as an act of remembrance for the victims, an expression of solidarity with their loved ones and a token of the abiding United States commitment to obtain justice for their murderers; now, therefore be it

Resolved by the Senate, That December 21, 1993 is designated a "Fifth Anniversary Day of Remembrance for the Victims of the Bombing of Pan Am Flight 103," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies.

AMENDMENTS SUBMITTED

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

DECONCINI (AND OTHERS) AMENDMENT NO. 1154

Mr. DECONCINI (for himself, Mr. WARNER, and Mr. DANFORTH) proposed an amendment to the bill (S. 1301) to authorize appropriations for fiscal year 1994 for intelligence activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 11, after line 2, insert the following:

SEC. 304. REPORT ON INTELLIGENCE GAPS.

(a) REPORT.—The Director of Central Intelligence and the Secretary of Defense jointly shall prepare and submit by February 15, 1994, to the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate, and to the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives a report described in subsection (b).

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify and assess the critical gaps between the information needs of the United States Government and intelligence collection capabilities, to include the identification of topics and areas of the world of significant interest to the United States to which the application of additional resources, technology, or other efforts would generate new information of high priority to senior officials of the United States Government;

(2) identify and assess gaps in the ability of the intelligence community (as defined in section 3(4) of the National Security Act of 1947) to provide intelligence support needed by the Armed Forces of the United States and, in particular, by the commanders of combatant commands established under section 161(a) of title 10, United States Code; and

(3) contain joint recommendations of the Director of Central Intelligence and the Secretary of Defense on appropriate means, to include specific budgetary adjustments, for reducing or eliminating the gaps identified under paragraphs (1) and (2)."

Page 2, line ____, insert the following after the item relating to Section 303 (as added by Committee amendment No. ____):

"Sec. 304. Report on Intelligence Gaps."

DECONCINI (AND OTHERS) AMENDMENT NO. 1155

Mr. DECONCINI (for himself, Mr. WARNER, and Mr. D'AMATO) proposed an amendment to the bill S. 1301, supra; as follows:

On page 11, after line 2, insert the following:

SEC. 303. TEMPORARY PAY RETENTION FOR CERTAIN FBI EMPLOYEES.

(a) The Federal Employees Pay Comparability Act of 1990 as contained in Section 529 of the Treasury, Postal Service and General Government Appropriations Act, 1991

(Public Law 101-509) is amended by striking section 406 and inserting in lieu thereof:

"SEC. 406. FBI NEW YORK FIELD DIVISION.

"(a) No employee of the Federal Bureau of Investigation assigned to the New York Field Division prior to September 29, 1993 in a position covered by the demonstration project created by section 601 of the Intelligence Authorization Act for Fiscal Year 1989 (Public Law 100-453), as amended, shall have his or her total pay reduced as a result of the termination of the demonstration project, unless that employee ceases or has ceased at any time after that date to be employed in a position covered by the demonstration project; *Provided that*, beginning on September 30, 1993, any periodic payment under section 602(a)(2) of the Intelligence Authorization Act for Fiscal Year 1989 for any such employee shall be reduced by the amount of any increase in basic pay under title 5, United States Code, including an annual adjustment under section 5303, locality-based comparability payment under section 5304, initiation or increase in a special pay rate under section 5305, promotion under section 5334, periodic step increase under section 5335, merit increase under section 5404, or other increase to basic pay under any provision of law."

"(b) The amendment made by subsection (a) shall take effect as of September 30, 1993, and shall apply to the pay of employees to whom the amendment applies that is earned on or after that date."

(b) On page 2, line 2, insert in the table of contents the following after the item relating to section 302:

"Sec. 303. FBI New York Field Division."

DECONCINI (AND WARNER) AMENDMENT NO. 1156

Mr. DECONCINI (for himself and Mr. WARNER) proposed an amendment to the bill S. 1301, supra; as follows:

On page 11, after line 2, insert the following:

SEC. 303. AMENDMENT TO SECTION 307 OF THE NATIONAL SECURITY ACT AND RATIFICATION OF A PAST TRANSACTION.

(a) AMENDMENT TO SECTION 307 OF THE NATIONAL SECURITY ACT OF 1947.—Section 307 of the National Security Act of 1947 is amended by striking "provisions and purposes of this Act" and inserting in lieu thereof "provisions and purposes of this Act (other than the provisions and purposes of sections 102, 103, 104, 105 and titles V, VI, and VII)".

(b) RATIFICATION OF FUNDING TRANSACTION.—Funds obligated or expended for the Accelerated Architecture Acquisition Initiative of the Plan to Improve the Imagery Ground Architecture based upon the notification to the appropriate committees of Congress by the Director of Central Intelligence dated August 16, 1993 shall be deemed to have been specifically authorized by the Congress for purposes of Section 504(a)(3) of the National Security Act of 1947.

On page 2, line 2, insert in the table of contents the following after the item relating to Section 302:

Sec. 303. Amendment to Section 307 of the National Security Act of 1947 and Ratification of Past Transaction.

METZENBAUM (AND OTHERS) AMENDMENT NO. 1157

Mr. METZENBAUM (for himself, Mr. BOREN, Mr. MURKOWSKI, Mr. INOUE,

Mr. MOYNIHAN, Mr. DURENBERGER, Mr. LEAHY, Mr. BUMPERS, Mr. HARKIN, Mr. FEINGOLD, and Mr. WOFFORD) proposed an amendment to the bill S. 1301, supra; as follows:

Insert at the appropriate point the following new section:

"SEC. . SENSE OF CONGRESS REGARDING DISCLOSURE OF ANNUAL INTELLIGENCE BUDGET.

"It is the sense of Congress that, in each year, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner."

OMNIBUS CRIME LEGISLATION

HUTCHISON AMENDMENT NO. 1158

Mr. DOLE (for Mrs. HUTCHISON) proposed an amendment to the bill (S. 1607) to control and prevent crime; as follows:

At the end of subtitle G of title XXIX, add the following:

SEC. . AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED.

(a) IN GENERAL.—Section 401(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows:

"(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal, State or local penal institution."

(b) CONFORMING AMENDMENTS.—

(1) COST OF ATTENDANCE.—Section 472 of such Act (20 U.S.C. 108711) is amended—

(A) by striking paragraph (6); and
(B) by redesignating paragraphs (7), (8), (9), (10) and (11) as paragraphs (6), (7), (8), (9) and (10), respectively.

(2) TECHNICAL AMENDMENTS.—Section 401(b)(3)(B) of such Act (20 U.S.C. 1070a(b)(3)(B)) is amended—

(A) by striking "472(8)" and inserting "472(7)"; and
(B) by striking "472(9)" and inserting "472(8)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act.

**HELMS (AND OTHERS)
AMENDMENT NO. 1159**

Mr. DOLE (for Mr. HELMS for himself, Mr. GRAMM, and Mr. GRAHAM) proposed an amendment to the bill S. 1607, supra; as follows:

At the end, add the following:

SEC. . APPROPRIATE REMEDIES FOR PRISON OVERCROWDING.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Subchapter C of chapter 229 of part 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3626. Appropriate remedies with respect to prison crowding

"(a) REQUIREMENT OF SHOWING WITH RESPECT TO THE PLAINTIFF IN PARTICULAR.—

"(1) HOLDING.—A Federal court shall not hold prison or fail crowding unconstitutional under the eighth amendment except to the extent that an individual plaintiff inmate proves that the crowding causes the infliction of cruel and unusual punishment of that inmate.

"(2) RELIEF.—The relief in a case described in paragraph (1) shall extend no further than necessary to remove the conditions that are causing the cruel and unusual punishment of the plaintiff inmate.

"(b) INMATE POPULATION CEILINGS.—

"(1) REQUIREMENT OF SHOWING WITH RESPECT TO PARTICULAR PRISONERS.—A Federal court shall not place a ceiling on the inmate population of any Federal, State, or local detention facility as an equitable remedial measure for conditions that violate the eighth amendment unless crowding is inflicting cruel and unusual punishment on particular identified prisoners.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to have any effect on Federal judicial power to issue equitable relief other than that described in paragraph (1), including the requirement of improved medical or health care and the imposition of civil contempt fines or damages, where such relief is appropriate.

"(c) PERIODIC REOPENING.—Each Federal court order or consent decree seeking to remedy an eighth amendment violation shall be reopened at the behest of a defendant for recommended modification at a minimum of 2-year intervals."

(b) APPLICATION OF AMENDMENT.—Section 3626 of title 18, United States Code, as added by paragraph (1), shall apply to all outstanding court orders on the date of enactment of this Act. Any State or municipality shall be entitled to seek modification of any outstanding eighth amendment decree pursuant to that section.

(c) TECHNICAL AMENDMENT.—The subchapter analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3626. Appropriate remedies with respect to prison crowding."

(d) SUNSET PROVISION.—This section and the amendments made by this section are repealed effective as of the date that is 5 years after the date of enactment of this Act.

SMITH AMENDMENT NO. 1160

Mr. DOLE (for Mr. SMITH) proposed an amendment to the bill, S. 1607, supra; as follows:

At the appropriate place, add the following:

"SEC. (a) IN GENERAL.—Section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended by adding at the end the following new subsection:

"(g)(1) For any fiscal year beginning more than 2 years after the date of the enactment of this subsection—

(A) 50 percent of the funds allocated under subsection (a), taking into consideration subsections (e) and (f) but without regard to this subsection, to a State described in paragraph (2) shall be distributed by the Director to such State; and
(B) 50 percent of such amount shall be allocated equally among States that are not affected by the operation of subparagraph (A).

"(2) Paragraph (1)(A) refers to a State that does not have in effect, and does not enforce, in such fiscal year—

(A) truth in sentencing with respect to any felony crime of violence involving the use or attempted use of force against a person, or use of a firearm against a person, for which a maximum sentence of 5 years or more is authorized that is consistent with that provided in the Federal system in chapter 229 of title 18, United States Code, which provides

that defendants will serve at least 85 percent of the sentence ordered and which provides for a binding sentencing guideline system in which sentencing judges' discretion is limited to ensure greater uniformity in sentencing;

(B) pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(C) sentences for firearm offenders, where death or serious bodily injury results, murderers, sex offenders, and child abuse offenders that, after application of relevant sentencing guidelines, result in the imposition of sentences that are at least as long as those imposed under Federal law (after application of relevant sentencing guidelines); and

(D) suitable recognition for the rights of victims, including consideration of the victim's perspective at all stages of criminal proceedings."

**PATENT AND TRADEMARK OFFICE
AUTHORIZATION ACT OF 1993**

GLENN AMENDMENT NO. 1161

Mr. FORD (for Mr. GLENN) proposed an amendment to the bill (H.R. 2632) to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994; as follows:

At the end of the bill insert the following:
SECTION 1. PATENT TERM EXTENSION FOR OLESTRA.

(a) IN GENERAL.—The terms of United States patents numbered 4,005,195, 4,005,196, and 4,034,083 (and any reissues of such patents) shall each be extended for a period beginning on the date of its expiration through December 31, 1997.

(b) POST-MARKET SURVEILLANCE.—The holders of the patents extended under this section shall, following the first permission for marketing olestra, undertake a post-market program that shall provide data regarding the influence of olestra-containing products upon the overall dietary intake of fats. Such data shall be subject to the usual standards of professional peer review. At the end of the study period, such data shall be submitted to the Food and Drug Administration for review. Such study data shall be in a format which shall be made available to Congress for public review. The requirements of this subsection shall not in any manner preempt the authority of the Food and Drug Administration to request and to receive any other information it determines necessary in the course of its ongoing regulatory activities.

SEC. 2. PATENT TERM EXTENSIONS FOR AMERICAN LEGION.

(a) BADGE OF AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) BADGE OF AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges to such patent.

(c) BADGE OF SONS OF THE AMERICAN LEGION.—The term of a certain design patent

numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SEC. 3. INTERVENING RIGHTS.

The renewals and extensions of the patents under section 2 shall not result in infringement of any such patent on account of any use of the subject matter of the patent, or substantial preparation for such use, which began after the patent expired, but before the date of the enactment of this Act.

SEC. 4. EFFECTIVE DATE.

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

OMNIBUS CRIME LEGISLATION

MCCONNELL AMENDMENT NO. 1162

Mr. DOLE (for Mr. MCCONNELL) proposed an amendment to the bill S. 1607, supra; as follows:

SECTION 1. AGREEMENT TO ASSIST IN LOCATING MISSING CHILDREN UNDER THE PARENT LOCATOR SERVICE.

(a) IN GENERAL.—Section 463 of the Social Security Act (42 U.S.C. 663) is amended by adding at the end the following new subsection:

"(f) The Secretary shall enter into an agreement with the Attorney General of the United States, under which the services of the Parent Locator Service established under section 653 of this title shall be made available to the Office of Juvenile Justice and Delinquency Prevention upon its request for the purpose of locating any parent or child on behalf of the Office of Juvenile Justice and Delinquency Prevention. The Parent Locator Service shall charge no fees for services requested pursuant to this subsection."

(b) CONFORMING AMENDMENT.—Section 463(c) of such Act (42 U.S.C. 663(c)) is amended by striking "(a), (b) or (e)" and inserting "(a), (b), (e), or (f)".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1994.

COHEN (AND OTHERS) AMENDMENT NO. 1163

Mr. DOLE (for Mr. COHEN, for himself and Mr. KOHL) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place in subpart II of subtitle C of title VI, insert the following:

"SEC. 235. MENTAL HEALTH SCREENING.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that no child should have to be incarcerated in a State youth center or detention facility solely in order to receive mental health treatment.

(b) IN GENERAL.—Not later than two years after the date of enactment of this subpart, the Attorney General, acting through the Administrator of the Office of Juvenile Justice and Delinquency Prevention, in collaboration with the Secretary of Health and Human Services, acting through the Administrator of Substance Abuse and Mental Health Services Administration, shall, subject to the availability of appropriations—

(1) study the nature and prevalence of mental illness among youth in the juvenile justice system at several different points in the system, including the arrest stage, the adjudication and dispositional stage, and the commitment stage;

(2) develop a model system that the States can use to assess, diagnose, and treat the mental health needs of youth who come in contact with the juvenile justice system for mental illness; and

(3) disseminate the results of the study and the model to each State's Juvenile Justice Advisory Group.

(c) STUDY.—The study should include analysis of—

(1) national prevalence of rates of the different clinical categories of mental illness for youth who come in contact with the juvenile justice system;

(2) the prevalence of multiple mental disorders among youth who have come in contact with the juvenile justice system;

(3) recommendations to the Committee on the Judiciary of the Senate and the Committees on Education and Labor of the House of Representatives on the appropriateness and need for further Federal action; and

(4) such other analysis as is appropriate.

(d) MODEL.—The model should provide—

(1) guidelines for accurate and timely assessment, diagnosis, and treatment at several different points in the juvenile justice system including the arrest stage, the adjudication and dispositional stage, and the commitment stage;

(2) a method for fostering collaboration between the mental health agencies, juvenile justice agencies, educational agencies, social services agencies, substance abuse treatment agencies, police, and families;

(3) a funding mechanism for the model; and

(4) such other guidelines as are appropriate."

Section 233 of subpart II of subtitle C of title VI is amended by—

(1) redesignating paragraph (2) as paragraph (3) and striking "paragraph (1)" in such paragraph and inserting "paragraphs (1) and (2)"; and

(2) inserting after paragraph (1) the following:

"(2) Such sums as are necessary to carry out section 235; and"

MCCONNELL AMENDMENT NO. 1164

Mr. DOLE (for Mr. MCCONNELL) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert:

TITLE II—PUBLIC CORRUPTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1993".

SEC. 202. PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election through one or more of the following means, or otherwise—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information, shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling \$10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened,

harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

“(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

“(ii) 3 times the amount of backpay;

“(iii) interest on the backpay; and

“(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

“(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

“(C)(1) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that persecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

“(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

“(d) DEFINITIONS.—As used in this section—

“(1) the term ‘official’ includes—

“(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

“(B) any person acting or pretending to act under color of official authority; and

“(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

“(2) the term ‘person acting or pretending to act under color of official authority’ includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

“(3) the terms ‘public official’ and ‘person who has been selected to be a public official’ have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

“(4) the term ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

“(5) the term ‘uses any facility of interstate or foreign commerce’ includes the intrastate use of any facility that may also be used in interstate or foreign commerce.”

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

“226. Public corruption.”

(2) Section 1961(1) of title 18, United States Code, is amended by inserting “section 226

(relating to public corruption),” after “section 224 (relating to sports bribery).”

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting “section 226 (relating to public corruption),” after “section 224 (bribery in sporting contests).”

SEC. 203. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking “transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds” and inserting “uses or causes to be used any facility of interstate or foreign commerce”; and

(2) by inserting “or attempting to do so” after “for the purpose of executing such scheme or artifice”.

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

“§ 1343. Fraud by use of facility of interstate commerce”.

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

“1343. Fraud by use of facility of interstate commerce.”

SEC. 204. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

“220. Narcotics and public corruption

“(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

“(1) being influenced in the performance or nonperformance of any official act; or

“(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

“(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

“(1) to influence any official act;

“(2) to influence the public to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

“(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

“(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

“(d) DEFINITIONS.—As used in this section—

“(1) the terms ‘controlled substance’ and ‘controlled substance analogue’ have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

“(2) the term ‘official act’ means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place or trust or profit; and

“(3) the term ‘public official’ means—

“(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

“(B) a juror;

“(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

“(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.”

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting “section 220 (relating to narcotics and public corruption),” after “Section 201 (relating to bribery).”

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting “section 220 (relating to narcotics and public corruption),” after “section 201 (bribery of public officials and witnesses).”

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

“220. Narcotics and public corruption.”

COHEN (AND OTHERS) AMENDMENT NO. 1165

Mr. DOLE (for Mr. COHEN for himself and Mr. HATCH, and Mr. DOLE) proposed an amendment to the bill S. 1607, supra; as follows:

On page 161, strike lines 1 and 2, and insert the following:

TITLE VIII—SEXUAL VIOLENCE AND ABUSE OF CHILDREN, THE ELDERLY, AND INDIVIDUALS WITH DISABILITIES

On page 161, strike line 21 and all that follows through page 167, line 15, and insert the following:

Subtitle B—Protection of Children, the Elderly, and Individuals With Disabilities

SEC. 811. SHORT TITLE.

This subtitle may be cited as the “National Child, Elderly, and Individuals with Disabilities Protection Act of 1993”.

SEC. 812. PURPOSES.

The purposes of this subtitle are—

(1) to establish a national system through which organizations that care for children, the elderly, or individuals with disabilities may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective care providers have committed abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit organizations that care for children, the elderly, or individuals with disabilities to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective care providers have committed abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 813. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "abuse crime" means a child abuse crime, a crime against the elderly, or a crime against an individual with disabilities.

(2) the term "abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, an abuse crime: full name, race, sex, date of birth, height, weight, a brief description of the abuse crime or offenses for which the person has been arrested or is under indictment or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, under indictment for, or convicted of, an abuse crime;

(3) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this subtitle;

(4) the term "background check crime" means an abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, burglary, robbery, embezzlement, larceny, fraud, and a felony offense involving the use or distribution of a controlled substance;

(5) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(6) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(7) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(8) the term "care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities;

(9) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(10) the term "elderly" means a person who is sixty-five years old or older.

(11) the term "exploitation" means child pornography and child prostitution;

(12) the term "mental injury" means harm to a person's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(13) the term "national criminal background check system" means the system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(14) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child, elderly person, or individual with disabilities;

(15) the term "individual with a disability" means an individual with a disability (as defined in section 3(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12102(21)));

(16) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(17) the term "provider" means—

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a person to whom the qualified entity provides care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a person to whom the qualified entity provides care;

(18) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services;

(19) the term "sex crime" means an act of sexual abuse that is a criminal act;

(20) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(21) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

On page 172, lines 16 and 17, strike "child to whom the qualified entity provides child care," and insert "person to whom the qualified entity provides care;"

On page 173, line 25, strike "child" and insert "person".

On page 174, line 1, strike "child".

On page 177, lines 11 and 13, strike "National Child Protection Act of 1993" and insert "National Child, Elderly, and Individuals with Disabilities Protection Act of 1993".

There are authorized to be appropriated for grants under paragraph (1) a total of \$40,000,000 for fiscal years 1995, 1996, and 1997.

SPECTER AMENDMENT NO. 1166

Mr. DOLE (for Mr. SPECTER) proposed an amendment to the bill S. 1607, supra; as follows:

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

SEC. . AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT AND THE NATIONAL LITERACY ACT OF 1991.

(a) TECHNICAL AMENDMENT.—The matter preceding paragraph (1) of section 214(d) of the Department of Education Organization Act (20 U.S.C. 3423a(d)) is amended by striking "under subsection (a)" and inserting "under subsection (c)".

(b) ESTABLISHMENT OF A PANEL AND USE OF FUNDS.—Section 601 of the National Literacy Act of 1991 (20 U.S.C. 1211-2) is amended by—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

"(g) PANEL.—The Secretary is authorized to consult with and convene a panel of experts in correctional education, including program administrators and field-based professionals in adult corrections, juvenile services, jails, and community corrections programs, to—

"(1) develop measures for evaluating the effectiveness of the programs funded under this section; and

"(2) evaluate the effectiveness of such programs."

"(h) USE OF FUNDS.—Notwithstanding any other provision of law, the Secretary may use not more than five percent of funds appropriated under subsection (i) in any fiscal year to carry out grant-related activities such as monitoring, technical assistance, and replication and dissemination."

HATCH AMENDMENT NO. 1167

Mr. DOLE (for Mr. HATCH) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PREVENTION, DIAGNOSIS, AND TREATMENT OF TUBERCULOSIS IN CORRECTIONAL INSTITUTIONS.

(a) GUIDELINES.—The Attorney General, in consultation with the Secretary of Health and Human Services and the Director of the National Institute of Justice, shall develop and disseminate to appropriate entities, including State and local correctional institutions and the Immigration and Naturalization Service, guidelines for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions and persons held in holding facilities operated by or under contract with the Immigration and Naturalization Service.

(b) COMPLIANCE.—The Attorney General shall ensure that prisons in the Federal prison system and holding facilities operated by or under contract with the Immigration and Naturalization Service comply with the guidelines described in subsection (a).

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General shall make grants to State and local correctional authorities and public health authorities to assist in establishing and operating programs for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions.

(2) FEDERAL SHARE.—The Federal share of funding of a program funded with a grant under paragraph (1) shall not exceed 50 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$20,000,000 to carry out this section.

GRASSLEY AMENDMENT NO. 1168

Mr. DOLE (for Mr. GRASSLEY) proposed an amendment to the bill S. 1607, supra; as follows:

On page 184, between lines 4 and 5, insert the following:

CHAPTER 2—CHILD PORNOGRAPHY SEC. 824. PENALTIES FOR INTERNATIONAL TRAFFICKING IN CHILD PORNOGRAPHY.

(a) IMPORT RELATED OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section: "**§ 2258. Production of sexually explicit depictions of a minor for importation into the United States**

"(a) USE OF MINOR.—A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, intending that the visual depiction will be imported into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(b) USE OF VISUAL DEPICTION.—A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(c) PENALTIES.—A person who violates subsection (a) or (b), or conspires or attempts to do so—

"(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

"(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title, imprisoned not more than 20 years, or both."

(b) TECHNICAL AMENDMENT.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2258. Production of sexually explicit depictions of a minor for importation into the United States."

(2) FINE PROVISIONS.—Section 2251(d) of title 18, United States Code, is amended—

(A) by striking "not more than \$100,000, or" and inserting "under this title,";

(B) by striking "not more than \$200,000, or" and inserting "under this title,"; and

(C) by striking "not more than \$250,000" and inserting "under this title".

(c) SECTION 2251 PENALTY ENHANCEMENT.—Section 2251(d) of title 18, United States Code, is amended by striking "this section" the second place it appears and inserting "this chapter or chapter 109A".

(d) SECTION 2252 PENALTY ENHANCEMENT.—Section 2252(b)(1) of title 18, United States Code, is amended by striking "this section" and inserting "this chapter or chapter 109A".

(e) CONSPIRACY AND ATTEMPT.—Sections 2251(d) and 2252(b) of title 18, United States

Code, are each amended by inserting ", or attempts or conspires to violate," after "violates" each place it appears.

(f) RICO AMENDMENT.—Section 1961(1) of title 18, United States Code, is amended by striking "2251-2252" and inserting "2251, 2252, and 2258".

(g) TRANSPORTATION OF MINORS.—Section 2423 of title 18, United States Code, is amended—

(1) by striking "(a) Whoever" and inserting "(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who"; and

(2) by adding at the end the following new subsection:

"(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2245) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 10 years, or both."

SEC. 825. SENSE OF CONGRESS CONCERNING STATE LEGISLATION REGARDING CHILD PORNOGRAPHY.

It is the sense of the Congress that each State that has not yet done so should enact legislation prohibiting the production, distribution, receipt, or simple possession of materials depicting a person under 18 years of age engaging in sexually explicit conduct (as defined in section 2256 of title 18, United States Code) and providing for a maximum imprisonment of at least 1 year and for the forfeiture of assets used in the commission or support of, or gained from, such offenses.

CHAFEE (AND HATCH) AMENDMENT NO. 1169

Mr. DOLE (for Mr. CHAFEE for himself and Mr. HATCH) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

TITLE.—FIREARMS

SEC. 01. PERSONS SUBJECT TO RESTRAINING ORDERS.

Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by adding "or" at the end of paragraph (7); and

(3) by adding after paragraph (7) the following new paragraph:

"(8)(A) is subject to an order, issued by a Federal or State court after a hearing about which that person received actual notice and at which that person had the opportunity to participate, restraining that person from harassing, stalking, threatening, or engaging in other such conduct that would place another person in fear of bodily injury or the effect of which conduct would be to place a reasonable person in fear of bodily injury; and

(B) whom the court issuing the order finds under this subsection to represent a credible threat to the physical safety of that other person;"

Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by adding "or" at the end of paragraph (7); and

(3) by adding after paragraph (7) the following new paragraph:

"(8)(A) who is subject to an order, issued by a Federal or State court after a hearing about which that person received actual notice and at which that person had the opportunity to participate, restraining that person from harassing, stalking, threatening, or engaging in other such conduct that would place another person in fear of bodily injury or the effect of which conduct would be to place a reasonable person in fear of bodily injury; and

(B) whom the court issuing the order finds under this subsection to represent a credible threat to the physical safety of that other person;"

Section 926(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by replacing ", " with "; and" at the end of paragraph (2); and

(3) by adding after paragraph (a)(2) the following new paragraph:

"(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in sections 922(d)(8) or 922(g)(8)."

Section 924(d)(1) of title 18, United States Code, is amended—

(1) by striking all between "trial," and "firearms" and inserting the following:

"or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished"

PRESSLER AMENDMENT NO. 1170

Mr. DOLE (for Mr. PRESSLER) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, add the following:

SEC. . SOLICITATION OF MINOR TO COMMIT CRIME.

(a) DIRECTIVE TO SENTENCING COMMISSION.—(1) The United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that a defendant 18 years of age or older who has been convicted of an offense shall receive an appropriate sentence enhancement if the defendant involved a minor in the commission of the offense.

(2) The Commission shall provide that the guideline enhancement promulgate pursuant to paragraph (1) shall apply for any offense in relation to which the defendant has solicited, procured, recruited, counseled, encouraged, trained, directed, commanded, intimidated, or otherwise used or attempted to use any person less than 18 years of age with the intent that the minor would commit a Federal offense.

(b) RELEVANT CONSIDERATIONS.—In implementing the directive in subsection (a), the Sentencing Commission shall consider—

(1) the severity of the crime that the defendant intended the minor to commit;

(2) the number of minors that the defendant used or attempted to use in relation to the offense;

(3) the fact that involving a minor in a crime of violence is frequently of even greater seriousness than involving a minor in a drug trafficking offense, for which the guidelines already provide a two-level enhancement; and

(4) the possible relevance of the proximity in age between the offender and the minor(s) involved in the offense.

MCCAIN AMENDMENT NO. 1171

Mr. DOLE (for Mr. MCCAIN) proposed an amendment to the bill S. 1607, supra; as follows:

On page 177, line 13, strike out "1993" and insert in lieu thereof "1993, and the information and records referred to in section 406 of the Indian Child Protection and Family Violence Prevention Act".

KASSEBAUM (AND SIMPSON)
AMENDMENT NO. 1172

Mr. DOLE (for Mrs. KASSEBAUM for herself and Mr. SIMPSON) proposed an amendment to the bill S. 1607, supra; as follows:

On page line insert the following:

"(a) FINDINGS.—The Congress finds that—
(1) in the last decade applications for asylum have greatly exceeded the original 5,000 annual limit provided in the Refugee Act of 1980, with more than 150,000 asylum applications filed in FY93, and the backlog of cases growing to 340,000;

(2) this flood of asylum claims has swamped the system, creating delays in the processing of applications of up to several years;

(3) the delay in processing asylum claims due to the overwhelming numbers has contributed to numerous problems, including:

(A) an abuse of the asylum laws by fraudulent applicants whose primary interest is obtaining work authority in the United States while their claim languishes in the backlogged asylum processing system;

(B) the growth of alien smuggling operations, often involving organized crime;

(C) a drain on limited resources resulting from the high cost of processing frivolous asylum claims through our multi-layered system; and

(D) an erosion of public support for asylum, which is a treaty obligation;

(4) Asylum, a safe haven protection for aliens abroad who cannot return home, has been perverted by some aliens who use asylum claims to circumvent our immigration and refugee laws and procedures;

(5) a comprehensive revision of our asylum law and procedures is required to address these problems.

(b) POLICY.—It is the sense of the Congress that—

(1) asylum is a process intended to protect aliens in the United States who, because of events occurring after their arrival here, cannot safely return home;

(2) persons outside their country of nationality who have a well-founded fear of persecution if they return should apply for refugee status at one of our refugee processing offices abroad;

(3) the immigration, refugee and asylum laws of the United States should be reformed to provide:

(A) a procedure for the expeditious exclusion of any asylum applicant who arrives at a port-of-entry with fraudulent documents, or no documents, and makes a non-credible claim of asylum; and

(B) the immigration, refugee and asylum laws of the United States should be reformed to provide for a streamlined affirmative asylum processing system for asylum applicants who make their application after they have entered the United States.

HATFIELD AMENDMENT NO. 1173

Mr. DOLE (for Mr. HATFIELD) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 316. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

"(a) IN GENERAL.—The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity—

"(1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence;

"(2) shall include representatives of pertinent sectors of the local community, which may include the following—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

"(F) human service entities such as State child services divisions;

"(G) business and civic leaders; and

"(H) other pertinent sectors.

"(c) APPLICATIONS.—An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Secretary may require.

"(d) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(e) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Secretary; and

"(2) availability of appropriations.

"(f) GEOGRAPHICAL DISPERSION.—The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"(g) USE OF GRANT MONIES.—

"(1) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(2) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) \$20,000,000 for fiscal year 1995; and

"(2) such sums as are necessary for fiscal years 1996, 1997, and 1998,

to remain available until expended.

DOLE AMENDMENT NO. 1174

Mr. DOLE proposed an amendment to the bill S. 1607, supra; as follows:

Section 1(b)(1) of the Hate Crime Statistics Act (Public Law 101-275, 104 Stat. 140) is amended by adding "disability," after "religion."

DOMENICI (AND OTHERS)
AMENDMENT NO. 1175

Mr. DOLE (for Mr. DOMENICI for himself, Mr. BYRD, and Mr. D'AMATO) proposed an amendment to the bill S. 1607, supra; as follows:

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

SEC. .

(a) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL JUDICIARY.—

(1) There is authorized to be appropriated for the activities of the Federal Judiciary not to exceed \$20,000,000 for fiscal year 1994, and not to exceed \$70,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998 to help meet the increased demands for judicial activities which will result from enactment into law of this Act.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.

(1) There is authorized to be appropriated for the activities and agencies of the Department of Justice, in addition to sums authorized elsewhere in this section, not to exceed \$25,000,000 for fiscal year 1994, not to exceed \$125,000,000 for fiscal year 1995, and not to exceed \$150,000,000 for each of the fiscal years 1996, 1997, and 1998 to help meet the increased demands for Department of Justice activities which will result from enactment into law of this Act.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL BUREAU OF INVESTIGATION.—

(1) There is authorized to be appropriated for the activities of the Federal Bureau of Investigation not to exceed \$20,000,000 for fiscal

year 1994, not to exceed \$50,000,000 for fiscal year 1995, and not to exceed \$60,000,000 for each of the fiscal years 1996, 1997, and 1998 to help meet the increased demands for Federal Bureau of Investigation activities which will result from enactment into law of this Act.

(d) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR UNITED STATES ATTORNEYS.—
(1) There is authorized to be appropriated for the account Department of Justice, Legal Activities, "Salaries and expenses, United States Attorney" not to exceed \$10,000,000 for fiscal year 1994, and not to exceed \$35,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998 to help meet the increased demands for litigation and related activities which will result from enactment into law of this Act.

(e) Funds appropriated pursuant to this section are authorized to remain available for obligation until expended.

(f) Funds authorized under this section may be appropriated from the Trust Fund established by section 1321C of this Act.

DURENBERGER (AND SIMON) AMENDMENT NO. 1176

Mr. DOLE (for Mr. DURENBERGER for himself and Mr. SIMON) proposed an amendment to the bill S. 1607, supra; as follows:

At the end of the bill, add the following:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This Act may be cited as the "Family Unity Demonstration Project Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) an increasing number of children are becoming separated from their primary caretaker parents due to the incarceration of the parents in prisons and jails;

(2) such separation of children from their primary caretaker parents can cause harm to children's psychological well-being and hinder their growth and development;

(3) a significant number of children are born shortly before or during the incarceration of their mothers and are then quickly separated from their mothers, preventing the parent-child bonding that is crucial to developing in children a sense of security and trust;

(4) maintaining close relationships with their children provides a powerful incentive for prisoners to participate in and successfully benefit from rehabilitative programs; and

(5) maintaining strong family ties during imprisonment has been shown to decrease recidivism, thereby reducing prison costs.

(b) PURPOSE.—The purpose of this Act is to evaluate the effectiveness of certain demonstration projects in helping to—

(1) alleviate the harm to children and primary caretaker parents caused by separation due to the incarceration of the parents;

(2) reduce recidivism rates of prisoners by encouraging strong and supportive family relationships; and

(3) explore the cost effectiveness of community correctional facilities.

SEC. 103. DEFINITIONS.

In this Act—

"child" means a person who is less than 6 years of age.

"community correctional facility" means a residential facility that—

(A) is used only for eligible offenders and their children under 6 years of age;

(B) is not within the confines of a jail or prison;

(C) has a maximum capacity of 50 prisoners in addition to their children; and

(D) provides to inmates and their children—

(i) a safe, stable environment for children;

(ii) pediatric and adult medical care consistent with medical standards for correctional facilities;

(iii) programs to improve the stability of the parent-child relationship, including educating parents regarding—

(I) child development; and

(II) household management;

(iv) alcoholism and drug addiction treatment for prisoners; and

(v) programs and support services to help inmates—

(I) to improve and maintain mental and physical health, including access to counseling;

(II) to obtain adequate housing upon release from State incarceration;

(III) to obtain suitable education, employment, or training for employment; and

(IV) to obtain suitable child care.

"Director" means the Director of the Federal Bureau of Prisons.

"eligible offender" means a primary caretaker parent who—

(A) is sentenced to a term of imprisonment of not more than 7 years or is awaiting sentencing for a conviction punishable by such a term of imprisonment;

(B) except in the case of an offender awaiting sentencing, is incarcerated currently to serve that sentence;

(C) is not eligible currently for probation or parole until the expiration of a period exceeding 180 days; and

(D) has not engaged in conduct which—

(i) knowingly resulted in death of serious bodily injury;

(ii) is a felony for a crime of violence against the person;

(iii) constitutes child neglect or mental, physical, or sexual abuse of a child.

"primary caretaker parent" means—

(A) a parent who has consistently assumed responsibility for the housing, health, and safety of a child prior to incarceration; or

(B) a woman who has given birth to a child after or while awaiting sentencing hearing and who expresses a willingness to assume responsibility for the housing, health, and safety of that child, a parent who in the best interest of a child, has arranged for the temporary care of the child in the home of a relative or other responsible adult shall not for that reason be excluded from the category "primary caretaker".

"State" means 1 of the States or the District of Columbia.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this Act \$8,000,000 for each of fiscal years 1995, 1996, 1997, 1998 and 1999.

(b) AVAILABILITY OF APPROPRIATIONS.—Of the amount appropriated under subsection (a) for any fiscal year—

(1) 90 percent shall be available to carry out title II; and

(2) 10 percent shall be available to carry out title III.

TITLE II—GRANTS TO STATES

SEC. 201. AUTHORITY TO MAKE GRANTS.

(a) GENERAL AUTHORITY.—The Director may make grants, on a competitive basis, to States to carry out in accordance with this title family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children.

(b) PREFERENCES.—For the purpose of making grants under subsection (a), the Director

shall give preference to a State that includes in the application required by section 202 assurances that if the State receives a grant—

(1) both the State corrections agency and the State health and human services agency will participate substantially in, and cooperate closely in all aspects of, the development and operation of the family unity demonstration project for which such a grant is requested;

(2) boards made up of community residents, local businesses, corrections officials, former prisoners, child development professionals, educators, and maternal and child health professionals will be established to advise the State regarding the operation of such project;

(3) the State has in effect a policy that provides for the placement of all prisoners, whenever possible, in correctional facilities for which they qualify that are located closest to their respective family homes;

(4) unless the Director determines that a longer timeline is appropriate in a particular case and notifies the Attorney General in writing of the length and reason for such extension, the State will implement the project not later than 180 days after receiving a grant under subsection (a) and will expend all of the grant during a 1-year period;

(5) the State demonstrates that it has the capacity to continue implementing a community correctional facility beyond the funding period to ensure the continuity of the work;

(6) for the purpose of selecting eligible offenders to participate in the project, the State will—

(A) give written notice to a prisoner, not later than 30 days after the State first receives a grant under subsection (a) or 30 days after the prisoner is sentenced to a term of imprisonment of not more than 7 years (whichever is later), of the proposed or current operation of the project;

(B) accept at any time at which the project is in operation an application by a prisoner to participate in the project if, at the time of application, the remainder of the prisoner's sentence exceeds 180 days;

(C) review applications by prisoners in the sequence in which the State receives such applications;

(D) not more than 50 days after reviewing such applications approve or disapprove the application; and

(7) for the purposes of selecting eligible offenders to participate in such project, the State authorizes State courts to sentence an eligible offender directly to a correctional facility, provided that the court gives assurances that the offender would have otherwise served a term of imprisonment.

(c) SELECTION OF GRANTEEES.—The Director shall make grants under subsection (a) on a competitive basis, based on such criteria as the Director shall issue by rule and taking into account the priorities described in subsection (b).

(d) NUMBER OF GRANTS.—In any fiscal year for which funds are available to carry out this title, the Director shall make grants to no fewer than 4 and no greater than 8 eligible States geographically dispersed throughout the United States.

SEC. 202. ELIGIBILITY TO RECEIVE GRANTS.

To be eligible to receive a grant under section 201(a), a State shall submit to the Director an application at such time, in such form, and containing such information as the Director reasonably may require by rule.

SEC. 203. REPORT.

(a) IN GENERAL.—A State that receives a grant under this title shall, not later than 90

days after the 1-year period in which the grant is required to be expended, submit a report to the Director regarding the family unity demonstration project for which the grant was expended.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of prisoners who submitted applications to participate in the project and the number of prisoners who were placed in community correctional facilities;

(2) state, with respect to prisoners placed in the project, the number of prisoners who are returned to that jurisdiction and custody and the reasons for such return;

(3) describe the nature and scope of educational and training activities provided to prisoners participating in the project;

(4) state the number, and describe the scope of, contracts made with public and nonprofit private community-based organizations to carry out such project; and

(5) evaluate the effectiveness of the project in accomplishing the purposes described in section 102(b).

TITLE III—FAMILY UNITY DEMONSTRATION PROJECT FOR FEDERAL PRISONERS

SEC. 301. AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Ten percent of the funds authorized under this Act shall be used for defendants convicted of Federal offenses.

(b) GENERAL CONTRACTING AUTHORITY.—In implementing this title, the Bureau of Prisons may enter into contracts with appropriate public or private agencies to provide housing, sustenance, services, and supervision of inmates eligible for placement in community correctional facilities under this title.

(c) USE OF STATE FACILITIES.—At the discretion of the Attorney General, Federal participants may be placed in State projects, as defined in title II. For such participants, the Attorney General shall, with funds available under section 104(b)(2), reimburse the State for all project costs related to the Federal participant's placement, including administrative costs.

SEC. 302. REQUIREMENTS.

For the purpose of placing Federal participants in a family unity demonstration project under section 301, the Attorney General shall—

(1) consult with the Secretary of Health and Human Services regarding the development and operation of the project; and

(2) submit to the Director a report containing the information described in section 203(b).

INOUYE (AND MCCAIN) AMENDMENT NO. 1177

Mr. BIDEN (for Mr. INOUYE, for himself, Mr. MCCAIN, Mr. DECONCINI, Mr. REID, Mr. DURENBERGER, and Mr. CONRAD) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place in subtitle G of title XXIX, insert the following:

"SEC. . CONTROL AND PREVENTION OF CRIME IN INDIAN COUNTRY.

"(a) DEFINITION.—As used in this Act, the term "Indian tribal government" means the governing body of a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act, (43 U.S.C. 1601 35 et seq.), that is recognized as

eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(b) CONFORMING DEFINITION.—As used in this Act, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and Indian tribal governments.

"(c) MATCHING REQUIREMENTS.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the United States Government performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this title.

"(d) NONSUPPLANTING REQUIREMENT.—Funds made available to Indian tribal governments shall not be used to supplant funds supplied by the Department of the Interior, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this Act, be made available from funds supplied by the Department of the Interior."

METZENBAUM AMENDMENT NO. 1178

Mr. BIDEN (for Mr. METZENBAUM) proposed an amendment to the bill S. 1607, supra; as follows:

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

SEC. . CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.

(a) RESOLUTION TRUST CORPORATION.—Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)) is amended—

(1) in subparagraph (A)(i), by inserting "except as provided in subparagraph (B)," before "in the case of";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new paragraph:

"(B) TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues; or

"(ii) the period applicable under State law."; and

(4) in subparagraph (C), as redesignated—

(A) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(B) by striking "such subparagraph" and inserting "such subparagraphs".

(b) EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) TERMINATION.—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) FDIC AS SUCCESSOR TO THE RTC.—The Federal Deposit Insurance Corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

WELLSTONE AMENDMENT NO. 1179

Mr. BIDEN (for himself and Mr. WELLSTONE) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

TITLE —DOMESTIC VIOLENCE

SEC. 1. SHORT TITLE.

This title may be cited as the "Domestic Violence Firearm Prevention Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) domestic violence is the leading cause of injury to women in the United States between ages of 15 and 44;

(2) firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce;

(3) individuals with a history of domestic abuse should not have easy access to firearms.

SEC. 3. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.

(a) PROHIBITION AGAINST DISPOSAL OF FIREARMS.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(B)(A) has been convicted in any court of an offense that—

"(i) involves the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by any court in a case involving a person described in subparagraph (A), to refrain from any contact with or to maintain a minimum distance from that person or to refrain from abuse, harassment, or stalking of that person."

(b) PROHIBITION AGAINST RECEIPT OF FIREARMS.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following new paragraph:

"(B)(A) has been convicted in any court of an offense that—

"(i) involves the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by any court in a case involving a person described in subparagraph (A), to refrain from any contact with or to maintain a minimum distance from that person, or to refrain from abuse, harassment, or stalking of that person;"

**SIMON (AND OTHERS)
AMENDMENT NO. 1180**

Mr. BIDEN (for Mr. SIMON, Mr. BENNETT, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. METZENBAUM, Mr. LAUTENBERG, and Mr. KOHL) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

TITLE —FIREARMS

SEC. 01. FIREARMS LICENSURE AND REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.

(a) FIREARMS LICENSURE.—Section 923(a) of title 18, United States Code, is amended in the second sentence by inserting "and shall include a photograph and fingerprints of the applicant" before the period.

(b) REGISTRATION.—Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application."

SEC. 02. COMPLIANCE WITH STATE AND LOCAL LAWS AS A CONDITION TO LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the applicant certifies that—
"(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

"(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and
"(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

"(iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license."

SEC. 03. ACTION ON FIREARMS LICENSE APPLICATION.

Section 923(d)(2) of title 18, United States Code, is amended by striking "forty-five-day" and inserting "60-day".

SEC. 04. INSPECTION OF FIREARMS LICENSEES' INVENTORY AND RECORDS.

Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended to read as follows:

"(i) for insuring compliance with the record keeping requirements of this chapter—

"(I) not more than once during any 12-month period; or

"(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee."

SEC. 05. REPORTS OF THEFT OR LOSS OF FIREARMS.

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities."

SEC. 06. RESPONSES TO REQUESTS FOR INFORMATION.

Section 923(g) of title 18, United States Code, as amended by section 05, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information."

SEC. 07. NOTIFICATION OF NAMES AND ADDRESSES OF FIREARMS LICENSEES.

Section 923 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(1) The Secretary of the Treasury shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

**DECONCINI AMENDMENTS NOS.
1181-1182**

Mr. BIDEN (for Mr. DECONCINI) proposed two amendments to the bill S. 1607, supra; as follows:

AMENDMENT NO. 1181

On page 22, line 4, insert "(1)" before "Notwithstanding".

On page 22, between lines 8 and 9, insert the following:

"(2) Notwithstanding subsection (a), an applicant that is an Indian tribe or tribal law enforcement agency may submit an application for a grant under this part directly to the Attorney General.

On page 23, strike lines 8 through 13 and insert the following:

"(a) NOTSUPPLANTING REQUIREMENT.—Funds made available under this part to State or local governments or to Indian tribal governments shall not be used to supplant State or local funds, or, in the case of Indian tribes, funds supplied by the Department of the Interior, but shall be used to increase the amount of funds that would, in the absence of Federal lands received under this part, be made available from State or local sources, or in the case of Indian tribes, from funds supplied by the Department of the Interior.

On page 28, line 4, after "part Q." insert "In view of the extraordinary need for law enforcement in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribes or tribal law enforcement agencies."

On part 447, after line 23, add the following:

SEC. 2973. TREATMENT OF INDIAN TRIBES UNDER TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

(a) MATCHING FUND SOURCE.—
(1) IN GENERAL.—Section 817 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789m) is amended—

(A) by amending the heading to read as follows:

"DISTRICT OF COLUMBIA AND INDIAN TRIBE
MATCHING FUND SOURCE";

(B) by inserting "(a) DISTRICT OF COLUMBIA.—" before "Funds"; and

(C) by adding at the end the following new subsection:

"(b) INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the United States Government performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this title."

(2) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by amending the item relating to section 817 to read as follows:

"Sec. 817. District of Columbia and Indian tribe matching fund source."

DEFINITION.—Section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

AMENDMENT NO. 1182

At the appropriate place, insert the following:

TITLE —MISSING AND EXPLOITED CHILDREN

SECTION 01. SHORT TITLE.

This title may be cited as the "Morgan P. Hardiman Task Force on Missing and Exploited Children Act".

SEC. 02. FINDINGS.

The Congress finds that—

(1) the victimization of children in our Nation has reached epidemic proportions; recent Department of Justice figures show that—

(A) 4,600 children were abducted by non-family members;

(B) two-thirds of the abductions of children by non-family members involve sexual assault;

(C) more than 354,000 children were abducted by family members; and

(D) 451,000 children ran away;

(2) while some local law enforcement officials have been successful in the investigation and resolution of such crimes, most local agencies lack the personnel and resources necessary to give this problem the full attention it requires;

(3) a majority of the Nation's 17,000 police departments have 10 or fewer officers; and

(4) locating missing children requires a coordinated law enforcement effort; supplementing local law enforcement agencies with a team of assigned active Federal agents will allow Federal agents to pool their resources and expertise in order to assist local agents in the investigation of the Nation's most difficult cases involving missing children.

SEC. 03. PURPOSE.

The purpose of this title is to establish a task force comprised of law enforcement officers from pertinent Federal agencies to work with the National Center for Missing and Exploited Children (referred to as the "Center") and coordinate the provision of Federal

law enforcement resources to assist State and local authorities in investigating the most difficult cases of missing and exploited children.

SEC. 04. ESTABLISHMENT OF TASK FORCE.

Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) is amended—

(1) by redesignating sections 407 and 408 as sections 408 and 409, respectively; and

(2) by inserting after section 406 the following new section:

"TASK FORCE

"SEC. 407. (a) ESTABLISHMENT.—There is established a Missing and Exploited Children's Task Force (referred to as the "Task Force").

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Task Force shall include at least 2 members from each of—

"(A) the Federal Bureau of Investigation;

"(B) the Secret Service;

"(C) the Bureau of Alcohol, Tobacco and Firearms;

"(D) the United States Customs Service;

"(E) the Postal Inspection Service;

"(F) the United States Marshals Service; and

"(G) the Drug Enforcement Administration.

"(2) CHIEF.—A representative of the Federal Bureau of Investigation (in addition to the members of the Task Force selected under paragraph (1)(A)) shall act as chief of the Task Force.

"(3) SELECTION.—(A) The Director of the Federal Bureau of Investigation shall select the chief of the Task Force.

"(B) The heads of the agencies described in paragraph (1) shall submit to the chief of the Task Force a list of at least 5 prospective Task Force members, and the chief shall select 2, or such greater number as may be agreeable to an agency head, as Task Force members.

"(4) PROFESSIONAL QUALIFICATIONS.—The members of the Task Force shall be law enforcement personnel selected for their expertise that would enable them to assist in the investigation of cases of missing and exploited children.

"(5) STATUS.—A member of the Task Force shall remain an employee of his or her respective agency for all purposes (including the purpose of performance review), and his or her service on the Task Force shall be without interruption or loss of civil service privilege or status and shall be on a non-reimbursable basis.

"(6) PERIOD OF SERVICE.—(A) Subject to subparagraph (B), 1 member from each agency shall initially serve a 1-year term, and the other member from the same agency shall serve a 1-year term, and may be selected to a renewal of service for 1 additional year; thereafter, each new member to serve on the Task Force shall serve for a 2-year period with the member's term of service beginning and ending in alternate years with the other member from the same agency; the period of service for the chief of the Task Force shall be 3 years.

"(B) The chief of the Task Force may at any time request the head of an agency described in paragraph (1) to submit a list of 5 prospective Task Force members to replace a member of the Task Force, for the purpose of maintaining a Task Force membership that will be able to meet the demands of its case-load.

"(c) SUPPORT.—

"(1) IN GENERAL.—The Administrator of the General Services Administration, in coordination with the heads of the agencies de-

scribed in subsection (b)(1), shall provide the Task Force office space and administrative and support services, such office space to be in close proximity to the office of the Center, so as to enable the Task Force to coordinate its activities with that of the Center on a day-to-day basis.

"(2) LEGAL GUIDANCE.—The Attorney General shall assign a United States Attorney to provide legal guidance, as needed, to members of the Task Force.

"(d) PURPOSE.—

"(1) IN GENERAL.—(A) The purpose of the Task Force shall be to make available the combined resources and expertise of the agencies described in paragraph (1) to assist State and local governments in the most difficult missing and exploited child cases nationwide, as identified by the chief of the Task Force from time to time, in consultation with the Center, and as many additional cases as resources permit, including the provision of assistance to State and local investigators on location in the field.

"(B) TECHNICAL ASSISTANCE.—The role of the Task Force in any investigation shall be to provide advice and technical assistance and to make available the resources of the agencies described in subsection (b)(1); the Task Force shall not take a leadership role in any such investigation.

"(e) TRAINING.—Members of the Task Force shall receive a course of training, provided by the Center, in matters relating to cases of missing and exploited children.

"(f) CROSS-DESIGNATION OF TASK FORCE MEMBERS.—The Attorney General shall cross-designate the members of the Task Force with jurisdiction to enforce Federal law related to child abduction to the extent necessary to accomplish the purposes of this section."

BOXER AMENDMENT NO. 1183

Mr. BIDEN (for Mrs. BOXER) proposed an amendment to the bill S. 1607, supra; as follows:

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

SEC. . PENALTIES FOR DOCUMENT FRAUD.

(a) IN GENERAL.—Section 274C(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(3)) is amended—

(1) in subparagraph (A), by striking "not less than \$250 and not more than \$2,000" and inserting "not less than \$1,000 and not more than \$5,000"; and

(2) in subparagraph (B), by striking "not less than \$2,000 and not more than \$5,000" and inserting "not less than \$5,000 and not more than \$10,000".

(b) FRAUD AND MISUSE OF VISAS, PERMITS, AND OTHER DOCUMENTS.—(1) Section 1546 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "not more than five years" and inserting "not more than ten years"; and

(B) in subsection (b), by striking "not more than two years" and inserting "not more than five years".

(2) Whoever commits an offense under section 1546(a) or 1546(b) of title 18, United States Code, shall be fined, in addition to the fines provided under such section, \$10,000 or \$5,000, respectively.

(c) APPLICABILITY.—This section, and the amendments made by this section, shall apply to offenses committed on or after the date of enactment of this Act.

LIEBERMAN AMENDMENT NO. 1184

Mr. BIDEN (for Mr. LIEBERMAN) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC. . USE OF ANTILOITERING LAWS TO FIGHT CRIME.

The Attorney General shall—

(1) study the ways in which antiloitering laws can be used, without violating the constitutional rights of citizens as enunciated by the Supreme Court, to eradicate open-air drug markets and other blatant criminal activity;

(2) prepare a model antiloitering statute and guidelines for enforcing the statute in such a manner as to prevent, deter, and punish illegal drug activity and other criminal activity; and

(3) make the results of the study and the model statute and guidelines available to Federal, State, and local law enforcement authorities.

MOSELEY-BRAUN AMENDMENT NO. 1185

Mr. BIDEN (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill S. 1607, supra; as follows:

On page 218, line 19, after "States," insert "and whether the State plan expressly considers the role of race in procedures for jury selection in the State."

LEAHY (AND OTHERS) AMENDMENT NO. 1186

Mr. BIDEN (for Mr. LEAHY, Mr. HEFLIN, and Mr. PRESSLER) proposed an amendment to the bill S. 1607, supra; as follows:

On page 312, after line 24, insert the following:

Subtitle C—Rural Domestic Violence and Child Abuse Enforcement

SEC. 1421. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants to units of State and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) DEFINITION.—In this section, "rural State" has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1995, 1996, and 1997.

(2) ADDITIONAL FUNDING.—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

BIDEN (AND OTHERS) AMENDMENT NO. 1187

Mr. BIDEN (for himself, Mr. HATCH, and Mr. REID) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC. . VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—

(1) REAUTHORIZATION.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

“(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

“(1) \$7,000,000 for fiscal year 1995; and
“(2) \$10,000,000 for each of fiscal years 1996, 1997, and 1998.”

(2) TECHNICAL AMENDMENT.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking “this chapter” and inserting “this subtitle”.

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—

(1) REAUTHORIZATION.—Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended to read as follows:

“(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

“(1) \$7,000,000 for fiscal year 1995; and
“(2) \$10,000,000 for each of fiscal years 1996, 1997, and 1998.”

(2) TECHNICAL AMENDMENT.—Section 221(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13021(b)) is amended by striking “this chapter” and inserting “this subtitle”.

(c) GRANTS FOR TELEVIEWED TESTIMONY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by amending section 1001(a)(7) (42 U.S.C. 3793(a)(7)) to read as follows:

“(7) There are authorized to be appropriated to carry out part N—

“(A) \$3,500,000 for fiscal year 1995; and
“(B) \$5,000,000 for each of fiscal years 1996, 1997, and 1998.”

(2) in section 1401 (42 U.S.C. 3796aa) by striking “and units of local government” and inserting “, units of local government, and other public and private organizations”;

(3) in section 1402 (42 U.S.C. 3796aa-1) by striking “to States, for the use of States and units of local government in the States”;

(4) in section 1403 (42 U.S.C. 3796aa-2)—
(A) by inserting “, unit of local government, or other public or private organization” after “of a State”; and

(B) in paragraphs (3) and (4) by inserting “in the case of an application by a State,” before “an assurance”;

(5) by striking section 1405 (42 U.S.C. 3796aa-4); and

(6) in the table of contents by striking the item for section 1405.

HOLLINGS AMENDMENT NO. 1188

Mr. BIDEN (for Mr. HOLLINGS) proposed an amendment to the bill S. 1607, supra; as follows:

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

SEC. . LAW DAY U.S.A.

(a) FINDINGS.—Congress finds that—

(1) the first day of May of each year has been designated as “Law Day U.S.A.” and set aside as a special day to advance equality and justice under law, to encourage citizen support for law enforcement and law observance, and to foster respect for law and an understanding of the essential place of law in the life of every citizen of the United States;

(2) each day, police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation;

(3) each year tens of thousands of law enforcement personnel are injured or assaulted in the course of duty and many are killed;

(4) law enforcement personnel are devoted to their jobs, are underpaid for their efforts, and are tireless in their work; and

(5) law enforcement personnel perform their duties without adequate recognition.

(b) EXPRESSION OF GRATITUDE.—In celebration of “Law Day, U.S.A.”, May 1, 1994, the grateful people of this Nation give special emphasis to all law enforcement personnel of the United States, and acknowledge the unflinching and devoted service law enforcement personnel perform as such personnel help preserve domestic tranquility and guarantee the legal rights of all individuals of this Nation.

DODD AMENDMENT NO. 1189

Mr. BIDEN (for Mr. DODD) proposed an amendment to the bill S. 1607, supra; as follows:

Insert at the appropriate place the following:

Of the amounts available to be expended for the Violent Crime Reduction Trust Fund \$75 million is authorized to be expended to constitute an Ounce of Prevention Fund, to be administered as follows and for the following purposes:

“(i) The Ounce of Prevention Fund shall be for the purpose of encouraging and supporting the healthy development and nurturance of children and youth in order to promote successful transition into adulthood and for preventing violent crime through substance abuse treatment and prevention.

“(ii) Activities to be supported by the Ounce of Prevention Fund include—

“(I) after school and summer academic enrichment and recreation conducted in safe and secure settings and coordinated with school curricula and programs, mentoring and tutoring and other activities involving extensive participation of adult role models, activities directed at facilitating familiarity with the labor market and ultimate successful transition into the labor market; and

“(II) substance abuse treatment and prevention program authorized in the Public Health Service Act including outreach programs for at-risk families.

“(iii) Except for substance abuse treatment and prevention programs, the children and youth to be served by Ounce of Prevention programs shall be of ages appropriate for attendance at elementary and secondary schools. Applications shall be geographically based in particular neighborhoods or sections of municipalities or particular segments of rural areas, and applications shall demonstrate how programs will serve substantial proportions of children and youth resident in the target area with activities designed to have substantial impact on the lives of such children and youth. The Ounce of Prevention Council created herein shall define more precise statistical and numerical parameters for target areas, numbers of children to be served, and substantially of impact of activities to be undertaken.

“(iv) Applicants may be cities, counties, or other municipalities, school boards, colleges and universities, nonprofit corporations, or consortia of eligible applicants. Applicants must show that a planning process has occurred that has involved organizations, institutions, and residents of target areas, including young people, as well as cooperation between neighborhood-based entities, municipality-wide bodies, and local private-sector representatives. Applicants must demonstrate the substantial involvement of neighborhood-based entities in the carrying out of the proposed activities. Proposals

must demonstrate that a broad base of collaboration and coordination will occur in the implementation of the proposed activities, involving cooperation among youth-serving organizations, schools, health and social service providers, employers, law enforcement professionals, local government, and residents of target areas, including young people. The Ounce of Prevention Council shall set forth guidelines elaborating these provisions.

“(v) The Ounce of Prevention Council shall be chaired by the Attorney General and the Secretaries of Education and Health and Human Services, and shall include the Secretaries of Agriculture, Housing and Urban Development, and Labor, and the Director of the Office of National Drug Control Policy. Such sums as shall be necessary shall be appropriated for staff of the Ounce of Prevention Council, which will be headed by a Director chosen by the Council. The Council shall make grant awards under this program and develop appropriate guidelines for the grant application process.

“(vi) The portion of the costs of a program, project, or activity provided by a grant under the Ounce of Prevention Fund may not exceed 75 percent, unless the Ounce of Prevention Council waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. Grants may be renewed for up to 4 additional years after the first fiscal year during which a recipient receives an initial grant, provided the Council is satisfied that adequate progress is being made toward fulfillment of proposal goals. The provision of section 1705(a) concerning nonsupplantation, section 1705(b) concerning limits on administrative costs, section 1706 concerning performance evaluation, and section 1707 concerning revocation or suspension of funding shall apply to the program created by this subparagraph.”

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, November 18, 1993, at 2 p.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Christine Ervin, nominee to be Assistant Secretary of Energy for Energy Efficiency and Renewable Energy.

For further information, please contact Rebecca Murphy at 202-224-7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD, Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, November 10, 1993, at 2:30 p.m. in SR-332 on S. 1288, the National Aquaculture Development, Commercialization, and Promotion Act of 1993.

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, November 10, 1993, at 9:45 a.m., in open session to consider the following nominations: Mr. R. Noel Longuemare, Jr., to be Deputy Under Secretary of Defense for Acquisition; Ambassador Henry Allen Holmes to be Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and Mr. Gilbert F. Casellas to be General Counsel of the Department of the Air Force.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., November 10, 1993, to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the subject of the Uruguay round of the GATT.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 10, 1993, at 10 a.m. to hold nomination hearings. An agenda is attached.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, November 10, for a hearing on the subject: NAFTA job claims: Truth in statistics?

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on long-term care: security for senior citizens and individuals with disabilities, during the session of the Senate on November 10, 1993, at 10 a.m.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on November 10, 1993, at 9:55 a.m., for an executive session to

consider the nomination of Harold Varmus to be Director of the National Institutes of Health.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, November 10, 1993, to hold a hearing on the INS Criminal Alien Program.

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

SUBCOMMITTEE ON SECURITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, November 10, 1993, at 10 a.m. to hold a hearing on the mutual fund industry.

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

ADDITIONAL STATEMENTS

HISPANIC WOMEN'S CORP.

• Mr. DeCONCINI. Mr. President, I rise today to recognize the accomplishments of the Hispanic Women's Corp. The corporation will hold its ninth annual conference on December 10 and 11 in Phoenix with the appropriate theme "Hispanas: La Vision y La Fuerza—The Vision and the Strength.

The Hispanic Women's Corp. was founded in 1981 as the result of a series of meetings among eight Hispanic women who brought together diverse backgrounds in business, government and education to achieve a common goal. What began as an informal association has evolved into a nationally recognized organization which has dramatically empowered Hispanic women throughout our Nation.

For 12 successful years, the Hispanic Women's Corp. has actively sought to achieve the following goals: To ensure that Hispanic women are active and vital participants in our expanding work force; to recognize and address the challenges and opportunities inherent in the diverse cultural, social and linguistic heritage of the Hispanic woman; to promote the potential of Hispanics within the educational system, the work world and the community; and to assure the continued participation in and support of its three primary programs: The Hispanic Women's Conference, the Hispanic Women's Leadership Institute and the Hispanic Scholars Program.

Much of the success of the Hispanic Women's Corp. is due to the hard work and dedication of its board of directors, corporation president Eufemia Amabisca, conference chairwoman

Peggy Jordan, conference cochairs Toni-Marie Avila and Janie Mollon, and the conference executive planning committee.

We welcome the Hispanic Women's Corp. to Arizona and wish this outstanding organization a most successful and productive national conference. •

STOPPING YOUTH VIOLENCE

• Mr. SIMON. Mr. President, I would like to include in the RECORD an article from the Denver Post about ending urban violence. The op-ed is a unique collaboration in itself: the authors are the Governor of Colorado, the mayors of two of Colorado's largest cities and the dean of Colorado's congressional delegation. They, and many other Coloradans, throughout the public and private sector, have come together to creatively address youth violence in their State.

Colorado's Call to Action, an organization committed to stopping youth violence, has recently been recognized by Attorney General Janet Reno. This Partnership of Federal, State, and local agencies has focused on what Attorney General Reno calls "the single greatest crime problem in America today." Offering a comprehensive approach, Colorado's Call to Action is setting an example of how a community can work together with its officials, educators, businessmen and law enforcers to develop solutions to youth violence. Communities around the country are grappling with the problems of violence. We all have much to learn, and to be heartened by, from Colorado's experience. I ask that this article be printed in the RECORD in its entirety.

The article follows:

[From the Denver Post, Oct. 23, 1993]

TOGETHER, WE CAN STOP YOUTH VIOLENCE
(By Pat Schroeder, Wellington Webb, Paul Tauer, and Roy Romer)

Two days ago, Attorney General Janet Reno announced that five federal agencies—the Department of Justice, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Education and the Department of Labor—will joint our ongoing efforts in Colorado to curb urban violence, in particular, youth violence.

Next Thursday, Oct. 28, we will all meet in Denver for Colorado's Call to Action, a summit on ending urban violence. At the summit we will focus on youth violence, what Attorney General Reno calls "the single greatest crime problem in America today." We concur with the attorney general's opinion that while our young people need to know that there are also consequences for their violence, communities need to know that there are also consequences for ignoring the problems of our youth.

Colorado's Call to Action will be enriched by the expertise of the federal government as well as Aurora's six years of success in curbing gang violence. It is an effort that builds upon the partnerships created by Denver's Safe City Summit and the lessons learned

and goals accomplished in Colorado's recent special legislative session on juvenile violence.

We will look comprehensively at the problem of urban violence in our communities. We know you can't treat youth violence without addressing child abuse and a lack of jobs for teens. We understand you can't end domestic violence without providing support for families in need. And we know that kids are in gangs because they want to belong somewhere.

On Thursday, our community leaders and experts will meet with Deputy Attorney General Philip Heymann and high-ranking officials from five federal agencies to discuss how we can best work together on urban violence. It's a historic opportunity for Colorado and for all of us who believe that everyone in our state has a stake in creating an atmosphere where children can thrive, families can be secure, and people treat each other with respect.

We will have the opportunity not only to get at the heart of violence here, but also to set an example for the entire country of how a community can come together by pooling its resources, brainpower, energy and commitment to deal with violence in a different way.

In July, we asked the attorney general for advice and help on how the Denver area could better deal with the summer of violence that plagued us. Colorado's Call to Action and the cooperation of federal agencies in developing it are part of her swift, comprehensive and thoughtful response.

Never before have we seen a project that cross-cuts five federal agencies and state and local government. The number one watchword has been teamwork. It's rare in government and politics. But here, under the leadership of Attorney General Reno, it has ruled the day.

We have teamwork among federal and state agencies and local governments. But more importantly, we have teamwork among our local entities. Law enforcement, schools and even the business community have welcomed the challenge of putting together a plan of action on urban violence.

It's our can-do spirit that convinced the attorney general that our community stands ready, willing and able to honestly assess our problems and develop our own solutions. One of the remarkable aspects of this is that we will be the architects of our plan on youth violence. The federal government is not going to play Big Brother on this. Instead, they will look at the plan we devise based upon our problems in Colorado and share their expertise and technical assistance on how we can best implement our programs.

Our effort is also budget-conscious. While we will spare no expense to keep our community safe, we know that resources and dollars—be they city, state or federal—are limited. This effort is not about throwing money at the problem. What the five federal agencies bring to the table is their expertise. We will be able to tap into national expertise on the violence issue. That is a precious commodity when you are rethinking a problem as overwhelming as urban violence.

It's this partnership that is so historic and groundbreaking about Colorado's Call to Action. Colorado's Call to Action is about creating partnerships outside government as well. That's why we are calling in experts from the fields of education and training, law enforcement and corrections, public health and social services, neighborhood and advocacy groups, and the business and foun-

dation communities. These groups all have a role in creating a climate where the culture of violence cannot take root.

We are proud that Attorney General Reno has taken note that this community is determined to end the culture of violence. It's going to be an evolving process, but we are in this battle for the long haul. So let's get to it. We have no time to waste. ●

NATIONAL FAMILY WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 79, a joint resolution relating to National Family Week; just received from the House; that the resolution be deemed read a third time, passed, that the motion to reconsider be laid upon the table and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

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

So the joint resolution (H.J. Res. 79) was deemed read a third time and passed.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S.J. Res. 142) a joint resolution designating the week beginning November 7, 1993, as "National Women Veterans Recognition Week."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 142) entitled "Joint resolution designating the week beginning November 7, 1993, as 'National Women Veterans Recognition Week'", do pass with the following amendments:

Page 2, line 3, strike out "week beginning November 7, 1993, is" and insert "weeks beginning November 7, 1993, and November 6, 1994, respectively, are each".

Amend the title so as to read: "Joint resolution designating the week beginning November 7, 1993, and the week beginning November 6, 1994, each as 'National Women Veterans Recognition Week'".

Mr. FORD. Mr. President, I move that the Senate concur, en bloc, in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS OF 1993

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a mes-

sage from the House of Representatives on S. 1490, an act to amend Public Law 100-518 and the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1490) entitled "An Act to amend Public Law 100-518 and the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes," do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Limitation on administrative and supervisory costs.

Sec. 3. Authorization of appropriations.

Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.

Sec. 5. Pilot program for performing inspection and weighing at interior locations.

Sec. 6. Licensing of inspectors.

Sec. 7. Prohibited acts.

Sec. 8. Criminal penalties.

Sec. 9. Equipment testing and other services.

Sec. 10. Violation of subpoena.

Sec. 11. Standardizing commercial inspections.

Sec. 12. Elimination of gender-based references.

Sec. 13. Repeal of temporary amendment language; technical amendments.

Sec. 14. Authority to collect fees; termination of advisory committee.

Sec. 15. Comprehensive cost containment plan.

Sec. 16. Effective dates.

SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2000".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) *REAUTHORIZATION*.—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "during the period beginning October 1, 1988, and ending September 30, 1993" and inserting "1988 through 2000".

(b) *LIMITATION*.—Such section is further amended by striking "and 17A of this Act" and inserting "7B, 16, and 17A".

SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) *INSPECTION AUTHORITY*.—Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs operated by" and inserting "of"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government".

(b) *WEIGHING AUTHORITY*.—Section 7A of such Act (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the words "'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) **INSPECTION AUTHORITY.**—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end "except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) **WEIGHING AUTHORITY.**—The second sentence of section 7A(i) of such Act (7 U.S.C. 79a(i)) is amended by inserting before the period at the end "except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 of the United States Grain Standards Act (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the phrase "(or is supervised under a contractual arrangement)"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the words "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the words "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

Paragraph (11) of section 13(a) of the United States Grain Standards Act (7 U.S.C. 87b(a)(11)) is amended to read as follows:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A.".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) of the United States Grain Standards Act (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than \$10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person".

SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.

Section 16 of the United States Grain Standards Act (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g) **TESTING OF CERTAIN WEIGHING EQUIPMENT.**—(1) Subject to paragraph (2), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(h) **TESTING OF GRAIN INSPECTION INSTRUMENTS.**—(1) Subject to paragraph (2), the Administrator may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(i) **ADDITIONAL FOR FEE SERVICES.**—(1) In accordance with such regulations as the Administrator may provide, the Administrator may perform such other services as the Administrator considers to be appropriate.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(j) **DEPOSIT OF FEES.**—Fees collected under subsections (g), (h), and (i) shall be deposited into the fund created under section 7(f).

"(k) **OFFICIAL COURTESIES.**—The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered or accepted pursuant to this subsection shall exceed \$20 in value."

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) of the United States Grain Standards Act (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than \$10,000 or both the imprisonment and fine".

SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) of the United States Grain Standards Act (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting "the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 12. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended—

(1) by striking "him" and inserting "the licensee"; and

(2) by striking "his license" and inserting "the license".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE; TECHNICAL AMENDMENTS.

(a) **REPEAL.**—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 102 Stat. 2584) is amended, in the matter preceding paragraph (1), by striking "Effective for the period October 1, 1988, through September 30, 1993, inclusive, the" and inserting "The".

(b) **TECHNICAL AMENDMENTS.**—(1) Section 21(a) of the United States Grain Standards Act (7 U.S.C. 87j(a)) is amended—

(A) by striking "(1)"; and

(B) by striking paragraph (2).

(2) Section 22(c) of such Act (7 U.S.C. 87k(c)), is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF ADVISORY COMMITTEE.

(a) **INSPECTION AND SUPERVISORY FEES.**—Section 7(j) of the United States Grain Standards Act (7 U.S.C. 79(j)) is amended by adding at the end the following new paragraph:

"(4) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, 2000. After that date, the fees established by the Administrator pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain."

(b) **WEIGHING AND SUPERVISORY FEES.**—Section 7A(1) of such Act (7 U.S.C. 79a(1)) is amended by adding at the end the following new paragraph:

"(3) The authority provided to the Administrator by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, 2000. After that date, the Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act."

(c) **ADVISORY COMMITTEE.**—Section 21 of such Act (7 U.S.C. 87j) is amended by adding at the end the following new subsection:

"(e) The authority provided to the Secretary for the establishment and maintenance of an advisory committee under this section shall expire on September 30, 2000."

SEC. 15. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by striking "There is created" and inserting "(a) ESTABLISHMENT.—There is created"; and

(2) by adding at the end the following new subsection:

"(b) **COST CONTAINMENT PLAN.**—(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate."

SEC. 16. EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) **SPECIAL EFFECTIVE DATE FOR CERTAIN PROVISIONS.**—The amendments made by sections

2, 3, and 13(a) shall take effect as of September 30, 1993.

Amend the title so as to read: "An Act to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes."

Mr. BURNS. Mr. President, I rise to engage the ranking member of the Agricultural Research, Conservation, Forestry and General Legislation Subcommittee of the Senate Committee on Agriculture, Nutrition, and Forestry, Mr. CRAIG, in a brief colloquy prior to the passage of S. 1490, a bill to reauthorize the Federal Grain Inspection Service. S. 1490 presents this Senator with several troubling aspects of our current grain inspection system. First, local country elevators such as those along Montana's HiLine are having great difficulty matching protein testing levels with those conducted under the authority of FGIS at the point of export. FGIS, in my view must work to ensure that protein tests at both country elevators and export elevators are compatible to the maximum extent possible.

The second point that I would like to raise is the issue of Canadian grain quality entering the United States. Montana, and other States have been inundated with Canadian grain moving into the United States. Montana's negative experiences with Canadian inspections of beef entering the United States lead me to urge great caution before extending the same privileges to Canadian grain.

I would like to seek assurances from the ranking member of the subcommittee of jurisdiction, in consultation with the chairman, and other members, that a complete review of Federal Grain Inspection Service policies and procedures be undertaken in the not to distant future so that this Senator and those experiencing these and other difficulties might have an opportunity to present our views.

Mr. CRAIG. Mr. President, I can assure the Senator from Montana that I welcome his input and that issues such as those he has raised, as well as others, will be the focus of our subcommittee as we prepare for the 1995 farm bill. Further, it is my understanding that the chairman of the subcommittee, Mr. DASCHLE, is of a like mind, and intends to continue his close attention to grain inspection issues.

Mr. BURNS. I thank the Senator.

Mr. DASCHLE. Mr. President, I am pleased to bring to the floor S. 1490, the Federal Grain Inspection Service reauthorization bill, as amended by the U.S. House of Representatives. Passage of this legislation will clear it for the President's signature.

S. 1490 is the product of considerable discussion among Members of the House and Senate Agriculture Commit-

tees, and I believe it meets our dual goal of reauthorizing and strengthening our country's grain inspection system.

The U.S. Department of Agriculture's Federal Grain Inspection Service [FGIS] performs three essential roles. It is responsible for setting grain standards that establish end-use characteristics of grain, maintaining and enforcing the official grain inspection system, and conducting mandatory inspections of export grain.

Our Nation's farmers produce the highest quality and safest food in the world. It is our job through FGIS to ensure that when that grain is marketed its quality is assured.

S. 1490 extends the U.S. Department of Agriculture's Federal Grain Inspection Service inspection operations and authorizes appropriations for FGIS through 2000. It also allows FGIS to conduct fee-based testing of weighing equipment and commercial inspections. This bill, as amended, is very similar to the version passed by unanimous consent by the Senate on September 29, 1993.

One issue that has received serious attention by the Senate and House Agriculture Committees has been the addition of water to grain. The committees looked at this issue from both a quality and safety perspective. Their goal was to assure the United States continues to deliver the highest quality grain in the world, and evaluate both the efficacy, and the effect on quality, of dust control systems to promote safety.

A major difference between this bill and the original version adopted on September 29 by unanimous consent is that section 7 of the bill, which would have placed a statutory ban on the use of water, has been removed. That section also would have allowed FGIS the flexibility to permit the use of water-based dust suppression systems—if and only if such systems were consistent with the goals of preserving grain quality and banning abusive grain handling practices—and set severe penalties for the unauthorized addition of water to grain.

After listening to the concerns of all interested parties, I have concluded that the best alternative at this time is to let FGIS address this issue through the regulatory process, rather than rely on a legislative solution.

No one should misinterpret the removal of this section as a decision by the House or the Senate to ignore the issue. To the contrary, I believe the burden lies with those who want to use water to prove that adding water to grain is necessary for safety reasons and will not harm grain quality or grain markets. At this point, that remains to be demonstrated. In the

meantime, I favor a ban on the addition of water to grain. But I am convinced that the regulatory process offers the best hope of delivering an objective, fair solution based on the goals of preserving grain quality, fair domestic marketing practices, and the U.S. grain export market. During that process, all interested parties will have an opportunity to air their concerns.

Currently the Department of Agriculture is seeking comments to a proposed rule to ban the addition of water to grain. I believe the USDA process is an appropriate forum for addressing the abuses that can occur when water is added to grain. In addition, the Subcommittee on Agricultural Research, Forestry, and General Legislation, which I chair, will conduct oversight hearings next year to determine whether the regulatory process is adequately protecting the integrity of our Nation's grain inspection system, thereby reassuring our domestic and international customers that we can be counted on to consistently deliver safe, high-quality grain.

Another point that should be made to clarify the legislative history on this issue is that section 7 of S. 1490 as originally passed by the Senate, was interpreted by some to have the potential to interfere in ongoing Federal investigations of allegedly abusive practices involving the addition of water to grain. As the author of S. 1490, I want to make it clear that no such interference was intended. Furthermore, in subsequent discussion with members of the House and Senate Agriculture Committees who have been involved in this legislation, there has been unanimous agreement that we would exclude from the legislation any provisions that could possibly be interpreted as interfering with the ongoing investigations. Our intention is to have no effect on either the ongoing Federal investigations or the ongoing regulatory process.

S. 1490 is the product of extensive oversight hearings, with input from producers, the grain industry, and USDA officials. Its enactment is essential to guarantee the quality, quantity, content, and grade of our Nation's grain marketing system, and I urge my colleagues to support it.

Mr. FORD. Mr. President, I move that the Senate concur, en bloc, in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 1993

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed

to the immediate consideration of Calendar Order No. 240, H.R. 2632, a bill to authorize appropriations for the Patent and Trademark Office.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2632) to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill.

There being no objection, the Senate proceeded to consider the bill.

Mr. DECONCINI. Mr. President, I rise in support of H.R. 2632, the Patent and Trademark Office Authorization Act of 1993. H.R. 2632 authorizes appropriations for the Patent and Trademark Office [PTO] for fiscal year 1994 and authorizes an increase in the trademark application fee.

The bill authorizes \$103,000,000 in appropriations for PTO from the PTO surcharge fund created by section 10101 of the Omnibus Budget Reconciliation Act of 1990. PTO is a completely user fee funded agency and the bill authorizes the expenditure of all fees collected, subject to appropriations. I would like to inform the Congress at this time that I do intend to continue my pursuit of legislation to insure that the full amount of fees collected by the Office are available to the Office.

Trademark application fees will be increased \$35, from \$210 to \$245. The Congressional Budget Office [CBO] estimates this will raise approximately \$4 million for the Office. The PTO needs statutory authority for any fee increase over a cost-of-living increase. For many years the Trademark Office of the PTO operated at a surplus. However, a recent relocation of the trademark legal offices and the need to pay a percentage of office overhead justifies the need for this increase. The increase was worked out with interested individuals and associations, including the International Trademark Association, formerly the U.S. Trademark Association.

Senator GLENN is offering an amendment to this bill that would extend the patents for olestra and the design patents for the American Legion. The amendment is identical to legislation that passed the Senate by unanimous consent on July 14 (S. 409). The contents of this amendment have been thoroughly reviewed and debated for two Congresses. Over that time it has been the subject of three congressional hearings and a General Accounting Office report. Therefore, I urge the Senate to support the bill and the Glenn amendment.

AMENDMENT NO. 1161

(Purpose: To extend the terms of various patents and for other purposes)

Mr. FORD. Mr. President on behalf of Senator GLENN, I send an amendment

to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. GLENN, proposes an amendment numbered 1161.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

SECTION 1. PATENT TERM EXTENSION FOR OLESTRA.

(a) IN GENERAL.—The terms of United States patents numbered 4,005,195, 4,005,196, and 4,034,083 (and any reissues of such patents) shall each be extended for a period beginning on the date of its expiration through December 31, 1997.

(b) POST-MARKET SURVEILLANCE.—The holders of the patents extended under this section shall, following the first permission for marketing olestra, undertake a post-market program that shall provide data regarding the influence of olestra-containing products upon the overall dietary intake of fats. Such data shall be subject to the usual standards of professional peer review. At the end of the study period, such data shall be submitted to the Food and Drug Administration for review. Such study data shall be in a format which shall be made available to Congress for public review. The requirements of this subsection shall not in any manner preempt the authority of the Food and Drug Administration to request and to receive any other information it determines necessary in the course of its ongoing regulatory activities.

SEC. 2. PATENT TERM EXTENSIONS FOR AMERICAN LEGION.

(a) BADGE OF AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) BADGE OF AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) BADGE OF SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SEC. 3. INTERVENING RIGHTS.

The renewals and extensions of the patents under section 2 shall not result in infringement of any such patent on account of any use of the subject matter of the patent, or substantial preparation for such use, which began after the patent expired, but before the date of the enactment of this Act.

SEC. 4. EFFECTIVE DATE.

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

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

The amendment (No. 1161) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

H.R. 2632

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Authorization Act of 1993".

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Patent and Trademark Office for salaries and necessary expenses the sum of \$103,000,000 for fiscal year 1994, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund established under section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. note).

(b) FEES.—There are also authorized to be made available to the Patent and Trademark Office for fiscal year 1994, to the extent provided in advance in appropriation Acts, such sums as are equal to the amount collected during such fiscal year from fees under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 and following).

SEC. 3. AMOUNTS AUTHORIZED TO BE CARRIED OVER.

Amounts appropriated or made available pursuant to this Act may remain available until expended.

SEC. 4. ADJUSTMENT OF TRADEMARK FEES.

Effective on the date of the enactment of this Act, the fee under section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) for filing an application for the registration of a trademark shall be \$245. Any adjustment of such fee under the second sentence of such section may not be effective before October 1, 1994.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

REVISION OF AUTHORITY RELATING TO PERSHING HALL, FRANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 263, S. 1621 relating to Pershing Hall, France; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relative

to the passage of this item appear at the appropriate place in the RECORD.

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

So the bill (S. 1621) was passed, as follows:

S. 1621

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

SECTION 1. REVISION OF AUTHORITY RELATING TO PERSHING HALL, FRANCE.

(a) INCREASE IN TRANSFER AUTHORITY.—Subsection (d)(2) of section 403 of the Veterans' Benefits Programs Improvement Act of 1991 (36 U.S.C. 493(d)(2)) is amended by striking out "\$1,000,000" and inserting in lieu thereof "\$1,250,000".

(b) DISPOSAL AUTHORITY.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) DISPOSAL AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Veterans Affairs may sell or otherwise dispose of all right, title, and interest of the United States in and to Pershing Hall.

"(2) The Secretary may not sell or otherwise dispose of Pershing Hall under this subsection unless the Secretary determines that—

"(A) the sale or other disposal is in the best interests of the United States; and

"(B) the consideration to be paid for such sale or other disposal is acceptable.

"(3)(A) Except as provided in subparagraph (B), the Secretary shall deposit in the general fund of the Treasury of the United States an amount equal to the amount of any cash consideration paid to the United States for the sale or other disposal of Pershing Hall under this subsection.

"(B) The Secretary may utilize an amount not to exceed \$250,000 of such cash consideration to recoup the cost of administrative expenses incurred by the Secretary with respect to the sale or other disposal of Pershing Hall."

(c) CLOSING OF REVOLVING FUND UPON DISPOSAL OF PERSHING HALL.—Subsection (d) of such section is amended by adding at the end the following new paragraph (7):

"(7) Upon sale or other disposal of all right, title, and interest of the United States in and to Pershing Hall under subsection (e), the Secretary shall—

"(A) pay out of funds in or proceeds from the sale or redemption of interest-bearing obligations credited to the Revolving Fund all outstanding liabilities of the Revolving Fund, including any unpaid expenses of the Revolving Fund and reimbursements of any funds transferred to the Revolving Fund under paragraph (2);

"(B) transfer any funds that remain in the Revolving Fund after the payment of the liabilities described in subparagraph (A) into the general fund of the Treasury of the United States; and

"(C) close the Revolving Fund."

Mr. MURKOWSKI. Mr. President, I urge the Senate to take quick and favorable action on S. 1621, an original bill ordered reported to the Senate by the Committee on Veterans' Affairs on November 3. The committee voted to report this measure as an original bill after approving, without dissent, an amendment with the identical language which I offered at the committee's October 28 markup.

This bill would authorize the Department of Veterans Affairs [VA] to sell Pershing Hall, a VA owned building in Paris, France. Proceeds of the sale would go to the Treasury except that VA could retain an amount equal to its expenses in selling the property, not to exceed \$250,000. The bill would also authorize transfer into the Pershing Hall revolving fund of the \$250,000 needed to finance administration of the sale. The money would come from funds already appropriated to VA's construction reserve.

Pershing Hall was created in the 1920's when the American Legion acquired the building and used it as a memorial to General Pershing as well as a meeting place for Paris Post 1.

The Legion eventually gave the building to the United States government but no specific agency had responsibility for, or authority over, the building. In time, the Legion abandoned the building when the burden of maintaining and administering it became too great.

With no owners providing hands-on management, the occupants of the building constituted themselves as the Pershing Hall Operating Committee. The occupants made no improvements and spent only minimal amounts for maintenance. As a result, the building deteriorated physically. In addition, the building was used in ways incompatible with its status as a memorial. The General Pershing memorabilia were neither maintained nor secured.

As a result, in 1990 the Congress gave VA responsibility for the building along with authority to repair and maintain the building and to lease it to a commercial developer.

The upfront costs of this effort were to be covered by a transfer of \$1 million from VA's construction reserve. VA expended the funds in taking control of the building, bringing it up to code, and soliciting bids for a lease. They had to evict the occupants of the building and defend against a countersuit filed by the occupants.

VA also made minimal necessary repairs to the plumbing and wiring to preserve the building from water and fire damage. There were 4 fires before VA hired an on site building manager and provided security for the building.

The law transferring responsibility for the building authorized them to lease the building for up to 35 years. VA's consultants report that this term is inconsistent with French commercial practice and that, as a consequence, VA is unlikely to receive offers reflecting the actual value of the property.

The fiscal year 1994 Construction Authorization Bill, signed earlier this year, gave VA the authority to lease for up to 99 years. VA has now come to the Committee on Veterans' Affairs seeking authority to transfer an additional \$250,000 to the Pershing Hall Revolving Fund in order to resolicit for

the longer period and to sustain the property while negotiations are completed.

VA has spent over \$1.5 million in taking possession of the property, evicting the occupants, maintaining and safeguarding the property and soliciting for lease proposals. As of now, neither the taxpayers nor veterans have any return for this money.

VA states that if they are to seek a 99-year lease or sell the property, they will need the additional \$250,000 to maintain the property, pay taxes, and finance a new solicitation. Otherwise, available funds will be exhausted before February 1994.

VA got this property as a gift, and over a 2-year period has spent over \$1.5 million with no tangible return for its efforts.

Some gift!

Many more gifts like this and our country will be broke. What has the Congress and the American taxpayer purchased with the money invested in Pershing Hall?

Over \$800,000 in personnel costs.

Almost \$160,000 in legal fees.

Over \$177,000 for consultants.

Almost \$50,000 for French property taxes.

\$144,000 for Paris utilities.

Over \$82,000 for travel expenses.

Over \$15,000 in printing and advertising costs.

Mr. President, this gift was not a gift for veterans. It was a gift for French beltway bandits.

The first rule for business success is stick to the things you know and do well. VA serves veterans. It knows that mission well. But VA has no expertise in the Paris real estate development business. As a result, this property has not provided a benefit for veterans. Instead, it has proven to be a drain on VA staff and resources.

After spending \$1.5 million, VA has again come to the Congressional well and asked for another \$250,000 for this property. VA says they will be unable to pay French taxes if we don't bail them out. I don't want VA to violate the Antideficiency Act. Nor do I want the United States to be a French tax deadbeat. But, there is only one way I would be able to look the veterans of Alaska in the eye after voting to pour another quarter million dollars into this dilapidated black hole. I must be able to say that this is the last time. There is only one way to ensure that this is the last time Congress will be called upon to bail this property out—that is for VA to sell the property.

Only a sale will get this albatross off the back of VA—and off of the back of the Congress, America's veterans and our Nation's taxpayers.

VA already has authority to lease, but even the best lease can come back to haunt a property owner. Just a few weeks ago, the Washington Post reported that the operators of the Old

Post Office development on Pennsylvania Avenue here in Washington are facing foreclosure. If that example of a mixed government and private sector development, swarming with customers every day, can't make it, how can VA guarantee that if they lease Pershing Hall, located thousands of miles away in Paris, France, they won't be back here asking once again for more money if their lessee defaults?

The Committee on Veterans' Affairs already voted once this year to provide VA with the authority to sell the property. Unfortunately, that provision of the fiscal year 1994 Construction Authorization Bill was dropped prior to Senate consideration in order to comply with the Budget Act.

This bill will provide VA with the authority to sell Pershing Hall. It would avoid Budget Act problems by sending the proceeds of the sale directly to the Treasury. It also authorizes the \$250,000 fund transfer requested by VA in order to finance the sales solicitation and would allow VA to recover that \$250,000 from the sale proceeds.

This bill is good policy and should put the problems presented by Pershing Hall to VA and the Congress behind us at last. I ask my colleagues to support the legislation.

THE INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM ACT OF 1992 AMENDMENTS ACT OF 1993

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 654, a bill to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 654) entitled "An Act to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF AUTHORIZATION.

Subsection (h) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368(h)) is amended by striking "and 1994" and inserting ", 1994, 1995, 1996, 1997, and 1998".

SEC. 2. REPORT TO CONGRESS.

The Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) is amended by adding at the end the following:

"(i) REPORT TO CONGRESS.—The Administrator shall transmit an annual report to the appropriate Committees of the Congress with jurisdiction over the applicable environmental laws and Indian tribes describing which Indian tribes or intertribal consortia have been granted approval by the Administrator pursuant to law to enforce certain environmental laws and the effectiveness of any such enforcement."

SEC. 3. MISCELLANEOUS.

(a) GENERAL ASSISTANCE PROGRAM.—Subsection (d)(1) of the Indian Environmental Gen-

eral Assistance Program Act of 1992 (42 U.S.C. 4368b(d)(1)) is amended by inserting "consistent with other applicable provisions of law providing for enforcement of such laws by Indian tribes" after "programs".

(b) EXPENDITURE OF GENERAL ASSISTANCE.—Subsection (f) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368(b)(f)) is amended by adding at the end the following: "Such programs and general assistance shall be carried out in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)."

Mr. MCCAIN. Mr. President, I am pleased that we are considering S. 654, a bill to extend the authorization for the Indian Environmental General Assistance Program Act. I do regret that the House did not agree that this program should be extended for 10 years, but I am pleased that we were able to agree on a 5-year extension. During the next 5 years, I am confident that Indian tribal governments will be able to demonstrate the value of this modest Federal effort to assist them in the implementation of Federal environmental laws. I thank everyone who has worked on this bill, particularly my good friends Senator INOUE and Representative RICHARDSON.

I also want to take this opportunity to address a situation which has arisen in region 6 of the Environmental Protection Agency with regard to implementation of this act. It has been brought to my attention that the Regional Administrator has determined that all funding made available to tribal governments under this act will only be made available to intertribal consortia. Mr. President, this arbitrary interpretation of the act is contrary to its intent and is destructive of the government-to-government relationship which is embodied in the Indian Self-Determination and Education Assistance Act as well as EPA's own Indian Policy Statement of 1984. I want to make it absolutely clear that the Regional Administrator has misinterpreted this act. I call upon Administrator Browner to act immediately to correct this problem. I sincerely hope that it will not be necessary for us to act legislatively to provide detailed direction to EPA with regard to the implementation of this act.

Mr. FORD. Mr. President, I move that the Senate concur in the House amendment.

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

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

PERMITTING THE BURIAL IN NATIONAL CEMETERIES OF CERTAIN DECEASED RESERVISTS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 262, S. 1620, relating to the eligibility for burial in a veterans cemetery, and that the bill be read a third time.

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

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

Mr. FORD. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 821, the House companion measure; that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1620 be inserted in lieu thereof; that the bill be advanced to third reading and passed; that the motion to reconsider be laid upon the table; and that any statements relative to the passage of this item appear in the appropriate place in the RECORD.

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

So the bill (H.R. 821), as amended, was passed, as follows:

(The text of the measure as passed the Senate today will be printed in the next issue of the RECORD.)

Mr. AKAKA. Mr. President, I rise in support of S. 1620, legislation unanimously reported by the Senate Veterans' Affairs Committee on November 2 that would extend eligibility for burial in the national cemetery system, including the 40 State veterans cemeteries that conform to Department of Veterans' Affairs [VA] eligibility standards, to members of the National Guard and Reserve, and their dependents, who have served a minimum of 20 years and are eligible for retirement pay. The House recently approved similar legislation authored by Representative HENRY BONILLA.

S. 1620 is derived from legislation I introduced earlier this year, S. 1128, that was cosponsored by Senators CRAIG, DASCHLE, DECONCINI, DORGAN, FORD, HATCH, HEFLIN, INOUE, JEFFORDS, KERREY, PRESSLER, ROBB, and SHELBY. S. 1128, in turn, is based on original legislation I introduced in the 102d Congress, S. 2961, that called for providing headstones, burial flags, as well as the interment benefit to career reservists. Congress managed to approve the headstone and burial flag provisions of S. 2961 last year, but deferred consideration of the interment benefit until this session.

Mr. President, an estimated 235,000 reservists gallantly served in the Persian Gulf war. Their outstanding performance alongside active duty soldiers amply fulfilled the aim of our total force policy. The desert conflict

foreshadowed the military's post-cold war trend toward greater reliance on the Reserve component. Indeed, today's Guard and Reserve train to the same standards as their active duty counterparts and are increasingly undertaking missions for the active duty military. In effect, today's reservists are continuous members of the Total Force, indistinguishable in performance from the regular military.

S. 1620 recognizes the growing importance of the Guard and Reserve by extending to the most dedicated among them, the career reservists who have devoted at least 20 years of their lives to our defense, the final and most basic right of burial in a national cemetery.

Mr. President, this legislation will have only minimal impact on VA's ability to provide burial benefits to veterans. According to our best estimates, the bill will only result in between 365 and 828 additional burials annually, approximately 1 percent or less of VA's current annual interment rate of nearly 70,000. Even this figure is probably overstated, because some reservists are likely to choose burial in State veterans cemeteries rather than in national cemeteries, which is permitted under this measure. In addition, given the fact that there are some 608,000 developed gravesites available at both the 59 open national cemeteries and the 40 State veterans cemeteries which conform to VA eligibility criteria—with a potential of 2.7 million more spaces if undeveloped land is developed at these facilities—it is clear that making career reservists eligible for burial benefits will have only a negligible effect on veterans.

Mr. President, according to the Congressional Budget Office, the bill will cost less than \$500,000 annually; therefore, it has no pay-as-you-go implications. The Veterans' Affairs Committee held hearings on this initiative last year, at which major veterans and military service organizations indicated their support for the measure.

I urge my colleagues to support this legislation. The least we can do to recognize the contributions of career reservists, the backbone of the Reserves, is to provide them with an honored resting place in our National Cemetery System, alongside others who have worn the uniform.

I ask unanimous consent that a copy of a letter of endorsement from the Military Coalition, which represents 24 major veterans and military advocacy organizations, be printed in the RECORD.

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

THE MILITARY COALITION,
Alexandria, VA, October 19, 1993.

HON. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Military Coalition, a consortium of 24 military and veter-

ans' organizations, representing more than 3.5 million officer and enlisted members—active, National Guard, reserve, retired, veterans, plus their families and survivors, is writing to express its strong support for S. 1128. The Coalition believes the extension burial benefits to National Guard and reserve component veterans who are retired or eligible for retired pay, would focus greater recognition on the valuable service which National Guard and reserve members daily provide as full partners in the Total Force.

National Guard and reserve members have served honorably and with distinction in every war or conflict involving the United States during the Twentieth Century. Their contributions and capabilities were superbly demonstrated during Operations DESERT SHIELD and DESERT STORM, Operation PROVIDE HOPE, and currently in the relief missions to Bosnia.

Lesser known outside the military community, but clearly no less important to our Nation's security, are the contributions and services provided by guard and reserve members who were not called to active service during times of conflict. Literally thousands of these individuals, during inactive duty training (drills) or as uncompensated volunteers, flew operational missions, loaded supplies and equipment, provided intelligence services, or other valuable support. All stood ready to answer the call if needed.

There are 226,000 burial sites available in 59 of the 114 National Cemeteries which are currently open. S. 1128 offers the potential for an additional 1.72 million sites if current undeveloped land is brought into conformance with VA standards. Under current eligibility rules for burial in a National Cemetery, the interment rate is approximately 70,000 annually. Passage of S. 1128 would result in less than a one percent increase in the current annual interment rate. The Congressional Budget Office (CBO) has estimated that 700 burials would result from this legislation with an estimated total annual cost of \$400,000, to low to score.

It is clear that during the past twenty years an expanding reliance has been placed on the Reserve/Guard Forces. That dependency will continue to grow in the future as active forces are reduced and defense budgets shrink. The passage of S. 1128 would provide the recognition that National Guardsmen and Reservists have earned as members of the Total Force.

The members of The Military Coalition (roster enclosed) respectfully request that you support S. 1128 and provide career reservists with the option for burial alongside of their comrades-in-arms.

Sincerely,

PAUL W. ARCARI,
Colonel, USAF (Ret), The Retired Officers
Assn, Co-Chairman.

MICHAEL OUELLETTE,
Sergeant Major, USA (Ret), Non Commis-
sioned Officers Assn, Co-Chairman.

THE MILITARY COALITION

TMC Coordinator, Mack McKinney, c/o The Retired Enlisted Association, 909 N. Washington St., Alexandria, VA 22314.

Air Force Association, Doug Oliver, 1501 Lee Hwy., Arlington, VA 22209-1198.

Air Force Sergeants Association, Bob Miller, 5211 Auth Road, Suitland, MD 20746.

Association of Military Surgeons of the United States, Max B. Bralliar, 9320 Old Georgetown Rd., Bethesda, MD 20814.

Association of U.S. Army, Erik Johnson, Richard Kaufman, 2425 Wilson Blvd., Arlington, VA 22201.

Commissioned Officers Association, William A. Lucca, 1400 Eye St. NW #725 Washington, DC 20005.

CWO & WO Association, USCG, Bob Lewis, c/o James Creek Marina, 200 V Street, S.W., Washington, DC 20024.

Enlisted Association of the Nat'l Guard Assn of the US, Michael Cline, 1219 Prince St., Alexandria, VA 22314-2754.

Fleet Reserve Association, Norman E. Pearson, 125 North West St., Alexandria, VA 22314.

Jewish War Veterans of the U.S.A. Herb Rosenbleeth, 1811 R St., N.W., Washington, DC 20009-1659.

Marine Corps League, Brooks Corley, P.O. Box 3070, Merrifield, VA 22116-3070.

Marine Corps Reserve Officers Association, Laurence R. Gaboury, 201 N. Washington St., Alexandria, VA 22314.

National Assn for Uniformed Services, Charles Partridge, 5535 Hempstead Way, Springfield, VA 22151-4094.

Nat'l Guard Assn of the U.S., Chuck Schreiber, 1 Massachusetts Ave., Washington, D.C. 20001.

Nat'l Military Family Association, Sydney Hickey, Dorsey Chescavage, 6000 Stevenson Ave., #304, Alexandria, VA 22304-3526.

Naval Reserve Assn, Philip Smith, Al Reider, 1619 King Street, Alexandria, VA 22314.

Naval Enlisted Reserve Association, Bob Lyman, 6703 Farragut Ave., Falls Church, VA 22042.

Navy League of the U.S., Peter Huhn, 2300 Wilson Blvd., Arlington, VA 22201.

Non Commissioned Officers Assn, Michael Ouellette, 225 N. Washington St., Alexandria, VA 22314.

Reserve Officers Assn, Jud Lively, 1 Constitution Ave., Washington, DC 20002.

The Military Chaplains Association, G. William Dando, P.O. Box 42660, Washington, DC 20015-0660.

The Retired Officers Association, Paul Arcari, Chris Ciaimo, 201 N. Washington St., Alexandria, VA 22314.

The Retired Enlisted Association, John Adams, 909 N. Washington St., Alexandria, VA 22314.

U.S. Army Warrant Officers Assn, Don Hess, 462 Herndon Pkwy., #207, Herndon, VA 22070-5235.

U.S. Coast Guard, CPO Assn, Dick Castor, 5520 Hempstead Way, Springfield, VA 22151-4094.

Mr. FORD. Mr. President, I ask unanimous consent that Calendar Order No. 262 be indefinitely postponed.

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

THE CALENDAR

Mr. FORD. Mr. President I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Order Nos. 265, 266, and 267; that the joint resolutions be deemed read three times and passed, en bloc; that the resolution be agreed to and the motion to reconsider laid upon the table en bloc; further, that any statements relating to these calendar items appear at the appropriate place in the RECORD; and that the consideration of these items appeared individually in the RECORD.

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

APPOINTING FRANK ANDERSON SHRONTZ TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 143) providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 143

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Robert James Woolsey, Jr., of Maryland on April 2, 1993, is filled by the appointment of Frank Anderson Shrontz of Washington. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

APPOINTING MANUEL LUIS IBÁÑEZ TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 144) providing for the appointment of Manuel Luis Ibáñez as a citizen regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 144

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Anne Legendre Armstrong of Texas, is filled by the appointment of Manuel Luis Ibáñez of Texas. The appointment is for a term of 6 years and shall take effect on the day after the effective date of the resignation of Anne Legendre Armstrong.

AUTHORIZING THE PRINTING OF THE SENATE ELECTION GUIDE-BOOK

The resolution (S. Res. 161) to authorize the printing of a revised edition of the Senate Election Law Guidebook was considered and agreed to as follows:

S. RES. 161

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate Document 102-15, and that such document shall be printed as a Senate document.

Sec. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FORD. Mr. President, I ask unanimous consent the Senate committees may file committee reported legislative and Executive Calendar business on Friday, November 12, from 10 to 12 noon.

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

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, are there amendments pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I ask unanimous consent they be laid aside.

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

AMENDMENTS NOS. 1162-1176 EN BLOC

Mr. DOLE. Mr. President, on behalf of Senator HATCH, I am going to send a little pile of amendments up there. I will list the amendments: Senator MCCONNELL, parent locator; Senator COHEN, juvenile justice; Senator MCCONNELL, public corruption; Senator COHEN, elderly abuse; Senator SPECTER, education; Senator HATCH, tuberculosis and prisoners; Senator GRASSLEY, pornography; Senator CHAFEE and Senator HATCH, stalking; Senator PRESSLER, youth violence; Senator MCCAIN, relating to Indians; Senator KASSEBAUM, relating to asylum; Senator HATFIELD, relating to domestic violence; Senator DOLE, hate crimes—adding disability; Senators BYRD and DOMENICI, appropriations; Senator DURENBERGER, family unity.

These are very general descriptions. I will send the amendments to the desk and ask for their immediate consideration en bloc. They have been agreed to by the managers on each side. I wish everyone luck.

The PRESIDING OFFICER. Without objection they will be considered en bloc.

The legislative clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes amendments en bloc numbered 1162 through 1176.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments en bloc.

The en bloc amendments (Nos. 1162-1176) were agreed to as follows:

AMENDMENT NO. 1162

SECTION 1. AGREEMENT TO ASSIST IN LOCATING MISSING CHILDREN UNDER THE PARENT LOCATOR SERVICE.

(a) IN GENERAL.—Section 463 of the Social Security Act (42 U.S.C. 663) is amended by adding at the end the following new subsection:

“(f) The Secretary shall enter into an agreement with the Attorney General of the

United States, under which the services of the Parent Locator Service established under section 653 of this title shall be made available to the Office of Juvenile Justice and Delinquency Prevention upon its request for the purpose of locating any parent or child on behalf of the Office of Juvenile Justice and Delinquency Prevention. The Parent Locator Service shall charge no fees for services requested pursuant to this subsection."

(b) **CONFORMING AMENDMENT.**—Section 463(c) of such Act (42 U.S.C. 663(c)) is amended by striking "(a), (b) or (e)" and inserting "(a), (b), (e), or (f)".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall become effective on October 1, 1994.

AMENDMENT NO. 1163

(Purpose: To direct the Attorney General, in collaboration with the Secretary of Health and Human Services, to study and make recommendations for improvement of mental health assessment, diagnosis, and treatment within the juvenile justice system)

At the appropriate place in subpart II of subtitle C of title VI, inserting the following: "**SEC. 235. MENTAL HEALTH SCREENING.**

(a) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that no child should have to be incarcerated in a State youth center or detention facility solely in order to receive mental health treatment.

(b) **IN GENERAL.**—Not later than two years after the date of enactment of this subpart, the Attorney General, acting through the Administrator of the Office of Juvenile Justice and Delinquency Prevention, in collaboration with the Secretary of Health and Human Services, acting through the Administrator of Substance Abuse and Mental Health Services Administration, shall, subject to the availability of appropriations—

(1) study the nature and prevalence of mental illness among youth in the juvenile justice system at several different points in the system, including the arrest stage, the adjudication and dispositional stage, and the commitment stage;

(2) develop a model system that the States can use to assess, diagnose, and treat the mental health needs of youth who come in contact with the juvenile justice system for mental illness; and

(3) disseminate the results of the study and the model to each State's Juvenile Justice Advisory Group.

(c) **STUDY.**—The study should include analysis of—

(1) national prevalence of rates of the different clinical categories of mental illness for youth who come in contact with the juvenile justice system;

(2) the prevalence of multiple mental disorders among youth who have come in contact with the juvenile justice system;

(3) recommendations to the Committee on the Judiciary of the Senate and the Committees on Education and Labor of the House of Representatives on the appropriateness and need for further Federal action; and

(4) such other analysis as is appropriate.

(d) **MODEL.**—The model should provide—

(1) guidelines for accurate and timely assessment, diagnosis, and treatment at several different points in the juvenile justice system including the arrest stage, the adjudication and dispositional stage, and the commitment stage;

(2) a method for fostering collaboration between the mental health agencies, juvenile justice agencies, educational agencies, social services agencies, substance abuse treatment agencies, police, and families;

(3) a funding mechanism for the model; and
(4) such other guidelines as are appropriate."

Section 233 of subpart II of subtitle C of title VI is amended by—

(1) redesignating paragraph (2) as paragraph (3) and striking "paragraph (1)" in such paragraph and inserting "paragraphs (1) and (2)"; and

(2) inserting after paragraph (1) the following:

"(2) Such sums as are necessary to carry out section 235; and".

Mr. COHEN. Mr. President, I rise today to offer an amendment to the crime bill which will help prevent juvenile crime by helping States to recognize and address the needs of mentally ill children in the juvenile justice system.

Many of my colleagues, during the past few days, have spoken with conviction about the need to punish youthful offenders who commit violent crimes. I agree. Those juveniles who cannot be rehabilitated through less restrictive means and who pose a danger to the community should be imprisoned. At the same time, we must be cognizant of the differences between the adult and juvenile justice systems.

The juvenile justice system, unlike the adult system, is not designed to be driven solely by a desire to conclude either guilt or innocence. Assessing and responding to a child's needs are just as important to the mission of the juvenile justice system as is determining culpability. Similarly, when a juvenile has admitted blame for a crime, the outcome is not intended to be to a simple choice between prison and parole. The results of a juvenile proceeding are not, in theory, discrete choices between two or three possibilities. Rather, they are intended to be fluid, providing juvenile justice officials with a wide array of alternatives to dealing with our troubled youth.

In reality, however, States and local governments do not always provide their juvenile courts with a wide array of diversionary programs and sentencing alternatives. In fact, the juvenile courts, too often, have only two practical options: incarceration or a slap on the wrist.

As a result, the juvenile justice system is only capable of fulfilling one half of its mission: to commit those juveniles whose violent and chronic criminal behavior pose a serious danger to society. The second half of the juvenile justice system's mission and that which distinguishes it from the adult system—to treat those children who need special attention or whose conduct is not serious enough to merit incarceration—is often neglected and ignored. A youth should not have to become a violent or chronic criminal before the juvenile justice system takes action.

One specific population of children, which some experts assert comprise 60 percent of those in the juvenile justice

system and for whom early intervention is critical to preventing future offenses are those with serious mental health problems. However, the various states' juvenile justice system face a number of barriers to providing effective and timely assessment, diagnosis and treatment. For example, juveniles who are flagged as potentially mentally ill are frequently referred to youth centers for a psychiatric work-up. Too often, they spend months in detention and, in the end, are released without ever receiving a comprehensive screening.

The amendment which I am offering today would require the Office of Juvenile Justice and Delinquency Prevention and the Department of Health and Human Services to study the nature and extent of mental illness within the juvenile justice system. It would also direct these agencies to develop a model system that the states could use to assess, diagnose and treat the mental health needs of youth who enter the juvenile justice system.

My amendment would also express the sense of the Congress that no youth should have to be incarcerated solely in order to receive mental health treatment. It is not a crime to suffer from a mental illness. While detaining a juvenile for a short period in order to perform a psychiatric evaluation is sometimes necessary, too often mentally ill juveniles, who are not chronic or violent criminals and do not deserve to be treated as such, are incarcerated because no other assessment, diagnostic and treatment alternatives exist. No one, especially our youth, should be neglected in this way.

My amendment is not a panacea to the problems facing our juvenile justice system. However, it provides an important step in preventing juvenile crime and responding to the needs of mentally ill children in the juvenile justice system.

AMENDMENT NO. 1164

(Purpose: To combat public corruption)

At the appropriate place, insert:

TITLE II—PUBLIC CORRUPTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1993".

SEC. 202. PUBLIC CORRUPTION.

(a) **OFFENSES.**—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) **STATE AND LOCAL GOVERNMENT.**—

"(1) **HONEST SERVICES.**—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) **FAIR AND IMPARTIAL ELECTIONS.**—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors

to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election through one or more of the following means, or otherwise—

“(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

“(B) through paying or offering to pay any person for voting;

“(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

“(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned not more than 10 years, or both.

“(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

“(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

“(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

“(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

“(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

“(iv) uses or causes the use of any facility of interstate or foreign commerce;

“(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

“(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling \$10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

“(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

“(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

“(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so,

in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

“(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

“(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

“(ii) 3 times the amount of backpay;

“(iii) interest on the backpay; and

“(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

“(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

“(C)(1) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that persecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

“(2) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

“(d) DEFINITIONS.—As used in this section—

“(1) the term ‘official’ includes—

“(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

“(B) any person acting or pretending to act under color of official authority; and

“(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

“(2) the term ‘person acting or pretending to act under color of official authority’ includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

“(3) the terms ‘public official’ and ‘person who has been selected to be a public official’ have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

“(4) the term ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

“(5) the term ‘uses any facility of interstate or foreign commerce’ includes the intrastate use of any facility that may also be used in interstate or foreign commerce.”

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

“226. Public corruption.”

(2) Section 1961(1) of title 18, United States Code, is amended by inserting “section 226 (relating to public corruption),” after “section 224 (relating to sports bribery).”

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting “uses or causes to be used any facility of interstate or foreign commerce”; and

(4) by inserting “or attempting to do so” after “for the purpose of executing such scheme or artifice”.

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

“§ 1343. Fraud by use of facility of interstate commerce.”

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

“1343. Fraud by use of facility of interstate commerce.”

SEC. 204. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

“§ 220. Narcotics and public corruption

“(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

“(1) being influenced in the performance or nonperformance of any official act; or

“(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

“(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

“(1) to influence any official act;

“(2) to influence the public to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

“(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

“(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, in part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.”

"(d) DEFINITIONS.—As used in this section—
 "(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—
 "(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;
 "(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed."

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery)."

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses)."

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption."

Mr. MCCONNELL. Mr. President, I am going to preface my remarks by reading from an editorial which appeared in my home State's Lexington Herald-Leader on this last election day. The headline: "An Insult to Democracy."

The editorial starts:

Somewhere in Kentucky, people are getting ready to spit on everything this nation stands for.

No, they're not planning to burn a flag or turn traitor.

They're about to buy and sell votes.

Over the years, Kentuckians have become accustomed to this Election Day activity, so accustomed that some no longer recognize it for what it is: a betrayal of this nation's ideals and an insult to everyone who cherishes those ideals.

In recent years, more and more citizens have come to regard this tawdry practice with the contempt it deserves. The legislature has passed new laws that have helped curtail vote buying. Nonetheless, the commerce in votes still continues in some places.

Finally, Mr. President, this election-day editorial from the Lexington Herald-Leader closed by urging voters to call an (800) hotline if they observed any evidence of vote fraud.

Now, election fraud certainly is not confined to the rural areas of the Blue-

grass State. About New York City's mayoral election, it was written on Election Day that: "Voter fraud is on everyone's mind." There were reports of "ghost" voters like "Bill Loquinto"—who died in 1989 but somehow registered to vote in 1993. We have motor-voter, absentee ballots and now, it appears, ghost-voting via Ouija (Wee-Gee) Board. These revelations threw a close election into further doubt.

The Washington Times wrote last week, "The more things change, the more they stay the same. In scenes reminiscent of the Tammany Hall days a century ago, reports about the Big Apple's mayoral contest Tuesday included the usual tales of voter fraud."

The amendment I am offering, known as the Anti-Corruption Act, perhaps should be renamed the "Ghostbuster Bill." My amendment passed the Senate as part of the 1990 and 1991 crime bills, and the 1989 drug bill.

It was supported by the Attorney General, and the Public Integrity Section of the Justice Department under President Bush.

The Anti-Corruption Act has been a bipartisan bill. It is the product of Senator BIDEN's and my efforts over the years to develop a comprehensive law enforcement response to the problems of election fraud and public corruption, especially in the wake of the Supreme Court's McNally decision.

This amendment restores much of what was lost in terms of jurisdictional authority needed to go after corrupt officials. In addition, this amendment does a great deal more to enhance the Federal Government's ability to combat election fraud.

Mr. President, it is imperative that the Federal Government be given the authority to prosecute election fraud offenders in Federal court. That is what Congress did in the Voting Rights Act of 1965. It used the Federal Government's power to protect people's voting rights from entrenched local discrimination.

Today, public corruption and election fraud continue to undermine the legitimacy and integrity of our democratic government.

During the 100th Congress, I joined forces with the Justice Department and members of the Judiciary Committee to reverse the McNally decision which threatened to bring down a string of successful public corruption prosecutions like a house of cards. We were largely successful.

Nevertheless, when the 101st Congress convened, Senator BIDEN and I felt there was more that needed to be done. The Justice Department agreed, and gave us their invaluable input. The result is the amendment before us.

The fact is that those who abuse the public trust and seek to defraud the government are clever in their deceit. They are further aided by the uncer-

tainty over whether the Federal Government can investigate and prosecute certain acts of election fraud and public corruption.

This amendment makes every act of election fraud—at every level of government—a Federal offense. It widens the jurisdictional scope for Federal prosecutors to investigate and punish entrenched local corruption.

It also raises the maximum penalty for both election fraud and public corruption to 10 years in the penitentiary and a \$10,000 fine.

I cannot stress enough the importance of this legislation. In some parts of the country, if you are caught buying or selling votes, you go see your friend the judge and get a slap on the wrist.

This amendment assures that anyone caught in election shenanigans will be facing a Federal grand jury and a ticket to Federal prison.

Hopefully, the passage of this legislation will have a chilling effect on fraud. The issue certainly merits a Federal solution, as government at all levels increasingly is seeing its credibility called into question, if not its legitimacy. Further, the amendment is carefully structured so as to extend Federal jurisdiction only so far as a clear Federal nexus can be demonstrated.

This amendment also gets at the broader problem of "public corruption" as it relates to drug trafficking. The facilitation by public officials of drug trafficking would be classified as a Class B felony under Title 18 of the United States Code. Moreover, anyone attempting to bribe or actually bribing a public official for help in drug trafficking would be guilty of a Class B felony.

Drug trafficking is a lucrative business. Aiding and abetting it can offer a huge stipend to public officials, worth many times their government salaries. This amendment would make drug stings sting a lot more—for the pushers and for corrupt politicians.

Mr. President, I thank my colleagues for supporting this amendment and particularly the ranking member, Senator HATCH, for his effort in getting it included in the manager's package. It gives Federal law enforcement officials the valuable tools they need to fight public corruption and election fraud.

AMENDMENT No. 1165

(Purpose: To expand the scope of title VIII of the bill to address violence against the elderly and the disabled)

On page 161, strike lines 1 and 2, and insert the following:

TITLE VIII—SEXUAL VIOLENCE AND ABUSE OF CHILDREN, THE ELDERLY, AND INDIVIDUALS WITH DISABILITIES

On page 161, strike line 21 and all that follows through page 167, line 15, and insert the following:

Subtitle B—Protection of Children, the Elderly, and Individuals With Disabilities

SEC. 811. SHORT TITLE.

This subtitle may be cited as the "National Child, Elderly, and Individuals with Disabilities Protection Act of 1993".

SEC. 812. PURPOSES.

The purposes of this subtitle are—

(1) to establish a national system through which organizations that care for children, the elderly, or individuals with disabilities may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective care providers have committed abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit organizations that care for children, the elderly, or individuals with disabilities to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective care providers have committed abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 813. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "abuse crime" means a child abuse crime, a crime against the elderly, or a crime against an individual with disabilities.

(2) the term "abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, an abuse crime: full name, race, sex, date of birth, height, weight, a brief description of the abuse crime or offenses for which the person has been arrested or is under indictment or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, under indictment for, or convicted of, an abuse crime;

(3) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this subtitle;

(4) the term "background check crime" means an abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, burglary, robbery, embezzlement, larceny, fraud, and a felony offense involving the use or distribution of a controlled substance;

(5) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(6) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(7) the term "child abuse crime" means a crime committed under any law of a State

that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(8) the term "care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities;

(9) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(10) the term "elderly" means a person who is sixty-five years old or older.

(11) the term "exploitation" means child pornography and child prostitution;

(12) the term "mental injury" means harm to a person's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(13) the term "national criminal background check system" means the system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(14) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child, elderly person, or individual with disabilities;

(15) the term "individual with a disability" means an individual with a disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)));

(16) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(17) the term "provider" means—

(A) a person who—
(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a person to whom the qualified entity provides care; and

(B) a person who—
(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a person to whom the qualified entity provides care;

(18) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services;

(19) the term "sex crime" means an act of sexual abuse that is a criminal act;

(20) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual

exploitation of children or incest with children; and

(21) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

On page 172, lines 16 and 17, strike "child to whom the qualified entity provides child care," and insert "person to whom the qualified entity provides care";

On page 173, line 25, strike "child" and insert "person".

On page 174, line 1, strike "child".

On page 177, lines 11 and 13, strike "National Child Protection Act of 1993" and insert "National Child, Elderly, and Individuals with Disabilities Protection Act of 1993".

There are authorized to be appropriated for grants under paragraph (1) a total of \$40,000,000 for fiscal years 1995, 1996, and 1997.

Mr. COHEN. Mr. President, when we put our loved ones in the care of others, we expect that they will be safe from harm and will be cared for adequately. Unfortunately, from time to time our hopes and dreams are dashed by the cruel and savage acts of those who would take advantage of the most vulnerable and innocent members of our society.

One of the sections of the bill before us now attempts to address such situations by dealing with the problem of child abusers who are placed in positions of responsibility for child care.

Specifically, the bill establishes a national system through which child care organizations can obtain a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse or related crimes.

This should go far in allaying the concerns of working parents who depend on child care centers and providers for the safekeeping and development of their children, and I fully support the committee's action.

Today, I am introducing an amendment that will extend the bill's protections to similarly vulnerable populations—our elderly and individuals with disabilities, whose families seek home care, nursing home care or other types of long-term care.

Mr. President, I want to state right up front that the vast majority of home care and other providers of services to the elderly and persons with disabilities are honest, dedicated individuals, and this amendment in no way attempts to place these devoted workers and volunteers in a bad light.

However, it is important to have systems in place to allow agencies providing care to adequately review the qualifications of potential workers and weed out those who have criminal backgrounds.

Just as working parents put their trust in child care workers, so do families depend on home health care agencies and other service providers for the care of their loved ones. As anyone who has ever had to deal with this matter

knows, it is a very emotional, heart-wrenching experience, at times because the person needing care is disoriented because of Alzheimer's disease or frustrated by having to be dependent on someone else for their daily activities.

Many families seek help from service providers as a means of retaining some measure of independence for their elderly parent or disabled family member. While the vast majority of these situations work out well, think of the emotional devastation that occurs when the caregiver abuses the elderly person or individual with disabilities, either physically, financially, or emotionally.

As the Judiciary Committee found through compelling testimony, child abusers are often attracted to jobs or volunteer organizations where they can have unsupervised contact with children. Some of the same patterns of behavior can occur for individuals who seek to prey on the elderly or persons with disabilities.

In addition to the threat of physical abuse, home care and other unsupervised care of the elderly raises the threat of financial abuse by those who would steal or defraud the elderly once gaining access to that individual's home, possessions, credit cards, or bank accounts.

Abuse of our senior citizens by service providers on whom families and frail seniors depend for independent living is serious. It is a widely under-reported problem, and it has the potential for increasing for several reasons:

Census Bureau figures indicate that, if current trends continue, the elderly population will expand from 12 percent of the total population to over 25 percent in the year 2020, reaching the level of 72 million individuals.

Home health care represents one of the fastest growing segments of the health care industry, with an annual growth rate of 5 percent through the year 2005.

There is a growing emphasis on home care as a long-term care strategy, as reflected in the administration's new health care proposal and in many state programs.

Like child abuse, current statistics indicate that the greatest number of elderly abuse cases—over 75 percent—are caused by family members or acquaintances. This aspect of the problem has been recognized by Congress and is being handled through the aging network and other agencies, which are hard at work publicizing and identifying the causes of elder abuse in the hopes of preventing its spread.

The problem I am focusing on today is another facet of the elder abuse problem. Statistics issued by the National Resource Center on Elder Abuse in 1991 indicate that abuse of the elderly by service providers constituted 6.3 percent of total elder abuse cases. While this figure is not in itself over-

whelming, I would like my colleagues to consider some specific cases and the horror they invoke:

In 1988, a 72-year-old Florida woman hired a home health care worker while recuperating from surgery. Because no criminal background checks were required at the time, no one knew that the home care worker had just been released from prison after being convicted of stealing \$8,000 worth of jewelry from another elderly patient. In this case, however, she did not stop at robbing the Florida woman; rather, she murdered her with a chainsaw.

On Christmas Day, 1992, an 85-year-old New York woman was beaten unconscious by her home care worker because she surprised him when he was using her telephone.

In Massachusetts, a 91-year-old widow was found in her home comatose and alone, suffering from dehydration, malnutrition and bruises. This woman had also signed the ownership of her home to her home care worker, who then abandoned her.

In 1989, an 87-year-old New York man returned home to recuperate from a stroke, which left the left side of his body paralyzed. On his first day on the job, the care provider hired by the family robbed and killed the older man, and was later convicted of murder.

The amendment I am offering today attempts to address this issue before it becomes a greater horror story and before Congress has to react to a crisis. It would put in place a mechanism by which organizations providing care or care-placement services could access nationwide criminal information in order to run background checks on potential care providers.

While some States currently provide criminal history records for convictions within the States, access to nationwide criminal records is necessary to ensure that a potential service provider has not been convicted of a crime in another State. This information is currently not available for background checks.

My amendment would extend access to the FBI's National Crime Information Center to agencies which provide individuals to care for frail elderly and individuals with disabilities.

The goal is to identify those who have a criminal record in specific areas so that they would not be caring for a dependent senior citizen or disabled person.

AMENDMENT NO. 1166

(Purpose: To make technical corrections to the Department of Education Organization Act and to amend the National Literacy Act of 1991 to include new provisions with respect to the development of a panel and the use of funds)

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

SEC. . AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT AND THE NATIONAL LITERACY ACT OF 1991.

(a) TECHNICAL AMENDMENT.—The matter preceding paragraph (1) of section 214(d) of the Department of Education Organization Act (20 U.S.C. 3423a(d)) is amended by striking "under subsection (a)" and inserting "under subsection (c)".

(b) ESTABLISHMENT OF A PANEL AND USE OF FUNDS.—Section 601 of the National Literacy Act of 1991 (20 U.S.C. 1211-2) is amended by—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

"(g) PANEL.—The Secretary is authorized to consult with and convene a panel of experts in correctional education, including program administrators and field-based professionals in adult corrections, juvenile services, jails, and community corrections programs, to—

"(1) develop measures for evaluating the effectiveness of the programs funded under this section; and

"(2) evaluate the effectiveness of such programs."

"(h) USE OF FUNDS.—Notwithstanding any other provision of law, the Secretary may use not more than five percent of funds appropriated under subsection (i) in any fiscal year to carry out grant-related activities such as monitoring, technical assistance, and replication and dissemination."

AMENDMENT NO. 1167

(Purpose: To direct the Attorney General to develop guidelines for the prevention, diagnosis, and treatment and followup care of tuberculosis among inmates of correctional institutions and persons held in INS holding facilities)

At the appropriate place, insert the following new section:

SEC. . PREVENTION, DIAGNOSIS, AND TREATMENT OF TUBERCULOSIS IN CORRECTIONAL INSTITUTIONS.

(a) GUIDELINES.—The Attorney General, in consultation with the Secretary of Health and Human Services and the Director of the National Institute of Justice, shall develop and disseminate to appropriate entities, including State and local correctional institutions and the Immigration and Naturalization Service, guidelines for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions and persons held in holding facilities operated by or under contract with the Immigration and Naturalization Service.

(b) COMPLIANCE.—The Attorney General shall ensure that prisons in the Federal prison system and holding facilities operated by or under contract with the Immigration and Naturalization Service comply with the guidelines described in subsection (a).

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General shall make grants to State and local correction authorities and public health authorities to assist in establishing and operation programs for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions.

(2) FEDERAL SHARE.—The Federal share of funding of a program funded with a grant under paragraph (1) shall not exceed 50 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$20,000,000 to carry out this section.

Mr. HATCH. Mr. President, this is a small but important amendment which

addresses a large but growing problem: tuberculosis in the inmate population.

It is no secret that TB is a major health issue in correctional facilities, especially in State prisons and local jails. The National Commission on Correctional Health Care estimates that TB cases occur on average at least three times more often in correctional facilities than in the general population. In fact, NCCHC estimates that, in facilities where inmates have received TB screening, infection levels often range from 10 to 20 percent of the population.

Exacerbating the situation are prison overcrowding, old facilities with inadequate ventilation, and the fact that the prison population is frequently made up of individuals who are highly vulnerable to TB, including the economically disadvantaged, minorities, intravenous drug users, and those who are HIV positive.

And the problem is worse than it might seem. Not only are prisoners infected, they are infecting others—other prisoners and prison employees, such as guards, friends and relatives when they are released, and hospital patients and employees if they become hospitalized. Last fall, an outbreak in the New York State correctional system led to 13 inmates deaths, and 1 officers death as well.

Any efforts we undertake now can save significant money in the long term. Once patients begin successful treatment, they are no longer infectious. And once patients successfully complete treatment, they are not at risk of developing multidrug-resistant drug strains. The Centers for Disease Control estimates that it costs \$10,000 to \$15,000 to treat a regular TB patient, but a multidrug-resistant case can be as high as \$250,000.

My amendment does three things: First, it directs the Attorney General to work with the Secretary of Health and Human Services and the National Institute of Justice to develop and disseminate to appropriate entities, including States and localities, guidelines for the prevention, diagnosis, treatment, and followup care of TB among inmates of correctional institutions.

My language would extend to Immigration and Naturalization Service holding facilities, both those operated by INS and those operated on contract, since detainees have high rates of TB infection. The Office of Technology Assessment has found that, while INS follows Department of Justice guidelines for TB screening in the INS-run detention facilities, those guidelines are not followed in the contract facilities.

The second provision of my amendment would direct the Attorney General to ascertain that her Department is following those guidelines in all its operations. The Office of Technology Assessment's excellent report, "The

Continuing Challenge of Tuberculosis," released last month, found that many Federal correctional facilities may not fully comply with current DOJ guidelines.

Finally, the third provision of my amendment authorizes a small grants program so that State and local correction authorities and public health authorities may increase efforts to prevent, diagnose, and treat both inmates with TB and inmates with TB who are later released from facilities. To hold down costs, I have inserted a provision requiring a one-to-one match of Federal to State or local funds.

Frankly, I wish we could do more. The whole issue of inmate health is one which must be examined very carefully—hepatitis B, HIV, and TB are all serious problems. But, I believe TB is the most serious in that it is highly contagious and can spread easily in the prison population.

Mr. President, last week, this body approved without a single objection, S. 1318, legislation to increase our Federal effort on TB prevention, treatment, and research. The scope of that legislation, however, did not extend to the prison population. My amendment will complement our action in passing S. 1318, and will make a large impact in our Federal efforts to stem the spread of TB. I urge its adoption.

AMENDMENT NO. 1168

(Purpose: To provide penalties for international trafficking in child pornography and encourage the States to enact legislation to combat child pornography)

On page 184, between lines 4 and 5, insert the following:

CHAPTER 2—CHILD PORNOGRAPHY

SEC. 824. PENALTIES FOR INTERNATIONAL TRAFFICKING IN CHILD PORNOGRAPHY.

(a) IMPORT RELATED OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2258. Production of sexually explicit depictions of a minor for importation into the United States

"(a) USE OF MINOR.—A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, intending that the visual depiction will be imported into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(b) USE OF VISUAL DEPICTION.—A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(c) PENALTIES.—A person who violates subsection (a) or (b), or conspires or attempts to do so—

"(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

"(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title, imprisoned not more than 20 years, or both."

(b) TECHNICAL AMENDMENT.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2258. Production of sexually explicit depictions of a minor for importation into the United States."

(2) FINE PROVISIONS.—Section 2251(d) of title 18, United States Code, is amended—

(A) by striking "not more than \$100,000, or" and inserting "under this title,";

(B) by striking "not more than \$200,000, or" and inserting "under this title,"; and

(C) by striking "not more than \$250,000" and inserting "under this title".

(c) SECTION 2251 PENALTY ENHANCEMENT.—Section 2251(d) of title 18, United States Code, is amended by striking "this section" the second place it appears and inserting "this chapter or chapter 109A".

(d) SECTION 2252 PENALTY ENHANCEMENT.—Section 2252(b)(1) of title 18, United States Code, is amended by striking "this section" and inserting "this chapter or chapter 109A".

(e) CONSPIRACY AND ATTEMPT.—Sections 2251(d) and 2252(b) of title 18, United States Code, are each amended by inserting ", or attempts or conspires to violate," after "violates" each place it appears.

(f) RICO AMENDMENT.—Section 1961(l) of title 18, United States Code, is amended by striking "2251-2252" and inserting "2251, 2252, and 2258".

(g) TRANSPORTATION OF MINORS.—Section 2423 of title 18, United States Code, is amended—

(1) by striking "(a) Whoever" and inserting "(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who"; and

(2) by adding at the end the following new subsection:

"(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2245) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 10 years, or both."

SEC. 825. SENSE OF CONGRESS CONCERNING STATE LEGISLATION REGARDING CHILD PORNOGRAPHY.

It is the sense of the Congress that each State that has not yet done so should enact legislation prohibiting the production, distribution, receipt, or simple possession of materials depicting a person under 18 years of age engaging in sexually explicit conduct (as defined in section 2256 of title 18, United States Code) and providing for a maximum imprisonment of at least 1 year and for the forfeiture of assets used in the commission or support of, or gained from, such offenses.

AMENDMENT No. 1169

(Purpose: To amend section 922 (d) and (g) of title 18, United States Code, to prohibit possession of a firearm by a person subject to a restraining order)

At the appropriate place insert the following:

TITLE—FIREARMS

SEC. 01. PERSONS SUBJECT TO RESTRAINING ORDERS.

Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by adding "or" at the end of paragraph (7); and

(3) by adding after paragraph (7) the following new paragraph:

"(8)(A) is subject to an order, issued by a Federal or State court after a hearing about which that person received actual notice and at which that person had the opportunity to participate, restraining that person from harassing, stalking, threatening, or engaging in other such conduct that would place another person in fear of bodily injury or the effect of which conduct would be to place a reasonable person in fear of bodily injury; and

(B) whom the court issuing the order finds under this subsection to represent a credible threat to the physical safety of that other person;"

Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by adding "or" at the end of paragraph (7); and

(3) by adding after paragraph (7) the following new paragraph:

"(8)(A) who is subject to an order, issued by a Federal or State court after a hearing about which that person received actual notice and at which that person had the opportunity to participate, restraining that person from harassing, stalking, threatening, or engaging in other such conduct that would place another person in fear of bodily injury or the effect of which conduct would be to place a reasonable person in fear of bodily injury; and

(B) whom the court issuing the order finds under this subsection to represent a credible threat to the physical safety of that other person;"

Section 926(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by replacing "." with "; and" at the end of paragraph (2); and

(3) by adding after paragraph (a)(2) the following new paragraph:

"(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in sections 922(d)(8) or 922(g)(8)."

Section 924(d)(1) of title 18, United States Code, is amended—

(1) by striking all between "trial," and "firearms" and inserting the following:

"or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished."

AMENDMENT No. 1170

(Purpose: To direct the United States Sentencing Commission to amend the sentencing guidelines to provide a sentence enhancement for soliciting a minor to commit a crime)

At the appropriate place add the following:

SEC. . SOLICITATION OF MINOR TO COMMIT CRIME.

(a) DIRECTIVE TO SENTENCING COMMISSION.—(1) The United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that a defendant 18 years of age or older who has been convicted of an offense shall receive an appropriate sentence enhancement if the defendant involved a minor in the commission of the offense. (2) The Commission shall provide that the guideline enhancement promulgate pursuant to paragraph (1) shall apply for any offense in relation to which the defendant has solicited, procured, recruited, counseled, encouraged, trained, directed, commanded, intimidated, or otherwise used or attempted to use any person less than 18 years of age with the intent that the minor would commit a Federal offense.

(b) RELEVANT CONSIDERATIONS.—In implementing the directive in subsection (a), the Sentencing Commission shall consider

(1) the severity of the crime that the defendant intended the minor to commit;

(2) the number of minors that the defendant used or attempted to use in relation to the offense;

(3) the fact that involving a minor in a crime of violence is frequently of even greater seriousness than involving a minor in a drug trafficking offense, for which the guidelines already provide a two-level enhancement; and

(4) the possible relevance of the proximity in age between the offender and the minor(s) involved in the offense.

USE A KID, GO TO PRISON

Mr. PRESSLER. Mr. President, as a member of the Judiciary Subcommittee on Juvenile Justice, I am concerned, as we all are, about the rising wave of juvenile violence. My amendment deals with the particularly heinous circumstance of an adult criminal using children to commit their crimes. My amendment is simple and straightforward. It sends a strong message to dangerous criminals: If you use a kid, you will go to prison.

That is it.

If an adult uses a child under 18 years of age to commit a Federal offense—either on the adult's behalf or together with him—my amendment would increase the penalty he would normally receive. Specifically, the bill directs the Sentencing Commission to establish higher penalties—beyond the penalty levels that would have applied—if a defendant intentionally uses or attempts to use a minor in any Federal offense.

The sentencing guidelines already require an increase in the sentence of about 25 percent if a convicted felon uses a minor in a drug-trafficking offense. My amendment uses this same general approach across the board on all Federal offenses in which the defendant used a minor. Moreover, this amendment would direct the Commission to account for two crucial factors to make certain that tough penalties are handed down. First, the Commission is to account for the fact that using minors to commit serious crimes, such as bank robbery, should probably result in a greater than 25 percent sen-

tence increase. Second, the Commission is to write guidelines ensuring that the use of multiple minors to commit an offense represents especially serious conduct.

What does this mean? A typical bank robbery case serves as a useful illustration. If a typical armed bank robber with an average criminal record holds up a bank for a few thousand dollars, this felon would receive a sentence of about 8 years in prison with no parole.

Now, assume the bank robber used one minor to assist in this bank robbery. Under my amendment, the bank robber's sentence would be in the vicinity of 11 years in prison, real-time, no parole, and could be as high as about 13 years. This is an increase of some 3 to 5 years in actual prison time for this single instance of using a minor.

Finally, let us assume that the bank robber used more than one minor to perpetuate his robbery—let us say he used four. My proposal would ensure that this felon would receive a sentence for a single bank robbery that I expect would not be less than 20 years in prison, with no parole. The Sentencing Commission could well set this sentence even higher. Of course, if the bank robber used minors to commit more than one bank robbery, the sentence would go up even more under the current guideline structure. In short, if you use more kids to commit more crimes, you will do more time.

My amendment is aimed at two types of crime, both of which are spreading across our Nation. Both need to be stopped.

The first type is gang crimes. Gang violence is rising as fast as the age of gang members is declining. Gang crime is becoming more organized and sophisticated. Clearly, young gang members do not have the knowledge and experience to pull off sophisticated crimes, such as illegal gambling, money laundering, and extortion. They must be taught—and they are—by adults.

The second type of crime this amendment targets is something out of a Charles Dickens novel. The October 31 edition of the New York Times carried an article which detailed how some adults recruit vulnerable young kids, mostly drug addicts, and train them in the ways of crime. But instead of teaching them how to pick pockets as in Dickens' "Oliver Twist," these modern-day Fagans teach kids how to rob banks and knock off jewelry stores.

Bank robbery, in particular, has become the in vogue crime among these youth terrorist teams. Teams of kids, some as young as 13, are taught to commit take-down robberies, which are high profile, shoot-'em-up style crimes. Instead of quietly handing a bank teller a note, these youths charge into a bank with guns blazing. Meanwhile, outside the bank, a safe distance away, the adult supervisor sits, ready to abandon the team if things go wrong.

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

Mr. President, something must be done. Today, instead of being recruited for the football or debating teams, many of our Nation's youth are encouraged by adults to join another kind of team—criminal gangs. Sometimes the inducement to join a gang is voluntary. Sometimes it is coerced by threats against the child or the child's family.

I should make an important point here. This new provision is not dependent on a crime actually being committed by the child. Any young person who has been solicited or encouraged by an adult to commit a crime should know that the law is on his side. With my amendment, the law will be.

Adults who use our children to commit crimes should be made to pay—and pay dearly. They must be punished not just because of the crime itself. They must be punished for attempting to recruit and train the next generation of criminals.

Once children are turned down the path of crime and violence, it becomes difficult, if not impossible, to turn them away.

Our young people are this country's most valuable human resource. However, they are our most vulnerable resource. If we do not act, the promising futures of many kids could be lost.

This amendment represents our resolve to honor our promise to our kids, to our families, to our communities. It sends an equally strong message to the criminals of this Nation: If you use a kid, you will go to prison—for a long time. I urge my colleagues to join with me to send that message to these thugs and keep our promise to our kids.

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

[From the New York Times, Oct. 31, 1993]
MODERN-DAY "FAGINS" ADMIT TO SERIES OF BANK ROBBERIES

(By Robert Reinhold)

LOS ANGELES, October 30.—They were modern-day Fagins, training young boys not to pick pockets, as in Dickens' "Oliver Twist," but to invade banks with automatic weapons, terrorize patrons and tellers and flee with money in high-speed freeway getaways in stolen cars.

There was never any physical evidence to implicate these Fagins, Robert Sheldon Brown, better known as "Cas" on the streets of South-Central Los Angeles, and Donzell Lamar Thompson, or "C-Dog." For they stayed several blocks away, supervising sometimes as many as five bank robberies a day over four years, using boys as young as 13.

At just 23 years old, Mr. Brown has been implicated in 175 bank robberies, more than anyone else in American history.

On Monday, the two men will be sentenced in Federal District Court. They pleaded guilty to seven bank robberies; Mr. Brown faces 30 years in prison and Mr. Thompson 25 years.

In their memorandum, two assistant United States attorneys describe the men as "appalling corrupters of youth."

LIFE IMITATES ART

"Boys do not rob banks unless someone shows them how," they write. "Brown and Thompson showed how. They took disadvantaged and miserable teen-agers and turned them into felons of the most serious degree.

"Dickens invented Fagin as the exploiter and debauchee of youth to inspire horror and revulsion in his Victorian audience. Brown and Thompson inspire the same horror and revulsion today. The difference is that Fagin was only fiction."

The arrests appear to have put a dent in the alarming rise of brazen "takeover" robberies by armed bands that have helped make Southern California the bank-robbery capital of the United States. According to the Federal Bureau of Investigation, 1992 saw a record of 2,641 bank robberies in this area, 448 of them takeovers. By contrast, there were 537 robberies in the New York area last year.

The takeover differs from old-style robberies, called "note jobs" by the police, in which the robber tries to avoid attention by handing a teller a note and quietly exiting. By contrast, the takeover robbers invade in bands of three or four, some firing weapons, others carrying pillow cases and jumping over teller booths to scoop up cash as customers and tellers cower.

Mr. Brown and Mr. Thompson appear to have applied the technique to mass production. "They go in with a lot of automatic weapons and they are not afraid to use them," said John Hoos, spokesman for the F.B.I. here.

IMPLICATED BY CHARGES

But the trouble with the Brown-Thompson program was that their young charges were so inexperienced or frightened that they often got caught. Ultimately, some of them implicated the two men, members of a street gang called the Rollin' Sixties Crips, and they were arrested last May 28.

The prosecutors, John S. Wiley Jr. and Michael R. Davis, said that the men, like Fagin, kept far away from the scene of the crimes.

The two "trained others to rob banks, let the others take the risk, and split their profit when the coast was clear," they wrote. "Brown and Thompson just added high powered weapons and freeway chases to the mix."

In an interview, Mr. Wiley said: "There was no physical proof linking Brown and Thompson, only the testimony of the people getting caught. They went through many disposable henchmen."

In one robbery to which Mr. Brown pleaded guilty, three teen-agers entered a Wells Fargo Bank branch in Downey, Calif., on Aug. 14, 1992, while a getaway driver waited outside in a stolen car. One of the boys struck a woman with his gun, and then sprayed the ceiling with bullets.

As the boys started to scoop up money, the police arrived. The teen-agers smashed out a window to escape, but two were caught. A third fired at a police officer, who shot him to death; he was 15 years old.

As in other cases, Mr. Brown supervised from a safe distance in his own car and drove away when things went bad.

CHAMPION BANK ROBBER

The police say Mr. Brown was involved in 175 robberies in all, making him by far the champion bank robber in American criminal annals, eclipsing the previous record holder, Edwin Chambers Dotson, the so-called "Yankee Bandit," who robbed 64 banks in Southern California in 1963 and 1964. He was easy

to spot because he usually wore a New York Yankees baseball cap.

According to William J. Rehder, an F.B.I. special agent who is an expert on bank robberies, this is how Mr. Brown and Mr. Thompson recruited and trained their "disposable henchmen":

The young recruits usually came from the Rollin' Sixties or other gangs, or were young "wannabees," the teenagers who aspire to gang membership. They were offered money, thrills and sometimes drugs. In many cases addicts were given drugs in return for driving the getaway car, usually a stolen or carjacked vehicle dubbed the "G-ride," for "gangster ride." The youngest known recruit was 13.

"Brown used up a lot of henchmen," Mr. Rehder wrote in an affidavit. "Police captured his workers on a regular basis. He needed steadily to replenish his supply."

"Robert Brown armed boys with the latest in death technology, coached them in the fine points of bank robbery, and drove them to the scene. Excited boys with loaded guns and no sense of their own mortality created an unbelievable potential for violence."

FIVE IN ONE DAY

Mr. Brown was so brazen, so wholesale, that he directed a team that hit five banks on one day, Aug. 20, 1991. It began in Los Angeles with a First Interstate Bank on La Cienega Boulevard and worked east on the freeways, striking banks in Eagle Rock, Pasadena, Monterey Park and Montebello before calling it a day.

In all, the robbers fired shots in 20 of the robberies during the four-year spree and assaulted 5 customers and 15 bank employees, none fatally. They would usually abandon the G-ride a couple of blocks from the bank and switch to another car.

In all cases, Mr. Brown and Mr. Thompson stayed well clear of the scene. When Mr. Brown suspected he was under surveillance, he began using evasive measures, making abrupt stops and turns.

The prosecutors said Mr. Brown has a long criminal history that began with a conviction for first-degree burglary at age 14.

"He has no legitimate job," they wrote in their sentencing report. "For four years all he has done is to organize and pull off bank robberies with the drive of a fanatic."

They added, "Brown has a loving mother and the rest of his family lives in an intact home."

Since the arrests, bank robberies in this area have declined. According to the F.B.I., as of Friday there were only 1,433 robberies this year, down 28 percent from last year.

The sentencing, said Mr. Hoos of the F.B.I., "will definitely get the word out definitely be a deterrent."

AMENDMENT NO. 1171

(Purpose: To improve certain information and records relating to Indian children)

On page 177, line 13, strike out "1993" and insert in lieu thereof "1993, and the information and records referred to in section 406 of the Indian Child Protection and Family Violence Prevention Act".

Mr. MCCAIN. Mr. President, the following amendment to section 816 entitled, "Funding for Improvement of Child Abuse Crime Information," is proposed to afford tribes which fall under the definition of "units of local governments" for purposes of the above-referenced act access to State and Federal criminal justice records,

including criminal histories and fingerprint records:

On page 177, line 13, strike out "1993" and add the following language:

"1993, and the information and records referred to in section 406 of the Indian Child Protection and Family Violence Prevention Act of 1990."

In preparation for the October 28, 1993 Senate Committee on Indian Affairs Oversight Hearing on child abuse, it was revealed that the Department of Justice was unaware of section 406 of the Indian Child Protection and Family Violence Prevention Act. Section 406 was intended to afford tribes with access to Department of Justice information necessary to investigate and treat child abuse incidents and to conduct background and character investigations on potential tribal employees having access to children. The Federal Bureau of Investigations, however, reported that they currently did not share character and background investigative information to tribes.

The added language would alert the Department of Justice of their obligations to "provide information and records to those agencies of any Indian tribe, any State, or the Federal Government that need to know the information in performance of their duties" as stated in the Indian Child Protection and Family Violence Prevention Act of 1990. Finally, adding broad language may encourage states to share child abuse crime information with tribes.

AMENDMENT No. 1172

(Purpose: To encourage asylum reforms that would prevent current abuse of the law)

On page , line , insert the following:

(a) FINDINGS.—The Congress finds that—

(1) in the last decade applications for asylum have greatly exceeded the original 5,000 annual limit provided in the Refugee Act of 1980, with more than 150,000 asylum applications filed in FY93, and the backlog of cases growing to 340,000;

(2) this flood of asylum claims has swamped the system, creating delays in the processing of applications of up to several years;

(3) the delay in processing asylum claims due to the overwhelming numbers has contributed to numerous problems, including:

(A) an abuse of the asylum laws by fraudulent applicants whose primary interest is obtaining work authority in the United States while their claim languishes in the backlogged asylum processing system;

(B) the growth of alien smuggling operations, often involving organized crime;

(C) a drain on limited resources resulting from the high cost of processing frivolous asylum claims through our multi-layered system; and

(D) an erosion of public support for asylum, which is a treaty obligation;

(4) Asylum, a safe haven protection for aliens abroad who cannot return home, has been perverted by some aliens who use asylum claims to circumvent our immigration and refugee laws and procedures;

(5) a comprehensive revision of our asylum law and procedures is required to address these problems.

(b) POLICY.—It is the sense of the Congress that—

(1) asylum is a process intended to protect aliens in the United States who, because of events occurring after their arrival here, cannot safely return home;

(2) persons outside their country of nationality who have a well-founded fear of persecution if they return should apply for refugee status at one of our refugee processing offices abroad;

(3) the immigration, refugee and asylum laws of the United States should be reformed to provide:

(A) a procedure for the expeditious exclusion of any asylum applicant who arrives at a port-of-entry with fraudulent documents, or no documents, and makes a non-credible claim of asylum; and

(B) the immigration, refugee and asylum laws of the United States should be reformed to provide for a streamlined affirmative asylum processing system for asylum applicants who make their application after they have entered the United States.

AMENDMENT No. 1173

(Purpose: To amend the Family Violence Prevention and Services Act to authorize the Secretary of Health and Human Services to administer a Federal demonstration program to coordinate response and strategy within many sectors of local communities for intervention and prevention of domestic violence)

At the appropriate place, insert the following:

SEC. ____ ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 316. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

"(a) IN GENERAL.—The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity—

"(1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence;

"(2) shall include representatives of pertinent sectors of the local community, which may include the following—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

"(F) human service entities such as State child services divisions;

"(G) business and civic leaders, and

"(H) other pertinent sectors.

"(c) APPLICATIONS.—An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies

through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Secretary may require.

"(d) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(e) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Secretary; and

"(2) availability of appropriations.

"(f) GEOGRAPHICAL DISPERSION.—The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"(g) USE OF GRANT MONIES.—

"(1) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(2) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) \$20,000,000 for fiscal year 1995; and

"(2) such sums as are necessary for fiscal years 1996, 1997, and 1998,

to remain available until expended.

AMENDMENT No. 1174

Section 1(b)(1) of the Hate Crime Statistics Act (Public Law 101-275, 104 Stat. 140) is amended by adding "disability," after "religion,".

AMENDMENT No. 1175

SEC. (a) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL JUDICIARY.—

(1) There is authorized to be appropriated for the activities of the Federal Judiciary

not to exceed \$20,000,000 for fiscal year 1994, and not to exceed \$70,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998 to help meet the increased demands for judicial activities which will result from enactment into law of this Act.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.—

(1) There is authorized to be appropriated for the activities and agencies of the Department of Justice, in addition to sums authorized elsewhere in this section, not to exceed \$25,000,000 for fiscal year 1994, not to exceed \$125,000,000 for fiscal year 1995, and not to exceed \$150,000,000 for each of the fiscal years 1996, 1997, and 1998 to help meet the increased demands for Department of Justice activities which will result from enactment into law of this Act.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL BUREAU OF INVESTIGATION.—

(1) There is authorized to be appropriated for the activities of the Federal Bureau of Investigation not to exceed \$20,000,000 for fiscal year 1994, not to exceed \$50,000,000 for fiscal year 1995, and not to exceed \$60,000,000 for each of the fiscal years 1996, 1997, and 1998 to help meet the increased demands for Federal Bureau of Investigation activities which will result from enactment into law of this Act.

(d) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR UNITED STATES ATTORNEYS.—

(1) There is authorized to be appropriated for the account Department of Justice, Legal Activities, "Salaries and expenses, United States Attorneys" not to exceed \$10,000,000 for fiscal year 1994, and not to exceed \$35,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998 to help meet the increased demands for litigation and related activities which will result from enactment into law of this Act.

(e) Funds appropriated pursuant to this section are authorized to remain available for obligation until expended.

(f) Funds authorized under this section may be appropriated from the Trust Fund established by section 1321C of this Act.

Mr. BYRD. Mr. President, the Senate has deliberated at some length the merits of this bill, the Violent Crime Control and Law Enforcement Act of 1993. Earlier, the Senate adopted an amendment, which I offered, to make it possible to fund the new initiatives authorized in this bill, such as joint regional prisons, 100,000 State and local police officers, expanded gang prevention grants, and a number of other important new initiatives to combat the rising tide of violent crime throughout the Nation.

Nevertheless, I believe that the bill so far has not provided adequate resources to the key Federal law-enforcement entities which provide support to and work hand-in-hand with State and local governments in administering existing programs, as well as the new initiatives authorized in this bill.

Under the tight budgetary constraints that we have faced in the past several years and will continue to face in the coming 5 years under the discretionary caps, we have been unable to provide adequate resources to these Federal law enforcement agencies to enable them to carry out, to the fullest

extent possible, their existing responsibilities. To expect these same agencies to be able to take on the additional responsibilities that they will be required to undertake under this very important legislation, without providing any additional resources to them, would be short-sighted to say the least.

Therefore, I am pleased to cosponsor this amendment, along with Senators DOMENICI and D'AMATO, to authorize these additional appropriations over the coming 5 years for Federal law enforcement personnel for the Justice Department and for the Federal judiciary.

More specifically, the amendment would authorize up to \$20 million for fiscal year 1994, and up to \$70 million in each of the subsequent 4 years for the Federal judiciary.

With regard to the Department of Justice, Senator DOMENICI, Senator D'AMATO, and I originally proposed an authorization of up to \$80 million for fiscal year 1994 and \$230 million for each of the subsequent 4 years. We believed that such an approach would provide the President and the Attorney General the maximum flexibility in formulating their recommendations for the distribution of the funds throughout the constituent agencies of the Department of Justice. This approach appeared to be acceptable.

However, some Senators expressed concern that the amendment, as so drafted, would be too general. Consequently, the amendment was modified to authorize up to \$25 million for fiscal year 1994, up to \$125 million for fiscal year 1995, and up to \$150 million for each of the subsequent 3 fiscal years for Department of Justice activities resulting from enactment of the crime bill; up to \$20 million for fiscal year 1994, up to \$50 million for fiscal year 1995 and up to \$60 million for each of the subsequent 3 fiscal years for crime bill activities of the Federal Bureau of Investigation; and up to \$10 million for fiscal year 1994 and up to \$35 million for each of the subsequent 4 fiscal years for United States' attorneys to help meet the increased demands for litigation and related activities which will result from enactment of the crime bill.

These modifications were made to the original amendment to meet the concerns expressed by some Senators. Now that the modifications have been made, I believe the amendment is acceptable to both the distinguished chairman, Mr. BIDEN, and the able ranking minority member, Mr. HATCH, of the Judiciary Committee.

I urge the adoption of this amendment.

Mr. DOMENICI. Mr. President, I rise today to offer an amendment to authorize additional appropriations for the Federal judiciary and the Department of Justice. The amendment would authorize additional appropriations of \$300 million over 5 years for the judici-

ary, and a total of \$1 billion over the next 5 years for the operations of the Department of Justice.

Mr. President, this crime bill would authorize dozens of new programs, most of them grants to State and local governments. In addition, it would authorize billions of dollars for boot camps and other prisons. However, it does not address the increased demands that will be placed on the Justice Department and the Federal judiciary.

The reason for the amendment is simple; in this act we establish a number of penalties and crimes which cannot help but lead to increased requirements for law enforcement, litigation, and adjudication. We must recognize that in providing additional criminal penalties, laws, and procedures, we are placing increased demands on the operations of the Justice Department and the Federal judiciary.

Compared to the budgets of these organizations, the authorizations are relatively modest; the judiciary would receive authority to expend an additional \$20 million in fiscal year 1994, and \$70 million annually thereafter through 1998 to help meet increased expenses due to passage of this act. This compares to a fiscal year 1994 appropriation level of \$2.7 billion for the Federal judiciary.

Within the Department of Justice, the FBI would receive a total of \$250 million over the next 5 years, and the U.S. attorneys would receive \$150 million. The Department of Justice would also receive a total of \$600 million for its various activities, including the U.S. Marshals Service, Support of U.S. Prisoners, the Immigration and Naturalization Service, and so forth.

Frankly, I'm not sure these sums are sufficient to fund all the increases in judicial and Justice Department activity that will result from passage of this act. In addition, I can't claim to know for certain how much in additional funding will be needed in each part of the Justice Department and the judiciary. I would prefer that we merely authorize such sums as necessary until we have accurate cost estimates, but the managers are uncomfortable with that approach. Therefore this amendment provides specific amounts for the U.S. attorneys and the FBI, and generic but specific dollar authorizations for the justice Department and the Judiciary.

As ranking Republican on the Appropriations Subcommittee on Commerce-Justice-State, I believe it is important we recognize that passage of this crime bill will require increased resources for Federal law enforcement, litigation, and adjudication.

Mr. President, this is a noncontroversial amendment, and I urge its adoption.

I ask unanimous request that a letter from the Honorable John F. Gerry, chairman of the executive committee

of the Judicial Conference, be included in the RECORD at this point.

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

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, November 9, 1993.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is apparent in tracking the progress of the "Violent Crime Control and Law Enforcement Act of 1993" (S. 1607) that the bill as it will emerge from the Senate will place a substantially increased burden on the federal courts. The proponents of amendments to create a new and augmented federal participation in the national effort against violence, drugs, guns, gangs, and repeat offenders invoke the obligation of government to ensure the safety of its citizens, and note that the resources to do the job should be provided. A major increase in federal investigative and prosecutorial resources will have a direct impact on the Judiciary.

I simply urge you at this critical juncture of considering the bill to ensure that the resources made available to the federal courts are commensurate with the increase in federal jurisdiction which will occur as a result of the passage of this legislation.

Sincerely,

JOHN F. GERRY.

AMENDMENT NO. 1176

(Purpose: To authorize the National Institute of Corrections to make grants to States to carry out family unity demonstration projects, and for other purposes)

At the end of the bill add the following:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This Act may be cited as the "Family Unity Demonstration Project Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—
(1) an increasing number of children are becoming separated from their primary caretaker parents due to the incarceration of the parents in prisons and jails;

(2) such separation of children from their primary caretaker parents can cause harm to children's psychological well-being and hinder their growth and development;

(3) a significant number of children are born shortly before or during the incarceration of their mothers and are then quickly separated from their mothers, preventing the parent-child bonding that is crucial to developing in children a sense of security and trust;

(4) maintaining close relationships with their children provides a powerful incentive for prisoners to participate in and successfully benefit from rehabilitative programs; and

(5) maintaining strong family ties during imprisonment has been shown to decrease recidivism, thereby reducing prison costs.

(b) PURPOSE.—The purpose of this Act is to evaluate the effectiveness of certain demonstration projects in helping to—

(1) alleviate the harm to children and primary caretaker parents caused by separation due to the incarceration of the parents;

(2) reduce recidivism rates of prisoners by encouraging strong and supportive family relationships; and

(3) explore the cost effectiveness of community correctional facilities.

SEC. 103. DEFINITIONS.

In this Act—
"child" means a person who is less than 6 years of age.

"community correctional facility" means a residential facility that—

(A) is used only for eligible offenders and their children under 6 years of age;

(B) is not within the confines of a jail or prison;

(C) has a maximum capacity of 50 prisoners in addition to their children; and

(D) provides to inmates and their children—

(i) a safe, stable environment for children;

(ii) pediatric and adult medical care consistent with medical standards for correctional facilities;

(iii) programs to improve the stability of the parent-child relationship, including educating parents regarding—

(I) child development; and

(II) household management;

(iv) alcoholism and drug addiction treatment for prisoners; and

(v) programs and support services to help inmates—

(I) to improve and maintain mental and physical health, including access to counseling;

(II) to obtain adequate housing upon release from State incarceration;

(III) to obtain suitable education, employment, or training for employment; and

(IV) to obtain suitable child care.

"Director" means the Director of the Federal Bureau of Prisons.

"eligible offender" means a primary caretaker parent who—

(A) is sentenced to a term of imprisonment of not more than 7 years or is awaiting sentencing for a conviction punishable by such a term of imprisonment;

(B) except in the case of an offender awaiting sentencing, is incarcerated currently to serve that sentence;

(C) is not eligible currently for probation or parole until the expiration of a period exceeding 180 days; and

(D) has not engaged in conduct which—

(i) knowingly resulted in death or serious bodily injury;

(ii) is a felony for a crime of violence against the person;

(iii) constitutes child neglect or mental, physical, or sexual abuse of a child.

"primary caretaker parent" means—

(A) a parent who has consistently assumed responsibility for the housing, health, and safety of a child prior to incarceration; or

(B) a woman who has given birth to a child after or while awaiting her sentencing hearing and who expresses a willingness to assume responsibility for the housing, health, and safety of that child.

A parent who, in the best interest of a child, has arranged for the temporary care of the child in the home of a relative or other responsible adult shall not for that reason be excluded from the category "primary caretaker".

"State" means 1 of the States or the District of Columbia.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this Act \$8,000,000 for each of fiscal years 1995, 1996, 1997, 1998 and 1999.

(b) AVAILABILITY OF APPROPRIATIONS.—Of the amount appropriated under subsection (a) for any fiscal year—

(1) 90 percent shall be available to carry out title II; and

(2) 10 percent shall be available to carry out title III.

TITLE II—GRANTS TO STATES

SEC. 201. AUTHORITY TO MAKE GRANTS.

(a) GENERAL AUTHORITY.—The Director may make grants, on a competitive basis, to States to carry out in accordance with this title family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children.

(b) PREFERENCES.—For the purpose of making grants under subsection (a), the Director shall give preference to a State that includes in the application required by section 202 assurances that if the State receives a grant—

(1) both the State corrections agency and the State health and human services agency will participate substantially in, and cooperate closely in all aspects of, the development and operation of the family unity demonstration project for which such a grant is requested;

(2) boards made up of community residents, local businesses, corrections officials, former prisoners, child development professionals, educators, and maternal and child health professionals will be established to advise the State regarding the operation of such project;

(3) the State has in effect a policy that provides for the placement of all prisoners, whenever possible, in correctional facilities for which they qualify that are located closest to their respective family homes;

(4) unless the Director determines that a longer timeline is appropriate in a particular case and notifies the Attorney General in writing of the length and reason for such extension, the State will implement the project not later than 180 days after receiving a grant under subsection (a) and will expend all of the grant during a 1-year period;

(5) the State demonstrates that it has the capacity to continue implementing a community correctional facility beyond the funding period to ensure the continuity of the work;

(6) for the purpose of selecting eligible offenders to participate in the project, the State will—

(A) give written notice to a prisoner, not later than 30 days after the State first receives a grant under subsection (a) or 30 days after the prisoner is sentenced to a term of imprisonment of not more than 7 years (whichever is later), of the proposed or current operation of the project;

(B) accept at any time at which the project is in operation an application by a prisoner to participate in the project if, at the time of application, the remainder of the prisoner's sentence exceeds 180 days;

(C) review applications by prisoners in the sequence in which the State receives such applications;

(D) not more than 50 days after reviewing such applications approve or disapprove the application; and

(7) for the purposes of selecting eligible offenders to participate in such project, the State authorizes State courts to sentence an eligible offender directly to a correctional facility, provided that the court gives assurances that the offender would have otherwise served a term of imprisonment.

(c) SELECTION OF GRANTEES.—The Director shall make grants under subsection (a) on a competitive basis, based on such criteria as the Director shall issue by rule and taking into account the priorities described in subsection (b).

(d) NUMBER OF GRANTS.—In any fiscal year for which funds are available to carry out this title, the Director shall make grants to no fewer than 4 and no greater than 8 eligible

States geographically dispersed throughout the United States.

SEC. 202. ELIGIBILITY TO RECEIVE GRANTS.

To be eligible to receive a grant under section 201(a), a State shall submit to the Director an application at such time, in such form, and containing such information as the Director reasonably may require by rule.

SEC. 203. REPORT.

(a) IN GENERAL.—A State that receives a grant under this title shall, not later than 90 days after the 1-year period in which the grant is required to be expended, submit a report to the Director regarding the family unity demonstration project for which the grant was expended.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of prisoners who submitted applications to participate in the project and the number of prisoners who were placed in community correctional facilities;

(2) state, with respect to prisoners placed in the project, the number of prisoners who are returned to that jurisdiction and custody and the reasons for such return;

(3) describe the nature and scope of educational and training activities provided to prisoners participating in the project;

(4) state the number, and describe the scope of, contracts made with public and nonprofit private community-based organizations to carry out such project; and

(5) evaluate the effectiveness of the project in accomplishing the purposes described in section 102(b).

TITLE III—FAMILY UNITY DEMONSTRATION PROJECT FOR FEDERAL PRISONERS

SEC. 301. AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Ten percent of the funds authorized under this Act shall be used for defendants convicted of Federal offenses.

(b) GENERAL CONTRACTING AUTHORITY.—In implementing this title, the Bureau of Prisons may enter into contracts with appropriate public or private agencies to provide housing, sustenance, services, and supervision of inmates eligible for placement in community correctional facilities under this title.

(c) USE OF STATE FACILITIES.—At the discretion of the Attorney General, Federal participants may be placed in State projects, as defined in title II. For such participants, the Attorney General shall, with funds available under section 104(b)(2), reimburse the State for all project costs related to the Federal participant's placement, including administrative costs.

SEC. 302. REQUIREMENTS.

For the purpose of placing Federal participants in a family unity demonstration project under section 301, the Attorney General shall—

(1) consult with the Secretary of Health and Human Services regarding the development and operation of the project; and

(2) submit to the Director a report containing the information described in section 203(b).

AMENDMENTS NOS. 1177–1189 EN BLOC

Mr. BIDEN. Mr. President, I send 13 amendments to the desk which I will now identify.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

Mr. BIDEN. An Inouye amendment on Indian nations eligible for grants in

this legislation; a Metzenbaum amendment on the RTC; A Wellstone amendment relating to guns and domestic violence; a Simon-Bennett amendment relating to gun dealers; a DeConcini amendment relating to Indian nations and missing children—two separate amendments; one Boxer amendment relating to immigration document forgery; and a Lieberman amendment relating to antiloitering; a Moseley-Braun amendment relating to racial bias; a Leahy amendment relating to rural domestic violence; a Biden amendment relating to child abuse; a Hollings amendment relating to gratitude to law enforcement personnel; and one last amendment a Dodd amendment to prevent crime.

I ask their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes amendments en bloc numbered 1177–1189.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments en bloc.

The en bloc amendments (Nos. 1177–1189) were agreed to as follows:

AMENDMENT No. 1177

(Purpose: To provide for the inclusion of Indian tribal governments as eligible units of government in programs for the control and prevention of crime)

At the appropriate place in subtitle G of title XXIX, insert the following:

“SEC. . CONTROL AND PREVENTION OF CRIME IN INDIAN COUNTRY.

“(a) DEFINITION.—As used in this Act, the term ‘Indian tribal government’ means the governing body of a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601, 35 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(b) CONFORMING DEFINITION.—As used in this Act, the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and Indian tribal governments.

“(c) MATCHING REQUIREMENTS.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the United States Government performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this title.

“(d) NONSUPPLANTING REQUIREMENT.—Funds made available to Indian tribal governments shall not be used to supplant funds supplied by the Department of the Interior, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this Act, be made available from funds supplied by the Department of the Interior.”

AMENDMENT No. 1178

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

SEC. . CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.

(a) RESOLUTION TRUST CORPORATION.—Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)) is amended—

(1) in subparagraph (A)(ii), by inserting “except as provided in subparagraph (B),” before “in the case of”;

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

“(B) TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall be the longer of—

“(i) the 5-year period beginning on the date the claim accrues; or

“(ii) the period applicable under State law.”; and

(4) in subparagraph (C), as redesignated—

(A) by striking “subparagraph (A)” and inserting “subparagraphs (A) and (B)”;

(B) by striking “such subparagraph” and inserting “such subparagraphs”.

(b) EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) TERMINATION.—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) FDIC AS SUCCESSOR TO THE RTC.—The Federal Deposit Insurance Corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

AMENDMENT No. 1179

(Purpose: To amend title 18, United States Code, to prevent persons who have committed domestic abuse from obtaining a firearm)

At the appropriate place insert the following:

TITLE —DOMESTIC VIOLENCE

SEC. 1. SHORT TITLE.

This title may be cited as the “Domestic Violence Firearm Prevention Act”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44;

(2) firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and

(3) individuals with a history of domestic abuse should not have easy access to firearms.

SEC. 3. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.

(a) PROHIBITION AGAINST DISPOSAL OF FIREARMS.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8)(A) has been convicted in any court of an offense that—

"(i) involves the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by any court in a case involving a person described in subparagraph (A), to refrain from any contact with or to maintain a minimum distance from that person, or to refrain from abuse, harassment, or stalking of that person."

(b) PROHIBITION AGAINST RECEIPT OF FIREARMS.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following new paragraph:

"(8)(A) has been convicted in any court of an offense that—

"(i) involves the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by any court in a case involving a person described in subparagraph (A), to refrain from any contact with or to maintain a minimum distance from that person, or to refrain from abuse, harassment, or stalking of that person."

AMENDMENT NO. 1180

(Purpose: To amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes)

At the appropriate place insert the following:

TITLE —FIREARMS

SEC. 01. FIREARMS LICENSURE AND REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.

(a) FIREARMS LICENSURE.—Section 923(a) of title 18, United States Code, is amended in the second sentence by inserting "and shall include a photograph and fingerprints of the applicant" before the period.

(b) REGISTRATION.—Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application."

SEC. 02. COMPLIANCE WITH STATE AND LOCAL LAW AS A CONDITION TO LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the applicant certifies that—

"(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

"(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

"(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

"(iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license."

SEC. 03. ACTION ON FIREARMS LICENSE APPLICATION.

Section 923(d)(2) of title 18, United States Code, is amended by striking "forty-five-day" and inserting "60-day".

SEC. 04. INSPECTION OF FIREARMS LICENSEES' INVENTORY AND RECORDS.

Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended to read as follows:

"(ii) for insuring compliance with the record keeping requirements of this chapter—

"(I) not more than once during any 12-month period; or

"(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee."

SEC. 05. REPORTS OF THEFT OR LOSS OF FIREARMS.

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities."

SEC. 06. RESPONSES TO REQUESTS FOR INFORMATION.

Section 923(g) of title 18, United States Code, as amended by section 05, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information."

SEC. 07. NOTIFICATION OF NAMES AND ADDRESSES OF FIREARMS LICENSEES.

Section 923 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(1) The Secretary of the Treasury shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

AMENDMENT NO. 1181

(Purpose: To provide for application by Indian tribes under certain grant programs)

On page 22, line 4, insert "(1)" before "Notwithstanding".

On page 22, between lines 8 and 9, insert the following:

"(2) Notwithstanding subsection (a), an applicant that is an Indian tribe or tribal law enforcement agency may submit an application for a grant under this part directly to the Attorney General.

On page 23, strike lines 8 through 13 and insert the following:

"(a) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to State or local governments or to Indian tribal governments shall not be used to supplant State or local funds, or, in the case of Indian tribes, funds supplied by the Department of the Interior, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this part, be made available from State or local sources, or in the case of Indian tribes, from funds supplied by the Department of the Interior.

On page 28, line 4, after "part Q," insert "In view of the extraordinary need for law enforcement in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribes or tribal law enforcement agencies."

On page 447, after line 23, add the following:

SEC. 2973. TREATMENT OF INDIAN TRIBES UNDER TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

(a) MATCHING FUND SOURCE.—
(1) IN GENERAL.—Section 817 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789m) is amended—

(A) by amending the heading to read as follows:

"DISTRICT OF COLUMBIA AND INDIAN TRIBE MATCHING FUND SOURCE";

(B) by inserting "(a) DISTRICT OF COLUMBIA.—" before "Funds"; and

(C) by adding at the end the following new subsection:

"(b) INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the United States Government performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this title."

"(2) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by amending the item relating to section 817 to read as follows:

"Sec. 817. District of Columbia and Indian tribe matching fund source."

(b) DEFINITION.—Section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

AMENDMENT No. 1182

(Purpose: To establish a Missing and Exploited Children Task Force)

At the appropriate place insert the following:

TITLE —MISSING AND EXPLOITED CHILDREN

SECTION 01. SHORT TITLE.

This title may be cited as the "Morgan P. Hardiman Task Force on Missing and Exploited Children Act".

SEC. 02. FINDINGS.

The Congress finds that—

(1) the victimization of children in our Nation has reached epidemic proportions; recent Department of Justice figures show that—

(A) 4,600 children were abducted by non-family members;

(B) two-thirds of the abductions of children by non-family members involve sexual assault;

(C) more than 354,000 children were abducted by family members; and

(D) 451,000 children ran away;

(2) while some local law enforcement officials have been successful in the investigation and resolution of such crimes, most local agencies lack the personnel and resources necessary to give this problem the full attention it requires;

(3) a majority of the Nation's 17,000 police departments have 10 or fewer officers; and

(4) locating missing children requires a coordinated law enforcement effort; supplementing local law enforcement agencies with a team of assigned active Federal agents will allow Federal agents to pool their resources and expertise in order to assist local agents in the investigation of the Nation's most difficult cases involving missing children.

SEC. 03. PURPOSE.

The purpose of this title is to establish a task force comprised of law enforcement officers from pertinent Federal agencies to work with the National Center for Missing and Exploited Children (referred to as the "Center") and coordinate the provision of Federal law enforcement resources to assist State and local authorities in investigating the most difficult cases of missing and exploited children.

SEC. 04. ESTABLISHMENT OF TASK FORCE.

Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) is amended—

(1) by redesignating sections 407 and 408 as sections 408 and 409, respectively; and

(2) by inserting after section 406 the following new section:

"TASK FORCE

"SEC. 407. (a) ESTABLISHMENT.—There is established a Missing and Exploited Children's Task Force (referred to as the "Task Force").

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Task Force shall include at least 2 members from each of—

"(A) the Federal Bureau of Investigation;

"(B) the Secret Service;

"(C) the Bureau of Alcohol, Tobacco and Firearms;

"(D) the United States Customs Service;

"(E) the Postal Inspection Service;

"(F) the United States Marshals Service; and

"(G) the Drug Enforcement Administration.

"(2) CHIEF.—A representative of the Federal Bureau of Investigation (in addition to the members of the Task Force selected

under paragraph (1)(A)) shall act as chief of the Task Force.

"(3) SELECTION.—(A) The Director of the Federal Bureau of Investigation shall select the chief of the Task Force.

"(B) The heads of the agencies described in paragraph (1) shall submit to the chief of the Task Force a list of at least 5 prospective Task Force members, and the chief shall select 2, or such greater number as may be agreeable to an agency head, as Task Force members.

"(4) PROFESSIONAL QUALIFICATIONS.—The members of the Task Force shall be law enforcement personnel selected for their expertise that would enable them to assist in the investigation of cases of missing and exploited children.

"(5) STATUS.—A member of the Task Force shall remain an employee of his or her respective agency for all purposes (including the purpose of performance review), and his or her service on the Task Force shall be without interruption or loss of civil service privilege or status and shall be on a non-reimbursable basis.

"(6) PERIOD OF SERVICE.—(A) Subject to subparagraph (B), 1 member from each agency shall initially serve a 1-year term, and the other member from the same agency shall serve a 1-year term, and may be selected to a renewal of service for 1 additional year; thereafter, each new member to serve on the Task Force shall serve for a 2-year period with the member's term of service beginning and ending in alternate years with the other member from the same agency; the period of service for the chief of the Task Force shall be 3 years.

"(B) The chief of the Task Force may at any time request the head of an agency described in paragraph (1) to submit a list of 5 prospective Task Force members to replace a member of the Task Force, for the purpose of maintaining a Task Force membership that will be able to meet the demands of its caseload.

"(c) SUPPORT.—

"(1) IN GENERAL.—The Administrator of the General Services Administration, in coordination with the heads of the agencies described in subsection (b)(1), shall provide the Task Force office space and administrative and support services, such office space to be in close proximity to the office of the Center, so as to enable the Task Force to coordinate its activities with that of the Center on a day-to-day basis.

"(2) LEGAL GUIDANCE.—The Attorney General shall assign a United States Attorney to provide legal guidance, as needed, to members of the Task Force.

"(d) PURPOSE.—

"(1) IN GENERAL.—(A) The purpose of the Task Force shall be to make available the combined resources and expertise of the agencies described in paragraph (1) to assist State and local governments in the most difficult missing and exploited child cases nationwide, as identified by the chief of the Task Force from time to time, in consultation with the Center, and as many additional cases as resources permit, including the provision of assistance to State and local investigators on location in the field.

"(B) TECHNICAL ASSISTANCE.—The role of the Task Force in any investigation shall be to provide advice and technical assistance and to make available the resources of the agencies described in subsection (b)(1); the Task Force shall not take a leadership role in any such investigation.

"(e) TRAINING.—Members of the Task Force shall receive a course of training, provided

by the Center, in matters relating to cases of missing and exploited children.

"(f) CROSS-DESIGNATION OF TASK FORCE MEMBERS.—The Attorney General shall cross-designate the members of the Task Force with jurisdiction to enforce Federal law related to child abduction to the extent necessary to accomplish the purposes of this section."

AMENDMENT No. 1183

(Purpose: To increase penalties for document fraud)

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

SEC. . PENALTIES FOR DOCUMENT FRAUD.

(a) IN GENERAL.—Section 274C(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(3)) is amended—

(1) in subparagraph (A), by striking "not less than \$250 and not more than \$2,000" and inserting "not less than \$1,000 and not more than \$5,000"; and

(2) in subparagraph (B), by striking "not less than \$2,000 and not more than \$5,000" and inserting "not less than \$5,000 and not more than \$10,000".

(b) FRAUD AND MISUSE OF VISAS, PERMITS, AND OTHER DOCUMENTS.—(1) Section 1546 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "not more than five years" and inserting "not more than ten years"; and

(B) in subsection (b), by striking "not more than two years" and inserting "not more than five years".

(2) Whoever commits an offense under section 1546(a) or 1546(b) of title 18, United States Code, shall be fined, in addition to the fines provided under such section, \$10,000 or \$5,000, respectively.

(c) APPLICABILITY.—This section, and the amendments made by this section, shall apply to offenses committed on or after the date of enactment of this Act.

AMENDMENT No. 1184

At the appropriate place insert the following:

SEC. . USE OF ANTILOITERING LAWS TO FIGHT CRIME.

The Attorney General shall—

(1) study the ways in which antiloitering laws can be used, without violating the constitutional rights of citizens as enunciated by the Supreme Court, to eradicate open-air drug markets and other blatant criminal activity;

(2) prepare a model antiloitering statute and guidelines for enforcing the statute in such a manner as to prevent, deter, and punish illegal drug activity and other criminal activity; and

(3) make the results of the study and the model statute and guidelines available to Federal, State, and local law enforcement authorities.

AMENDMENT No. 1185

(Purpose: To require that a study of the role of race in a State's criminal justice system that is funded under section 1021 expressly consider the role of race in procedures for jury selection in the State)

On page 218, line 19, after "States," insert "and whether the State plan expressly considers the role of race in procedures for jury selection in the State."

AMENDMENT No. 1186

(Purpose: To authorize rural domestic violence and child abuse assistance)

On page 312, after line 24, insert the following:

Subtitle C—Rural Domestic Violence and Child Abuse Enforcement

SEC. 1421. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants to units of State and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) DEFINITION.—In this section, "rural State" has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1995, 1996, and 1997.

(2) ADDITIONAL FUNDING.—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

AMENDMENT NO. 1187

(Purpose: To reauthorize programs added by the Victims of Child Abuse Act of 1990)

At the appropriate place insert the following:

SEC. . VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—

(1) REAUTHORIZATION.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

"(1) \$7,000,000 for fiscal year 1995; and

"(2) \$10,000,000 for each of fiscal years 1996, 1997, and 1998."

(2) TECHNICAL AMENDMENT.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "this chapter" and inserting "this subtitle".

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—

(1) REAUTHORIZATION.—Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

"(1) \$7,000,000 for fiscal year 1995; and

"(2) \$10,000,000 for each of fiscal years 1996, 1997, and 1998."

(2) TECHNICAL AMENDMENT.—Section 221(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13021(b)) is amended by striking "this chapter" and inserting "this subtitle".

(c) GRANTS FOR TELEVISED TESTIMONY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by amending section 1001(a)(7) (42 U.S.C. 3793(a)(7)) to read as follows:

"(7) There are authorized to be appropriated to carry out part N—

"(A) \$3,500,000 for fiscal year 1995; and

"(B) \$5,000,000 for each of fiscal years 1996, 1997, and 1998."

(2) in section 1401 (42 U.S.C. 3796aa) by striking "and units of local government" and inserting "units of local government, and other public and private organizations";

(3) in section 1402 (42 U.S.C. 3796aa-1) by striking "to States, for the use of States and units of local government in the States";

(4) in section 1403 (42 U.S.C. 3796aa-2)—
(A) by inserting "unit of local government, or other public or private organization" after "of a State"; and

(B) in paragraphs (3) and (4) by inserting "in the case of an application by a State," before "an assurance";

(5) by striking section 1405 (42 U.S.C. 3796aa-4); and

(6) in the table of contents by striking the item for section 1405.

AMENDMENT NO. 1188

(Purpose: To express gratitude to law enforcement personnel)

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

SEC. . LAW DAY U.S.A.

(a) FINDINGS.—Congress finds that—

(1) the first day of May of each year has been designated as "Law Day U.S.A." and set aside as a special day to advance equality and justice under law, to encourage citizen support for law enforcement and law observance, and to foster respect for law and an understanding of the essential place of law in the life of every citizen of the United States;

(2) each day, police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation;

(3) each year tens of thousands of law enforcement personnel are injured or assaulted in the course of duty and many are killed;

(4) law enforcement personnel are devoted to their jobs, are underpaid for their efforts, and are tireless in their work; and

(5) law enforcement personnel perform their duties without adequate recognition.

(b) EXPRESSION OF GRATITUDE.—In celebration of "Law Day, U.S.A.", May 1, 1994, the grateful people of this Nation give special emphasis to all law enforcement personnel of the United States, and acknowledge the unflinching and devoted service law enforcement personnel perform as such personnel help preserve domestic tranquility and guarantee the legal rights of all individuals of this Nation.

AMENDMENT NO. 1189

(Purpose: To authorize the use of 6.25 percent of the funds used to prevent violent crime through programs to support healthy child development and substance abuse treatment and prevention)

Insert at the appropriate place the following:

Of the amounts available to be expended for the Violent Crime Reduction Trust Fund \$75 million is authorized to be expended to constitute an Ounce of Prevention Fund, to be administered as follows and for the following purposes:

"(i) The Ounce of Prevention Fund shall be for the purpose of encouraging and supporting the healthy development and nurturance of children and youth in order to promote successful transition into adulthood and for preventing violent crime through substance abuse treatment and prevention.

"(ii) Activities to be supported by the Ounce of Prevention Fund include—

"(I) after school and summer academic enrichment and recreation conducted in safe and secure settings and coordinated with school curricula and programs, mentoring

and tutoring and other activities involving extensive participation of adult role models, activities directed at facilitating familiarity with the labor market and ultimate successful transition into the labor market; and

"(II) substance abuse treatment and prevention program authorized in the Public Health Service Act including outreach programs for at-risk families.

"(iii) Except for substance abuse treatment and prevention programs, the children and youth to be served by Ounce of Prevention programs shall be of ages appropriate for attendance at elementary and secondary schools. Applications shall be geographically based in particular neighborhoods or sections of municipalities or particular segments of rural areas, and applications shall demonstrate how programs will serve substantial proportions of children and youth resident in the target area with activities designed to have substantial impact on the lives of such children and youth. The Ounce of Prevention Council created herein shall define more precise statistical and numerical parameters for target areas, numbers of children to be served, and substantially of impact of activities to be undertaken.

"(iv) Applicants may be cities, counties, or other municipalities, school boards, colleges and universities, nonprofit corporations, or consortia of eligible applicants. Applicants must show that a planning process has occurred that has involved organizations, institutions, and residents of target areas, including young people, as well as cooperation between neighborhood-based entities, municipality-wide bodies, and local private-sector representatives. Applicants must demonstrate the substantial involvement of neighborhood-based entities in the carrying out of the proposed activities. Proposals must demonstrate that a broad base of collaboration and coordination will occur in the implementation of the proposed activities, involving cooperation among youth-serving organizations, schools, health and social service providers, employers, law enforcement professionals, local government, and residents of target areas, including young people. The Ounce of Prevention Council shall set forth guidelines elaborating these provisions.

"(v) The Ounce of Prevention Council shall be chaired by the Attorney General and the Secretaries of Education and Health and Human Services, and shall include the Secretaries of Agriculture, Housing and Urban Development, and Labor, and the Director of the Office of National Drug Control Policy. Such sums as shall be necessary shall be appropriated for staff of the Ounce of Prevention Council, which will be headed by a Director chosen by the Council. The Council shall make grant awards under this program and develop appropriate guidelines for the grant application process.

"(vi) The portion of the costs of a program, project, or activity provided by a grant under the Ounce of Prevention Fund may not exceed 75 percent, unless the Ounce of Prevention Council waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. Grants may be renewed for up to 4 additional years after the first fiscal year during which a recipient receives an initial grant, provided the Council is satisfied that adequate progress is being made toward fulfillment of proposal goals. The provision of section 1705(a) concerning nonsupplantation, section 1705(b) concerning limits on administrative costs, section 1706

concerning performance evaluation, and section 1707 concerning revocation or suspension of funding shall apply to the program created by this subparagraph."

VICTIMS OF CHILD ABUSE ACT

Mr. REID. Mr. President, I want to commend Senator BIDEN for reauthorizing the Court-Appointed Child Advocate Program and the Child Abuse Training Program under the victims of Child Abuse Act. An act we worked together on back in 1989.

In 1989, I introduced a bill that offered many protections for children both in and outside the Federal court system. The bill allowed children to testify in a room other than the courtroom in order to reduce trauma; allowed the use of a child's recorded deposition; allowed the use of anatomical dolls, puppets, or other toys to help a child describe possible sexual abuse; allowed for the child to be accompanied to a court proceeding by a parent, counselor, or court-appointed guardian; and ensured a speedy trial to minimize the time and length of a child's stress.

Further, protections which extend beyond the courtroom included: mandatory criminal background checks of those who work with children in Federal facilities or on Federal lands; mandatory reporting of suspected child abuse by certain people who work with children in Federal facilities or on Federal lands; a prohibition on the release of a child witness' name and address; and an extension of the statute of limitations so that there is no limit on prosecution if a victim of abuse was under 18 years of age at the time of the crime.

As I said, Senator BIDEN and I worked very hard together on this issue, and I was happy to see that much of my bill was included in the Victims of Child Abuse Act which finally became law.

Today, we are here to reauthorize the Court-Appointed Special Advocate Program and the Child Abuse Training Programs for Judicial Personnel, and I want to again complement my colleague, Senator BIDEN, for taking this up at this time.

This amendment is absolutely necessary to protect children who have been victimized. Children must have special protection as victims or witnesses in the justice system because of their age and vulnerability, and deserve safeguards to assure that their rights to be free from further emotional harm and trauma occasioned by judicial proceedings is protected by the court.

Our treatment of child victims has been a classic case of society showing more concern for alleged criminals than for victims. We have a separate juvenile court system for children accused of committing crimes. We have a separate juvenile court system for children accused of committing crimes. We recognize that these children should be

treated differently than adults. But when children are the victims, how can we throw them into our adult court system without special treatment? Children are special and should be treated that way.

Over the last few years, the Victims of Child Abuse Act has been a great success, and, once again, I am very happy to see that we are taking the time to reauthorize it here today.

Mr. BINGAMAN. Mr. President, before the Senate completes action on S. 1607, the Violent Crime Control and Law Enforcement Act of 1993, I would like to comment on two provisions of the bill. These provisions, which I authored, address the growing problem of youth crime and drug abuse along our country's international borders, a region of the United States that includes my home State of New Mexico.

The 2,000-mile border between the United States and Mexico is one of the fastest growing regions of both countries. Between 1950 and 1980, the population of Mexico's six border states tripled from 3.7 to 10.7 million. During the same 30-year period, our four United States-Mexico border States doubled in population, from 19.8 million in 1950 to 41.9 million in 1980. This rapid population growth has created many economic opportunities for residents of both sides of the border.

Unfortunately, this tremendous growth has also led to an increase in a number of social and family problems, including the serious problems of crime and illegal drug use. Auto theft, illegal immigration, and drug smuggling are among the more well-publicized crimes occurring along our borders. But more and more frequently, evidence is pointing toward a growth in other crimes; and more and more frequently, these crimes, whether robbery, arson, drug trafficking, or illicit drug use, involve young people—our Nation's school-age children.

The provisions I authored are specifically targeted at these children. First, I propose that we add a modest, yet extremely beneficial, grant program to the Antigang Grants Program authorized under title XV of the Youth Violence Act. The grants will help States, local governments, and nonprofit organizations develop and implement effective, innovative programs aimed at addressing the unique problems border communities and their juvenile residents face in dealing with the temptations of crime and illegal drug and alcohol use.

The second provision directs the Commission on Crime and Violence, which this legislation would create, to expand its purpose and responsibilities to include the issue of border crime. I believe this added duty could be a crucial part of the comprehensive and effective crime control plan the Commission is charged with developing. Unless it addresses the growing national prob-

lem of crime along our international borders, the Commission's national blueprint for action in the 1990's will be incomplete.

Mr. President, the House of Representatives is scheduled to vote on the North Atlantic Free-Trade Agreement 1 week from today. If the House approves the NAFTA, the Senate will consider it shortly thereafter. If approved, the NAFTA will increase trade with our neighbor to the south and further boost population expansion on both sides of the border.

Already, we have taken steps to provide for the tremendous growth on the border. We are, for example, increasing our ports of entry along the border. In my home State of New Mexico, a border crossing at Santa Teresa was approved last year by both the governments of Mexico and the United States. This border crossing is the first border crossing in New Mexico near a major metropolitan area and is expected to result in increased trade between my State and Ciudad Juarez in Mexico. I anticipate that a second port in the Las Cruces-El Paso area will soon be established at Sunland Park, NM.

While these ports of entry will allow New Mexico to reap some of the potential benefits of trade with Mexico, they will also provide greater opportunity for criminal activity. I am especially concerned about the increased potential for criminal activity, particularly involving children and teens, that border growth could stimulate.

In addition to providing for increased trade with Mexico and establishing new ports of entry along the border, I believe we must begin to provide for a social infrastructure on the border. We must begin to support the border States like New Mexico in their effort to coordinate law enforcement on the border. This is why I have advocated that two duties be added to the Commission on Crime and Violence's mandate. As part of its development of a comprehensive and effective crime control plan, the Commission should:

Recommend improvements in the coordination of local, State, Federal, and international border crime control efforts; and

Examine the impact of enhanced new international trade agreements, immigration, and increasing numbers of international ports of entry on crime and violence in the United States.

In my opinion, these two additions are essential if the Commission's report is truly to be a blueprint for national action on crime control in the 1990's.

Mr. President, I believe both the provisions I have discussed are important, and I am pleased that they have been included in the Violent Crime Control and Law Enforcement Act of 1993.

Mr. DOLE. Mr. President, I move to reconsider the votes on the amendments I sent to the desk and also the

amendments of the Senator from Delaware.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDERS FOR TUESDAY, NOVEMBER 16, 1993

Mr. BIDEN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8 a.m. Tuesday, November 16; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately following the announcement of the Chair, the previous order relating to S. 636 be executed; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conferences; further, that with respect to S. 1607, the Hutchison, Helms, and Smith amend-

ments be laid aside to recur upon disposition of the Dole amendment and in the original order as provided for in the previous agreement governing these amendments.

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

RECESS UNTIL TUESDAY, NOVEMBER 16, 1993, AT 8 A.M.

Mr. BIDEN. Mr. President, if there is no further business to come before the Senate, other than to wish Senator BOXER happy birthday, I now move that the Senate stand in recess until 8 a.m., Tuesday, November 16, as provided under the provisions of House Concurrent Resolution 178.

The motion was agreed to, and at 12:25 a.m., the Senate recessed until Tuesday, November 16, 1993, at 8 a.m.

NOMINATIONS

Executive nominations received by the Senate November 10, 1993:

DEPARTMENT OF STATE

MELVYN LEVITSKY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

DAVID NATHAN MERRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

THE JUDICIARY

DANIEL T. K. HURLEY, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE JAMES C. PAINE, RETIRED.

DEPARTMENT OF JUSTICE

BRIAN C. BERG, OF NORTH DAKOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF 4 YEARS VICE ERROL LEE WOOD.

FLOYD A. KIMBROUGH, OF MISSOURI, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS VICE WILLIE GREASON, JR.

CHARLES WILLIAM LOGSDON, OF KENTUCKY, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS VICE RALPH A. BOLING.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 11, 1993:

DEPARTMENT OF ENERGY

MARTHA ANNE KREBS, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF ENERGY RESEARCH, DEPARTMENT OF ENERGY.

ENVIRONMENTAL PROTECTION AGENCY

JONATHAN Z. CANNON, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

RICHARD H. STALLINGS, OF IDAHO, TO BE NUCLEAR WASTE NEGOTIATOR.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT T. WATSON, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

JANE M. WALES, OF NEW YORK, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

MARY RITA COOKE GREENWOOD, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING DOUGLAS H. TEESON, II, AND ENDING TIMOTHY W. JOSIAH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 14, 1993.

HOUSE OF REPRESENTATIVES—Wednesday, November 10, 1993

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. MAZZOLI].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 10, 1993.

I hereby designate the Honorable ROMANO L. MAZZOLI to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

Dr. Chaim E. Schertz, rabbi, Keshar Israel Congregation, Harrisburg, PA, offered the following prayer:

Our tradition requires that when one is in the presence of august and prominent human beings, he recite the following benediction: “* * * blessed art Thou God our Lord, King of the universe who has bestowed His glory upon flesh and blood * * *”

This is a fitting benediction on this occasion, for the Members of the House of Representatives of the United States of America represent the people of, not only the most powerful nation in recorded human history, but the most decent as well.

The Almighty is a lawgiver whose laws reflect above all the ability to combine the absolute demands of justice with the grace which is expressed in mercy.

We pray that God grant that clarity of vision to the lawmakers of our country. Without just laws no nation can long prevail. Without merciful human beings, no nation should prevail.

We offer this prayer on the eve of Veterans Day. We remember the men and women who offered their lives so that this Nation may continue to rest on the twin pillars of justice and mercy.

May God grant that the efforts of this House continue to give meaning and significance to their sacrifice.

May God bless the United States of America.

Let us say amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be no 1-minute speeches today, with the exception of one 1-minute requested by the gentleman from Pennsylvania [Mr. GEKAS].

WELCOME TO RABBI CHAIM SCHERTZ

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

Mr. GEKAS. Mr. Speaker, in the section of Harrisburg, PA, which is lovingly known as Uptown, there is one of the nicest institutions in the whole area. Keshar Israel Synagogue. The rabbi of that institution was the individual who rendered the opening prayer today.

He is recognized, as were many of his predecessors, as one of the leading citizens in our community. This particular rabbi is recognized for his learning and his teaching in various parts of the Talmud and the Hebrew scriptures, and is recognized not only as a teacher and a learner, but as one who influences others on a regular basis.

He and his wife and children live in that very same area, very close to the synagogue. He is close to the heart of our community.

CONFERENCE REPORT ON H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That upon adoption of this resolution it shall be in order to consider the

conference report to accompany the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. All time yielded during the debate on this resolution is for the purposes of debate only.

Mr. Speaker, House Resolution 301 is a simple rule facilitating the consideration of the conference report to accompany H.R. 3116, the Department of Defense Appropriations Act for fiscal year 1994. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

As Members are aware, the third continuing resolution expires at midnight tonight and, therefore, it is imperative that the House complete its consideration of this conference report as quickly as possible. The conferees have brought back an agreement which deletes the provision providing for replacement carrier funding, thus satisfying the Committee on Armed Services, which had objected to the inclusion of these funds by the Senate. The conference agreement recommends a total of \$240.6 billion in new budget authority for fiscal year 1994 and falls within the section 602(b) discretionary budget authority allocation.

Mr. Speaker, Chairman MURTHA has brought us a bill which was developed under trying circumstances: the need to cut spending while at the same time preserving the ability of our Armed Forces to provide for our national defense. I congratulate him and his colleagues for a job well done and urge adoption of the resolution so that the House may proceed to the consideration of this vital conference report.

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

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

Mr. Speaker, on behalf of all former marines, present marines, and on behalf of the gentleman from Pennsylvania [Mr. MURTHA] sitting in back of the gentleman from Texas [Mr. FROST], we thank him for his words.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I will just briefly say that I support the gentleman from Texas [Mr. FROST] in urging all Members to support this rule.

As Members know, Mr. Speaker, time is of the essence.

This conference report for Defense appropriations is the last outstanding general appropriations bill that must be enacted for the new fiscal year.

It must be signed into law before midnight tonight in order to avoid the necessity of enacting another continuing resolution. I think none of us want to do that.

Mr. Speaker, this rule provides for expeditious action by the House.

Mr. Speaker, as the gentleman from Texas [Mr. FROST] has also indicated, this rule waives all points of order against the conference report itself and against its consideration.

The principal reason for the blanket waiver is simply the fact that the House has not yet taken its final action on the Defense authorization bill for fiscal year 1994.

I understand that a conference agreement has been reached for that legislation, and I hope we will be considering that soon.

But as of this moment, in the absence of a completed authorization bill, the waivers contained in this rule are necessary and, in my opinion, they are justified.

Mr. Speaker, I am convinced that the distinguished chairman of the Defense Appropriations Subcommittee, the gentleman from Pennsylvania [Mr. MURTHA], and the ranking Republican, the gentleman from Pennsylvania [Mr. MCDADE], have done everything humanly possible to accommodate the concerns of authorizing committees.

Indeed, the Rules Committee did not receive any testimony to the contrary, and I can forego my usual skepticism concerning blanket waivers and urge all Members to support this rule.

I do have to say, Mr. Speaker, that I have substantial reservations about the conference report itself.

My concerns are not in any way a negative reflection on the work of Mr. MURTHA and Mr. MCDADE.

Mr. Speaker, I cannot think of any two Members in this House to whom I would be more willing to entrust the security of the country than JOHN MURTHA and JOE MCDADE.

They and the other members of the Committee on Appropriations have done the best they could while having to labor under some extraordinary conditions and some extraordinary restrictions.

It is those larger restrictions, outlined by the administration and contained in the budget resolution, that concern me very, very much.

Mr. Speaker, there is not a single Member of Congress who should rest easily in the knowledge that the planned defense expenditures over the

4-year span of the Clinton administration come in far below what the administration's own Bottom-Up Review has defined as the minimum amount necessary to protect the security of the country and defend our vital interests around the globe.

Mr. Speaker, I referred to a 4-year lifespan for the Clinton administration deliberately, and not sarcastically.

Believe me, Mr. Speaker, this administration is going to be sorely tested overseas in the couple of years ahead.

I pray that test does not come in Korea, because the stakes are so high.

With 70 percent of North Korea's total military capability now poised at the 38th parallel, tens of thousands, even hundreds of thousands or more could be killed in a new Korean war, especially if nuclear weapons become involved. And we all know that that nuclear capability is almost there for North Korea.

□ 0940

I just have to express my profound fear that this administration simply is not up to it. It simply does not appear capable of managing an international crisis. And I think that Members on both sides of the aisle had better sit down and had better talk to our President to make sure that we have a coherent foreign policy that is going to be respected around the world.

An administration which announces its defense cuts first, and then tries to figure out what the country actually needs to defend itself, is not on top of the situation. So I must express my great reservations about this conference report.

But I do believe the process must go forward here today, and I urge support for the rule.

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

Mr. FROST. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

The motion to reconsider was laid on the table.

Mr. MURTHA. Mr. Speaker, pursuant to House Resolution 301, the rule just adopted, I call up the conference report on the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 301, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, November 9, 1993, at page 28000.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MUR-

THA] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the conference report presently under consideration.

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

There was no objection.

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

Mr. Speaker, I bring to the House the conference report on the fiscal year 1994 Department of Defense Appropriations Act.

First, I would like to thank all the members of the Subcommittee but especially the three new members of the Defense Subcommittee, Congressmen VISCLOSKY, DARDEN, and SKEEN. They all provided valuable assistance to the subcommittee during the hearings, the markup and the conference with the Senate.

Mr. Speaker, regarding the fiscal year 1994 Defense appropriations conference report, I would like to make a few points:

A total of \$240.6 billion in budget authority is provided in this legislation;

The total is \$13.5 billion below the fiscal year 1993 level;

It is over one-half billion dollars below the budget request;

It is below the 602(b) allocation set by the Appropriations Committee; and

It is in agreement with the authorization conference report regarding funding for major systems.

As in any conference with the Senate, there was considerable give and take, and we had to include various provisions and funding levels for programs which were not in compliance with the original House position.

The conference report contains funding in the amount of \$474 million for the technology reinvestment program an addition of \$150 million to the budget request. Realizing the high priority the administration places on this important program to help defense industries convert their technologies for commercial use, the committee encourages the Department to submit a reprogramming or a supplemental budget request for additional funding for the Technology Reinvestment Program which will then be given priority consideration by the committee.

I would like to insert a table outlining the conference recommendations by title at this point in the RECORD.

BUDGET AUTHORITY

	Fiscal year—		Conference
	1993 enacted	1994 estimates	
RECAPITULATION			
Title I—Military personnel	76,275,025,000	70,083,770,000	70,624,044,000
Title II—Operation and maintenance	69,405,963,000	74,239,308,000	76,616,787,000
Title III—Procurement	55,375,931,000	45,067,328,000	44,663,078,000
Title IV—Research, development, test and evaluation	38,234,848,000	38,620,327,000	35,191,491,000
Title V—Revolving and management funds	1,737,200,000	1,451,895,000	2,643,095,000
Title VI—Other Department of Defense Programs	11,027,823,000	11,082,748,000	11,021,820,000
Title VII—Related agencies	246,600,000	312,088,000	343,588,000
Title VIII—Economic conversion	472,000,000		
General provisions	380,925,000		-569,025,000
Additional transfer authority	(1,500,000,000)	(2,000,000,000)	(2,500,000,000)
Total, Department of Defense	253,156,315,000	240,857,464,000	240,534,878,000
Scorekeeping adjustments	956,424,000	224,067,000	35,067,000
Prior year outlays including H.R. 2118			
Grand total	254,112,739,000	241,081,531,000	240,569,945,000

DECLINE IN DEFENSE SPENDING

Mr. Speaker, in the report accompanying the House-passed bill last September, we spelled out the extent of the decline in Defense spending in the past decade. For example:

First, the fiscal year 1994 budget represents the ninth consecutive year of reductions in budget authority for Defense when measured in constant dollars.

Second, by the end of fiscal year 1994, the active force level will be 513,000 below the level in place when the Berlin Wall came down in 1989. This number is higher than all the forces we had stationed overseas in 1989 and equal to the entire force we deployed to the Persian Gulf during the war with Iraq in 1991.

Third, by the end of fiscal year 1994, the number of civilians employed by the DOD will be 198,000 below the level in place when the Berlin Wall came down.

Fourth, the reduction of 711,000 military and civilians since the Berlin Wall came down is approximately equal to the entire population of San Francisco or Baltimore.

Fifth, the projected uniformed strength by 1997 of 1,400,000 would be the lowest number of personnel in the Armed Forces in 57 years.

Sixth, this year's spending level for Defense as a percent of the gross national product is projected to be the lowest it has been since before World War II with the exception of fiscal year 1948.

Seventh, U.S. military presence either has or soon will be ended, reduced or placed on standby at over 800 overseas installations.

Eighth, a rapid reduction in the U.S. base structure is ongoing.

Ninth, millions of jobs are being eliminated in the private sector as a result of these reductions.

Tenth, the procurement account has declined by 64 percent in 9 years.

Eleventh, budget outlays for national defense as a percentage of the Federal budget are the lowest since before World War II.

In historical perspective and in the perspective of America's total wealth,

the funds provided in this budget for Defense are indeed modest.

At this point, I would like to briefly outline some of the highlights of the bill:

TITLE I.—MILITARY PERSONNEL

Bill provides a total of \$70.6 billion for military personnel.

Funds provide \$1.1 billion over the budget for a pay increase of 2.2 percent for uniformed personnel.

Active force structure declines by 105,000 personnel from fiscal year 1993 level.

Increased the personnel level in the Guard and Reserve by 5,300 above the budget request. This increase for the Marine Corps Reserve, provides for the increase recommended in the Secretary of Defense's Bottom-Up Review.

TITLE II.—OPERATION AND MAINTENANCE

The conferees recommend \$76.6 billion, a reduction of \$657 million from the budget for Operation and Maintenance.

The conferees added significant amounts to the budget request to redress readiness and operations shortfalls. These include adds for:

	Millions
Depot Maintenance	\$236
OPTEMPO	220
Air Force Spare Parts	280
Retrofitting Equipment withdrawn from Europe	154
Maritime and Afloat Prepositioning of War Reserves	65

The conferees fully funded the request of \$400 million to continue the demilitarization program for the former Soviet states.

The conferees denied the Administration's request of \$448 million for a Global Cooperation Initiatives account which would have financed peacekeeping and humanitarian assistance operations.

As a result of savings from foreign currency rates, the conferees adopted \$420 million in savings throughout the O&M accounts.

TITLE III.—PROCUREMENT

Provided \$44.7 billion for procurement, a decrease of \$10.7 billion from the 1993 level. Highlights follow:

Army:

Apache Helicopters: Added \$150 million over the budget for 10 Apache Helicopters, as authorized.

AHIP Helicopters: Added \$123 million over the budget for 18 AHIP helicopters, as authorized.

Navy:

DDG-51 Destroyers: Fully funded request of \$2.6 billion for 3 destroyers;

F/A-18 C/D Attack Fighters: Funded requested level of 36 aircraft (\$1.5 billion);

Trident D-5 Missile: Fully funded request of \$938 million for 24 missiles;

Sealift: Increased budget request by \$1.2 billion, plus added \$50 million for shipbuilding loan guarantees;

Air Force:

C-17 Airlift Aircraft: Funded the request of 6 aircraft at \$1.9 billion;

F-16 Fighter Aircraft: Funded 12 aircraft at \$400 million, as authorized;

Guard and Reserve Equipment: Conferees added \$1.2 billion over budget for a wide variety of equipment for the Guard and Reserve, including \$800 million for aircraft procurement.

TITLE IV.—RESEARCH, DEVELOPMENT, TEST AND EVALUATION (RDT&E)

Provides \$35.2 billion for RDT&E, a decrease of \$3.4 billion from the budget request. Highlights include:

Army:

SADARM: Terminated the SADARM precision submunition.

Comanche Helicopter: Fully funded the RDT&E request of \$367 million.

Navy:

AFX: Terminated the AFX tactical aircraft program at a savings of \$400 million.

New Attack Submarine: Fully funded the budget request of \$476 million.

F/A-18 E/F Attack Fighters: Provided \$1.5 billion for continued development.

Air Force:

F-22 ATF (Advanced Tactical Fighter): Provided \$2.1 billion, a reduction of \$168 million from the budget request.

MILSTAR Communications Satellite: Provided \$932 million for continuing the MILSTAR program.

Defense Agencies: Ballistic Missile Defense (formerly SDI): Provided \$2.6 billion, the authorized level, and a decrease of almost \$1 billion from the budget request.

DEFENSE ECONOMIC CONVERSION

The conferees provided \$2.5 billion for defense economic conversion. These funds assist defense workers, military personnel, defense industries and various communities to transition to non-defense commercial enterprises because of the severe impact of the continuing decline in defense spending.

PEACEKEEPING

The conferees agreed to:

First, the Byrd amendment restricting the mission in Somalia and requiring that United States forces withdraw by March 31, 1994;

Second, sense-of-the-Congress provisions stating that there be prior congressional authorization before deployments to Haiti and Bosnia; and

Third, a new general provision expressing the sense of Congress that the President consult with Congress prior to any new peacekeeping or humanitarian deployment and that such operations be funded through new supplemental appropriations.

In conclusion, Mr. Speaker, I would like to reiterate the points I made earlier. The conference report:

Is \$13.5 billion below the fiscal year 1993 level;

Is below the 602(b) discretionary budget authority allocation;

Is in compliance with the authorization conference in terms of funding for major programs.

I urge adoption of the conference report.

Mr. MURTHA. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. NATCHER], the distinguished chairman of the full Committee on Appropriations.

Mr. NATCHER. Mr. Speaker, I want to thank my friend from Pennsylvania for yielding me this time, and I want you and all of the members to know that I rise in support of the Defense appropriations conference report. Upon adoption of this conference report, the House will have concluded action on all of our 13 regular appropriations bills. Mr. Speaker, yesterday we completed action on the Interior conference report and I understand that the Senate will take up this conference report today, clearing it for the President.

Mr. Speaker, I want to thank everyone for the help they have given me and the committee. I want to thank the 12 other committee chairmen and the 13 ranking members on the subcommittees and especially my good friends, JOE MCDADE, and JOHN MURTHA of Pennsylvania. These are two of the able Members of the House, and I want you to know that I appreciate your help at all times.

My appreciation applies not only to the members of the committee, but also to our excellent staff, Mr. Speaker, when we are at our homes here in Washington at night, our staff is still here on the Hill working on our bills.

Mr. Speaker, on the Appropriations Committee, we try to do it right—we work together—both sides of the aisle—to get our work done. We all work together as a team to do a good job the right way.

Mr. Speaker, the current continuing resolution expires at midnight, tonight. Yesterday, out of an abundance of caution, I introduced House Joint Resolution 288 which was a simple date extension to the current continuing resolution until November 16. I did this in the event the Interior or Defense conference reports were not acted on by midnight today. Because action on these conference reports is expected to be completed today, there is now no reason to extend further the continuing resolution, and therefore I will not

be calling up House Joint Resolution 288.

Again, I want to thank all Members for their cooperation at every step of the way this year as we acted on our fiscal year 1994 regular appropriations bills. On the Committee on Appropriations, we appreciate this cooperation.

Mr. Speaker, we support this conference report.

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

Mr. Speaker, I rise in support of this conference report and urge its adoption.

I must begin by expressing my deep appreciation to all the members of the conference committee for one of the smoothest and workman-like sessions I've seen in my 29 years as a member of the Appropriations Committee.

We confronted dozens of tough issues, but throughout addressed them forthrightly and without rancor—and for that I must point to the leadership of my colleague from Pennsylvania, as well as that of the senior Senators from Hawaii and Alaska who as always helped guide us to a satisfactory conclusion. And I must recognize the Members on our side—BILL YOUNG, BOB LIVINGSTON, JERRY LEWIS, and the newest member of the Defense Subcommittee, JOE SKEEN, for their contributions in the conference and throughout the year.

Mr. Speaker, it is no secret that I and many Members in this Chamber are gravely concerned about the future of our military and security posture, given the direction that the administration wants to take us in terms of deep defense cuts.

I simply don't believe we can meet our global commitments while maintaining a quality force under the 5-year budget numbers for Defense that we are looking at. In particular, we are running a very real risk of returning back to the days of a hollow force.

That concern has overshadowed each and every decision taken in the Defense Subcommittee this year. And I am pleased that same philosophy carried through to our conference with the Senate. That is why I support this conference report.

Throughout this bill you will find a series of actions targeted toward maintaining a quality military:

Some \$1.1 billion added over the budget for a military pay raise;

Over \$1 billion added to the operating accounts, attacking shortfalls in training and maintenance funding;

And nearly \$300 million over the budget for medical care for military families.

There's many other good decisions, such as robust funding for sea and air-lift all targeted to give us a flexible and responsive force.

Regarding major weapons decisions—such as ballistic missile defense, F-16 production, and the like, this agree-

ment incorporates the decisions made by the Defense Authorization conferees.

To sum up, while not perfect, this bill shapes the continuing build-down in a way that keeps our forces flexible and responsive. The real challenges will come next year and beyond—when the Clinton defense cuts really begin to bite. Let me remind all of you, the vast majority of the Clinton cuts—over \$110 billion—have yet to be seen. Mr. Speaker, just wait until next year and beyond.

Then, I fear all of us will be confronted with a hard question: Do we in fact want to keep a quality military, capable of responding to the growing requirements of an increasingly troubled world? If we do, then we will have to pay for it.

In the meantime, we need to do what we can to sustain and support our men and women who continue to go in harm's way, in the midst of so many changes. We have done our best to do just that, in the face of continued cuts and reductions, and as a result I ask for quick and favorable consideration of this conference agreement.

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

Mr. MURTHA. Mr. Speaker, I want to compliment the gentleman from Pennsylvania, JOE MCDADE, and the whole committee. This was the toughest bill we have had.

Mr. FALEOMAVEGA. Mr. Speaker, I rise in support of section 8137 of the Defense appropriations conference report. This section would do two things.

First, it directs the Department of the Navy to modify and transport a small landing craft to the territory of American Samoa. Second, it authorizes the Department of Defense to transport surplus medical equipment to American Samoa.

Mr. Speaker, American Samoa has been undergoing significant financial problems for the past several years. There is only one hospital in American Samoa, and that hospital is operated by the local government. The government's deficit and cash-flow have gotten so critical in recent years that the local hospital no longer has the basic medical equipment and supplies that are necessary to meet the needs of the Americans living in the territory. Even the territory's pharmaceutical supplies have been depleted at various times over the past months.

Another example of the poor condition at the hospital is with only one sterilizer which at times it is not operable, there are times when surgical tools are boiled in an effort to sterilize them. This eventually leads to the use of unsafe, rusty equipment. Even equipment such as beds and bed sheets are in short supply.

Mr. Speaker, the conditions at the hospital are so serious, that 2 weeks ago, the Governor of American Samoa declared a state of a medical emergency. A copy of that declaration is attached to the end of my statement.

As the Government slowly works its way out of its deficit, the assistance from the Department of Defense in transporting this medical

equipment will ease the pain of the suffering, probably save some lives, and eventually save some taxpayer money by improving the efficiency of the Government's medical operations.

Mr. Speaker, the land portion of American Samoa is comprised of five inhabited islands, which are nearly 200 miles apart. There is an immediate need for a vessel to transport cargo, freight, and passengers among the various islands of the territory. The last operable boat in Samoa capable in transporting heavy cargo among the islands is decades old and on its last legs. Regularly, this vessel is undergoing repairs, and during those times there is no vessel available to transport the diesel oil needed to provide electricity to the outer islands. Even basic items of personal comfort such as stoves and refrigerators cannot be transported without such a vessel.

Finally, Mr. Speaker, each trip to the outer islands costs the government approximately \$2,800 is fuel alone. Currently, because there is no certified vessel, the local government is prohibited by Federal law from charging for the transportation of personnel, cargo, or equipment to the various islands of Samoa. The requirement to provide a certified vessel to meet this need will enable the local government to recover some of its costs in providing transportation among the islands.

DECLARATION OF MEDICAL EMERGENCY

Whereas, there exists a medical emergency which threatens to disrupt the social order and imperil the public health and safety of the residents of American Samoa; and

Whereas, the LBJ Tropical Medical Center has great difficulty meeting even the most basic needs of its patients on a daily basis due to the lack of adequate medical supplies; and

Whereas, the American Samoa Government is in a state of fiscal crisis and is currently unable to purchase medical supplies through the normal channels as its regular suppliers will no longer accept its purchase orders; and

Whereas, there exist a large number of medical supply items which have been identified and set aside in several U.S. mainland locations for the use of American Samoa; and

Whereas, the LBJ Tropical Medical Center is in dire and urgent need of these surplus items; and

Whereas, the American Samoa Government is without the means to pay for the transportation costs of these supplies,

Now, Therefore, by the authority vested in the Governor of American Samoa under Article IV, Section 6 of the Revised Constitution of American Samoa and Title 4, Chapter 01, Section 0111(b) of the American Samoa Code, I, A.P. Lutali, Governor of American Samoa, do declare that a Medical Emergency exists due to a lack of basic medical supplies and the inability to transport the surplus supplies which are available.

Further, I request the full cooperation of the United States government in this time of Medical Emergency.

Mr. BROWN of California. Mr. Speaker, it seems that everywhere we go, as Members of this august institution, we hear critics tell us that we can't get anything done, that we engage in endless debate and disputation, that we are gridlocked. But today we witnessed a shining example of this legislative body moving with a speed that was blinding. What am

I talking about? The passage of H.R. 3116, the Defense appropriations bill. That bill containing more than \$254 billion in spending went through the House in approximately a quarter of an hour. If you had blinked, you would have missed it. Members with offices on the fifth floor of Cannon would not have had time to catch an elevator, walk across the street and participate in the voice vote on final passage. In fact, if they didn't have C-SPAN on, they might not have known a vote was occurring.

The way this bill moved through this body, under the cover of darkness, or, more accurately, wrapped in the protective embrace of the Appropriations Committee, eloquently symbolizes all that is wrong about the old ways in this institution. The process is unfair, it denies nine-tenths of the Members of this body any role in participation, and it leads to a misallocation of our scarce resources based on the directives of a handful of Members of Congress. I want to elaborate on these three themes in the time remaining today.

AN UNFAIR PROCESS

The Defense appropriations conference report went to the Rules Committee just last night, November 9, at 5 p.m. There was no notice or time established for that session. My staff received a call at 4:52 indicating that the Defense conference report had been received, we were welcome to come over and scan a copy, and, by the way, the Rules Committee was meeting at 5 p.m.

We did send a staffer to look at the more than 220 amendments and 312 pages of the statement of managers. While the staffer reviewed the text, the Rules Committee was busy providing a rule that waived all points of order against the bill. Such points of order are the sole guarantee authorizers have that they can act to block elements of appropriations bills that attempt to legislate. My feeling is that points of order should never be waived and I hope that is a position my colleagues will endorse when we move toward reinventing this institution in the next Congress.

In any case, this morning the House came into session a half hour earlier than originally scheduled. Instead of the usual round of 1-minutes by our colleagues, the House moved directly to consideration of the rule for the Defense appropriations bill. That rule was accepted on a voice vote. We then moved directly to consideration of the bill. That bill was then accepted on a voice vote. The entire package moved through the House in approximately 15 minutes. The important point to note is that the bill moved before the amendments and statement of managers were made widely available to Members or staff. The Congressional Record containing the conference report was not available until almost noon—2 hours after we passed the legislation. It is difficult to claim that we engage in informed legislative deliberation when we move legislation before Members have even had a chance to see its contents.

THE MAJORITY OF MEMBERS ARE DENIED A VOICE

The process used to move the Defense appropriation conference report denied 97 percent of the Members of the House any participatory role. Setting aside the process by which the conference report was passed, I would like to focus attention on an activity that

is just as pernicious: the use of legislative reports and statements of managers to earmark appropriated funds.

The Defense appropriations conference report is replete with earmarks. I invite Members to take a moment to flip through the research, development, testing and evaluation section. On the very first page of that section, the second paragraph, the statement of conferees reads: "Items of special congressional interest: Funds for projects noted to be of special interest in either the House or the Senate reports remain so, even if the dollar value of these items has changed in conference or even if not specifically mentioned in this report, unless indicated to the contrary in this report." Throughout the legislative reports and statement of conferees, these items of special congressional interest are noted as requiring a DD 1414 form. What does this mean? It means that any desire by the Department of Defense or the Services to spend those moneys in any other way or to spend less than the designated amount requires the prior approval of the appropriators.

Through this arcane reporting mechanism, the Defense Appropriations Subcommittees seek to force the Department of Defense to spend our scarce national security dollars on the programs, projects and contractors nearest and dearest to the appropriators' hearts. The items are fenced off from reprogramming and the Department of Defense and our Armed Services must spend those moneys in the way directed by the appropriators or simply lose the money.

How many Members of this body were allowed to participate in determining which would be items of special congressional interest? Exactly 14. Fourteen out of 435 Members of Congress—just 3 percent of us—played a role in the conference. We all know the game of musical chairs. Well, the way the appropriators play it, 1 out of every 31 of us gets to sit when the music stops playing and it comes time to earmark money. The rest of us are left to stand around, watching the bill sail past. I do not want to see that process change so that more of us get to sit at the table; what I want to see is a process whereby sitting at the table does not allow someone the ability to earmark huge sums of tax dollars for the benefit of their district without consideration for the Nation's needs and interests.

And what was done when the music stopped and the appropriators sat down, behind closed doors, to divvy up the Defense Department? That is the real outrage because it appears that several billion dollars in earmarks were made—we can find approximately \$2 billion in the research, development, testing and evaluation [RDT&E] section alone.

EARMARKED DOLLARS IN DEFENSE RDT&E ACCOUNTS

The number and extent of earmarks are difficult to accurately count in less than 24 hours, but that is how much time every member of this body—save the lucky few who are on Appropriations—has had to analyze the bill and report. My staff have analyzed several sections of RDT&E and what they find should disturb all the members of the House and the people they represent.

EARMARKS IN DEFENSE CONVERSION

There are two glaring areas of defense conversion moneys that the Defense Appropriations Subcommittees have attempted to earmark: those in operations and maintenance accounts and those in dual use technology.

The O&M conversion funds were appropriated at a level of \$377 million by the conferees. Of this amount, it appears that \$145.6 million has been earmarked—the vast majority of that amount by House conferees. Earmarked funds represent 39 percent of all moneys provided in this account; this is a great improvement over the 63 percent of funds earmarked in the original House legislative report, but it is hardly reassuring.

Dual use funds appropriated by the conferees equal \$474 million—\$150 million less than the House position. Of the \$474 million, at least \$103.8 million, 22 percent of all funds, have been earmarked. My colleagues will recall that I originally objected to House report language earmarks and that the chairman of the House Defense Appropriations Subcommittee gave his support to an amendment offered on the floor that restates that all technology reinvestment program funds will be competitively awarded and require matching funds by the recipients. That language was also adopted in the Senate and will be included in the bill. It reiterates the law of the land on the way in which TRP moneys are to be spent. At the same time, the Defense Appropriations Subcommittee has attempted to fence off their earmarks by indicating in report language that those are items of special congressional interest and tying the dollars to DD 1414 reporting requirements.

I want all of my colleagues to note the creative wizardry involved in this maneuver. The Defense Appropriations Subcommittees have sponsored a bill here today that will require competitive awards and matching dollars as the law of the land. At the same time, they have attached to that bill report language that instructs DOD to spend almost \$104 million on specific projects the Appropriations Committee members desire to see funded. In effect, they have instructed DOD to choose between breaking the law by spending the money or lose the money—money that this Nation's companies and workers desperately need as they negotiate the transition to a post-cold war economy.

This is an intellectually dishonest act. How can Members of this, the highest law-making institution in the Nation, explain that it is their recommendation that DOD break the laws passed by that body? How can we expect the citizens we represent to respect the laws we pass when before the ink is even dry some of our own Members are encouraging executive agencies to violate those laws.

Just as importantly, it violates the trust the American people have put in the Government to administer our defense conversion moneys in a way that is both fair and wise. What signal does it send to the nearly 3,000 consortia who spent time, energy and cash competing for TRP money in the last round of awards to see some of their competitors jumping the line by getting a powerful member of Appropriations to put the fix in for them? I think it tells them there are two systems: one for the politically connected and one for the rest of them.

The politically connected do not have to compete and can skim the cream off the top while the rest of our consortia—people who probably have better ideas, but neglected to hire a high-priced lobbyist or win the ear of an Appropriations member or staffer, have to scramble for the scraps.

Further, the earmarks eat into funding for a program that was probably underfunded even at the higher House appropriation number of \$624 million—much less the lower conference number of \$474 million. The almost 3,000 consortia that were competing for these funds last year applied for a total of more than \$8.5 billion in support. Now we certainly cannot afford to support every good idea, but with so many good ideas competing for support we cannot afford to let a handful of Members choose winners based on such important criteria as whether the consortia is in their district or whether the consortia has a lobbyist that is a former staff member.

I want to remind the Secretary of Defense that these earmarks in report language are not binding. Further, the direction that the Department of Defense treat these as items of congressional interest may not be binding either since that request is contained in report language which does not have the status of law and was not endorsed by the Congress. I hope that the Secretary will resist these instructions to ignore the law. I promise to work with the Department of Defense to help provide some support in this institution.

OTHER EARMARKS IN RDT&E

For my colleagues' information, I want to draw their attention to earmarks in four other areas of the RDT&E: Medical research, Army accounts, Air Force accounts and Defensewide accounts. I want to warn my colleagues that not every item of congressional interest is necessarily an earmark—sometimes it may simply reflect an item that Congress has been wrangling with the Pentagon over and Congress wants to make sure that the Pentagon understands how important the item is. But with less than 24 hours to look at the bill, using such items as a surrogate for earmarks is the most practical step.

MEDICAL RESEARCH EARMARKS

The RDT&E medical research account is replete with items of congressional interest. By my staff's calculation, 38 percent of the total provided for medical research is so designated. That amounts to almost \$196 million out of \$518 million that has been set aside at the direction of the Defense Appropriations Subcommittee members. These items can be broken out by Service: The Army has to set aside \$129.5 million out of its \$359.5 million appropriation; the Navy has been told to set aside \$40 million of its \$93 million appropriation; it is recommended that defense agencies set aside \$26.3 million of their \$59.3 million for purposes specified by the Appropriations Subcommittee members. Only the Air Force escapes unscathed, but their appropriation amounts to a mere \$6.3 million, apparently too little to carry significant earmarks.

DEFENSEWIDE RDT&E

Defensewide RDT&E \$8.8 billion. Of that amount, \$838.7 million—almost 10 percent—is identified as an item of congressional interest. Not all of these moneys may be earmarked.

The fact is that all of the technology reinvestment program dollars are identified as items of interest even though the reports identify only \$145.6 million for specific projects. If we assume that the remaining TRP dollars are recommended by conferees to be competed, that leaves approximately \$468.6 million in items of congressional interest.

Some of the more important DOD initiatives appear to be largely hijacked by earmarks. Two examples: \$17.5 of \$21.8 million in the manufacturing technology account are set aside, \$31.25 million of the \$46.25 million in electric vehicle technology are set aside. This is a very disturbing situation and I hope that the chairman of the Defense Subcommittee can provide some light on this situation.

ARMY RDT&E

The Army received a \$5.4 billion appropriation for RDT&E. Of that amount, \$297.3 million are identified as items of congressional interest. Again, some specific programs seem to be particular targets: Environmental quality technology received \$54.1 million while \$24.9 is set aside; manufacturing technology has \$28.2 million of its \$43.2 million appropriation set aside; \$6 million of the \$17.3 million in materials technology has been set aside.

NAVY RDT&E

The Navy received an \$8.4 billion appropriation for RDT&E. Items of congressional interest in the Navy accounts add up to \$379.4 million. Favorite categories for such interest include: Advanced technology transition, which received \$85.9 million but had \$49.7 million set aside; interest in manufacturing technology is particularly high with \$140.2 million out of the \$142.2 million appropriated identified as an item of interest.

AIR FORCE RDT&E

Appropriations for Air Force RDT&E amount to \$12.3 billion. Items of interest total \$319 million. There is a wider spread of items of interest in the Air Force appropriation. Advanced radiation technology has \$39.3 million of its \$94.7 million set aside as items of interest. Of the \$14.1 million appropriated for computer resource technology transfer, \$7 million is set aside. At the same time, many of the Air Force earmarks are not identified as items of interest, apparently because they were included in the legislation itself. These items amount to \$76 million and were included in amendment No. 100.

A complete analysis of the Defense Appropriations bill will take weeks of work, but this quick check indicates that there are probably several billion in earmarks folded into the bill and accompanying reports. Most of these earmarks are associated with efforts to direct research dollars to favored contractors, bases or universities. This process keeps the taxpayer from getting the best return on their tax dollars and denies the Nation the benefits of letting the best ideas win and the best products move forward.

I continue to be disappointed in the level of report-language earmarks included with the bill. I am also disappointed with the process by which this bill was brought to the floor—there was nothing deliberative or particularly public about it. I know we can do better and I ask my colleagues to join me in working for reforms to our own rules as well as calling on

the White House to issue an Executive order that would help get report-language earmarks under control.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of the conference report on H.R. 3116. While I wish the overall levels in the bill could be higher, I think that given the constraints placed upon them, the distinguished gentlemen from Pennsylvania, Representatives JOHN MURTHA and JOE MCDADE, have done an outstanding job.

I want to specifically address an issue of critical importance to our national security and one which has generated some controversy; namely, the decision to build a new nuclear aircraft carrier. As a former naval aviator and one who has served eight tours on aircraft carriers at sea, I would contend that this is a subject with which I am somewhat familiar. Furthermore, as a member of the Armed Services Committee, I have spent a considerable amount of time reviewing our national security requirements and the deliberations surrounding Secretary Aspin's Bottom-Up Review.

Clearly, the world remains a dangerous place and we will continue to have a need for a strong national defense. The question facing the House is how much defense and what kind of defense.

While I do not agree with all of the conclusions of the Bottom-Up Review, I strongly endorse its recommendations on aircraft carriers. The review concludes that carriers must remain a core element in our military force posture. They provide a highly mobile and capable military force that can be deployed anywhere in the world. Secretary Aspin and his advisors have rediscovered or at least revalidated a conclusion that every president since World War II has known. Aircraft carriers are an essential tool both diplomatically and militarily. Aircraft carriers have been called upon more than 140 times since the end of World War II to go to the scene of a crisis. In more than 90 percent of those instances, the crisis was resolved peacefully. The presence of an aircraft carrier is a stabilizing influence and provides a very tangible indication of American interest and resolve.

In those instances where carriers have been called upon to fight, they have proven their worth overwhelmingly. The most recent example is the Persian Gulf War, where carriers were used not only to prevent Saddam Hussein from invading Saudi Arabia, but were also an integral part of the attacks on Iraq.

Mr. Speaker, the Congress this year is faced with the decision of whether to fund a new aircraft carrier to keep the fleet at the level necessary to protect American interests. The administration has concluded that a minimum of 12 aircraft carriers is necessary to the national security. I personally believe that even that figure may be too low.

President Clinton has found himself with a well-equipped, superbly trained military because of decisions made in the 1980s. We owe it to our future Presidents to decide to fund CVN-76, so they have the resources to protect American interests in the future.

Some have argued that we can live with fewer carriers now that the cold war is over. But we already are moving to fewer carriers, down from 15 over the most of the last decade. Eight carriers are not enough. Even with

12 carriers, we will not be able to keep one carrier deployed in the western Pacific full time. This should alarm us in view of the continuing tension in Korea. Even with this twelfth carrier, there will be gaps of as much as 4 months, because we will not have the ships available for deployment.

Mr. Speaker, I firmly believe that we are already taking far too many risks by cutting back our defenses. CVN-76 is absolutely essential to preserving even a shadow of strength. I remind the House that with 12 carriers, our sailors will be spending at least 6 months at sea on each deployment. Navy families will be suffering great hardships. Morale, recruiting, and reenlistment will all suffer, and we will be back to the problems we faced in the Carter years.

Both the Bush and Clinton administrations support building a new carrier as essential to projecting power around the world. The conference report before us takes the first important steps to insuring that CVN-76 is a reality. I urge the House to support the conference report and support funding for an additional aircraft carrier.

Ms. SHEPHERD. Mr. Speaker, I rise today to express my objection to the \$1.2 billion provided for a new CVN-76 aircraft carrier in the fiscal year 1994 Defense appropriations conference report. My esteemed colleagues may not even be aware that this money was appropriated, since it was hidden so well. If you read through the bill you won't find anything that says "appropriate \$1.2 billion for a new aircraft carrier." What you will find, if you look closely enough, is that the budget for national defense sealift has ballooned from \$400 million in the House-passed bill to \$1.5 billion in the conference report. Apparently, the supporters of this carrier don't feel it could survive any kind of close scrutiny, so they decided to camouflage it the best they could.

Mr. Speaker, I don't think that this is the way we should be doing business. As you know, this carrier was neither authorized by the House or Senate Armed Services Committee, nor requested by either the Navy or the President. The decision to build a carrier has profound implications for our national force structure and for every defense spending decision we make in the years to come. I personally am not convinced that we need a new nuclear carrier at this time, and many others share my concern, such as Senator NUNN, who has testified that a decision to fund the carrier now will worsen future military budget shortfalls. An investment of this magnitude deserves to be debated by the authorizing committees as part of their hearings on the Bottom-Up Review over the next 6 months. This kind of backdoor funding circumvents rational decisionmaking and makes a mockery of the committee process.

Everyone here should keep in mind that \$1.2 billion spend this year will translate into a \$25 billion commitment down the road to complete the carrier and equip it with planes and support vessels. I don't think we should jump blindly into such a huge, expensive project. We should give the authorizing committees a chance to conduct a reasoned debate where all the facts can come out, and we can really decide whether we need another nuclear aircraft carrier. I strenuously object to this attempt to sneak \$1.2 billion into the

budget through the back door under cover of darkness for a project which has not been fully debated in the House. It is precisely this type of closed-door dealmaking that infuriates the American people and erodes their faith in Congress.

Ms. FURSE. Mr. Speaker, I want to take a moment to call attention to an extremely important provision of H.R. 3116, the 1994 Defense appropriations bill regarding the establishment of a marine and environmental research station at South Tongue Point in Oregon.

My predecessor, Congressman Les AuCoin, and Oregon's senior Senator MARK O. HATFIELD worked diligently on opening a new MHC facility in Astoria, OR. In anticipation of this event, State and local agencies expended countless resources in environmental and strategic planning to ensure that the Navy would be well received. Unfortunately, the Navy announced earlier this year that it would implement a countermeasure consolidation plan which would not include Astoria.

I was contacted by local and State officials who were stunned that their investments in land and facilities would go for naught. I immediately voiced my objection to Admiral Kelso that the State has put considerable resources and time working on this project, and the Navy's decision rendered such worthless. Senator HATFIELD and I had numerous meetings with the Navy and eventually, the Navy reevaluated its initial position and decided to provide the State of Oregon \$2 million for the marine and environmental science station at the South Tongue Point site.

The bill before us today provides \$2 million for the establishment of a marine and environmental research station at the former homeport site at South Tongue Point in Astoria. This center will provide assistance to the Navy, Coast Guard, and National Oceanic and Atmospheric Administration in increasingly important environmental study needs.

The Marine and Environmental Research Center at South Tongue Point will serve as a great resource for the entire community, our State, as well as for our country. It has the ability to combine the work of our local educational institutions—Clatsop Community College, the Oregon Graduate Institute, and Portland State University—with educators, trainees, and students to tackle the environmental and maritime issues facing our region and country. Whether it is conducting salmon research, gaining new understanding of healthy estuaries, teaching marine safety, or developing new fishing methods, the Marine and Environmental Research Station will be a model for the country and an important national resource for years to come.

I also want to extend my thanks to Chairman MURTHA of the Defense Appropriations Subcommittee here in the House for his willingness to work with me on this and other issues. The people of northwest Oregon owe a huge debt of gratitude to Senator HATFIELD for his dedication and hard work on this matter. On behalf of the first district of Oregon, I stand before the House today and welcome the Navy's Marine and Environmental Research Station to South Tongue Point.

Mr. GILMAN. Mr. Speaker, I rise today in support of the conference report on H.R.

3116, the Department of Defense Appropriations Act for fiscal year 1994.

I am particularly pleased that the conferees included \$2,500,000 from the Defense Conversion Program for a health care network in New York. These funds will support a unique regional medical information network being developed by New York Medical College [NYMC] in Valhalla, NY.

This network is being designed to link the resources of NYMC, through a computerized telecommunications system, with over 30 affiliated hospitals, including two Veterans Administration facilities, as well as several community-based primary health care centers and individual medical practitioners in the New York metropolitan area, extending from New York City to the Hudson River Valley.

This advanced technology system will build upon the education work being done by NYMC in helping to provide quality and cost-effective health care services in the region. Studies have shown that such a system can significantly improve the quality of health care for patients, relieve unnecessary burdens on primary care physicians, and reduce costs.

I believe that this project will be a model for defense-related medical facilities and demonstrate the value of telemedicine technology in the training of primary care physicians in both hospitals and community-based settings.

Mr. Speaker, I would like to thank the Chairman, Mr. MURTHA, the ranking minority member, Mr. MCDADE, and the other conferees for their outstanding work on this important legislation.

Ms. PELOSI. Mr. Speaker, I wish to congratulate my colleagues on the Defense Appropriations Subcommittee for a number of initiatives they have brought forward in the conference report before us.

In particular, I commend the creative manner in which they have employed the expertise and program support in a number of diverse Department of Defense agencies to support defense conversion, worker retraining, and health care initiatives.

I would like to note that as part of its ongoing interest in research, the committee provided explicit direction to the Department of the Army to support medical institutions with dedicated breast cancer centers. This support will prove invaluable in meeting the challenge of the breast cancer epidemic which will affect 1 in 9 American women. This language has been the subject of considerable discussions involving the Appropriations Committee staff and the Armed Services Committee staff.

I want to congratulate my colleague, RON DELLUMS, for his continued personal interest in this initiative, as well as the subcommittee chairman, Mr. MURTHA. The criteria the committee has adopted for the awarding of these grants are designed to provide preferential treatment to institutions that have demonstrated expertise in the treatment of breast cancer and which have already undertaken cost containment initiatives through mergers and consolidations.

In my district of San Francisco, CA, the California Pacific Medical Center is one such institution. California Pacific Medical Center does offer new advances in applied research and model systems of health care delivery for breast cancer, including early detection, pre-

vention, treatment, education, and community outreach. It is an institution that has long had a dedicated breast cancer center providing accessible treatment and timely application of new protocols.

California Pacific Medical Center has prior demonstrated experience serving as a regional magnet facility for doctor education and patient services through the most modern teaching and teleconferencing methods. And, as I have noted, California Pacific Medical Center has demonstrated its commitment to cost containment through the recent merger of Pacific Presbyterian Hospital and Children's Hospital.

I look forward to working with my colleagues in the leadership of the Armed Services and Appropriations Committees to assist California Pacific Medical Center in securing timely approval of a \$5 million grant.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 225

Mr. HOKE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HOBSON] be removed as a cosponsor of H.R. 225.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1025, BRADY HANDGUN VIOLENCE PREVENTION ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recom-

ommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment numbered 3 in part 2 of the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 302 is a rule providing for the consideration of H.R. 1025, the Brady handgun violence prevention Act. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee. The rule waives all points of order against consideration of the bill.

The rule makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill and modified by the amendment printed in part 1 of the report, as an original bill for the purpose of amendment. The substitute shall be considered as read. The rule further waives all points of order against the substitute.

The rule makes in order only those amendments printed in the report to accompany the rule. All points of order against amendment number three—the McCollum amendment—are waived and each amendment shall be considered as read. The amendments shall be considered in the order and manner specified in the report and by the Member designated in the report. Each amendment

shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Finally the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the Brady Handgun Violence Prevention Act was first introduced 6 years ago. Since 1987, more than 150,000 Americans have been killed by handguns. That is more Americans killed than in World War I, the Korean war, and the Vietnam war combined. The numbers continue to mount. Every day, another 60 Americans are killed with handguns and dozens of others are wounded and injured.

In 1990 handguns were used to murder 13 people in Sweden; 91 in Switzerland; 87 in Japan; 68 in Canada; 22 in Great Britain; 10 in Australia; and 10,567 in the United States. Handguns have pushed our Nation's crime rate to an all-time high. Every year handguns are involved in more than 640,000 felonies in America. While the murder rate has soared over the past 6 years, there has actually been a decrease in murders committed by weapons other than handguns. Handguns alone have been responsible for the entire increase in the national murder rate from 1987 to 1992.

Passage of the Brady bill will tilt the balance of law enforcement in favor of the potential victim and against the criminal. Named for the former White House Press Secretary James Brady, who was shot during the 1981 assassination attempt of President Reagan, this legislation will give police officers an additional tool in combating crime.

The Brady bill provides for a 5-business-day waiting period for the purchase of a handgun. During the waiting period, local law enforcement authorities would check the background of the purchaser to ensure that the sale would not violate Federal or State law. This year's version of the Brady bill also commits this Nation to the creation of a national instant check system and establishes a timetable for its implementation. The Brady bill will be phased out once a national instant check computer hotline is operational. In addition, the bill authorizes funds to State and local governments to computerize their criminal records.

While the Brady bill is not a panacea that will end all handgun crimes, the waiting period will save lives by providing a cooling off period that will prevent handgun purchases in the heat of passion. Having practiced trial law for years, it was my observation that when a handgun was fired in domestic disputes, its bullets all too often struck innocent victims.

The Brady bill will work because many States across the country have already enacted their own laws impos-

ing waiting periods and background checks which are working. Twenty-two States now have either a waiting period or a licensing requirement that require a background check of the purchaser to ensure that the sale is legal. In California, a 15-day waiting period with background check stopped 16,420 illegal gun purchases from January 1, 1993 to September 1, 1993. In Illinois, 2,896 permits were denied and 3,001 revoked because the purchasers had felony convictions.

While most criminals do not buy guns legitimately, 28 percent of State prison inmates reported that they had bought a gun over the counter from a legitimate gun dealer. Although a criminal will still have access to illegal weapons, the Brady bill will limit his options.

The Brady bill has the support of every major law enforcement group in the Nation including the International Association of Chiefs of Police, Fraternal Order of Police, the Police Foundation, the National Sheriff's Association, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the National Association of Police Organizations.

In addition, organizations representing education, children, the medical community, lawyers, clergy, senior citizens, employees, and government have voiced their support for the Brady bill. The bill has been endorsed by the American Bar Association, the U.S. Conference of Mayors, the National Association of Counties, the U.S. Catholic Conference, the League of Women Voters, the National Education Association, the National League of Cities, the American Federation of State, County and Municipal Employees, the AFL-CIO, and the American Medical Association. And, yes, even gun owners endorse a waiting period and background check for the purchase of handguns.

Mr. Speaker, the American people are demanding an end to the growing epidemic of gun violence. I don't believe anyone will stand in the well of the House today and tell you that the Brady bill alone will stop the mindless and senseless violence caused by handguns. I won't. But, the Brady bill is a commonsense measure that can stand on its own merits. It will help deny handguns to persons who are prevented by law from owning them. This bill is simply good public safety legislation.

Mr. Speaker, the President vowed to sign the Brady bill into law. We cannot afford to wait any longer. Too many lives have been lost to handgun violence already. Passage of the Brady bill is long overdue and this Congress should show the courage to send it to the President before we adjourn for the year.

□ 0950

Mr. Speaker, I think it is a national shame that we do not have this bill on

suspension, that we even have to debate it. It seems to me it is so evident that it is so right for our country, it is so right for our citizens, it is the first major attempt that the Congress has taken in many, many years to deal with the rights of the victim instead of the rights of the perpetrator or the criminal.

So, Mr. Speaker, I would ask all of my colleagues, Members of Congress, to vote for the Brady bill. Let us show the American public that we care for them and we care for their children and we care for future generations.

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

□ 1000

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

Mr. Speaker, there is nothing more dangerous than a foot in the door, and these proceedings are a foot in the door.

Mr. Speaker, I rise in the strongest opposition to this rule. There is no good reason why the bill it makes in order should be considered under a restrictive amending process.

Only 17 amendments were submitted to our Rules Committee from this whole body of 435 Members, and two of those had been withdrawn by the time the Rules Committee voted on this rule. The House could have considered every one of those amendments in less than one day.

Mr. Speaker, while I generally oppose the idea of any time limit on the amending process, in this one case I offered to consider one if the Members would not otherwise have been restricted in their ability to offer amendments, but there was no response to my offer. That means all the other Members are going to be gagged in this House again.

Mr. Speaker, a democracy works best when there is an open marketplace of ideas and the ones with the most support win. Just what ideas relating to this bill are so frightening to the other side that they are unwilling to put them to a vote, to let this House work its will.

Even such a respected authority as the Speaker of the House, responding to a question about the Brady bill yesterday in his press conference said, "My commitment has been to see to it that this bill reached the floor, if it was reported by the committee, as it has been, and to let the House work its will on it."

The Speaker then went on to say, "I am just going to let the House make the decision on the specifics of it, rather than intrude myself into the debate."

I agree with the sentiments expressed by our Speaker yesterday, but that is not what is happening today under the provisions of this rule. Members are being prevented from considering and

voting on ideas that should be before this House.

Many of us have made statements back in our districts about the need for Congress to stop directing State and local governments to do things that cost money when we do not provide the funding to pay for them. And yet that is exactly what we are doing today. It is going to cost a lot of money to computerize State and local criminal records and make them readily available to gun sellers.

Yesterday in the Rules Committee when I raised the question about how much this bill was going to cost State and local governments, I was told that no research had been done on the question, and that nobody really knew what it was going to cost.

Mr. Speaker, in my part of the country, local government budgets are already bursting at the seams because of State and Federal mandates. Most of the revenue has to be raised from a tax on real estate, and the taxpayers are already struggling to pay ever increasing school taxes and local government taxes, brought about by these Federal and State mandates.

Several Members, including a Republican from Colorado [Mr. HEFLEY] and a Republican from New Mexico [Mr. SCHIFF] a valuable member of the Judiciary Committee, and a Democrat from California [Mr. CONDT] all offered amendments in the Rules Committee, which would have prevented additional costs from being dumped on State and local governments, but the House will be denied the opportunity to even vote on those proposals because of this restrictive rule. We will not even be able to debate these proposals, because they are prohibited under this rule.

Mr. Speaker, I am not a supporter of the Brady bill, but it seems to me that the supporters of this legislation are creating unnecessary extra problems for themselves by the use of this heavy handed process.

Another amendment which the House should have had an opportunity to consider is one by the gentleman from Missouri [Mr. VOLKMER], a Democrat from the other side of the aisle, a very good Member. The Volkmer amendment provides that the chief law enforcement officer responsible for providing criminal background checks will not be liable for damages if the officer has diligently searched available records which may indicate that the prospective purchaser may not lawfully receive a handgun, and the prevention is due to reasonable reliance upon such records.

Mr. Speaker, without this amendment we are opening up those officials

on a local level responsible for conducting the criminal checks to a large number of lawsuits. The costs of those lawsuits will also end up being borne by the local taxpayers. That is why this bill could fairly be titled the Brady Lawyer Relief Act of 1993.

Mr. Speaker, this rule also represents a major missed opportunity for the House. The Judiciary Committee was scheduled to mark up a crime bill covering a broad range of subjects a week or so ago, but at the last minute dropped it and instead took up six-crime related grant programs which were not actually funded by their own provisions.

So what does that mean?

These bills provided good press releases for some Members, but will do absolutely nothing to fight the crime wave rolling across this nation today. The only other piece of so-called crime legislation reported to the House this year is the Brady bill, which is likely to have little or no effect on serious criminals, and every one in this House knows that.

The gentleman from Florida [Mr. McCOLLUM] gave the Rules Committee an opportunity to do something that would really make a difference in the fight against crime, but the Democrats on a party line vote turned it down again. They are against doing anything about crime in this Nation.

The McCollum amendment would have given this House a chance to consider a comprehensive, anticrime bill dealing with tough issues such as the death penalty strengthening the rights of crime victims, and stopping the revolving door for repeat offenders.

Mr. Speaker, by adopting this rule in its present form the House will have missed an opportunity to take real steps in the fight against crime.

Mr. Speaker, there are a lot of other problems with this bill, but the one that concerns me most is simply that it is a foot in the door which, without exception and without question, will lead to additional steps to take the right to bear arms away from law-abiding American citizens.

If this trend is carried to an extreme, by people like the senior Senator from New York who wants to tax ammunition to pay for the health care program, the most ridiculous proposal I have ever heard come out of a Senator's mouth, we can end up with the sort of crime-ridden situation that we have now in the District of Columbia, which actually has some of the strictest gun laws in the Nation.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind the gentleman from New York that charac-

terizations of Members of the other body are not permitted under our rule.

Mr. SOLOMON. The Speaker is absolutely right. I appreciate his observation.

If this trend is carried to an extreme, we can end up with the sort of situation nationally that we have now in the District of Columbia, right here where you and I sit today, which have some of the strictest gun control laws in this Nation. The law-abiding citizens have been disarmed in this town, but the law breakers are armed to the teeth, secure in the knowledge that the law-abiding citizens are not going to be able to defend themselves.

This kind of gun control has resulted in over 400 homicides this year alone, and the year is not even over yet, right here in the Nation's capital. Every Member of this House ought to be ashamed of it, especially for not doing anything about it.

Mr. Speaker, it is too bad that we no longer have a President who is willing to stand up for the right of Americans to bear arms.

I hope all the people out there in America know this. If this bill is not stopped here, they can be certain that it will not be stopped anywhere, especially at the White House.

Mr. Speaker, this bill represents a step in the wrong direction. It opens the door to taking away our guns, and both this rule and the bill should be soundly defeated.

Vote no on this rule that severely restricts open and fair debate on this extremely controversial issue.

Mr. Speaker, I include the following material on open versus restrictive rules:

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.

Congress (years)	Total rules granted ¹	Open rules		Restrictive rules	
		Number	Percent ²	Number	Percent ³
95th (1977-78)	211	179	85	32	15
96th (1979-80)	214	161	75	53	25
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	65	57	50	43
100th (1987-88)	123	66	54	57	46
101st (1989-90)	104	47	45	57	55
102d (1991-92)	109	37	34	72	66
103d (1993-94)	47	12	26	35	74

¹ Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

² Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

³ Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th-102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 10, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5, R-25)	3 (D-0, R-3)	PQ: 246-176. A: 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D-1, R-18)	1 (D-0, R-1)	PQ: 248-171. A: 249-170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D-2, R-5)	0 (D-0, R-0)	PQ: 243-172. A: 237-178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D-1, R-8)	3 (D-0, R-3)	PQ: 248-166. A: 249-163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d-4, R-9)	8 (D-3, R-5)	PQ: 247-170. A: 248-170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D-8, R-29)	1 (not submitted) (D-1, R-0)	A: 240-185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D-2, R-12)	4 (1-D not submitted) (D-2, R-2)	PQ: 250-172. A: 251-172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D-8, R-12)	9 (D-4, R-5)	PQ: 252-164. A: 247-169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D-1, R-5)	0 (D-0, R-0)	PQ: 244-168. A: 242-170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D-1, R-7)	3 (D-1, R-2)	A: 212-208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308-0. (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D-1, R-5)	6 (D-1, R-5)	A: Voice Vote (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251-174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D-19, R-32)	8 (D-7, R-1)	PQ: 252-178. A: 236-194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D-6, R-44)	6 (D-3, R-3)	PQ: 240-177. A: 228-185. (June 10, 1993).
H. Res. 193, June 10, 1993	MC	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D-4, R-3)	2 (D-1, R-1)	A: 244-176. (June 15, 1993).
H. Res. 197, June 15, 1993	MC	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D-20, R-33)	27 (D-12, R-15)	A: 294-123. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D-11, R-22)	5 (D-1, R-4)	A: 263-160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 22, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401-0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261-164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994-95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D-8, R-6)	2 (D-2, R-0)	PQ: 245-178. F: 205-216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D-8, R-7)	2 (D-2, R-0)	A: 224-205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D-109, R-40)	NA	A: 246-172. (Sept. 8, 1993).
H. Res. 248, Sept. 6, 1993	MO	H.R. 2401: National Defense authorization	NA	NA	PQ: 237-169. A: 234-169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D-3, R-9)	1 (D-1, R-0)	A: 213-191-1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization	91 (D-67, R-24)	NA	A: 241-182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	MC	H.R. 1845: National Biological Survey Act	NA	NA	A: 238-188 (10/06/93).
H. Res. 264, Sept. 28, 1993	O	H.R. 2351: Arts, humanities, museums	7 (D-0, R-7)	3 (D-0, R-3)	PQ: 240-185. A: 225-195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1, R-2)	2 (D-1, R-1)	A: 239-150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	NA	NA	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1, R-2)	2 (D-1, R-1)	PQ: 235-187. F: 149-254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D-7, R-7, I-1)	10 (D-7, R-3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	NA	NA	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumber Recognition Act	NA	NA	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D-0, R-0)	0	A: 252-170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	NA	NA	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	NA	NA	A: 390-8. (Nov. 8, 1993).
H. Res. 294, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act-1993	2 (D-1, R-1)	NA	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D-6, R-11)	4 (D-1, R-3)	A: Voice Vote. (Nov. 9, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	NA	NA	
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	NA	NA	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

ROLLCALL VOTES IN THE RULES COMMITTEE ON H.R. 1025, THE BRADY HANDGUN VIOLENCE PREVENTION ACT

1. Open rule—This amendment to the proposed rule provides for one-hour, open rule and makes the Judiciary Committee amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

2. Bartlett (MD)—An amendment in the nature of a substitute which accomplishes the stated goals of the Brady bill. Establishes a national computerized list of convicted felons and persons adjudicated mentally incompetent to be used in conjunction with drivers license renewal and status encoded on license. Dealer would simply run license through a read only machine to determine if the gun could be sold. This would all be done without a five day waiting period or a national registry of gun owners.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

3. Schiff (NM)—This amendment redefines the term "chief law enforcement officer" as the local field director of the Federal Bureau of Investigation, thus transferring the burden of the criminal background check from State and local officials to the federal government.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson,

Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

4. Schiff/Condit—This amendment proposes that the federal government reimburse, at a rate determined in advance by the Attorney General of the United States, the state or local entity responsible for performing the criminal background check.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

5. Schiff (NM)—This amendment will permit a state or local law enforcement agency to perform the criminal history background check, rather than compel such state to do so.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

6. Goodlatte (VA)—Exempts those States that have an online instant check system; clarifies language regarding destruction of records.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

7. Volkmer (MO)—Provides that a chief law enforcement officer responsible for providing criminal background checks, shall not be held liable for damages if the officer has diligently searched available records which may indicate that the person may not lawfully receive a handgun, and the prevention is due to reasonable reliance upon such records.

Vote (Defeated 5-6): Yeas—Solomon, Quillen, Dreier, Goss, Wheat; Nays—Derrick,

Beilenson, Frost, Bonior, Hall, Slaughter. Not voting: Moakley, Gordon

8. McCollum (FL)—Adds the text of H.R. 2872, the Violent Crime Control Act of 1993, at the end of the bill.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

9. Traficant (OH)—Requires that the Justice Department adhere to the Buy American Act of 1933. The amendment also states a Sense of the Congress that states use American made goods when expanding their federal grants to upgrade their criminal files. Finally, the amendment prohibits anyone to receive funds under H.R. 1025 who knowing affixes "Made in America" labels to foreign made goods.

Traficant (OH)—This amendment prohibits the Attorney General from awarding a contract under H.R. 1025 to a foreign firm unless the country where the firm is based has an open trade policy with the United States.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Slaughter. Not voting: Moakley, Wheat, Gordon

10. Hefley (CO)—An amendment to require full funding of costs to state and local governments.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

11. Beilenson Motion—To waive germaneness rule against McCollum #13 (see rollcall #8).

Vote (Adopted 6-5): Yeas—Derrick, Beilenson, Frost, Bonior, Hall, Wheat; Nays—Solomon, Quillen, Dreier, Goss, Slaughter. Not voting: Moakley, Gordon

12. Adoption of Rule—

Vote (Adopted 7-4): Yeas—Derrick, Beilenson, Frost, Bonior, Hall, Wheat, Slaughter; Nays—Solomon, Quillen, Dreier, Goss. Not voting: Moakley, Gordon

Note: The individual amendments would be printed in the Rules Committee report, would not be subject to amendment, would be debatable for 20 minutes each, and appropriate points of order would be waived.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank him for his very eloquent statement, because he put it right down where it is.

Listen, this is not about putting a foot in the door. This is about restoring your rights. You can have your rights if you take responsibility. Somehow we have lost that in the eighties, and this is very important to get us back on track.

□ 1010

What are your rights to a gun.

You don't have rights to a gun if you're convicted, and that is what this is about, if you are convicted of a crime.

Now we do not let them vote if they are convicted of a crime, but we are going to let people have guns? For crying out loud, explain that to me.

This is long overdue, and I am very, very pleased this is coming to the floor, and I want to thank the gentleman from New York [Mr. SCHUMER] and many others who have worked so hard to get it here.

I must say the biggest oversight I saw was the part where we did not get domestic violence included in here. I think people who have been convicted of domestic violence should also be in this, and I also think people who are under restraining orders should be under this because so many of the gun felonies are against people who are in the same family.

However, Mr. Speaker, I am very pleased that the Committee on the Judiciary is going to move on the Violence Against Women Act, and we can deal with it there, because we have been winking at domestic violence for a very long time in this country, and it is time the Federal Government says, and says strongly, "We want the States to take this much more seriously, we want this beefed up, and we really want these moved up to a felony level across the board so they will be in this thing." I think that is going to start happening, and I am pleased that we are going to try and do that before we adjourn because it really has been much too long in doing it.

It has been much too long in moving the Brady bill, so I encourage people

today to vote for this rule and vote for this bill and finally say that we are coming to our senses in this country. We require people to have certain responsible acts to do anything else, drive a car, go to school, do all sorts of things. But here, oh, no, anyone, any age, anywhere, whether or not they have been convicted of a felony, can go out and do that. That is wrong. We are going to correct it today, and I encourage an aye vote and a move to final passage as rapidly as possible.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Glens Falls for yielding this time to me.

If anyone wants to know what is wrong with this institution, they should look at this process that we have got before us right here. It is a fascinating irony. The goal behind this Brady bill is to impose a 5-day waiting period for the purchase of handguns, and yet look at the process around which we are considering this measure. We are waiving the 3-day waiting period for consideration of the bill itself. We are not allowing Members to have the opportunity to even look at this bill.

Mr. Speaker, we had a litany of amendments that we offered up there in the Committee on Rules, and, as is usually the case, we were denied the opportunity even to have those amendments considered here. But actually the amendments, the three amendments that were made in order by this rule, are contained in the report of the Committee on Rules, and that report is not even available for our Members to see yet.

So, Mr. Speaker, it is incredible when we look at the fact that we are trying to increase the availability of information on people with this 5-day waiting period and yet we are not allowing Members of this House the opportunity to even look at the measure that they are going to be voting on, and I urge a no vote on this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. SOLOMON. Mr. Speaker, I, too, yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Missouri [Mr. VOLKMER] is recognized for 4 minutes.

Mr. VOLKMER. Mr. Speaker, I remain opposed to a federally imposed waiting period prior to the sale of a handgun. There is no evidence that a waiting period of any length, including a 5-business day wait as contained in the interim provision of H.R. 1025, prevents violent crime. As a matter of fact waiting periods of any length have not

been effective. Two-thirds of Americans are already living under some type of waiting period. Twenty of 22 States, as well as the District of Columbia, with waiting and/or permit to purchase laws experienced increases in violent crime rates from 1987 to 1991. Most States that have imposed some type of waiting period on firearms purchases have experienced increases in violent crime or homicide rates greater than the national trend. The 5-business day waiting period as required in H.R. 1025 imposes a burden on those who obey the law, with no benefit in terms of crime control.

If we are going to reduce violent crime in this country, we must first keep young people from turning into violent criminals, and second, we must do something about the violent criminals that regrettably we already have.

In the first, the Judiciary Committee, under the chairmanship of Chairman BROOKS, has taken action. Several bills that provide grants for States that will help them try to dissuade young people from becoming violent criminals were reported from the committee. The full house then debated and passed the majority of these measures with my support. On the second point, what are we doing? Debating the so-called Brady bill. I wish I could convince my colleagues who want to infringe on the rights of law abiding citizens to own and use firearms that the answers to solving the crime problems in America has nothing whatsoever to do with gun control. Getting criminals off the street is the only way to solve the crime problems.

I believe the leading immediate cause of violent crime is the revolving door of violent criminals in our prisons where convicted criminals get a substantial portion off of their sentences from prison, and then are allowed back out on the street, and we all know what happens then. It is ludicrous to think that tougher gun laws will stop criminals from using guns in crime. They don't obtain them legally to begin with and they won't stop obtaining them no matter what law is passed.

Another disturbing provision in H.R. 1025, from a civil liberties perspective, is the granting of absolute immunity from damages to Federal, State, and local government officials, including law enforcement, even if the rights of a law-abiding citizen have been violated in an arbitrary manner. The proponents of a waiting period have long suggested that the purpose of such a wait is to allow time to scrutinize handgun purchasers as a means of stopping only criminals from making purchases through retail outlets. However, H.R. 1025 gives government at all levels virtually unchecked veto power over handgun sales, with no threat of penalty for even bad faith abuse of that power. Regardless of the reason for the denial individuals unlawfully denied

their rights would have to bring suit in Federal court and prove that they are not ineligible to purchase a handgun. I believe this goes beyond the bill's objective. I, of course, believe it is appropriate to shield government officials from the threat of damages in the event that they, in good faith, after a diligent effort to review records, prevent a lawful sale.

Another problem is that H.R. 1025 fails to impose a time certain for the implementation of the national instant check system. I believe that a date for the implementation of a Federal point-of-sale screening system should be set, by law, and adhered to. H.R. 1025 leaves it up to the Attorney General to establish timetables and those timetables could well be unreasonably long thereby delaying establishment of the national system for many years. There is no good reason to delay indefinitely the implementation of a national instant check system.

I object to the fact that, when a national instant check system does begin, H.R. 1025 requires that purchasers of all firearms, including rifles and shotguns, be subject to the check. This is unnecessary because of the minuscule use of long guns in crime—according to the uniform crime report, well under 1 percent of all violent crime—and would impose a burden on individuals, firearms dealers, law enforcement, or the Federal Government. It is an unnecessary expense.

The final point I wish to make regarding H.R. 1025 is that it does not impose a uniform national standard for the purchase of handguns once the Federal point-of-purchase system is implemented. The instant check system is already successfully working in five States and once the Federal system comes on, it is only sensible to preempt State laws requiring a wait following the verification of the eligibility of the purchaser.

In conclusion the provisions of H.R. 1025 are a foundation for far more rigorous measures in the near future. Even Sarah Brady agrees that this legislation, or any waiting period, can do little to curb gun related violence. So I would venture to guess that Congress in trying to control crime with Federal gun control legislation will realize that this measure has not been effective. After this realization Congress will demand that even more sweeping and more effective laws are needed at once.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, this debate today is not about handguns, not about bullets, not about hunters. It is not about victims. It is not even about Mr. Brady. Today's vote in the House of Representatives is about U.S. congressional politicians and their relationship with the National Rifle As-

sociation. This is a litmus test. The Brady bill will not do very much, but, if Congress cannot deal with the politics of this issue by passing this simple measure, nothing will be done to turn the tide. My colleagues, America has turned back into Dodge City, and Congress, as sure as hell, is no Wyatt Earp.

□ 1020

There have been 25,000 murders, we have street gangs, drive-through, drive-by, and drive-in shootings. Americans are not safe in their own homes.

Let me say this to the Members: There will be no national Federal firearms policy until the NRA and the police associations and Congress come together. NRA is not the bad guy, but we have been pitted one against the other, and there will be no policy.

I am voting for the Brady bill for one reason. It is a simple litmus test. If Congress cannot deal with this issue, Congress will deal with no issue, and the great sin of Congress is omission, not commission.

The Brady bill is at best the litmus test by which we can start. The NRA is the big cloud hanging over this House today, and it is time that the politicians meet the test.

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

Mr. Speaker, I have great respect for the previous speaker in the well, but for him to deliberately criticize people like me, who belong as lifelong members of the NRA, is something I resent. So do a lot of other law-abiding citizens across this Nation. The NRA represents a broad cross-section of Americans, and it should not be criticized as if it wields some kind of undue influence—it has millions of members who believe in it.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENBRENNER], a distinguished member of the Committee on the Judiciary.

Mr. SENBRENNER. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of this rule, not because it is a good rule, because it is not. I believe that it is much too restrictive in prohibiting legitimate amendments that should be offered to this bill so the House can reach a consensus. But I am supporting this rule because this is our only shot to bring the Brady bill up as separate legislation during this Congress.

The American public deserves an up-or-down vote on the concept of a waiting period, a concept which most polls indicate the public supports by over 85 percent. I think we owe that to our constituents. I think we owe it to them to stand up and be counted on whether we are for the Brady bill and the waiting period or whether we are against it.

If this rule goes down and the House cannot consider the waiting period on its merits, then the waiting period is

going to be folded into a comprehensive overall omnibus crime bill, and the waiting period is going to die next year just like it did last year because of the other controversial issues that are contained in an omnibus crime bill.

So let us get on with voting for the Brady bill. Let us pass the Brady bill because our constituents want it, and the Brady bill will keep guns out of the hands of people like convicted felons and adjudicated mental incompetents and thus protect the right of the legitimate firearms owner to continue getting access to firearms.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, many of our conscientious colleagues are opposed to the Brady bill, and while I respect their judgment, I cannot agree with their arguments.

One argument, for example, is that the District of Columbia has the toughest gun laws in the Nation and yet it has the most murders. Well, unless the District of Columbia is going to erect a wall around its boundaries, it cannot stop the infusion of guns from all the other States along the east coast, because it is right on Route 95. States that do not have such strict handgun control laws. This is a good argument for why we do need this national legislation.

People suggest that this is going to deprive people of their ability to hunt and to protect themselves. Look at Canada. The majority of adults in Canada hunt, but there were 8 handgun deaths in Canada; there were 23,000 in the United States, 11,000 homicides. What is the difference? There is an enormous difference. Canada has one of the toughest handgun control laws in the world, and it does not interfere with their ability to hunt. It protects their own individual citizens.

People suggest that this is going to deprive them of the ability to protect themselves. What law-abiding citizen is going to worry about giving their name and address and letting the police check it out for 5 days if they have nothing to hide? No one. In fact, more than 80 percent of handgun owners agree with the 5-day waiting period, but a young felon is certainly not going to give his name and address and wait around for 5 days for the police to track him down.

This is a small step. This is not going to make an enormous difference in our objective to reduce the senseless deaths that are occurring as a result of handguns, but it is an important one. Certainly Sarah and Jim Brady deserve the kind of respect that we ought to accord them today, after fighting for years to prevent the kind of catastrophe that occurred to Jim Brady and that occurs to thousands of people every single year in this country.

MAKING IN ORDER IN A MODIFIED FORM THE AMENDMENT NUMBERED 3 IN PART 2 OF HOUSE REPORT 103-341

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1025 pursuant to House Resolution 302, it may be in order to consider the amendment numbered 3 in part 2 of House Report 103-341 in the modified form that I have placed at the desk.

The SPEAKER pro tempore (Mr. MAZZOLI). The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment to H.R. 1025, as reported and as modified, offered by Mr. MCCOLLUM: In the matter proposed to be added by section 2(b) of the Committee amendment—

(1) strike the close quotation marks and the following period; and

(2) add at the end the following:

“(6)(A) Notwithstanding any provision of the law of any State or political subdivision thereof that imposes a waiting period before the purchase of a firearm, a licensee may transfer and a person may receive a firearm immediately after compliance with paragraph (1).

“(B) Section 927 shall not apply to subparagraph (A) of this paragraph.”

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

There was no objection.

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

Mr. Speaker, we thank the gentleman from South Carolina for making that unanimous-consent request, which affects the McCollum amendment.

Mr. Speaker, I spoke earlier about the gentleman from New Mexico [Mr. SCHIFF], who was denied his right to offer an amendment dealing with the unfunded mandates that appear in this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF], a very valuable member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, H.R. 1045, which is before us today, is not the same Brady bill that the House voted on in the last Congress under the designation of H.R. 7. There was a significant change made in terms of making this bill today an unfunded mandate on the local police departments in this country.

H.R. 7 in the last Congress addressed this issue as follows: “Paragraph 1”—that is the background check—“shall not be interpreted to require any action by a chief law enforcement officer which is not otherwise required.” That is the language in the last bill. The language in this bill has Congress requiring local police departments to take their time and their resources to make a background check without Federal support.

I am asking my colleagues to vote down this rule, and if that occurs, I in-

tend to offer three amendments, any one of which would solve this problem: either an amendment to have the Federal Bureau of Investigation do the check, which I suggest would actually improve the bill, because it would set a common quality standard for this check if it is going to be so valuable. But I believe the Department of Justice would come over here screaming against it if they thought they were actually responsible for enforcing this bill that they have endorsed. Or if that is not acceptable, requiring Federal reimbursement at a rate set by the Attorney General of the United States for the local police agencies to do this check. If the supporters think that this background check is valuable enough, they ought to think that it is worth paying for, and thus far they do not. There is an authorization for the instant background check, but not for the personal background check called for immediately.

Or finally, in the alternative, if the Congress is unwilling to have a Federal agency do this background check, if the Congress is unwilling to pay the local agencies to do the background check, then my third alternative would be to remove the mandate. Keep the 5-day waiting period, but not requiring the local police to do the check. Let them decide if they wish to proceed to do the local check. This is significant, because there is an honest debate about whether there is a net gain or a net loss in terms of law enforcement with a personal background check.

The claim is made that the criminals are kept from getting guns. I wish the time existed to go further into the figures we have heard already this morning. At the very least, I would ask the supporters to say, what happens to anyone denied by a check in those States that do a check? I submit that those individuals are left free on the street, and if they are really criminals, they can get a gun in the next number of hours without any difficulty.

But the argument can be made that since most purchasers of handguns, as it has been accepted today, are honest citizens, how much time and effort is lost by the police checking out the backgrounds of honest citizens? That has to be weighed as a loss to law enforcement.

Now, the point I am making here is, if the supporters have come to the conclusion—and they have—that this is a net plus for law enforcement, let them pay for it. Let them back, with the resources at their disposal, their opinion that this would in fact support law enforcement. If they are not willing to do that, then drop the mandate and drop the unfunded requirement on the local agencies that they have to do it.

□ 1030

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes

to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, the Brady bill is a reasonable first step, and I certainly support the bill and the rule. The United States is far behind other industrialized nations. Only South Africa permits the rampant proliferation of guns in its society as we do. Japan, Great Britain, Germany, and France all had less than 100 homicides last year, while each of our largest cities last year had more than 1,000 homicides with guns.

Unfortunately, this rule does not go far enough. It does not permit the offering of an amendment that would incorporate the provisions of a bill I introduced on September 23, a bill called the Public Health and Safety Act of 1993. My bill is a companion piece to Senator CHAFEE's bill in the other body. It is H.R. 3132.

Mr. Speaker, my bill prohibits the importation, exportation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition. It establishes a 6-month grace period for the turning in of handguns. It provides many exceptions for gun clubs, hunting clubs, gun collectors, and other people of that kind. It sets a penalty of \$5,000 or 5 years in prison for people who violate it.

Mr. Speaker, the American people are way ahead of the Brady bill at this point. I understand this has to be a very carefully crafted rule in order to move forward. It is important to take the first step with the Brady bill. But the American people realize this is already too little, too late. They demand more.

Mr. Speaker, there are many bills that have been introduced by my colleagues which do go further. This bill, H.R. 3132, the Public Health and Safety Act, will solve the problem in the future of the proliferation of handguns. We must go forward and stop the carnage on our streets, and the Brady bill is a very important first step.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise that the gentleman from South Carolina [Mr. DERRICK] has 10 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 10½ minutes remaining.

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

Mr. Speaker, we just heard the previous speaker, the gentleman from New York City [Mr. OWENS], let the cat out of the bag by saying what the real intent of the sponsors of this bill is, “It is a reasonable first step.”

It is a reasonable first step to the taking away of guns from law-abiding citizens.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS], a member of the Committee on the Judiciary.

Mr. GEKAS. Mr. Speaker, I rise today with the proverbial mixed emotions. On one hand I am grateful to the Committee on Rules for making in order the Gekas amendment, about which I will speak in a moment; but I am at the same time chagrined that they did not see fit to permit the amendments offered by my colleagues, such as the ones described by the gentleman from New Mexico [Mr. SCHIFF]. These would go a long way toward making the Brady bill more attractive and, on a political basis, really draw more votes on final passage, if indeed it will pass.

In the meantime, I ask Members on the floor and those who are in their offices watching on TV that when the Gekas amendment comes to the floor, we would ask that they consider it fully and support it.

What happens when the Gekas amendment comes up is it becomes a confirmation of what every single Member of this House really wants in this issue, and that is an instant check to be made available nationwide, at every gun dealer in the country, where a purchaser of a handgun in submitting his name and address and the other information will instantly learn through the dealer's computer capacity as to whether or not that individual has been convicted of a felony or is mentally incompetent or is otherwise flawed as a bona fide purchaser.

Mr. Speaker, this is the ultimate that is required for this type of legislation, the instant check, and everybody agrees. I will tell the Members now, that the primary provisions in the bill, as the proponents themselves have enclosed them, is to create a primary and an instant check. Only secondarily do they recommend the waiting period as a temporary period during which the instant check can come on board.

My amendment would give 5 years to the authorities that we would designate to create the instant check. Five years. My first thought was to allow 30 minutes, because our information is that the instant check can come on board within months literally of this date. But 5 years, we now say, we will allow for the installation nationwide of an instant check.

In the meantime the waiting period, if this bill passes, will take effect, and then fold out of existence when an instant check is operable across our Nation. That is a reasonable way to approach the primary target of even the proponents of a waiting period, namely, the instant check.

If we allow the bill to proceed as it is, with an instant check only being out in the atmosphere somewhere to be hoped for, to come into being perhaps some day in the next century, then we have accomplished nothing, and the proponents of the waiting period will fail in credibility if they do not put a time certain on their desire to have an instant check.

Mr. Speaker, I oppose the rule on the basis of solidarity with those of my colleagues whose amendments were rejected by the Committee on Rules, because they would have added greatly to this debate.

Mr. Speaker, if this rule is defeated, then we will have an opportunity for even more salutary features in this legislation.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of both the rule and the Brady bill. The rule is a reasonable rule. The three major amendments that were offered in the Committee on the Judiciary are made in order by the rule.

Mr. Speaker, let us face it: many of the amendments that were offered in committee and offered to the Committee on Rules were offered by Members who would not vote for the Brady bill under any circumstances unless it was totally gutted.

Even the gentleman just in the well, the gentleman from Pennsylvania [Mr. GEKAS], would not vote for the Brady bill, even if his amendment were carried, in my judgment. The gentleman is opposed to it.

It say to those Members whose amendments were not made in order, if you do not want to vote for the Brady bill, do not vote for it. Vote against it. But do not try to kill it with amendments that would gut it. It is a good bill; it is a reasonable bill.

Mr. Speaker, it has a 5-day waiting period. In my State of New Jersey it takes roughly 4 months to turn around a permit for a gun. That is too long. Our hunters and our sportsmen in New Jersey would love to have a 5-day waiting period instead of a 4-month waiting period.

The problem in New Jersey, like many States, is that we do screen out those that have criminal records, those that have mental histories, and those that lie on their applications. In fact, to date we have screened out 19,000 folks that were not entitled to a gun. The difficulty is they can come into other States in the Northeast and buy as many guns as they want and transport them to New Jersey, where they are sold on the black market.

The Brady bill will enable us to run a background check. When someone walks to a gun shop they have to fill out a form. One of the questions is, "Do you have a criminal record?" The second question is, "Do you have a mental record?" If they answer that truthfully, if they do have a criminal record, they are probably not very bright anyway, because nobody is going to check it, so why would they tell the truth? They do not have to in these States where they do not run a background check.

My colleague from New Mexico argues that in the last Brady bill we did not require a background check. Now he wants to make it permissive for the States to run a background check. Well, that is interesting, because in the last Congress the gun lobby made the argument that it was not mandatory, so there was not a background check.

They cannot have it both ways. The mandatory requirement is the right requirement. It improves the bill. I urge my colleagues to support the rule and support the Brady bill. It is a good bill.

□ 1040

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

I would say to the gentleman from New Jersey [Mr. HUGHES] that he knows there were a lot of Democrat Members that had amendments turned down, not allowed. But those Members are going to vote for the Brady bill, so his total argument does not hold water.

The SPEAKER pro tempore. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

Mr. DERRICK. Mr. Speaker, I yield 15 seconds to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I say to the gentleman from New York [Mr. SOLOMON], who is a good friend of mine, but he knows that many of the Democrats who are offering amendments are also opposed to the bill. They would not vote for the Brady bill under any circumstances.

I say to my colleagues that are offering these amendments that are dilatory, in some respects, vote against it, but do not try to gut it.

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

Mr. Speaker, I have great respect for the gentleman in the well, but he knows that the gentleman from Ohio [Mr. TRAFICANT] was turned down, and he is going to vote for the bill. If the gentleman would come to the meeting he would understand.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, if a doctor prescribed medicine that had so little to do with a medical problem as this bill has to do with the criminal problem we are talking about, they would be subject to being charged with malpractice. My fear is that people will think they have done something by passing this bill, and I fear they will then not adequately support the legislation we have had underway for 2 or 3 years that will really do something.

Mr. Speaker, violent crimes are not only committed more frequently but also, due to instant communications and television, we are more aware both of the number and how senseless and horrible they are. Law enforcement, paying policemen, prosecutors, judges,

and incarcerating those convicted, is expensive. So, everyone wants a simple inexpensive solution. The current alleged solution to crime is a national waiting period to buy a gun, and a law banning assault weapons. Whether one is for or against those laws, everyone should be aware they will not solve the problems and why much, much more than these laws is needed.

Iowa has a waiting period to buy a handgun. During this waiting period, authorities can probably determine whether or not the applicant has been convicted of a felony in Iowa. The law works well within those limitations. But, most persons who would be ineligible to buy a handgun because of a criminal record can still buy a gun from a dealer (and most acquire them some other way) in a State other than the one in which they have a record. The State of Virginia probably has the most effective instant check handgun law in the country, and they have their felony records available statewide through computers; but a recent survey indicated a high proportion of felons and ex-felons from the New York City area purchased handguns in Virginia. The Virginia records, as would be the case in each State, are limited to crimes which were committed in Virginia.

The Subcommittee on Appropriations which I chair has been actively pursuing an effective solution to this problem as far as buying handguns from a dealer is concerned; but the program we are implementing will take more time. The solution to screening people who buy a gun from a dealer, is to have a national center computerized so that local law enforcement offices can instantly access information from all States. In other words, all States would supply that information to the national center and the national center will have a positive identification system which will identify any applicant for a handgun purchase who has been convicted of an indictable crime no matter which State in the United States the crime was committed.

We have invested \$392 million so far in such a center, about a 4 hour drive from Washington, DC, and we hope to have it completed and equipped in about 2 years. Only the State of Virginia so far has computerized the information which each State would need to supply to the center. When the center is up and running in about 2 years, all those States which have supplied the information and purchased the necessary equipment will be able to access that information from other States in the system. We hope all States will be in the system by 1998 and will supply the information to the center on a continuing basis the way they have automobile licenses. Until it is completed, and all States are in it, it makes little difference whether the waiting period is 5 days or 5 months, it will not be suf-

ficient to answer the problem even for the 17 percent who commit crimes with guns traceable to a purchase from a dealer.

Meanwhile, we will continue to establish the National Identification Center for this and other law enforcement purposes even though it too is one of those projects that some people like to call "pork". Although there is no substitute for the usual expensive law enforcement and punishment efforts, the establishment of this National Identification Center is needed and will be a significant help to local law enforcement.

Washington, DC, which has the strongest gun control laws in the Nation and the highest rate of violent crimes, has discovered that there is no magic or inexpensive way to solve the crime problems. Effective law enforcement still requires financial support of law enforcement agencies and eliminating the causes of criminal behavior. Until that center is completed and operating, the objective of a waiting period law will not be attainable by passing a Federal law; and when it is operating, the identification will become instant and a waiting period law unnecessary.

Mr. Speaker, I am afraid if we pass this bill many States will say, "Well, we have a Federal handgun waiting period. We do not need to cooperate with the records center." I think that what passing this bill will do is misleading people into thinking they are doing something effective when they are just not doing what we need to do.

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

If I might add, Mr. Speaker, before I call my next speaker, I think the former speaker gave the best argument I have heard for the Brady bill.

Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, we are now here. The Brady bill is finally on the floor, after long waiting. Now we have a chance on this rule to determine whether this Congress, this House, will have a chance to vote on it. We have heard every possible reason for delay. We have had every log, every obstacle thrown in its path. Yet now, by one vote, by voting yes on this rule, we can finally get an up-or-down vote on the Brady bill, something that 85 to 90 percent of the American people want.

Mr. Speaker, we have had too much violence in our neighborhoods and on our streets, and even in our schools, in our churches, in our synagogues, too much. In Washington we have all these political arguments, all these little intricacies, but the guy or gal out there back home on the streets is saying, "What the heck are they arguing about? Get with it. Vote for it. It is time, already." Let us not get beltwayized around here. "Well, this

amendment was allowed, that amendment was not." We all know the purpose of the amendments.

As the gentleman from New Jersey [Mr. HUGHES] brought out, the authors of the amendment are voting no on Brady, whether the amendments pass or not. There are attempts to dilute Brady. The rule in its fairness allowed them to come up. I am willing to take that hit. If the Members of this body want to dilute Brady, a modest first step, so be it, but let us vote. Let us vote. The amendments hurt. Not to vote at all kills, literally and figuratively.

I urge that we support this rule and get on with the people's business, and start understanding that the people are angry and anguished about crime in the streets. Brady, without amendment, is the first step to try and deal with that horrible problem.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to my colleague, the distinguished gentleman from Florida [Mr. MCCOLLUM], who is a senior member on the Committee on the Judiciary and a member of the Republican leadership.

Mr. MCCOLLUM. Mr. Speaker, today we are about to undertake consideration of the Brady 5-day waiting bill that we have considered on the floor on other occasions. It may well pass today, but my concern about it is, A, that it is unnecessary, as I have always believed, because we can do in 5 minutes as much checking to see if somebody is a violent criminal who is trying to purchase a handgun from a gun dealer as we are going to be able to do in 5 days.

B, more importantly, in a way, this bill is symbolic in nature only. It is not going to reach out in the real way that we have to reach out and solve the violent crime crisis that is facing this Nation.

Mr. Speaker, America is bleeding, and too many of the Democrats on that side of the aisle are dawdling instead of bringing out meaningful criminal legislation.

The chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS] has said, and I believe him, that he is going to do everything in his power to bring out some of these important issues, but it is embarrassing that it is going to be next spring before they are brought out. It is embarrassing to see the other body debating it and bringing a bill out now, when we could also be doing the same thing, and going to conference on a comprehensive crime bill that really will address the problem.

The problem is the revolving door. Too many of the violent felons in this country are going back out on the streets again, instead of being kept in jail. The only answer to violent crime in this country that will work is to take the violent criminals off the streets, lock them up in jail, and throw

away the key. They are only serving an average of 37 percent of their sentences today, the violent criminals. When that occurs, they go back out and commit another violent crime. Eight percent of all the criminals commit 80 percent of the violent crime.

Mr. Speaker, we need to be addressing this from a series of partnerships, regional prisons through relationships with the States, and we need to be making sure that States and others eliminate their parole provisions and require that the violent criminal serve at least 85 percent of their sentences.

We need to restore the Federal death penalty. We need to send a message, put swiftness and certainly of purpose back in the criminal justice system, put deterrents and incapacitation in there. Too many people on that side of the aisle believe crime is a social problem, believe that taking the guns off the streets is going to solve the problem, instead of taking the violent criminals off the streets. It is taking the people who use the guns off the streets that is the critical answer the American public demands.

Today's debate, as important as it is for a lot of people symbolically, is a diversion. The issue is when are we going to get to a major crime bill like the Republicans have produced and we have introduced. We are ready to debate that bill today in every aspect. A comprehensive bill such as the chairman, the gentleman from Texas [Mr. BROOKS], put in ought to be on the floor. If it is not our version, it should be his. Some version should be out here that really gets at the problem, instead of dealing with the issue around the edges that we are dealing with here.

We have a problem with the criminal justice system today. It is not working. We need to fix that justice system throughout this country and put the violent criminals away behind bars and keep them there, and as I said before, throw away the keys.

The Brady bill is not the answer to that. The comprehensive legislation is not here today. I urge a no vote on the rule.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise that the gentleman from Florida [Mr. GOSS] has 1 minute remaining, and the gentleman from South Carolina [Mr. DERRICK] has 6 minutes remaining.

Mr. DERRICK. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I just want to respond to my colleagues from Florida. The problem with the omnibus crime bill, as the gentleman knows, is that unfortunately in the bill there are so many controversial provisions that in the last Congress the omnibus crime bill, which this tracks, died when some members of the Republican Party in the other body filibustered it to death.

What the chairman of the full committee, the gentleman from Texas [Mr.

BROOKS] has done, as the gentleman knows, is pulled those provisions out that are fairly noncontroversial so we can pass what we can. I support many of the initiatives that the gentleman just described, and worked for them in the last Congress. It broke my heart, as it did the gentleman's heart, to see many of those provisions go down the drain because we packaged them in one bill.

Mr. SOLOMON. Will the gentleman yield?

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

Mr. SOLOMON. The reason the bill did not pass last time is, Members on the gentleman's side of the aisle were irresponsible about things like habeas corpus. That is the only reason.

Mr. HUGHES. Reclaiming my time, the fact of the matter is, it is history. Republican Members in the other body filibustered it to death, ran us out of time. Here we are a year later, and we still do not have a crime bill. They killed it, because it was an omnibus bill. That is why the chairman of the full committee, the gentleman from Texas [Mr. BROOKS] tried for months to try and get a consensus for the entire bill. He could not, and broke it into parts, and sent the parts to the various subcommittees.

□ 1050

That is how this process works around here, I say to my colleague from Florida. He knows it, because he was my ranking Republican on the Subcommittee on Crime when I chaired that for a number of years. And how many bills did we see go down the drain because we could not get a consensus on controversial issues, and we saw good provisions go down with the ones that were controversial.

Mr. GOSS. Mr. Speaker, I yield myself our remaining 1 minute.

Mr. Speaker, as a cosponsor of the Brady bill I am glad this measure is finally coming to the House floor for debate and a vote. I know many colleagues and many people question the effectiveness of a national waiting period in fighting crime—and, frankly, so do I. I think most can support a national system to conduct instant background checks at the point of sale of a handgun. But, even though some States including Florida have an instant check in place, the process for implementing a nationwide check is not yet complete. That is where the Brady bill's 5-day waiting period comes in—it is an interim step that will sunset once the national check is implemented. I think that is reasonable—especially since States that are further along in their technology, like Florida, would not have to change their procedures.

Mr. Speaker, I am dismayed that the majority on the Rules Committee once again decided to shut down this proc-

ess—restricting debate to only 3 of the 13 amendments offered. Sure, the majority will pat themselves on the backs for allowing three Republican amendments. But the debate over open versus restrictive rules is not partisan. There were legitimate Democrat amendments offered in the Rules Committee—including one by Mr. VOLKMER and two by Mr. TRAFICANT—but they too were denied. I am troubled that this rule shuts out amendments designed to tackle the very serious problem of unfunded Government mandates on States and municipalities. As a former local official, I am painfully aware of the enormous problem the Federal Government causes for local governments by heaping one another requirement on them without providing the resources to support the added costs. But perhaps the most embarrassing thing about this rule is the cavalier way in which the Democrat leadership shut out Mr. MCCOLLUM's comprehensive anticrime package. Fact is, the Brady bill is only one very small footnote to the major action desperately needed by this Congress to beef up law enforcement and fight crime. While Americans are demanding tough anti-crime measures, while elections are turning on this issue and even the other body is stepping up to the challenge—this House is hiding behind a few powder puff cosmetics and not facing our responsibility. That is a disgrace. Mr. Speaker, the majority cannot seem to understand that the House of Representatives is supposed to be a deliberative body. We are supposed to air a wide range of views, look at a broad scope of options and exercise our collective wisdom to create the best legislative result. But that is not how it works around here—and so today I urge my colleagues to oppose this rule.

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

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. DERRICK. Mr. Speaker, first let us talk about the rule and the fairness of the rule. There was a number of amendments, I think probably 17 or 18, I do not remember exactly, that were brought before the Rules Committee. Many of those amendments were strictly there for one purpose, and that was they were dilatory, they were there to try to weaken the bill, to inflame one segment of the population as opposed to the other, not all, but a large number of them were. There were three I think substantial amendments that the House needs to debate that were presented to the Rules Committee by the minority. These amendments were made in order.

This is a fair rule, a rule that will give us an opportunity to debate the Brady bill, and will give those Members who would like to make adjustments in the Brady bill in its final form an opportunity to debate and to vote on

those amendments. It is one of the fairest rules, I quote frankly, and I think most of our rules are probably fair, but I think it is more fair than most.

So I would ask that Members vote for this rule.

As far as the Brady bill is concerned, let me say this: I think it is a national disgrace that this body, together with the other body across the hall, cannot pass the Brady bill. We are talking about the crime bill. I think it is a national disgrace that we do not have a crime bill before this body today, that we are not dealing with assault weapons, that we are not dealing with criminals who take 10 or 15 years for their sentences to be executed, that we cannot deal with habeas corpus. We had a bill that passed this House last year that said that if you are on death row you have one appeal, and it must be done by a qualified lawyer, and it must be done within a year. We could not get it through the Senate. The reason these people stay on death row for as long as they do is because there are a lot of jailhouse lawyers, other inmates that go to the law library and figure out how to file petitions. We put an end to all this. And I think that should be before the House.

I think a comprehensive crime bill should be before the House. America is bleeding on its streets. And let me say, and it was mentioned, it is not just Washington, DC, it is not just Los Angeles, CA, it is not just New York City where all of this is happening. I can remember in my part of the country years ago we thought the drug problem was confined to the major metropolitan areas of this country, but we soon learned, much to our horror, that the drug problem was not a problem of the large metropolitan areas only, it was a problem of the small communities and bylaws throughout this country. And we are going to find out and are finding out that guns are murdering our citizens, handguns are murdering our citizens in our small communities as well as our large communities.

I will agree the Brady bill is a drop in the bucket toward solving this, but it is a step in the right direction. It is a step in the right direction to keeping guns out of the hands of criminals and keeping guns out of the hands of the criminally insane.

We are going to look back, all of us one of these days, and will never be able to explain to our children why we did not have what it took to pass strong crime legislation and to pass the Brady bill in 1993 if we do not do it.

We get upset, as well as we should, when 17 or 18 marines get killed in Somalia, but we do not get upset when 60 people are killed every day in this country by handguns. The Brady bill is a modest step in the right direction. I ask Members to support the bill and to support the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

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

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 182, not voting 13, as follows:

[Roll No. 557]

YEAS—238

Abercrombie	Ewing	Lowey
Ackerman	Farr	Maloney
Andrews (ME)	Fazio	Mann
Andrews (NJ)	Fields (LA)	Manton
Andrews (TX)	Filner	Margolies-
Applegate	Fingerhut	Mezvinsky
Bacchus (FL)	Fish	Markey
Baesler	Flake	Matsui
Barca	Foglietta	Mazzoli
Barclay	Ford (MI)	McCurdy
Barlow	Ford (TN)	McDermott
Barrett (WI)	Frank (MA)	McHale
Becerra	Franks (NJ)	McKinney
Bellenson	Frost	McNulty
Berman	Furse	Meehan
Bevill	Gallo	Meek
Bilbray	Gejdenson	Menendez
Bishop	Gephardt	Meyers
Blackwell	Gibbons	Mfume
Bonior	Gilman	Miller (CA)
Borski	Glickman	Mineta
Boucher	Gonzalez	Mink
Brewster	Gordon	Mollohan
Brooks	Green	Montgomery
Browder	Gutierrez	Moran
Brown (CA)	Hall (OH)	Murphy
Brown (FL)	Hamburg	Murtha
Brown (OH)	Hamilton	Nadler
Bryant	Harman	Natcher
Byrne	Hastings	Neal (MA)
Cantwell	Hayes	Neal (NC)
Cardin	Hefner	Oberstar
Carr	Hinchey	Olver
Castle	Hoagland	Ortiz
Chapman	Hochbrueckner	Owens
Clay	Hoyer	Oxley
Clayton	Hughes	Pallone
Clement	Inslee	Parker
Clyburn	Jacobs	Pastor
Coleman	Jefferson	Payne (NJ)
Collins (IL)	Johnson (GA)	Payne (VA)
Collins (MI)	Johnson (SD)	Pelosi
Conyers	Johnson, E. B.	Penny
Coppersmith	Johnston	Peterson (FL)
Costello	Kanjorski	Pickett
Coyne	Kaptur	Pickle
Cramer	Kennedy	Pomeroy
Darden	Kennelly	Poshard
Deal	Kildee	Price (NC)
DeFazio	Kleczka	Reed
DeLauro	Klein	Reynolds
Derrick	Klink	Richardson
Deutsch	Kopetski	Roemer
Dicks	Kreidler	Rose
Dingell	LaFalce	Rostenkowski
Dixon	Lambert	Roukema
Dooley	Lancaster	Rowland
Durbin	Lantos	Roybal-Allard
Edwards (CA)	Laughlin	Rush
Edwards (TX)	Lehman	Sabo
Engel	Levin	Sanders
English (AZ)	Lewis (GA)	Sangmeister
English (OK)	Lipinski	Sarpallus
Eshoo	Lloyd	Sawyer
Evans	Long	Saxton

Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark

Stenholm
Stokes
Studds
Swett
Swift
Synar
Tauzin
Tejeda
Thompson
Thornton
Torres
Townes
Traficant
Tucker
Unsoeld

Valentine
Velazquez
Vento
Visclosky
Washington
Watt
Waters
Watt
Waxman
Wheat
Whitten
Woolsey
Wyden
Wynn
Yates

NAYS—182

Allard	Hall (TX)	Peterson (MN)
Archer	Hancock	Petri
Armey	Hansen	Pombo
Bachus (AL)	Hastert	Porter
Baker (CA)	Hefley	Portman
Baker (LA)	Herger	Pryce (OH)
Balleger	Hilliard	Quillen
Barrett (NE)	Hobson	Quinn
Barton	Hoekstra	Rahall
Bateman	Hoke	Ramstad
Bereuter	Holden	Ravenel
Bilirakis	Horn	Regula
Bliley	Houghton	Ridge
Blute	Huffington	Roberts
Boehlert	Hutchinson	Rogers
Boehner	Hutto	Rohrabacher
Bonilla	Hyde	Ros-Lehtinen
Bunning	Inglis	Roth
Burton	Inhofe	Royce
Buyer	Istook	Santorum
Callahan	Johnson (CT)	Schaefer
Calvert	Johnson, Sam	Schiff
Camp	Kasich	Shaw
Canady	Kim	Shuster
Clinger	King	Skeen
Coble	Kingston	Skelton
Collins (GA)	Klug	Smith (IA)
Combest	Knollenberg	Smith (MI)
Condit	Kolbe	Smith (OR)
Cooper	Kyl	Smith (TX)
Cox	LaRocco	Snowe
Crane	Lazio	Solomon
Crapo	Leach	Spence
Cunningham	Levy	Stearns
Danner	Lewis (CA)	Strickland
DeLay	Lewis (FL)	Stump
Diaz-Balart	Lightfoot	Stupak
Dickey	Linder	Sundquist
Doolittle	Litvingson	Talent
Dornan	Machtley	Tanner
Dreier	Manullo	Taylor (MS)
Duncan	Martinez	Taylor (NC)
Dunn	McCandless	Thomas (CA)
Emerson	McCollum	Thomas (WY)
Everett	McCrery	Thurman
Fawell	McDermott	Torkildsen
Fields (TX)	McHugh	Upton
Fowler	McInnis	Volkmer
Franks (CT)	McKeon	Vucanovich
Gallely	McMillan	Walker
Gekas	Mica	Walsh
Geren	Miller (FL)	Weldon
Gilchrest	Minge	Williams
Gillmor	Molinari	Wilson
Goodlatte	Moorhead	Wise
Goodling	Myers	Wolf
Goss	Nussle	Young (AK)
Grams	Obey	Young (FL)
Grandy	Orton	Zeliff
Greenwood	Packard	Zimmer
Gunderson	Paxon	

NOT VOTING—13

Bartlett	Hunter	Rangel
Bentley	McCloskey	Slattery
de la Garza	Michel	Torricelli
Dellums	Moakley	
Gingrich	Morella	

□ 1120

Messrs. STRICKLAND, LIGHTFOOT, and WILSON, Ms. DANNER, Mr. HILLIARD, and Mr. LAROCCHO changed their vote from "yea" to "nay."

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BARTLETT of Maryland. Mr. Speaker, due to unavoidable circumstances, I was not present for the vote on House Resolution 302, the rule for H.R. 1025, and the vote on the Ramstad amendment.

Had I been here, I would have voted "nay" on House Resolution 302 and "aye" on the Ramstad amendment.

□ 1120

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, NOVEMBER 10, 1993, TO MONDAY, NOVEMBER 15, 1993, AND ADJOURNMENT OR RECESS OF THE SENATE FROM WEDNESDAY, NOVEMBER 10, 1993, UNTIL TUESDAY, NOVEMBER 16, 1993

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 178) and I ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 178

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, November 10, 1993, it stand adjourned until noon on Monday, November 15, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, November 10, 1993, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, November 16, 1993, or at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the concurrent resolution is agreed to.

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, and I will not object, I would like to ask the majority leader about the schedule for the rest of the afternoon. Some of us have to catch airplanes to go to our districts for Veterans Day. We just cannot be around here much after 4 o'clock in the afternoon.

Mr. Speaker, can the majority leader tell us what the schedule is?

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

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] for yielding, and I share his concern about the schedule.

Mr. Speaker, we believe that the bill that is in front of us, which is the only piece of business we have today, can be completed in 4½ or 5 hours. Obviously it depends on the length of the debate. We are going to try to hold all of the votes within the 15-minute period, and I urge Members to be here on time to vote so we can process this bill as quickly as possible.

So, we are going to try to get out by 4:30, if at all possible, and, if Members will cooperate in abbreviating their debate and getting here on time, we will get them out on time to be able to get home for Veterans Day events.

Mr. MONTGOMERY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

BRADY HANDGUN VIOLENCE PREVENTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 302 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1025.

□ 1124

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield 15 minutes of my time to the gentleman from Florida [Mr. MCCOLLUM] and I ask unanimous consent that he be permitted to yield blocks of time within that amount.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1025, as reported from committee. H.R. 1025 provides for a 5-day waiting period for prospective handgun purchasers, which will remain in place until such time as a national instant check on firearms purchasers is certified by the Attorney General.

While I believe that H.R. 1025 is motivated by an understandable desire to keep handguns out of the hands of criminals, I have grave doubts about whether the bill achieves that purpose at all, and most serious, whether it infringes on the rights of law-abiding citizens.

It is important to be realistic about the nature of acquiring handguns in this country. The main market for the purchase and sale of such weapons is the illicit market. That is fact, plain and simple. We are deluding ourselves and the citizens of this country if we attempt to paint this bill as the answer to violent crime or even to the proliferation of handguns.

I cannot support the legislation in its present form. For a number of years, the legislation has been considered by its proponents as akin to "Biblical text." That is not my view, and I believe that it would be wise to keep an open mind throughout this debate about the three reasonable amendments being offered if there is a true wish to move the bill to the President's desk. But, if the goal here is simply to hoist up a banner for gun control in order to keep an issue alive, then we can continue to debate the bill endlessly for years to come.

If the House accepts these simple—yet critically important—amendments, I think there might well be wide support for the legislation. I, for one, would reconsider my position; but only if law-abiding citizens are treated with respect and accorded fundamental due process.

One such amendment to be offered by the gentleman from Minnesota [Mr. RAMSTAD] would merely allow a prospective firearm purchaser to inquire as to why he or she was denied that right—by requiring the law enforcement official to provide the reasons for the denial if asked for those reasons. I am happy to report that there appears to be an agreement on both sides to accept this amendment. I certainly hope so.

Another reasonable amendment to be offered by the gentleman from Florida, Mr. MCCOLLUM, would preempt all existing State law waiting periods—including not just those that are shorter than the 5-day period spelled out in the bill, but also those that are longer. Without the amendment, States without any waiting period will have imposed on them a 5-day waiting period; but, States with longer waiting periods get to keep them even after the instant

background check system—which is supposed to be national—is operational. Now, that turns logic and fairness on its head, just a bit.

A third amendment to be offered by the gentleman from Pennsylvania [Mr. GEKAS] would sunset the 5-day waiting period after 5 years. This amendment would create a time certain for implementation of the national instant background check in the bill. Acceptance of this amendment is proof positive that there is a real commitment to implement the instant background check in H.R. 1025. While the national instant check system is touted as a central premise of the bill in its current form, it is a premise with no teeth at all.

In conclusion, the Brady bill is no panacea for the scourge of violent crime in America. It may make a very modest contribution, however, if it targets with specificity that group of dangerous individuals who are the real problem—the criminal elements of our society. If the proponents decide to accept reasonable amendments to further that end, there may be a resolution of this issue, once and for all. If they don't, then they can take their chances here and in the other body.

□ 1130

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in support of the Brady bill, H.R. 1025.

Every day, 65 men, women and children in this country are killed with handguns. The Brady bill is not a cure that will completely halt the use of handguns in the tens of thousands of homicides, suicides, and accidents every year. However, it will help keep handguns out of the hands of people who have no business owning them, and it will help reduce the number of handguns on our streets and in our schools.

I need look no further than my home State of Delaware for evidence to support this. When I was Governor of Delaware, I signed into law the State's instant, computerized background check system for the purchase of a handgun. Since this system was implemented in January, 1991, more than 1,150 people who are legally prohibited from owning a handgun were stopped from purchasing one. Nearly 100 hundred persons wanted for crimes ranging from rape to dealing drugs to bank robbery, have been arrested.

Delaware is one of 5 States with the instant background check, which is a system the Brady bill calls to be implemented nationwide. In the meantime, a 5-day waiting period will give local law enforcement officials the time they need to check a person's background.

Let's put the Brady bill in perspective. Twenty-eight States—more than half of the States—already have waiting periods or instant check systems in place and would be exempt from the Brady bill.

For the vast majority of law-abiding citizens who want to buy a handgun, another 5 days, in the overall scheme of things, will not make a difference. In other circumstances, it will allow cooler heads to prevail before someone becomes armed with a lethal weapon. And, just as Delaware's instant background check has demonstrated, the Brady bill will stop convicted criminals from buying a handgun.

I urge my colleagues to pass the Brady bill today—and then, let's get to work on another important measure that I have introduced with my colleague DAN GLICKMAN from Kansas. H.R. 3098 will update this country's 25-year gun control law by closing the loophole that allows children to possess handguns. How many more school shootings by students do we need to wake up to the fact that it's too easy for minors under the age of 18 to get guns? And there's no Federal law to deter them from openly brandishing guns on our streets and in our classrooms.

And passing laws is only one part of the equation. There must also be tougher sentences, increased prevention efforts, and more treatment centers. We need to attack the underlying social problems that lead to gun-related violence by youths and adults.

But we must start somewhere, and the Brady bill is that much-needed first step.

Mr. PICKLE. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. SCHUMER], and I ask unanimous consent that he be allowed to delegate blocks of time within that 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I rise in strong support of the Brady bill and in opposition to these amendments that will be offered.

Mr. Chairman, I rise today in strong support of H.R. 1025, the Brady Handgun Violence Protection Act. The Brady bill is a vital part of the overall crime prevention package.

My home State of Maryland has a mandatory 7-day waiting period on the purchase of handguns. Since 1966, when the waiting period was implemented, over 16,000 handgun purchases have been disapproved. On average, 1 to 2 percent of all gun purchase attempts in Maryland are denied because the potential purchaser has a criminal record. For example, from January 1, 1993, through September 30, 1993, 24,704 people had applied

to buy a gun and 264 of those people were disapproved. Clearly, this Maryland law has been very successful.

A mandatory waiting period on a national level would be successful as well and dramatically increase the effectiveness of local efforts like those made in Maryland. A large number of criminals do buy their guns from gun stores. A Bureau of Justice study found that 27 percent of State inmates purchased their guns from retail stores. An additional 28 percent of the State inmates got their handguns from the black market, a drug dealer, or a fence. Gun traces have shown that many of the guns that are being sold on the black market are originally purchased in gun stores in States that do not have waiting periods and/or background checks.

A national mandatory waiting period would stop cross-State purchases. Presently, many teenagers obtain guns through straw purchasers who cross State lines. Earlier this year the National Education Association estimated that more than 135,000 children bring guns to school every day. The growing impact of gun violence on our young people is devastating. A national waiting period on handgun purchases would help curtail the proliferation of weapons among the young in our society.

I am an original cosponsor of the Brady bill and a strong advocate of curbing the use, illegal use, of guns in our society. Since the Brady bill was introduced in 1987, over 150,000 Americans have died in incidents involving handguns. It is time to reduce the avenues through which criminals can obtain handguns. I urge my colleagues to follow the example of Maryland and impose a national waiting period on the purchase of a handgun.

Mr. PICKLE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Brady bill and against the amendments. I wish to commend the gentleman from New York [Mr. SCHUMER] for his leadership in bringing the Brady bill to the floor, which I hope will be a small comfort to those who died in the 101 California street tragedy and all others who have been victims of violence in our country.

Mr. PICKLE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise in strong support of the Brady bill, and I commend the gentleman from New York [Mr. SCHUMER] for his leadership.

Mr. Chairman, my friends to the right argue that the Brady bill is an abridgement of the second amendment. The Brady bill does not impact the right to have weapons, it merely requires a 5-day wait.

Mr. Chairman, my friends opposing the Brady bill argue that they cannot defend their families and property without a gun. The Brady bill does not impact self-defense.

Mr. Chairman, my friends on the other side argue that if the Brady bill passes, only outlaws will own guns. The Brady bill does not restrict gun ownership.

Mr. Chairman, I support the Brady bill, not because I think it will solve crime, it won't. I support the Brady bill because I want to save one life, and do some good. If requiring people to wait 5 days before purchasing a gun will save a life, we will have done our job.

I urge you to support a bill that attempts to curb an insane proliferation of guns in this Nation.

Mr. SCHUMER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, today is the day for this Chamber to join the American people in saying, "We have had enough." Today is the day to stand up and say enough to the boundless fever for handguns and enough to the senseless killings in every community.

Day after day, night after night, we see the bloody madness. Children kill children. Mothers die trying to protect their families. Parents bury children. Children bury parents. You and I and every one of us in this Chamber know that our neighbors, the American people, are sick and tired of this insanity. My neighbors in Queens and Brooklyn are scared. We are all frightened for our children. We are disgusted with this orgy of handgun slaughter.

Your neighbors, in Ohio and California and Wisconsin and all over America, are just like my neighbors. They want the killings to end. They want it now to end, and they are watching what we do here today.

It is said by the opponents of this bill that "Guns don't kill, people do." People have bad instincts in them, but without guns those instincts often do not result in killing, and with guns those instincts all too often do.

The people of America know there is no magic pill to end violence, but they also have the good common sense to know that waiting periods work, and they want the simple commonsense restraint of the Brady bill. It is well past time. It has been 6½ years during which we have debated this bill. We have been dragged through the thickets of ideological dithering. We have wandered through the forests of delay, and while we have delayed and delayed and delayed, handguns have killed Americans by the tens of thousands. The bullets from those guns have killed people. We must not fail again today.

If we fail to pass the Brady bill again today, our failure will be cast in grief and pain and marked by the waste of more lives needlessly lost.

But there is no reason to fail, there is no reason to delay. The bill is good, solid, well-crafted legislation. It imposes a simple 5-day waiting period on handguns. It will not take a single gun away from law-abiding Americans. It does not offend the second amendment in any way. It does nothing more than give our law enforcement officers, who all support the bill, a modest period of time. They will use that breathing room to keep handguns away from felons and others barred by law from owning firearms. It is that simple.

But there is danger along this last mile. The amendments to be offered today, seemingly innocuous, seemingly offered in the spirit of reason, if adopted, will distort this Brady bill beyond reason. So I urge my colleagues not to support the amendments. They have a common purpose. They are offered by opponents of the Brady bill who seek to eviscerate it.

In conclusion, Mr. Chairman, history is within our grasp today. Let us reach out, lift our hands, and touch it. Let us pass the Brady bill just as it lies before us and reject the mischief of these amendments.

□ 1140

Mr. MCCOLLUM. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am opposed to the Brady bill, the waiting period bill today, for two reasons. One, it is unnecessary; two, it is simply symbolic and a distraction from the real issue we ought to be getting at to address the violent crime crisis in America.

The 5-day waiting period in this bill is unnecessary for the simple reason that you can do in 5 minutes, or certainly in 5 hours, in 1 day, the amount of check that you can do with this waiting period to find out if somebody is a felon going to try to purchase a gun from a gun dealer. We have the ability to check the names today through the NCIC system throughout the Nation, through the police systems that are already set up. We do not have to wait for an instant check to find that out. We do need to improve the records. But there are not going to be half a dozen names in a period of a year that will be turned up by a 5-day waiting period that will not be turned up in 5 minutes. So it is unnecessary.

But worst of all, it is symbolic, in the sense that it is conceded by most people not to be the real answer. Too many people on the other side of the aisle in the Democrat Party believe that taking guns off the street is the answer to violent crime.

Mr. Chairman, that is not the answer. The answer is to take the violent criminal off the street, lock him up, and throw away the key. Unfortunately, we do not have that bill out here today. It is embarrassing that the other body has been addressing the problem while we have not.

We need to have regional partnerships with the States to have prisons that will take violent criminals off the streets and lock them up. We need to have provisions that will provide incentives that people who are violent criminals have to serve at least 85 percent of their sentences. The problem is the revolving door of these violent criminals, who go back out and become repeat offenders, again, and again, and again. That is not out here today because Democrats have been in disarray.

Republicans have a comprehensive crime proposal. We are ready to vote

on it today. It should be out here, not this waiting period bill. We are together on the Republican side.

When the Democrats can get together and get their act together, maybe we can really get meaningful anticrime, antiviolen crime legislation out here, that will stop the bleeding the American people are suffering from today.

Mr. Chairman, this waiting period bill is nothing more than symbolism, and it should be defeated.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the chairman for yielding.

Mr. Chairman, I would like to address my remarks not only to my colleagues, but also to the general public, and especially to the media. Yes, Peter Jennings, Brokaw, and all, this is not a national 5-day waiting period bill. This is a fraud. This bill does not apply to the State of New York, or Washington, DC, or California, or my State of Missouri, or the State of Illinois. This bill does not apply to 24 States. Why does it not? Because we already have such a system, either a background check or a waiting period or a permit system. It does not apply to us. It does not apply to the high crime States.

I want somebody on that side to tell me how, by making it necessary for a resident of Cody, Wyoming, or Butte, Montana, to wait 5 days to get a handgun, how does that stop a person in New York City or Washington, DC, from shooting somebody? It does not. And that is what this bill does, because it does not apply to Washington, DC, to New York City, to Los Angeles, to Miami, to San Francisco, to Chicago, to Detroit, and many other of your high crime areas. So where do you get this idea it is a national 5-day waiting period? It is not. It has exemptions in it, and the only States it applies to are not high crime States.

So how do you stop crime by telling a law abiding citizen in Butte, MT, that he has to wait 5 days to get a handgun? No, it is not that. It is not an anticrime bill. This is an antigun bill, that is all it is. And what is it? It is a first step. Who said so? The proponents will tell you that. If you talk to them confidentially, they will admit this is not going to stop any kid from taking a gun to school in New York City, not one.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I rise in support of H.R. 1025. The stated purpose of the Brady bill is well known to all Members of this House as well as to the American public. Proponents of this legislation sincerely believe that it will have an important and significant impact on reducing handgun crime.

This year's version—H.R. 1025—creates a 5-business-day waiting period before a handgun can be obtained. During this time, law enforcement officials will have an opportunity to do a background check on the prospective purchaser. Should the Brady bill become law, the only persons who will be denied a firearm are those who cannot legally own firearms. That is, persons who have been convicted of crimes punishable by imprisonment for more than one year, persons under indictment, fugitives from justice, drug addicts and abusers, persons adjudicated as mentally ill, illegal aliens, persons dishonorably discharged from the Armed Forces, and persons who have denounced their U.S. citizenship.

Some have criticized this legislation as being ineffectual and misdirected. They characterize the bill as a "mere symbol"—legislation that will only raise false hopes. I readily admit that the Brady bill is no panacea for the serious, pervasive problem of violent crime in our society. There is much more that we can contribute in formulating broad-based crime legislation. It is a travesty that the House has been denied this opportunity.

This legislation does hold open the promise that a national instant check system will be established in the near future, one that will accurately identify individuals who should not be allowed to purchase handguns. To me, this is the most important addition contained in this year's version of the Brady bill. The bill now states that the 5-day waiting period will sunset as soon as a national, instantaneous background check is operational. It will also sunset for any individual state which requires a background check. To achieve this goal, H.R. 1025 would authorize \$100 million per fiscal year for a grant program through the Department of Justice to States for the improvement of their criminal history records.

This focuses on the real problem—the sorry state of our criminal records nationwide. We must have an accurate system in place so that an instant background check can be conducted at the point of sale. Some States—Virginia, Illinois, Florida, Delaware, and Wisconsin—already have such a system in operation. We simply need to commit more resources so that the quality and accuracy of criminal arrest records can be upgraded and made available on a nationwide basis. This is our responsibility.

The Brady bill will have no effect in my state of New York. It will not apply to permit holders. It does not affect the long process my State requires for approval.

Mr. Chairman, I urge its passage.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN], a longtime supporter of the bill and a member of the subcommittee.

Mr. GLICKMAN. Mr. Chairman, as we stand here and again debate about the Brady bill, people are out in our communities and out on the street getting killed. While we talk and talk and talk, people are dying from gunshot wounds and dodging bullets. And many of these bullets are coming from guns bought by people who, by law, cannot purchase them.

Think about how ridiculous this is: Gunshop owners must take the word of criminals that they are not criminals. Right now, to purchase a gun, convicted felons only have to fill out a form and certify that they are not felons. After that they are able to buy a gun. This is absurd. By definition, felons have no regard for the law. They do not care if they lie on a simple form—especially since they know the form will not be reviewed by anyone. We need some way to check to make sure that people who are prohibited from buying guns cannot buy guns. This means that we need to be able to check the records from all States and from the Federal Government. Ideally we would have the ability to immediately punch in a name in a computer and get all the records, and I look forward to the day we can. But we're not there yet.

There has been a great deal of misinformation about this point. So let me reemphasize that, right now, even though some States have the ability to do an instant check, the Federal records are not all computerized and most States aren't either. We do not have the ability to tap into a computer and get information from both Federal and State criminal files. The Brady bill recognizes that someday all of our criminal records will be totally computerized—both Federal and State. And this bill provides that when we get to that day, a Federal waiting period will disappear and an instant check system will take over.

Yet despite the very rational and reasonable approach taken by the Brady bill, in committee and subcommittee there were several amendments offered to immediately institute an instant check system. That will again be offered here on the floor. The simple answer is: We would if we could, but we can't. So until we can, we need to have the waiting period.

Let me step back and say that I support the rights of law-abiding adults to purchase and own guns. I do not support a ban on handguns for adults, and I support the rights of hunters and sportspeople. But I also support the Brady bill because it is entirely consistent with those beliefs and even more, it just makes sense. The Brady bill requires an instant check system to be developed as soon as possible. It is a small price to pay to at least curb, if not stop illegal gun purchases that directly lead to the needless violence and gun deaths we see every day.

But in the end, this political debate is just talk. You don't need to listen to it. But you do need to listen to people like my constituent Jeff Jones. His fiancée Kim was shot, with a gun purchased on the day of the shooting, by an ex-boyfriend who had been convicted several times, in several States. Yet despite his record, on the very day he was scheduled to appear in court on yet another assault charge, this convicted felon was able to walk into a gun dealer, buy a gun and shoot Kim to death. This is not rhetoric, it is cold, hard, deadly facts. We need the Brady bill and we need it now.

I want to commend my colleague Mr. SCHUMER for pushing on with this bill year after year in the face of so much opposition. And I'd like to commend the chairman of our committee, Mr. BROOKS who moved expeditiously to allow this bill to come to the floor. But most of all I'd like to commend Sarah and Jim Brady who have been tireless in their efforts over these past years to get this bill to this stage.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. CRANE].

□ 1150

Mr. CRANE. Mr. Chairman, I rise to oppose H.R. 1025. Although proponents of this legislation are well intentioned, the sad reality is that H.R. 1025 will do nothing to reduce violent crime in the United States. The most disturbing irony of the "Brady bill" is that it would not have prevented John Hinckley from purchasing the gun he used in the heinous crime against President Reagan and Jim Brady.

We have seen time and time again States enact waiting periods expecting violent crime and homicides to go away. In almost every instance, the homicide and violent crime rates increased. In my home State of Illinois, we witnessed an increase of 31 percent in violent crime and a 36 percent jump in our homicide rate. Alabama witnessed a 51-percent explosion in their violent crime rate and Massachusetts was helpless as the waiting period led to a 40-percent jump in the homicide rate.

The way to control gun violence is to send a message to criminals that if they do the crime, they do the time. We need to pass increased mandatory minimum sentences for criminals who use guns to commit crimes. We need to enact a comprehensive crime proposal sooner rather than later.

I would like to concur with my colleague, the gentleman from New York, Mr. SOLOMON, who, during debate on the rule, correctly noted that passage of the Brady bill is merely the first step in a series of gun control measures that groups like Handgun Control, Inc. want to see enacted.

If the Brady bill is passed, law abiding Americans will see their second

amendment rights eroded, but the criminals will still obtain guns. The black market is the hottest place for felons in search of firearms, and they need not wait for a background check in a dark alley.

Mr. Chairman, I urge my colleagues to oppose this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 1025, the Brady bill. This Brady bill is much better than the Brady bill that was passed by the House of Representatives 2½ years ago in May of 1991. It is better in two respects.

First, this year's version of the Brady bill includes the instant check system, which was used by opponents of the Brady bill on two separate occasions as a better alternative to the 5-day or 7-day waiting period that was originally proposed.

Second, this Brady bill sunsets the waiting period when the national instant check system is ready, on line, and so certified by the U.S. Attorney General. That means that once the instant check system is operational, there will be no more national waiting period, because both the police and gun dealers will be able to find out instantly whether or not someone who wishes to purchase a firearm is legally prohibited from doing so.

Classes of people who are prohibited from owning firearms under existing law, which is not changed by this legislation, include convicted felons, adjudicated mental incompetents, minors, illegal aliens, those who have been dishonorably discharged from the Armed Forces, as well as those who are under indictment.

Mr. Chairman, no person who does not fall under these categories will be denied a firearm if this legislation goes through, so this is not gun control for honest people. This is gun control for those who have lost their civil rights based upon a conviction or something else that they have done, and these people presently cannot legally possess a firearm. In doing so, there would be a felony committed on their part.

This piece of legislation is eminently reasonable. I am very, very disappointed that those who have said that the instant check system is better than the Brady bill will not support this legislation that includes instant check. I do not know why they will not support it, but the fact of the matter is that after we, who have supported Brady, have accepted their ideas and have terminated the 5-day waiting period, we still do not pick up their support.

The situation in criminal justice records in this country is a disgrace. This bill will automate those criminal justice records, which will be of benefit to law enforcement and to law-abiding citizens far beyond the whole issue of who should have access to a firearm.

I would urge strong support for this legislation, which is carefully crafted, and hope that it is passed overwhelmingly.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a strong supporter of the legislation and a member of the committee.

Mr. SCOTT. Mr. Chairman, I appreciate this opportunity to participate in what should be the final passage of the Brady bill by this Chamber. I applaud the work of the chairman, the gentleman from New York [Mr. SCHUMER] in promptly bringing this bill to the committee, and, above all, I commend Jim and Sarah Brady for their dedication and commitment to reducing handgun violence.

Mr. Chairman, in 1991 handguns killed 22 people in Great Britain and 12,000 people in the United States, so it does not take a rocket scientist to acknowledge that there is a problem of epidemic proportions that needs to be addressed.

Those opposed to the Brady bill will simply recommend stiffer sentences for those involved in gun crimes. I feel compelled to challenge my colleagues to take a more preventive approach. We are faced with a choice of preventing violent crime before it occurs or reacting to crime after someone has already been raped, robbed, or murdered.

Mr. Speaker, the Brady bill will not end all crime or prevent all criminals from getting firearms, but it is one step toward stemming the tide of handgun violence. Despite the theories by some in this body, convicted felons do attempt to purchase firearms. Hundreds have been stopped in California, and in Virginia we have denied over 5,000 requests of firearm purchasers who have been convicted of crimes.

Mr. Chairman, in addition, 319 persons who were wanted on crimes were attempting to buy firearms, so for anyone that says that the Brady bill is not effective, I ask them whether or not our communities are safer because wanted individuals are able to drop by their neighborhood shop to pick up their weapons of choice.

Mr. Chairman, I urge my colleagues to support this bill and to oppose amendments No. 2 and 3. We cannot afford any longer to go without the Brady bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, today we face a crisis in this country that threatens both individuals and families. There isn't one American who doesn't fear for their own safety, or the security of a friend or family member at one time or another. The pervasive and intrusive problems violent crime has brought to nearly every community in the country cannot be ignored. However, as a husband, father, former

businessowner, and Representative in the First District of Utah, I do not believe that passage of H.R. 1025 will take one step toward alleviating this fear.

A 5-day waiting period will not protect the innocent or disarm the criminals roaming our streets.

In the history of State and Federal gun control legislation, waiting periods, licensing systems, and registration strategies have never showed any discernible impact on reducing crime. There are currently 16 States which have some type of mandated waiting period when purchasing a firearm. None of these States can readily show that a waiting period has effectively reduced the rate of crime. In fact, many of them have experienced various problems, complaints, and unfortunate deaths related to the delay in legally purchasing a firearm.

During the riots in Los Angeles, Californians who wanted to protect their homes and businesses were told to come back in 15 days. Many of these law-abiding citizens admitted to illegally buying a gun off the street. Fifteen days is a long time when your world is in chaos and everything you worked for is being threatened. A waiting period isn't going to alleviate fear, it isn't going to protect honest citizens, it merely forces dealers to contend with more paperwork and mandates that local police provide an expensive service that will take valuable time and dollars away from the job that they do best—protecting a community.

Criminals are not honest and legitimate. They are sneaking around, making deals under the table, and terrorizing innocent people. Offenders are not buying their handguns from the local dealer. They don't mess with the paperwork and certainly are not going to check back after 5 days to see if their purchase has been approved. Whoever believes a waiting period will deter an offender is very naive. Those who have previously committed a crime, or are contemplating it, will either steal from homes and businesses, send a friend with no record to get the gun, or buy right off the street.

Every American who owns a home generally purchases homeowners insurance. Theft is covered under section I of a homeowners policy and I know from personal experience that firearms rank high in paid claims to homeowners who have been robbed. Guns are small, lightweight, very easy to resell, and worth a small profit on the street. In a study conducted by the National Institute of Justice, 84 percent of imprisoned felons admitted that they had never even attempted to purchase firearms legally. Their weapons were either stolen or obtained through an illegal source. They laugh at gun control laws because they know there are easier ways to have their own gun.

Gun ownership plays an important role in preventing crime. Let me offer

an example close to home: In my home State of Utah, I recently met with local officials in Wayne County. They explained to me that statistically, Wayne County residents own more firearms than any other county in the Nation. But, what's interesting is that in the history of Wayne County, there has only been one homicide since the turn of the century. And, this homicide occurred when a man caught his wife with someone else and stabbed the man with a knife. No one has ever used a gun against another person in Wayne County.

Criminals admit that they would not attack a potential victim if they knew that person was armed. Thieves avoid houses when people are at home, they bypass areas that are known to have protection, and they fear being shot during a crime. In most cases, gun owners who have used a gun in self-defense have been successful in preventing the violent attack. There are lawful and legitimate rights which should be upheld to allow citizens to own a weapon. Where I come from, people feel very strongly about their right to protect themselves and their families rights which should be upheld to allow citizens to own a weapon. Where I come from, people feel very strongly about their right to protect themselves and their families from anything that may intend to bring harm. This country was founded on freedoms which allow men and women to rightfully protect what is theirs.

After a gun is legally purchased, the owner may decide to sell it through the classified ads. The original owner can sell a gun at any time. In Utah, the Desert News runs column after column; listing the handguns and rifles for sale. Papers like the Desert News run ads all over the country, auctions are held and people generally don't know who is buying, selling, or trading the gun. By and large, these people are honest, upstanding citizens who collect guns as a hobby, but what is going to stop someone from purchasing a gun out of the paper, then turn around and rob a bank with it? Nothing. A waiting period is not the answer—gun control measures miss the mark, the crazies are always going to know where to find a weapon.

Violent crime is by far the largest problem facing American communities today, however, less than 1 percent of America's population are committing these heinous acts. This 1 percent equals about 2.5 million people who engage in violent acts. These people threaten security and erode our peace of mind. A waiting period is not going to deter them. H.R. 1025 is merely an attempt to place a Band-Aid over a problem that requires complete surgery.

Our system is not tough enough on criminals. The first time a violent crime is committed, we slap the offender's hand, deliver a light sentence, and

put them back on the street as soon as good behavior has been exhibited. It is our responsibility to focus on toughening the law.

Congress needs to enact a real crime reform bill which protects the victims of crime, not the perpetrators. We should place a stiffer penalty on fencing a gun that is known to be stolen; increase fines and mandatory minimums for criminals using a firearm when committing any crime; build more prisons so the revolving door doesn't keep turning; and support capital punishment.

The American public would like to feel safe on their own streets—criminals should not be ruling our neighborhoods. But, H.R. 1025 is not the answer.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI], a member of the committee.

Mr. MAZZOLLI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Brady bill, and a proper tribute here ought to be given to several people, but, of course, premier among them would be Jim and Sarah Brady. Just a moment ago I was out in the House triangle, and Jim was out there, as he always does, charming the people with whom he was speaking.

The two of them, Jim and Sarah Brady, have taken tragedy and turned it into a national crusade for a good thing. Many people in their situation could very well have gone off in a corner and pretty much cried against fate for having dealt them this tough hand, but they took that hand and they have, with their spirit and zeal and charm and good humor and absolute perseverance, have reached this day, which is very historic, on which we will have a vote on a bill named after them, which takes a very simple step in the direction of bringing down violence in our communities.

□ 1200

I agree with people who say that this bill will not solve all of the problems. Indeed it will not. It has been praised perhaps too highly. It has perhaps even been lionized.

But, in fact, it is one element of a series of elements that go into a multifaceted anticrime package. And I would salute the gentleman from New York [Mr. SCHUMER], and his predecessor in that role, the gentleman from New Jersey [Mr. HUGHES], for having very stalwartly led the legislative fight.

But I think it is a good bill, Mr. Chairman. I believe that it will, if passed, enable the law enforcement authorities in our communities to keep guns out of at least some wrong hands, and in that setting save some lives.

So where we have an opportunity to vote for a bill that will save some lives,

and will be one part of an overall comprehensive anticrime program, then I think we ought to vote for that bill. I hope the Brady bill passes unamended.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, this is a commonsense approach. I do not stand here and say that my support for the Brady bill is going to bring some kind of a nirvana in law enforcement. We need a lot more in the criminal realm in reforming habeas corpus, in providing capital punishment in various cases. But indeed this is a commonsense approach.

Essentially, what we have today is sale of handguns on the honor system. You walk into the store, you want to buy a handgun. You are presented with a questionnaire. It says are you a convicted felon. And essentially that is how we sell it.

That seems to me to be violative of our commonsense tradition in this country. How else essentially can we determine whether that person that walks in and buys the handgun is under a legal disability to do so? It seems to me at least to do a background check, and by the way, it is a maximum of 5 days, not a minimum, whereby individuals can purchase a handgun.

But the point-of-sale check is clearly the best procedure. And what this Brady bill does is get us one step closer to what everybody wants, and that is a point-of-sale instant check, and it works in a very effective manner in getting the States to bring their records up to date and do exactly that.

We do not need an artificial time limit for that, but it can happen because of the creativity of the committee in putting this bill together.

Mr. Chairman, a couple of years ago I had the honor to attend the opening of the Peace Officers Memorial, just a few short blocks from the Capitol. And it is very much like the Vietnam Veterans Memorial and it lists all of the peace officers who have been killed in the line of duty. And believe me, that list is getting longer every day. And I for one, who have a background in law enforcement, am tired of seeing on the news police officers killed in the line of duty.

Support the Brady bill. It makes common sense. It gets us off the honor system in terms of sales to convicted felons.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. Mr. Chairman, I rise in support of the Brady Handgun Violence Prevention Act, and in opposition of any weakening amendments.

Like many of my colleagues, I come from an area where guns are everywhere. The escalation of violence has been frightening. Not even little children are safe. Whether a shooting is deliberate, criminal, done in anger, or accidental, it doesn't matter at all to the

victim, and today there are too many victims.

The leading cause of death in young people is firearms, whether it be homicide or suicide. Among African-American teenagers and young men, homicide is the leading cause of death. We can no longer sit around just wringing our hands about this. It is time to do something. The Brady Bill by itself is not going to solve the problem of violence in our society, but it is a statement that we are at a minimum going to make the attempt to prevent the sale of handguns to felons, illegal aliens, drug addicts, and those adjudicated as mentally ill. If we prevent only a few deaths, this legislation will be worth it.

This bill is named after Jim Brady, who suffered terrible injuries because of a mentally unstable person with a handgun. Perhaps John Hinckley would not have obtained his gun had there been a waiting period or background check. Perhaps the life of someone we know can be saved by a waiting period and background check.

A criminal may find another way to obtain weapons, but why should we make it easy for him? Keeping guns out of the hands of the mentally ill can save lives. Making an angry spouse wait a few days before purchasing a gun could save the life of a husband or wife.

This legislation is common sense legislation, yet there are those who would weaken even this modest bill. I am especially concerned about the McCollum amendment which would preempt State and local laws requiring waiting periods. This would affect my own State of Florida, where a waiting period was adopted by referendum, by a overwhelming 84 percent of the voters. The people of Florida are tired of the violence. The people of America are tired of the violence. Vote for the Brady bill and against weakening amendments.

Mr. MCCOLLUM. Madam Chairman, I yield 1½ minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Chairman, I rise today to voice my opposition to the Brady bill. I have thought a great deal about this question, as I suspect most of us have. Some answers come fairly simply and fairly easily, and some do not. This one is not an easy one.

All of us are opposed to crime and crimes committed by people with guns. On the other hand, all of us are opposed to placing unneeded restrictions on the liberties of law-abiding citizens.

We certainly read every day that America is under siege and the Congress has a chance to do something about it, and we are all interested in that. I say "something" is the operative word, and I suspect that is what this is, a chance to do something. Whether or not it is effective is really the question, and is it a solution?

I have concluded that whether it is 5 days or 5 months, it probably does not make much difference. Criminals will still have access to weaponry that they need. They will purchase it from friends, they will get it illicitly, and certainly all we will do is put an obstacle in place for people who buy guns for legitimate purposes and cause criminals to get them in a way that is illegitimate.

One size does not fit all, and that is an issue that we have here. I come from Wyoming, quite a different situation than New York City. And I think to try to attempt to have a blanket system that works for everyone simply is beyond the realm of possibility.

So Madam Chairman, I rise in opposition to this bill which I think simply diverts attention from the real problem, and that is the problem of doing something with criminals.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Madam Chairman, this amendment has bothered me, the Brady bill, for quite some time because I feel very strongly that it goes against the very belief of the second amendment. And I contacted the Archives, and I asked for some research work on the debate that was said at that time when Samuel Adams made the motion for that particular amendment.

During that debate it was made clear that every American citizen should have the right to own and bear their own arms, to protect themselves.

Now we can pass tough gun control laws. Look at which city has the toughest gun control laws in the country. It is this one, Washington, DC. But what city has more murders than any other city? It is this one, Washington, DC.

If we are going to pass tough gun control laws to prevent people from killing people, why do we not look at passing laws to outlaw knives, or hammers or other weapons?

I think it is important that all of us as American citizens and as Members of this body should do everything we can to help protect that precious amendment that our forefathers gave us in the right of protecting ourselves.

Mr. SENSENBRENNER. Madam Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Madam Chairman, I rise to participate in a colloquy with the gentleman from New York [Mr. SCHUMER] to affirm the legislative intent of H.R. 1025. Would handgun purchases in Michigan be exempt from operation of the Brady 5-day waiting period?

Mr. HOEKSTRA. Madam Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chairman, I would like to associate myself with the

remarks of my colleague from Michigan and join in the colloquy on this important issue in terms of its impact on the State of Michigan.

Mr. SCHUMER. Madam Chairman, will the gentleman yield?

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

Mr. SCHUMER. Madam Chairman, I thank the gentleman for yielding. What I would say to the gentleman is that while H.R. 1025 exempts handgun transfers if the law of the State provides that a handgun transferee must have a permit to purchase and the permit is issued only after an authorized government official has verified that the information available to that official does not indicate that possession by the transferee would violate the law. Because Michigan law prohibits the issuance by the police of a license to purchase a handgun to anyone prohibited by law from receiving such a gun, the issuance of such a license would itself be a verification that the transfer would not violate the law.

The CHAIRMAN pro tempore (Mrs. LOWEY). The time of the gentleman from Michigan [Mr. UPTON] has expired.

□ 1210

Mr. SCHUMER. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. I thank the chairman for yielding this time to me.

Madam Chairman, I strongly support House passage of H.R. 1025, the Brady Handgun Violence Prevention Act.

The American people have a right to demand that Congress take action to prevent handgun violence in the streets of our Nation. They know that since the Brady bill was first introduced 6 years ago over 150,000 Americans have been killed by handguns. They know that there is something wrong when a convicted murderer can too easily purchase a handgun in violation of existing Federal law. They know that the Brady bill may not be the complete answer to preventing handgun violence, but Americans have expressed by overwhelming majorities their belief that the Brady bill can help.

There is nothing complicated about the Brady bill.

This bill provides law enforcement officials a 5-day waiting period to review handgun purchase applications and screen out convicted felons and other individuals who are not permitted by law to purchase a handgun. If law enforcement officials do not notify a gun dealer that a sale would violate Federal, State or local law, then that sale would proceed 5 business days after the date of the purchase application.

The Brady bill is just that simple. This bill applies at the Federal level the lessons learned in over 22 States, including Pennsylvania, which show

that waiting periods can stop murderers and other felons from purchasing a handgun. The experience of California offers one of the best examples of how effective a waiting period can be. Between January 1991, and September 1993, when a 15-day waiting period became effective in California, 16,420 illegal gun purchases were stopped, and of these, over 8,000 attempted illegal gun purchases involved individuals who were convicted for crimes of homicide or assault.

As an original cosponsor of the Brady bill, I know that a 5-day waiting period will not eliminate all crime in America, but it seems that saving even one life is worth this effort. President Clinton has stated his strong support for congressional action on the Brady bill. In addition, support for the Brady bill is widespread among many organizations representing members of the law enforcement community, such as the Fraternal Order of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriffs' Association, the Police Foundation and many others. This bill has also been endorsed by the U.S. Conference of Mayors, the American Medical Association, the National Congress of Parents and Teachers, and former President Ronald Reagan. The Brady bill is a sound proposal and its enactment into law is long overdue.

Madam Chairman, today the House can reaffirm its support for this legislation with the confidence that President Clinton will sign this bill into law. I urge my colleagues to support this bill.

Mr. SCHUMER. Madam Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. TUCKER].

Mr. TUCKER. I thank the distinguished chairman.

Madam Chairman, I rise in strong support of the Brady bill, H.R. 1025.

This is a historic day in the House of Representatives. We expect to pass the bill.

Madam Chairman, we have Jim and Sarah Brady outside in the triangle. It reminds me that just a couple of weeks ago when I was on an airplane with Jim Brady and I saw him walking and writhing in pain, now having been incapacitated by the gunshot wound that he suffered while serving the highest office in this land, the Presidency of the United States.

Madam Chairman, it is unfortunate that it took Mr. Brady and his wife Sarah to have to bring this issue to the American public. But on today we can make their labor one that is not in vain.

Very quickly to my colleagues on the other side of the aisle and those who believe that this bill would do nothing, that it should not be nationalized, I would say, yes, there are States that

have a waiting period and others do not, but all of the States that have waiting periods, because of the natural tendency to buy guns in the States that do not have a waiting period and then go to other States in order to use them, it is time we nationalized this. I am in strong support of the Brady bill without any of the amendments.

Mr. MCCOLLUM. Madam Chairman, I yield 1½ minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, this bill says America will spend \$100 million a year—this year and again next year, and the year after that, and so on, until every State has a vast new network of computerized criminal records, accessible at computer terminals at every gun store, gun show, sporting goods stores, and everyplace else that sells firearms.

It is time to ask, will this system work? Will it be worth these untold billions of dollars?

It is silly to spend taxpayers' money on a system that can easily be defeated. It can be thwarted the same way that teenagers get around the alcohol laws, illegal aliens get forged documents, and others disguise their identity. It is called false ID. It does no good to run a criminal check on John Jones, when the person buying a gun is really Sam Smith.

And then this bill also has the 5-day waiting period to buy a handgun. But that is only for those who buy a handgun from a licensed dealer. Check out our prisons. Seventy-three percent of those people did not buy their guns through dealers. They bought them on the street. No waiting period, and no instant-check system is going to stop them. This bill will spend billions of taxpayer's dollars, it will make it harder for honest, law-abiding citizens to protect themselves, it will add another huge layer of redtape and Big Brother government. And all to do what? Just to try to catch the dumbest of the dumb—the poor souls who have a criminal record, and do not know they will be checked. And what happens when they're turned down? They leave the store, and buy their gun anyway, there on the street, where there is no flashy, chrome-plated computer terminal looking over their shoulder.

If a waiting period works, why do you not propose a waiting period on knives? They are used to kill people. And so are cars. And so is rat poison. Why do you not put a waiting period on those, since they are used to kill people?

Let us not throw away our money for a high-tech plan that solves nothing. With this \$100 million a year, we could instead put more cops on the street, build more prisons, hire more judges and prosecutors so they won't be overworked and turn crooks loose through

pleabargains. Instead, they could crack down to lock away the robbers, and the rapists, the muggers, and the killers.

Let us defeat the Brady bill.

Mr. SENSENBRENNER. Madam Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, I rise in the strongest support of this legislation, and urge my colleagues to do what their constituents expect and demand: Pass the Brady bill.

Make no mistake, my colleagues, and let no one tell you otherwise: This bill represents a crucial step in moving to curb handgun crime, and one that our law enforcement officials are calling on us to pass. How much more handgun violence must we endure—how many more lives do we have to lose—before we adopt a minimum Federal standard for handgun purchase?

Let me say to my colleagues that the Brady bill is a matter of simple common sense. Don't be fooled or misled: There can be no substitute for a federal, minimum waiting period. Indeed, this whole debate can be summarized in one sentence: Anyone who needs a gun right now needs a waiting period. Period.

The waiting period afforded by the Brady bill allows local law enforcement 5 days in which to make reasonable efforts to conduct a background check on a prospective handgun purchaser. In this way, we act to stop the ex-convict, or the mentally incompetent, from simply crossing a State line, putting his cash on the table, and walking away with a handgun.

Even more crucial, only this Brady bill allows the waiting period necessary to stop a flash of temper or moment of heated passion from driving a person over the edge, to handgun violence.

This cooling off period is absolutely critical, and the data here are clear: The number of gun-related accidents, and domestic violence incidents committed with handguns, continues to increase! Every piece of evidence demonstrates that crimes of passion and heat of the moment gun-violence continues to rise!

Each one of us—and more important, the police officers and law enforcement officials in each of our districts—can attest to this fact.

It is important for the record to examine objectively the provisions of the Brady bill and dispel some of the myths that the gun lobby would have us believe.

First, the Brady bill in no way provides for a system of national gun registration—quite the opposite. In every instance where a handgun sale is approved under Brady, law enforcement officers must destroy the information they've been provided within 20 days.

Second, there is no case to be made for unreasonable delay. The Brady bill is clear and explicit: After transmitting the name and address of the purchaser to local law enforcement officials, if the dealer has not heard back from law enforcement after 5 days, positively disallowing the sale, the buyer gets his gun. There is no room for delay—it's that precise.

Finally, this bill has no new restrictions on gun purchasers. No one who today is legally entitled to purchase a handgun will be ineligible under Brady. This bill just checks, and reaffirms, existing law.

I need not remind my colleagues that support for this bill is almost universal. From the State attorneys general to the cop on the beat, the men and women who have made crime control their lives' calling are united in their support for Brady. Every legitimate law enforcement organization has endorsed this commonsense, 5-day, waiting period.

More impressive, however, is the grassroots enthusiasm for this bill from our men and women in the field. I have yet to visit a police station in my district where officers did not commend me for my support of the Brady bill. This is the testimony of the front-line troops in the war on crime: How can you my colleagues turn your backs on law enforcement and in support of the gun dealers?

I would take this opportunity to make one point perfectly clear: We must defeat the weakening killer amendments that will be offered on the floor this afternoon. Among the most dangerous is the State preemption amendment, which would require our minimum Federal standard to preempt and prohibit tougher State laws.

This is absolutely ludicrous. The Brady bill is designed to represent a minimum, Federal standard. The idea that we would eliminate all other restrictions would be laughable were it not so offensive.

This is without question the most blatantly irresponsible amendment I have ever heard considered, and a reprehensible cave in to scare tactics of the gun lobby.

I stress gun lobby, because every one of us knows that support for this ill-conceived plan doesn't come from our constituents, the upstanding hunters, sportsmen, and collectors. This is pure political sell out to the NRA and their inside-the-beltway scare tactics.

In my own State of New Jersey, a background check has stopped more than 18,000 purchases, and resulted in more than 10,000 arrests. This law has been in effect for 20 years, and I have seen no evidence that it has led to infringement of constitutional guarantees. The Constitution stands, and sportsmen are still getting their guns.

But under the State preemption amendment we will debate this after-

noon, New Jersey's 20 years of strong, fair, and effective anti-gun-violence protections would be thrown out of the window for political expediency and special-interest payback.

When we even consider an amendment like this, it's no wonder why the American people hold our institution in such disregard. My colleagues, we can not let this reckless amendment stand.

It is unfortunate that any legislative effort to restrict firearms is painted by gun control opponents as an affront to—if not abrogation of—the Constitution. In fact, nothing could be further from the truth. The Supreme court of the United States holds that the second amendment does not allow free or unrestricted ownership of any weapon. Rather, the second amendment allows regulation of firearms so long as the regulation does not impair the maintenance of the active, organized militia of the States—*Miller versus United States, 1939*. The Supreme Court has consistently upheld this reasoning for more than 60 years, across a broad ideological spectrum.

There can be no substitute for the Brady bill, which will start saving lives the day after it becomes law. In contrast, an instant check alternative offers no such guarantee. Even the ambitious timetable established for the Justice Department indicates that the records on which this hotline is based cannot be up and running for years. I would remind my colleagues that when we last addressed this issue, the Attorney General of the United States report to Congress estimates indicates that it would take at least 3 to 5 years for the necessary information to be updated; the Office of Technology Assessment estimated up to 10.

I would add, however, that when the Justice Department certifies that such a system is fully operative, the Brady bill, and the national waiting period, sunsets. Frankly, I would rather that were not the case. The time it takes to bring a national, instant check system on line is but one of the failings of this alternative. Even when criminal records are updated to provide complete and accurate information, and instant check cannot and will not screen out the mentally incompetent, or drug abusers; and most important, as I discussed, this alternative allows no cooling off period for crimes of passion.

Again, my colleagues, this debate comes down to common sense, and simple logic: anyone who needs a gun right now needs a waiting period. Period.

I urge my colleagues stand up to the gun dealers lobby. Follow President Ronald Reagan's example, support law enforcement, and do the right thing for the people.

Pass the Brady bill, today.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I think in this debate you have to come to two compelling questions. First of all, do my colleagues believe criminals will be affected by waiting periods or other gun control laws?

Secondly, do my colleagues believe crime rates will go down with waiting periods?

I think you have got to look at the facts and you have to look at where waiting periods have been deployed because this is an emotional debate but it is also a debate that could infringe the right of our citizens under our Constitution, the second amendment.

Let us look at California: When California went from a 2-day waiting period to a 15-day waiting period, the homicide rate rose 126 percent, more than twice the national average. Or you can look at Washington, DC: People have already talked about this particular jurisdiction, the toughest gun control jurisdiction in the world, and yet it has the highest homicide rate in this country.

Waiting periods do not work. This is symbolic, but it is an infringement upon the second amendment rights of every citizen. The problem is not with an inanimate object, which is what a gun is; the problem is with the criminal justice system. There must be a punishment that fits the crime.

If we had strong punishment in this country, crime rates would go down. I think that is important and it is compelling to all my colleagues to separate the emotion and look strictly at the facts.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM].

□ 1220

Mr. CUNNINGHAM. Mr. Chairman, some Members on the other side of the aisle said they did not want to support anything that would weaken this bill.

The Brady bill itself recognizes the importance of an instant check system. This amendment merely states, one of the amendments merely states that we should implement that system within 5 years. Most of us agree on both sides of the aisle that we have got too many weapons on the streets. There are too many senseless killings.

How do we stop that? Right now, under the Brady bill, you take paperwork that goes into local law enforcement which is not funded, and it ties up the cops with administrative burdens. The instant check would free that up. An instant check, if you would be a cop on the beat and stop and arrest someone, that could go into a computer right in the car or at the time of arraignment at the local station. If that person gets out on a waiver or bail and goes to another State, they could not buy a weapon under the instant check because that data would be entered automatically.

If that is the case and it is a better system, then the State should implement it and that takes care of the second amendment. So this actually strengthens the Brady bill.

In my district, one of the things that has been recommended is if you commit a crime with a weapon—first of all, if you commit a crime, there is a penalty. If you commit it with a weapon, you take the next level of penalty. If you fire that weapon, the next level. If you hit somebody, the next level, and if you kill somebody, you die.

The "three strikes you are out" which is going around this House floor for no parole, life imprisonment, I think we ought to adopt that.

Mr. Chairman, I ask for support for both amendments to the Brady bill.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I rise in opposition to the Brady bill because I think it is a sham. The bill does not do what it is supposed to do. It nibbles away at gun owners' rights. But it does not accomplish anything else.

We all know that this country has a problem with crime—that is no secret, and I want to put an end to the crime problem as much as anyone else in this Chamber, but the Brady bill does nothing to stop criminals from getting guns.

Supposedly, the goal of the Brady bill is to delay the sale of a handgun by 5 business days to allow the local law enforcement officials time to do a background check on the potential gun purchasers. However, the bill does not ever require that the background check be done. The local chief of police has the option to do a check, but he does not have to do one. In this bill, the wait is mandated—the background check is not. It means the whole idea is an empty promise.

Then you have the fact that the vast, overwhelming majority of people who buy guns from gun dealers are law-abiding citizens. They are not going to use their guns to commit a crime; it is for self-protection or sports.

This means that even if the local law enforcement agencies do decide to use the waiting period for background checks, it accomplishes nothing. They are going to spend a lot of time and a lot of manpower doing background checks on citizens without criminal records. This is a total waste of limited law enforcement resources. I think we need those police officers on the streets battling crime, not behind a desk pushing papers.

Just think about it: What kind of criminal is going to try to buy a gun from a dealer knowing the police is going to do a criminal background check? Only a very stupid criminal. Criminals will keep buying guns where they always have—on the streets, illegally.

Mr. Chairman, this bill will do nothing to reduce crime. Instead, it punishes those who respect and obey the law by not allowing them to purchase a gun when they have the need for one. This just isn't right. Let us focus our efforts on the criminals, not our law-abiding citizens.

Waiting periods have not proven themselves to be of any value in the past and will continue

to be unsuccessful. Waiting period or not, a criminal will find a way to get a gun.

In some States, where waiting periods have been employed, the crime rate has actually increased. In fact, a 1989 FBI crime report shows that of violent crimes committed in the United States, 74 percent were committed in States with mandatory waiting periods, while only 26 percent occurred in States with no waiting period.

The District of Columbia, which has an outright ban on ownership of any firearms, remains the murder capital of the country. In fact, just the past weekend, four victims were gunned down on Saturday night on the streets of D.C. As of Monday, the District of Columbia has reported over 400 murders in 1993.

If gun control does not work, why should we believe a waiting period will do anything? My colleagues who are supporting this bill are looking for a quick fix for our crime problem. Unfortunately, crime control will not come so quickly or easily. All this bill really does is delay law-abiding citizens from purchasing a handgun. It does nothing to curb crime.

If we want to keep criminals from committing violent crimes with handguns, then let us do it with a crime bill, not a gun-control bill. Guns do not kill—people do.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Brady Handgun Violence Prevention Act, as it was reported from the chairman's Judiciary Committee.

I urge my colleagues to oppose the Gekas and McCollum amendments offered today, which I believe serve to weaken states' rights and dilute the intent of the Brady bill.

The McCollum amendment to preempt State and local gun laws upon implementation of a national instant check system would undermine State gun laws, such as waiting periods and fingerprint identification systems.

Mr. Chairman, in my own State of California, mental health records are checked to stop those who have been involuntarily committed from purchasing handguns.

I mentioned earlier our tragedy at 101 California Street in which eight people were killed and six wounded. Mr. Chairman, the problem is that even though we have gun laws in California, the guns in that 101 California tragedy were purchased in Arizona. Our colleagues have mentioned the number of murders in the District of Columbia where there are strong gun laws. Even if a State has strong control laws, all one would have to do is cross over a State line to buy a gun. That necessitates a national gun law.

Mr. Chairman, let us take our children out of the crossfire. Let us pass this Brady bill unamended.

Mr. ZIMMER. Mr. Chairman, I rise in support of H.R. 1025.

Two years ago, I voted against an earlier version of the Brady bill, which required a 7-day waiting period for handgun purchases with only an optional background check. I voted instead for alternative legislation that provided for an instant, mandatory background check because it would have been more likely to keep guns out of the hands of criminals while minimizing inconvenience to law-abiding gun purchasers.

The legislation we are voting on today addresses my principal objections to the 1991 Brady bill. The background check is no longer optional and the waiting period will be eliminated as soon as a national instant check system can be implemented. Unlike the 1991 Brady bill, today's legislation authorizes up to \$100 million in Federal grants for State and local governments to computerize their criminal records so the instant check system can actually work.

States that do not follow the Justice Department timetable for implementation of an instant check system will lose a portion of their Federal law enforcement grant money. The Justice Department also has a stake in getting this system on-line. Its budget will be cut if States don't meet their deadlines for implementation.

Even the most ardent supporters of this legislation agree that a background check of persons buying guns from licensed dealers will have only a modest effect on the criminal use of handguns, since the vast majority of firearms used in crimes are obtained illegally.

That is why we need to take stronger measures to convince criminals that it is not worth the risk for them to possess a gun. I have introduced the Felon Gun Penalty Act, which would impose a 5-year mandatory prison term without probation or suspended sentence for unlawful possession of a firearm by convicted felons, illegal drug users, fugitives from justice and buyers and sellers of stolen firearms. Simply put, if a criminal gets caught with a gun, he or she will go to jail for 5 years. No excuses and no time off for good behavior.

My bill would double the penalties for criminals convicted of possessing or using a firearm in the commission of a violent crime or drug trafficking. It would also double the penalties to 10 years in prison for those people who lie to obtain firearms, who illegally sell firearms or illegally transport firearms.

Persons who use guns to commit crimes should receive the harshest possible treatment.

I intend to continue pressing for passage of the Felon Gun Penalty Act, which would appropriately focus law enforcement resources on deterring the illegal use of firearms rather than imposing unnecessary restrictions on the rights of law-abiding citizens.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise today in support of the Brady bill and in opposition to weakening amendments, which could ultimately preempt State laws, including State law in Florida.

In November 1990, by an 84-percent majority, Florida's voters supported the establishment of a 3-day waiting

period for the purchase of handguns, augmenting a statewide instant check system for other weapons.

The entire Florida system has been a model for the rest of the Nation. Between February 1, 1991, and October 31, 1993, Florida authorities conducted 738,157 background checks for individuals seeking to buy firearms. These checks resulted in 18,789 individuals—convicted felons and those adjudicated to be mentally ill—being denied firearms. That is a staggering number of denials.

An unencumbered Brady bill would support Florida law. My district in Florida borders another State without a waiting period, and an individual who is denied a firearm in my district need simply cross the border to obtain one. This is not acceptable to my constituents or to me.

I urge my colleagues to oppose weakening amendments, and to support the passage of this much-needed bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY] who has been a strong advocate of the bill.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Brady bill. I congratulate the subcommittee chairman, the gentleman from New York [Mr. SCHUMER], and I urge my colleagues to vote against any weakening amendments.

Mr. Chairman, the issue today is who should we trust for advice when it comes to fighting crime? On one side of this debate—urging us to approve the Brady bill without weakening amendments—are the Fraternal Order of Police, the National Sheriffs' Association, the National Association of Police Organizations, the National State Troopers Coalition, the Major Cities Police Chiefs, the Federal Law Enforcement Officers Association, the Police Foundation, the National Organization of Black Law Enforcement Executives, and the Police Executive Research Forum. These groups together represent 465,047 police officers—from the chiefs of our Nation's largest cities to the regular cops on the beat. These cops want to see guns kept out of the hands of criminals.

On the other side of the debate we have the gun lobby. The National Rifle Association represents the eighth largest PAC in the Nation. They have an army of well-paid lobbyists who are trying to convince people that a waiting period and background check for handgun purchases are unreasonable measures.

I ask my colleagues—whom do you trust on crime? The police or the gun lobby.

Who do you trust on crime? Those who fight crime—or those who fight anticrime legislation?

Who do you trust? Those who safeguard our communities—or those who safeguard their contributions?

Who do you trust? Those who lock up criminals—or those who lock up legislation by promoting gridlock?

I for one will vote along with the vast majority of those who are fighting crime on the streets every day rather than those who sit in their lobbyist offices crafting new ways to block the will of the American people—95 percent of them—for the Brady bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, if there is any question still remaining about whether a background check and a waiting period actually reduces crime or in fact reduces law enforcement by taking resources away from agencies, checking out backgrounds of honest citizens, I think the key evidence is the position of the Department of Justice in this debate.

The Department of Justice in this administration speaks very much in favor of this bill; however, how are they doing with gun control laws that they now have the responsibility to enforce, that are on the books today?

One of the most effective laws we have is the current Federal law that makes it a crime for a convicted felon to be in possession of a firearm. That is a law that can be used very effectively to prevent a crime before it occurs.

For weeks on end I have contacted the Justice Department and asked them to say how many cases under this law have you prosecuted? How many have you refused to prosecute? And questions like that.

Until a few days ago, I did not get an answer at all. A few days ago I got an answer, "We're trying to get that information for you, Congressman."

Trying to get that information? If gun control laws were really the priority of the Department of Justice, why is there no one in the Department of Justice today monitoring how well the U.S. attorneys are doing in enforcing gun control laws?

This relates back to the fact that H.R. 1045 as written is an unfunded mandate on local law enforcement. If we pass this bill, we are saying that a background check is valuable, but only if the local governments do it at their expense. There is no way that the Justice Department would support this bill if they were responsible for doing the background check.

I think it is the height of inconsistency for the Department of Justice to be over here lobbying for this bill which puts a mandate on local law enforcement at local law enforcement expense, while not saying they can enforce the laws they are responsible for today.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the distin-

guished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, few Members supporting this legislation today would dispute opponents' claims that gun control is no cure-all for eliminating criminal activity. However, available reports indicate that not only do nearly 90 percent of Americans, and more than 80 percent of gun owners, support the Brady bill mandating a national 5-working day waiting period for the purchase of a handgun. The facts also indicate that such legislation can be of assistance in fighting crime.

The arguments made by Brady bill opponents that it will have no effect on crime, since criminals do not buy guns from dealers, is not true. The facts clearly demonstrate that criminals do indeed get guns from authorized gun dealers. The Bureau of Justice statistics reported earlier this year that 27 percent of State prison inmates who had owned handguns had purchased them from legitimate gun dealers. In addition, gun traces have shown that many guns bought by criminals on the black market were also originally purchased from retail stores. Furthermore, reports from several States with waiting periods show that waiting periods work. In my own State of Maryland, a stateside 7-day waiting period prevented more than 1,300 illegal purchases in 1990. In New Jersey, which has required a background check for more than 20 years, more than 10,000 convicted felons have been caught attempting to purchase handguns. A 1985 study by the Department of Justice found that 21 percent of criminals got their guns from dealers.

The Brady bill requires that the waiting period eventually be supplanted by an instant check system. But in the meantime, a 5-working day waiting period will assure that handguns are sold only to those legally eligible to possess them. I urge Members to support H.R. 1025 without any weakening amendments.

Mr. SANGMEISTER. Mr. Chairman, I believe it is important that we bring forth statistics from States, of course, that have already had a waiting period—and I am obviously from Illinois, and we have had one there—and I just recently got the 1992 figures, which are the most recent figures that they have, which shows that out of 171,000—in round figures—the people that asked for permits to purchase a gun, 1,234 of those requests were denied because of felony convictions and mental illness with the particular individual.

Now I cannot give my colleagues the figures here of how many people's lives might have been saved, but I will tell my colleagues that out of every 1,234 that were denied, no one can tell me that some lives were not saved.

I think the other question we need to ask here is: "What's the big deal about

waiting a maximum of 5 days to receive the permit for a handgun?"

I say, if you got to have a handgun within less than 5 days, maybe you ought to be talking to law enforcement. Is there some kind of a problem? Is somebody trying to assault you? Does your family need some protection? If so, maybe you ought to be looking to law enforcement rather than being worried about not being able to get the gun within the 5-day period.

As everyone has said here, Mr. Chairman, this bill is no panacea, but I believe it is a step in the right direction, and I think probably that is part of the problem with this bill and one of the questions we all have to resolve in our own minds.

There are people here who cannot disagree that this is good legislation but are afraid of opening the door. Yes, this will open the door. This will be the first step forward at a time when it is one this Nation should take.

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

Mr. ENGEL. Mr. Chairman, I rise today in support of the Brady Handgun Violence Protection Act. Passage of this important legislation is long overdue.

Most of us are familiar with the tragedy of increasing violence that plagues our cities. New York is only one of the many areas around the country that has been particularly hard hit by the proliferation of handgun use. Gun-related crimes have become so prevalent in our society that no place is safe, nor is anyone immune to the escalating violence. The increasing incidence of handgun-related violence in our schools and among our Nation's youth is just one disturbing example. The Brady bill is an important preventive measure addressing the rise of handgun-related violence. How can we not seize this opportunity to stop violence before it has the chance to happen.

Contrary to claims by the opposition, waiting periods and background checks do work. Twenty-two States have enacted some form of legislation similar to the provisions included in the Brady bill. In those States, thousands of illegal purchases have been stopped. However, a national waiting period is crucial to ensuring that these efforts are not in vain. Currently, guns bought in States without waiting periods and background checks show up in the black markets of States that have labored to pass gun control legislation, such as my State of New York.

This is not a definitive solution to crime, but it is an important measure that can potentially save many lives. Ninety-two of Americans support the Brady bill. In addition, all major law enforcement organizations support this legislation. Pass the Brady bill. The Brady bill was introduced in 1987. We

cannot afford to wait any longer for its passage, too many lives are at stake. I strongly urge all of my colleagues to vote in favor of H.R. 1025.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE], a strong supporter of the bill.

Ms. FURSE. Mr. Chairman, I rise today in strong support of H.R. 1025, the Brady Handgun Violence Protection Act, and in opposition to any weakening amendments offered. I want to thank all the members of the Judiciary Committee for their hard work on this bill, particularly the chair of the Crime and Criminal Justice Subcommittee, Mr. SCHUMER. I am a proud cosponsor of H.R. 1025 because I believe that it is an important first step in the ever-growing problem of crime in the United States.

While there are many arguments for and against the Brady bill, the truth is 92 percent of citizens in the United States fully support this bill. Even an overwhelming 87 percent of gun owners support it. We cannot allow a small minority to mislead us and say that the people of the United States are against this bill.

Those opposed to the Brady bill claim that criminals do not purchase hand guns from legitimate gun stores. That is simply not true. The Bureau of Justice found that 27 percent of inmates surveyed said they bought their guns at a retail store. The Brady bill will stop criminals from purchasing guns. In my home State of Oregon, where there is currently a 15-day waiting period in place, local law enforcement agencies disqualified 223 handgun purchases in 1991. This could translate into lives saved. If the Brady bill is passed, it is estimated that in one year, a minimum of 188,000 criminals will be denied the right to buy firearms.

The Brady bill must be passed now. The long delay in its passage has cost lives. Since it was first introduced 6 long years ago, more than 150,000 Americans have been killed by handguns—over 13,000 were murdered with handguns last year. Any amendments which would weaken this bill could cost a life.

There are two amendments before us today which concern me. The first is the sunset amendment which would force States to implement an instant check system in 5 years, regardless if they are ready. Under the Brady bill there is a reasonable timetable for an instant check to be implemented. The second amendment I strongly oppose would preempt all State and local gun purchase laws, including all waiting periods and licensing requirements, once a national instant check system goes into effect. This would mean that in my home State of Oregon, our existing

15-day waiting period to screen purchasers using an automated fingerprint identification system would be overturned. Federal preemption would also prohibit State or local background checks designed to stop the sale of guns to noncriminals who are prohibited under Federal or State law from purchasing a gun, including drug addicts, illegal immigrants, persons with a history of mental illness, spouse abusers, and minors using false identification.

Despite the opposition's concerns, I do not believe that this bill is an infringement on the second amendment's right to bear arms. I believe that the Brady bill is simply a way to keep firearms out of the hands of our criminals. If this bill stops even one criminal from buying a gun and using it on an innocent victim, then I say it is worth it.

Let me end, Mr. Chairman, with a statement made by the chief of police in my district of Portland, OR:

The Brady bill * * * should be passed immediately. It is a national disgrace that we continue this unacceptable level of violence and, in effect, condone it through our inaction. We must join together to ensure that the Brady Bill be passed in Congress and passed now.

I urge my colleagues to support H.R. 1025, the Brady Handgun Violence Protection Act, and oppose any weakening amendments.

Mr. SCHUMER. Mr. Chairman, I yield the balance of my time to the gentlewoman from California [Ms. SCHENK].

The CHAIRMAN. The gentlewoman from California [Ms. SCHENK] is recognized for 1½ minutes.

Ms. SCHENK. Mr. Chairman, I have heard a lot of arguments for supporting a waiting period for handgun purchases, but perhaps the most powerful was made by one of my constituents. She wrote the following:

Last year, on August 29 in Wellesley, MA, my 30 year old brother died. The cause of his death was a self-inflicted gunshot wound to his head—a wound which was caused by a gun he purchased just a couple of hours before he left this life, and left my sister, mother, father, brother-in-law, and three young nieces to grieve for him.

If the Brady bill had already been passed, my family and I might still have this beautiful young man in our lives. As it is now, we have only pictures and memories.

The waiting period is not just a time to run a background check. It is also a cooling off period that can prevent individuals from taking impulsive actions with deadly consequences. I implore my colleagues to think about the individual life each of us may be responsible for saving by voting for the Brady bill without amendments.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time to close just for a minute or so. I would

like to respond, in a way, to some of the things I have heard said about this waiting period today.

Many of the examples, not all, but most of the examples I would say that have been given today about the horror stories that happen when a gun is used, are probably connected with people who are repeat offenders, with violent felons that we all want to take off the streets, and, by passing this bill today, we are not going to take them off the streets. Taking the guns off the streets is not going to keep this type of person from getting hold of a weapon, and that is why I said at the opening of this whole debate that I oppose this bill for two reasons.

One, because it is unnecessary; and, two, because it is primarily symbolic. It is unnecessary because we can do the check required, that is asked for here, a name check, which is all the record system allows right now in a matter of 5 minutes, or certainly no more than 5 hours in a single day. We do not need a 5-day waiting period to find out if somebody trying to purchase a gun from a gun dealer is a felon. And it is symbolic and distracting in the sense it does not get at the real problem. It does not get at the true, violent felon.

I have also heard people talk about my preemption amendment I am going to offer shortly, and I want to assure anybody who might be listening at this point that I am not preempting any State law. Any disability somebody has, if they are under 18, under a State law or if there is any restriction whatsoever on the purchase of a gun by State after the instant check period in this bill, if it passes, goes into effect, would not be preempted. The only thing that would be preempted is the waiting period per se. Since that would no longer be necessary and the purpose of it is to check violent felons to see if they have a record, once we have instant check we do not need it. But my bottom line point out of all of this in the general debate is that the bill is unnecessary and it is symbolic. What we really need out here is what the folks on the other side of the aisle generally have not been able to get together on, and I hope they do next spring. That is a comprehensive bill that is going to address the real problem, the revolving door of felons who commit these violent crimes. We need to lock them up and throw away the key. We need to take away the parole system and amend it, and reform the criminal justice system that puts swiftness and certainty of punishment back into the system again, to put deterrence into the system, to put incapacitation of the really bad folks in there by locking them up.

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We can only do that when we get a comprehensive crime bill out here. We are not going to do it with a waiting period.

Mr. TOWNS. Mr. Chairman, our society is self-destructing as a consequence of violence that engulfs families, neighborhoods and communities. Many Americans are paralyzed with fear about the prospect of becoming a victim of violence or having to live or work in close proximity to potential violence.

In a November 1 hearing of violence as a public health issue, which I chaired in my Subcommittee of Human Resources and Intergovernmental Relations, we received testimony that the increase in violence was directly attributable to the use of guns. Surgeon General Joycelny Elders pointed out that firearm injuries cost the health care system almost \$3 billion a year. Our own President has talked about how violence crowds our emergency rooms and drains our health resources. Additionally, gun sales are spiraling as evidenced by the number of Americans arming themselves against an anticipated but unknown assailant. Firearms have accounted for more than 90 percent of the upturn in homicides in young Americans since the mid-80's. Ninety-five percent of the increase in the homicide rate can be directly traced to guns. And in some States, teenagers are even more likely to die from a bullet than they are a traffic accident.

From a public health perspective, prevention of violence is the key. We heard from witnesses who themselves were the victims of violence. All of them stressed that we need to take the guns off the streets of America. But no one expressed this more eloquently than a young promising student-athlete from my district, Ralph Green, whose leg was amputated because of a random shooting. As Ralph stated, "if you want to save the future generations of this country, you take the guns off the street." We should listen to the voices of the Ralph Greens in our community and pass the Brady bill today—without delay and without weakening amendments.

Mr. EWING. Mr. Chairman, I rise in opposition to the Brady bill. After careful consideration, I feel that this bill will do nothing to reduce crime, and by focusing on it we are being distracted from consideration of legislation which would have a real impact on crime.

Crime is a major problem in this country today. Even in my largely rural district crime is becoming a serious problem. We see gangs forming in smaller towns and increased levels of all types of violence. Instead of addressing the problems of criminals and the effects on victims, this legislation is a feel good bill that may make us feel like we are doing something about crime. In reality, it will do very little or nothing at all to reduce the amount of crime on the streets. One need look no further than Washington, DC, which has the strictest gun control in the country as well as the highest crime rates, to see that this policy will not work. Illinois has had a waiting period for several years, but gun violence continues to grow.

Instead of debating a feel good bill, we should be voting on a real crime bill with tough penalties for criminals. For example, Congress should pass the three-time-loser law which imposes a mandatory life sentence on anyone convicted of a Federal violent felony if that person has two or more prior violent felonies on his or her record. We should pass laws to require that criminals who commit crimes with

weapons go directly to jail with no option to plea bargain the weapons offense away. We must reform the appeals process so convicted violent criminals do not tie up the courts or have the chance to get out of prison before their debt to society is paid. Congress should also find ways to keep weapons out of the hands of teenagers and pass laws to hold parents responsible for the actions of their unsupervised teenagers who commit crimes with guns. This is real crime control.

I have several additional concerns about this legislation. First, there is not a guaranteed timetable for implementation of the instant check provisions. In addition, the bill opens the door to corrupting influences where local officials could deny any individual the right to purchase a firearm or decide to ban firearms within the whole community for virtually any reason.

Finally, Mr. Chairman, gun control provisions like this one will only keep guns out of the hands of law-abiding Americans and leave the criminals armed. I am submitting for the RECORD an article from today's edition of USA Today about Ms. Bessie Jones, a 92-year-old woman from Chicago who saved her own life because she was armed when two teenager hoodlums entered her home. Innocent Americans like Bessie Jones should be allowed to defend themselves. In this case, due to Chicago laws outlawing ownership by law-abiding citizens, she is considered the criminal and the thugs are considered victims.

This Congress needs to address the escalating violent crime that is plaguing our country. However, infringing upon the Second Amendment rights of law-abiding citizens is not an effective solution.

[From USA Today, Nov. 10, 1993]

NO "EASY MARK": WOMAN, 92, SHOTS TEEN ROBBER

(By Kevin Johnson)

CHICAGO.—Bessie Jones is 92 and, by most accounts, a sweet old lady who lives alone, owns a revolver and had the gumption to pull the trigger.

Now she's the talk of this town—two days after fatally shooting Muhammed Abdul-Rahmann, 16, who police say forced his way into her tidy brick bungalow Monday and rolled her in her wheelchair around her home in search of valuables to steal.

"If she hadn't got him, he could have got her," says neighbor Lueneal Smith, 86. "We're senior citizens. We don't need this." Police call it self-defense; Jones won't be charged.

Police say Jones retrieved the .38-caliber, blue-steel revolver she called "Bessie" when Abdul-Rahmann went to confer with another youth standing watch.

"When he went back into the house, she told him to leave. When he came near her, that's when she shot him," police Sgt. Ronald Palmer says.

Abdul-Rahmann was shot once in the throat. The lookout fled; no arrest has been made.

Jones was with a relative and not talking Tuesday. But Rosa Bryant, a retired schoolteacher who helps care for her, says Jones phoned immediately after the shooting.

"She felt pretty bad. When she looked at him, she said, 'Oh, a mere baby,'" Bryant says. "I suppose compared to her, he looked like a baby."

Other neighbors in the tightly knit South Shore neighborhood stand by Jones, too.

"I'm happy. . . . Why should she die so some boy could get her money for drugs?" neighbor Maewatha Williams says. "You can . . . bet your boots that all the older people here have guns."

Around Chicago, "the consensus was, 'Good for the lady for defending herself,'" says Karen Lincoln of a WLUP-FM talk show.

Neighbors say Jones has lived alone since 1945, when her husband died of cancer. Two years ago, a slight stroke put her in a wheelchair. Since then, a senior citizens' group and neighbors have provided meals and helped her with housekeeping and chores.

Parties and lawn maintenance—not crime—are usual topics of monthly block club meetings here, neighbors say.

Yet Jones was worried. "She was afraid of being robbed," neighbor Nathaniel Bryant says. "There were several incidents—windows broken, noises at strange hours—where she called the police."

Some knew she had a gun. Before she used a wheelchair, "She would sometimes pat her apron pocket and say, 'I got Bessie here,'" Williams says.

Neighbor Smith arrived at Jones' house shortly after the 2:25 p.m. shooting: "She was just sitting there in her wheelchair. She said, 'Oh, Miss Smith, I feel like crying.'"

The teen she shot probably didn't expect a gun, says police officer Gerald Susarski.

"They just thought she was an easy mark. It's survival of the fittest, you know. But they grabbed the wrong tail."

Mr. HOEKSTRA. Mr. Speaker, I support the Brady bill, with the Ramstad amendment that will guarantee the second amendment rights of citizens by requiring law enforcement officials to provide written documentation for any denials that might be rendered. Such a guarantee is essential so that individuals who are denied permission to purchase a gun might be given a written explanation which they may use in the event that they appeal the decision in Federal court.

I am disappointed, however, that the Brady bill was voted on separately from the larger, omnibus crime bill. This is sending a misleading message to American people, and to my constituents, that the Brady bill alone is the answer to our Nation's violent crime problem. I do not believe gun control is the answer, and I will not support additional efforts to place even more burdens and restrictions upon law-abiding citizens.

The Brady bill is a modest proposal. Michigan law is exempted because it is already tougher than the Brady bill. Liz Welton, supervisor of firearms records for the Michigan State Police, has confirmed that Michigan's permit to purchase and computerized criminal history check fall within the guidelines established by the Brady bill.

It is important to state, in no uncertain terms, my firm philosophical and intellectual belief, that gun control is not a comprehensive deterrent to violent crime in this country.

Many of my colleagues believe that the Brady bill is just a first step, with more antigun laws on the way. I strongly disagree with this view and in no way subscribe to it. When we treat gun control as the be all and end all for crime prevention, we are making an enemy out of law-abiding citizens. Law-abiding citizens are not the problem. Too many violent criminals on the street are the problem. Guns are merely an easy target for liberals who need a scapegoat for lax criminal justice standards that they have supported for years.

I will be criticized for my decision to support the Brady bill. To my critics, let me state once again, that I do not buy into gun control. I will fight against the slippery slope. I am well aware of it, I have spent many hours talking with my constituents about it, and I will keep an eye on my antigun colleagues who will continue to push for more restrictive laws.

Let me reiterate, I do not believe the Brady bill is a comprehensive deterrent to violent crime. I simply believe that checking the background of handgun purchasers is a common sense step toward making sure that criminals and people who are mentally incompetent are not able to walk into gun shops around the country and simply purchase a handgun, or several handguns, without even a raised eyebrow.

It is important to understand the fact that the overwhelming majority of Americans support criminal background checks. Scientific surveys have found that 90 percent of Americans support a criminal background check for the purchase of handguns. In fact, over 80 percent of gunowners support criminal background checks, and over 65 percent of members of the National Rifle Association [NRA] support criminal background checks. The national NRA has officially endorsed a nationwide mandatory computerized point-of-sale background check on handgun purchasers.

I must add at this point a major additional consideration. More than 80 percent of the law enforcement officials from my district—the county sheriffs, the chiefs of police, and the county prosecutors—support the Brady bill and the concept of a nationwide criminal background check. They support the Brady bill in the hopes of establishing a national system whereby criminals who are involved in interstate gun running, and other forms of illegal handgun-related activity, will face additional obstacles while pursuing their criminal trade.

Why is a nationwide background check for the purchase of handguns valid? Because many of the illegal guns which are used in committing crimes are purchased in States that do not have criminal background checks. Consider this. According to recent statistics only 80 percent of the handguns used to commit violent crime in the city of Detroit were purchased in Michigan. Compare this with Dallas, where there is no waiting period or criminal background check; 87 percent of the handguns used to commit violent crime in that city were purchased in Texas.

But in spite of this, I firmly believe that a criminal who is intent on getting a gun will find a way to do it. No gun control is going to stop him. However, there are reasonable things we can do to make it more difficult for criminals to obtain guns, and that is why I am voting for the Brady bill.

Let me address the larger issue at hand. Violent crime in America is reaching epidemic proportions. It is affecting all segments of society. Nobody is safe anymore. Something must be done about it, and antigun laws are not the answer. In fact, I believe they are distracting to the overall issue of crime in America, as I stated earlier.

Stronger criminal justice measures are required for a serious effort at reducing crime in America. Crimes and committed by people, not weapons. People use knives, rope, hands,

feet, and drugs, in addition to guns, to carry out their acts of violence.

We must deal with the criminal if we are serious about crime prevention. Seventy percent of violent crime is committed by only 6 percent of the violent criminals. Four out of five State prison inmates are repeat offenders. Two out of three released criminals will be arrested again within 36 months.

We need stiffer penalties, stronger measures to stem the tide of crime. We need mandatory sentences for crimes committed with guns. I support mandatory life imprisonment for third conviction of a violent or serious felony. We need truth in sentencing by requiring every inmate to serve at least 85 percent of the prison sentence imposed. Currently, violent criminals serve an average of only 35 percent of their sentences. Finally, and most important, we need more prison space, so that we can detain the 6 percent of violent criminals who are committing 70 percent of the violent crime in America.

In conclusion, I believe criminal background checks are fair. I have done what I can to make sure that the Brady bill does not place an undue hindrance upon law-abiding gun owners around the country, and I don't think it does. Michigan law is exempt because it is tougher than the Brady bill.

Furthermore, there is a mechanism in place that guarantees that anyone who is denied the right to purchase a handgun after the background check is given written documentation as to why they were denied. They can then use that evidence to make their case before a Federal court if they are still not satisfied with the decision of local law enforcement.

With this safeguard, I can, in good conscience, support the Brady bill. I hope my constituents will understand that I have taken the time to study and balance every side of this issue. I have sought after and received input from concerned citizens from my district, various organizations, and law enforcement officials. This was not an easy decision, but I trust history will prove that it was the right thing to do.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of this new, modified version of the Brady Bill. This legislation provides for a temporary 5-day waiting period for the purchase of a handgun, while requiring that a computerized instant check system be established. The instant check system is an approach supported by the NRA, and this legislation requires the waiting period to terminate as soon as an instant check system can be implemented. The bill authorizes \$100 million for assistance to States so that they can establish a computerized instant check system. The waiting period can be waived where there is a need for immediate self-protection.

My vote must necessarily be based on my own evaluation of the net consequences of this legislation. Nonetheless, it is only appropriate that I acknowledge the overwhelming support for this legislation demonstrated to me by ordinary South Dakota citizens at my hundreds of town meetings, the 80 percent support expressed in scientific polls of South Dakotans, and perhaps most importantly, the strong support expressed by virtually every law enforcement organization in the United States.

This bill is supported by the International Association of Chiefs of Police, the Fraternal Order of Police, the Police Foundation, the National Sheriff's Association, the International Brotherhood of Police Officers, and the National Association of Police Organizations. The legislation is also supported by the American Bar Association, the U.S. Conference of Mayors, the National Association of Counties, the U.S. Catholic Conference, the League of Women Voters, the National Education Association, the National League of Cities, and the American Medical Association, among many others.

It is absolutely true that this new version of the Brady bill will have only a modest impact on gun crime in America—most criminals do not buy their handguns from licensed dealers. It is also true, however, that a temporary 5-day waiting period followed by a national instant check system creates only negligible inconvenience to law-abiding handgun owners. We need to bring this annual debate to an end and move on to the rest of an anticrime agenda that will focus on criminals and the conditions that breed criminality.

This House has already taken up legislation which will put more police on the streets and strengthen penalties against repeat violent offenders. Legislation to assist States with innovative sentencing alternatives such as "boot camp" prisons for youthful offenders will soon pass with my support. There is no one single solution to violent crime—we must aggressively move to put all the pieces of an anticrime strategy together. One small but helpful part of that strategy includes passage of this modified Brady bill. I ask that my colleagues join me in support of H.R. 1025, the Brady Handgun Violence Protection Act.

Mr. SMITH of Michigan. Mr. Chairman, I wish to associate myself with the colloquy between Mr. UPTON of Michigan and Mr. SCHUMER of New York. Mr. SCHUMER has indicated that Michigan's law, which prohibits the sale of handguns to convicted felons, exempts Michigan from the 5-day waiting period provisions of H.R. 1025.

Restrictions on guns will do very little to reduce crime in our country. Our greater energies in our efforts to reduce crime must be more effective apprehension, quicker and stricter judicial review and sentencing, assurances that those convicted will serve their time in prison, and most importantly instilling values and moral responsibility in the minds of our Nation's young people.

More specifically, we need: mandatory prison sentences for the most serious offenders; sentencing laws that will not permit armed and violent felons to avoid prison through plea bargaining; mandatory life imprisonment for a third conviction of violent or serious felony similar to the "3 Strikes-You're Out" initiative; death penalty for first degree murder with aggravating circumstances; tough, determinate sentences coupled with prison release policies that require every inmate to serve no less than 85 percent of the prison sentence imposed; adequate prison capacity with authority to privatize institutions; comprehensive effective juvenile justice reform with early intervention for youth at risk; and comprehensive, enforceable constitutional rights for crime victims.

I would also like to add, Mr. Chairman, that in trying to assure a safer society, the role of

the family cannot be understated. Dedicated parents sustain families and the Nation. As models and guides for their children's values they help solve our crime problems. By teaching respect and hard work, families provide the key to a strong and safe economic future.

Mr. EMERSON. Mr. Chairman, I rise today in strong opposition to H.R. 1025, the Brady Bill. It is a shame when folks cannot walk the streets of their communities without fear of robbery or violence. The fact that folks can no longer leave their homes unlocked when they run to the grocery store is a sad reflection on the society in which we live. I agree wholeheartedly something needs to be done about the crime and violence that runs rampant through our society, unfortunately visible in every dark corner; however, I do not believe that the Brady bill will have a substantial impact on crime.

We need real reform, not wishful thinking. The only people who will be affected by this legislation are law-abiding gun owners. A criminal intent on committing a crime with a gun will not be stopped by the fact that there is a law on the books requiring a 5-day waiting period. Statistics prove that the majority of those States that have imposed some type of waiting period on gun purchases have experienced increases in violent crime or homicide rates—greater than the national trend.

The amendments offered by Mr. RAMSTAD, Mr. GEKAS, and Mr. MCCOLLUM are reasonable amendments that will considerably improve this legislation, particularly in regard to insuring protection for the rights of the law-abiding gun owners and I support these amendments wholeheartedly. While all three amendments are steps in the right direction, we are unfortunately down a road which I feel we never should have gone down in the first place. Impeding the constitutional right of American citizens is not in the first place right-minded legislation. Second, it will not stop the spread of crime.

I respect and have empathy for the man for which this legislation is named, however, we could have implemented 20 Brady bills and the unfortunate and tragic crime which occurred to Jim Brady would not have been prevented. I cannot vote for final passage of the Brady bill. I believe this bill sends the wrong sign in regard to crime control and instead that we should be arguing for real crime legislation which will keep criminals behind bars and makes the streets safe for our children.

Mr. FORD of Michigan. Mr. Chairman, I rise today as a cosponsor of the Brady bill and to urge my colleagues to vote "yes" on this important bill and "no" to any weakening amendments.

I am particularly concerned about the amendment offered by Congressman MCCOLLUM which seeks to preempt strong State and local laws with the national instant-check system once the system is in place. A Federal preemption would stop States which have waiting periods from maintaining their strong controls. One of the primary goals of the waiting period was to provide a "cooling off" time to prevent crimes of passion. This 5-day waiting period has always been a critical part of the Brady bill—attempting to prevent an overheated domestic dispute from resulting in a handgun death.

The McCollum amendment would stop States from checking State mental health records to keep those who have been involuntarily committed to a mental institution from acquiring handguns. It also stops States from using fingerprint identification to prevent felons from acquiring handguns with false identification. These higher standards should not be abolished.

There has also been a lot of misinformation about the intent of this legislation. Constituents have been warned that Brady will take away their second amendment rights, that Brady will be the beginning of a ban on guns, and that Brady will prevent law-abiding Americans the right to own a gun. These allegations are untrue.

I am a hunter and a gun owner; I would never support legislation that abolishes my right, or the rights of my constituents, to own guns. The Brady bill limits the sale of handguns to those who have a record of violence or mental illness. That is good public policy.

The Brady bill provides for a uniform, national system to allow enforcement authorities time in which to confirm a handgun purchaser's residency information and to check whether the buyer has a criminal history or a record of mental illness. This background check applies only to handgun sales through licensed dealers. Unless law enforcement officials notify the dealer that the sale would violate Federal, State, or local law, the sale may proceed 5 business days after the date the purchaser signs the statement. The legislation further provides for the 5-day waiting period to be replaced, once a national background check system is fully operational and certified by the Attorney General.

This legislation would not change the gun purchasing procedure that exists in my home State of Michigan. Because Michigan already has a permit-to-purchase law, the State is exempt under the Brady bill. Other States do not have such permit-to-purchase statutes or waiting periods on the purchase of guns. States with fewer restrictions feed black markets in States with restrictions. That is why I believe national legislation is necessary.

The impact of gun violence is being felt in cities and small towns. Americans do not feel safe. Numerous anticrime measures abound. These require and deserve serious consideration. The Brady bill has already been given serious consideration. It has been fine-tuned over 6½ years. It has received bipartisan support and has once again made its way through the legislative process.

Sarah and Jim Brady have taught us all something about perseverance toward intelligent and reasonable goals. President Clinton will sign this legislation. Let us deliver the goods. The Brady bill is not the whole answer to fighting gun violence, but it is a good beginning.

Mr. ANDREWS of Texas. Mr. Chairman, Congress will vote on the Brady bill today, requiring a 5-day waiting period for persons wanting to purchase a handgun. At a time when my home of Houston—not to mention the rest of our country—worries about violent crime, I want to enhance our law enforcement officers without seriously impairing our constitutional right to bear arms. That means supporting the Brady bill.

I have always opposed gun control. As a Member of Congress, I have long opposed any moves that would restrict the rights of Americans to own firearms for sport or security. As a former prosecutor in Harris County, I am convinced that many criminals will find unlawful means to get weapons, especially handguns. As an avid hunter, I believe gun control laws tend to hamper sportsmen far more than criminals.

The Brady bill calls for a waiting period to end once the instant computer system for background checks is fully operational. I support this approach. According to the Justice Department, establishing the system would require coordinating differences in State record-keeping practices. Some States' systems are more sophisticated than others—that is, some States do not even have criminal records on computer yet. I still support an instant-check system, and will work for its implementation. But, realistically, a complete system is years away. A waiting period is a modest step until this national system is ready.

Tougher criminal laws are the best way to fight crime—complicated and unduly restrictive gun control laws are not. Tougher sentencing procedures and changes in criminal evidence rules will help our local police and prosecutors. I have always believed that waiting-period laws would not assist in apprehending criminals because criminals would simply not attempt to purchase guns from licensed dealers in those circumstances. I was wrong. New Jersey has a mandatory background check for handgun purchases. They have caught over 10,000 convicted felons trying to buy handguns. Evidently, many felons are not very smart.

The Brady bill will not be a panacea to crime control—it will, however, help our local police apprehend criminals. And our police need help. This fact was vividly and tragically underscored in Houston a few years ago by the death of Sgt. Bruno Soboleski, an 8-year veteran of the Houston Police Department, who was shot and mortally wounded while conducting a routine search. One of the suspects in the shooting was a convicted felon currently on probation who had illegally purchased his new handgun just days before the murder. A waiting period would have stopped him from making the purchase. The death of Sgt. Soboleski, and many like him year after year, is a primary reason why we need a waiting-period law.

The 5-day waiting period can help prevent felons, drug addicts, and the mentally disturbed from buying handguns. It also provides a "cooling off" period that will reduce crimes committed in the heat of passion. Again, my city of Houston offers a tragic example of a handgun crime that might have been prevented by the Brady bill. A man, on the day his wife filed for divorce, went out and purchased a .45-caliber pistol and that same evening shot each of his four children in the head before turning the gun on himself. Might this slaughter of innocent children have been avoided if the father had not been able to purchase a handgun on the very day he became distraught at his wife leaving him?

The Brady bill contains several safeguards for honest citizens. There is a specific exemption for people whose lives are being threat-

ened, enabling them to purchase a gun without a waiting period. Also, if a clean report comes back from police before the 5-day period has expired the sale may go through at the time the report is received. In addition, a sale will automatically be approved after 5 days, so police cannot stop gun sales by simply failing to get back to the dealer.

The Brady bill is clearly a moderate measure that will simply help us keep handguns out of the wrong hands. The waiting period will be eliminated once an instant-check system is available.

Gun ownership has a long and proud tradition in Texas—so does law and order. Responsibility is an integral part of our right to own firearms—so is common sense. People are restricted from fishing with dynamite or from falsely yelling "fire" in a crowded theater, and not just anyone can purchase a machine-gun. These are commonsense rules we apply to ourselves.

I am fully convinced that we need a 5-day waiting period. The waiting period makes good sense until a national computer system is ready. Voting for it is the right thing to do.

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 1025, the Brady Handgun Violence Protection Act of 1993. This piece of legislation is long overdue. Over the last several years we have witnessed a precipitous increase in the rate of violent crimes involving handguns. In 1991 there were 21,505 murders in the United States, up 6 percent from 1990. Guns were involved in 66 percent of the murders. In 1992 violent crimes have increased by 1 percent. Firearms were the weapons used in approximately 7 of every 10 murders. A violent crime takes place every 22 seconds in America. In other words, by the time I finish my statement, approximately three violent crimes will have occurred. This is a disgrace and I am absolutely appalled by the increasing lack of respect for human life.

Let it be known that gun violence is not concentrated in the our cities, it is an epidemic that has reached our small towns and rural districts. Many American schools that were once places of learning and sanctuaries from violence have become shooting ranges. Our hospitals have become inundated with gun shot victims, as if they are treating wounded soldiers in a war. I see these violent occurrences and ask my colleagues if this is what our country is experiencing—a war?

H.R. 1025 takes a major step in preventing criminals from purchasing handguns and making our streets safer. It does not take guns away from law abiding citizens. It would simply require a 5-day waiting period before the sale of a handgun in order to give local police time to check the purchaser's background. In many instances, a background check and sale will be completed in a shorter period of time. The bill specifically exempts States which already require law enforcement officials to verify the purchaser's lawful right to possess a handgun. The Brady bill would not apply to my State because Tennessee already has a 15 day waiting period.

Mr. Chairman, I have long held that law abiding citizens have constitutional guarantees to own firearms and that these guarantees shall be upheld. I believe that the Brady bill protects that right and ensures that guns stay in the hands of law abiding citizens.

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Brady bill because I know it will work.

My State of California has had a 15-day waiting period for several years now, and by any measure, it has been an unqualified success. Since January 1991, the California waiting period has prevented over 16,420 illegal gun purchases, including over 8,000 gun purchases by ex-cons who had been convicted of committing an assault or a homicide.

Nevertheless, this bill is merely a first step. We must address the plague of violence that has deprived every American of the peace of mind to walk our streets. Last month, the Los Angeles Times noted that 30 American soldiers died in peace-keeping operations in Somalia, and that is a tragedy that galvanized and horrified the Nation. However, in 1992, an average of 30 people were shot to death every week in the streets of Los Angeles. This is madness, and it must end.

There is no panacea to solve this problem. Last week the House voted for more funds for prison construction, to put additional police on our streets, and to keep our schools free of violence. These are important steps.

However, if we are to make our streets and neighborhoods safe again, we have to take reasonable steps to regulate the use of firearms that have no legitimate use either for the sportsman or for those who seek self-protection. I feel that the only way to safeguard the American public from gun-related crimes is through commonsense firearm regulation. We must pass the Brady bill. We must pass controls on military-style assault weapons that are designed solely to kill both police and civilians with military-type precision. We must pass legislation to keep handguns and bullets from children who are not yet legally old enough to vote. We must look at innovative proposals like Senator MOYNIHAN'S proposal to tax certain kinds of ammunition purchases.

These gun regulations are long overdue. They make common sense to my constituents. I urge this Congress to act not only on the Brady bill, but on devising a comprehensive policy to ensure that the criminals who bring terror to our streets do not have access to the guns and ammunition that are designed primarily to kill people rather than protect.

Mr. ROSTENKOWSKI. Mr. Chairman, the legislation we're voting on today is both important and overdue. The proliferation of guns on America's streets is a national scandal. The combination of adolescents and firearms makes our neighborhoods minefields of destruction. It is a sad day when we can travel safely to the moon, but are in jeopardy when we visit the neighborhood grocery store.

This bill won't totally solve the problem, but it is an important step forward. Enactment will send two clear messages. One is that we've got to get the guns off our streets. The other is that Congress is finally ready to confront this troubling problem.

I enthusiastically vote for this measure and today want to reaffirm my commitment to working with my colleagues here to put together even more effective legislation to get the guns off our streets.

Our Declaration of Independence promises our people life, liberty and the pursuit of happiness. The glut of guns in America is a threat

to all three of these goals. It is time to take back our streets and return tranquility to our neighborhoods.

Ms. SNOWE. Mr. Chairman, I rise in opposition to H.R. 1025, the Brady bill, which would impose a national 5 business day waiting period on anyone trying to purchase a handgun. While everyone shares the desire of this bill's proponents to reduce violent crimes, the Brady bill should be defeated because it simply won't be effective in reducing crimes committed by people with guns.

I would like to point out to my colleagues that violent crime is not a function of gun ownership. In Maine, approximately 55 percent of households contain a firearm. And yet, the violent crime rate in 1992 was 130.9 per 100,000 inhabitants. This is the fourth lowest violent crime rate in the country. By contrast, 30 percent of households in New York contain a firearm, and the violent crime rate in New York was 1,122.1 per 100,000 inhabitants. And in Washington, DC, 12 percent of households contained a firearm, yet the district had one of the highest violent crime rates, at 2,832.8 crimes per 100,000 inhabitants.

In fact, I propose to my colleagues that the reason there is so much violent crime is because criminals know that they probably will not be caught, and if they are caught, they know that they will not be imprisoned. The rate of serious crime jumped nearly 500 percent from 1950 to 1990, and expected stays in prison fell nearly 70 percent. In fact, according to a study by economist Morgan Reynolds, a murderer spends an average of 2.3 years in prison, a rapist serves an average of 80.5 days, robbers serve 27 days, arsonists serve 12.5 days, and car thieves serve 3.8 days. The best response to the violent crime epidemic would be a comprehensive crime bill, not the Brady bill.

In recent years, gun control organizations have claimed that the Brady bill will reduce violent crimes by allowing local police departments to conduct background checks on people buying handguns. If the police discover that the prospective purchaser is a felon or is mentally ill, the proponents of H.R. 1025 argue, their legislation will allow the police to prevent them from buying handguns. However, it is unlikely that the Brady bill will have the impact on violent crime that its proponents envision.

For example, a 1986 Justice Department study found that 5 out of 6 convicted felons illegally purchased, on the black market, the handguns they used to commit their crimes. Thus, under the Brady bill, police would be unable to conduct background checks on the vast majority, 83 percent of criminals buying handguns.

Supporters of H.R. 1025 also claim that its enforcement would prevent people with a history of mental illness from buying a handgun, but this claim doesn't withstand scrutiny either.

In our society, an individual's medical records are protected by privacy laws. Only someone who has been adjudicated by a court of law as mentally ill would be prevented from buying a handgun under H.R. 1025.

As an example, even if a national 5-day waiting period had been in effect in 1981, it wouldn't have prevented John Hinckley from buying the gun he used tragically to wound

former President Reagan, White House Press Secretary Jim Brady, a Secret Service agent and a local policeman. It wouldn't have worked because at the time, John Hinckley wasn't a convicted felon and hadn't been ruled mentally ill by a court of law.

Another area of concern is that under H.R. 1025, a background check is not even mandatory. Rather, law enforcement agents must make reasonable efforts to check for criminal records. If the police don't have the time, personnel, or funds to conduct a check, it won't be done.

Congress clearly needs to shift the focus of Federal law enforcement activities away from gun control measures aimed at law-abiding citizens and toward effective law enforcement activities aimed at violent crimes. I urge my colleagues to join me in opposing H.R. 1025.

Mrs. CLAYTON. Mr. Chairman, I rise today as a show of support for H.R. 1025—the Brady Handgun Violence Prevention Act.

Firearm fatalities have become far too common in our world today. In the State of North Carolina alone, 6,000 people died as a result of injuries inflicted by firearms from 1988 to 1992. In the same 4 year period, 650 of my constituents were homicide victims—dying at the hands of another wielding a handgun.

The time has come to try to put a stop to these needless and senseless tragedies. The nationwide instant criminal background check, one of the major provisions of this crucial legislation, would block those individuals who should not be in possession of a handgun due to their mental state or from their criminal history from owning one. The second major provision, the 5-day waiting period, would prevent impetuous and impulsive handgun purchases by individuals—fueled by both passion and fury—whose actions most often result in tragedy.

Although I am a firm believer in the rights granted to all Americans by the second amendment—I do not think that either the background check or the 5 day waiting period constitute a punishment for law-abiding citizens. If we lived in an ideal world, there would be no need for this kind of Government intervention—however, I am sorry to report that our world today is far from ideal. My colleagues—your support for the Brady bill will provide a glimmer of hope for the future.

The Brady bill is, however, only a single step in the journey to reduce the amount of crime in our Nation. We must combine this legislation with others, such as H.R. 3355 which authorized \$3.45 billion for the hiring of additional police officers and H.R. 3351, which authorized a total of \$600 million for alternative juvenile punishments programs. Combined together, a difference can be made in the appalling level of crime in our Nation. Your support for H.R. 1025 not only illustrates your commitment to the future of this Nation but also your commitment to the present. The senseless tragedies of handgun violence can be stopped—but only if the Brady bill receives your support.

Mr. SKAGGS. Mr. Chairman, I am pleased that today the House of Representatives will pass the Brady Handgun Violence Prevention Act and in the process will say a resounding no to the National Rifle Association and other organizations that the Washington Post re-

cently described as "handguns-are-great lobbyists." We will be saying no to demagoguery, no to distortions of the truth, no to strong-arm tactics that have bottled up an important and necessary piece of legislation for 6 years, and no to resisting reasonable measures that will save lives.

It is amazing to me that it has taken so long and has been so difficult. The need for this legislation is eminently clear. In the 6 years since this bill was originally introduced, more than 150,000 Americans have died because someone had access to a handgun and decided to use it. A recent survey by the Bureau of Justice Statistics showed that 27 percent of State prison inmates who had owned handguns had purchased them at a retail store.

While I harbor no illusions that passage of this, or any other gun control measure, will eliminate all handgun deaths or stop all would-be criminals from getting guns, I do think that this bill will help significantly to save lives. It is a sensible step to take.

No reasonable person, with a legitimate need for a handgun, should have a problem with waiting 5 business days mandated by the bill. The passions of the moment should not be indulged by immediate access to a deadly weapon. If there is a genuine need—a threat to an individual's safety—local law enforcement officials can provide the necessary waiver to make a handgun available without the waiting period. I do not object to that. But, other than that, the only reason to want a gun immediately is to do harm to oneself or someone else. Why should we make that easier?

Some argue that this law is not needed and won't work. They point to States that have tough gun control laws and high crime rates and say, "See, gun control doesn't work." They are wrong. It does work. The fact that the District of Columbia has tough gun control laws has sent the criminals over the border, into Virginia and Maryland, to get their guns. The tough laws in New York meant gun running from Virginia ran rampant.

Unfortunately, it is not enough to leave it up to the individual States to combat this problem. They cannot do it alone. To stop the flood of guns we must have a uniform national law. Only by stopping illegitimate access to guns all over the country can we make a real difference in how safe we are on our streets, in our homes, and at our schools.

This isn't just my opinion. Every major law enforcement organization in America says we need this law. The Fraternal Order of Police, the National Sheriffs' Association, the Police Executive Research Forum, the Federal Law Enforcement Officers Association, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the National Association of Police Organizations, and the Major Cities Chiefs, among others, have written to me asking for my support for this bill.

I support law enforcement efforts to eliminate crime from our streets. Law enforcement supports the Brady bill. Let's support law enforcement. Let's support the Brady bill.

Mr. DE LUGO. Mr. Chairman, today I rise in strong support of H.R. 1025, the Brady Handgun Violence Protection Act.

This important and desperately needed legislation would require a 5-day waiting period

before anyone buying a handgun would be permitted to take possession of it.

My colleagues, this bill is long over due. Had it been passed last year it would have saved thousands of lives. If we pass it today, it will save untold thousands more.

Guns are too readily available in our communities. I am distressed by the horrendous stories we hear and read about in the media due to violent, random criminal activity. It is unfortunate that whole communities are held hostage because too often we do not make the hard decisions.

We must get guns out of the hands of our children. Violence in our schools across the Nation has increased dramatically during the last decade because of guns.

Mr. Chairman, in my district, the Virgin Islands, we have not escaped criminal activity. Innocent victims are suffering needlessly under a State of fear and terror.

Hard-working people should not have to live under these conditions. Despair has become the cry of all of our constituents, communities are pleading for relief from the surge of drugs and random violence.

Mr. Chairman, I urge my colleagues to take a step in the right direction and save our children, our communities, and our law-abiding citizenry. We must begin to take practical measures to address crime, and this bill is an ounce of prevention.

Ms. WOOLSEY. Mr. Chairman, California has a 15-day waiting period for the purchase of guns. But on July 1, 1993, a man entered a San Francisco law firm with an automatic weapon and opened fire. We don't know exactly what made this man do what he did. We do know, however, how he was able to do it. This man drove to Nevada, where there is no waiting period. He walked into a store, gave them a false driver's license, and walked out with an automatic machine gun. Eight people, Mr. Speaker, are dead. Eight people, with jobs, families, and friends, are now dead.

While the Brady bill will not eliminate gun violence, it must be a part of any comprehensive approach to our Nation's crime problem. We need to put more cops on the street, toughen sentences, work to prevent people from committing crimes in the first place, and keep guns out of the hands of criminals. A national waiting period could have saved the lives of the eight people killed in San Francisco, and it will save many lives in the future.

We have heard all the statistics. We know that the American people overwhelmingly support the Brady bill. We know how many people have died from gun violence in this country. Sometimes I think that opponents of this bill are no longer affected by these statistics, because they have heard them over and over again—but Mr. Chairman, this is not about statistics. This is about lives—the lives of the eight people who were killed in San Francisco because there was no waiting period in Nevada, and the lives of all the people who are going to be killed if we don't pass the Brady bill now. I urge my colleagues to support H.R. 1025.

Mr. ARMEY. Mr. Chairman, I rise in opposition to H.R. 1025. This is not the answer to the problems plaguing our Nation. The American people today are extremely concerned by the level of crime in this country and they

have a right to be. That's one reason why it gravely concerns me that we are considering the one solution endorsed by the ACLU, an organization certainly not known for its hostility to criminals.

According to the Bureau of Justice Statistics, violent crime has increased a staggering sevenfold since the 1950's. Every year, nearly 5 million people are victims of violent crime. In our Nation, a murder is committed every 5 minutes; a robbery, every 46 seconds. A car is stolen every 19 seconds, and a burglary is committed every 10 seconds.

Today, an American is more likely to be injured by violent crime than by an auto accident. Americans all over the country fear violent crime and many don't even feel safe in their own homes.

Sadly, the response that we are considering today, a 5 day waiting period, is lacking. Rather than aggressively locking up violent criminals who prey on the defenseless in our society, we're debating a glorified cooling off period. This is gun control, not crime control. We owe the American people more.

What are we going to say to the senior citizen afraid to cash her Social Security check at the neighborhood grocery store? "It's okay to go out now, we've passed the Brady bill." Are we going to tell residents of public housing that they don't have to worry about drug trafficking because now we've passed the Brady bill? What are we going to tell our children? "It's okay to go school now, it's safe—the Brady bill has passed."

Mr. Speaker, I submit that we won't say any of these things to the victims in our society because waiting 5 days isn't the answer. Waiting 5, 7, or 14 days won't make a difference because the problem in our Nation is the violent criminal. Thus our focus should be crime control, not gun control. This body should be debating solutions to locking up the violent criminals that terrorize our cities. We ought to be encouraging States across the Nation to pass Washington State's three times you're out rule which provides a mandatory life sentence for criminals convicted of three felonies. We ought to be debating new methods for challenging the consent decrees and court orders that force many States to let violent felons go free while serving as little as one-fifth of their sentences. We ought to be coming up with new ways to get funds to States and local governments trying to build new prison facilities. We should be here today talking about truth-in-sentencing laws and ending early-release programs. I submit that changes in these areas will make a difference in the crime problem our Nation faces.

Gun control isn't the solution because 93 percent of the firearms obtained by violent criminals are not obtained through lawful transactions. Less than 15 percent of violent crimes even involve the use of a firearm. In fact, a Texas A&M study demonstrated that firearms are used far more often to prevent crimes than to cause them.

Rather than putting felons behind bars where they belong, gun control amounts to tinkering around the edges. The American people deserve better. H.R. 1025 is not a step in the right direction. It's a wasted step. It won't work because it doesn't address the problem in our country, violent criminals. Let's support

the innocent and the defenseless in our Nation. Vote against ACLU endorsed crime bills, and vote against the Brady bill.

Mr. LEVIN. Mr. Chairman, I rise in support of the Brady bill to require a 5-day waiting period. But, Mr. Chairman, the Brady bill, by itself, won't do the job.

Crime is a problem that is out of control in this country. The rising tide of violent crime touches all Americans. Even if you've never been a victim of crime yourself, every one of us pays a high price for the violent crime around us.

We pay the price in the form of higher insurance costs.

We pay the price in higher taxes needed to pay for the trauma care for the thousands of gunshot wounds every year.

We pay the price in terms of billions of dollars of lost productivity.

Most importantly, we pay the steepest price in the loss of innocent lives and because we are afraid. Our families no longer feel safe walking the streets. Even our children pay the price because schools are no longer a refuge from crime and violence.

Denying criminals easy access to firearms is only one element of a comprehensive anticrime agenda. If we are to stem the rising tide of crime and violence in America, we've got to get serious and get tough.

We should start by putting more police on our streets now. It's only common sense that more police on the streets will mean less crime. The House just approved legislation calling for \$3.5 billion over 5 years to put 50,000 more police on our streets. This is the minimum Federal commitment the Federal Government should make. The Senate has agreed to 100,000 additional police. Between us, we will provide the resources to help local governments make our neighborhoods safer. It's about time.

Second, the Federal Government must do a great deal more to help States build prisons. Like other law-abiding citizens, I am outraged when violent criminals are properly arrested, prosecuted, convicted, and sentenced—only to be released back onto our streets before serving their full sentences. If these criminals are being paroled early because our prisons are too crowded, then we must build new prisons. I strongly support the Byrd amendment to the Senate crime bill that provides \$3 billion for prison construction.

Third, we must crack down on gang activity. Toward that end, we must increase the punishment for repeat offenders who are gang members with a prior drug or violent crime conviction. I also support tripling the penalty for using children to sell drugs.

Youth violence demands a tough and certain response; at the same time, we must do more to deter juvenile crime in the first place.

Finally, we need the Brady bill. Every major law enforcement organization in the country—including the Fraternal Order of Police, the National Association of Police Organizations, and the National Sheriffs Associations—supports the bill. The Brady bill is supported by 92 percent of the American people—even 87 percent of all gunowners support the bill.

A 5-day waiting period is no panacea. The States that have already adopted such waiting periods find that they help. For example, in the

20 years that New Jersey has required a background check for handgun purchasers, more than 10,000 convicted felons have been caught trying to buy handguns. That's why the Nation's law enforcement community supports the Brady bill.

Mr. HASTINGS. Mr. Chairman, I rise today with pride to announce my strong support for H.R. 1025, the Brady bill.

It is rare that the Congress has the opportunity to consider such a clear and simple piece of legislation as the Brady bill, a bill which boasts bipartisan support. The National Rifle Association claims that the Brady bill infringes on the freedom of Americans and restricts the purchasing of guns. But the plain fact is, 92 percent of all Americans support Brady and furthermore, 87 percent of all gun owners support Brady.

The Brady bill works. My home State of Florida has a 3-day waiting period. Since enactment in early 1991, this policy has successfully stopped over 18,000 people, who had previously been convicted of a felony, in their attempts to purchase guns. The Brady bill will establish a national network through the Department of Justice to identify and prevent this acquisition of guns before it is too late.

The Brady bill is a necessary first step in combating the violence that is poisoning our communities nationwide. We have the opportunity to curb the vicious and purposeless crime that robs the youth and old alike of the most sacred gift: life.

Mr. KLECZKA. Mr. Chairman, I rise today in strong support of the Brady bill.

As you know, this bill was named after James Brady, a courageous man who was the victim of senseless handgun violence.

His assailant was a man with a record of mental instability, who was able to walk into a store, and walk out with a gun.

It was with this gun that he fired the shots that hit President Reagan in the side, missing his heart by 1 inch. It was with this gun that he fired the shots that hit James Brady in the skull, sentencing Mr. Brady to a wheelchair for the rest of his life.

Mr. Chairman, how many more times must we hear a story like this before Congress acts to curb the criminal use of firearms?

Mr. Brady was shot in 1981, and while we were all shocked by the pictures then, we are numbed to them now. So many times has this scenario been played out that it is no longer shocking. The story of a mentally distraught or criminal individual getting access to a gun and then slaughtering innocent people is now a regular feature on the evening news. This must stop, and it is the duty of Congress to help stop it.

In spite of the propaganda you may hear, waiting periods do work to keep guns out of the hands of criminals. In my home State of Wisconsin, a waiting period was recently enacted. In this short period of time, over 200 convicted felons tried to buy guns and were denied.

Mr. Chairman, it is time to stop worrying about protecting our guns and instead start acting to protect our constituents. I urge all Members to vote "yes" on the Brady bill.

Ms. ESHOO. Mr. Chairman, as an original cosponsor of the Brady bill, I rise today in strong support of its passage.

Over the past few decades, firearms ownership and violent crime have grown hand-in-hand.

In my district alone, east Palo Alto was labeled the "Murder Capital" of the United States last year because it had the highest number of murders per capita.

It's time for Congress to help make the streets safe again by passing the Brady bill.

Waiting periods work.

In California over the past 2 years, our 15-day waiting period helped deny firearms purchases to nearly 12,000 people, including 6,000 people convicted of assaults and 141 people under restraining orders for domestic violence. Instead of children carrying lunch pails to school, they're carrying guns.

Congress needs to take this critical step toward rationality and reject the hue and cry and money of the irrational gun lobby.

In the same spirit, I urge the leadership to bring the Violence Against Women Act to the floor for a vote.

Since 1974, the rate of assaults against women aged 20-24 has increased almost 50 percent and each year, more and more women are victims of weapons in their home.

Let us keep faith with what the people want us to do. I urge my colleagues to cast a courageous vote, a vote which will move our country forward and secure a better, more humane future for us all.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today as a member of the Sportsman Caucus in strong opposition to H.R. 1025, the so-called Brady bill. I am a firm believer in the second amendment right to keep and bear arms. Many in Congress feel the way to control crime is to eliminate guns. I do not.

In my judgment, eliminating guns will not alleviate the crime epidemic. The cause of the outbreak is the criminal. I believe we can better deter criminals by imposing strict penalties for those who commit crimes. Ultimately, the most effective way to deter crime is to send a message to the criminal that the punishment will be severe and swift.

Mr. Chairman, passage of this legislation is another example of Congress taking the easy way out. Earlier this year I introduced legislation that is cosponsored by the majority of the Republican leadership. My bill would double the Federal mandatory sentences for individuals who commit the most heinous crimes with a firearm in their possession. I believe this is a better approach at tackling the crime problem facing our Nation.

The legislation before us today would establish a 5-day waiting period before gun may be purchased. However, it does not mandate that local law enforcement agencies use this time to carry out a background check on purchasers. Mr. Speaker, I have serious doubts that this bill will reduce our crime problem.

I am pleased that the Gekas amendment establishes a mandatory 5-year timetable for the implementation of a nationwide computer system capable of checking an individual's background instantaneously. This instantaneous check will be conducted before an individual is allowed to purchase a handgun. The State of Virginia and four other States already incorporate such a system with great success. This certainly is not a panacea for our national crime problem, as most criminals procure their

weapons illegally, but I feel this program is a step in the right direction.

Mr. Chairman, I will be unable to support final passage of H.R. 1025 because we failed to pass the McCollum amendment. This sensible amendment would have established a unified Federal policy on waiting periods. Once the national instant background check is implemented, there will be no need for the Brady bill. It is not fair to impose a 5-day waiting period on States that do not have a Brady bill. I believe we have the ability to preempt other State laws when the instant check system is ready. While I am pleased that the Gekas amendment passed, I cannot support the Brady bill without inclusion of the preemptive language.

Like most gun control legislation, this bill will do nothing more than impose on the constitutional rights of law-abiding citizens. So, once again, rather than getting tough on the criminal, we will impede the basic rights of our constituents to protect themselves and their families.

Mr. Chairman, H.R. 1025 is a bad bill. Let's defeat this legislation and finally get down to the business of constructing a legitimate anti-crime package.

Mr. VENTO. Mr. Chairman, I rise in strong support of H.R. 1025, the Brady bill, which establishes a 5-working-day waiting period for handgun purchases. During the waiting period, police are required to check available criminal history records to determine whether the potential buyer has a felony conviction. The bill also directs the Attorney General to develop a national instant background check system so that in the future potential handgun buyers will not have to wait for up to 5 working days. Once such an instant system is established, the waiting period will be abolished under a sunset provision in the bill.

An overwhelming majority of Americans, including a majority of my constituents, support the Brady bill as a reasonable and sensible public safety measure which will pose little or no inconvenience to law-abiding citizens.

Three weeks ago, Attorney General Janet Reno visited my congressional district in St. Paul, MN, and participated in a townhall meeting on "Crime in Our Community." Chief William Finney of the St. Paul Police Department also participated in this event which was attended by some 700 people. The Attorney General, Chief Finney, and I heard firsthand about the concerns of the people of St. Paul for the safety of their streets and neighborhoods. People are outraged by the escalating level of violence on the streets of our cities and by the easy access to the guns which are used in these violent crimes.

Our constituents know that the passage of the Brady bill will not stop all crimes involving guns. But they also understand that it is not unreasonable to require a simple background check on a person who wishes to buy a handgun.

Unfortunately, some of my colleagues in the House are attempting to undermine this legislation by amendment. One amendment would terminate the Brady bill at a certain date regardless of whether a national background check system is in place. Experts from the Justice Department have said that even a 5-year deadline for establishing any kind of efficient national background check system is

probably unrealistic. We need to put our collective efforts into expediting the establishment of this system rather than tearing down the Brady bill before it even is in place.

Another amendment would wipe out all existing State waiting periods and other safeguards once any instant background check system is established. It would also prevent States from enacting any background check measure beyond a telephone check system. The effect of this amendment would be to abolish Virginia's one-handgun-per-month limit aimed at gun-runners. It would also abolish waiting periods of up to 15 days in Maryland, California, Oregon, Florida, Indiana, and Connecticut as well as permit-for-purchase systems in New York, North Carolina, New Jersey, and Michigan.

Mr. Chairman, a recent national poll shows that 71 percent of Americans believe the availability of guns is a key factor in causing crimes. Recent data from the FBI shows that from 1987 to 1992, the rate of handgun homicides increased by 52 percent. The American people know and they expect us to act responsibly.

I urge my colleagues to join me in voting for the Brady bill.

Mr. MANZULLO. Mr. Chairman, today we should be addressing the issue of crime. More cops, more prisons, less parole, and tougher sentences for criminals using guns, as opposed to further gun control, are the keys to reducing crime.

I voted against the Brady bill because waiting periods for guns do not keep guns out of the hands of criminals. The Bureau of Justice statistics shows that the vast majority of the violent crimes committed in which a handgun is used involve illegal possession of that weapon, including black-market and theft.

The State of Illinois has much more restrictive gun laws than Brady. In addition, Wisconsin, Iowa, and Indiana all have some form of a waiting period. It is already illegal for a resident of one State to purchase a handgun in another State. Thus, Brady will not keep guns out of the hands of criminals, and that is why I voted against it. Even Sarah Brady herself stated that "it's * * * not a panacea. It's not going to stop crimes of passion or drug-related crimes."

Therefore, the issue is not guns, but criminals, and therefore I supported the following measures:

First, because it is already a Federal crime for a felon to own a firearm, I support a bill that provides for States to put a magnetic strip on the back of all drivers' licenses—or other State I.D.—encoded to read whether someone is a felon or adjudicated by a court to own or possess a firearm. This would not be that difficult to implement. But, this alone will not stop crime.

Second, the House voted unanimously to put 50,000 more cops on the beat through Federal grants to States and local communities. The Senate version of the bill makes the figure 100,000, and I'll support that. The presence of cops on the street is a proven deterrent to crime.

Third, the Republican crime proposal provides for Federal grants to States to build combined Federal and State regional prisons, provided States make criminals serve at least

85 percent of their sentence. When California increased its prison capacity, crimes fell by 21 percent.

Fourth, I cosponsored a bill that put behind bars for life any person convicted of three violent felonies, and the Senate just passed another version of that 98 to 1.

Fifth, the House voted overwhelmingly for funds for addressing drug trafficking, gang-related activity and providing drug abuse counseling. The Chemical Dependency Services Network in Illinois demonstrates that alcohol or drugs are involved in three out of four crimes. The Illinois program known as Treatment Alternatives for Special Clients states that substance abuse treatment reduces criminal activity. This is why I voted in favor of these programs, although it is important to keep our focus on the fact that criminals should serve out their sentences.

In addition, the Republican crime proposal provides for nondeficit funding of these tough criminal measures, through a reduction in administration expenses of running the Federal Government.

Still yet, the most basic and primary focus of any successful crime initiative—one that will really deter crime—is prosecuting and locking up the criminals. Mr. Speaker, this alone will have the greatest effect of reducing the crime rate than will the Brady bill.

Mr. HUGHES. Mr. Chairman, today the House has an opportunity to vote on a bill which I believe will make a major contribution to our country's fight against gun-related violence and crime.

H.R. 1025, better known as the Brady bill, would establish a mandatory, 5-day waiting period for the purchase of handguns from licensed dealers. The need for this legislation is clear.

According to the Bureau of Justice statistics, handguns are involved in an average 9,200 murders, 407,000 assaults, 210,000 robberies, and 12,000 rapes every year. Indeed, nearly half the murder victims in our country are killed with a handgun, while thousands more use handguns to commit suicide.

These are not just numbers. There are real people and real tragedies behind each and every one of these statistics.

Some years ago, when I had the privilege of chairing the Subcommittee on Crime, we heard from Jim Brady and others, who eloquently and bravely related just what it means to be a victim of a handgun attack.

Indeed, it was the courage of Jim Brady, his wife Sarah and others in coming forward to tell their stories that helped to focus public attention on the senseless tragedy of handgun-related violence. Through their efforts, we have reached the point today where there is overwhelming support among the American people for a handgun waiting period.

Let me take just a few moments to highlight some of the key provisions of this bill.

Essentially, the bill creates a Federal 5-day waiting period before a licensed dealer may transfer a handgun to a private purchaser.

Each prospective handgun purchaser will be required to give the dealer a sworn statement containing some personal identification information, including a statement that the purchaser is not precluded under Federal law from owning a handgun. The dealer is re-

quired to transmit this information to the chief local law enforcement officer within 1 day of the proposed transfer.

Unless law enforcement finds the purchaser is ineligible to buy a handgun, the sale may proceed 5 business days after the statement is first signed. The sale may proceed even quicker if the local law enforcement notifies the dealer that there is no problem with the purchaser's eligibility. It's that simple.

In other words, the police are given a reasonable opportunity to conduct a background check, but they cannot indefinitely delay the sale by stalling or failing to provide a notice of authorization to the dealer. The onus rests entirely with the law enforcement officer, not the dealer or the prospective purchaser.

The Brady bill has several other important features as well.

To help protect the privacy of legal purchasers, it requires that a copy of the statement and other records of the transaction be destroyed within 20 days.

It also authorizes \$100 million in grants to States to help automate their criminal record-keeping systems, and terminates the waiting period requirement as soon as an instant criminal identification system becomes operational nationwide.

Mr. Chairman, there are some who argue that a waiting period doesn't work. They are wrong. I would urge those who doubt the effectiveness of the waiting period to look at our experience in New Jersey, where applicants are required to undergo a rigorous background check every time they apply for a permit to purchase a firearm.

Over the last two decades, more than 19,000 people who applied for a permit in New Jersey have been turned down, because the background check showed they had a criminal or mental history, they lied on their application form, or they were otherwise disqualified from purchasing a gun.

Unfortunately, New Jersey's waiting period law has been undercut by the fact that other nearby States do not have similar requirements. For instance, anyone can walk into a gun shop in Virginia, show a false identification card, lie on the application form and purchase a gun on the spot. All too often, these guns are carried into New Jersey, where they are used to commit crimes.

There are also those who argue that a waiting period is too much of a burden on law-abiding citizens. Let me say to those critics that we all endure waiting periods of one kind or another in most aspects of our lives, whether it's to get a license to operate a business, get a credit card, or for other purposes.

We fill out forms all the time including background information, ship them off and, if we're lucky, within some reasonable period of time we get the license or credit card or whatever else it was we are seeking. This bill does not create a record check which is any different than the kind we all experience dozens of times during our lives.

And if you really want to know what it's like to be inconvenienced, I suggest you talk to Jim and Sarah Brady. They suffer every minute of their lives as a result of a senseless act of violence which may well have been prevented if a waiting period had been in effect the day John Hinckley walked into a gun shop

in Texas, lied on his application form, and walked out with the handgun he used to shoot President Reagan, Jim Brady and others.

Mr. Chairman, I am a gun owner myself, and I value the privilege of owning firearms. I would not support legislation which would prohibit the private ownership of firearms. At the same time, however, I believe that society has every right to protect itself from those who would abuse the privilege of owning firearms.

The Brady bill is a very modest effort to provide a reasonable waiting period, which will help the police keep handguns out of the hands of criminals and mentally deranged persons. It's not the total solution but it's a start.

I urge my colleagues to support this bill, and to let the American people know that we are finally serious about doing something to halt the carnage which is taking place every day in neighborhoods and schoolyards across our Nation.

The American people overwhelmingly support the Brady bill. The time to pass it is now. Thank you.

Mr. NADLER. Mr. Chairman, I rise to express my strong support for H.R. 1025, known as the Brady bill. On behalf of my constituents in New York City, where over 1,500 handgun murders occurred last year, I want to say that it is high time this simple but important piece of legislation became law.

The Brady bill will not deprive any person otherwise entitled under State or Federal law to own a handgun of that right. It will simply ensure effective enforcement of existing laws governing who may and may not purchase a handgun.

Existing statutes place various restrictions on handgun ownership, notably with respect to convicted felons and individuals with histories indicating potential danger. And some States already have in place instant-check systems that make it possible to determine whether a prospective handgun purchaser is legally ineligible. But many States do not have such a system in place.

The Brady bill puts us on the road to having, within 5 years, a nationwide system of checking the background of prospective handgun purchasers. Until that goal is reached, the Brady bill requires a waiting period of 5 business days before a handgun sale is completed, providing time for a background check within the constraints of existing information systems.

Much more is necessary. As Brady bill opponents point out, most criminals do not obtain their handguns legally. Guns are just too easy to come by in this country. But the Brady bill is an elementary first step, providing us with the ability to give meaning to existing laws prohibiting the sale of handguns to convicted felons and to those whose personal histories point to danger. A wait of 5 business days is precious little imposition on the rights of those legally entitled to own a handgun.

I urge my colleagues to give their overwhelming support to the Brady bill, and to vote "no" on the weakening amendments backed by the National Rifle Association. The road to a restoration of safety on the streets of our cities begins with adoption of the Brady bill.

Mr. REED. Mr. Chairman, as an original cosponsor of the Brady bill, I am very pleased to see that this legislation is on the road to pas-

sage this year. This legislation is long overdue. The Brady bill was first introduced in 1987, and the gun lobby has used every tactic in the book to prevent its passage. From arguments about the right to privacy to the second amendment, we have heard it all.

And yet one thing that we have consistently heard is that the American people want the Brady bill. An overwhelming majority of Americans, including a majority of gunowners, support a waiting period. What the American people do not want is more stalling tactics by gun lobbyists.

The Brady bill is not a panacea for the violence that plagues our country, but the Brady bill will go a long way toward keeping guns out of the hands of criminals. Twenty-three States, including my home State of Rhode Island, have waiting periods that do in fact stop criminals.

It is time to stand up to the gun lobby and pass the Brady bill.

Mr. GRAMS. Mr. Chairman, I rise in opposition to H.R. 1025, also known as the Brady bill.

Citizens across America are rightly demanding that we here in Congress take real action to fight violent crime. Unfortunately, that's not what this legislation does. Even supporters of the Brady bill concede that it will do little to stop gun violence in this country.

Instead, what the Brady bill does do is give citizens a false sense of security while providing Congress cover for its failure to genuinely get tough on crime. At the same time, it forces honest citizens to go through needless bureaucracy at taxpayer expense, takes cops off the streets in order to process paperwork and creates a potentially dangerous delay for citizens who feel a need to exercise their right to self-defense.

History clearly demonstrates that this bill will not put an end to violent crime. In many States which have enacted waiting periods on firearms, the violent crime rate has dramatically increased. For instance, California's 15-day waiting period for all firearms has failed to stem a 178-percent increase in violent crime despite the State's waiting period. And in Minnesota, violent crime has increased 118 percent despite a 7-day waiting period for handguns.

In addition, the Brady bill will do little to keep guns out of the hands of violent criminals. Recent studies have indicated that over 75 percent of State inmates who had ever possessed a gun had obtained it by illegal means. Clearly, the most dangerous criminals will not be deterred by a waiting period.

Finally, Brady supporters give citizens the false impression that this bill requires a criminal background check at the time of purchase of a handgun. In fact, Brady makes no such requirements. If no background check is made in 5 days, none will occur.

I believe criminal background checks must be made. Therefore, instead of passing Brady, I believe Congress should enact legislation requiring the establishment of a national system to provide for instantaneous, point of purchase criminal background checks. Such a system would be more effective in screening out criminals, and unlike Brady would not inconvenience law-abiding gun purchasers.

That's why I've cosponsored legislation to provide for this, and wish we had the opportunity to vote on such a proposal today.

Mr. Chairman, the American people deserve real protection from crime, not political cover for politicians. Let's reject the Brady bill today and begin concentrating on meaningful crime control which focuses on punishing criminals and not law-abiding citizens. Let's reform our judicial system, let's put three-time felons away for life, let's build more prisons, and let's make sure prisoners serve their full sentences. In short, let's get tougher on criminals, not lawful citizens.

Mr. STOKES. Mr. Chairman, I rise today in support of H.R. 1025, the Brady Handgun Violence Protection Act. I wish to commend my distinguished colleague from New York, Representative Chuck Schumer on his efforts in bringing this bill to the floor and addressing the critical issue of gun control. I am certain my colleagues would agree that Americans from all walks of life are looking for action on this problem.

H.R. 1025 mandates a 5-day waiting period prior to the purchase of a handgun. During this waiting period, law enforcement officials would be furnished with the opportunity to investigate the background of the purchaser to ensure that the sale would not violate Federal, State, or local law. Moreover, this waiting period would establish a timetable for putting the national instant-check system in place, and authorize funds for State and local government to computerize criminal records.

In the last several years, we have witnessed handgun violence take a devastating toll on our Nation. While we are experiencing what appears to be increased handgun violence in different population groups and in certain areas of the country, the reality of handgun violence is that it occurs throughout America, and not exclusively in the inner-city communities like Washington, DC, New York, or Los Angeles.

Daily, we hear accounts of innocent children wounded by drive-by shootings, schools overrun by gangs with weapons, and other atrocities destroying human life. In 1990, no nation had a higher murder rate than ours. The United States murder rate was quadruple that of the entire continent of Europe and was 11 times higher than Japan. Americans are dying from unnecessary violent deaths in unprecedented terms and there is no doubt that the unrestricted acquisition and use of handguns contributes to this violence. Handguns are involved in an average of 9,200 murders, 12,100 rapes, 210,000 robberies, and 407,600 assaults each year.

These startling statistics should move Congress to enact the Brady bill. While it is not realistic to expect the bill to end all handgun crimes, the waiting period would prevent purchases made in the heat of passion and in the end save many lives. Nearly 92 percent of all Americans and 87 percent of all gunowners are in support of the Brady bill. We all agree that there needs to be an immediate response to this dilemma.

Mr. Chairman, 22 States currently require either a waiting period or a license prior to obtaining a handgun. Last year alone, through California's waiting period, 5,763 purchases were stopped. The Brady bill will allow for protection of States' rights by providing these 22 States with the option of either adopting the

Brady bill or continuing their own waiting periods, background checks and licensing procedures for guns even when the national instant-check system is operational. Presently, only 15 States have fully automated criminal history files. Four States have no automated criminal history files at all. Once the timetable of 80 percent automation of computerized criminal records is in place, the instant-check system will apply to all guns. This measure will reduce crime to the fullest extent possible by providing an instantaneous national system for felon identification.

Too many lives have been lost to handgun violence. The grim reality demands our immediate response. Mr. Chairman, the Brady bill takes a significant step in curbing the rising tide of our Nation's violence. The Brady bill will help to restore safety and sanity to our communities and I strongly urge all of my colleagues to support H.R. 1025.

Ms. NORTON. Mr. Chairman, I rise in strong support of H.R. 1025, the Brady Handgun Violence Prevention Act. Some members are fond of railing against shootings in your Nation's Capital. Yet you can't buy a gun in this town. Unlike the modest 5 days of the Brady bill, the District of Columbia waiting period is perpetual.

Nevertheless, there have been 406 killings as of today in the District. Yet every gun and every bullet comes from where some of you live, my friends. If you are serious about the shootings in this town, you must do something about the guns that come from your towns.

The Brady bill at least keeps guns from the worst menaces—felons, unstable people, and the like, who today often do not have to go far to buy guns legitimately.

Yet the NRA sharks are circling these congressional waters. Without shame, they would knock over baby Brady as the bill takes its first steps. Two amendments offered would effectively abolish State and local laws that are stronger than Brady on the pretense that a national computerized instant-check system would make waiting periods unnecessary.

However, the information on the instant-check system will confirm far less extensive information than some existing waiting periods could uncover.

The very idea of preempting the traditional local option to have stronger anticrime laws than Congress enacts would be shocking if it were not so brazen. My colleagues, if you don't want to reach a higher law enforcement standard, please have the decency not to pull down those of us who have.

Pass the Brady bill.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 1025, the Brady Handgun Violence Prevention Act. For 6 years we have debated the merits of a 5 day waiting period for persons purchasing a handgun and for 6 years as we have debated I and my constituents have had to watch as children and adults are killed and injured by firearms. I am absolutely disgusted and fed up with the needless, random violence occurring daily, like clockwork in our communities.

Many residents of my district in Chicago have grown accustomed to the terrifying sights and sounds of gunplay. They cannot understand how we in Government can stand by and allow this situation to exist.

The opponents of this bill will claim that it alone will not end crime and deaths associated with firearms and on that point we agree. The Brady bill will not end the 24,000 yearly deaths that result from handguns. It alone is not the panacea for crime, but it will certainly give our police officers an additional way to keep guns out of the hands of persons who are unstable or are known to be criminals. That is why the Fraternal Order of Police, the Police Foundation, and the International Brotherhood of Police Officers have endorsed this bill.

The opponents of this measure argue that law-abiding citizens will be inconvenienced by a waiting period. It is hard for me to listen to arguments about inconvenience when thousands of people are dying daily because of the proliferation of these weapons. If lives are saved by the minor inconvenience of having to wait a few days to purchase a gun than we have accomplished plenty with this measure.

Mr. Chairman, a new handgun is produced every 20 seconds in America, even while injury resulting from one of those guns happens every 2 minutes. At some point we must stop this madness. H.R. 1025 is not the solution to our problem, but it is an important beginning. The American people and the entire law enforcement community overwhelmingly support the Brady bill. It is time for the Congress to catch up to them. I will vote in favor of this bill and I urge my colleagues to do likewise.

Mr. QUINN. Mr. Speaker, I rise today to join many of my colleagues in expressing my disappointment that Congress will adjourn at the end of November without considering a comprehensive crime package.

The Brady bill's instant check system is one part of attacking the national crisis occurring today in our country. We must pass substantive crime legislation to address the blood-bath taking place on the streets of America.

In the city of Buffalo, and in other urban areas the country, crime and violence is becoming more and more frequent and deadly. Just last year, the number of murders in Buffalo increased by 50 percent. According to the Bureau of Justice Statistics, every year in the United States, handguns are involved in an average of 9,200 murders, 12,100 rapes, 210,000 robberies, and 407,600 assaults.

In order to seriously confront America's crime problem, we must enact legislation to build more prisons, reform habeas corpus procedures and extend tougher sentences for repeat offenders. We must also better enforce existing laws and apply the death penalty to heinous offenders.

Without additional crime legislation, our Nation will continue to see its youth killed and its senior citizens imprisoned in their own homes. We must work to alter the disturbing statistic that injury deaths caused by firearms in America are 90 times higher than in any other country.

I think America, the greatest nation in the world, is worth the fight.

Mr. COLEMAN. Mr. Chairman, I rise today in opposition to the Brady bill. I oppose this measure not because of what it does; but for what it fails to do. I agree with the proponents of this measure that we ought to have an automated system by which we can determine whether or not someone is legally barred from

owning a gun. For all his efforts to make such a system a reality, I applaud the gentleman from New York. However, I must oppose this legislation because it is not a crime control solution. The Brady bill will not reduce crime, nor will it prevent handgun violence. Indeed, it will not even prevent those who are legally barred from possessing a gun from doing so.

Let me say that this was not a decision I made lightly or quickly. I have weighed very carefully the arguments on both sides of this debate. Personally, I have found the increasing levels of gun violence, especially among our children, very distressing. Every day, approximately 135,000 children bring a gun to school. Every day 14 children die in gun accidents, suicides and homicides. Every day 30 American children are wounded by guns. Every day. There was a time, not that long ago, when accidents were the leading cause of death among our young people. This is no longer the case. Gun deaths are now the leading cause of death among young people, particularly in minority communities.

However, the Brady bill will do nothing to stem the violence which now confronts our Nation's youth. Handgun Control has stated that 1.2 million elementary aged, latch-key children have access to guns in their homes. I respectfully invite anyone in this body to explain to me exactly how enactment of the Brady bill will change this situation. The truth is no one can, because enactment of the Brady bill will do nothing to reduce a child's access to guns in his or her home. More importantly, this bill does nothing to address the fact that guns are being sold to children in the streets by criminals. Brady will do nothing to reduce, curb or prevent gang and other violence which now threatens our young people because it does not apply to them. Passing the Brady bill will not prevent acts of youth violence.

I also must question just how effective Brady will be in combating other types of violent crime. Just how many violent criminals do we honestly believe will submit to a background check and 5-day wait to purchase their weapons. I suggest that significantly less than 1 percent are likely to do so, the rest will simply continue to purchase their weapons as they are already doing illegally. This measure will not combat crime in the least. The people most impacted by enactment of the Brady bill are those who have a legal right to purchase a firearm and exercise that right through a licensed firearms dealer. If we are attempting to combat crime, then let us do that; to my colleagues I say that we should honestly admit that the Brady bill is not the proper vehicle for achieving that end.

To address the very real problem of violent crime, I respectfully urge my colleagues on the Judiciary Committee to act on measures which will ensure swift justice. If we are serious that we want to get tough on crime let us do that. We should appropriate additional funds for more courts, more prosecutors and more prisons. This vote today on the Brady bill is nothing more than a feel good vote which will do nothing to address the problem of violence in our society. I understand why this legislation is attractive to many; but it simply will not further our nation's efforts to combat crime. In casting my vote against this measure, I urge my colleagues to join me in focusing our attention on

the root causes of crimes and our actions against those who perpetrate them.

Ms. LONG. Mr. Chairman, I rise today in support of H.R. 1025, the Brady Handgun Violence Prevention Act.

In the past, I have voted against waiting periods on the purchase of firearms and have instead supported legislation to establish an instant criminal background check to screen buyers of handguns. In addition, I have never supported restrictions or bans on any type of firearms, nor do I intend to in the future.

The Brady bill that is being voted on by the House of Representatives today is not the same Brady bill that I opposed in the past. It is a bipartisan compromise that establishes a 5-day waiting period for purchases of a handgun in preparation for the establishment of an instant criminal background check on the purchase of firearms. Although there is a waiting period in this legislation, it will last only until the instant check is established or until 5 years has elapsed from the enactment of this legislation.

I opposed the amendment which would have preempted Indiana State law and the laws of other States in controlling violence and crime. Indiana currently has a 7-day waiting period on the purchase of handguns. Crime control begins with local and State initiatives and I believe it is generally best for them to determine exactly which measures are appropriate for the problems they face. The Federal Government should, to the extent possible, allow local and State officials to address this issue.

The Brady compromise is the latest in a number of anticrime measures I have worked on and supported in recent weeks, including funding for more police officers for States and local communities, drug education, and drug treatment. It has become apparent to Members of Congress, Democrat and Republican alike, that violent crime is affecting our society like never before. My district in Indiana has seen the senseless violence that plagues the rest of the country. Just 2 days before this past Halloween, in fact, 15-year-old Ternae Jordan, Jr., son of a minister in my district, was shot randomly in the head as he sat in a Fort Wayne YMCA, waiting for a ride home following a piano lesson. It is because of violence such as this that last week I supported measures to provide our communities with more police officers, better drug education, and drug treatment programs. That is why I will support this compromise version of the Brady bill. These measures will help in our fight against crime.

I commend Chairman BROOKS and the ranking minority member, Mr. FISH, for crafting this legislation and I urge its passage as amended.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part 1 of House Report 103-341, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1025

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brady Handgun Violence Prevention Act".

SEC. 2. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NONLICENSEE.

(a) INTERIM PROVISION.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that the Attorney General certifies under section 3(d)(1) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 5 business days (as defined by days in which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess a handgun; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a hand-

gun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law, except that this subparagraph shall not apply to a State that, on the date of certification pursuant to section 3(d) of the Brady Handgun Violence Prevention Act, is not in compliance with the timetable established pursuant to section 3(c) of such Act;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether the transferee has a criminal record or whether there is any other legal impediment to the transferee's receiving a handgun, including research in whatever State and local record-keeping systems are available and in a national system designated by the Attorney General.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

"(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement and any record containing information derived from the statement;

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public."

(2) **HANDGUN DEFINED.**—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled."

(b) **PERMANENT PROVISION.**—Section 922 of title 18, United States Code, as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

"(1)(I) Beginning on the date that the Attorney General certifies under section 3(d)(1) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not such a licensee, unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 3 of such Act;

"(B) the system notifies the licensee that the system has not located any record that demonstrates that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section or any State or local law; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess a firearm; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(3) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n), and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(4) In addition to the authority provided under section 923(e), if the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than \$5,000.

"(5) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun."

(c) **PENALTY.**—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than \$1,000, imprisoned for not more than 1 year, or both."

SEC. 3. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) **ESTABLISHMENT OF SYSTEM.**—The Attorney General of the United States shall establish a national instant criminal background check

system that any licensee may contact for information on whether receipt of a firearm by a prospective transferee thereof would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law.

(b) **EXPEDITED ACTION BY THE ATTORNEY GENERAL.**—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(c) **PROVISION OF STATE CRIMINAL RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**—(1) Not later than 6 months after the date of enactment of this Act, the Attorney General shall—

(A) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems will communicate with the national system, which shall be based upon the Interstate Identification Index ("III") unless the Attorney General finds that the III will not provide a satisfactory basis for the national instant criminal background check system;

(B) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on line capacity basis to the national system; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State achieve, by the end of 5 years after the date of enactment of this Act, at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years and continue to maintain such a system.

(d) **NATIONAL SYSTEM CERTIFICATION.**—(1) On the date that is 30 months after the date of enactment of this Act, and at any time thereafter, the Attorney General shall determine whether—

(A) the national system has achieved at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years on a national average basis; and

(B) the States are in compliance with the timetable established pursuant to subsection (c), and, if so, shall certify that the national system is established.

(2) If, on the date of certification in paragraph (1) of this subsection, a State is not in compliance with the timetable established pursuant to subsection (c) of this section, section 922(s) of title 18, United States Code, shall remain in effect in such State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with its timetable after the date of certification in paragraph (1) of this subsection, and section 922(s) of title 18, United States Code, shall not apply to such State and section 922(t) of such title shall apply to the State.

(3) Six years after the date of enactment of this Act, the Attorney General shall certify whether or not a State is in compliance with subsection (c)(2) of this section and if the State is not in compliance, section 922(s) of title 18, United States Code, shall apply to the State and

section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with the standards in subsection (c)(2) of this section, and section 922(s) of title 18, United States Code, shall not apply to the State and section 922(t) of such title shall apply to the State.

(e) **NOTIFICATION OF LICENSEES.**—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

(f) **ADMINISTRATIVE PROVISIONS.**—

(1) **AUTHORITY TO OBTAIN OFFICIAL INFORMATION.**—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) **OTHER AUTHORITY.**—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(g) **CORRECTION OF ERRONEOUS SYSTEM INFORMATION.**—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

(h) **REGULATIONS.**—After 90 days notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) **PROHIBITIONS RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.**—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof maintained by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited by section 922 (g) or (n) of title 18, United States Code, from receiving a firearm.

(j) **DEFINITIONS.**—As used in this section:

(1) **LICENSEE.**—The term "licensee" means a licensed importer, licensed manufacturer, or licensed dealer under section 923 of title 18, United States Code.

(2) **OTHER TERMS.**—The terms "firearm", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) (3), (9), (10), and (11), respectively, of title 18, United States Code.

SEC. 4. REMEDY FOR ERRONEOUS DENIAL OF HANDGUN.

(a) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by inserting after section 925 the following:

"§925A. Remedy for erroneous denial of handgun

"Any person who is denied a handgun pursuant to section 922(s) of this title due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 3(a) of the Brady Handgun Violence Prevention Act, and who has exhausted the administrative remedies available for the correction of such erroneous information, may bring an action against any official of the State or political subdivision responsible for providing the erroneous information, or against the United States, as the case may be, for an order directing that the erroneous information be corrected. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs."

(b) **CLERICAL AMENDMENT.**—The table of sections for such chapter is amended by inserting after the item relating to section 925 the following:

"925A. Remedy for erroneous denial of handgun."

SEC. 5. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) **IMPROVEMENTS IN STATE RECORDS.**—

(1) **USE OF FORMULA GRANTS.**—Section 509(b) of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "and"; and

(C) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 3 of the Brady Handgun Violence Prevention Act, for the purpose of implementing such Act."

(2) **ADDITIONAL FUNDING.**—

(A) **GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.**—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(i) for the creation of a computerized criminal history record system or improvement of an existing system;

(ii) to improve accessibility to the national instant criminal background system; and

(iii) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for grants under subparagraph (A) a total of \$100,000,000 for fiscal year 1992 and all fiscal years thereafter.

(b) **WITHHOLDING STATE FUNDS.**—Effective on the date of enactment of this Act the Attorney General may reduce by up to 50 percent the allocation to a State for a fiscal year under title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance

with the timetable established for such State under section 3(c) of this Act.

(c) **WITHHOLDING OF DEPARTMENT OF JUSTICE FUNDS.**—If the Attorney General does not certify the national instant criminal background check system pursuant to section 3(d)(1) by—

(1) 30 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 30 months after the date of enactment of this Act falls shall be reduced by 5 percent on a monthly basis; and

(2) 42 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 42 months after the date of enactment of this Act falls shall be reduced by 10 percent on a monthly basis.

The CHAIRMAN. No amendment to the substitute, as modified, is in order except the amendments printed in part 2 of House Report 103-341. Each amendment may be offered only by a Member designated in the report, shall be considered as read, is not subject to amendment, and is not subject to a demand for a division of the question.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

It is now in order to consider Amendment No. 1 printed in part 2 of House Report 103-341.

AMENDMENT OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAMSTAD: In paragraph (6) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, add at the end the following:

"(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reasons for the determination, the officer shall provide such reasons to the individual within 20 business days after receipt of the request."

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. RAMSTAD] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to thank Chairman SCHUMER of the Crime and Criminal Justice Subcommittee for working with me on this amendment. I am also pleased that he and Chairman BROOKS have agreed to consider my amendment as a friendly amendment to H.R. 1025, the Brady bill.

Mr. Chairman, my amendment is very straightforward. It states that if a person is determined to be ineligible to purchase a handgun during the bill's 5-day waiting period, that individual

may request and receive the reasons for this determination, within 20 business days from local law enforcement.

Both the Fraternal Order of Police and the National Association of Police Organizations have agreed that 20 business days allow adequate time for local law enforcement to research felony convictions and other history and provide reasons for denial of a handgun purchase.

This amendment would also make the bill's interim provision—the waiting period—consistent with its permanent provision, the national instant-background check system.

Under the current bill's section entitled "Correction of Erroneous System Information," an individual may request reasons for denial of a firearm by the instant check system. But there is no comparable provision while the waiting period is in effect.

Mr. Chairman, all this amendment does is rectify this discrepancy. Again, I sincerely thank Chairman BROOKS, Chairman SCHUMER and Members on both sides of the aisle for their bipartisan support of it.

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

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. BROOKS. Mr. Chairman, although I am not in opposition, I ask unanimous consent to control the time on this side on the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Minnesota.

Mr. Chairman, in our American system of justice, the Federal Government is constrained under our Constitution and under our laws from exercising its powers with a heavy hand. Rather, each person in this country has a right to due process of law. Yet, as this bill is written, a person can be denied the right to make a lawful handgun purchase—without any cause, and without any explanation.

What could be more fundamental to due process than to require the Government to tell you why you cannot exercise a right that is being exercised by others every day?

This amendment is even more modest than that. With the burden placed on the person—not the Government—it only applies if the affected person makes a request of the Government official.

This amendment is a small—but absolutely necessary—effort to uphold the tradition of this House in defending our constitutional right of due process. Every year, we take to this floor to guard against any possible encroach-

ment of due process rights for this group or that group of Americans. We do so not for the group involved, but for the principle at stake. We should do no less now.

I understand this amendment is agreeable to both sides, and I strongly urge its adoption.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from Minnesota [Mr. RAMSTAD] on this amendment. I have had some reservations about it, but I think we have worked an agreement out that seems to me to be fair.

Mr. Chairman, it seems to me that when somebody gets a criminal record and are told they are not allowed to have a gun, they ought to be able to be told the reason why. Therefore, it is a good amendment. It allows for followups with local police departments, but it does not put any unreasonable or unfeasible restrictions on them.

Mr. Chairman, the gentleman from Minnesota [Mr. RAMSTAD] has been fair in working with me on this amendment. I congratulate the gentleman and urge its adoption.

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to again thank the gentleman from New York [Mr. SCHUMER]. The gentleman proves we can work in this body in a bipartisan way to craft responsible legislation, and I commend him for that.

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

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. RAMSTAD].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SCHUMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 431, noes 2, not voting 5, as follows:

[Roll No. 558]

AYES—431

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)

Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bellenson
Bentley
Bereuter
Berman
Bevill

Bilbray
Billrakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks

Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega
(AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Fliner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas

Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Ingalls
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klm
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski

Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCreery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinar
Mollohan
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Price (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers

Rohrabacher	Slaughter	Torrice
Ros-Lehtinen	Smith (IA)	Towns
Rose	Smith (MI)	Trafficant
Rostenkowski	Smith (NJ)	Tucker
Roth	Smith (OR)	Unsoeld
Roukema	Smith (TX)	Upton
Rowland	Snowe	Valentine
Royal-Allard	Solomon	Velazquez
Royce	Spence	Vento
Rush	Spratt	Visclosky
Sabo	Stark	Volkmer
Sanders	Stearns	Vucanovich
Sangmeister	Stenholm	Walker
Santorum	Stokes	Walsh
Sarpalius	Strickland	Washington
Sawyer	Studds	Waters
Saxton	Stump	Watt
Schaefer	Stupak	Waxman
Schenk	Sundquist	Weldon
Schiff	Swett	Wheat
Schroeder	Swift	Whitten
Schumer	Synar	Williams
Scott	Talent	Wilson
Sensenbrenner	Tanner	Wise
Serrano	Tauzin	Wolf
Sharp	Taylor (MS)	Woolsey
Shaw	Taylor (NC)	Wyden
Shays	Tejeda	Wynn
Shepherd	Thomas (CA)	Yates
Shuster	Thomas (WY)	Young (AK)
Sislisky	Thompson	Young (FL)
Skaggs	Thornton	Zeliff
Skeen	Thurman	Zimmer
Skelton	Torkildsen	
Slattery	Torres	

NOES—2

Moran Nadler

NOT VOTING—5

Bartlett	Romero-Barcelo
Brown (CA)	(PR)
Moakley	Underwood (GU)

□ 1306

Mr. KLEIN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 2 of House Report 103-341.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: In paragraph (1) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike "the Attorney General" and all that follows through "section," and insert "is 60 months after such date of enactment".

In paragraph (1)(D) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike "except" and all that follows through "Act".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, insert "is 30 days after" before "the Attorney".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "certifies under section 3(d)(1)" and insert "notifies licensees under section 3(e)".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(except as provided in paragraphs (2) and (3) such section)".

In paragraph (1)(B) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(B)" and all that follows through "firearm" and insert the following:

"(B)(1) the system provides the licensee with a unique identification number; or

"(1) 1 business day (as defined in subsection (s)(8)(B)) has elapsed since the end of the business day on which the licensee contacted the system, and the system has not notified the licensee that the receipt of the handgun.

In section 3(a) of the Committee amendment, strike "The" and insert "Not later than 60 months after the date of the enactment of this Act, the".

In section 3(c) of the Committee amendment—

(1) strike "(1)";

(2) strike "(A) determine" and insert "(1) determine";

(3) strike "(B) investigate" and insert "(2) investigate";

(4) strike "(C) notify" and insert "(3) notify";

(5) strike "subparagraphs (A) and (B)" and insert "paragraphs (1) and (2)"; and

(6) strike paragraph (2).

In section 3 of the Committee amendment, strike subsection (d) and insert the following:

(d) OPERATION OF THE SYSTEM.—

(1) GENERAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer, the system shall, during the contact or by return contact without delay—

(A) review available criminal history records to determine whether receipt of a firearm by the prospective transfer would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law; and

(B)(i) if the receipt would not be such a violation—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the identification number; and

(III) immediately destroy all records of the system with respect to the contact (other than the identification number and the date the number was assigned) and all records of the system relating to the transferee or the transfer or derived therefrom; or

(ii) if the receipt would be such a violation—

(I) notify the licensee that the receipt would be such a violation; and

(II) maintain the records created by the system with respect to the proposed transfer.

(2) SPECIAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer and the system is unable to comply with paragraph (1) during the contact or by return contact without delay, then the system shall comply with paragraph (1) not later than the end of the next business day.

In section 4(a) of the Committee amendment—

(1) strike all that precedes "Section 509(b)" and insert "(a) USE OF FORMULA GRANTS.—";

(2) strike "(A) in" and insert "(1) in";

(3) strike "(B) in" and insert "(2) in";

(4) strike "(C) by" and insert "(3) by";

(5) strike "(2) ADDITIONAL FUNDING" and insert "(b) ADDITIONAL FUNDING";

(6) strike "(A) GRANTS" and insert "(1) GRANTS";

(7) strike "(1)" and insert "(A)";

(8) strike "(11)" and insert "(B)";

(9) strike "(111)" and insert "(C)";

(10) strike "(B) AUTHORIZATION" and insert "(2) AUTHORIZATION"; and

(11) strike "subparagraph (A)" and insert "paragraph (1)".

In section 4 of the Committee amendment, strike subsection (b).

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 25 minutes, and a Member opposed to the amendment will be recognized for 25 minutes.

Mr. SCHUMER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] will be recognized for 25 minutes.

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that the amendment we are now considering be considered as conforming to the amendment at the desk.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] will state his request to the Chair again.

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that the amendment that we are about to consider be considered as conforming to the amendment that is at the desk.

□ 1310

The CHAIRMAN. The only form that is in possession of the Chair is the form printed in the report.

Mr. GEKAS. That is correct. The problem is that there was some technical error that was reported to us by the Parliamentarian's office that requires us to consider the amendment as the one that is now at the desk rather than the one that we have in our possession. It is only a question of clause B or clause D or some technicality like that.

The CHAIRMAN. The Chair does not have any modification along those lines. We will proceed with the debate and consider the gentleman's technical changes later in the proceedings.

Mr. SCHUMER. Mr. Chairman, I have been consulted by the gentleman as to what the change was, but I would like to see what it is at the desk and hear what is read before it is approved.

The CHAIRMAN. We will proceed with the debate time presently.

The gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 25 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 25 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, as I outlined in the debate on the rule, the amendment that we, now place before Members is one that can and should bring us together. That is, the opponents of the Brady bill or any waiting period should support this measure because it brings into play, at long last, as a mandate, the instant check. The supporters of the Brady bill and the waiting period that it inculcates should support my amendment because it brings to the floor and brings to the American people that which the proponents themselves have said is the ultimate in

background check, namely the instant check. As a matter of fact, the proponents of the Brady waiting period, as outlined in the bill, take pains to emphasize that that is the gist of this bill, the heart and soul of this bill, the instant check, and then they relegate the waiting period to a temporary concept that should not go into effect until we can get the perfect instant check that we all desire, and the goal for which we are have made statements, make that a possibility nationwide.

So what are we talking about here? If my amendment is adopted, we will have a 5-day waiting period that the Brady bill in its concept claims. Then we have a time certain, 60 months, within which the instant check system must go into effect. That is every little to ask by way of a mandate when you consider that in committee and in conversation among people interested in this issue, many of us felt that 30 months would have been enough, and in conversations I had with the chairman of the full committee, the gentleman from Texas, Mr. BROOKS, we felt that maybe 48 months would be sufficient at one point.

Now we are making it foolproof. There is no reason under the Sun, when considering all of the technology that we have at our disposal, that we cannot put into effect a high-charged instant check system by which background checks can be made on potential purchasers of handguns. Sixty months, a mandate, reasonable.

We ask Members to accept this amendment in the spirit of bringing the sides together and making instant check work, not to leave the instant check illusory and atmospheric as it is now in the Brady bill.

The Brady bill now, if we leave it untouched, if we do not amend it through amendment, would say the waiting period will evaporate when and if some day in the next century perhaps when the instant check might come into effect. No Attorney General has the mandate unless you adopt my amendment.

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

MODIFICATION TO AMENDMENT OFFERED BY MR. GEKAS

The CHAIRMAN. The Chair has now been informed of the modification the gentleman originally referenced in his opening unanimous-consent request.

The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. GEKAS: In the last two references to section 4 of the committee amendment change the reference to section 5.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that the amendment be modified?

There was no objection.

Amendment, as modified, offered by Mr. GEKAS: In paragraph (1) of the matter pro-

posed to be added by section 2(a)(1) of the Committee amendment, strike "the Attorney General" and all that follows through "section)," and insert "is 60 months after such date of enactment".

In paragraph (1)(D) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike " , except" and all that follows through "Act".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, insert "is 30 days after" before "the Attorney".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "certifies under section 3(d)(1)" and insert "notifies licensees under section 3(e)".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(except as provided in paragraphs (2) and (3) of such section)".

In paragraph (1)(B) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(B)" and all that follows through "firearm" and insert the following:

"(B)(1) the system provides the licensee with a unique identification number; or

"(1) 1 business day (as defined in subsection (s)(8)(B)) has elapsed since the end of the business day on which the licensee contacted the system, and the system has not notified the licensee that the receipt of the handgun".

In section 3(a) of the Committee amendment, strike "The" and insert "Not later than 60 months after the date of the enactment of this Act, the".

In section 3(c) of the Committee amendment—

(1) strike "(1)";

(2) strike "(A) determine" and insert "(1) determine".

(3) strike "(B) investigate" and insert "(2) investigate";

(4) strike "(C) notify" and insert "(3) notify";

(5) strike "subparagraphs (A) and (B)" and insert "paragraphs (1) and (2)"; and

(6) strike paragraph (2).

In section 3 of the Committee amendment, strike subsection (d) and insert the following:

(d) OPERATION OF THE SYSTEM.—

(1) GENERAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer, the system shall, during the contact or by return contact without delay—

(A) review available criminal history records to determine whether receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law; and

(B)(1) if the receipt would not be such a violation—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the identification number; and

(III) immediately destroy all records of the system with respect to the contact (other than the identification number and the date the number was assigned) and all records of the system relating to the transferee or the transfer or derived therefrom; or

(1) if the receipt would be such a violation—

(I) notify the licensee that the receipt would be such a violation; and

(II) maintain the records created by the system with respect to the proposed transfer.

(2) SPECIAL RULE.—If a licensee contacts the national instant criminal background

check system with respect to a firearm transfer and the system is unable to comply with paragraph (1) during the contact or by return contact without delay, then the system shall comply with paragraph (1) not later than the end of the next business day.

In section 5(a) of the Committee amendment—

(1) strike all that precedes "Section 509(b)" and insert "(a) USE OF FORMULA GRANTS.—";

(2) strike "(A) in" and insert "(1) in";

(3) strike "(B) in" and insert "(2) in";

(4) strike "(C) by" and insert "(3) by";

(5) strike "(2) ADDITIONAL FUNDING" and insert "(b) ADDITIONAL FUNDING";

(6) strike "(A) GRANTS" and insert "(1) GRANTS";

(7) Strike "(i)" and insert "(A)";

(8) Strike "(ii)" and insert "(B)";

(9) Strike "(iii)" and insert "(C)";

(10) Strike "(B) AUTHORIZATION" and insert "(2) AUTHORIZATION"; and

(11) strike "subparagraph (A)" and insert "paragraph (1)".

In section 5 of the Committee amendment, strike subsection (b).

Mr. SHUMER. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma [Mr. SYNAR] a distinguished member of the committee in opposition.

Mr. SYNAR. Let us be honest with ourselves and with the American people. This amendment, which would sunset the 5-day waiting period after 5 years, is being supported by those who would prefer to have no 5-day waiting period altogether. This is simply a very clever attempt to derail the 5-day waiting period.

There are two simple facts. The first is that the Brady bill legislation already has a very reasoned scheduled flexible provision with respect to sunset. When the instant check is up and running, the 5-day waiting period expires.

Second, the 5-day waiting period works. Whether you live in rural or urban America, across this country we have seen success with waiting periods. In California in 1991 and 1992 literally thousands of guns were not on the market because of the waiting period. In Atlanta, Illinois, Delaware, Maryland, Nebraska, New Jersey, and Oregon, the success is there. In Palm Beach County, FL, in 1985 we had a 60-percent dropoff in homicides because of the waiting period.

This amendment flies in the face of those two simple facts. Using the common sense in this amendment, it is like one who quits giving CPR emergency help to a heart attack victim after 5 minutes, regardless of recovery, or regardless of whether the paramedics have arrived.

The Brady bill was introduced in 1987. Six long murderous years have passed. One hundred and fifty thousand of our best and brightest citizens have been killed by handguns since it was first introduced. This is three times the number of casualties in Vietnam.

Law enforcement across the country, an overwhelming majority of our fellow citizens, and a growing majority of

our gun owners agree that reasoned gun legislation such as the Brady bill is long overdue. Let us stay the course. Let us answer the call. Let us pass the Brady bill unamended.

Today's vote on the Brady handgun bill is long overdue. Since the Brady bill was first introduced in 1987, 150,000 people have been killed by handguns. That's almost 3 times the number of United States casualties in the Vietnam war. That war was ended by one of the most aggressive protest movements in our Nation's history. Sadly, however, while the vast majority of our Nation wants real progress in the war on illegal handgun use we now rely on a patchwork of various State laws, plenty of cheap rhetoric and very little leadership from our Federal Government. Today's vote gives the House of Representatives a real chance to stem the violence on our streets and calm the fear of our citizens.

Anyone who argues that the 5-day waiting period in the bill won't work hasn't looked at the facts. California has a 15-day waiting period that, according to the California Department of Justice, Firearm Program, Criminal Information and Analysis Bureau stopped 5,859 prohibited firearm sales during 1991 and 5,763 during 1992. Those stopped from buying guns since 1991 include: 71 convicted of homicide; 14 convicted of kidnaping; 141 under restraining order for domestic violence; 203 convicted of sex crimes; 537 found to be under age; 884 convicted of burglary or robbery; 1,283 convicted of dangerous drug offenses; and 5,772 convicted of assaults.

Similar results have been recorded in Atlanta, GA (15-day waiting period), Illinois, Delaware, Maryland, Nebraska, New Jersey, Oregon. In Palm Beach County, FL police attributed a 60-percent drop in homicides in 1985 to a waiting period enacted in 1984.

This past spring the Department of Justice Bureau of Justice Statistics did a survey of State prison inmate characteristics. That study found that 46 percent of the inmates who had committed a violent crime used a weapon. In the cases where a weapon was used, 24 percent used handguns, 11 percent used a knife and 6 percent used a rifle, shotgun or assault weapon. The study also found that of those prisoners who had ever possessed a handgun, 27 percent had purchased the gun from a retail outlet. Those that argue that criminals get their guns illegally ignore the facts. The Justice survey shows that more than a quarter of all criminals walk into a gun store to buy their gun. This bill will make it harder for criminals to get guns, period.

Because this bill makes it tougher for criminals to get guns, illegal handgun use will be reduced—it's just that simple. That's why I can't understand those who want to sunset the waiting period in 5 years, whether or not the instant-check system is in place. That's like saying you should stop giving emergency CPR to a heart attack victim after 5 minutes, regardless of whether the victim has recovered or the paramedics have arrived.

The bill as drafted already phases out the waiting period when an instant-check system is up and running. In addition, the bill includes a specific timetable for developing State instant-check systems with penalties against the States and the Justice Department if time-

tables aren't met. But the bill does not, and must not, phase out the 5-day waiting period before the instant check system is in place. If instant check isn't in place, and the bill sunsets, criminals will once again be able to buy guns without a background check. That will put more guns in the hands of criminals and that's unacceptable.

The time for debating the Brady bill is over. The majority of the country agrees that the Brady bill is a solid, commonsense approach to ending violence by denying guns to criminals. Let's pass this bill and get on with the business of saving lives.

Mr. GEKAS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas [Mr. Brooks], chairman of the full Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania.

A national instant background check system has been in the works now since 1988, when the Anti-Drug Abuse Act was adopted by the Congress and enacted into law.

Five years have passed since the enactment of that law, and we still see no instant background check system on the horizon—even in the face of the technological revolution that has occurred in this country during those years. Minnesota-built Cray supercomputers run our worldwide nuclear detection system; and yet, we still can't seem to develop a computer system to keep track of a few felons in the 50 states. I might add it took the wonderful Commonwealth of Virginia less than a year to bring its instant background check on line.

If a national instant background check system cannot be put into place in the next 5 years, it is never going to be put into place. We should not be here misleading the American people by pretending otherwise. While the national instant check system is touted as a "central premise" of the bill in its current form, it is a premise with no teeth at all.

As I said earlier during general debate, acceptance of this amendment will be proof positive that there is a real commitment to implement the instant background check in H.R. 1025.

Not having a time certain for implementation of a national instant background check system actually serves as a disincentive to ever getting it in place. If in 3 years, 4 years, or 5 years, there's still no such system, Congress can always take action. But to duck the issue now is utterly irresponsible. This amendment establishes a time certain and demonstrates that we are keeping our good faith with the American people. I strongly urge its adoption.

□ 1320

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished

gentleman from Ohio [Mr. OXLEY], in opposition to the Gekas amendment.

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment, not necessarily because it is such a bad amendment, because I think the gentleman from Pennsylvania [Mr. GEKAS] has a good idea here. I am just concerned that by setting an artificial deadline as he does, that it does not recognize the ability of some States or the inability of some States to put together the kind of records that they need to in that period of time.

I had my office check with the FBI. The FBI told us that under the very best of circumstances they might be able to put together this national system within that time period but everything would have to happen exactly right. I think the way the bill is crafted makes good sense. That is, it essentially phases out the waiting period when each State is able to incorporate and put together the information as well as the technology to do this.

Now, the technology clearly is there. No one would argue with that. But the fact is that a lot of States' records are a horrible mess and it is going to take a long time for them to put that together.

Indeed the information in the NCIC computer is meaningless unless the information is correct and up to date.

That is why I think it is important that we reject the Gekas amendment. I like the idea of putting some pressure on to get the records done, but I am not sure that by setting this deadline we do that and accomplish the mission that we want to accomplish.

So I would say I just, on balance, think the Gekas amendment puts a stranglehold on the ability of the FBI and other law enforcement officials and State officials to get the information necessary.

Mr. Chairman, we had this, if you will recall, those Members who were here before, with the Staggers amendment, which in many ways was an effort to derail the potential for a 5-day waiting period, as well as phasing in this point-of-sale check. This is essentially Staggers-II, and I think it is a wrongheaded approach, even though I respect the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. I thank the gentleman for yielding this time to me.

Mr. Chairman, this is a bad bill that does not do anything effective to keep weapons out of the hands of criminals, but burdens law-abiding citizens. But this is a reasonable and essential amendment which guarantees we will have a national instant check system in 5 years. We could have this in place in 30 months or sooner if we resolve to do so, but we certainly must do it within 5 years.

Mr. Chairman, as written, H.R. 1025 gives the Attorney General unfettered discretion to maintain the waiting period forever and there will be pressure from waiting period advocates to do just that.

The national instant check is the only system that will keep guns out of the hands of criminals and protect the rights of lawabiding citizens. That is why we must guarantee that it is in effect within 5 years.

Five years is a more than adequate amount of time to complete work on the FBI instant record retrieval system. Remember, the FBI has been working on its system for 5 years already and Congress has appropriated considerable amounts for that task.

Instant check has been proven to work in five States, including my State of Virginia, Virginia, Delaware, Florida, Illinois, and Wisconsin now successfully operate point-of-sale background check systems which they implemented in less than 1 year's time and at relatively modest cost.

To date the Virginia system has processed over one-half million transactions and has denied over 5,500 purchases. In addition, 318 wanted felons were identified because of the check. Clearly the system is doing what it is intended to do.

My question is, Why wait when the technology for instant check is available? I urge my colleagues to support this reasonable amendment.

Mr. SCHUMER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to support the Brady bill and to oppose the Gekas amendment.

The Brady bill is a first step down the long road toward stopping the proliferation of handguns. It is a step toward ending the violence that is sweeping our country. It is a step we must take.

We have seen too many tragic deaths in Atlanta, here in Washington, throughout the Nation. I have been to too many funerals of the very young, of police officers, and the many others who have been killed by guns. We must act to stop the bloodshed, to stop the killing.

Throughout our Nation, the homicide rate has reached an all-time high. Gun violence is increasing and something has to be done.

As lawmakers, we have a responsibility to stop the killing. Law enforcement officers around the country, the people who must deal with the guns, the violence, the deaths, law enforcement officers agree, passing the Brady bill will help stop the violence.

The Gekas amendment could have us get rid of the waiting period before the instant-check system is in place. It could have us go back to selling guns

to people without checking to see if they are criminals, or insane.

I ask my colleagues, is 5 days too long to wait to ensure that we are not arming the violent? Is 5 days too long to wait to save lives? To ensure that innocent children are not shot?

Let me say to my colleagues that it is time to stop the violence. It is time to stop the killing to save lives. It is time to give people time to cool off. Do not sunset the Brady bill. Support the Brady bill. Oppose the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I rise in support of the Gekas amendment. Those who champion the Brady bill tell us they want to stop illegal handgun sales. If that is the case, the best way to achieve this goal would be by scrapping the interim waiting period in favor of immediate implementation of a national point-of-sale screening system. This amendment requires it within 5 years.

We all agree there is limited utility in screening retail handgun purchasers because, according to the Justice Department, the vast majority of criminals do not attempt to purchase firearms at retail outlets. But to the extent such a system is worthwhile, a point-of-purchase check best meets this goal. That is why it is absolutely necessary that a time certain for the actual on-line implementation of such a system be designated.

There are no enforceable standards in the Brady bill with regard to timetables, goals, or penalties. The bill essentially leaves the implementation to the discretion of the Attorney General. Further, it provides no funding to local law enforcement to pay for the interim mandatory background checks, mandates without funding.

Penalties will ostensibly be levied against the Department of Justice's monthly administrative fees.

□ 1330

A strong case can be made that the ability of Congress to rescind funds appropriated by one Congress if standards imposed by this bill are not met in a subsequent Congress, is constitutionally prohibited.

There are about 2½ million new handgun purchases yearly, as compared to 70 million plus credit care checks, which are conducted each month. The notion that adequate technology exists to prevent shoppers from overcharging their credit cards, but does not exist to check the identification of a handgun purchaser against a list of existing criminal records, is absurd.

The fact is, all background checks are exactly the same. They use the same information data. That is the FBI Interstate Identification Index, which is the base on which we should be rely-

ing and which is currently being used for exactly this purpose.

At this point, the best public policy result is to set the date to implement the same system on a national and uniform basis. If we can check credit card purchases instantaneously, if we can have our policemen check driving records instantaneously, then certainly we can check criminal histories instantaneously.

Support the Gekas amendment.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished vice chairman of the Democratic caucus, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I believe the new sunset provision, the Gekas amendment, is really nothing more than an effort to undermine the whole Brady bill. There is already a sunset provision in place. The gentleman from Oklahoma [Mr. SYNAR] described it very accurately. There is a specific timetable for getting the instant check system up and running, and I think we all want that to occur. As soon as the system is operating as it should be, the waiting period sunsets; but the Gekas amendment wipes out the 5-day waiting period in 5 years and replaces it with the instant check system, in spite of the fact that all the experts have indicated that the instant check system will not be ready then. Five years down the road, the Gekas amendment will bring us right back to where we are today wherever the instant check system is not ready. So let us keep the pressure on to put the instant check system in place first before we eliminate the 5-day waiting period.

The Brady bill is not intended as a panacea for crime, not the kind of crime that is plaguing us in city suburbs and rural areas; but it is our best effort toward stemming gun-related violence. It is the most realistic, efficient, and accurate option currently available to us.

In California, our 15-day waiting period is already working. Last year alone, my State stopped 5,763 illegal handgun purchases.

So now the time has come for us as a nation to take this first of many steps toward keeping guns out of the wrong hands, and preventing the tragedy that results from the easy availability of guns to the wrong people.

Surely this is a small price to pay to curb the unnecessary and senseless violence caused by handguns, and surely we understand that we cannot simply have State laws that do not allow for people in all States to be secure.

We need a national law that sets a standard, not the highest standard, but a reasonable standard that is fair to all the States that have acted.

We will get instant check, but until then we need the Brady bill.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, my friend, the gentleman from California, is dead wrong. The Brady bill itself recognizes the value of an instant check system.

Let us take a look under the present system of the Brady bill or the 5-day check. Local law enforcement gets a request and has to process it within 5 days. Does anyone in the inner cities have enough dollars for their local law enforcement? This is an unfunded mandate. We would rather have those cops on the street, not dealing with administrative burdens.

Second, the instant check would give not just the District of Columbia or Virginia or any other State a local look at who should purchase weapons, but a national system. If you have someone who has checked into a police station and filed, that automatically would go on to a system where Virginia or California or anyone else would know whether that person should or should not purchase a weapon. It is a better system. It has been agreed that it is a better system. The problem is cost.

So if it is a better system, it seems logical that we set a 5-year period.

I have also checked, as has my friend, the gentleman from Ohio [Mr. OXLEY] with the FBI, and it will be implemented and could be within 5 years. That is why we set the time.

If this is the case, then we need to go to an instant check.

Will it keep guns off the street? No, it will not, Mr. Chairman. We need tough crime laws, but the same people who are opposing this amendment, I would ask them to support habeas corpus, the death penalty, search and seizure, three-time loser, life without parole.

In California, 13 percent of all illegal aliens are felons. We need to help with that system, which the Federal Government is not doing.

Mr. Chairman, I would ask my friend, the gentleman from California, to support these issues and a strong crime bill and support the instant check, which would be a better system.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], in opposition to the Gekas amendment.

Mr. PORTER. Mr. Chairman, our society is overwhelmed with violence. Our entertainment news almost encourages this kind of violence.

The question is what to do about it?

Some say, and the previous speaker was one who just said it, that we need stronger penalties, more expeditious appeals and the deterrent effect of punishment. Others say we need restraint on the availability of handguns and assault weapons.

We really need both. It is not an either-or question. We ought to do both.

The Gekas amendment, it seems to me, is simply an attempt to derail the

Brady bill. The instant check system will not be ready when this provision sunsets. It will leave criminals to buy guns without restraint by the Federal Government, and adoption of the pre-emption amendment, without any restraint by State law, either, seems to me mindless.

We need a restraint on the ready availability of firearms and we need stronger penalties, more expeditious appeals and the deterrent effect of punishment and we ought to pursue both.

The Gekas amendment should be defeated. The Brady bill should be adopted as is. I strongly urge the Members to oppose the Gekas amendment.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, does the gentleman from Illinois believe that the sponsor of the Gekas amendment does not have guidance or conscience or his own to propel this amendment, or does the gentleman feel it is NRA driven?

Mr. PORTER. No, I do not believe that.

Mr. GEKAS. Then the gentleman's references to the NRA are general, not specifically to the author of the amendment?

Mr. PORTER. Yes, to NRA, yes. I think the NRA would strongly support the gentleman's amendment.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I rise as a supporter of the time-certain amendment for two reasons. First, I believe most all Americans—both supporters and opponents of the Brady bill—agree that an instant check system for the purchase of handguns should be implemented. Second, it should take far less than 5 years to install the technology needed to conduct these instant background checks.

The Brady bill is written so that once all States are on-line for national instant-checks, the waiting period is phased out. Because the instant check is the goal and since it is easily allowable—it only makes sense that the legislation have a firm time limit for instant check. The instant check system is more effective in keeping guns out of the hands of criminals and those subjected to restraining orders because it identifies them immediately and records in a nationwide computer system that a certain violent individual attempted to purchase a handgun.

I support this amendment because I want rapid installation of the instant-check technology. Under the measure, the nationwide instant-check system would be established when 80 percent of current criminal records nationwide are available to the system. It should not take more than 5 years to computerize these records.

We are all familiar with credit cards. When we use a company's credit card to make a purchase, their computer systems can—in a matter of seconds—analyze our entire credit history. Credit card companies have been doing this for years.

Why cannot the Justice Department and the States be able to computerize their records by the year 1999?

I disagree with the opponents of this amendment and remain optimistic about this country's technology. How can we support billions of dollars for information superhighways and expect to reform the healthcare system in two years if we can't get on-line with an instant-check system in 5 years?

The technology is available. Let us take advantage of it. And sooner—rather than later—let us get to the crux of this bill and provide a real incentive for immediate and instant background checks.

I urge my colleagues to vote "yes" on the Gekas time-certain amendment.

□ 1340

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO], a strong advocate in opposition.

Ms. DELAURO. Mr. Chairman, there are children in my district whose parents will not let them play outside because they are afraid they are going to be killed, children who live in fear of handguns. One student in my district came to school and told her teacher that she could not take an important test, and the teacher asked why. The young woman said she was too upset because on her way to school that morning she saw someone get shot in the head.

Mr. Chairman, students in my district describe in frightening detail the guns owned by people that they know.

Mr. Chairman, if we adopt the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] we are turning our backs on our children. Keep the pressure on for an instant check, but, if we let this amendment pass, criminals will be able to buy guns without a background check if the waiting period sunsets before instant check is ready. We cannot take that chance.

This is an attempt to cripple the Brady bill, but the American people today are demanding serious action to stop senseless violence. Do not cripple the Brady bill. It is one step that we can and must take today to help to stop the bloodshed and to remove that fear of death that is overwhelming too many of our children.

Mr. Chairman, I urge my colleagues to oppose the Gekas amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair admonishes our guests in the gallery that they should refrain from expressing either agreement or disagreement with

any of the remarks being made on the floor.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in support of the Gekas amendment to the Brady bill. Each of us in the Congress is concerned about the rising violence in this country, and each of us share a common goal, and that is to keep the guns out of the hands of criminals. I believe that setting a time certain of 5 years for the implementation of a national instant check system will go a long way in keeping guns out of the hands of criminals.

My own State of Virginia has had a successful instant background check run by the State police since November 1989. The system was operational in just 6 months after initiation with a startup cost of just over \$300,000, and since 1989, Mr. Chairman, Virginia has fielded over one-half million purchase requests. Of these requests, almost 6,000 were denied based on lawful ineligibility.

Mr. Chairman, I believe a nationwide background check implemented within 5 years is a positive step in reaching our common goal, which is keeping the guns out of the hands of criminals, and I urge my colleagues to support the Gekas amendment.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. EDWARDS], a member of the committee and an expert on criminal justice.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from New York [Mr. SCHUMER] for yielding this time to me, and, coming from California, Mr. Chairman, I can certify that a waiting period is very valuable. In the last couple of years we have over 16,000 people who were disqualified from purchasing weapons. Eight thousand of these people had convictions of homicide or of assault. These were vicious people that should not be buying guns.

Now my friend, our colleague, the gentleman from Pennsylvania, is an opponent, a strong opponent, honorable opponent, of the Brady bill. He voted against it in committee and has always been against the Brady bill, and I think it is very clear, and I am sure he will admit that this amendment is designed as a destroyer of the Brady bill because it will. It destroys the waiting period after 5 years.

The subcommittee that I chair has jurisdiction over the FBI. The FBI is complying with the law passed in 1988. The McCollum amendment does provide for an instant check system and to have spent in the last 5 years nearly \$50 million in implementing an instant check system. But they are quite a long way from getting there, Mr. Chairman. There are over 25 million ar-

rest records, a third of them, perhaps more than a third of them, do not have connected to them whether or not there was a conviction, and you cannot use a naked arrest record without finding out whether or not this is a conviction. That would be a wrong thing to do.

So, Mr. Chairman, all the amendment is designed to do is shut down the system after 5 years, and there is no way that the FBI can complete this work. It is going to take more than 5 years, and then the automatic ending of the waiting period will come into effect as provided in the Brady bill, and the instant check system will work very well then, and we are all for it.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise in strong support of the Gekas amendment. I commend the gentleman from Pennsylvania and the distinguished chairman of the Committee on the Judiciary for authoring and supporting this proposal. Our objective is to prevent crime and to prevent criminals and persons with criminal records from obtaining firearms. I say to my colleagues, you can accomplish this by a simple point of sales screening system for handgun purchasers. That's the way that you prevent crime, and keep criminals from having handguns.

This amendment makes good sense. The amendment simply requires 5 years to accomplish this purpose. At the conclusion of 5 years, the Brady bill would cease to be functional. Clearly we have the offer of a better systems of dealing with the acquisition of handguns by criminals.

Mr. Chairman, a criminal, or person who is ineligible to purchase a handgun, will be, under this system, identified instantly at the point of sale. Five States already have programs of this kind. They are working splendidly. I see no reason why it should not occur nationwide, and why we should not have a nationwide system which will provide a mandate that the Attorney General, and State law enforcement authorities bring this system into being. Five years is long enough.

I urge my colleagues to support this amendment. It is sensible; it is fair; it is something which sportsmen and others can support; it is an amendment which I can support; and, I urge my colleagues to join me in supporting the distinguished gentleman from Pennsylvania, the distinguished chairman of the Committee on the Judiciary and responsible sportsmen in supporting this proposal.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Chairman, I rise in support of H.R. 1025, the Brady Handgun Violence Prevention Act.

Drug-driven violence and crime is engulfing this Nation like the recent California fires, destroying everything in its path, disrupting families, taking lives.

The problem is so pervasive and so penetrating that, according to a recent Washington Post report, young, adolescent people are planning their funerals, instead of planning their futures.

These young people believe that they are destined to die because handguns are as easily and readily available as hot dogs and candy.

Unfortunately, the fears of our young are well placed. In America today, a young man is more likely to die from handgun violence than he is from automobile accidents, disease, or other methods of death.

The Brady bill offers a simple, yet effective solution to this national plague. It requires potential handgun purchasers to wait 5 days before purchasing, thereby allowing the police an opportunity to check their eligibility.

If you are not underage, if you are not a convicted felon, or if you are not otherwise incompetent, you can buy a gun. Why would anyone who intends to use a gun lawfully have a problem with the waiting requirement?

We are moving quickly to strengthen law enforcement and provide more resources. The crime bill will allot \$22.3 billion for anticrime efforts and put 100,000 more officers on the street.

The bill authorizes \$100 million annually to help States update their criminal records and make use of a national registry.

But, unless we take the guns from the hands of those who would misuse them, including young people who are not even old enough to drive, handgun homicides will continue to dominate our death statistics for years and years to come.

Time is running out. It will take 5 to 10 years to put an effective system in place. Must we put at risk another generation of those who, in the dawn of their lives, think more about how they want to die than how they want to live?

Let us plan the funeral for handgun violence. Let's give our youth a chance at life. Let us pass the Brady bill.

□ 1350

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Chairman, the Gekas amendment is about fighting crime instead of making headlines. Like most Americans, I want to pass legislation to keep guns out of the hands of criminals and unstable individuals. We have to prevent criminals from getting guns while still allowing law abiding citizens to obtain arms for sport and self-protection, without undue government harassment. That is why I support an instant check.

An instant check would provide immediate information about a gun purchaser's criminal history. But let me be clear: waiting periods alone do not work. In 1985, California passed a 15-day waiting period. Before that time, we had a homicide rate well below the U.S. rate. After that time, the rate has skyrocketed. There is no correlation between waiting periods and crime. But an instant check would be able to say we will take the guns out of the hands of those who have an unstable record or who are criminals.

There are 200 million guns in circulation. Are we being honest when we tell the public that if you pass a 5-day waiting period, we will stop dangerous crime in its tracks? We are not being honest.

The instant check will keep any criminals or unstable individuals from getting guns. Liberals want to keep guns out of the hands of dangerous persons. Conservatives want to do that, and protect the rights of homeowners, sportsmen, and business owners.

If we support the instant check, as well as the Brady bill, we can stop making headlines, start making good law, and protect the people of the United States of America.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. MALONEY], who has been a strong advocate of this bill.

Mrs. MALONEY. Mr. Chairman, I rise in opposition to the sunset amendment, and in support of the bill.

The Brady bill is long overdue. It is overdue for Jim Brady. It is overdue for John Lennon and Robert Kennedy and all the tens of thousands of Americans who are killed or maimed every year by deranged or angry people.

Handguns play a leading role in virtually every category of crime throughout our country. They are easy to buy, easy to hide, and easy to use.

That's why I am particularly opposed to this sunset amendment, which would arbitrarily cancel the waiting period even if an effective computerized checking system were not yet in place.

Under this amendment, criminals would be able to buy guns without a background check, if instant-check has not gone on line.

That makes no sense at all, and allows a technology timetable to derail our need to protect innocent people from those who should not have handguns.

Please vote against the sunset amendment, and for the Brady bill.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I rise today in support of the amendment of the gentleman from Pennsylvania [Mr. GEKAS]. The gentleman's amendment would establish a time certain of

5 years for implementation of the national instant-check system. History shows that such a timeframe is eminently workable. Virginia was the first State in the Nation to adopt a system of instant background checks. The legislation was passed in March 1989 and the system went online November 1, 1989, 10 months later. The time which elapsed shows that it can certainly be done. In very similar timeframes systems went online in the States of Delaware, Wisconsin, and Illinois. Florida passed an instant-check system in 1989 that took effect in early 1991.

History also shows the instant-check system works. Virginia's State police lieutenant, Jim Snow, a records management officer, was asked last June if an extra 5 days would allow a more thorough check. His answer to the Washington Post was, "No, not really. We can check what needs to be checked in 2 minutes or less."

Today two-thirds of America's population lives under a waiting period program similar to Brady. Those States also have the highest murder rates and the highest crime rates in America.

The instant-check system makes sense because it works. I think that it is time that this Nation moves toward checking violent criminals. But, make no mistake, the only thing that deters crime is punishment or fear of punishment. Justice must be swift and sure.

Today's criminal justice system is broken. In New York alone it takes 5 years for the average felony to go to trial.

I would encourage my colleagues to support the Gekas amendment. It moves in the right direction to stop the crime wave in this Nation.

Mr. SCHEUER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. MAZZOLI] a long-time supporter of the bill.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Pennsylvania [Mr. GEKAS]. I really think that, were this amendment to be adopted, the Brady bill itself will be eviscerated. I think it will have relatively less meaning.

Mr. Chairman, I would remind my colleagues that in the bill, as fashioned by the gentleman from New York [Mr. SCHUMER], in it is very strong encouragement to the Justice Department to get moving with the task of developing this instant check system, because the Department can lose money if it fails to move forward. Then there are encouragements, as well as dissuasions, to the States on getting the computerization of their State records done. So we already have in the bill strong incentives to reach this 5-year deadline for putting instant check in service.

Mr. Chairman, I do not think we need this further amendment, which would, of course, create possibly a gap in

background checks once the five years of Brady end. So you would have a gap possibly before instant check went in.

I do not think it is a good idea. I think the amendment should be defeated.

Mr. GEKAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this amendment. Some Members feel they can vote for this legislation because the waiting period is only temporary, before a national instant-check system is established. But as the saying goes, there is nothing more permanent than a temporary government program.

Under this bill, the waiting period can be postponed indefinitely if the Attorney General decides to do so.

It took Virginia less than a year to bring its instant-check system on line. Shouldn't we hold the implementation by other States to a similar time frame? Thirty months is a reasonable amount of time to give States to implement the instant check provisions. Sixty months, as Mr. GEKAS proposes in his amendment, is more than enough time to bring this national system on-line.

Do not be fooled. Opponents of this amendment have only one wish—to drag out the waiting period indefinitely.

H.R. 1025 contains more loopholes than a bandolier. For any number of reasons, the Attorney General can postpone the certification of the national instant-check system—meanwhile infringing upon the constitutional rights of law-abiding citizens.

The only real answer to gun violence is swift, severe, and guaranteed punishment for people who misuse guns. That is what we should be considering here today.

Instead, we are likely to help the criminal more than we are the victim with this bill by placing restrictions on the self defense of law-abiding citizens.

I urge my colleagues to support the Gekas amendment and provide a sunset provision to the 5-day waiting period.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the Gekas amendment which will set a 5-year period for there to be a national instant check system for the purchase of a handgun. Background checks work; waiting periods do not. By passing this amendment, we can achieve the objectives of the Brady bill by identifying criminals who attempt to purchase handguns immediately. We need to keep handguns out of the hands of criminals.

We will also protect the rights of law-abiding citizens by not delaying their right to purchase a handgun. By passing the Gekas amendment we will have the assurance that in the future an instant check system will be in

place. This system will be safer than a waiting period and far more effective keeping guns out of the hands of criminals.

□ 1400

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER], the distinguished chairman of the Democratic caucus.

Mr. HOYER. Mr. Chairman, I rise in support of the Brady bill, a bill which will impose a 5-day waiting period before an individual can purchase a handgun. I would like to commend the chairman of the Judiciary Committee, JACK BROOKS, and subcommittee chairman, CHUCK SCHUMER, for their diligence and hard work in crafting a bill that takes a serious approach to fighting crime in our communities.

Mr. Chairman, violence associated with guns in America is reaching epidemic proportions. For this reason, this Nation is in urgent need of passage of the Brady bill. The bill before us today seeks to return an element of safety and security back to us by waging a fast and furious war against crime.

Mr. Chairman, the Brady bill has been held hostage for much too long. It does not, as opponents argue, undercut the rights of individuals who have a legitimate reason to own a gun. Twenty-two States, including my own State of Maryland, have already implemented procedures similar to and more stringent than the Brady provisions. As Federal lawmakers, it is time we do the same.

Mr. Chairman, too many law enforcement personnel and Americans have suffered severe losses due to the increased use in handguns. Therefore, we must pass this legislation for law enforcement to aid them in their daily battles on the streets of America and we must pass this legislation for the American people so that we can move a step closer to eliminating their fears.

Mr. Chairman, we cannot stand for a weakening of the Brady bill. The Gekas amendment offered here today seeks to dilute the substance of this bill. The sunset provision offered by Congressman GEKAS would effectively abolish the waiting period after 5 years without regard to the readiness of the national insta-check system.

According to the bill in its present form, States will be required to have 80 percent of their recent case dispositions computerized within 5 years. At that time, the insta-check system would replace the 5-day waiting period. Thus, there is no need to modify this section of the bill with an amendment that will diminish the hard work we all have put in to finally making the Brady bill a reality.

Mr. Chairman, this bill is not going to eradicate crime in our society, but it is a big step in the right direction.

The Brady bill can effectively deter those individuals who might be able to purchase a handgun for unlawful purposes.

Mr. Chairman, I would urge the opponents of the Brady bill to face reality and understand; it is better to save at least one life by passing this legislation than to lose a life by not passing it.

Mr. GEKAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I rise in support of the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, this instant check was provided for in the original gun bill language with no teeth, no incentive to really do it. Now the waiting period created in H.R. 1025—which some think is written in stone somewhere—has just been picked out of thin air. It is only a means to an end.

What they are trying to achieve is a check on criminals who attempt to purchase guns,—felons. That is what they are trying to get.

My theory is this, why wait 5 days? Why wait 3 days? Why wait 2? Why wait 1? Why not just do it instantly. Put the system on the line, put an instant check availability in every State in this country. It can be done technologically, off-the-shelf. It is that simple. It is already done in five States. It can be done in 50.

There is no excuse for not adopting this amendment which provides a real incentive for instant check in this bill. Instant check is in the bill as originally written, and I think that this bill is enhanced considerably by instant check that would take effect in 5 years with no mistake about it.

We have a good case for this amendment. The gentleman from Pennsylvania [Mr. GEKAS] has worked hard trying to perfect it, trying to make this bill workable. I think we ought to support this amendment.

Mr. SCHUMER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, here we are, debating this amendment, and I think this amendment is some small sign of progress. Those opposed to the Brady bill altogether, even they have conceded that it ought to exist for at least 5 years. And so the NRA and those in opposition, realizing they cannot beat Brady head on, realizing they cannot even, as last year, replace Brady with instant check, have now said something that seems alluring: "Let's have a sunset after 5 years when the instant check goes into effect."

The thing we have to understand, my colleagues, is there is already a sunset in this bill, but it is a logical sunset. It says, when instant check is in place,

whenever that may be, because there is a great deal of dispute as to when it will be, then Brady sunsets.

If, as the experts say, the Attorney General, the FBI, the nonpartisan Research Group, which is the expert group on criminal records, that it will take more than 5 years to get this system in place, which we know it will, because criminal records are a mess, they are not like credit card records. They have been done by local governments, not by a big profitmaking institution. They are in shoe boxes. They are not coordinated. Then we have to go to each courthouse and see if the case was overturned.

It will not be done in 5 years. And so I would say to every one of my colleagues, if they vote for this amendment, they are voting for 5 years of progress and then regression when there will be nothing.

I would particularly speak to the small number of my colleagues who have the balance of power in this amendment, who support Brady but are thinking of voting for this amendment.

I ask my colleagues to ask themselves, everyone who has offered this amendment and spoken for this amendment has one thing in common, even if this amendment passes, they will vote against Brady. They are not supporters of a waiting period at all. They are not supporters of doing anything logical about guns, in my judgment.

This amendment is intended by the opponents of Brady to weaken Brady. So if my colleagues are a supporter of Brady, if they are thinking of voting for Brady, do not try to fool everybody by saying, "Well, I will vote yes on this, please the NRA, and then vote yes on Brady." It will not work.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

The argument is over for the purposes of delivering one's vote on the Gekas amendment, but I repeat, one thing is clear, or I hope it is clear to the American public, even the opponents of the Gekas amendment concede, or they should concede, that the instant check is the methodology to utilize for background checks of would-be purchasers of guns at the gun dealer's shop.

The instant check, why is that so preferable to everyone?

First of all, the law-abiding citizen, who has some kind of an emergency, a crime spree in the neighborhood, a series of rapes that have aroused the fears among women in a certain area who feel that they must have a weapon at their disposal, for those people who need the emergency type of help and for law-abiding citizens who have nothing to fear from any background check, naturally, the instant check is the preferable way to go.

And the proponents of the waiting period must concede that this is preferable, too, because the felon who dares

to go to a gun dealer's shop to purchase a gun, the few that do, most of them steal them or get them through the black market, those individuals who are not caught give reason and rationale to the instant check that we are espousing.

And so when we propose now a 5-year period within which the Attorney General, already having 5 years to develop technology, I believe we are on the verge of completion of a nationwide system. Only 80 percent is almost done, we believe. One hundred percent can be completed well within the 5 years.

So are we not in the same ballpark? Should not that compromise that the gentleman from New York [Mr. SCHUMER] is articulating apply to support of the Gekas amendment, not to the defeat of it? Because support of the Gekas amendment says that Members prefer the instant check. Everybody does. The proponents of the waiting period prefer the instant check, and we prefer it.

The only legal and proper and legislative way to push the Attorney General and our technology experts to the finalization of the instant check system, the Gekas amendment can make that prevail.

□ 1410

Mr. SCHUMER. Mr. Chairman, I yield my remaining time to the distinguished gentleman from South Carolina [Mr. DERRICK], a supporter of the bill and an opponent of the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] is recognized for 3 minutes.

Mr. DERRICK. Mr. Chairman, I rise in opposition to the amendment.

Clearly America is fighting some kind of internal war, which is escalating, destroying more and more lives. It is a crisis intensified by the easy availability of handguns on our streets. Finally Congress is taking a hard look at the situation. The Brady bill honestly begins to deal with the problem. It is a sane, compassionate and effective way to start getting the handgun crisis under control. The pending amendment could pre-condemn this attempt to failure.

The Brady bill is meant to establish a minimum standard of handgun purchase regulation. Before the 5-day waiting period and the local background check required is lifted, the instant-check system must have access to at least 80 percent of all State and Federal criminal-case dispositions for the last 5 years. Even this will not be a complete check. Even a fully operational instant-check system will never have access to as much information as is available to local law enforcement officials, who can review criminal records not yet entered into any Federal or State database.

The implementation of a reliable instant-check system is at least 5 years away. Only 15 States have fully automated criminal record systems. Four States have no automated criminal record system at all. Twenty-nine are backlogged in the entry of criminal records into their systems and twenty have no method for identifying which offenses are felonies.

The Gekas amendment could gut the provisions in the bill designed to prevent the sale of handguns to felons before an effective instant-check system is in operation resulting in the uninhibited purchase of handguns by criminals. In other words, make no mistake about it: This amendment is a killer. It could lead to more gun-inflicted deaths, and it will certainly kill the Brady bill. No one who is honestly interested in controlling escalating handgun violence could possibly vote for a Brady bill containing an amendment that could leave criminals with unrestricted access to firearms. That is what this amendment does. This amendment is an attempt to utterly debase and kill it. I urge all Members who are ready to take the first steps toward a honest national policy of handgun violence control to kill this amendment, and save the Brady bill.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania [Mr. GEKAS].

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

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 236, noes 198, not voting 4, as follows:

[Roll No. 559]

AYES—236

Allard	Camp	English (OK)
Andrews (TX)	Canady	Everett
Applegate	Carr	Ewing
Archer	Chapman	Fields (TX)
Armey	Clinger	Fish
Bachus (AL)	Clyburn	Franks (CT)
Baker (CA)	Coble	Frost
Baker (LA)	Coleman	Galleghy
Ballenger	Collins (GA)	Gekas
Barca	Combest	Geren
Barcia	Condit	Gillmor
Barlow	Cooper	Gingrich
Barrett (NE)	Costello	Goodlatte
Bartlett	Cox	Goodling
Barton	Cramer	Gordon
Bevill	Crane	Goss
Bilbray	Crapo	Grams
Bilirakis	Cunningham	Green
Bishop	Danner	Greenwood
Billey	Darden	Gunderson
Blute	de la Garza	Hall (TX)
Boehner	DeFazio	Hamilton
Bonilla	DeLay	Hancock
Boucher	Dickey	Hansen
Brewster	Dingell	Hastert
Brooks	Doolittle	Hayes
Browder	Dornan	Hefley
Bunning	Dreier	Hefner
Burton	Duncan	Henger
Buyer	Dunn	Hilliard
Callahan	Edwards (TX)	Hobson
Calvert	Emerson	Hoekstra

Hoke	McKeon	Schiff
Holden	McNulty	Sharp
Horn	Mica	Shaw
Houghton	Michel	Shuster
Huffington	Miller (FL)	Sisisky
Hunter	Minge	Skeen
Hutchinson	Mollohan	Skelton
Hutto	Montgomery	Smith (MI)
Inglis	Moorhead	Smith (OR)
Inhofe	Murphy	Smith (TX)
Insee	Murtha	Snowe
Istook	Myers	Solomon
Johnson (GA)	Natcher	Spence
Johnson (SD)	Neal (NC)	Spratt
Johnson, Sam	Nussie	Stearns
Kanjorski	Oberstar	Stenholm
Kasich	Obey	Strickland
Kim	Ortiz	Stump
King	Orton	Stupak
Kingston	Packard	Sundquist
Klink	Parker	Sweet
Knollenberg	Paxon	Swift
Kolbe	Payne (VA)	Talent
Kopetski	Peterson (MN)	Tanner
Kyl	Petri	Tauzin
Lambert	Pombo	Taylor (MS)
Lancaster	Pomeroy	Taylor (NC)
LaRocco	Portman	Tejeda
Laughlin	Poshard	Thomas (WY)
Lehman	Pryce (OH)	Thornton
Levy	Quillen	Thurman
Lewis (CA)	Rahall	Torkildsen
Lewis (FL)	Ramstad	Trafficant
Lightfoot	Ravenel	Unsoeld
Linder	Regula	Valentine
Livingston	Richardson	Volkmer
Lloyd	Ridge	Vucanovich
Long	Roberts	Walker
Machtley	Rogers	Walsh
Manzullo	Rohrabacher	Weidon
Martinez	Roth	Whitten
McCandless	Rowland	Wilson
McCollum	Royce	Wise
McCrery	Sanders	Young (AK)
McCurdy	Santorum	Zeliff
McHugh	Sarpalitus	Zimmer
McInnis	Schaefer	

NOES—198

Abercrombie	Eshoo	Kildee
Ackerman	Evans	Klecza
Andrews (ME)	Faleomavaega	Klein
Andrews (NJ)	(AS)	Klug
Bacchus (FL)	Farr	Kreidler
Baesler	Fawell	LaFalce
Barrett (WI)	Fazio	Lantos
Bateman	Fields (LA)	Lazio
Becerra	Filner	Leach
Bellenson	Fingerhut	Levin
Bentley	Flake	Lewis (GA)
Bereuter	Foglietta	Lipinski
Berman	Ford (MI)	Lowe
Blackwell	Ford (TN)	Maloney
Boehlert	Fowler	Mann
Bonior	Frank (MA)	Manton
Borski	Franks (NJ)	Margolies-
Brown (CA)	Furse	Mezvinsky
Brown (FL)	Gallo	Markey
Brown (OH)	Gejdenson	Matsui
Bryant	Gephardt	Mazzoli
Byrne	Gibbons	McCloskey
Cantwell	Gilchrest	McDade
Cardin	Gilman	McDermott
Castle	Glickman	McHale
Clay	Gonzalez	McKinney
Clayton	Grandy	McMillan
Clement	Gutierrez	Meehan
Collins (IL)	Hall (OH)	Meek
Collins (MI)	Hamburg	Menendez
Conyers	Harman	Meyers
Coppersmith	Hastings	Mfume
Coyne	Hinches	Miller (CA)
de Lugo (VI)	Hoagland	Mineta
Deal	Hochbrueckner	Mink
DeLauro	Hoyer	Molinar
Derrick	Hughes	Moran
Deutsch	Hyde	Morella
Diaz-Balart	Jacobs	Nadler
Dicks	Jefferson	Neal (MA)
Dixon	Johnson (CT)	Norton (DC)
Dooley	Johnson, E.B.	Olver
Durbin	Johnston	Owens
Edwards (CA)	Kaptur	Oxley
Engel	Kennedy	Pallone
English (AZ)	Kennelly	Pastor

Payne (NJ)	Sawyer	Torres
Pelosi	Saxton	Torrice
Penny	Schenk	Towns
Peterson (FL)	Schroeder	Tucker
Pickett	Schumer	Upton
Pickle	Scott	Velázquez
Porter	Sensenbrenner	Vento
Price (NC)	Serrano	Visclosky
Quinn	Shays	Washington
Rangel	Shepherd	Waters
Reed	Skaggs	Watt
Reynolds	Slattery	Waxman
Roemer	Slaughter	Wheat
Ros-Lehtinen	Smith (IA)	Williams
Rose	Smith (NJ)	Wolf
Rostenkowski	Stark	Woolsey
Roukema	Stokes	Wyden
Roybal-Allard	Studds	Wynn
Rush	Synar	Yates
Sabo	Thomas (CA)	Young (FL)
Sangmeister	Thompson	

NOT VOTING—4

Dellums	Romero-Barceló	Underwood (GU)
Moakley	(PR)	

□ 1434

Mr. LAZIO changed his vote from "aye" to "no."

Messrs. PAXON, VALENTINE, SPRATT, and REGULA, and Mrs. LLOYD changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3, printed in part 2 of House Report 103-341.

AMENDMENT AS MODIFIED OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer amendment No. 3 as modified, printed in the report.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. MCCOLLUM:

In the manner proposed to be added by section 2(b) of the Committee amendment—

(1) strike the close quotation marks and the following period; and

(2) add at the end the following:

"(6) A Notwithstanding any provision of the law of any State or political subdivision thereof that imposes a waiting period before the purchase of a firearm, a licensee may transfer and a person may receive a firearm immediately after compliance with paragraph (1).

"(B) Section 927 shall not apply to subparagraph (A) of this paragraph."

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 25 minutes, and a Member opposed will be recognized for 25 minutes.

Mr. SCHUMER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] will be recognized for 25 minutes.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent to yield one-half of my time, or 12½ minutes, to the gentleman from Texas [Mr. BROOKS] for the purpose of yielding it to whomever he may designate.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 12½ minutes, the gentleman from Texas [Mr. BROOKS] will be recognized for 12½ minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 25 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. As most of the folks here know, I have not been enamored with the idea of a waiting period, for many reasons, primarily that I do not think it is necessary because you do the check right now that you can do in 5 minutes. You do not need 5 days to do it. It is, as I said earlier, largely symbolic.

However, I have always believed that we should do what we can to develop a system and put it in place that would prevent a felon from getting control of a gun and being able to buy from a gun dealer. I have always believed this could be improved upon, the records could be improved upon, and the so-called instant check system, which was adopted in one form on a bill here several years ago that I offered and is in the Brady bill as a follow-on to the waiting period that is in this bill, I have always believed that this was a good idea and a procedure we should follow.

Consequently, I have been pleased at least with a portion of this bill dealing with the waiting period, the portion of the bill that says, in essence, that once, now under the Gekas amendment that was accepted, that a 5-year period passes and presumably the efforts are made and fully implemented to put this check system in around the country, you will now at that point in time, at the end of that period, be able through all 50 States to do an instant check to the best of the records available, to find out if somebody who is going in to purchase a gun is a felon, but for many more things.

In fact, the bill the way it is drafted here right now, under the bill as it is drafted before us today, when the instant check system is in place, the way that is going to work is that a dealer, a gun dealer, is going to have to go through a system set up by the Federal and State governments to find out if somebody is privileged to be able to buy a gun or whether they are not eligible. The system requires that the State entity report back to the gun dealer almost instantly, within that day, to tell him whether or not there is a State law, for example, that says this person is not eligible. Maybe he is under 18 or has not qualified by not getting a permit or maybe he is simply a felon as we are all most concerned about in this bill today. But for whatever reason, if the State law says that you cannot get this gun or you are not eligible or the Federal law says that, then and in that case the gun dealer

may not transfer the gun. In any other case, he can.

My amendment, which I am proposing today, would simply say that once that becomes the law, once the instant check is in place, once we can do this right away, through all 50 States, then we have no business having any waiting periods.

□ 1440

There is no reason for a waiting period, because we can find the answer when a person goes to buy the gun just like that, instantly. That is the idea behind that provision in the bill.

My amendment would preempt all State laws that would have waiting periods in the face of this.

I would like to make it very, very clear, contrary to what some of the opponents of some of this amendment will be telling you and have already said earlier today, this amendment would leave intact all the laws of the 50 States that would indeed say that somebody is not eligible to get a gun.

For example, after my amendment passes, after the instant check provision is in place, if the State has a law that says somebody has to have a permit to buy a gun, then they are still going to have to have the permit. If they have not bought one, the system is going to say to the gun dealer, "You cannot give or sell a gun to this person."

The same thing is true like in Illinois for an owner to have an I.D. card. That law will still be valid. My amendment would not touch it, or if somebody is otherwise disqualified because they are a drug addict or an illegal alien or mentally defective or a spouse abuser or whatever other disability a state law says that person has that will not allow them to buy a gun, at the point in time when they go to buy the gun from the gun dealer, after the McCollum amendment is passed, after this instant check system is in place, they still will not be able to buy a gun.

So do not be fooled by any rhetoric. State laws in this case are not affected.

What my amendment does is very simple. It says why should we have a waiting period after we have an instant check system in place? There is no reason for it. That is the reason for the instant check system. Then let us simply do away with the State waiting periods, and not have them anymore.

The only other argument I have heard against the amendment is some idea that we are invading States rights. Well, I want to tell you that we are invading States rights right now by this bill itself, by imposing a waiting period on those States that do not have one today.

So what is wrong with going the other step and being symmetrical about this, and when this is all in place and finally we have the instant check, let us simply do away with all waiting

periods. They will not be necessary. State laws will still be in place and all people who are not eligible to have guns at that point in time within the time they go in the bill will be able to buy one. That is all my amendment does. It says let us just simply be symmetrical, be honest, and allow the gun purchasers and no waiting period once the instant check is in place.

Mr. SCHUMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Brady bill because I know it will work.

My State of California has had a 15-day waiting period for several years now, and by any measure, it has been an unqualified success. Since January 1991, the California waiting period has prevented over 16,420 illegal gun purchases, including over 8,000 gun purchases by ex-cons who had been convicted of committing an assault or a homicide.

Nevertheless, this bill is merely a first step. We must address the plague of violence that has deprived every American of the peace of mind to walk our streets. Last month, the Los Angeles Times noted that 30 American soldiers died in peace-keeping operations in Somalia, and that is a tragedy that galvanized and horrified the Nation. However, in 1992, an average of 30 people were shot to death every week in the streets of Los Angeles.

There is no panacea to solve this problem. Last week the House voted for more funds for prison construction, to put additional police on our streets, and to keep our schools free of violence. These are important steps.

However, if we are to make our streets and neighborhoods safe again, we have to take reasonable steps to regulate the use of firearms that have no legitimate use either for the sportsman or for those who seek self-protection, I feel that the only way to safeguard the American public from gun-related crimes is through commonsense firearm regulation. We must pass the Brady bill. We must pass controls on military-style assault weapons that are designed solely to kill both police and civilians with military-style precision. We must pass legislation to keep handguns and bullets from children who are not yet legally old enough to vote. We must look at innovative proposals like Senator MOYNIHAN's proposal to tax certain kinds of ammunition purchases.

These gun regulations are long overdue. They make common sense to my constituents. I urge this Congress to act not only on the Brady bill, but on devising a comprehensive policy to ensure that the criminals who bring terror to our streets do not have access to the guns and ammunition that are designed primarily to kill people rather than protect.

Mr. SCHUMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the last amendment that passed hurt Brady, but make no mistake about it, if this amendment passes it will eviscerate Brady.

Those of us who seek rational laws on guns will be worse off than if we had nothing at all.

This is a radical amendment. There have been no hearings on the amendment. It was raised for the first time a week ago, but if it will pass, if this amendment passes, it will be the biggest rollback of gun control legislation in history.

Simply put, what this amendment does, it will wipe out laws in 23 States, plus hundreds of cities and counties. If your State is on this list, if this amendment passes, the laws that your State legislatures have passed will be preempted.

Alabama, California, Connecticut, Florida, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Missouri, South Dakota, Tennessee, Washington, and Wisconsin, all of those laws would be rolled back.

I see one of my colleagues clapping. If you agree with him and you want no laws in any of the States and all these State laws preempted, then vote for this pernicious amendment.

Some States have desired a fingerprint check. They want to check fingerprints before issuing a gun. They could not.

Some States have wished to give a class on gun safety. They would want a class on gun safety before they would issue a gun. Under this amendment, they could not.

Some States would wish simply to have a waiting period so there might be a cooling-off period. Those States as well would have their laws rolled back.

The only thing that the instant check system checks for are felonies. The waiting period that States might allow you to check if someone was mentally incompetent, if somebody had done other things, spousal abuse, that they would not want in their State legislatures' own wisdom to get a gun. It could not be done under this amendment.

So let us be very clear. This amendment will do countless harm. It will tell each State that they cannot pass their own types of laws, and it will be a dramatic step backward in the cause of rationalizing what we do with guns in this country.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield for one question?

Mr. SCHUMER. I am happy to yield to the gentleman from Nevada.

Mr. BILBRAY. Mr. Chairman, I was curious, my State does not have a State law, but by local ordinance we have delays. Would it also strike down the local ordinances as well as the State laws?

Mr. SCHUMER. Mr. Chairman, I thank my friend, the gentleman from Nevada, for asking the question.

It would indeed strike down local ordinances that are in place in places like Atlanta, Salt Lake City, the gentleman's State, and local ordinances throughout the country. It would strike those down as well.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in strong support of this amendment offered by the gentleman from Florida.

After the national instant background check is established, this amendment would preempt the patchwork of different State waiting period laws—and only those waiting period laws. The whole idea of a national instant background check is to have a uniform system in place for doing background checks. This amendment allows such a uniform system.

What do we presently have in House Resolution 1025? As explained by a strong proponent of the legislation during our committee markup, the 5-day waiting period is supposed to be a stop-gap measure—a temporary device—until such time as the national instant background check system comes on-line.

During this nationally imposed stop-gap period, all States which do not have a waiting period or which have periods of less than 5 business days are automatically preempted—States' rights notwithstanding. It is clear that the proponents of this bill have no problem with State preemption there.

But, then they argue that when the so-called national background check system is in place, one should forget all about uniformity and let the States create disparate waiting periods all over again.

Where is the logic of this? It's OK to interfere with the laws of some States, but it's not OK to interfere with the laws of other States. The whole bill is a mandate on the States to have background checks whether they want to or not. Either you have a national system with a uniform standard or you don't. You can't have it both ways, and that's precisely what the opponents of this amendment are seeking.

To get that national system uniformly applied throughout this great land, you must vote in support of this amendment, plain and simple.

□ 1450

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] to the Brady bill. It could gut gun laws in at least 23 States.

The Brady bill is the minimum standard of the gun control legislation we should pass.

Twenty three States and hundreds of localities have implemented gun laws stricter than the Brady bill. They see the need to go beyond this 5-day waiting period to effectively address gun violence in their State or locality. The McCollum amendment would negate this progress by reducing every gun

control measure to the lowest common denominator—the background check.

Take Virginia. Virginia was the first State to establish an instant background check system. In fact, Virginia's system is the model for the national system we are trying to implement. But this background check was not enough. Criminals were obtaining fraudulent driver's licenses and buying large numbers of guns in Virginia's shops. They were paying Virginia citizens to make straw purchases where they would pay thousands of dollars to buy 20 or 30 weapons for the black market dealer. Virginia's model instant background check system does not prevent this abuse. Criminals are manipulating this system to run guns from the shops of Virginia to the streets of the District of Columbia, Philadelphia, New York City, and every major urban area on the eastern seaboard. From the pages of *Batman* to the pages of every newspaper in the country, Virginia earned the reputation of being the point of purchase for the black-market in guns. The Bureau of Alcohol, Tobacco and Firearms, in doing a trace search, found that more than 40 percent of the guns used in a crime in New York City and more than 60 percent of the firearms used in a crime in the District of Columbia were purchased in Virginia.

So this year, the Commonwealth of Virginia acted to stop the gun-runners and stop the flow of firearms by passing a tough one-gun-a-month law. Now Representative McCOLLUM and others are trying to overturn Virginia's State law.

Do not be fooled by this amendment. Its proponents claim that it only preempts laws made unnecessary by the establishment of the national instant check system. The McCollum amendment overturns Virginia State law restricting gun purchases to one a month by making it impossible to enforce.

The instant check system established by this bill mandates that records be destroyed immediately. This was a concession to the NRA. But the only enforcement mechanism Virginia has for its one-gun-a-month law is for the police to know who has bought a gun in the past 30 days. In Virginia, records on gun purchases are kept for 30 days. Under the McCollum amendment, this would not be allowed.

The McCollum amendment is simply bad policy. If State and local governments want to enact stricter gun control measures to stop violence in their jurisdictions, we should encourage them, not thwart them.

I urge my colleagues to vote against the McCollum amendment.

Mr. MCCOLLUM. Mr. Chairman, for purposes of a colloquy I yield myself such time as I may consume and I yield to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I thank the gentleman from Florida [Mr. MCCOL-

LUM], my friend, for yielding this time to me, and, Mr. Chairman, I think the previous speaker in the well points up the need for some clarification that I needed, too, on this amendment which says that notwithstanding any provision of law of any State that imposes a waiting period before the purchase of a firearm and then certain things will follow. Now, imposes a waiting period before the purchase of a firearm; surely the imposition of a limitation on the number of handguns that can be purchased in a month's period is not a waiting period in the eyes of the—

Mr. MCCOLLUM. Mr. Chairman, if I might reclaim my time, the gentleman is correct in the sense like for the permitting purposes of his State and other States that require permits. My amendment does not affect that.

For the question of that one gun a month question the gentleman from Virginia [Mr. MORAN] raised, my amendment would not affect that. Any State law that is not specifically affecting a waiting period would not be affected. It is only the essence of a pure waiting period, or cooling off period which is a waiting period, that would be affected. But gun safety laws, as the gentleman mentioned up there from New York a minute ago, certain States could say you got to have done safety provisions before you can buy a gun.

None of those laws would be affected. They still would have to be complied with even if my amendment were adopted.

Mr. FISH. Mr. Chairman, will the gentleman yield?

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

Mr. FISH. The gentleman used the phrase "permit to purchase." Now is that what is meant in States like Pennsylvania and New York where one has to go through a fairly lengthy process of law enforcement recommendation followed, in my State, by a member of the bench, a judge, having to OK the right for someone to have a permit?

Mr. MCCOLLUM. The gentleman is correct. That was my understanding. We are not disallowing those types of things where there is another purpose intended besides a simply pure wait, that we are not affecting any laws of the State that is out there or that are out there already on the books at all whatsoever except those which are just for the purpose of a waiting period.

Mr. FISH. Mr. Chairman, I thank the gentleman.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

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

Mr. MORAN. Mr. Chairman, I thank the gentleman from Florida because this is terribly important to understand.

Virginia interprets its one-gun-a-month law as a waiting period before

one can buy an additional gun. In other words, one can buy 12 guns in a span of a year, but they have to wait a month. In order to make sure that a person is waiting that month they have to retain files for at least 30 days. They can do that.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, this amendment would not affect the law in the gentleman's State as I see it or as it has been written. That is very clear from a reading of the amendment and the bill itself that incorporates the existing language in Brady.

Mr. SCHUMER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is an example of a last-minute amendment that was drawn up, and I think any reading on its face is different from what the gentleman from Florida [Mr. MCCOLLUM] has said. It says any State or political subdivision thereof that imposes a waiting period. It does not say a waiting period only for the purposes of a waiting period. It does not clarify what the waiting period is for.

In New York State, I would say to the gentleman from New York [Mr. FISH], if one must wait so the fingerprint check can be done, that is a waiting period. In the State of Mr. MORAN, Virginia, if one has to wait before they can buy another gun, that is a waiting period. If the legislation were intending to do what the gentleman said, there is easy language to write it in. In fact, Mr. Chairman, I had tried to do that previously at the request from another gentleman on the other side. You could say only a waiting period without identification, without testing, without any of those other things.

I submit to every one of my colleagues here that they should read the legislation, and I say, if you can be sure that it doesn't preempt your own State, then vote for this. But I would say to you that, if you took a hundred scholars, lawyers, average people, and asked them to read this, they would say any State that imposes a waiting period, not for only one purpose, but any waiting period at all.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I would ask that the gentleman from New York [Mr. SCHUMER] join me in a brief colloquy for the purposes of clarification.

Is it true that there have not, as I understand, been any hearings on the legislation before us, open and public regular hearings?

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

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

Mr. SCHUMER. Mr. Chairman, the gentleman is exactly correct. There has not been a single hearing on this. We have not had anyone testify. This legislation, important as it is, is being

interpreted without any legislative history at all.

Mr. MFUME. Mr. Chairman, I thank the gentleman for that clarification.

Could the gentleman tell me whether or not, if a State already has as part of its requirement a requirement to fingerprint individuals, if that law or that policy would be preempted by passage of this amendment?

Mr. SCHUMER. It will indeed be preempted because you could not fingerprint immediately, and it would require a period of waiting. It would indeed be preempted.

Mr. MFUME. Mr. Chairman, I thank the gentleman for that clarification.

Could the gentleman tell me, if a State happens to require gun safety classes as part of an already existing set of laws, would those classes then in that procedure be preempted by passage of this?

Mr. SCHUMER. It seems quite clear again, because you would have to wait before you got the gun to take the class, that it would indeed.

Mr. MFUME. I thank the gentleman; I see.

So, therefore, it is fair to assume that waiting periods are not defined by the legislation before us; is that correct?

Mr. SCHUMER. That is correct.

Mr. MFUME. And would the gentleman clarify in the State of Maryland, where I come from, which has already gone ahead of us in terms of trying to prevent some of the abuses that occur, would the laws of Maryland be preempted by passage of this?

□ 1500

Mr. MFUME. Would 22 other State laws be preempted?

Mr. SCHUMER. They would, indeed.

Mr. MFUME. I thank the gentleman for the clarification.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the laws of Maryland are already preempted by the Brady bill, as reported, and there is no reason whatsoever to think that fingerprinting would be prohibited by this amendment whatsoever. That may be the opinion of the distinguished Member from New York, but that is not the way the law reads. I do not believe that that would be the case at all.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, no parent, no husband or wife, no brother or sister or friend who has felt the effects of the criminal misuse of firearms can escape the deep feeling of anguish and anger that result. I know, because my daughter has been both mugged in New York City and held at gunpoint outside her home in Los Angeles.

Our society is far too violent—and there is no question that the use of firearms is a particularly dangerous

part of this violence. This is what appeals to those who call for a 5-day waiting period. But it just won't work.

The Seattle Post-Intelligencer—a daily newspaper in my State that has supported past gun restriction efforts—editorialized it this way.

The Brady bill, mandating a 5-day waiting period * * * is more symbolic than substantive. Washington State has a 5-day waiting period, but it has failed to bring any appreciable decline in handgun violence.

Even Sarah Brady acknowledges this point. The March 1991 issue of the Washingtonian quotes her as saying the Brady bill won't "stop crimes of passion or drug-related crimes."

So I suggest we debate the Brady bill for what it is: A politically and emotionally satisfying solution to a problem with which so many of us are struggling. We know the Brady bill will not reduce crime because most criminals buy their guns from other criminals, not legitimate licensed dealers.

We also know that instant background checks are feasible now because they are in place in many States across the country. So why not mandate instant background checks if we want to stop felons from buying handguns from legitimate dealers? Why are we proposing a bill that simply permits police to do background checks—particularly when we know that police already have this authority?

Mr. Chairman, a great tragedy in American politics occur every time a groundswell of support for reform is dissipated on symbolic measures, band-aids that leave the real problem untouched. We must recognize that unless we return to the root of the problem, we will never truly heal our society.

We need to invest in that basic fabric of our country—our children. Programs such as Head Start must be improved and fully funded. Drug prevention programs such as DARE must get to young children before they get into drugs. We need to provide more early childhood education and a nurturing environment for the child who lacks a family and positive role models. We need to ensure that foundational values necessary for civilized life are instilled in our children. We need to counter the glorification of violence.

The siren call for stricter gun laws is appealing, Mr. Chairman. But such quick fixes as a 5-day waiting period do little more than trample on both the rights of law-abiding citizens and the Bill of Rights.

Without this amendment, I strongly oppose this bill.

I support the McCollum amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I have consistently voted against the Brady bill because I believe it is the right of the States to determine how they will govern the sale of guns and weapons in

their States. I still believe that, and will vote against the bill.

But I also think equally wrong is an amendment that would prohibit the States from setting their own standards. I believe if the States do not want a waiting period, they should not be forced to have one. If they want one, they should have the right to put it in. It is the same reason I vote for the District of Columbia to be able to conduct their own future, because I think the people of that State and their leaders should be able to choose what they want to do as far as gun control is concerned within their purview.

Mr. Chairman, I urge Members that believe in States' rights, that believe in the rights of the States to determine their future, with regard to gun control or any other area, to vote against this amendment, and to vote against the bill at the end.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in support of the McCollum amendment. I am also going to have a few questions for the gentleman from Florida [Mr. MCCOLLUM].

Mr. Chairman, I am going to vote against the Brady bill itself, but I have some real concerns that I would like to ask the gentleman about. I live in Indiana. Indiana does have a check, a 5-day waiting period.

Mr. Chairman, under the amendment of the gentleman from Florida, under the preemption provisions, would the gentleman tell me how it is going to affect us in Indiana and other States?

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield, once the instant check provision is in place under the Brady bill, the waiting period in the gentleman's State under my amendment would end. If the gentleman's State has some prohibition on somebody getting a gun, like they have to take a test or go to a class or get a permit, my amendment will not affect that. But the waiting period per se, just for the sake of having a waiting period ends. It is very clear, because my amendment is tied to the language of the Brady bill that leaves in place prohibition on anybody being able to receive a gun if it is in violation of any State or local law.

All I am saying is that if there is just a waiting period per se, that is no longer going to be allowed.

Mr. BUYER. Mr. Chairman, reclaiming my time, part of the driving substance of Brady is the instant background check. So when you have the instant background check, it is in place, then it is very proper to have the preemption conditions to set the standard codification for the entire country.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield further, that is right. There is no point in having any kind of period of waiting once this

is in place. I do not happen to particularly like mandates, but, as the gentleman from Texas [Mr. BROOKS] has stated, this whole bill is a mandate. This whole bill is imposing waiting periods on States that do not want them. Once we have this in place, why should we have waiting periods anywhere?

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, as I grew up in the State of Indiana, where we have a 7-day waiting period and we have had it on our books for almost 10 years, we had natural disaster teams regularly come into our schools, and we would listen to these people warn us about tornadoes and what to do if a tornado hit. I am sure other Members in this body know that if you lived in California, the disaster team told you about an earthquake, and in Florida what would happen if a hurricane hit.

Today, Mr. Chairman, these disaster teams come into our schools and warn our children what they should do when a gun is pointed at them. Thirteen children every day die because of firearms. I think this body should act on this bill, without weakening our State laws where we have waiting periods, and begin to do something about the escalating violence in our schools, in our neighborhoods, and in our streets.

I do not think, Mr. Chairman, that the Brady bill goes too far. This is a step of concern and, combined with reforms and habeas corpus and the exclusionary rule, we will make progress in fighting crime.

Mr. MCCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I join my colleague from Indiana that just spoke about the importance of combatting violence in America, having even been a former prosecutor. Perhaps there are different approaches though. Many say, "Well, what we can do is just take the handguns out of the marketplace, and that will solve the problem." I think we realize though that criminals are going to get hold of guns. Even here in Washington, DC, where it is illegal to even purchase a weapon in this town, look at the crime rate that is here. We have the waiting period in Indiana that the gentleman is aware of.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Chairman, I thank the gentleman for yielding, and thank him for his leadership. I also want to acknowledge publicly on the floor that I follow in the 19th Congressional District of Ohio my former Congressman, Ed Feighan, who has been a leader on this issue as well.

Mr. SCHUMER. Mr. Chairman, if the gentleman will yield, Ed Feighan has been a wonderful leader on this issue, and I hope he will be happy with the results today.

Mr. FINGERHUT. Mr. Chairman, I also hope he will.

Mr. Chairman, I strongly support the Brady bill, but that is not the issue on this amendment. The sponsor wants to use the opportunity of the consideration of the Brady bill to go beyond this issue and to reach out to State and local legislation that has been passed all over the country with respect to handgun control. This action, in my judgment, would be contrary to good principles of democratic government. We have citizens all over this country who have worked for years to lobby their local officials and their State officials to enact legislation. It should be up to them to decide whether or not they want to continue all of the laws, some of the laws, or none of the laws after we adopt this basic minimum standard of responsibility across the country.

Mr. Chairman, if we pass the Brady bill, we honor the actions of all those activists, led by Jim and Sarah Brady, across this country. But if we pass this amendment, with all due respect to the gentleman from Florida [Mr. MCCOLLUM], we dishonor all of their activities.

Mr. Chairman, let them decide. Pass the Brady bill. Defeat the McCollum amendment.

□ 1510

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman for yielding time to me.

A waiting period has an emotional appeal for controlling crime. But in point of fact, I know of hardly a shred of evidence that a waiting period or any other gun control law has anything to do with controlling crime.

I will tell Members, a waiting period does have to do with something else, and that an infringement of what I think are individual rights that are guaranteed by the Constitution.

Now, ordinarily I would be up here stoutly defending States' rights and their right to enact laws as they see fit, because what I read in amendment 10 of the Bill of Rights in the Constitution, it says that "All of those powers not delegated to the United States are reserved to the States."

But also in these important 10 amendments that were enacted just 4 years after the Constitution was enacted, I read, in the second amendment that the right of people to keep and bear arms is a responsibility of the U.S. Congress.

I stand in full, wholehearted support of this amendment. What this amendment does, very clearly, is to mitigate the harmful effects of the Brady bill, and it makes it maybe not an acceptable bill but a less onerous bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished

gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in strong opposition to this amendment, because it would gut the strong handgun restrictions that have proven so successful in my State.

We have set an example for the Nation by cracking down on illegal gun trafficking. Since 1987, New Jersey's mandatory criminal background check and other provisions have kept guns out of the hands of nearly 3,400 ineligible, would-be purchasers.

Mr. Chairman, in the same 6-year period of time more than 150,000 Americans died from handguns. By contrast, only 840 homicides by handguns occurred in New Jersey.

We have one of the lowest homicide rates by handguns in the entire Nation. It proves the effectiveness of a strong handgun law. If the gentleman wants to gut handgun control, let him do it in Florida. Do not do it at the risk of the lives of the people in New Jersey. I oppose this amendment.

Mr. MCCOLLUM. Mr. Chairman, for the purpose of engaging in a colloquy to speak a little bit about New Jersey, I yield 1½ minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

I am from New Jersey, and I am very interested in learning what the sponsor believes the impact of this amendment would be on gun control in our State.

We do not have, in New Jersey, a formal waiting period. But as a practical matter, it takes 3 or 4 months to get a permit to buy a handgun. One needs a separate permit for each handgun purchased. They have to have their fingerprints taken each time. There is an FBI check. There is a check of State criminal records. There is a check of mental institution records. There is a requirement of personal references as to the reliability of the would-be purchaser.

It is a very time-consuming process, takes far more than 5 days. It takes generally now 3 or 4 months.

What I would like to know from the sponsor of this amendment is what impact the amendment would have on New Jersey's existing law.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, first of all, when the bill is in place and the instant check provision in 5 years kicks in, a lot of the things that permitting time is consumed to do will be done within a matter of a few minutes. There will not be any time delay involved to get the permit. But the law will still remain on the books and be unaffected by my amendment.

There are several things the gentleman listed that would have to be complied with before the individual

seeking the gun could be eligible. And if that took a little time to do, then, of course, it is going to take that amount of time.

What would be stricken by my particular amendment would be a pure waiting period just for the sake of a waiting period.

If someone got a permitting requirement and it really takes that long to get something else done that is not covered by the Brady amendment, it would not be affected by this amendment.

Mr. SCHUMER. Mr. Chairman, I yield a minute and a half to the distinguished gentleman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in opposition to this amendment, and urge my colleagues to join me in voting down this killer amendment.

Let me make one point perfectly clear: We must defeat this State preemption amendment, which would require our minimum Federal standard to preempt and prohibit tougher State laws.

This is absolutely ludicrous. The Brady bill is designed to represent a minimum, Federal standard. The idea that we would eliminate all other restrictions would be laughable were it not so offensive. This guts the intent of the Brady Bill.

Let me explain what the effect of this maneuver is. In my own State of New Jersey, a background check has stopped more than 18,000 purchases, and resulted in more than 10,000 arrests. This law has been in effect for 20 years, and I have seen no evidence that it has led to infringement of constitutional guarantees. The Constitution stands, and sportsmen still get their guns.

But under this State preemption amendment New Jersey's 20 years of strong, fair, and effective anti-gun-violence protections would be thrown out the window, that is gutted.

New Jersey is not alone: Hard-fought victories for sensible gun control advocates will all be negated by the McCollum amendment. Under this preemption amendment, waiting periods in dozens of States would be violated. Permit-to-purchase systems across the country in 23 States would be turned out overnight. National, pioneering limits on handgun purchases, firearm abuse by juveniles, and scores of other commonsense restrictions would become moot.

I find it even more incredible that this amendment is supported today by some of our more ardent States' rights advocates. How they can justify the striking down of all State laws by one Federal standard strains the bounds of logic, if not common sense.

When we even consider an amendment like this, it's no wonder why the American people hold our institution in such disregard. In other words the

public should understand that this is a way for Members to appease both factions and have it both ways.

Again, my colleagues, this debate comes down to common sense, and simple logic: Anyone who needs a gun right now needs a waiting period. Period.

I urge my colleagues—stand up to the gun dealers lobby. Oppose this amendment and do the right thing: Pass the Brady bill.

Mr. Chairman, I would like to call on my colleague; this is New Jersey day here. We seem to have a division of opinion here.

It is my conviction, and I would like to ask a member of the Committee on the Judiciary, also from New Jersey, for his opinion here.

It is my opinion here that this amendment, indeed, not only guts the bill, the Brady bill and the intention for a minimum Federal standard, but beyond that, it would make it totally untenable and illegal for New Jersey to have its background checks as presently conducted.

Is that the understanding of the gentleman from New Jersey?

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mrs. ROUKEMA. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, the gentleman is absolutely right. I do not know how the gentleman from Florida can read it any other way, because in New Jersey, as the gentleman knows, we require a fingerprint check. We cannot turn a fingerprint check around instantaneously in New Jersey.

We wipe that out by McCollum. We wipe out the background check that New Jersey does, under McCollum, because in essence we have a waiting period in order to do the background check and the fingerprint check.

Mrs. ROUKEMA. Mr. Chairman, I would suggest there is no way to check the medical records of anyone during that background check, under this system of instant check. So it really guts New Jersey law, a law that has stood us in such good stead for more than 20 years.

Mr. HUGHES. Mr. Chairman, if the gentleman will continue to yield, it wipes out all the laws like that throughout the country. That is what it does.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

I just want to respond, if I could, that this is simply a charade with regard to quibbling over words. This is very, very clear.

Whatever the State laws are, they are on the books today. They are not going to be affected, unless they are truly a waiting period. Some of the New Jersey law is a waiting period, and that is why we have the instant check provision.

Once they are in place, yes, we are going to preempt every waiting period in this country. We should be doing that. We do not need a waiting period any more, if we can do the instant check to find out, as this bill says it can on its face, that there is, indeed, a mental defect or there is a felony background or a lot of other things in here.

If indeed it does require a little additional time to do a permit because of some other reasons in the State law, we do not affect it. It is just as simple as that.

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Texas for yielding time to me.

Opponents of this amendment have crafted some clever but absurd arguments against it. They cry that they want to preserve States' rights, while they support a bill that usurps States' rights. It is like an elephant stampeding in a chicken yard and saying, "Every man for himself."

All the McCollum amendment is doing is trying to preserve the chickens, just trying to help them out a little bit.

States' rights are being trampled on by the Brady bill. The McCollum amendment is just trying to help the States out a little bit.

We have heard today, from a previous speaker, that handguns have killed 13 children. I am sure that the speaker truly believes that, but I have got news for him. Those handguns did not kill 13 children. It was the people who held the handguns in their hands. Those people pulled the trigger because of broken homes, because of mixed up morals, because of early parole and myriad other special ills, which the Brady bill does not and will not and cannot address.

Mr. Chairman, let us support this amendment. Let us vote "no" on the bill.

□ 1520

Mr. MCCOLLUM. Mr. Chairman, might I inquire of the Chair what amount of time each of us has remaining?

The CHAIRMAN (Mr. SKAGGS). The gentleman from Florida [Mr. MCCOLLUM] has 1 minute remaining, the gentleman from New York [Mr. SCHUMER] has 7½ minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 6½ minutes remaining.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLETTA].

Mr. FOGLETTA. Mr. Chairman, I rise today in strong support of H.R. 1025, the Brady Handgun Violence Prevention Act, and in opposition to the McCollum amendment.

Today, in my district, the discussion will not be about NAFTA. If a public

issue is talked about, it will be crime, and mostly gun-related crime.

The only free trade zones that cause concern in my district are the corners and schoolyards where crack and guns are sold. Guns are shooting up our neighborhoods, turning our communities into fire zones, endangering police officers as they do their job and our children as they play. Guns are bankrupting urban hospitals and stealing away our very freedom to walk our streets or sit on our front steps.

We have delayed long enough on this issue. Year after year, our efforts to pass this bill have been blocked by the gun lobby.

The McCollum amendment is another attempt to divert efforts away from meaningful gun control legislation. An instant check system, while helpful to local law enforcement, may not be enough to keep guns out of the hands of criminals.

Further, I believe States must have the right to enact stronger legislation if they want to. Already there are States which have stricter statutes. Congress should not preempt such laws in the name of gun control.

We take the first step in the fight to cut down the number of guns today. Vote for the Brady bill, and oppose the McCollum amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, my district includes Rochester, NY. Our city does not usually make the national headlines as a murder capital. But just yesterday, the newspapers reported two more local homicides, bringing this year's death toll to 58. Rochester is on course for a murder record in 1993—and my constituents are frightened and outraged by the rising tide of violence.

I am glad to say that many in our city have refused to give in to fear and despair. When Janet Reno visited Rochester last summer, we had the chance to visit with a neighborhood watch group. She and I patrolled their area with its members, and we saw the pride they feel as they take their streets back from the gangs and the drug pushers.

The most poignant example of our community's response to violence came just a few weeks ago. More than 300 people joined together in a silent procession. As they walked through the rain, they held unlit candles to signify the extinguished potential of the city's young murder victims—people like 16-year-old Malik Henton, who was caught in a gang crossfire on his way home from Bible school.

Mr. Chairman, the McCollum amendment is an attack on brave people like those marchers all across America. In response to their urgent pleas, some two dozen States and countless towns

and cities have already enacted gun laws. This amendment would destroy them all.

For example, New York uses fingerprint identification to screen handgun purchasers. This system is obviously more secure than the minimum required in the Brady bill. The McCollum amendment would dismantle this excellent system, even though the majority of New Yorkers support it.

State and local governments everywhere have heard the public demand for concrete action. They have carefully crafted gun laws that are tailored to local needs. The McCollum amendment would replace those laws with a national standard that is only intended as a minimum standard.

The people who marched through the rain last month are looking to this House for leadership, just as they have looked to the State government before. They need the swift establishment of a national background check for gun purchasers.

They do not want Congress to pass a version of the Brady bill that makes guns easier to purchase in New York. I urge Members to empower my community, and all the local communities of the United States. Oppose this destructive amendment, and vote for the Brady bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise today in support of H.R. 1025, the Brady bill, and to oppose the McCollum amendment. Some 84 percent of the people of Florida voted for a 3-day waiting period; this amendment would ignore the mandate of Florida voters. This bill has been debated for 6 years—and in that time, 138,000 Americans were killed by handguns. The National Education Association, which supports this bill, estimates that more than 135,000 children bring guns to school every day. The American Medical Association says this bill is good medicine for America. It is one of the most effective means of treating the crisis in our emergency rooms by avoiding the violence of easy access to handguns. Gunshot wounds, including homicides, suicides, and unintentional shootings, are the leading cause of death for both African-American and white teenage males. Guns kill more teenage boys than all natural diseases combined. For young African-American men and women aged 15 to 24, homicide is the No. 1 cause of death.

The Brady bill is supported by 92 percent of all Americans. Even 87 percent of all gun owners support the bill. Every major law enforcement organization in the country supports the bill. In Florida, we call this kind of amendment loving a bill to death.

Mr. Chairman, let us kill this amendment.

Mr. McCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, with all due respect to my colleague, the gentlewoman from Florida [Ms. BROWN], I simply do not think that she has the point of this. The waiting period in Florida and in any other State will be obsolete for the purposes of being a waiting period. The reason it was passed was in order for us to be able to do the things that the Brady bill does and the instant check provisions do. Once that becomes the law, there is no need for a waiting period in my State or anywhere else. That is why I propose this preemption, so we do not have a multitude of diverse laws out there that confuse everybody.

Let us be on the same sheet of music. If we are going to be on that same sheet for the waiting period in this bill, we ought to be on it when the instant check is in place.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. McCOLLUM], author of the amendment, and a man who has done an awful lot to try to resolve the issues in the Committee on the Judiciary, particularly on this particular bill. It is the kind of an amendment that helps make this bill viable.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think this is a good point in time to, at this juncture, summarize some of the critics out there and discuss where it is going on this. We have a complicated little bill here called the Brady bill. It is simple, on the one hand, but complicated in its scope.

We are dealing with preempting the States' rights now in this bill. We are telling every State that does not have a waiting period today if this bill passes that they are going to have to have one. It is going to be a 5-day waiting period, in order to be able to buy a gun at any gun dealer's store.

The primary reason for the waiting period that everybody has said for years, including the authors of this bill, is to be able to check to find the felons who are purchasing guns or trying to purchase guns at gun dealers' stores. That is a tiny fraction of the big problem. The big problem the American public wants to get at is how do we take most of the felons off the streets who are using these guns, and lock them up and throw away the key. That is the purpose of this bill, to get at that tiny fraction.

I am not opposed to that. I have always believed it was unnecessary to do that, because the check system we have in place now is not as good as it could be, but it is as good as it is going to be, and it can be done in 5 minutes or so.

Over a period of time, though, when this bill goes in effect, after it is mandated to these States that have to have

the waiting period, and some States already have a waiting period, and everybody is going to have one, there is going to be developed an instant check system, something that is going to be required of every State.

There are certain purposes set out in the bill that says that this instant check system is going to go through a process when it is in place at the end of the time, and before a gun dealer can sell a gun, if there is any State or local law, it says under this instant check system in the bill now, the way it is worded, you are not going to be, if it says you cannot buy a gun, you are not going to be able to buy a gun from the gun dealer.

All my amendment does is say, "Look, that is fine. I am all for that." Whatever States have that, that law stays on the books. If you have a permitting system, that is certainly part of that in any State or local law. We are specking at flies out here in every sense of the word when we try to distinguish things like some of these folks are doing out here.

All my amendment does is, it says that a pure waiting period is no longer going to be valid once this instant check system comes into place. That is all it does.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I am glad to yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, if a State had a test as to age, they say that nobody under the age of 18 could buy handguns.

Mr. MCCOLLUM. Right.

Mr. BROOKS. If the gentleman will continue to yield, or that they had to have fingerprints, or that they had to have a high school education, or a little background check as to felonies and other little matters they might have been involved in, would that be precluded in any way by the gentleman's amendment?

□ 1530

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, it would not be precluded in any way by my amendment. Once my amendment is in place, all of those laws would still be on the books, still be valid, and those checks would still have to be hurdled before somebody could buy a gun.

I thank the gentleman.

Mr. SCHUMER. Mr. Chairman, I yield myself 30 seconds. I just simply say again, read the language. It does not say that it imposes a waiting period just because it is a waiting period; it imposes waiting periods, any waiting period, waiting period for fingerprinting, waiting period for class, waiting period just for waiting period, all knocked out by the bill. We have spoken to the Attorney General's office. That is how they interpret it as

well. And again, this could knock out laws in 25 States.

Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I rise today as an opponent of the Brady bill. I will be voting against the Brady bill this afternoon.

I will also be voting against this amendment, however, which I find has nothing to do with gun control, but everything to do with the relationship between the Federal Government and local governments.

I came to Washington believing that Washington tries to put a one-size-fits-all stamp on the localities and the States of this country. All too often in my State, Washington preemption has caused all kinds of problems in any number of areas. We do not want to add to the problem of Washington preempting local decisionmakers accountable to different localities all across this country.

This is about the relationship of the Federal Government to local government, and I do not favor this expansion of the long arm of the Federal Government in this way.

Vote against this amendment.

Mr. BROOKS. Mr. Chairman, I yield myself a half a minute to inquire of the author of the amendment, 25 State laws they say will change. That is the statement of my friend from New York. That might be true. We question that.

But I would say there is no question about it that the bill, as now printed, already contravenes more State laws than that in mandating what that waiting period has got to be.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. BROOKS. They want to play it both ways. Is that your understanding of the situation?

Mr. MCCOLLUM. That is my understanding, and our amendment is very narrow in what it does. That is my understanding.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to a distinguished friend and leader in this Congress for many years, the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, I thank my good friend, the gentleman from Texas [Mr. BROOKS] for yielding me this time.

Mr. Chairman, this is an excellent amendment. I commend its author. I urge my colleagues to support it.

This does one thing. It says that once a system of instant check is in place that all States must rely on it, all citizens will be under that law and treated equally. The only thing that it addresses is the waiting period and the instant check.

I urge my colleagues to recognize that everyone in the country should be

treated alike. There is no difference in the way a citizen of one community with regard to waiting periods would be treated than in any other. If this is good national policy for Detroit, or Chicago, or New York, or if it is a good national policy for Provo, UT, or Salt Lake City, or San Francisco, or Portland, OR, and indeed for Sheboygan, it is good for everybody else.

I would urge my colleagues to vote with me, my good friend, JACK BROOKS, and the distinguished author of this amendment for uniformity. Let us treat everybody alike. There is absolutely no reason for differentiation between different classes of citizens because they live in different places.

If this is going to halt crime, let us do it uniformly in all places. And I would urge my colleagues to vote for this amendment, to support the chairman of the committee who has wisely led us through this difficult thicket.

I would have my colleagues know that when the chairman of the Judiciary Committee, perhaps the foremost and most skilled and senior lawmaker in this place speaks, the House should listen, and we should understand that uniformity, equality, fairness in all parts of this country under the law with regard to firearm ownership is indeed desirable.

I urge my colleagues to vote for the amendment, to support the Honorable JACK BROOKS, and to vote for good sense and uniformity.

Mr. SCHUMER. Mr. Chairman, I yield myself 30 seconds.

I just have a letter that I would like to read into the RECORD from the Attorney General, Janet Reno.

I have consulted with Walter Dellinger, * * *

It is his opinion that the amendment, if adopted, would likely be interpreted by the courts to preempt not only State and local provisions that are explicit waiting periods, but also many other provisions that operate as de facto waiting periods, such as requirements of safety training before a purchaser can take possession of a firearm.

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

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I have here a message from myself. It is dynamic in support of the amendment.

Mr. Chairman, I rise in opposition to the Brady bill. This Brady approach will have absolutely no effect on the incidence of violent crime.

The rationale behind a waiting period is that gun dealers would have the opportunity to determine if a potential customer is medically incompetent or a convicted felon, and if so prohibit them from obtaining a firearm. Yet the Brady bill does not require local law enforcement agencies to use this time to carry out even a minimal background check on purchasers. Nor does this bill provide any funding to pay for the administrative costs associated

with background checks. In reality then, the Brady bill is nothing more than a mandated suggestion.

Additionally, it is a myth that criminal records at State and Federal levels are complete and accurate enough for a background check to be effective. In fact, a task force of the U.S. Attorney General studied ways to identify felons attempting to purchase, firearms and determined that a vast number of felony convictions—40–60 percent—are not accessible electronically, making a felony check moot. Moreover, the absence of a national, comprehensive list of felons further impedes efforts by local law enforcement agencies to determine if individuals have criminal records.

Contributing to the inadequacy of criminal registers is our overcrowded criminal justice system. In most major cities, courts are so backed up with cases that prosecutors are routinely forced to plea bargain, leaving would-be felons to be charged with misdemeanors. The case of Patrick Purdy is an excellent example. This mass murderer lawfully purchased handguns in California under the 15-day waiting period. But because his previous felony arrests had been reduced to misdemeanors, background checks on him revealed nothing. The Brady bill will not change this predicament.

What is particularly disturbing about the Brady bill is its underlying assumption that criminals purchase handguns from federally licensed dealers. That is absurd. Criminals buy their weapons off the streets or steal them. In fact, only 7 percent of the guns obtained by violent criminals are obtained through lawful means. So the Brady bill will not inconvenience street thugs for a minute. Indeed, passage of the Brady bill will likely feed an already burgeoning black market for guns.

More importantly, most States with high crime rates already have waiting periods, along with a number of other draconian gun laws. Indeed there exists nearly 20,000 local, State, and Federal firearms regulations today. Yet these restrictions have had little—if any—effect on the number of violent crimes committed in areas with such laws. Not even the Gun Control Act of 1968, which placed a host of tough restrictions on gun ownership and transfers nationwide, has had a significant effect on crimes involving firearms. Just the opposite, statistics show that crime has increased almost threefold since its passage.

Clear and tragic examples of the failure of gun laws are Washington, DC, and New York City, which have some of the strictest gun restrictions in the Nation. Even in my home State of California, where the waiting period had been increased to 15 days, homicide rates have risen nearly twice as fast as the national increase after such a measure was enacted. The Brady bill will do nothing to stem this tide.

There are 200 million guns that remain in the hands of private citizens today. That's an enormous arsenal. How would the Brady bill, which only affects new purchases, control the number of guns already in circulation? The answer is, it would not. Which means somewhere down the line gun control advocates will redirect their efforts to confiscating those guns already in circulation. This would hardly be effective, since the most extensive scientific

study of gun control to date revealed that it would take several thousand [confiscated guns] to get just one that would otherwise be used to bring about someone's death.

Mr. Chairman, do my colleagues honestly believe that criminals will suddenly obey new gun restrictions, even though they clearly ignore the ones we already have? What makes anyone think that criminals will have a change of heart in the way they do business? Isn't it logical to assume that only law-abiding citizens abide by the law? Don't the statistics bear this out? Isn't that why crime is so rampant? Indeed gang members, armed robbers, and street thugs have made their careers out of breaking the law. No Brady bill can change this fact. Like drug addicts who will always find ways to get dope, criminals will always find ways to get guns. It's that simple.

With all of this in mind, I strongly believe that armed robberies, schoolyard violence, drive-by shootings, and other gang warfare cannot be prevented by the passage of the Brady bill. Not even the shooting of Jim Brady himself would have been prevented by this measure. Brady was shot with a gun that was purchased legally by John Hinckley weeks before he used it.

Mr. Chairman, gun control hardly addresses the real issue which is our turnstile justice system. If we are to reduce violent crime in America, we should make sure those responsible for such crime go to jail and stay there for a long time and, in many cases, forever. Unfortunately, our criminal justice system has become so lenient that criminals routinely serve pathetically short sentences and are allowed to walk free to abuse us again.

What we need is swift and sure justice with tough, mandatory sentences for criminals, including the death penalty for particularly heinous criminals who snuff out the lives of innocent victims and rip the hearts of their families. We also need an effective juvenile justice reform system that sends a powerful message to young people that criminal behavior will be severely punished. Furthermore, adequate prison facilities are necessary to ensure that all violent criminals are locked safely behind bars. Only these and other tough measures will help make headway against the rampant crime that is tearing our Nation apart.

While passage of the Brady bill may appear to be a common sense approach to combating crime, it will only succeed in impeding those law-abiding citizens who wish to purchase a gun for sport, hunting, collecting, or, most importantly, for protection—all of which are perfectly good reasons to own a gun. As looting during the Los Angeles riots and following Hurricane Andrew in southern Florida clearly demonstrated, waiting periods often leave law-abiding citizens disarmed and defenseless during grave emergencies.

In conclusion, I ask my colleagues to take a serious look at the source of crime in this Nation. It is not guns alone, but the criminals with illegally obtained guns who are maiming and killing our family, friends, neighbors, and fellow Americans. Let us pass a bill that addresses true criminal justice reform. Attack crime, not law-abiding citizens.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I believe very distinctly this amendment has been ar-

ticulated well for everybody. I think it is very clear. It is something that will make uniformity out of this law.

If we are going to pass a waiting period, and then get an instant check eventually for those who are going to go and buy guns from gun dealers, we ought to have uniformity. There is absolutely no reason for a waiting period. All of the other arguments we have been hearing out here today are hogwash.

The interpretation of reading this bill and the language and what I have proposed in this amendment is very clear that the laws of the States will only be preempted when the instant check law is in place and everybody is going to be able to go out and find out what the rules of the game are. Then they ought to be preempted, and that is what my amendment does, and that is all it does.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield my remaining time to the distinguished gentleman from New Jersey [Mr. HUGHES], a member of the Committee on the Judiciary.

Mr. HUGHES. Mr. Chairman, I thank the gentleman from New York for yielding the time and salute him on his leadership on this issue.

Let me tell Members, you buy this McCollum amendment and you are ready to buy the Brooklyn Bridge in the district of my colleague from New York. I mean, this would gut the bill. I mean we are going to recommend to the chairman of the committee, and I am sure I am not going to be alone, to vote against the bill if it carries, because what we have done is we have adopted Gekas, which is a sunset. In 5 years it is going to sunset. That is whether or not we have instant record check turnaround or not. It is going to sunset. It is going to leave.

In fact, the law, because it is sunset, means that if we do not have the ability, if we do not have the resources to automate and create a database that will enable us to create the instant check, it means that we will have no Brady bill at the Federal level.

If we pass this amendment, the McCollum amendment, it in essence is saying that whether or not we have an instant check or not we are going to wipe out all of the State laws throughout the country, whether or not we have a Brady bill or an instant check or not.

Well, folks, let me tell you we are going in the wrong direction. I can understand why my colleagues who are adamantly opposed to the Brady bill, like my colleague from Florida, and I respect that, and my distinguished chairman who are adamantly opposed to the Brady bill, I can understand why they would embrace this, because we are moving backwards. I would like to be able to say to my colleagues from

the States, some 25 around the country, how are you going to go back to your jurisdictions and explain to them that you just voted basically to repeal all of the State laws, including this one? These are the States that have had the courage to do something about the proliferation of guns, to require a check to see whether they have a criminal record or a mental history. They had the courage to do that.

□ 1540

And you are going to reward them for that courage by basically repealing the laws.

Mr. Chairman, we have to reject this; it is a killer amendment.

Let me tell you it is better to have no bill than to have this in the present bill.

Mr. Chairman, I urge my colleagues to reject McCollum.

Mr. BUYER. Mr. Chairman, I rise in support of the McCollum amendment and in opposition to the Brady bill.

Mr. Chairman, here we go again. Congress is whitewashing the will of the people with the usual rhetoric. The people have spoken, all across the Nation. America's families are demanding that this Government address our crime problems. They want to feel safe when they walk along their streets, while they sit on their front porch, and while they sleep at night.

Many lawmakers are claiming they are tough on crime and have fulfilled their responsibility by voting for the four token crime bills last week and for supporting the Brady bill today. It is obvious that Congress continues to hack away at our Nation's crime problem with a butter knife.

We all know that if criminals want guns, they can get them. So, why does Congress continue to profess with all the warm and fuzzies that now, all of a sudden, criminals and children will no longer be armed or have access to guns? Over 70 percent of States already have some form of a waiting period and background check. Yet Congress, with this measure, is going to swoop down and solve the problem. It is obvious this won't happen.

History has proven that waiting periods are ineffective. They merely redirect policy from fighting crime.

Congress has got to provide law enforcement officials with the real tools to fight crime.

Mr. Chairman, the intent of this bill is to get firearms out of the hands of criminals and thereby reduce the amount of crime. Congress has shown it is not willing to do what is necessary.

The protection of our families, children, and seniors should be foremost in our concerns. Congress needs to enact new and increased mandatory minimum sentences for crimes which are committed with the use of a firearm as well as for other violent crimes and drug-related crimes. We must expand the use of the death penalty to send the message to criminals that their actions will not be tolerated. We must end the deplorable rate of recidivism, by enacting the LIFER provision. We must also build new prisons to house these criminals and keep them off the streets to replace the revolving door with a barred one.

Mr. Chairman, the waiting period provision in the Brady bill is just another unfunded Federal mandate passed on to our State and local governments. Congress needs to provide States with a computerized, national instant background check system, as well as a tough, comprehensive crime bill.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Florida [Mr. McCollum].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 257, not voting 6, as follows:

[Roll No. 560]

AYES—175

Allard	Goodlatte	Parker
Archer	Goodling	Paxon
Army	Grams	Payne (VA)
Bachus (AL)	Green	Peterson (MN)
Baker (CA)	Gunderson	Pombo
Baker (LA)	Hancock	Poshard
Ballenger	Hansen	Pryce (OH)
Barcia	Hastert	Quillen
Barlow	Hayes	Quinn
Barrett (NE)	Hefner	Rahall
Bartlett	Herger	Ravenel
Barton	Hilliard	Richardson
Bevill	Hobson	Ridge
Billrakis	Hoekstra	Roberts
Bishop	Hoke	Rogers
Bliley	Holden	Roth
Boehner	Hunter	Rowland
Bonilla	Hutchinson	Santorum
Boucher	Inglis	Sarpallus
Brewster	Inhofe	Schaefer
Brooks	Insole	Shaw
Browder	Istook	Shuster
Bunning	Johnson, Sam	Slisisky
Burton	Kanjorski	Skeen
Buyer	Kasich	Skelton
Callahan	Kim	Smith (OR)
Calvert	Kingston	Smith (TX)
Camp	Knollenberg	Snowe
Canady	Kopetski	Solomon
Carr	Kyl	Spence
Clyburn	Lancaster	Stearns
Coble	LaRocco	Stenholm
Coleman	Laughlin	Strickland
Collins (GA)	Lewis (CA)	Stump
Combest	Lewis (FL)	Stupak
Costello	Lightfoot	Sundquist
Cramer	Linder	Swift
Crane	Livingston	Talent
Crapo	Manzullo	Tanner
Cunningham	Martinez	Tauzin
Danner	McCandless	Taylor (MS)
DeLay	McCollum	Tejeda
Dickey	McCrery	Thomas (CA)
Dingell	McHugh	Thomas (WY)
Doolittle	McInnis	Thornton
Dornan	McNulty	Thurman
Dreier	Mica	Unsoeld
Emerson	Michel	Volkmer
English (OK)	Minge	Vucanovich
Everett	Mollohan	Walker
Ewing	Montgomery	Weldon
Fields (TX)	Moorhead	Whitten
Franks (CT)	Murtha	Williams
Frost	Myers	Wilson
Gallely	Natcher	Wise
Gekas	Neal (NC)	Young (AK)
Geren	Oberstar	Zeliff
Gillmor	Orton	
Gingrich	Packard	

NOES—257

Abercrombie	Andrews (TX)	Barca
Ackerman	Applegate	Barrett (WI)
Andrews (ME)	Bacchus (FL)	Bateman
Andrews (NJ)	Baessler	Becerra

Bellenson	Hall (TX)	Ortiz
Bentley	Hamburg	Owens
Bereuter	Hamilton	Oxley
Berman	Harman	Pallone
Bilbray	Hastings	Pastor
Blackwell	Hefley	Payne (NJ)
Blute	Hinchey	Pelosi
Boehlert	Hoagland	Penny
Bonior	Hochbrueckner	Peterson (FL)
Borski	Horn	Petri
Brown (CA)	Houghton	Pickett
Brown (FL)	Hoyer	Pickle
Brown (OH)	Huffington	Pomeroy
Bryant	Hughes	Porter
Byrne	Hutto	Portman
Cantwell	Hyde	Price (NC)
Cardin	Jacobs	Ramstad
Castle	Jefferson	Rangel
Chapman	Johnson (CT)	Reed
Clay	Johnson (GA)	Regula
Clayton	Johnson (SD)	Reynolds
Clement	Johnson, E. B.	Roemer
Clinger	Johnston	Rohrabacher
Collins (IL)	Kaptur	Ros-Lehtinen
Collins (MI)	Kennedy	Rose
Condit	Kennelly	Rostenkowski
Conyers	Kildee	Roukema
Cooper	King	Roybal-Allard
Coppersmith	Klecza	Royce
Cox	Klein	Rush
Coyne	Klink	Sabo
Darden	Klug	Sanders
de la Garza	Kolbe	Sangmeister
de Lugo (VI)	Kreidler	Sawyer
Deal	LaFalce	Saxton
DeFazio	Lambert	Schenk
DeLauro	Lantos	Schiff
Dellums	Lazio	Schroeder
Derrick	Leach	Schumer
Deutsch	Lehman	Scott
Diaz-Balart	Levin	Sensenbrenner
Dicks	Levy	Serrano
Dixon	Lewis (GA)	Sharp
Dooley	Lipinski	Shays
Duncan	Lloyd	Shepherd
Dunn	Long	Skaggs
Durbin	Lowey	Slattery
Edwards (CA)	Machtley	Slughter
Edwards (TX)	Maloney	Smith (IA)
Engel	Mann	Smith (MI)
English (AZ)	Manton	Smith (NJ)
Eshoo	Margolles-	Spratt
Evans	Mezvinsky	Stark
Farr	Markey	Stokes
Fawell	Matsui	Studds
Fazio	Mazzoli	Sweet
Fields (LA)	McCloskey	Synar
Filner	McCurdy	Taylor (NC)
Fingerhut	McDade	Thompson
Fish	McDermott	Torkildsen
Flake	McHale	Torres
Foglietta	McKeon	Torricelli
Ford (MI)	McKinney	Towns
Ford (TN)	McMillan	Trafficant
Fowler	Meehan	Tucker
Frank (MA)	Meek	Upton
Franks (NJ)	Menendez	Valentine
Furse	Meyers	Velazquez
Gallo	Mfume	Vento
Gejdenson	Miller (CA)	Visclosky
Gephardt	Miller (FL)	Walsh
Gibbons	Mineta	Washington
Gilchrest	Mink	Watt
Gilman	Molinari	Waxman
Glickman	Moran	Wheat
Gonzalez	Morella	Wolf
Gordon	Nadler	Woolsey
Goss	Neal (MA)	Wyden
Grandy	Norton (DC)	Wynn
Greenwood	Nussle	Yates
Gutierrez	Obey	Young (FL)
Hall (OH)	Olver	Zimmer

NOT VOTING—6

Faleomavaega (AS)	Murphy	Underwood (GU)
Moakley	Romero-Barcelo (PR)	Waters

□ 1559

Messrs. PETRI, NEAL of Massachusetts, ORTIZ, AND HALL of Texas changed their vote from "aye" to "no."

Mr. WILLIAMS and Mr. CANADY changed their vote from "no" to "aye."

So the amendment was rejected. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Chairman, on roll-call 560 I am recorded as not voting. Had I been present, I would have voted "no."

I ask that my statement appears in the RECORD immediately following the vote.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1600

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm, pursuant to House Resolution 302, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as modified, as amended, adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the so-called Ramstad amendment and also on the so-called Gekas amendment.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: In paragraph (6) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, add at the end the following:

"(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reasons for the determination, the officer shall provide such reasons to the individual within 20 business days after receipt of the request.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

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

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 425, noes 4, not voting 4, as follows:

[Roll No. 561]

AYES—425

Abercrombie	Cramer	Hamburg
Ackerman	Crane	Hamilton
Allard	Crapo	Hancock
Andrews (ME)	Cunningham	Hansen
Andrews (NJ)	Danner	Harman
Andrews (TX)	Darden	Hastert
Applegate	de la Garza	Hastings
Archer	Deal	Hayes
Army	DeFazio	Hefley
Bacchus (FL)	DeLauro	Hefner
Bachus (AL)	DeLay	Herger
Baessler	Dellums	Hilliard
Baker (CA)	Derrick	Hinchee
Baker (LA)	Deutsch	Hoagland
Ballenger	Diaz-Balart	Hobson
Barca	Dickey	Hochbrueckner
Barclay	Dicks	Hoeckstra
Barlow	Dingell	Hoke
Barrett (NE)	Dixon	Holden
Barrett (WI)	Dooley	Horn
Bartlett	Doolittle	Houghton
Barton	Dornan	Hoyer
Bateman	Dreier	Huffington
Becerra	Duncan	Hughes
Bellenson	Dunn	Hunter
Bentley	Durbin	Hutchinson
Bereuter	Edwards (CA)	Hutto
Berman	Edwards (TX)	Hyde
Bevill	Emerson	Inglis
Bilbray	Engel	Inhofe
Billrakis	English (AZ)	Insole
Bishop	English (OK)	Istook
Blackwell	Eshoo	Jacobs
Billey	Evans	Jefferson
Blute	Everett	Johnson (CT)
Boehlert	Ewing	Johnson (GA)
Boehner	Farr	Johnson (SD)
Bonilla	Fawell	Johnson, E.B.
Bonior	Fazio	Johnson, Sam
Borski	Fields (LA)	Johnston
Boucher	Fields (TX)	Kanjorski
Brewster	Filner	Kaptur
Brooks	Fingerhut	Kasich
Browder	Fish	Kennedy
Brown (CA)	Flake	Kildee
Brown (FL)	Foglietta	Kim
Brown (OH)	Ford (MI)	King
Bryant	Ford (TN)	Kingston
Bunning	Fowler	Klecicka
Burton	Frank (MA)	Klejn
Buyer	Franks (CT)	Klink
Byrne	Franks (NJ)	Klug
Callahan	Frost	Knollenberg
Calvert	Furse	Kolbe
Camp	Galleghy	Kopetski
Canady	Gallo	Kreidler
Cantwell	Gejdenson	Kyl
Cardin	Gekas	LaFalce
Carr	Gephardt	Lambert
Castle	Geren	Lancaster
Chapman	Gibbons	Lantos
Clay	Gilchrest	LaRocco
Clayton	Gillmor	Laughlin
Clement	Gilman	Lazio
Clinger	Gingrich	Leach
Clyburn	Glickman	Lehman
Coble	Gonzalez	Levin
Coleman	Goodlatte	Levy
Collins (GA)	Goodling	Lewis (CA)
Collins (IL)	Gordon	Lewis (FL)
Collins (MI)	Goss	Lewis (GA)
Combest	Grams	Lightfoot
Condit	Grandy	Linder
Conyers	Green	Lipinski
Cooper	Greenwood	Livingston
Coppersmith	Gunderson	Lloyd
Costello	Gutierrez	Long
Cox	Hall (OH)	Lowe
Coyne	Hall (TX)	Machtley

Maloney	Petri	Smith (TX)
Mann	Pickett	Snowe
Manton	Pickle	Solomon
Manzullo	Pombo	Spence
Margolies-	Pomeroy	Spratt
Mezvinsky	Porter	Stark
Markey	Portman	Stearns
Martinez	Poshard	Stenholm
Matsul	Price (NC)	Stokes
Mazzoli	Pryce (OH)	Strickland
McCandless	Quillen	Studds
McCloskey	Quinn	Stump
McCollum	Rahall	Stupak
McCrery	Ramstad	Sundquist
McDade	Rangel	Swett
McDermott	Ravenel	Swift
McHale	Reed	Synar
McHugh	Regula	Talent
McInnis	Reynolds	Tanner
McKeon	Richardson	Tauzin
McKinney	Ridge	Taylor (MS)
McMillan	Roberts	Taylor (NC)
McNulty	Roemer	Tejeda
Meehan	Rogers	Thomas (CA)
Meek	Rohrabacher	Thomas (WY)
Menendez	Ros-Lehtinen	Thompson
Meyers	Rose	Thornton
Mfume	Rostenkowski	Thurman
Mica	Roth	Torkildsen
Michel	Roukema	Torres
Miller (CA)	Rowland	Torricelli
Miller (FL)	Roybal-Allard	Towns
Mineta	Royce	Trafficant
Minge	Rush	Tucker
Mink	Sabo	Unsoeld
Mollinari	Sanders	Upton
Mollohan	Sangmeister	Valentine
Montgomery	Santorium	Velazquez
Moorhead	Sarpaluis	Vento
Morella	Sawyer	Visclosky
Murtha	Saxton	Volkmer
Myers	Schaefer	Vucanovich
Natcher	Schiff	Walker
Neal (MA)	Neal (MA)	Walsh
Neal (NC)	Schumer	Washington
Nussle	Scott	Waters
Oberstar	Sensenbrenner	Watt
Obey	Serrano	Waxman
Olver	Sharp	Weldon
Ortiz	Shaw	Wheat
Orton	Shays	Whitten
Owens	Shepherd	Williams
Oxley	Shuster	Wilson
Packard	Siskis	Wise
Pallone	Skaggs	Wolf
Parker	Skeen	Woolsey
Pastor	Skelton	Wyden
Paxon	Slattery	Wynn
Payne (VA)	Slaughter	Yates
Pelosi	Smith (IA)	Young (AK)
Penny	Smith (MI)	Young (FL)
Peterson (FL)	Smith (NJ)	Zeliff
Peterson (MN)	Smith (OR)	Zimmer

NOES—4

Kennelly

Nadler

Moran

Schenk

NOT VOTING—4

McCurdy

Murphy

Moakley

Payne (NJ)

□ 1618

Mr. PALLONE changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SCHENK. Mr. Speaker, today, during rollcall vote 561, I inadvertently voted "no" on the Ramstad amendment to H.R. 1025. During consideration of the same amendment in the Committee of the Whole, I voted "aye" and intended to vote "aye" in the whole House.

PERSONAL EXPLANATION

Mrs. KENNELLY. Mr. Speaker, during consideration of the Brady bill I

voted "no" on the Ramstad Amendment when it was revoted in the House on rollcall 561. I meant to vote "yes" on the amendment, as I did during consideration in the Committee of the Whole.

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the second amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: In paragraph (1) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike "the Attorney General" and all that follows through "section)," and insert "is 60 months after such date of enactment".

In paragraph (1)(D) of the matter proposed to be added by section 2(a)(1) of the Committee amendment, strike "except" and all that follows through "Act".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, insert "is 30 days after" before "the Attorney".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "certifies under section 3(b)(1)" and insert "notifies licensees under section 3(e)".

In paragraph (1) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(except as provided in paragraphs (2) and (3) of such section)".

In paragraph (1)(B) of the matter proposed to be added by section 2(b) of the Committee amendment, strike "(B)" and all that follows through "firearm" and insert the following:

"(B)(i) the system provides the licensee with a unique identification number; or

"(ii) 1 business day (as defined in subsection (s)(8)(B)) has elapsed since the end of the business day on which the licensee contacted the system, and the system has not notified the licensee that the receipt of the handgun".

In section 3(a) of the Committee amendment, strike "The" and insert "Not later than 60 months after the date of the enactment of this Act, the".

In section 3(c) of the Committee amendment—

- (1) strike "(1)";
- (2) Strike "(A) determine" and insert "(1) determine";
- (3) strike "(B) investigate" and insert "(2) investigate";
- (4) strike "(C) notify" and insert "(3) notify";
- (5) strike "subparagraphs (A) and (B)" and insert "paragraphs (1) and (2)"; and
- (6) strike paragraph (2).

In section 3 of the Committee amendment, strike subsection (d) and insert the following:

(d) OPERATION OF THE SYSTEM.—

(1) GENERAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer, the system shall, during the contact or by return contact without delay—

(A) review available criminal history records to determine whether receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law; and

(B)(i) if the receipt would not be such a violation—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the identification number; and

(III) immediately destroy all records of the system with respect to the contact (other than the identification number and the date the number was assigned) and all records of the system relating to the transferee or the transfer or derived therefrom; or

(i) if the receipt would be such a violation—

(I) notify the licensee that the receipt would be such a violation; and

(II) maintain the records created by the system with respect to the proposed transfer.

(2) SPECIAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer and the system is unable to comply with paragraph (1) during the contact or by return contact without delay, then the system shall comply with paragraph (1) not later than the end of the next business day.

In section 4(a) of the Committee amendment—

(1) strike all that precedes "Section 509(b)" and insert "(a) USE OF FORMULA GRANTS.—"

(2) strike "(A) in" and insert "(1) in";

(3) strike "(B) in" and insert "(2) in";

(4) strike "(C) by" and insert "(3) by";

(5) strike "(2) ADDITIONAL FUNDING" and insert "(b) ADDITIONAL FUNDING";

(6) strike "(A) GRANTS" and insert "(1) GRANTS";

(7) strike "(i)" and insert "(A)";

(8) strike "(ii)" and insert "(B)";

(9) strike "(iii)" and insert "(C)";

(10) strike "(B) AUTHORIZATION" and insert "(2) AUTHORIZATION"; and

(1) strike "subparagraph (A)" and insert "paragraph (1)".

In section 4 of the Committee amendment, strike subsection (b).

Mr. WALKER (during the reading).

Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

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

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 192, not voting 3, as follows:

[Roll No. 562]

AYES—238

Allard	Blute	Collins (GA)
Andrews (TX)	Boehner	Combest
Applegate	Bonilla	Condit
Archer	Boucher	Cooper
Armey	Brewster	Costello
Bachus (AL)	Brooks	Cox
Baker (CA)	Browder	Cramer
Baker (LA)	Bunning	Crane
Ballenger	Burton	Crapo
Barca	Buyer	Cunningham
Barclay	Callahan	Danner
Barlow	Calvert	Darden
Barrett (NE)	Camp	de la Garza
Bartlett	Canady	Deal
Barton	Carr	DeFazio
Bevill	Chapman	DeLay
Bilbray	Clinger	Dickey
Billrakis	Clyburn	Dingell
Bishop	Coble	Doolittle
Bliley	Coleman	Dornan

Dreier	Kolbe	Ridge
Duncan	Kopetski	Roberts
Dunn	Kyl	Rogers
Edwards (TX)	Lambert	Rohrabacher
Emerson	Lancaster	Rose
English (OK)	LaRocco	Roth
Everett	Laughlin	Rowland
Ewing	Lehman	Royce
Fields (TX)	Levy	Sanders
Fish	Lewis (CA)	Santorum
Franks (CT)	Lewis (FL)	Sarpallus
Frost	Lightfoot	Schaefer
Gallely	Linder	Schiff
Gekas	Livingston	Sharp
Geren	Lloyd	Shaw
Gillmor	Long	Sisisky
Gingrich	Machtley	Skeen
Goodlatte	Manzullo	Skelton
Goodling	Martinez	Smith (MI)
Gordon	McCandless	Smith (OR)
Goss	McCollum	Smith (TX)
Grams	McCrery	Snowe
Green	McCurdy	Solomon
Greenwood	McHugh	Spence
Gunderson	McInnis	Spratt
Hall (TX)	McKeon	Stearns
Hamilton	McNulty	Stenholm
Hancock	Mica	Strickland
Hansen	Michel	Stump
Hastert	Miller (FL)	Stupak
Hayes	Minge	Sundquist
Hefley	Mollohan	Swett
Hefner	Montgomery	Swift
Hерger	Moorhead	Talent
Hilliard	Murtha	Tanner
Hobson	Myers	Tauzin
Hoekstra	Natcher	Taylor (MS)
Hoke	Neal (NC)	Taylor (NC)
Holden	Nussle	Tejeda
Horn	Oberstar	Thomas (WY)
Houghton	Obey	Thornton
Huffington	Ortiz	Thurman
Hunter	Orton	Torkildsen
Hutchinson	Packard	Trafcant
Hutto	Parker	Tucker
Inglis	Paxon	Unsoeld
Inhofe	Payne (VA)	Valentine
Insole	Peterson (MN)	Volkmer
Istook	Petri	Vucanovich
Johnson (GA)	Pombo	Walker
Johnson (SD)	Pomeroy	Walsh
Johnson, Sam	Portman	Weldon
Kanjorski	Poshard	Whitten
Kaptur	Pryce (OH)	Wilson
Kasich	Quillen	Wise
Kim	Rahall	Young (AK)
King	Ramstad	Zelliff
Kingston	Ravenel	Zimmer
Klink	Regula	
Knollenberg	Richardson	

NOES—192

Abercrombie	DeLauro	Gilman
Ackerman	Dellums	Glickman
Andrews (ME)	Derrick	Gonzalez
Andrews (NJ)	Deutsch	Grandy
Bacchus (FL)	Diaz-Balart	Gutierrez
Baesler	Dicks	Hall (OH)
Barrett (WI)	Dixon	Hamburg
Bateman	Dooley	Harman
Becerra	Durbin	Hastings
Bellenson	Edwards (CA)	Hinchev
Bentley	Engel	Hoagland
Bereuter	English (AZ)	Hochbrueckner
Berman	Eshoo	Hoyer
Blackwell	Evans	Hughes
Boehert	Farr	Hyde
Bonior	Fawell	Jacobs
Borski	Fazio	Jefferson
Brown (CA)	Fields (LA)	Johnson (CT)
Brown (FL)	Filner	Johnson, E. B.
Brown (OH)	Fingerhut	Johnston
Bryant	Flake	Kennedy
Byrne	Foglietta	Kennelly
Cantwell	Ford (MI)	Kildee
Cardin	Ford (TN)	Kieccka
Castle	Fowler	Klein
Clay	Frank (MA)	Klug
Clayton	Franks (NJ)	Kreidler
Clement	Furse	LaFalce
Collins (IL)	Gallo	Lantos
Collins (MI)	Gejdenson	Lazio
Conyers	Gephardt	Leach
Coppersmith	Gibbons	Levin
Coyne	Gilchrest	Lewis (GA)

Lipinski	Pallone	Skaggs
Lowey	Slattery	Stark
Maloney	Payne (NJ)	Slaughter
Mann	Pelosi	Smith (IA)
Manton	Penny	Smith (NJ)
Margolies-	Peterson (FL)	Stark
Mezvinsky	Pickett	Stokes
Markey	Pickle	Studds
Matsui	Porter	Synar
Mazzoli	Price (NC)	Thomas (CA)
McCloskey	Quinn	Thompson
McDade	Rangel	Torres
McDermott	Reed	Torricelli
McHale	Reynolds	Towns
McKinney	Roemer	Upton
McMillan	Ros-Lehtinen	Velazquez
Meehan	Rostenkowski	Vento
Meek	Roukema	Visclosky
Menendez	Roybal-Allard	Washington
Meyers	Rush	Waters
Mfume	Sabo	Watt
Miller (CA)	Sangmeister	Waxman
Mineta	Sawyer	Wheat
Mink	Saxton	Williams
Mollinari	Schenk	Wolf
Moran	Schroeder	Woolsey
Morella	Schumer	Wyden
Nadler	Scott	Wynn
Neal (MA)	Sensenbrenner	Yates
Olver	Serrano	Young (FL)
Owens	Shays	
Oxley	Shepherd	

NOT VOTING—3

Moakley	Murphy	Shuster
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□ 1626

Mr. HALL of Texas and Mr. MOLLOHAN changed their vote from "no" to "aye."

Mr. MINETA changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHIFF. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCHIFF moves to recommit the bill, H.R. 1025, to the Committee on the Judiciary with instructions to report the same to the House with such amendments as may be necessary to—

(1) eliminate the requirement that a State or local official conduct a background check of a prospective handgun transferee; or

(2) ensure that the costs of such background checks (as determined by the Attorney General of the United States) are fully funded by the Federal Government.

Mr. SCHIFF (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New Mexico [Mr. SCHIFF] is recognized for 5 minutes in support of his motion to recommit.

Mr. SCHIFF. Mr. Speaker, I will be brief.

In rejecting the McCollum amendment a few minutes ago, we made a resounding statement in favor of State and local government prerogatives to pass gun laws that they think are appropriate for their locations. I agree with that decision.

My motion to recommit, if adopted, would further that very same policy. The bill, as written now, is an unfunded mandate on local police and local sheriffs, unlike H.R. 7, the predecessor bill in the last Congress, which did not make a requirement upon chief law enforcement officers.

□ 1630

Mr. Speaker, the bill as written now, H.R. 1025, imposes an unfunded mandate on local government. This did not occur under the predecessor bill, H.R. 7, which made no requirement to chief law enforcement officers that they take any kind of action.

The motion to recommit I have offered directs the Committee on the Judiciary to remove the unfunded mandate by either removing the requirement now in the bill that chiefs of police and sheriffs take action, or requires that the Federal Government fund the action that we are ordering them to take. Either solution will solve this problem.

Mr. Speaker, I want to conclude by saying that although we do have an authorization of funds in this bill, that is for the instant check and the computer records upgrade. There is no authorization of funding to do a personal background check, but that is what we are ordering the local police and sheriffs to do. If we are for State prerogatives, which we have just voted to support in rejecting the McCollum amendment, and if we are against unfunded mandates, which most of us have stated, I ask for adoption of this motion.

The SPEAKER pro tempore (Mr. MURTHA). Does the gentleman from Texas [Mr. BROOKS] wish to be heard on the motion to recommit?

Mr. BROOKS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for five minutes in opposition to the motion to recommit.

Mr. BROOKS. Mr. Speaker, I am opposed to the motion to recommit. Despite the tremendous effort of my good friend, the gentleman from New Mexico [Mr. SCHIFF], I would oppose the motion to recommit. I do not think we need to send that bill back to the Committee on the Judiciary, not this year, anyhow.

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

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

Mr. SCHUMER. Mr. Speaker, this is the first time my beloved chairman, the gentleman from Texas [Mr. BROOKS] and I have agreed on an issue today, but I also oppose the motion to recommit, and in the interest of time I will not elaborate.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. SCHIFF. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair announces that the vote on final passage will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—yeas 200, nays 229, not voting 4, as follows:

[Roll No. 563]

AYES—200

Allard	Duncan	Laughlin
Applegate	Dunn	Levy
Archer	Emerson	Lewis (CA)
Armey	English (OK)	Lewis (FL)
Bachus (AL)	Everett	Lightfoot
Baker (CA)	Ewing	Linder
Baker (LA)	Fields (TX)	Livingston
Ballenger	Fish	Lloyd
Barca	Fowler	Manzullo
Barclay	Franks (CT)	Martinez
Barlow	Frost	McCollum
Barrett (NE)	Galleghy	McCrery
Bartlett	Gekas	McCurdy
Barton	Geren	McDade
Bereuter	Gillmor	McHugh
Bevill	Gingrich	McInnis
Bilbray	Goodlatte	McKeon
Bilirakis	Goodling	McMillan
Bliley	Goss	McNulty
Blute	Grams	Mica
Boehner	Grandy	Michel
Bonilla	Gunderson	Miller (FL)
Boucher	Hall (TX)	Minge
Brewster	Hancock	Mollohan
Browder	Hansen	Montgomery
Bunning	Hastert	Moorhead
Burton	Hayes	Myers
Callahan	Hefley	Natcher
Calvert	Herger	Neal (NC)
Camp	Hobson	Nussle
Canady	Hoekstra	Ortiz
Carr	Hoke	Orton
Clement	Holden	Packard
Clinger	Houghton	Parker
Coble	Hunter	Paxon
Collins (GA)	Hutchinson	Payne (VA)
Combest	Hutto	Peterson (MN)
Condit	Inglis	Pickett
Costello	Inhofe	Pombo
Cox	Istook	Pomeroy
Cramer	Johnson, Sam	Portman
Crane	Kasich	Poshard
Crapo	Kim	Pryce (OH)
Cunningham	King	Quillen
Danner	Kingston	Quinn
de la Garza	Klink	Rahall
Deal	Knollenberg	Ravenel
DeLay	Kolbe	Regula
Dickey	Kopetski	Richardson
Doolittle	Kyl	Ridge
Dorman	Lancaster	Roberts
Dreier	LaRocco	Rogers

Rohrabacher	Smith (TX)	Thomas (WY)
Roth	Snow	Torkildsen
Rowland	Solomon	Trafcant
Royce	Spence	Upton
Santorum	Stearns	Valentine
Sarpalius	Stenholm	Volkmer
Schaefer	Stump	Vucanovich
Schiff	Sundquist	Walker
Shaw	Talent	Weldon
Sisisky	Tanner	Williams
Skeen	Tauzin	Wilson
Skelton	Taylor (MS)	Wise
Smith (IA)	Taylor (NC)	Young (AK)
Smith (MI)	Tejeda	Zeliff
Smith (OR)	Thomas (CA)	

NOES—229

Abercrombie	Gonzalez	Olver
Ackerman	Gordon	Owens
Andrews (ME)	Green	Oxley
Andrews (NJ)	Greenwood	Pallone
Andrews (TX)	Gutierrez	Pastor
Bacchus (FL)	Hall (OH)	Payne (NJ)
Baessler	Hamburg	Pelosi
Barrett (WI)	Hamilton	Penny
Bateman	Harman	Peterson (FL)
Becerra	Hastings	Petri
Beilenson	Hefner	Pickle
Bentley	Hilliard	Porter
Berman	Hinchee	Price (NC)
Bishop	Hoagland	Ramstad
Blackwell	Hochbrueckner	Rangel
Boehlert	Horn	Reed
Bonior	Hoyer	Reynolds
Borski	Huffington	Roemer
Brooks	Hughes	Ros-Lehtinen
Brown (CA)	Hyde	Rose
Brown (FL)	Inslee	Rostenkowski
Brown (OH)	Jacobs	Roukema
Bryant	Jefferson	Roybal-Allard
Buyer	Johnson (CT)	Rush
Byrne	Johnson (GA)	Sabo
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson, E. B.	Sangmeister
Castle	Johnston	Sawyer
Chapman	Kanjorski	Saxton
Clay	Kaptur	Schenk
Clayton	Kennedy	Schroeder
Clyburn	Kennelly	Schumer
Coleman	Kildee	Scott
Collins (IL)	Kleczka	Sensenbrenner
Collins (MI)	Klein	Serrano
Conyers	Klug	Sharp
Cooper	Kreidler	Shays
Coppersmith	LaFalce	Shepherd
Coyne	Lambert	Skaggs
Darden	Lantos	Slattery
DeFazio	Lazio	Slaughter
DeLauro	Leach	Smith (NJ)
Dellums	Lehman	Spratt
Derrick	Levin	Stark
Deutsch	Lewis (GA)	Stokes
Diaz-Balart	Lipinski	Strickland
Dicks	Long	Studds
Dingell	Lowe	Stupak
Dixon	Machtley	Swett
Dooley	Maloney	Swift
Durbin	Mann	Synar
Edwards (CA)	Manton	Thompson
Edwards (TX)	Margolies-	Thornton
Engel	Mezvinsky	Thurman
English (AZ)	Markey	Torres
Eshoo	Matsui	Torricelli
Evans	Mazzoli	Towns
Farr	McCloskey	Tucker
Fawell	McDermott	Unsoeld
Fazio	McHale	Velazquez
Fields (LA)	McKinney	Vento
Filner	Meehan	Visclosky
Fingerhut	Meek	Walsh
Flake	Menendez	Washington
Foglietta	Meyers	Waters
Ford (MI)	Mfume	Watt
Ford (TN)	Miller (CA)	Waxman
Frank (MA)	Mineta	Wheat
Franks (NJ)	Mink	Whitton
Furse	Molnari	Wolf
Gallo	Moran	Woolsey
Gedjenson	Morella	Wyden
Gephardt	Murtha	Wynn
Gibbons	Nadler	Yates
Gilchrest	Neal (MA)	Young (FL)
Gilman	Nester	Zimmer
Glickman	Obey	

NOT VOTING—4

McCandless	Murphy
Moakley	Shuster

□ 1648

Mr. LANCASTER changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the passage of the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 189, not voting 6, as follows:

(Roll No. 564)

YEAS—238

Abercrombie	Filner	Lehman
Ackerman	Fingerhut	Levin
Andrews (ME)	Fish	Lewis (GA)
Andrews (NJ)	Flake	Lipinski
Andrews (TX)	Foglietta	Lloyd
Applegate	Ford (MI)	Long
Bacchus (FL)	Ford (TN)	Lowe
Baessler	Fowler	Machtley
Baker (CA)	Frank (MA)	Maloney
Barca	Franks (NJ)	Mann
Barrett (WI)	Frost	Manton
Bateman	Furse	Margolies-
Becerra	Gallely	Mezvisky
Beilenson	Gallo	Markey
Berman	Gedjenson	Matsui
Bilirakis	Gephardt	Mazzoli
Blackwell	Gibbons	McCloskey
Blute	Gilchrest	McCurdy
Boehlert	Gilman	McDade
Bonior	Glickman	McDermott
Borski	Gonzalez	McHale
Brown (CA)	Goodling	McKinney
Brown (FL)	Gordon	McMillan
Brown (OH)	Goss	McNulty
Bryant	Greenwood	Meehan
Byrne	Gutierrez	Meek
Cantwell	Hall (OH)	Menendez
Cardin	Hamburg	Meyers
Castle	Hamilton	Mfume
Chapman	Harman	Miller (GA)
Clay	Hastings	Mineta
Clayton	Hefner	Minge
Clement	Hinchee	Mink
Clyburn	Hoagland	Molnari
Collins (IL)	Hochbrueckner	Moran
Collins (MI)	Hoekstra	Morella
Condit	Horn	Nadler
Conyers	Hoyer	Neal (MA)
Cooper	Huffington	Neal (NC)
Coppersmith	Hughes	Olver
Coyne	Hutto	Owens
Darden	Hyde	Oxley
DeFazio	Jacobs	Pallone
DeLauro	Jefferson	Pastor
Dellums	Johnson (CT)	Payne (NJ)
Derrick	Johnson (SD)	Pelosi
Deutsch	Johnson, E. B.	Pickle
Diaz-Balart	Johnston	Porter
Dicks	Kaptur	Price (NC)
Dixon	Kennedy	Quinn
Dooley	Kennelly	Ramstad
Durbin	Kildee	Rangel
Edwards (CA)	Kleczka	Reed
Engel	Klein	Regula
English (AZ)	Klug	Reynolds
Eshoo	Kreidler	Roemer
Evans	LaFalce	Ros-Lehtinen
Farr	Lancaster	Rose
Fawell	Lantos	Rostenkowski
Fazio	Lazio	Roukema
Fields (LA)	Leach	Rowland

Roybal-Allard	Smith (MI)	Valentine
Rush	Smith (NJ)	Velazquez
Sabo	Spratt	Vento
Sangmeister	Stark	Visclosky
Sawyer	Stearns	Walsh
Saxton	Stokes	Washington
Schenk	Studds	Waters
Schroeder	Swett	Watt
Schumer	Swift	Waxman
Scott	Synar	Weldon
Sensenbrenner	Thomas (CA)	Wheat
Serrano	Thompson	Wolf
Sharp	Torkildsen	Woolsey
Shaw	Torres	Wyden
Shays	Torricelli	Wynn
Shepherd	Towns	Yates
Skaggs	Trafcant	Young (FL)
Slattery	Tucker	Zimmer
Slaughter	Upton	

NAYS—189

Allard	Goodlatte	Orton
Archer	Grams	Packard
Army	Grandy	Parker
Bacchus (AL)	Green	Paxon
Baker (LA)	Gunderson	Payne (VA)
Ballenger	Hall (TX)	Penny
Barcia	Hancock	Peterson (FL)
Barlow	Hansen	Peterson (MN)
Barrett (NE)	Hastert	Petri
Bartlett	Hayes	Pickett
Barton	Hefley	Pombo
Bentley	Herger	Pomeroy
Bereuter	Hilliard	Portman
Bevill	Hobson	Poshad
Billbray	Hoke	Pryce (OH)
Bishop	Holden	Quillen
Bliley	Houghton	Rahall
Boehner	Hunter	Ravenel
Bonilla	Hutchinson	Richardson
Boucher	Inglis	Ridge
Brewster	Inhofe	Roberts
Brooks	Inslee	Rogers
Browder	Istook	Rohrabacher
Bunning	Johnson (GA)	Roth
Burton	Johnson, Sam	Royce
Buyer	Kanjorski	Sanders
Callahan	Kasich	Santorum
Calvert	Kim	Sarpalius
Camp	King	Schaefer
Canady	Kingston	Schiff
Carr	Klink	Sisisky
Clinger	Knollenberg	Skeen
Coble	Kolbe	Skelton
Coleman	Kyl	Smith (IA)
Collins (GA)	Lambert	Smith (OR)
Combest	LaRocco	Smith (TX)
Costello	Laughlin	Snowe
Cox	Levy	Solomon
Cramer	Lewis (CA)	Spence
Crane	Lewis (FL)	Stenholm
Crapo	Lightfoot	Strickland
Cunningham	Linder	Stump
Danner	Livingston	Stupak
de la Garza	Manzullo	Sundquist
DeLay	Martinez	Talent
Dickey	McCollum	Tanner
Dingell	McCrery	Tauzin
Doittle	McHugh	Taylor (MS)
Dorman	McInnis	Taylor (NC)
Dreier	McKeon	Tejeda
Duncan	Mica	Thomas (WY)
Dunn	Michel	Thornton
Edwards (TX)	Miller (FL)	Thurman
Emerson	Mollohan	Unsoeld
English (OK)	Montgomery	Volkmer
Everett	Moorhead	Vucanovich
Ewing	Murtha	Walker
Fields (TX)	Myers	Whitton
Franks (CT)	Natcher	Williams
Gekas	Nussle	Wilson
Geren	Oberstar	Wise
Gillmor	Obey	Young (AK)
Gingrich	Ortiz	Zeliff

NOT VOTING—6

Deal	McCandless	Murphy
Kopetski	Moakley	Shuster

□ 1655

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Murphy against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KOPETSKI. Madam Speaker, I was unavoidably detained, I was meeting with some officials from Oregon State University, and missed rollcall vote No. 564.

Had I been present, I would have voted against passage of the measure, H.R. 1025.

PERSONAL EXPLANATION

Mr. DEAL. Madam Speaker, I was unavoidably called off the floor during rollcall vote No. 564. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mrs. BENTLEY. Madam Speaker, it has come to my attention that on final passage, rollcall No. 564, the Brady bill today, my vote was incorrectly recorded. I voted "aye", but the printed rollcall listed me as a "no" vote. I favor the bill, have voted for it in the past, and I ask that my statement in support of the Brady bill appear in the RECORD.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 103-351) waiving points of order against the conference report to accompany the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 306) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 306

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Foreign Affairs: Luis V. Gutierrez, Illinois.

Committee on Science, Space, and Technology: Bobby L. Rush, Illinois.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONTINUATION OF SERVICE AS CHAIRMAN AND MEMBER, RESPECTIVELY, OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. HOYER. Mr. Speaker, I ask unanimous consent, that notwithstanding the provisions of clause 1(C) of rule XLVIII, Representative GLICKMAN of Kansas and Representative RICHARDSON of New Mexico may continue to serve as chairman and member, respectively, of the Permanent Select Committee on Intelligence for the remainder of the 103d Congress.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Michele Payer, one of his secretaries.

LEGISLATIVE CALENDAR

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

Mr. MICHEL. Mr. Speaker, I requested this 1-minute in order that I

might inquire of the distinguished chairman of the Democratic caucus, the gentleman from Maryland [Mr. HOYER], what we have in store for us next week.

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

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman, my friend, for yielding, our distinguished minority leader.

As the minority leader knows, we will be attempting to adjourn for the district work period through December on November 22. Therefore, next week will be a very busy week. We will be going in on Monday, we do not expect any votes until 4 p.m. We will not have votes until 4 p.m. There are 21 bills on suspension:

H.R. —, to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996;

H.R. 3318, Federal Employees Clean Air Incentives Act;

H.R. 2884, School-to-Work Opportunities Act of 1993;

H.R. 3186, Arceneaux Courthouse;

H.R. 3356, Edwin Ford Hunter Court-

house;

H.R. 2868, John Minor Wisdom Court-

house;

H.R. 2559, Richard Bolling Federal Building;

H.R. 881, Smoking ban;

H.R. 3445, Hazard Mitigation and Flood Damage Reduction Act of 1993;

H.R. 2121, Negotiated Rates Act of 1993;

H.R. 3460, Hazardous Materials Transportation Act;

H.R. 3321, Low Income Home Energy Assistance Program;

S. 433, To convey certain lands in Cameron Parish, LA, and for other purposes;

H.R. 3286, To amend the act establishing Golden Gate National Recreation Area;

H.R. 2620, BLM expansion of Gene Chappie Shasta OHV Area;

H.R. 1137, Old Faithful Protection Act of 1993;

S.J. Res. 19, To acknowledge the 100th anniversary of the 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to native Hawaiians on behalf of the United States;

H.R. 1425, American Indian Agricultural Resources Management Act;

H.R. 3313, Veterans Health Improvements Act of 1993;

H.R. 3456, Surviving Spouses' Benefits Act of 1993; and

H.R. 3000, the Friendship With Russia, Ukraine and Other New Independent States Act.

Let me say that we will go in at noon on Monday and consider those suspensions, but there will be no votes before 4.

There is also, in addition to the suspensions on Monday, H.R. 2401, the Defense authorization conference report, will be on the floor.

Mr. MICHEL. Did I hear the gentlemen say we would not expect any rollcalls until after 4?

Mr. HOYER. The gentleman is correct.

Mr. MICHEL. On Monday.

Mr. HOYER. That is correct, 4 or later.

On Tuesday and the balance of the week we will have a number of pieces of legislation: The Mineral Exploration and Development Act, subject to a rule; Department of Environmental Protection Act, subject to a rule; the North American Free-Trade Agreement, subject to a rule; the Freedom of Access to Clinic Entrances Act of 1993, subject to a rule; reinventing Government, the REGO legislation; as well as the legislation out of the Appropriations Committee on rescissions; the campaign finance reform bill we expect to have on the floor, the lobbying reform, and all of these subject to rules; and the unemployment compensation program extension conference report, which resulted from the vote we had this week.

□ 1700

I would say to my distinguished friend that we expect to be meeting on Saturday and Sunday to provide for us getting out on the 22d, because our load is heavy.

We probably will go in at 12 o'clock on Saturday and 2 on Sunday, although that has not been set and is subject to further discussion, but probably those are the times.

Mr. MICHEL. Mr. Speaker, I think I heard from the other body a suggestion of the 23d for their getaway day. Does that put us on notice that we are striving for the 22d, but we may have to be here the 23d?

Mr. HOYER. The minority leader has had more experience than I in that and probably is more correct in that than I would like to be, but I think the gentleman is correct. I think Members would be well advised to make sure that their schedules are not taken up on the 23d because obviously with this heavy agenda of those items on our calendar to complete, the 23d may well be a possibility.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business rule be dispensed with on Wednesday, November 17, 1993.

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

There was no objection.

AMENDING FOOD STAMP ACT OF 1977 TO ENSURE ADEQUATE ACCESS TO RETAIL FOOD STORES BY FOOD STAMP RECIPIENTS

Mr. STENHOLM. Madam Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3436) to amend the Food Stamp Act of 1977 to ensure adequate access to retail stores by recipients of food stamps and to maintain the integrity of the Food Stamp Program.

The Clerk read the title of the bill.

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

Mr. ROBERTS. Reserving the right to object, Madam Speaker, I shall not object. I rise in support of the bill, H.R. 3436, and I yield to the distinguished gentleman from Texas to explain to the House the nature of the bill.

Mr. STENHOLM. Madam Speaker, H.R. 3436 has two important objectives. First, this bill will ensure that food stamp recipients continue to have adequate access to a variety of retail stores to acquire nutritious food. It will do so by correcting an unintended situation which threatens to eliminate the authorization for thousands of small retail stores to accept food stamps for food purchase.

Second, the bill provides additional authority to the Secretary to enhance the Department's efforts at reducing fraud and abuse in the Food Stamp Program.

Let me briefly explain the circumstances that led to the Agriculture Committee's interest in these issues and the drafting of the legislation before us.

Last winter the Food and Nutrition Service [FNS] of the U.S. Department of Agriculture began its process of reauthorizing food stamp retailers. During that reauthorization process, FNS decided that a number of small retailer establishments no longer meet the technical definition of retail food store in the Food Stamp Act, even though many have participated in the program for years.

USDA has informed the Committee on Agriculture that these stores will soon have their authorization to participate in the Food Stamp Program withdrawn.

This action threatens to deny ready access by food stamp households to food stores. This could create an acute problem in many rural areas and in inner cities where there are few supermarkets. H.R. 3436 will remedy this situation.

Currently, the Food Stamp Act requires that an eligible retail food store have over 50 percent of its food sales volume in staple foods.

H.R. 3436 would make a retail food store eligible to participate in the Food Stamp Program if it meets one or the other of the following conditions:

If the store has over 50 percent of its total sales volume, not simply its food sales volume, in staple foods, or;

If the store offers, on a continuous basis, a variety of food in each of four categories of staple foods, and sells perishable foods in at least two of these categories of staple foods.

Either of these requirements will ensure that only those stores which sell a significant number of staple foods will be eligible to participate. The bill defines staple food categories as: meat, poultry, and fish; bread or cereals; vegetables or fruits; and dairy products.

H.R. 3436 does not change the current prohibition on the participation of certain types of stores, such as those that sell only accessory foods, including spices, candy, soft drinks, tea or coffee, ice cream vendors, and doughnut shops.

The bill also amends the Food Stamp Act to strengthen the authority of the Secretary to maintain program integrity. It would permit the use and disclosure of information provided by retail food stores and wholesale food concerns to law enforcement and investigate agencies investigating abuses of the Food Stamp Act or other Federal or State laws.

The bill imposes penalties on those who publish, divulge, or disclose to any of the information obtained in such an investigation if not authorized by Federal law.

Finally, H.R. 3436 requires that the Secretary use up to \$4 million for specific kinds of demonstration projects. This funding is provided only to help State or local food stamp agencies test new ideas for working with State or local law enforcement agencies to investigate and prosecute street food stamp trafficking. Trafficking in food stamps has always been prohibited by the Food Stamp Act.

The Congressional Budget Office [CBO] indicates sections 1, 2, 3, and 5 of H.R. 3436 have insignificant costs. Section 4, which authorizes up to \$4 million for demonstration projects to test activities directed at street trafficking in coupons, is subject to appropriations.

This legislation was supported in the Committee on Agriculture by both sides of the aisle. In addition, it is supported by the administration. I urge its immediate adoption.

Mr. ROBERTS. Madam Speaker, I rise in support of H.R. 3436, a bill to amend the Food Stamp Act. To redefine which retail food stores can accept food stamp coupons. Additionally H.R. 3436 will strengthen the enforcement of this provision; allow information provided by retail food stores to be shared with law enforcement officials; and, require that the Secretary spend up to \$4 million on pilot projects designed to improve the investigation and prosecution of food stamp trafficking.

The 1990 farm bill authorized the U.S. Department of Agriculture to conduct

periodic reauthorizations of retail food stores. In 1992, USDA proposed to remove several hundred stores, primarily convenience food stores, that did not meet the qualifications included in the Food Stamp Act. This action was subsequently rescinded this year by the Secretary of Agriculture and he recommended that Congress revise the definition of a retail food store for the Food Stamp Program.

Several retail food stores in Kansas advised me of the need to change this definition in order to move away from only a sales-based test and take into account the variety of staple foods sold in convenience food stores.

I believe it is essential, to protect the integrity of the Food Stamp Program, that any new definition of a retail food store adheres to the purposes of the Food Stamp Act and provides for improved levels of nutrition for needy families. Only stores that are primarily food stores should be authorized to accept food stamp coupons. Additionally, USDA must exercise its responsibility to ensure that only those stores meeting the requirements of the act can participate in the Food Stamp Program.

H.R. 3436 meets those tests.

The bill requires that in order to accept food stamps, a retail food store must either: offer for sale, on a continuous basis, a variety of foods in each of four staple food categories—meat, poultry, or fish; bread or cereals; vegetables or fruits; and dairy products; or, have over 50 percent of its total sales in staple foods. The current definition requires that stores have over 50 percent of food sales in staple foods.

The bill also requires the Secretary to issue regulations providing for periodic reauthorization of stores and requires periodic notice regarding the definition of retail food stores, staple foods, eligible foods, and perishable foods. Also, the bill allows the use and disclosure to State and Federal law enforcement officials of information provided by stores for the purpose of administering and enforcing the provisions of the Food Stamp Act or other Federal or State laws. Penalties are established for those misusing any of this information.

That provision was a part of the Food Stamp Anti-Fraud Act, H.R. 1887, introduced here in the House by Congressman EWING and by Senator MCCONNELL in the Senate. I am pleased that this provision has been included in the bill being considered today.

Finally, the bill requires the Secretary to use up to \$4 million of demonstration project funds to test innovative ideas to investigate and prosecute trafficking in food stamps by recipients, buyers, and retail food stores.

The administration supports enactment of H.R. 3436 and States there is no budgetary impact due to the changes in the retail food store definition. CBO es-

timates that the direct cost of H.R. 3436 is less than \$500,000.

Madam Speaker, I urge support for H.R. 3436.

Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3436

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

SECTION 1. FOOD STAMP ACT DEFINITIONS.

Effective on the date of enactment of this Act, section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by—

(1) amending clause (1) of subsection (k) to read as follows:

“(1) an establishment or house-to-house trade route which sells food for home preparation and consumption and (A) offers for sale on a continuous basis a variety of foods in each of the four categories of staple foods as defined in subsection (u), including perishable foods in at least two such categories, or (B) has over 50 percent of its total sales in staple foods as defined in subsection (u) of this section, as determined by visual inspection, sales records, purchase records, counting of stock keeping units, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry.”;

(2) adding the following new sentence at the end of subsection (k): “An establishment or house-to-house trade route that is authorized at the time of implementation of clause (1) may be considered to meet this definition until its periodic reauthorization or until such time as the eligibility of the firm for continued participation in the food stamp program is evaluated for any reason.”; and

(3) adding a new subsection (u) at the end thereof to read as follows:

“(u) ‘Staple foods’ means foods in the following categories: (1) meat, poultry, or fish; (2) bread or cereals; (3) vegetables or fruits; and (4) dairy products; but does not include accessory food items such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments and spices.”.

SEC. 2. PERIODIC NOTICE.

Section 9(a)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2018(a)(2)) is amended to read as follows:

“(2) The Secretary shall issue regulations providing for a periodic reauthorization of retail food store and wholesale food concerns, and providing for periodic notice to participating retail food stores and wholesale food concerns of the definitions of ‘retail food store’, ‘staple foods’, ‘eligible foods’, and ‘perishable foods.’”

SEC. 3. USE AND DISCLOSURE OF INFORMATION PROVIDED BY RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended—

(1) in the second sentence by inserting after “disclosed to and used by” the following: “Federal law enforcement and investigative agencies and law enforcement and investigative agencies of a State government for the purposes of administering or enforcing the provisions of this Act or any other Federal or State law and the regulations issued under this Act or such law, and”;

(2) by inserting after the second sentence the following: “An officer or employee of an

agency described in the preceding sentence who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by Federal law any information obtained under the authority granted by this subsection shall be subject to section 1905 of title 18 of the United States Code.”; and

(3) in the last sentence by striking “Such purposes shall not exclude” and inserting the following: “Such regulations shall establish the criteria to be used by the Secretary to determine that such information is needed. Such regulations shall not prohibit”.

SEC. 4. DEMONSTRATION PROJECTS TESTING ACTIVITIES DIRECTED AT STREET TRAFFICKING IN COUPONS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding a new subsection (1) at the end thereof as follows—

“(1) The Secretary shall use up to \$4 million of funds provided in advance in appropriations Acts for projects authorized by this section to conduct projects in which State or local food stamp agencies test innovative ideas for working with State or local law enforcement agencies to investigate and prosecute coupon street trafficking by recipients, buyers, and authorized retail food stores.”.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FOOD STAMP ACT DEFINITIONS.

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by—

(1) amending clause (1) of subsection (k) to read as follows: “(1) an establishment or house-to-house trade route that sells food for home preparation and consumption and (A) offers for sale on a continuous basis a variety of foods in each of the four categories of staple foods as defined in subsection (u), including perishable foods in at least two such categories, or (B) has over 50 percent of its total sales in staple foods, as determined by visual inspection, sales records, purchase records, counting of stock keeping units, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry.”;

(2) adding a new subsection (u) at the end thereof to read as follows—

“(u) ‘Staple foods’ means foods in the following categories: (1) meat, poultry, or fish; (2) bread or cereals; (3) vegetables or fruits; and (4) dairy products. Staple foods do not include accessory food items such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices.”.

SEC. 2. PERIODIC NOTICE.

Section 9(a)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2018(a)(2)) is amended to read as follows:

“(2) The Secretary shall issue regulations providing for a periodic reauthorization of retail food stores and wholesale food concerns, and providing for periodic notice to participating retail food stores and wholesale food concerns of the definitions of ‘retail food store’, ‘staple foods’, ‘eligible foods’, and ‘perishable foods.’”

SEC. 3. USE AND DISCLOSURE OF INFORMATION PROVIDED BY RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended—

(1) in the second sentence by inserting after "disclosed to and used by" the following: "(1) Federal law enforcement and investigative agencies and law enforcement and investigative agencies of a State government for the purposes of administering or enforcing the provisions of this Act or any other Federal or State law and the regulations issued under this Act or such law, and (2)";

(2) by inserting after the second sentence the following: "Any person who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by Federal law, or the regulations issued under this Act, any information obtained under this subsection shall be fined not more than \$1,000, or imprisoned not more than one year, or both."; and

(3) in the last sentence by striking "Such purposes shall not exclude" and inserting the following: "Such regulations shall establish the criteria to be used by the Secretary to determine that such information is needed. Such regulations shall not prohibit".

SEC. 4. DEMONSTRATION PROJECTS TESTING ACTIVITIES DIRECTED AT TRAFFICKING IN COUPONS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding a new subsection (1) at the end thereof as follows:

"(1) The Secretary shall use up to \$4,000,000 of the funds provided in advance in appropriations Acts for projects authorized by this section to conduct demonstration projects in which State or local food stamp agencies test innovative ideas for working with State or local law enforcement agencies to investigate and prosecute coupon trafficking by recipients, buyers, and retail food stores."

SEC. 5. CONTINUING ELIGIBILITY.

An establishment or house-to-house trade route that is otherwise authorized to accept and redeem coupons under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) at the time of enactment of this Act shall be considered to meet the definition of "retail food store" in section 3(k) of the Food Stamp Act of 1977, as amended by section 1 of this Act, until its periodic reauthorization or until such time as the eligibility of the establishment or house-to-house trade route for continued participation in the food stamp program is evaluated for any reason.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

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

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

GENERAL LEAVE

Mr. STENHOLM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3436, the bill just passed.

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

There was no objection.

GEOGRAPHY AWARENESS WEEK

Mr. WYNN. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 131) designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week" and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. ROBERTS. Madam Speaker, reserving the right to object, I will not object, but I should simply like to inform the House that the minority has no objection to the legislation now being considered.

I am delighted to yield to the distinguished gentleman from Maryland to further explain anything that he would like in regard to the bill, if he would so choose.

Mr. WYNN. Madam Speaker, I thank the gentleman from Kansas.

Mr. KILDEE. Madam Speaker, I rise today in support of House Joint Resolution 197, legislation designating the week of November 14, 1993, and November 13, 1994, as "Geography Awareness Week." As a former school teacher, and as the chairman of the Subcommittee on Elementary, Secondary, and Vocational Education, I realize the great need for geography education for American students. Madam Speaker, the need for geographic knowledge was identified by the national goals for education as one of the core subjects in which American students should demonstrate competency. This need has also been highlighted in a 1988 study that found Americans between the ages of 18 and 24-years-old ranked last in an international comparison of geographic knowledge, and American adults of all ages scored among the bottom third. In addition, 3 in 4 Americans surveyed—132 million Americans in all—could not locate the Persian Gulf on a map, and 1 in 4 could not identify the Pacific Ocean. Madam Speaker, this news alarms me because our young people must have knowledge of other lands and other cultures if we are to compete effectively in a global economy.

Geography Awareness Week will serve as one way to emphasize and stress the importance of geographic knowledge so that today's students, and America's future leaders, will be prepared to compete in the international marketplace. Now more than ever, we must continue to support such efforts to ensure that our children grow up to be geographically literate.

Madam Speaker, I am pleased that a majority of my colleagues have joined me in supporting this bill, and I urge the House to adopt this bill.

Mr. ROBERTS. Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 131

Whereas geography is the study of people and their planet, offering a framework for understanding ourselves, our interdependence with other peoples, our relationship to the Earth, and world events;

Whereas the United States has both worldwide involvements and influence that demand an understanding of geography, different cultures, and foreign languages;

Whereas a thorough knowledge of geography, different cultures, and foreign languages is essential to maintain the Nation's stature in the international community in matters of business, politics, the environment, and global events;

Whereas a geographic perspective is needed to understand the relationship between human activity and the condition of our planet in this time of increasing environmental problems;

Whereas our Nation's Governors, in their National Education Goals, explicitly identified geography along with English, mathematics, science, and history as the 5 core subjects in which American students should demonstrate competency;

Whereas world standards are being developed as benchmarks for student performance in each of the core subject identified in the National Education Goals; and

Whereas a knowledge of world geography is essential for citizens of the United States to assume a responsible role in the future of an increasingly interconnected and interdependent world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 14, 1993, and the week beginning November 13, 1994, each be designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 131, the Senate joint resolution just passed.

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

There was no objection.

REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-164)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read, and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on May 14, 1993, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report covers events through October 1, 1993. The last report, dated May 14, 1993, covered events through March 31, 1993.

1. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560, or to the Iranian Assets Control Regulations, 31 CFR Part 535, since the last report.

2. The Office of Foreign Assets Control (FAC) of the Department of the Treasury continues to process applications for import licenses under the Iranian Transactions Regulations.

During the reporting period, the U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the Iranian Transactions Regulations. Office of Foreign Assets Control and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Additional forfeiture and civil penalty actions are under review.

3. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered two awards, both in favor of U.S. claimants. Including these decisions, the total number of awards has reached 547, of which 369 have been awards in favor of American claimants. Two hundred twenty-two of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 147 were decisions adjudicated on the merits. The Tribunal has issued 36 decisions dismissing claims on the merits and 83 decisions dismissing claims for jurisdictional reasons. Of the 59 remaining awards, 3 approved the withdrawal of cases and 56 were in favor of Iranian claimants. As of September 30, 1993, the value of awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at \$2,351,986,709.40.

The Security Account has fallen below the required balance of \$500 mil-

lion almost 50 times. Iran has periodically replenished the account, as required by the Algiers Accords, by transferring funds from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. The aggregate amount that has been transferred from the Interest Account to the Security Account is \$874,472,986.47. Iran has also replenished the account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC. Iran has not, however, replenished the account since the last oil sale deposit on October 8, 1992, although the balance fell below \$500 million on November 5, 1992. As of September 28, 1993, the total amount in the Security Account was \$213,507,574.15 and the total amount in the Interest Account was \$5,647,476.98.

Iran also failed to make scheduled payments for Tribunal expenses on April 13 and July 15, 1993. The United States filed a new case (designated A/28) before the Tribunal on September 29, 1993, asking that the Tribunal order Iran to make its payment for Tribunal expenses and to replenish the Security Account.

4. The Department of State continues to present other United States Government claims against Iran, in coordination with concerned Government agencies, and to respond to claims brought against the United States by Iran. In June and August of this year, the United States filed 2 briefs and more than 350 volumes of supporting evidence in Case B/1 (claims 1 and 2), Iran's claim against the United States for damages relating to the U.S. Foreign Military Sales Program. On September 29, the United States submitted a brief for filing in all three Chambers of the Tribunal concerning the Tribunal's jurisdiction over the claims of dual nationals who have demonstrated dominant and effective U.S. nationality. In addition, the Tribunal issued an order accepting the U.S. view that Iran has to support all aspects of its claim in Case A/11, in which Iran claims the United States has breached its obligations under the Algiers Accords, rather than to ask the Tribunal to first decide "interpretative issues" separate from the merits of its case. In another case, the Tribunal declined Iran's request that it stay a case against Iran in U.S. courts for an alleged post-January 1981 expropriation, where the plaintiffs' case at the Tribunal had been dismissed.

5. As reported in November 1992, Jose Maria Ruda, President of the Tribunal, tendered his resignation on October 2, 1992. No successor has yet been named. Judge Ruda's resignation will take effect as soon as a successor becomes available to take up his duties.

6. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals for less than \$250,000.00, the

Foreign Claims Settlement Commission (FCSC) has continued its review of 3,112 claims. The FCSC has issued decisions in 1,568 claims, for total awards of more than \$28 million. The FCSC expects to complete its adjudication of the remaining claims in early 1994.

7. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the Iranian Transactions Regulations issued pursuant to Executive Order No. 12613 continue to advance important objectives in combatting international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 10, 1993.

APPOINTMENT OF JOHN W. LAINHART IV AS INSPECTOR GENERAL FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to the provisions of section 2(b) of rule 6, the Speaker, majority leader, and minority leader jointly appoint Mr. John W. Lainhart IV to the position of inspector general for the U.S. House of Representatives effective November 14, 1993.

WEST POINT COIN

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

Mr. FISH. Madam Speaker, today I join my distinguished colleague from New York, Senator AL D'AMATO, in introducing legislation authorizing the minting of coins to commemorate the 200th anniversary of the founding of the U.S. Military Academy at West Point. I am very proud that 51 Members of the House have signed on as original cosponsors.

The bicentennial of West Point on March 16, 2002, will commemorate the Military Academy's two-century tradition of educating, training, and inspiring young men and women to serve our Nation in uniform. It will also celebrate the Academy's past, present, and future commitment to building the character, leadership, and intellectual foundation so essential to becoming officers in the U.S. Army, and leaders in government, industry, and the community.

Madam Speaker, West Point is truly a special place which inspires young people with "Duty, Honor, Country." I urge all my colleagues to join me in celebrating this 200-year tradition of excellence by cosponsoring the coin legislation I am introducing today.

□ 1710

GOP WELFARE PLAN

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

Ms. WOOLSEY. Madam Speaker, today my Republican colleagues are introducing a so-called welfare reform bill.

Madam Speaker, I differ from every other Member of this House, because I am the only Member of Congress who was a welfare mother. So, my opinions are not based on theory, they are based on real-life experience.

Madam Speaker, the Republican proposal takes a complicated, emotionally charged social problem and puts forward a simplistic and punitive solution.

The bill says that the two causes of welfare are illegitimacy and nonwork.

Madam Speaker, this concept is illegitimate and it will not work.

The real issue is how to make it possible for poor single parents—like I was 25 years ago to support their families.

This bill does nothing to address the real problem. It does not give families the tools to make themselves self-sufficient—no better child care, health care, child support, and no jobs creation.

Madam Speaker, I am drafting a real welfare reform bill—one that will ensure that people who play by the rules win, and that families are not punished for needing help.

NAFTA IS ENVIRONMENTAL DISASTA

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

Mr. FILNER. Madam Speaker, we have been told by the administration and supporters in the House of Representatives that NAFTA will be the vehicle to clean up the environmental mess which currently exists along the United States-Mexican border. Supposedly, billions of dollars will be dedicated to this task. The environmental side agreement is the panacea which will turn sewage into wine and toxic waste into ambrosia.

But as a Congressman who represents San Diego, CA—the biggest city on the United States-Mexican border—I can tell you first-hand that this NAFTA is a bad deal for the environment on both sides of the border. The side agreement

provides no guarantees against the weakening of Federal or State environmental laws by our trading partners.

It does not address the serious impacts NAFTA will have on the conservation of natural resources—such as mining, timber, and agriculture. It does not safeguard laws which protect us against products produced in an environmentally destructive manner. It does nothing to solve the ongoing problem of U.S.-owned companies failing to return toxic wastes to the United States for proper treatment.

It does not provide one penny for infrastructure improvements. As a result, NAFTA will ensure greater exploitation of our natural resources with little, if any, true cleanup or conservation.

The environment simply cannot afford this NAFTA.

ASSOCIATION OF AMERICAN PHYSICIANS AND SURGEONS, ET AL., VERSUS HILLARY RODHAM CLINTON, ET AL.

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

Mr. DORNAN. Madam Speaker, the other night, Friday, I was coming back on a small turboprop-driven Army airplane from Fort Campbell where I had an opportunity to meet with the heroic young helicopter pilot Michael Durant who had been held prisoner for a week and a half in Somalia, and, as I landed at Andrews, I was told by the young lieutenant there that the First Lady was arriving in a few minutes alone on a C-20 Gulf Stream jet. Now I know that First Ladies cannot travel around the country commercially, but I did wonder to myself where Miss Hillary had been off to, probably on health care business.

So, this struck me. On the front page of today's newspaper a judge demands health panel's papers from the White House, and here is the language used in the legal document which I will put in the RECORD with this 1-minute. It is stunning. It talks about meritless, archaic, preposterous, egregious, thwarted, germane, and then it ends up saying that he is going to charge the First Lady legal fees if they stonewall the 511-member task force with no doctor on it and how they came to arrive at this strange health care plan.

[U.S. District Court for the District of Columbia, Civil Action No. 93-0399 (RCL)]

ASSOCIATION OF AMERICAN PHYSICIANS AND SURGEONS, INC., ET AL., PLAINTIFFS, VERSUS HILLARY RODHAM CLINTON, ET AL., DEFENDANTS.

MEMORANDUM AND ORDER

This matter comes before the court on plaintiffs' motion to compel answers to interrogatories and production of documents. The Court has carefully read each of defendants' responses, along with all memoranda in

support of and in opposition to plaintiffs' motion. On October 20, 1993, counsel also presented oral arguments to the court.

The exception to the Federal Advisory Committee Act applying to each working group body must be on the basis that the group is composed wholly of full-time government employees. (Court of Appeals slip op., p. 26). When the body (be it a sub-group or whatever) is asked to render advice or recommendations as a group, it is a Federal Advisory Committee Act advisory committee unless it is composed wholly of full-time government employees. (*Id.*, p. 29). This court's task is to inquire into:

1. The formality and structure of the working group and its sub-groups to determine if there are advisory committees within the working group, even if the working group itself is not an advisory committee.

2. The truth of the government's claim that all members of the working groups are full-time officers or employees of the government.

3. The status of the special government employees, where they came from, how many hours they worked, and whether they were full-time.

4. The status of the consultants—did each only come to a one-time meeting, or is his or her role functionally indistinguishable from other members of the group or subgroup. Any consultant who regularly attended and fully participated in meetings should be regarded as a member of that group or subgroup, and the consultant's status as a private citizen would then disqualify that group or sub-group from exempt status under the Federal Advisory Committee Act.

The Court of Appeals specifically cautioned that the Federal Advisory Committee Act cannot be avoided by simply appointing, for example, "10 private citizens as special government employees for two days, and then have the committee receive the section 3(2) exemption as a body composed of full-time government employees." (*Id.*, pp. 31-32).

Importantly, Circuit Judge Buckley, in this concurring opinion, noted the importance of the government's argument regarding compliance with ethics laws: "Mr. Magazine *** took pains to stress the fact that every member of and consultant to the group—whether a regular or special government employee, whether working full time or part, for pay or without—was required to file a financial disclosure statement and to comply with other requirements of these laws." (Court of Appeals slip op., Buckley, J. Concurring, at 11-12.) Discovery into the truth of Mr. Magazine's affidavit on this point, then, also appears to be warranted.

Rule 26 must be liberally construed to allow discovery into any factual matter that is germane to any of the remaining legal issues in this case, and that may lead to the discovery of admissible evidence or may relate to circumstantial evidence.

Defendants have submitted meritless relevancy objections in almost all instances, and incomplete and inadequate responses in most instances, and plaintiffs' motion to compel shall be granted as set forth herein.

The court rejects defendants' objection that because the current complaint has no specific allegation that "the interdepartmental working group, its cluster groups or subgroup or any other groups were subject to the FACA" plaintiffs are not entitled to seek discovery on these issues. The complaint can be amended to conform to the evidence discovered, and there is no basis at this late stage—on remand, after full briefing—to now raise an archaic technical pleading objection. After full discovery, the court will require an amended complaint to be filed that

conforms to the evidence and frames the issues for deciding dispositive motions or, if necessary, trial.

The court also rejects defendant's interpretation of their obligations to respond to outstanding discovery on an on-going basis. For example, in defendants' response to discovery request No. 2 (at p. 8), defendants noted that "there are a few additional individuals listed who may have maintained expert or consultancy agreements * * * [who] are not designated as having been retained by a particular governmental entity pending the results of a continuing search for pertinent documentation." The proper response by the government would have been to file its incomplete information and move to enlarge time for filing its complete answer, with an estimate of how much time would be needed. Instead, the government decided it would file an incomplete answer and then supplement it whenever it pleased, effectively divesting this court of control over the discovery process and ensuring that during the briefing process on the motion to compel the government would continue to produce dribbles and drabs of information at its convenience. This has unnecessarily complicated judicial review by providing a constantly changing target. The court condemns this litigation tactic and will not tolerate it in future responses in this case.

Defendants initially submitted a preposterous response to plaintiffs' request for lists of individuals who participated with each working group, saying that for Groups 1A and 22A-D "no such list was ever created." The lack of a formal, pre-existing list obviously did not excuse defendants from complying with plaintiffs' request. Apparently even defendants now recognize that, since they have now filed supplemental responses regarding the individuals in Groups 1A and 22A-D. Again, the court rejects this improper litigation tactic.

Even more egregious, however, is the defendants' response that the lists of meeting participants they created "should not be understood as fully exhaustive or completely accurate lists * * *." Defendants go on to say that given "the fluidity and informality of the process by which individuals participated in the interdepartmental working group * * * [the lists] contain the names of some individuals who did not attend any meetings or who only attended one or two. Similarly, some individuals who attended some working group meetings are undoubtedly not listed." Defendants admitted at oral argument that no effort was made to check the records of each working group for agendas, meeting minutes, and lists of participants, because such documents were not "routinely" prepared. This does not justify the government's refusal to find and produce those documents that were prepared—albeit perhaps pursuant to a protective order.¹ Defendants also admitted at oral argument that they made no effort to check Secret Service records of meeting participants. Again, while such records would not be complete—since some people with appropriate passes would not be listed—they would be probative, since the names plaintiffs are most likely seeking are those most likely to need special clearances for meetings. Defendants cannot simply check the records that happen to be in Mr. Magaziner's office, a "sampling" of other records, and then claim to have properly responded. Defendants have again improperly thwarted plaintiffs' legitimate discovery requests.²

Defendants have refused to provide full information on what they call "audit groups"

that were outside the interdepartmental working group, and have provided no information whatsoever on the "drafting group." The court rejects the argument that plaintiffs are not entitled to all germane information about all of the groups and sub-groups at the White House that dealt with health care reform issues. It matters not what label or title the group or sub-group had. Plaintiffs are entitled to inquire into the formality and structure of all these groups and sub-groups, and defendants are again improperly withholding the germane information.

Time and attendance records and records of payments made (for per diem or other work or for travel and other expenses) are clearly germane evidence since they may provide circumstantial evidence that plaintiffs can use to argue that the government's labels as special government employees as well as consultants are a sham. The same is true for financial disclosure or ethics forms—the signature and date and fact the form was or was not completed is germane to plaintiffs' contentions. The court will allow redaction of those other parts of the forms that are not already publicly available. Defendants have, however, even refused to provide to plaintiffs forms that are already publicly available. Defendants have no even arguable basis for such improper withholding.

Plaintiffs' Motion to Compel is GRANTED as set forth herein. Defendants shall, within 20 days of this date, file their final supplemental discovery responses.

Plaintiffs are entitled to their attorney's fees, having prevailed on their motion to compel, and such an award of fees is not unjust under Rule 37 of the Federal Rules of Civil Procedure. Plaintiffs' detailed statement of fees and costs shall be filed within 10 days. Defendants may comment thereon within 5 days thereafter.

So ordered, Royce C. Lamberth, U.S. District Judge, Nov. 1993.

FOOTNOTES

¹The court understands the defendants' concerns about production of substantive working group documents which will be publicly released only if plaintiffs ultimately prevail. The court does not understand, but is willing to consider, any argument defendants might make for a protective order for agendas or minutes, to preclude use except in connection with this litigation. The court is doubtful that a protective order is warranted for participant lists. What the court has no doubt whatsoever about, however, is plaintiffs' entitlement to have an appropriate search conducted to locate all such agendas, minutes, and lists. To the extent that plaintiffs' original wording was overbroad, it has now been refined. Plaintiffs are entitled to try to gather evidence to show that "consultants" are the functional equivalents of fully participating members of groups and sub-groups.

²Defendants' burdensome argument is categorically rejected. This court does not accept such arguments without specific estimates of staff hours needed to comply, and defendants submitted no such estimates.

MAKING GUN CONTROL A REALITY

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

Ms. MARGOLIES-MEZVINSKY. Madam Speaker, I think today, a lot of Americans are saying "it's about time." Passage of the Brady bill is only a first step, but it is a significant one.

If only one American had died as a result of handgun fire since the Brady bill was introduced 6 years ago, that would be one life too many; one life too many wasted because this body had not

had the courage to face up to the special interests and do what is right for America.

But sadly, it is not one life which we mourn today, it is 150,000 of those lives; 150,000 American men, women, and children. More Americans than died in the 9 years of the Vietnam war.

Madam Speaker, I am proud to be here on the day when Congress finally starts to honor its pledge to protect the American people.

Waiting periods work. Waiting periods save lives. California's waiting period prevented 16,420 illegal gun purchases in the first 8 months of this year alone.

I am proud my colleagues passed the Brady bill. This is just a first step; I hope we can move on from here to make gun control a reality, and to pass a comprehensive crime prevention bill.

LOOKING AT THE FACTS ABOUT NAFTA

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

Mr. EDWARDS of Texas. Madam Speaker, last night's debate was not even a close fight. The results are in. Ross Perot was gored by the Vice President's facts. Mr. Perot huffed and puffed, but all his one liners and all his threats simply could not blow down the facts of NAFTA.

The fact is that the United States has a \$5.7 billion trade surplus with Mexico. The fact is NAFTA will increase United States jobs by leveling the playing field of tariffs with Mexico. The fact is that NAFTA, not the status quo, will improve working and environmental standards in Mexico.

It is clear that the fear tactics of NAFTA's opponents are wearing thin as more and more Americans are looking at the facts about NAFTA.

Madam Speaker, Congress should join every living U.S. President and Nobel laureate in economics in putting aside the tales of fiction and fear and conclude that NAFTA means more jobs and better jobs for U.S. workers.

ROLE MODELS OF SUCCESSFUL TRADE POLICY?

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

Mr. TAYLOR of Mississippi. Madam Speaker, in last night's debate Vice President GORE echoed what has now become the Clinton party line on NAFTA when he said that five living Presidents have come out in support of NAFTA. Since the speaker before me said that we should stick to the facts, Madam Speaker, I will do just that.

Of the five living Presidents who have endorsed this pact, only one had a trade surplus during his Presidency.

Now that was President Ford, and, as my colleagues know, he has not been very vocal about NAFTA. On the other hand, President Bush had a \$362 billion trade deficit during his administration; President Carter, a \$99 billion trade deficit during his administration; President Clinton, a \$77 billion trade deficit during his administration. President Nixon broke even, and Ronald Reagan, President of the United States, had a \$736 billion trade deficit during his administration.

Madam Speaker, to hold these people and their administrations as models of successful trade policy is no more accurate than to say that Madonna is a model of abstinence.

□ 1720

SALUTING VETERANS ON VETERANS DAY

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

Mrs. BENTLEY. Madam Speaker, tomorrow, we observe Veterans Day, honoring all of our brave men and women who have given so much of themselves while serving in the Armed Forces. I will bet many persons forget exactly why we will be on a holiday tomorrow. You may recall that November 11 was referred to as Armistice Day, because it was on November 11, 1918, at 11 a.m. in the morning, that peace was declared to end World War I.

Let us salute all of our brave men and women who serve and have served in our Armed Forces, and who have sacrificed so much that we may enjoy the freedoms that belong to us as Americans.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H. Con. Res. 178. Concurrent resolution providing for an adjournment of the House from Wednesday, November 10, 1993, to Monday, November 15, 1993, and an adjournment or recess of the Senate from Wednesday, November 10, 1993, to Tuesday, November 16, 1993.

VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mrs. BENTLEY. Madam Speaker, I ask unanimous consent to vacate my 60-minute special order this evening in lieu of a 5-minute special order forthwith.

The SPEAKER pro tempore (Ms. SLAUGHTER). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

CONGRESSIONAL REFORM

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

Mr. BILIRAKIS. Madam Speaker, this year, Congress again failed in its most basic duty under our Constitution—to provide comprehensive spending measures for the Federal Government. We failed to approve all 13 regular spending bills on time—not once but three times. Consequently, Congress has been forced to approve three continuing resolutions in order to keep the Government running.

In an effort to curb this sort of irresponsibility, I have introduced H.R. 1922, the Congressional Pay for Performance Act. My bill would require Congress to pass the other 12 bills before the appropriation for the legislative branch. In addition, to make sure that Congress had adequate incentives in this regard, H.R. 1922 would hold back the permanent appropriation for congressional salaries until all appropriation bills are approved.

The intent of my bill is simple. I think it is outrageous for Congress to approve money for its own operations or our own salaries while we consistently delay, avoid, and fail to approve many regular appropriation bills by the end of the fiscal year.

We almost yearly bring the Government to a halt and create anxiety among the beneficiaries of Federal programs—while we approve our own budget months ahead of the October 1 deadline. My bill would not cure all institutional flaws, but it would represent a change in thinking and attitude. I think people would prefer to see Congress step to the back of the line for a change.

Madam Speaker, it is abundantly clear that our constituents also want to curb the flagrant spending habits of Congress. Discipline is sorely needed in the congressional budget process—a process which must be changed to produce sensible, enforceable guidelines for Federal spending.

For example, many of our constituents do not know that Federal law sets a specific limit on the amount of money that the Federal Government can borrow. As a matter of law, our ability to borrow and spend is supposedly curtailed.

Unfortunately, this law accomplishes little from a practical point of view, because Congress routinely votes to increase the debt limit. We set a limit—and then when it looms on the horizon, we refuse to stop spending. Instead, we simply expand debt limit authority and put the day of reckoning further off into the future.

While the national media paid little attention, the 1990 budget agreement permanently increased the debt limit from \$3.1 to \$4.1 trillion. Then, earlier this year, the Clinton budget plan ap-

proved earlier this year further increased the debt limit to \$4.9 trillion. As a result of this fiscal irresponsibility, the national debt is now approaching \$4.4 trillion.

To make matters worse, the House of Representatives can increase the debt limit without even casting a specific vote on the issue. Under House rules, the debt limit can be increased automatically upon adoption of the conference report on the budget resolution.

That's like having a charge card where you never have to pay off the balance and your total line of credit keeps expanding to keep up with your spending. It may sound great, but you know it can't go on forever—and you certainly wouldn't give it to your kids. Madam Speaker, I don't think the U.S. Congress can be trusted with this type of credit account, either.

That's why I am a strong supporter of legislation to repeal this rule and require a separate vote on any proposal to increase the debt limit. If we are going to run up the national charge card, we should at least do it in public, with a recorded vote. Self-executing rules allowing debt expansion without an up-or-down vote are an affront to our basic duty as representatives of the people.

In everyday life, we wouldn't borrow money in another person's name without their permission—even a child would know that's not right. How then can we, as an institution, permit endless borrowing without the accountability inherent in a recorded vote?

I also believe there is a simple alternative to further increasing the debt limit—we must attack the underlying problem of excessive Government spending.

Many of us have supported a number of reforms to accomplish this goal, including a line-item veto to add teeth to the present law controlling congressional budgeting. Many also support a tax limitation/balanced budget amendment to require Congress to enact a balanced budget, while strictly limiting any new taxes to the overall growth in national wealth.

Altogether, I believe it will take strict adherence to budget guidelines to bring spending under control and deficits down to a balanced level.

In closing, I challenge my colleagues to wholeheartedly embrace congressional reform. What we need is a real, honest consensus on what is right for America. That is what our system is all about: Equality and fairness.

The American people should demand no less, and we should deliver far more.

VETERANS DAY

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

Mr. FISH. Madam Speaker, tomorrow is Veterans Day, a day set aside to pay tribute to the more than 27 million American men and women alive today who have served in defense of this Nation, the more than 1 million who have died in military service, and to those MIA's and POW's still serving in Southeast Asia.

There is no duty or honor higher than responding to our country's defense in a time of war, and there is no greater debt owed by our Nation than the debt it owes our veterans—those who served when our country called—the dead, the wounded, and those lucky enough to return whole. For every veteran was there when his country needed him—ready to lay his life on the line that his country could live in freedom.

We must never forget our country's debt to those who did return—those who need our country's help now as much as our country needed them in time of war.

The Congress has appropriated and the President just signed the largest budget ever for Federal veterans' programs, including a record level of funding for veterans' medical care. Even this, however, falls short of the funding level needed to meet the operating costs of a number of VA hospitals across the Nation.

I am committed to assuring that the VA medical system is retained as a separate entity for the sole use of veterans in any health reform Congress may consider. We must make absolutely certain that our veterans needs are not forgotten—brushed aside by budget cutters as only one more costly entitlement program. For veterans are different. Veterans are not just another entitlement program. As I have said so many times before, we have a special covenant with our Nation's veterans who have risked their lives to defend our freedom.

NAFTA VOTES BECOMING EXPENSIVE

The SPEAKER pro tempore. Under a previous order of the House, the Gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, recent developments in the NAFTA battle, developments reported in the media, should have some of the early supporters of NAFTA reconsidering their commitment to the agreement.

Many of the believers in unfettered free trade also are fiscal conservatives and walked this very floor this summer making statements that if political deals were cut that threatened to either pull back from the agreed to free trade provisions of the NAFTA, or, if the cost of the NAFTA would push our budget deficit up, then they no longer would support the NAFTA.

The time is getting short. And I must ask the billion dollar question. How

much is too much? On spending: \$700 million to a possible \$1.4 billion for six C-17 cargo planes, the cost of one Texas vote; \$10 million for a trade institute in Texas, one more Texas vote; \$600 million, for starters, on the NAFTA development bank, one California vote, and this bank is expected to go to at least \$2 or \$3 billion, and maybe even as high as \$12 billion, over the years.

□ 1730

The total proposed deficit—as of yesterday according to the Joint Economic Committee—is likely to be at least \$20 billion and the bartering for votes is not ended.

The Joint Economic Committee also says that the direct cost of implementing NAFTA over the next 5 years could be 30 percent higher than the current estimates being used by the administration. The JEC study also argues that the administration allocation of \$138 million for dislocated worker programs is extremely low, but this underestimate is not included in the JEC 5-year calculations, because the additional costs of worker dislocation programs were not immediately required as part of the implementing legislation. By contrast, the Bush administration originally proposed \$335 million a year for NAFTA-related dislocated worker programs, more than 12 times what is now being suggested.

Now if that's not enough for changing promises—the trade hawks on the Hill should examine the slippage on agriculture and flat glass and appliances.

There's another proposal being discussed—to barter for votes—and that is an Executive order by the President to permit the use of trade sanctions against nations that hunt endangered animals. Of course, were this to be done to win NAFTA votes, then we would have to fight GATT, because they don't want porpoises protected.

Oh what a tangled web is being woven in these international trade agreements. And how very dangerous it is to try to pull the wool over the eyes of the American people.

Americans believe a deal is a deal.

Americans want to believe that when their Representative makes statements of true concern—they will be followed through.

I urge every one of you—in this House—to look to your promises and your constituents—all 600,000 of them before you cast your vote.

MORE ON SOMALIA

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

Mr. DORNAN. Madam Speaker, I have been on the floor several times with this photograph. I am going to raise it up higher for our excellent crew downstairs so they can come in

steady on this and show what I think is the great tragedy of Somalia and what was for a while the focal point of our debate.

And on the eve of Veterans Day, tomorrow, I want to discuss again, to make this point very clear to all the Members of this Chamber, some of them may have the TV's on in their office on C-SPAN, getting ready to go back to their districts for this weekend, many of them will participate in veterans ceremonies. I think that they will want to have answers for the veterans across this country as to why there was no armor to back up our 18 killed in action Rangers and Special Forces soldiers in that special ops operation on the afternoon of October 3 that turned into the longest fire fight since Vietnam, equal in ferocity to some of the major engagements with German armor in World War II, when it degenerated into, with the armor knocked out, into an automatic weapons fire battle.

One of the Army people referred to as the fire fight from hell. The young wounded Rangers and veterans, and I keep saying young, I guess that is my point of view. But there are mature family men, wives, many children, in their late 20's and early 30's. There were only a few young private first classes and corporals, Rangers from this great 75th Ranger Regiment, that were killed in that shootout.

Now, here are Russian-designed, and I am not sure if they are Soviet-built and purchased by the nation of India or built under license in a big tank plant outside of Delhi, the capital city of India, but this is a picture that I took from a UH-60 Blackhawk aircraft that belonged to the 10th Mountain Division. General Montgomery was in the helicopter with me. He is the commander of our quick-reaction force. We were not out of the International Airport of Mogadishu 3 or 4 minutes when I looked down at the Indian compound on the southwest side of the city of Mogadishu. And I am looking at these white painted main battle tanks. That is a military term, MBT.

I said "What are those?" I thought at first they might be British Challenger 1's. He says, "Those are Russian-designed T-72's."

That is the Indian flag. It is flying over. There is a U.N. flag here. The Indian flag was over here.

I am getting my camera adjusted and trying to zoom in on this with the .70 millimeter zoom lens. Here is an armored personnel carrier. Here are four of what I found out were 14 T-72 tanks.

Now, I looked over at General Montgomery, a good man, Silver Star from Vietnam, several Bronze Stars with "V" for valor, Air Medals, a well-rounded general. He could almost read my mind through my eyes.

I said, "Tell me they weren't here October 3." He said, "Congressman, I

called the Indians. They said they would have to call Delhi."

This was on the afternoon of a Sunday. Given the time advantage, it was already into the—time disadvantage. The world was rotating toward New Delhi's direction. So it was 2 or 3 times zones later than the Horn of Africa, probably 2. And so it was already dinner time in India.

He said they could not get permission to supply him with this armor, which is probably about 8 to 10 minutes, tank driving speed, 30 to 35 miles an hour, to the C-4 circle that our Rangers had gone through when they reached Aideed's headquarters in about 10 minutes from the Ranger headquarters at the international airport.

The more I investigate this, the more fascinating it becomes. Here is what I have been able to determine by pressing the United Nations using the Intelligence Committee, the Library of Congress Research Committee and a beginning of less resistance from my friends who I highly admire in the Pentagon in the structure of the Joint Chiefs of Staff.

Italy had M-60 tanks, about a dozen of them. The general, later, in his office, General Montgomery told me he called Italy. They had to check with Rome.

Now, since Rome is one time zone to Egypt, one to Rome, it is a 2-hour time zone advantage; in other words, at 5 o'clock, when all hell was breaking loose on Sunday afternoon on this high ground near the Olympic Hotel in Aideed's headquarters in Mogadishu, in Italy it was only 3 o'clock. But it was a Sunday in Rome. That is a Christian nation so that was the Lord's Day. Why we could not have a hot line to whatever the Pentagon is called in Rome or wherever their military headquarters is to unleash 12 M-60 tanks.

The M-60 tank was used by our U.S. Marine Corps in Desert Storm. They did not have their full complement of M-1 Abrams. To have an M-1 tank there, we have got a dozen of them now, which weighs 139,000 pounds, that is almost 70 tons, that is amazing, would have been ideal. But look at what an M-60 weighs or, for example, Pakistan, after all, we were supposedly avenging the killings by ambush and the total mutilation of the bodies of 24 peacekeepers from the nation of Pakistan, ambushed by Aideed's people.

Pakistan had 12, at least a dozen, M-48 tanks. An M-48 is about 105,000 pounds so it is over 52 tons. The M-60's that the Italians had are 107,000 pounds, again, about 54 tons, perfectly suited to crushing road blocks and getting in in a rescue operation to perform a blocking operation. All you would need would be four of them at the four main streets around the intersection around the two intersections where helicopters went down.

□ 1740

It would have been very nice to have eight, backed up by armored personnel carriers, to pull out wounded men. This lack of coordination between the U.N. forces is why I voted, even though I am against any date-setting at all, why I voted for us to be out at the end of January, early February, rather than the end of March. At either date picked by this House, January 31 or March 31, we have put ourselves in a very untenable situation against a dedicated, ferocious killer of a warlord, Mohamed Farah Aideded.

This man has been threatening us all week long in a firefight that his henchmen started near the Malaysian compound. The Malaysians are in a panicky mood. They engaged in a much bigger firefight, and I am not going to second-guess them, and their judgment was whatever it was on scene, but they ended up killing a father of eight children who was a good Somali, the security chief for one of the major volunteer compounds, a wonderful world organization, CARE; the CARE security chief, father of eight, killed in this firefight because Aideded's snipers were sniping at the Malaysians, and several wounded on that side.

These are very dangerous times in, to paraphrase Mr. Kissinger, the new world order. The United States in many cases may be the only force for justice in the world.

If we get into situations like this where we do not have a clear battle plan, or civilians in the Pentagon are denying requests for sufficient protection for our men and young women, in many cases, in the field, then we are going to be in a situation where the isolationists of the world, growing now in both great parties of this country, are going to prevail in every argument, because when we put Americans in harm's way, the Colin Powell, Dick Cheney, George Bush, but principally Ronald Reagan-Cap Weinberger theory of overwhelming force, with the support of the people, that means their elected Representatives and Senators voting in affirmation, or at least counseling with the leadership members and the experienced people on the Intelligence and Armed Services Committees in both Chambers, this will of the people, an overwhelming force, is the only way Americans are going to be able to help anybody in this world.

If we have people at the Pentagon of the background of Morton Halperin, a designee, who the Under Secretary of Defense for Policy has admitted to Senators, and this is Frank Wisner, with a distinguished background as Ambassador to the Philippines, to an African country, to an Indonesian nation, he has a fine ambassadorial background, he admitted to Senators, and maybe I should not say "admitted," it is a guilt word, he discussed with Senators that Morton Halperin, not yet

confirmed by the Senate, in a created Under Secretary position with a very romantic title, Under Secretary of Defense for Peacekeeping and Democracy, that he weighed in on this decision to jerk the AC-130 Specter gunships, with a huge cannon on them, holding tons of ammunition, multiple gatling guns, trains with the Rangers and our Special Forces folks all the time, can fly above 5,000 feet, that is above rocket-propelled grenade or small arms fire, and give unbelievable protective firepower support to any Rangers or Special Ops guys trapped on the ground. Why was Morton Halperin weighing in on this?

Let me spend some of this special hour on this eve of Veterans Day on Mr. Halperin. Here is an article from *Army Times*; the same *Army Times*, by the way, which has a superb article that, if my staff gets it over here, because I realize I do not have it, has an article by an acquaintance of mine, Tom Donnelly. It is the first definitive article in any publication on this firefight from hell.

I enjoyed meeting with a vice president of *Reader's Digest* last night at a friend of mine's affair at the Capitol Hill Club, at the Friends of Pat Nolan affair. I met this VP who said that Malcolm McConnell, one of the finest military writers, or writers, period, at *Reader's Digest*, will be working over the next few months on doing the definitive piece in a magazine that sells 14 million copies a month, so all of these heroes and their great widows, wives, fiances, and families who have suffered so much, particularly the ones who are going to suffer with loved ones with arms missing or in wheelchairs for the rest of their lives, leg and arm gone in the case of one hero rescuer, Christopher Reid, who is up at Walter Reed right now, and I was humbled to visit with this fine young Marine sergeant of African-American descent, who gave his arm and leg to try and just retrieve the remains of three Americans burned to death in the back of the first Blackhawk that was shot down on September 25.

For these men on Veterans Day, I want to see what I can do to bring Les Aspin to his senses, and his bosses in the White House, to ask Morton Halperin to do the decent thing and withdraw his nomination.

Madam Speaker, again, if my staff is listening, and they should be, if they will bring over this fine article by Tom Donnelly in this week's *Army Times* on the firefight, I will put that in the *RECORD* with my remarks tonight.

In that article, in that *Army Times*, an article by Rick Maze, one of their staff writers in *Army Times*, it says, "Halperin as peacekeeper?" Subtitle "Qualified," that is arguable, "Qualified but controversial nominee draws fire." Then it shows the two sides of Morton Halperin, how he is going

through a transformation, like a caterpillar to a butterfly, I guess.

Here is the old, the old Morton Halperin: "All of the genuine security needs of the United States can be met by a simple rule which permits us to only intervene when invited to do so by a foreign government," as in Grenada. That was 1979, 6 years after we had left Vietnam. It was in the *Nation* magazine.

He also said more recently, just at the beginning of the summer, in *Foreign Policy*, and this is still the old Halperin.

The United States should explicitly surrender the right to intervene unilaterally in the affairs of other countries by overt military means or by covert operations. Such self-restraint would bar interventions like those in Grenada or Panama unless the United States first gained the explicit consent of the international community acting through the Security Council.

Here is the new Morton:

We must ensure that other nations clearly understand that the United States is prepared to use force unilaterally when it determines its interests are threatened.

That was a memorandum to the Senate Committee on Armed Services, which can call him before that committee before they confirm him. That looks like it was a 30- to 45-day switcheroo when he realized his nomination was in trouble.

Here is another one from the same month of August:

I can support the conduct of Sekirk operations conducted pursuant to the requirements of law.

So now he is hedging his lifelong stance against any covert operations whatsoever. I wonder if Mr. Clinton cleared the launching of 23 Tomahawk missiles, each one with a thousand pound warhead, against the massive and brand newly opened intelligence building in Baghdad, I wonder if Clinton checked with Halperin before he launched that Navy attack to avenge the alleged, proved to my satisfaction, assassination attempt on George Bush, or thwarted attempt against a former President of the United States.

Here is what Rick Maze's article says:

The nomination of a long-time Washington insider to a new Pentagon post overseeing peacekeeping operations has turned into a firestorm of criticism aimed at the nominee and President Clinton's recently foreign policy setback. On the surface, it would appear that Halperin would make an ideal nominee for the newly-created post of Assistant Secretary for Diplomacy and Peacekeeping, an important job in the post-Cold War world.

What is that, kind of a downgraded title, now?

The 55-year-old Brooklyn native has taught nuclear strategy and arms control policy at major universities: Columbia, Harvard, MIT, Yale. He served in the Pentagon as Deputy Assistant Defense Secretary for International Security Affairs during the Johnson Administration, and then worked on the National Security Council staff under Nixon. He was a hold-over.

Critics have scrutinized his history and foreign policy opinions, finding fault and discrepancies.

My friend, Senator BOB SMITH, who came to this Congress here in the 1984 election and served here with great distinguished service, particularly with a heart as big as his 6-foot-4 frame for our missing in action and their families, BOB SMITH, Republican, New Hampshire, says, "Mr. Halperin is no stranger to Washington, and he is not a stealth nominee either." BOB is on the Armed Services and the Intelligence Committees, like myself, albeit in the other Chamber.

He has a very long and sordid track record.

□ 1750

More importantly perhaps, his nomination for a post-setting policy for U.S. military involvement in nontraditional roles comes as the first of two post-cold war peacekeeping missions of the Clinton administration which have failed. Halperin's hearings will become a forum to examine Clinton's foreign and military policies, predicts Senator TRENT LOTT, Republican, Mississippi. Another respected, I will say graduate of this Chamber over to the Senate. He now represents the whole State of Mississippi instead of one-fifth of the State of Mississippi. TRENT LOTT rose up to be our No. 2 man, and I told him maybe he should reconsider going to the Senate. I always thought I would live to see him the Speaker of the House of Representatives, and that deed, seeing him sitting in the chair where you are, Madam Speaker, as the Speaker, would have certainly finally put the grievances of the Civil War to rest after almost a century and 30 to 40-some years.

But TRENT chose to go to the Senate, and he serves his great State of Mississippi well over there.

TRENT LOTT said that Halperin has played a role—exactly what role is not clear—in drafting presidential order PDD 13.

I have been speaking about this Presidential directive for 6 months on this floor, or at least for 4 months when I first heard about it.

This PDD 13 would expand the role the United States plays in U.N.-led peacekeeping missions, where we are always the combat teeth, the sword, the cutting edge, and those taking the most casualties. We have taken, if you take into consideration the Pakistanis had three more men killed from ambush, and their death toll stands at 27 in this peacekeeping operation in Somalia, we are at 30 killed violently and 4 more who died of nonbattle deaths and that is 34. But we have wounded way over 100. No nation comes close to suffering in blood and death, and of course not in treasure. Sure, we still are assessed more than 35 percent of the U.N. role. I was with General Sec-

retary Mr. Boutros Boutros-Ghali at lunch yesterday, and that high price we pay for peacekeeping around the world, whether we have a say or not, we get the bill on a lot of these peacekeeping operations.

Keep in mind that the United States pays the bill for peacekeeping in India and that goes back to 1948 when Nehru, with much leadership by Mahatma Gandhi, separated the country into two Muslim nations on either side, which eventually split off into Bangladesh and Pakistan, and the main part of India remaining a Hindu nation. We are still there, we are still paying 35 percent of the bill, you, the taxpayers who follow this House, and as you well know, 1,300,000 people are listening to us right now, Madam Speaker.

You taxpayers have paid the bill for peacekeeping in Cyprus since 1964, and the bill went up in 1974 when the Turks were using F-100D's that we gave them. And I saw the tail member on a plane on the evening news rolling in, close shots taken in formation, rolling in on the Gold Coast along Nicosia, tearing up gigantic tourist hotels with an airplane that I had flown on active duty about 17 years before.

What a staff I have. Thank you, Timothy Harroun. Here is that article, "Anatomy of a Firefight: Our Rangers in Somalia," the first after-action report. If you cannot get a hold of the *Army Times*, Mr. and Mrs. America whose sons and daughters serve in our military, then Madam Speaker, they can get it out of the CONGRESSIONAL RECORD of the 218th birthday of the Marine Corps, today, November 10, 1993.

Now back to Mr. Morton Halperin. Under Senate procedures, Halperin's opponents could block the nomination indefinitely. Instead they decided they want confirmation hearings so that they can grill Halperin, and at the same time blast Clinton. Then, after the bruising hearings, they hope to either defeat Halperin outright, or use Senate procedures to block action.

Now hear is the prostitute of the Reagan administration who works at Brookings, Lawrence J. Korb. Because he is introduced as a former Reagan appointee, and he left under a cloud with much prejudice on the part of Cap Weinberger and the President himself, Ronald Reagan, Lawrence J. Korb is the mouthpiece they roll out when they want to put the name Reagan following somebody's name. And then he proceeds to talk about how great it will be to have bisexuals in the military who can date the whole base as long as they do not cross the enlisted/officer barrier, and any time the media, the liberal dominant media culture wants to attack anything conservative in the military they roll out Larry Korb. So of course Mr. Korb says what they are doing, the Senators, is unfair and despicable. He usually quotes Daffy

Duck. And here is a former Reagan administration defense official, but they never put in parenthesis who left under a cloud and left in disgrace with prejudice.

"There are a lot of things at play here," Korb says, "that have nothing to do with Halperin's merits. Republicans are trying to get back at Democrats for blocking the nomination of John Tower to be Defense Secretary during the Reagan Administration," Korb said.

That is absolutely hogwash. I do not think my friends, BOB SMITH, U.S. Senator from New Hampshire, or TRENT LOTT, U.S. Senator from Mississippi, are dredging up the past back to the spring of 1989, not that they did not think it was horribly unfair to gut on the merest innuendo against John Tower, the longest serving Navy chief, chief, chief, master, master officer in the U.S. Navy Reserves, try to destroy him, and of course we put a good man in his place, who went through in a breeze because they felt so guilty about it over in the Senate. We got Dick Cheney in there by March. But it was terrible what happened to John Tower, a former chairman under President Reagan in 1981 through the year 1986 of the same Senate Armed Services Committee that stabbed him in the back.

Korb says we are playing some revenge game. No, no, no, Larry Korb, we are going after Halperin on the merits of his life, because he did get a ticket, paid for by we do not know whom, and maybe we can find out at the hearings, to fly to England when they were trying to kick out a sleazy Benedict Arnold, Philip Agee, who had printed the names in some sleazy magazine of our CIA station chiefs at many of our embassies all around the world. And one of them, a fellow Catholic with children, was murdered in the streets of Athens, Dick Welsh. So no, no, Larry Korb. We have plenty to deal with on the merits with Morton Halperin.

"Emotions of Vietnam, a war Halperin came to oppose, are also at play," Korb says. There might be some truth to that.

"One moderate Republican, JOHN WARNER of Virginia," and that title, moderate Republican, may come back to haunt JOHN when he comes up for reelection in 4 years, "has suggested that Clinton withdraw the nomination." So even the moderates are rallying against Halperin over in the Chamber at the north end of this great building. "It seems to me," WARNER says, that "it is timely for the President and the Secretary of Defense to take a second look, and a very careful look at this nomination." WARNER, of course, is the ranking Republican on the Select Committee on Intelligence, and I think he is No. 2 on the Armed Services Committee.

"Halperin, through a Pentagon spokesman, declined to be inter-

viewed." When your nomination is in such jeopardy, it is good to take a very low profile, stay underground. But a senior Pentagon official, faceless, nameless, anonymous, said Les Aspin continues to support him. "This nomination is winnable, the [unnamed] official said. Halperin is being tarred for the very reasons he was selected."

What reasons could that be? That he brags that he helped defeat in this Chamber and in the Senate, working behind the scenes as head of the Washington, DC, ACLU, the amendment that at first was winning hands down to make it a crime to bring the American flag in front of veterans in wheelchairs, which is what they were approving, this beautiful flag that flies here under those great words, "In God We Trust." And the ACLU, by the way, wants "God" in the "In God We Trust" off this wall. In the Senate Chamber it is on the opposite wall. The President of the Senate, who is the Vice President of the United States, in tough times of breaking tie votes, he sees those words right in front of him. It is right under the clock, right here on their staff door in the Senate Chamber, the same words, "In God We Trust." The ACLU wants it off, off that wall. And Halperin bragged. He did not just brag, he said this was the greatest achievement of my life up to that point a few years ago that I played the key role in stopping Senator BOB DOLE's amendment to make burning Old Glory a crime, and that he did the same to us in this House where he lost in a very close vote after days of passionate debate.

Is that one of the reasons he was selected, this unnamed official, civilian official I am sure?

"He is one of the few people who has thought about a world in which there is no East-West conflict and about a U.S. foreign policy that involves more than worrying about the next war."

Well, he sure has done a lot of thinking. And I would like to come back to an article that I put in the CONGRESSIONAL RECORD. I am reading from our own CONGRESSIONAL RECORD, not in a circuitous, sly way here. I put this in the RECORD on last Thursday, November 4. But it is an article from one of Ronald Reagan's two favorite publications for bedside reading.

□ 1800

Nancy Reagan, our former great First Lady, confirmed this to me.

Now, the National Review, Bill Buckley's great publication, and Human Events—that is what kept Ronald Reagan's heart stout as a conservative even when he was being undermined by the Mike Deavers on his own staff. Here is Human Events, September 25, ironically that is the date that our first H60 Black Hawk was shot down with the loss of three men in the back burned to death. I have spoken to one

of the pilots, the senior pilot on the crew, Dale Schrader. Dale Schrader told me a heart-grIPPING story that I think it would do well for Reader's Digest to print for 14 million Americans to read. He was saved by a good Somali who yelled in the dead of night after he and his copilot, who was badly burned on his face, who was badly hurt, his face crushed on the control stick when they made a hard landing. The back of the helicopter was an inferno, it burned the backs of their necks even though they had Velcro flight suits with the collar up in the back. It burned the back of Dale's left arm—the pilot sits on the right side in a helicopter—and as the aircraft commander, his pilot, there were third degree burns on the back side of his right arm because he is sitting in the left seat. He said it was an inferno of such intense fire that he never conceived anything that hot in his whole life. He had lost the three crewmen. He got the badly injured copilot out of the left side, went about 30 feet down, had his copilot in the alley. He came back to the airplane and the ammunition started to cook off. Chief Warrant Officer Schrader said that the fire was so intense—he knew his three crewmen were lost—one of them an intelligence sergeant flying his first mission over Mogadishu. He was from the 10th aviation regiment with the 10th Mountain Division. The other two crewmen, we never did get any remains, and the Army satisfied me that they did everything they could to try. They were from the 101st aviation regiment with the great 101st Airborne Division that I watched operating Friday at Fort Campbell, KY.

Schrader said they went down this alley, he fired a full clip out of his 9-millimeter, got his extra clip out and fired that all in one burst, hit somebody, saw him drop in the night and crawl away. Then another man comes running down the street, fires an AK-47 at him. Then they throw grenades at them. His copilot drops his 9-millimeter Beretta and his extra clip in the dark which they cannot find. And then he hears these beautiful words, "American boys, American boys." Madam Speaker, there are Somalis who know we saved hundreds of thousands of their women and children from starving to death.

He looked around the corner of the stairwell where he was hiding—and I have a photograph here, if I can find that. I should have that, a picture of that alleyway. I saw that stairwell in one of my photographs taken from the air 3 weeks later. He looked out and the man had a flashlight and said to himself, "Well, he is not going to hunt me down and kill me with a flashlight." He came out and he said, "American boys, come," took them back through a United Nations armored personnel carrier, probably vintage because they buy with Euro oil

dollars, probably a new British or German piece of equipment. Now, where was that equipment on the night of September 25, just 8 days later, when our guys were hunkered down in a massive automatic weapons firefight on Sunday the 3d and all morning long in the darkness and early morning hours of the 4th?

So Halperin and every civilian at the Pentagon had 8 days to consider the requests for armor and armored fighting vehicles before we launched another operation.

So here, September 25, the same date that Dale Schrader went through that nightmare story, he is in the burn center with his other pilot. Let me see if I can think of his name here, Dwight—no, Perry, P-e-r-r-y, Allman. These two great warrant officers from the 101st Airborne Division, they are still in the burn center down at Brooks Army Hospital. I hope they have got cable TV. They would not mind hearing their story going out to over 1½ million Americans across the country. I just upped that, Madam Speaker, another 200,000 people.

So here they are in the Human Events article, September 25 of this year, "Jane Fonda Next?" Little did the Human Events author know that Jane Fonda was at that very moment already appointed by Clinton to go up to the United Nations and attack by name the Holy Roman Catholic Church as an offense to the world. She and Ted Turner have made it a cause, I guess. She attacks the largest Christian denomination in the world in front of the United Nations Assembly, and she was appointed to that post by Bill Clinton. They have not discovered that yet over at Human Events.

It says, "Jane Fonda Next?" It goes on. "Senate may soon approve alarming Halperin appointment." The story begins, "Short of treason, what does it take to disqualify someone from securing a key position in the Clinton Administration's Defense Department? Nothing, apparently. So 'Civil Libertarian' Morton Halperin, who collaborated closely with some of America's most vociferous enemies during the cold war, may yet become assistant secretary of defense for democracy and peacekeeping. A surmise that his is going to make it conjures up a passionate Patrick Henry in the House of Burgers, the oldest legislature in America, saying, "God almighty forbid it."

Should Halperin be confirmed, he would have enormous sway over U.S. defense policy. Now, that was a prophetic statement, 8 days before the killing of 18 of our Rangers and special forces, special trained operations guys. And the death 3 days later of one of the senior guys, Sgt. Matt Greerson at the airport where 12 others were cut up by a mortar direct hit.

"Should he be confirmed, Halperin will have enormous sway over U.S. de-

fense policy, including, it seems, sharing responsibility for putting American troops under United Nations command. He will also have access to our most precious military secrets, the very kind of secrets he ferociously sought to divulge to the world when the Soviets were threatening us with nuclear annihilation." The idea that this former, highly influential ACLU figure may actually be confirmed to such a powerful position within the Pentagon has positively alarmed influential members of the national security community and this Member of the great United States House of Representatives.

Needless to say, he may very well end up getting the job. No Clinton appointee, it should be noted, has yet been defeated in a vote by the Senate, where the Armed Services Committee, chaired by SAM NUNN of Georgia is supposedly to take up the nomination shortly"—notice this dragged on for 6 weeks. They still have not figured out how to get their act together. "So far not a single Democrat has had a bad word to say about Halperin, not one." Well, behind the scenes a couple of veterans on the majority side of the House, Madam Speaker, have made their point known to the administration.

The SPEAKER pro tempore (Ms. SLAUGHTER). The Chair would remind the speaker that he should not be admonishing the confirmation processes of the other body.

Mr. DORNAN. Yes. Let me see, did I admonish that process or did I say—yes, that is right, I was saying that it has taken 6 weeks to go on. That is not an admonishment of the Senate, I am well advised, Madam Speaker. I was admonishing the administration for delaying putting him up for confirmation for such a highly sensitive Defense Department position. But I will not criticize the Senate process.

I was referring not to the Democrat Senators but to the Democrats outside the Congress of the United States.

The Republicans on the panel—I am weighing my words as I read this now—the Republicans on the panel, and this does refer to the Senate, are virtually united against him. Well, that is just a fact.

WILLIAM COHEN of Maine, who also served with distinguished service in this chamber, is still riding the fence, but no one has yet become the point man in opposition. I think since this was written, the Vietnam war attack pilot and hero JOHN MCCAIN, hero, POW also for over 6 years, I think he has become the point man. But then so is TRENT LOTT and so is BOB SMITH. They ask a question: Where is the Senate Majority Leader ROBERT DOLE, who served with distinction in the 10th Mountain Division in Italy and gave about as much pain and service in a hospital bed over 3½ years as any Member has ever given who served in

either body for 218 years? Where is DOLE in all this? I believe BOB DOLE is weighing in, Madam Speaker.

Then they go on to criticize him a little. But this is again a September 25 article. It says, "Meanwhile, a curious alliance of the far left, the once-Stalinoid magazine Nation, for example, and a few ultra-liberal 'defense experts,'" and it mentions Alton Frye, Arnold Kantor, and Jerry Stone, a clutch of neo-conservatives at the New Republic, and even a conservative writer for the Wall Street Journal has begun to rally round Halperin.

□ 1810

That writer in the Wall Street Journal took my breath away when I read his article. This is the great writer who is doing such a journeyman work on NAFTA to make sure it goes through, Paul Gigot. I could not believe he was willing to dismiss all of Halperin's past to see this man sit in this newly created defense position of peacekeeping and democracy.

My friend, the gentleman from California [Mr. DREIER] has inquired if I am going to use my full special order, and since I am using this great chart, Madam Speaker, as the backing for my tragic photograph of Indian armor that was not available to save lives in the so-called peacekeeping, I would say that I am now going to move into the veterans phase, and as the son of a Marine drill instructor, I know the gentleman from California [Mr. DREIER], I know the gentleman will not mind if I take about 20 more minutes.

Madam Speaker, I received what we call around here a "Dear Colleague" letter from one of my friends in the majority who is known around her as Mr. National Guard, Mr. National Reserve, the great gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs. He and his staff under his inspirational direction put together a beautiful Dear Colleague letter to inform all of us in the House about what is going to happen tomorrow right near the veterans' memorial. It is not the permanent place for an absolutely awe-inspiring memorial to American women who served in combat. It will symbolize those who have served in all of our wars, from Molly Pitcher to the courageous Army nurses who served under incredible fire in the Malinta Tunnel in Corregidor right up to its fall, those Army nurses that I visited with on many trips to Vietnam as a journalist, playing volleyball with them.

I remember I was outside this MASH hospital with their little puppy dogs running around, and all of a sudden the alarm goes off. Here come a helicopter, without any of the dark humor of the kind of phony show, MASH. This was the real military triage in combat theater hospitals.

I watched these nurses go out to these helicopters and bring in these

badly-wounded Americans and those courageous dust off helicopter crews that were actual aerial ambulances, bringing these men in.

I remember one Army Lieutenant nurse, could not have been more than just in her very early twenties, crying to a friend of mine, Gary Crosby who was with me, that one of the saddest things was how much work it took—this was actually in a hospital down in Kontum near Pleiku.

As a matter of fact, it was the very day that I put on this Montagnard bracelet that was the inspiration for the POW bracelet. I have not had it off my wrist in, good grief, 25 years and 2 months.

But that very day I put this on in a small Montagnard village, this nurse told us, and in the big hospital there they would have to explain to some of our soldiers who in bed with several limbs amputated why they, the nurses, were spending so much time with North Vietnamese prisoners-of-war patients.

She said,

You see, the problem is we think because this is Vietnam that the boys fighting under communism from North Vietnam have an immunity to malaria, but a boy from the Red River Valley in North Vietnam has no more immunity to some of the diseases down here in South Vietnam than does a young man from Detroit or Long Island.

Also she said,

They all have such poor diets, they all have stomach worms, so when they get a body shot their wounds are immediately horribly infected and they all are jaundiced with malaria.

So she said,

We have to spend even more hours to save the lives of the enemy prisoners that were trying to kill our men than sometimes we spend with our own men.

And I thought, what guardian angels of mercy to save the lives of the young North Vietnamese soldiers, sent by evil communism out of Hanoi to die by the millions, literally, against our young men in a war horribly manipulated by politicians, not a one of whom really had a son or a daughter there, who was calling the shots through people who thought, like the aforementioned Morton Halperin, dragging on a war after LBJ, Lyndon Johnson, had promised to have us out, and the old joke goes, people said, If I voted for Goldwater, the war would continue in Vietnam. I did, and it did, except it was under President Johnson, never knew how to go for victory, surrounded by McNamara type people, another person who has written a column with Eliot Richardson endorsing wholeheartedly Morton Halperin, without offering one defense for this man's checkered career, without ever alluding to Halperin's defense of this slim Benedict Arnold, Phillip Agee.

So the thoughts of these women serving our country now at that time, it was probably one, two or three percent,

now it is up over 11 percent, 14 percent in the gulf. The nurses that are saving lives in Somalia, many young officer nurses in the 46th Field Hospital there in the U.S. compound saved the lives of many of these Rangers who were brought in torn up at the beginning of last month.

So I want to read SONNY MONTGOMERY's beautiful "Dear Colleague" letter of this week dedicated to our ladies in uniform.

He puts an excerpt at the top from "Nurse", a wonderful book by Diane Carlson Evans. She says:

Please don't forget me. I've been through war's hell and if only you would listen, I've a story.

SONNY titled his "Dear Colleague" letter, "To Serve Her Country."

The hospital at Cam Ranh Bay—and it is a big hospital, I have been there—

TO SERVE HER COUNTRY

The hospital at Cam Ranh Bay was a long way from Clayton, New Mexico, and events there in 1969 would forever change the life of 23-year-old Dotty Beatty. Assigned to the facility's intensive care unit, the Air Force second lieutenant, like others who served in Vietnam, experienced daily the extremes of war and human behavior. She carries the memories still.

"The Sound of a chopper still raises my anxiety level. I wonder how many, how injured? I think the only people who hear a chopper before I do are the corpsmen and combat vets. For them it was the sound of relief—help for their friends. For me, it was a sound of dread—could I do enough?"

The Vietnam Beatty remembers was "a world with almost no rules, a different value system, different priorities. I find myself making decisions today based on the priorities of that setting."

New young hero—

Mary Foley was on a weekend pass at her parents Haverhill, Massachusetts home in February 1942 when she was abruptly ordered back to Fort Devens,—

which closes next year, by the way.

The 24-year-old Army nurse soon found herself on the U.S.S. Uruguay, bound first for Australia and, ultimately, New Guinea. The initial destination had been the Philippines, but Bataan and the nurses stationed there were under siege and about to fall to the enemy. Foley would not be home again for three and one-half years.

"It was quite an experience for a shy girl from New England," says Mary Foley of the generally intolerable conditions of the island—the jungle, the heat, lack of water and basic medical supplies. Assigned to the tropical disease unit of the 10th Evacuation Hospital, Foley came to dread the toll of the local mission bell.

"The bell was our signal to report to the hospital and to the incoming soldiers sick with typhoid and malaria," remembers Foley. "Considering the climate and the conditions, we took care of them as best we could and gave them as much comfort as possible. Without the nurses, the casualties would have been much worse. We were their lifeline."

Mary Foley continued to be a lifeline for sick and wounded soldiers upon her return to the United States. She worked at Walter Reed Army Medical Center in Washington, D.C. until 1953.

Representing different generations,—

SONNY MONTGOMERY writes—

Mary Foley and Dotty Beatty are linked by a profound sense of duty and love of country. As witnesses, often from the front row, and full participants in the struggles which have taken our nation from Lexington to Mogadishu, women have been premier contributors to the cause of freedom and political stability worldwide. From desk to field, from ship's deck to cockpit, from triage to battlefield, women have endured the horrors, stress, fatigue and other inevitable results of war. Women can proudly claim more than an ancillary role in U.S. defense.

And now at long last the time of national recognition has come. Tomorrow, on Veterans Day, November 11, 1993, a memorial in honor of women like Dottie Beatty will be at 2 o'clock near the Veterans Memorial. There were more than 11,000 women who served in Vietnam. It will be dedicated on the two and a half acre site of the Vietnam Veteran Memorial in Washington. It will be the first memorial in the Nation's Capital to specifically honor women's military service. Behind this poignant tribute, a statue depicting three Vietnam era women, one of whom is caring for a badly wounded soldier, is an equally poignant message. Had it not been for our women who served in Vietnam, 90 percent of whom were nurses, there is no doubt there would be more names of young heroes appearing on the polished granite panels of the wall which lists the war's fallen.

□ 1820

I have four more little paragraphs here.

Of the dedication Beatty says:

There will be women who are confronting for the first time the fact that they were in Nam, and there will be men who were injured who will be looking for their nurse. It will be a powerful time for healing.

Recognition and healing on a national scale will continue when the Women in Military Service for America Memorial is dedicated in 1996, and the gentlewoman from Maryland [Mrs. BENTLEY] and I worked to make this happen. This memorial, which will include a visitor center, will be placed at the main gate of Arlington National Cemetery.

So, tomorrow, to kick off these next 3 years, the memorial that we all see tomorrow at 2 o'clock will be moved across the river, closer to the Pentagon, at the main entrance to the long, beautiful drive that has many beautiful statues on each side to our airborne guys, to the merchant marine forces. They are beautiful statues all the way down that long drive, but the entire end area right at the foot of the hill that goes up to the grave of President John F. Kennedy, that used to be just like an empty grotto is going to be completely beautified and dominated by this statue of these three combat nurses and the wounded American soldier across the lap of one of them. That is where it will rest for as long as this country survives. It will recognize the dedication and valor of 1,800,000 women in uniform who have responded to aggression, despotism, and humanitarian

challenges and threats to America's security, and they are in Mogadishu as we speak tonight.

These two memorials are much more than mere symbols of atonement for the societal slight of the contributions of women in our Armed Forces. They will be tangible, lasting reminders of the selflessness of an extraordinary society. Women veterans, they have achieved a place of great distinction in our history and, of course, in our hearts.

Of our total veteran population living of 27 million there are surviving, as veterans, 1.2 million women who, every one of them, was a volunteer for service. They, too, served under difficult and hazardous circumstances as not just nurses, which I mentioned at great length, but as saboteurs, as scouts, as couriers, as switchboard operators, as stenographers, as skilled translators, as pilots. Who will ever forget Jackie Cochran, the great corps of Wasp pilots flying the hottest fighter aircraft that American Army pilots had delivered to them by these great ladies? A number have been highly decorated, including combat related rewards. Some were prisoners of war, the aforementioned nurses captured at Bataan and Corregidor. A submarine managed to get a great number out, but the older ones, the senior ones, the more experienced ones, the old-timers who were in their mid-twenties, many of them stayed behind and continued nursing in the dreaded camps of Cabanatuan and San Tomas. Some remain buried in our U.S. cemeteries overseas. All have been important to both wartime and peacetime efforts.

The fact is that we owe a great debt to our women veterans for their achievements, a debt that goes beyond granite or bronze commendations, important as they are.

So, on November 11, tomorrow, Veterans Day, a day that my dad celebrated in 1918 in the trenches of France where he had just won his third wound chevron, what we now call a Purple Heart, on the 11th hour of the 11th day of the 11th month of 1918. It was quite a thrill for over a million young Americans who were in our first international conflict in the name of liberating other people and freeing part of another country, France, and then some of them, and their sons at their side, did it all over again. Remember there are 22 sets of brothers in the battlefield memorials of Normandy; the 50th anniversary coming up this June 6. One father and one son, and that father had fought in France before and lies right next to his son in those beautiful fields of our Normandy cemetery.

So tomorrow, on this great American memorial day, take a moment to contemplate the contributions. The gentleman from Mississippi [Mr. MONTGOMERY] says of Dottie Beatty, Mary Foley and the hundreds of thousands of

women who have served in our Armed Forces, "In the chronicles of patriotism and freedom there is a story that captures the spirit, the courage and the inspiration that is America," and I would add that very essence of what makes us the land of the free and the home of the brave.

I gladly yield to the gentlewoman from Maryland [Mrs. BENTLEY], my distinguished colleague, who has yet to achieve even greater heights of glory serving her country.

Madam HELEN BENTLEY.

Mrs. BENTLEY. Madam Speaker, I want to thank the gentleman from California [Mr. DORNAN]. I thank the gentleman from California for yielding his time, and I want to say he has provided much insight into the situation in Somalia. I am also very please that he discussed the role of women in combat and the role that the women have played throughout our history of the world wars of Vietnam, Korea, et cetera.

I was in Vietnam for several months, I say to the gentleman, and I saw firsthand what the women did over there and what an important role they played, and I am so delighted that the gentleman mentioned that tomorrow the memorial is going to be dedicated.

I want to again thank the gentleman from California for all that he is doing to keep alive for the people of America all of the activities that our veterans have performed and continue to perform, and again I thank him for his insight on Somalia.

Mr. DORNAN. I say to the gentlewoman, "Thank you, Mrs. BENTLEY, and thank you for those friendly and kind words."

I would like to put in the RECORD, Madam Speaker, an article from U.S. News and World Report back in September called "A Trip Back to D-Day". Veterans will hit the Normandy beaches next June in search of memories, and our great colleague, the gentleman from Florida [Mr. GIBBONS] who bailed out in the middle of the night of June 6, our great reporter of official debate, Chris Heil, who sits here many hours day in and day out like our good folks that are on the floor now, Chris hit the beach at about the same time SAM GIBBONS, great Congressman from Florida, was bailing out behind the lines. Chris, and I am sure SAM, would agree, as tough as SAM's job was, and I think one of the greatest photographs of World War II, and I saw it again in the dining room at one of the dining rooms of Fort Campbell, KY, great airborne base, 101st Airborne. Here is General Eisenhower talking to these 101st Airborne troopers with their mohawk haircuts, their American flag sewn to their right shoulder.

□ 1830

So that those that bailed out, unfortunately, maybe it was 82d Airborne

guys, over the little village of Sainte-Mère-Eglise and got hung up in the trees and were machine gunned to death by a German unit that we did not know was in that area. Those men actually were the first Americans to fly Old Glory over occupied Europe—although the flags they were flying were sewn to the field jackets of their dead bodies.

I remember using that example against the flag burners of America, Morton Halperin, out there lobbying against me, that how could anybody who had ever visited Sainte-Mère-Eglise and seen where Sgt. John Young hung from the spire of a small little Catholic church, playing dead because the Germans machine gunned him and only knocked the heel off his boot, but all the other men, he could look down and see them hanging dead in these small, beautiful, pruned trees in that little idyllic village. How could anybody who had ever seen a picture of those bodies there, if you never read the factual stories of that, at least remember the great Zanuck film, *The Longest Day*, where John Wayne played one of our commanders, I forget whether he was Maxwell Taylor or John Gavin or one of the regimental commanders. But he looked at all these troopers hanging dead from those trees with those American flags sewn to their combat jackets, and I can still hear John Wayne's voice saying, "Cut 'em down."

Well, let us put this article in the RECORD, Madam Speaker.

Here is another one on McNamara's ghost, from the Baltimore Sun. I think it is germane to some of the battles that we are having now. I would like to put this into the RECORD, when it talks about McNamara's band, the systems analysis people that quickly became known by that title throughout the Pentagon, they sought to quantify everything.

You know, the worst thing Robert "Strange" McNamara ever said was that our college kids were the future of our country. He is talking about Bill Clinton types. Therefore, they should be exempted from the draft.

What he was forgetting was that every single Air Force, Marine, and Navy officer that he was sending to their deaths off the aircraft carriers and from the air bases of Vietnam, big F-4 Phantoms, F-105 Thunder Chiefs, going against footbridges, losing these men, they were college graduates. They were, almost every one of them, married. They left beautiful heroic wives behind and beautiful little children that I meet today, grown up young men in their twenties and thirties, who talk about their heroic dads that flew against communism in Indochina and that rightfully have a piece of that Berlin Wall that came down 4 years ago yesterday.

Let me also put in the RECORD, Madam Speaker, the 75th anniversary

coming up tomorrow of World War I, my dad, Harry Joseph Dornan's war, a combat artillery man. He came close to dying more than once. One time he was on a train that went off the track and rolled down the hillside. It had a hot stove, and the stove was rolling around inside, killing men, burning men. And when the car came to a rest at the bottom of the hill, my dad was on the bottom of the pile drenched in blood. He said he laid there thinking, where is the pain going to come from first? And then as he felt his body, he realized that he was totally uninjured and that he was drenched in the blood of the young enlisted men in his command.

Tomorrow is the 50th anniversary of the Pacific Bougainville campaign of World War II, and also the Italian campaign. I will put this in the RECORD.

Madam Speaker, let me close by stating that I will put two other articles in on this Veterans Day. One is called "Let's Remember What Veterans Did in the War," again from the Army Times, and a final one by Robert C. McFarland, Marine lieutenant colonel, served the Reagan administration well. His title is "Consider What Star Wars Accomplished." That is something to contemplate on this Veterans Day tomorrow, that Ronald Reagan won the cold war without ever firing a shot. Margaret Thatcher gave him that great credit in history.

Madam Speaker, the documents, articles, and other matters I referred to in my special order tonight follow:

CURRENT DEFENSE POLICY, INVITATION TO DISASTER?

(By Congressman Pat Roberts)

First, let me say how much I appreciate your invitation. Special thanks to Jim McVey and to Sergeant Schuler. Simply put, it is both an honor and a privilege to be with you as we celebrate the 218th birthday of our proud Corps. Semper Fidelis.

As a matter of fact, we just had similar ceremonies in our Nation's capital with the Commandant, General Monday, with 19 members of Congress who bear the title of U.S. Marine collectively serving 224 years.

One of my marching orders in getting ready for this particular mission was to provide a title for my remarks. I was reading some additional commentary about what we did or didn't do in Somalia, what we are doing or not doing in Haiti and Bosnia and my blood pressure went back up to its normal Washington boiling point.

I thought about "The Modern Marine Corps in the Current Clinton Minefield." My staff said that was a bit harsh. So we changed it. I will now visit with you about, "Current Defense Policy, An Invitation to Disaster." There must be a subtle difference there somewhere.

Well, defense policy in just a moment. First, this word about the "Old Corps." All former Marines, especially those of my vintage, are entitled to tell it like it was in the "Old Corps." After all, the reliving and exaggeration of what actually happened is the stuff we would like to think we are made of.

Its been a long time but I cannot help but remember the first birthday ball I attended—some 33 years ago—Third Marine Division—Okinawa—Kadena Air Force Base. One 2nd

Lt. Roberts was suddenly in charge of the cake detail. I was collared from the ranks when the original officer in charge celebrated like we were in Tun Tavern and could not perform the mission.

A Marine hallmark is to be flexible. We were flexible. The command to yours truly from the Chief of Staff Stallings—a man we affectionately called Stud Stallings—was:

"Roberts, roll that damn cake back to where the x is on the floor and when I say the word, hand me the sword and get the hell out of the way."

Which I did and the 184th birthday was safe and secure.

Then there was the 213th celebration at the Sheraton Park Hotel in Washington where yours truly was asked by Lt. Gen. Etnyre to address all of the Marines stationed at Headquarters Marine Corps.

I want you to know I made my fellow Marines proud, some 2,000 in the seats and rafters, with remarks that doubtlessly live in their hearts and minds. Except of course, when I turned the wrong way on a dance floor slicker than the one in old Cow Town in Dodge City. I ran smack into the General. He survived this sudden frontal assault, adjusted his cover and we made the best of it.

This evening I believe all cakes and generals are safe. I am not too sure about anything else.

When we honor and celebrate the Marine Corps birthday, we do so with a sense of pride in the glory, history and honor that we pass from one generation to another in General Lejune's time honored message. We extol the virtues of courage, intelligence, integrity and leadership. That is how it should be. But, what makes up the soul, if you will, of our Corps is not only the chapters of our proud history but your contributions, your thoughts, your feelings, your experiences, your snapshots in your own Marine Corps album.

If you please, some personal snapshots out of my Marine Corps Album:

The first is that of my father, Major Wes Roberts, who at 42, ignored the age restrictions, and joined the Corps in the midst of World War II and saw action in Iwo Jima and Okinawa. Fifteen years later, his son stood atop Mt. Suribachi with former members of the 27th Marines, thankful they were still alive and shedding proud tears for those who were not. That was an experience I shall never forget.

A second snapshot: General Victor J. Krulak ordering the Publications Branch of the Education Center at Marine Corps Schools, Quantico, VA: "You will publish a guerilla warfare manual in 90 days." It was in the first year of the Kennedy Administration and Defense Secretary MacNamara was enamored with so called "brush-fire" engagements and the newly created Army Special Forces. We Marines were playing catch up. Heading up our group was then Colonel, now retired General Oscar F. Peatross, the hero of the Makin Island Raid, then colonel, now retired General Ed Simmons, one of our most renown authors and historians, and one six-foot, four-inch, 250 pound colonel, now retired Commandant, Bob Barrows, veteran of the HUK guerilla action in the Philippines.

I especially remember Bob Barrows. When we had to get out from behind our desks and take the new PT test, Lt. Roberts had to lug 250 pounds of Col. Barrows in a firearm's carry for 100 yards under simulated fire. I actually carried the future Commandant!

I reminded him of that when, as a Member of Congress, he had us over for breakfast. His response was, "Roberts, I don't remember

you carrying me but I sure as hell remember carrying you and I was over 40 years old."

Well, I don't know who carried whom but the point is we relied on each other with a special bond because we understood who and what we were and what our mission was as United States Marines. To that mission we are truly always faithful. Semper Fidelis.

It's that "always faithful" business that I want to talk about for faith is indeed a two-way street. When I graduated from Kansas State University, home of the fighting Wildcats, the draft board of Jackson County just north of here, thought it only fitting that I be put at the head of the selective service line. Plain language, I was drafted. Now, I figured a college graduate like me had more to offer than spending two years in the Army—with all due respect to my Army buddies and relatives.

I asked for a delay and spent a month going from recruiter to recruiter saying in effect what can the Army, Navy, Air Force, do for me. Until I got to the Marine Recruiter—a Major mad at the world sitting behind a desk with a huge red sty in his eye. When I asked what the Marine Corps could do for me, he responded by saying:

"Get your damn hand off my desk. What the hell do you think you can do for my Marine Corps? You'll be lucky to get a dry fox-hole if you survive boot-camp which I doubt."

Then he said this:

"Young man, if you join the Corps, you will become part of the greatest fighting force in the history of the world and if you get in trouble, if you are pinned down, we'll send the squad, platoon, company, regiment, division and if necessary the whole damn Marine Corps * * * and son, no one has ever stopped the Marine Corps yet."

Well, even a small town kid from Holton, Kansas could recognize a gun-ho recruiting pitch. But, that pitch was wrapped with elements of commitment and purpose that are basic and fundamental.

That brings me to the basic point of my remarks. I am extremely concerned that basic commitment is missing as we try to meet the challenges of the first obligation of the Federal Government—to provide for our national defense.

In this regard, those who cannot remember the past are condemned to repeat it.

Almost 20 years ago, my predecessor, Congressman Keith Sebelius, a veteran of World War II and Korea said:

"There must never be another Vietnam. Our nation's 15-year effort in Southeast Asia should not be a matter of blame but a tragic lesson to be learned. We must not waste American lives and resources in political wars of gradualism in the future."

Keith went on to say, "Escalation in a war where we have ruled out military victory does not make sense." When you think about that statement one wonders why on earth it was even necessary!

Those in charge of current foreign and defense policy—and that certainly includes the Commander-in-Chief—and all of us in the Congress would do well to listen to the advice of former U.S. Senator Richard Russell, the Georgia Democrat who was Chairman of the Senate Armed Services Committee during the Vietnam War.

"As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American serviceman overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable."

Those classic words reflect the commitment the plain language recruiting pitch that Marine major gave me.

Senator Russell went on to say, "It is confession of moral weakness on the part of this country not to take any steps that are necessary to diminish the fighting power of our enemies. We hear a great deal about limited wars, but I would point out that there is no such thing as a limit on the actual combat in which men are engaged. While it may be a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them."

Now some in our government continue to remind us the Cold War is over and now we face new challenges and that things have changed given the New World Order, or to be more accurate, New World Disorder. In some respects that is true but let me emphasize the rules of military engagement, and the value of each American life have not changed one whit!

Now, in the past 40 some years, we fought two, no-win wars with limited objectives and unlimited combat, casualties and loss of life * * *. Korea and Vietnam. In both, military commanders received their instructions from civilians in government and we, indeed, escalated our involvement in wars where military victory was ruled out.

Can it happen again?

Since 1986 there has been a defense build down, NOT build up. Defense budget authority has declined 27% in real terms. If the Bush defense plan been implemented, the decline would have been 32% over the next four years. Under President Clinton's budget, that decline is closer to 45%. Under either Bush or Clinton, the defense budget as a percentage of Gross Domestic Product will be at the lowest levels since the end of World War II.

During the past four years, the Base Closure Commission recommended the closure or realignment of 172 domestic bases. More are coming. Since 1990, U.S. military strength in Europe has been cut 50% and will continue to drop * * * unless, of course, President Clinton sends troops to Bosnia.

Candidate Clinton promised to cut defense another \$60 billion more than President Bush. President Clinton is cutting the defense budget \$127 billion with force levels at pre-Korea levels.

These numbers and this policy might make sense if the world was not such a dangerous place. Yet, the President's own policy objectives call on U.S. military forces to serve around the world and here at home in an expanding number of missions that invite military engagement. The Cold War may be over but history is not and the Cold War freeze is thawing with a vengeance.

Can it happen again?

Prior to Vietnam, the talk of the day was that we would no longer rely on strategic deterrence, that the national interest was in so called "brush-fire" wars, guerrilla actions, and the pacification of emerging nations. Sound somewhat familiar? Then it was Laos, Cambodia and Vietnam. Today it is Bosnia, Somalia and Haiti.

Did you know that the UN is currently involved in 18 peace keeping operations with eight more being proposed and that some 50,000 American troops are directly or indirectly involved? Are the American people aware of the extent of this involvement?

Did you know that in the last two months our UN Ambassador voted to approve our involvement in another three missions—Haiti, Liberia, and Rwanda—all without notifying or consulting with the Congress and paying

about 32% of these UN operations without hearings or direct appropriations?

Did you know that before the infamous briefing on Somalia by Defense Secretary Aspin there was a congressional briefing last spring when we were told the President was, in fact, sending 60,000 troops into the Civil War in Bosnia? Remember this is the terrain where Tito and his guerrillas held off the Russians for the entirety of World War II. Thank goodness our allies said no.

Did you know that when Defense Secretary Aspin and Secretary of State Christopher briefed the Congress on Somalia—this was before we knew the Secretary refused the request for supporting armor—there were more questions than answers? I am quoting now from Secretary Aspin at that briefing:

"This has been a sobering experience and we are trying to sort through it. Our plan is now working well. We need a better plan. We need a time table. What do you think?"

Now that question was asked of some 250 members of Congress who expected at least some declaration of policy and contingency plans. The Congress cannot do that. Collectively, we cannot even decide when to adjourn, let alone conduct foreign policy and military operations.

Did you know that when our Rangers came under increased attack there was armor a relatively short distance away—Russian tanks, if you will, under Indian command. To get clearance to come to rescue of the Rangers, the Indian command would have had to obtain clearance from the UN command. The UN command was in New York where 30 employees out of 14,000 were manning a command and control office from nine to five!

A most important part of our nation's foreign policy obviously relies on our intelligence capability. Part of the mistake made in Southeast Asia were a result of faulty intelligence.

Can it happen again?

The effort to track down Aidid and to estimate his troop strength and the situation that led to casualties and loss of life that should never have happened resulted from weak human intelligence, inadequate spy equipment and little if any exchange between the U.S. and the UN forces. The intelligence operation was hampered from the first by a disjointed command structure and officials who reported to other capitals and had conflicting policy views.

The first Somalia mission was humanitarian. The second was military—the capture, arrest, and trial of General Aidid and the disarmament of his troops. Apparently, the third is now to work out a settlement with Aidid. In the meantime Aidid and the leaders of the other 12 clans are re-arming awaiting the March deadline for withdrawal of UN and U.S. troops. What do you think will happen?

Finally, let us talk about the use and misuse of American power and force. Is it happening again?

The Defense Department, following the advice given to Defense Secretary Aspin by Chief of Staff General Colin Powell, listed key concerns that should have been met before we sent 600 troops to Haiti to assist in the restoration of the deposed President Aristide. They were over ruled by the State Department. And so they went—to be turned back by a motley bunch of thugs.

Thank goodness the decision was made not to commit our troops to what would have been another Somalia on a grander scale but the original decision to show the flag and then withdraw it, simply encouraged the current regime in Haiti. The result was the

murder of a Haitian Justice Minister who had been working with American officials on reforming the police. Just as we are ending our involvement in Somalia six months too late, we are getting dragged into Haiti. We have now tied our power and prestige to the restoration of a man who our intelligence officials say is unstable and incited his followers to torture and violence!

The practical result of all this has been a collapse of confidence in the Congress regarding the ability of this administration in the conduct of foreign and military policy.

Senator Bob Dole and others in the Congress have debated whether to prevent the President from sending troops to Haiti without prior congressional approval. To some, this debate may sound like the renewal of the War Powers Act. In fact, it was a vote of no confidence in the President's ability to conduct foreign policy.

Let me stress it is important that we not tie any President's hands in case of emergency. He is, in fact, the Commander in Chief. Again, the Congress cannot and should not conduct foreign policy but we must not permit mindless intervention where we now have commitments in places where we do not have strong national interest.

The fatal error is not in cutting our losses, but incurring them at all in places that do not involve our fundamental interests.

Now, maybe campaign promises have little consequences. Remember the famous middle income tax cut? But, I can assure you in foreign policy promises become commitments. When we cannot fulfill those commitments those within these countries are left hanging when we turn tail.

There is an irony to all of this. If former President Bush did not focus on domestic issues, President Clinton's interest seems to stop at the water's edge. That is an exceedingly dangerous situation. In being critical of current policy, we should be careful not to join a cut and run stampede. Isolationism is not the answer.

The restoration of a rational and strong foreign and defense policy lies squarely with the Commander in Chief. It may be a distraction for President Clinton but as we have seen in Somalia, it is life and death for our men and women in uniform.

Ask Mary Cleveland of Norfolk, Virginia, whose son was dragged through the streets of Mogadishu. Ask Mike Durant, the helicopter pilot just out of the hospital who was very nearly killed by a crazed mob. Ask the Rangers, who decided to stay with the body of the dead helicopter pilot, waiting for reinforcements. Criticized by an unknown senior official in the Pentagon, Ranger Platoon Sergeant Robert Gallagher said this:

"The Rangers have a bond. Whether you are killed or wounded, someone will look after you."

God bless him. Shame on his nameless, faceless critics. The Rangers lost 18 men without any gunshot and tank backup. They inflicted almost 1,000 casualties on General Aidid's forces. In spite of all of the problems with a civilian run operation, limited rules of engagement in hostile territory, and the lack of necessary equipment, the Rangers did one hell of a job.

My fellow Marines, this continuing debacle must end. We in the Congress must be vigilant in our oversight and review and insist this Administration meet our foreign and military policy challenges and responsibilities. There is nothing wrong with a healthy debate in defining our national interests.

While I do not believe it is in our national interest or feasible to commit troops to

achieve political goals in Bosnia, Somalia and Haiti, the use of force will be necessary at some future date somewhere in a troubled and dangerous world.

While our attention has been focused on recent events, Secretary of Defense Aspin just came back from Korea where we see the continuing development of nuclear weapons. And, if you thought Saddam Hussein was public enemy number one, wait until you see Kim Jong Il. A nuclear North Korea sets off an arms race in South Korea, Japan, China and Russia. The North Koreans have a million man army with no other purpose but to once again invade South Korea.

This business is not peacekeeping, nation building, pacification or brush-fire involvement. It is serious business that is in our national interest.

It goes without saying I have been critical of President Clinton regarding the Administration's handling of our foreign and defense policy. I do not mean my comments to be partisan. I do mean them to be food for thought and a call for all Americans to insist we not repeat past mistakes. I will continue to insist on a healthy debate in the Congress with optimism we can unite behind our President in the conduct of America's best interests.

As General Lejune said in his original birthday greeting, "We have received from those who preceded us the eternal spirit which has animated our Corps and has been the distinguishing mark of Marines in every age. So long as that spirit continues to flourish, Marines will be found equal to every emergency in the future as they have been in the past and our Nation will regard us as worthy successors to the long line of illustrious men who have served since the founding of our Corps."

In behalf of our great Nation, our President and our Corps, thank you and Semper Fidelis.

[From Human Events, Sept. 25, 1993]

JANE FONDA NEXT?—SENATE MAY SOON APPROVE ALARMING HALPERIN APPOINTMENT

Short of treason, what does it take to disqualify someone from securing a key position in the Clinton Administration's Defense Department? Nothing, apparently. So "civil libertarian" Morton Halperin, who collaborated closely with some of America's most vociferous enemies during the Cold War, may yet become assistant secretary of defense for democracy and peacekeeping.

Should Halperin be confirmed, he will have enormous sway over U.S. defense policy, including, it seems, sharing responsibility for putting American troops under United Nations command. He will also have access to our most precious military secrets, the very kinds of secrets he ferociously sought to divulge to the world when the Soviets were threatening us with nuclear annihilation.

The idea that this former, highly influential ACLU figure may actually be confirmed to such a powerful position within the Pentagon has positively alarmed influential members of the national security community.

Nevertheless, he may very well end up getting the job. No Clinton appointee, it should be noted, has yet been defeated on a vote by the Senate, where the Armed Services Committee, chaired by Sam Nunn (D-Ga.), is supposed to take up the nomination shortly.

So far, not a single Democrat has had a bad word to say about Halperin, an ominous sign for his detractors. The Republicans on the panel are virtually united against him—William Cohen of Maine is still riding the

fence—but no one has yet become the point man in opposition.

And where is Senate Minority Leader Robert Dole (Kan.) in all this? Too silent for those who believe, like us, that the GOP should be turning the Halperin selection into the burning national defense issue it deserves to be. Hence the concern that Halperin may be approved after all.

Meanwhile, a curious alliance of the far left (the once Stalinoid Nation magazine, for example), a few ultraliberal "defense experts" (Alton Frye, Arnold Kanter and Jeremy Stone), a clutch of neoconservatives at the New Republic and even an important conservative writer for the Wall Street Journal have begun to rally around the Halperin flag.

Nothing in Halperin's past appears to distress those rushing to his rescue. They're willing to ignore or even forgive his working with Soviet sympathizers and Vietnamese espionage agents to savagely undermine our national security and intelligence operations, his efforts on behalf of those who blew some of our most sensitive secrets during the Cold War and his support of CIA turncoat Phillip Agee, the revolutionary Socialist who deliberately exposed hundreds of our CIA agents around the world.

When Agee "outed" our CIA station chief in Athens, Richard Welch, and Welch was subsequently assassinated, guess who came to Agee's defense? But even this astonishing embrace of Agee hasn't bothered Halperin's supporters.

They are apparently willing to have elevated to a key defense post a man who was so egregiously wrong about the Soviet Union that he was willing to proclaim:

"The Soviet Union apparently never even contemplated the overt use of military force against Western Europe. * * * The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one."

He also said: "* * * Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law."

Really, is this the sort of fellow the senators want to entrust with America's survival?

In the great historic battle between Soviet communism and Western democracy, Halperin, invariably, was on the wrong side. But, tush, say his more conservative supporters, what's a few mistakes among civil libertarians?

Instead of assailing Halperin, who should be permanently donning sackcloth and ashes for his abysmal record on defense and foreign policy issues, the alliance has decided to train its guns on former Reagan defense official Frank Gaffney of the Center for Security Policy. Gaffney's crime? He has effectively disseminated factual information about Halperin that should move every normal, red-blooded senator—Democrat or Republican—to veto his nomination.

Gaffney's research on Halperin, contained in a 36-page notebook circulated to both staffers and U.S. senators, is impeccable and can't be refuted. He's let Halperin hang himself by simply publishing lengthy, in-content Halperin quotations ranging from the positions on the Soviet threat to U.S. intelligence operations. Using a wealth of reputable material, including congressional hearings, the Gaffney document also convincingly rebuts efforts by Halperin's defenders to perfume his past and portray him today as a hard-nosed defense specialist whose actions are tempered by deeply held civil libertarian instincts.

Halperin's most remarkable apologist is the Journal's Paul Gigot, viewed by many as a stout conservative. But even Gigot admits that Halperin turned "wildly naive" on most issues of the Cold War, especially in "perceiving a 'defensive' Soviet Union."

Gigot, however, is altogether forgiving, while chastising conservatives for allegedly stretching the truth about Halperin and engaging in "reverse 'Borking.'" "Republicans and especially conservatives * * *," he writes in a reproving tone, "may want to ask if being wrong about the Soviet Union and Vietnam is a lifetime disqualification for public office * * *."

When you're talking about a national security job, Paul, that sounds good to us. Why in blazes shouldn't it count as a lifetime disqualification to be wholly, irresponsibly wrong on the most serious threat ever to this country's survival?

Halperin's Cold War performance, we would suggest, is not precisely the job resume expected for an assistant secretary of defense. And if we accept Halperin today, why not Jane Fonda or William Kunstler tomorrow?

Many Human Events readers may have come to know more about Halperin than they care to in the last few weeks, but for those who may have come in late—and for those senators who may be on the fence—we'd like to recapitulate just a small number of his most outrageous activities and associations:

Josh Muravchik, a neo-conservative who is opposed to Halperin, made this point in the August 1993 issue of Commentary. Morton Halperin, he noted, has been "a veteran battler for causes that ranged from liberal to hard-left. From the mid-1970s until the mid-1980s, for example, Halperin served as the director of the Center for National Security Studies, a spin-off of the radical Institute for Policy Studies (IPS).

"He also served as chairman of the Campaign to Stop Government Spying, an anti-intelligence coalition numbering among its member organizations the Black Panther Party, the Committee for Justice for Huey P. Newton, the National Committee to Reopen the Rosenberg Case, Women Strike for Peace, the National Lawyers Guild, the National Emergency Civil Liberties Committee and sundry other hard-left groups."

National security expert Francis J. McNamara, whose writings on Halperin have appeared in Human Events, stresses that Halperin's philosophy during the Cold War boiled down to the following. He would "strip the intelligence agencies of the weapons which the courts, Congress and the executive have found to be essential to the achievement of their mission—secrecy.

"He would make public their budgets, ties with academics and other sources, control of proprietaries, etc. He would go so far as to compel disclosure not only of diplomatic negotiations, but all research on new weapons systems * * * and would even oppose CIA covert action taken to prevent Libyan dictator Muammar Qaddafi from sneaking nuclear weapons into New York harbor. All covert action by the CIA and other agencies would be brought to a halt.

"The FBI, if Halperin had his way, would not be allowed to investigate anything but crime. All domestic intelligence collection would cease—by law. All wiretapping, too, would be brought to a halt, even that used to catch spies and learn the intentions, plans and plots of nations hostile to this country."

Halperin testified on behalf of David Truong, an anti-Vietnam War activist, who, along with Roland Humphrey, a USIA officer, was convicted of espionage in January

1978. They were charged with taking classified documents from the USIA, then turning them over to Communist Vietnamese officials.

Halperin made light of the documents that had been admittedly purloined, but the prosecution responded by saying that some of the materials, including a U.S. Embassy report on anti-Communist activity in Laos, did, in fact, contain information vital to our national security.

State Department officials, furthermore, insisted that individuals who were confidential sources of information for the U.S. were jeopardized by the activities of Truong and Humphrey, who eventually were sentenced to prison for 15 years.

And there's this interesting footnote (see Human Events, September 4 issue, page 5): Truong, free on bail in February 1979, pending the outcome of his appeal, attended a party staged by the Campaign for Political Rights celebrating the release of a "documentary" against the CIA, the FBI and other U.S. intelligence agencies. A smiling Halperin, who headed the CPR, posed for a press photo with the convicted Truong.

Halperin was, indeed, a strenuous defender of CIA renegade Phillip Agee. Extraordinarily, however, Halperin's defenders are in a state of denial.

"Another charge that slides into distortion," says the Journal's Gigot, echoing Halperin's left-wing boosters, is that "Mr. Halperin 'aided and abetted' Phillip Agee, a genuine scoundrel who leaked names of CIA agents in the 1970s. It's true Mr. Halperin showed bad judgment in testifying in Britain that more evidence should be heard before Agee was deported (which he was anyway). But his error seems rooted in the libertarian zealot's mistrust of all secrecy. He has always said that leaking agent's names is wrong * * *."

The "slide into distortion," however, is Gigot's. First off, we can only wonder why Gigot would suggest that a "libertarian zealot" be allowed a high position in the Pentagon where he would have access to our most precious secrets. Surely, this is akin to putting the family drunk in charge of the liquor cabinet.

More to the point, Halperin may have always said that leaking agents' names is wrong, but he still did his damndest to praise and protect Agee in his zealous efforts to leak the names of agents.

Halperin traveled 5,000 miles to London in 1977 to assist Agee in his anti-deportation hearings, even though Agee had already become a notorious leaker of CIA names and had informed Esquire a year earlier that "I aspire to be a Communist and a revolutionary."

In September 1975, in his publication First Principles, Halperin also lavished praise on Agee's book Inside the Company: CIA Diary for having supposedly exposed how the CIA operates in Third World countries. Most curious, in view of Halperin's insistence that he never favored the leaking of names, is that he never mentions—and certainly fails to condemn—the fact that the book he heartily endorses reveals the names and identities of over 700 people in all parts of the world Agee claims were officers, agents and co-operators with the CIA.

"CIA News Management," a column by the nominee, was published with Halperin's permission in Agee's 1978 book, Dirty Work. Publisher Lyle Stuart proclaimed in a newspaper ad for the book that it contained "a list of more than 700 CIA agents currently working in Western Europe. It completely blows their cover."

Stuart added: "But Dirty Work is more than that. A comprehensive picture of the CIA emerges in Dirty Work. [Two other contributors] * * * and Morton H. Halperin have all shown considerable courage in informing America about the seamy side of American espionage * * *."

And this only touches on Halperin's defense of Agee and his activities. Gaffney, in short, is right on the money when he charges Halperin with "aiding and abetting" Agee with his campaign to expose the identities of CIA agents overseas.

Morton Halperin, in truth, is a dangerous choice to handle America's defenses or to be anywhere near top-secret materials. His notoriously poor judgment in the past gives every senator, Democrat or Republican, liberal or conservative, ample justification to vote against his nomination. The American grass roots should bombard their senators in opposition.

[From Human Events, Sept. 25, 1993]

WILL COLBY TESTIFY IN FAVOR?—ARMED SERVICES POISED FOR HALPERIN NOMINATION

Morton Halperin, President Clinton's selection for the newly created post of assistant secretary of defense for democratization and peacekeeping, is hoping to round up heavyweight support for his controversial nomination.

Indeed, Scott Cohen, a former CIA official who served as a key aid to ex-Illinois Sen. Charles Percy (R), who chaired the Foreign Relations Committee in 1981, has come to Halperin's assistance. He's telling Armed Services Committee staffers that, while he didn't always agree with Halperin, he viewed him as an "honest civil libertarian."

He has also left the impression with staffers that former CIA directors William Colby and Stansfield Turner would be willing to testify on behalf of the former ACLU official. (Cohen informed us that, while he had not been personally in contact with Colby, for instance, he had heard that he would be willing to testify in Halperin's favor.)

Should Colby, Turner and, perhaps other ex-CIA officials go to bat for Halperin, this would be ironic in the extreme, since, as Human Events has documented in detail Halperin has waged a sustained campaign to cripple the CIA's effectiveness.

Republicans on the Senate Armed Services Committee, save for William Cohen (Maine), are, however, said to be still united in their opposition to Halperin, no matter what Colby or Turner or other important members of the national security community decide to do. Among those who are thought eager to confront Halperin over his past are GOP Senators Strom Thurmond (S.C.), ranking Republican on Armed Services, Trent Lott (Miss.), Lauch Faircloth (N.C.) and Dan Coats (Ind.).

Halperin, these Republicans and their staffers believe, is afflicted with dozens of important vulnerabilities, including his penchant for supporting unsavory characters who were eager during the Cold War to assist America's Communist foes.

Not widely known, for instance, is that Halperin came to the assistance of David Truong, an anti-Vietnam War activist who, along with Roland Humphrey, a USIA officer, was indicted for espionage in January 1978. The indictment charged that Humphrey had taken classified documents from the USIA, then turned them over to Truong, who, through couriers, delivered them to Communist Vietnamese officials. (See Francis McNamara article in Human Events, Dec. 29, 1984, page 10.)

Both Truong and Humphrey acknowledged they had turned over the purloined documents to Vietnamese agents in France, but they maintained they were not guilty of espionage because the papers they transmitted were not harmful to U.S. security. The ever helpful Halperin, a witness for their defense, expressed doubt that some of the papers had been properly classified and cavalierly dismissed the others as not being related to national defense.

The prosecution responded by saying that some of the materials, including a U.S. Embassy report on anti-Communist activity in Laos, did, in fact, contain information vital to our national security. State Department officials, furthermore, insisted that individuals who were confidential sources of information for the U.S. were jeopardized by the activities of Humphrey and Truong.

Despite Halperin's vigorous effort to get them off the hook, both men were convicted and began serving their 15-year prison terms in January 1982 after an appeals court had upheld their convictions and the Supreme Court refused to review its decision.

There's an interesting footnote to the case. Truong, free on bail in February 1979, pending the outcome of his appeal, attended a party staged by the Campaign for Political Rights celebrating the release of a "documentary" against the CIA, the FBI and other U.S. intelligence agencies. A smiling Halperin, who headed the CPR, posed for a press photo with the convicted spy.

In 1971, Daniel Ellsberg and Anthony Russo, both former employees of the Defense Department and its allied think tank, the Rand Corp., admitted they had unlawfully copied a two-and-a-half-million-word "Top Secret-Sensitive" report on the U.S. role in Vietnam and leaked it to the New York Times and other newspapers. Ellsberg and Russo were indicted on charges of espionage, theft of government property and conspiracy.

Swiftly coming to their assistance was a team of some 35 people, headed by the ubiquitous Halperin. As in the Truong case, Halperin testified that the "Pentagon Papers" as they had become known, would be of little value to the enemy, although this was contradicted by numerous military and diplomatic authorities. (Gen. Lyman Lemnitzer, chairman of the Joint Chiefs of Staff during our early involvement in Vietnam and later supreme commander of NATO, tagged the leak "a traitorous act.")

Equally interesting, however, was Halperin's testimony that the "Papers" were really personal papers belonging to those who had compiled them when they were in the Pentagon: Halperin himself, Leslie Gelb and Assistant Secretary of Defense Paul Warnke. They were not government documents, he said.

It was routine, he went on, for officials in his position at the time, to take their personal papers with them when they left office and that this was not considered theft or a violation of security regulations.

This was a mind-boggling claim by Halperin, especially since the prosecution had discovered that Halperin, in an affidavit he signed when he joined the Defense Department, had promised to return all classified documents. Moreover, Gelb himself contradicted Halperin, telling reporters that he considered the study "government property," not personal papers that could be distributed to the public at whim.

What this incident underscores, of course, is Halperin's virtual disregard for classified materials.

Halperin's biggest Achilles' heel, as viewed by many on Armed Services, has been his support of Philip Agee, the pro-Communist CIA turncoat, who deliberately exposed CIA officials, even when his actions jeopardized these officials' lives.

Three of Halperin's defenders—including liberal defense specialist Alton Frye, Bush's under secretary of state for political affairs, Arnold Kanter and Federation of American Scientists President Jeremy Stone—have sent a four-page letter to committee members alibiing for Halperin. Halperin's "only 'assistance' to Agee," they write, was "to testify at a British deportation hearing in which he urged that the British national security service provide a valid reason for his deportation as required by law."

"Upholding due process for a then ACLU official," the letter goes on, "is not 'aiding and abetting' criminals any more than it would be the crime of 'aiding and abetting' for a lawyer to help a client."

That alibi, however, is not likely to assuage GOP committee members since Halperin has a history of being in Agee's corner. Not only did he travel to England to defend Agee—so small thing, even for an ACLU official—but he constantly defended Agee and his efforts to expose CIA officials and those who cooperated with them.

Halperin favorably reviewed Agee's first book, *Inside the Company: A CIA diary*, in 1975, even though Agee thanked the Cuban Communist party for the help it had given him in writing the book, which listed over 700 people in all parts of the world who Agee claimed were CIA officers, agents or cooperators.

In testimony before the House Intelligence Committee in 1978, Halperin assailed the CIA for launching a "disinformation" campaign against Agee and the publication he was associated with CounterSpy, whose listing of the CIA station chief in Athens, according to the CIA's William Colby himself, led to that agent's assassination.

There is a ton of other documents that Halperin's opponents on Armed Services can use against him, as Human Events readers are by now aware, but the bottom line remaining: Do the Republicans have the will not only to oppose him, but to go all out for a kill?

TO SERVE HER COUNTRY

The hospital at Cam Ranh Bay was a long way from Clayton, New Mexico, and events there in 1969 would forever change the life of 23-year-old Dotty Beatty. Assigned to the facility's intensive care unit, the Air Force second lieutenant, like others who served in Vietnam, experienced daily the extremes of war and human behavior. She carries the memories still.

"The sound of a chopper still raises my anxiety level. I wonder how many, how injured? I think the only people who hear a chopper before I do are the corpsmen and combat vets. For them it was the sound of relief—help for their friends. For me, it was a sound of dread—could I do enough?"

The Vietnam Beatty remembers was "a world with almost no rules, a different value system, different priorities. I find myself making decisions today based on the priorities of that setting."

Mary Foley was on a weekend pass at her parents Haverhill, Massachusetts home in February 1942 when she was abruptly ordered back to Fort Devens. The 24-year-old Army nurse soon found herself on the *U.S.C. Uruguay*, bound first for Australia and, ultimately, New Guinea. The initial destination

had been the Philippines, but Bataan and the nurses stationed there were under siege and about to fall to the enemy. Foley would not be home again for three and one-half years.

"It was quite an experience for a shy girl from New England," says Foley of the generally intolerable conditions of the island—the jungle, the heat, lack of water and basic medical supplies. Assigned to the tropical disease unit of the 10th Evacuation Hospital, Foley came to dread the toll of the local mission bell.

"The bell was our signal to report to the hospital and to the incoming soldiers sick with typhoid and malaria," remembers Foley. "Considering the climate and the conditions, we took care of them as best we could and gave them as much comfort as possible. Without the nurses, the casualties would have been much worse. We were their lifeline."

Mary Foley continued to be a lifeline for sick and wounded soldiers upon her return to the United States. She worked at Walter Reed Army Medical Center in Washington, D.C. until 1953.

Representing different generations, Mary Foley and Dotty Beatty are linked by a profound sense of duty and love of country. As witnesses, often from the front row, and full participants in the struggles which have taken our nation from Lexington to Mogadishu, women have been premier contributors to the cause of freedom and political stability worldwide. From desk to field, from ship's deck to cockpit, from triage to battlefield, women have endured the horrors, stress, fatigue and other inevitable results of war. Women can proudly claim more than an ancillary role in U.S. defense. And now, at long last, their time of national recognition has come.

On Veterans Day 1993, a memorial in honor of women like Dotty Beatty—more than 11,000 who served in Vietnam—will be dedicated on the 2.2-acre site of the Vietnam Veterans Memorial in Washington. It will be the first memorial in the Nation's capital to specifically honor women's military service. Behind this poignant tribute, a statue depicting three Vietnam-era women, one of whom is caring for a wounded soldier, is an equally poignant message: Had it not been for the women who served in Vietnam, 90 percent of whom were nurses, there is no doubt that many more names would appear on the polished granite panels of the Wall which lists the war's fallen.

Of the dedication, Beatty says "there will be women who are confronting for the first time the fact that they were in 'Nam, and there will be men who were injured who are looking for 'their nurse.' It will be a powerful time for healing."

Recognition and healing on a national scale will continue when the Women In Military Service for America Memorial is dedicated in 1996. The memorial, which will include a visitors center, will be placed at the main gate of Arlington National Cemetery. It will recognize the dedication and valor of all 1.8 million women in uniform who have responded to aggression, despotism, humanitarian challenges and threats to America's security.

These two memorials are much more than mere symbols of atonement for the societal slight of the contributions of women in the Armed Forces. They will be tangible, lasting reminders of the selflessness of an extraordinary society—women veterans—which has achieved a place of great distinction in our history and our hearts.

Of our total veteran population of 27 million, 1.2 million are women who volunteered

for military service. They too served under difficult and dangerous circumstances as nurses, saboteurs, scouts, couriers, switchboard operators, stenographers, translators, pilots and gunner's mates. A number have been highly decorated (including combat-related awards), some were prisoners of war, some remain buried in U.S. cemeteries overseas, and all have been important to both wartime and peacetime efforts. The fact is that we owe a great debt to our women veterans for their achievements, a debt that goes beyond granite or bronze commendations, important as they are.

On November 11, Veterans Day, take a moment to contemplate the contributions of Dotty Beatty, Mary Foley and the hundreds of thousands of women who have served in the Armed Forces. In the chronicles of patriotism and freedom, theirs is a story that captures the spirit, courage and inspiration that is America.—G.V. (SONNY) MONTGOMERY.

[From the New York Times, Aug. 24, 1993]

CONSIDER WHAT STAR WARS ACCOMPLISHED

(By Robert C. McFarlane)

WASHINGTON.—At a meeting not long ago, I asked Ambassador Vladimir Lukin, chairman of the Supreme Soviet Foreign Relations Committee in the 1980's, what role U.S. policy in general and the Strategic Defense Initiative in particular played in the Soviet Union's collapse. His answer was straightforward: "You accelerated our catastrophe by about five years."

Remarkable. More than remarkable in that an investment of about \$26 billion saved us and our allies at least five years of much higher defense budgets—certainly more than \$100 billion—not to mention ending an era in which all humankind lived under a balance of terror.

But today the subject of "Star Wars" is raised no in the context of its strategic worth but rather for its potential for scandal—an interesting comment on our political and social values.

Even allowing that the American contribution to the collapse of Marxism was relatively small, that role is no less striking. Anything that shortened an ideological change of such immense consequence is worth serious study.

In 1982, 25 years into the missile age, the U.S. had just about lost the struggle to maintain a strategic military balance based on offensive deterrence. It was clear that the Soviet Union would always be able to put more missiles in the field; it was not inhibited by an elected Congress or competing social demands on the treasury. The U.S. would have to compensate with superior quality, and for a time we did.

But by the end of 1982, when I was deputy national security adviser, two things seemed clear to me. First, we had squeezed just about all the comparative advantage we would find out of our technology, at least in offensive terms. Second, the American people and Congress were getting worried about a strategy that relied on building more and more nuclear weapons.

But what to do? We had to find a way either to get the Soviet Union to reduce the number of its warheads or to increase ours until we could fashion a new strategy. Unfortunately, we didn't have much leverage.

The value of defensive technologies—the ability with confidence to destroy incoming missiles before they come close enough to do damage—seemed attractive for many reasons. We had made a serious effort in the late 1960's to develop an effective anti-missile missile but were forced to conclude the

the state of the art still favored the attacker.

By late 1982, however, new discoveries had been made. Adm. James Watkins, then chief of naval operations, advised Adm. John Poindexter and me that gains in the computational speed of computers and developments in high-energy physics (lasers, particle beams and other directed energy) had substantially lowered the technological risk of developing a truly effective antiballistic missile system.

As promising as the military implications might be, it seemed to me that such an investment would offer even greater political and economic leverage. Most important to me was the prospect that, as with the space program in the 1960's, our dedication of hundreds of scientists and engineers to this frontier technology would lead to scores of discoveries, all visible to the entire Marxist family and making it clear that our system worked better than theirs. To avoid such a threat to the ideological firmament, the Kremlin might be willing to pay a high price. Star Wars might be the leverage needed to get the Russians to decrease their number of land-based ICBM warheads.

Carrying out such a strategy faced huge problems. But I believed that if we played our cards right with Congress and the allies, we wouldn't have to build this system—the Soviets would come our way on arms control, slowly, everything come together, and by 1985 the program was a living "line item" in the budget.

As is now well known, our strategy worked. In Geneva, Mikhail Gorbachev and President Reagan pledged to reduce nuclear warheads by at least 50 percent for the first time. We had turned a corner.

As for the reports now that the Pentagon "rigged the tests" of Star Wars technology, I don't believe them. Surely no such "deception plan" was ever proposed to the President. And because any backfire would rebound to his discredit, any such plan would have been cleared with him in advance by Defense Secretary Caspar Weinberger. I don't believe that there was such a plan. After three failures—all truthfully reported—when a success was reported in the same manner, I saw no reason to doubt it. As we all know now, hitting a missile with a ground-based interceptor isn't as Buck Rogers a problem as it once was.

[From the Baltimore Sun, Sept. 29, 1993]

MCNAMARA'S GHOST

(By Robert J. Hanks)

ALEXANDRIA, VA.—When Robert L. McNamara—formerly assistant professor at Harvard University, later head of Ford Motor Company—became Secretary of Defense in 1961, he brought to the Pentagon a host of bright young assistants and a determination to establish firm civilian control over the U.S. armed forces. With assistance from those youthful but militarily inexperienced executives (the so-called "Whiz Kids"), he succeeded.

He also brought a briefcase full of management techniques he had employed at Ford. Mr. McNamara seemed convinced that these procedures—used to produce automobiles—could be applied across the board to national defense. Among them, he placed infinite reliance on a management tool he had wielded in Dearborn: systems analysis.

Mr. McNamara entrenched an office—Systems Analysis—in the Pentagon, not only to analyze service programs but to originate them. One bright, young analyst during the latter McNamara years, Les Aspin, is now Secretary of Defense.

Then a newly commissioned Army Reserve second lieutenant, Mr. Aspin served his active duty obligation in Systems Analysis, wearing civilian clothes. He worked with computer models of military issues, many of whose solutions ultimately bore scant resemblance to battlefield realities in South Vietnam or to other military uncertainties then confronting the nation.

"McNamara's Band"—as Systems Analysis quickly became known throughout the Pentagon—sought to "quantify" everything. The underlying assumption held that computers, fed "quantified" inputs, could produce solutions to every problem; professional experience didn't matter.

Enemy "body counts" became a progress yardstick in Vietnam. Computers loved the numbers. Similar methodology spawned an "electronic fence," touted as the answer to North Vietnamese infiltration into the southern part of that tortured country. It wasn't, of course. Similar analytical failures abounded. One of the more senseless fixations involved development of a fighter aircraft for the Air Force and Navy. It typified Systems Analysis solutions' faults when applied to real-world problems.

SA combined diverse requirements of the two services—many incompatible—and established essential characteristics of one aircraft, the TFX, for Tactical Fighter Experimental, to meet the disparate Navy and Air Force needs. The "Whiz Kids" didn't realize that this would inevitably produce a plane whose every component had been reduced to the lowest common denominator. While Systems Analysis rammed the TFX concept through the Pentagon, a far better approach already lay at hand.

At that time, the F-4 Phantom reigned as the premier fighter aircraft in the world; produced by Grumman Aircraft, it strained the boundaries of technology. It proved eminently suited to carrier operations.

The Air Force simply took that plane and removed characteristics it didn't need: wing-folding mechanisms (for carriers operations) heavy landing gear for landing on pitching decks, reinforced tail structure to withstand enormous forces generated by arrested landings, etc. When the Air Force finished modifying the Navy version of the Phantom, it was a much lighter aircraft boasting significantly improved combat capabilities. It subsequently proved to be mainstay of the Air Force, particularly in Vietnam.

For years, the F-4, based afloat and ashore, ruled international skies while both services sought replacements for the aging plane. Each could have acquired a new aircraft, tailored to specific needs, far sooner and at less cost, had the Defense Department learned the lesson of the F-4. Instead, the Air Force had to buy several hundred F-111s (TFXs), those now still in service being used primarily as bombers rather than fighters.

With the nation's armed forces currently "downsizing," every defense dollar must be spent as wisely as possible. The country simply cannot afford to waste money applying theoretical solutions like the TFX to military problems.

One must hope that Secretary Aspin is not still wedded to his systems-analysis background, that he will use it as an analytical tool to examine service proposals—in the context of the experience accumulated on the battlefield by this nation's military professionals. America's shrinking armed forces cannot survive another McNamara-type reign over the Pentagon.

[From the Army Times, Nov. 15, 1993]

HALPERIN AS PEACEKEEPER?—QUALIFIED BUT CONTROVERSIAL, NOMINEE DRAWS FIRE

(By Rick Maze)

WASHINGTON.—The nomination of a long-time Washington insider to a new Pentagon post overseeing peacekeeping operations has turned into a fire storm of criticism aimed at the nominee and President Clinton's recent foreign policy setbacks.

On the surface, it would appear that Morton Halperin would make an ideal nominee for the newly created post of assistant defense secretary for diplomacy and peacekeeping, an important job in the post-Cold War world.

The 55-year-old Brooklyn native has taught nuclear strategy and arms control policy at major universities, including Columbia, Harvard, MIT and Yale. He served in the Pentagon as deputy assistant defense secretary for international security affairs during the Johnson administration and worked on the national security council staff under President Nixon.

MAN ABOUT TOWN

Critics have scrutinized his history and foreign policy opinions, finding fault and discrepancies. "Mr. Halperin is no stranger to Washington, and he is not a stealth nominee either," said Sen. Bob Smith, R-N.H., a member of the Senate Armed Services and Intelligence committees. "He has a very long and sordid track record."

More importantly, perhaps, his nomination for a post setting policy for U.S. military involvement in nontraditional roles comes as the first two post-Cold War peacekeeping missions of the Clinton administration have failed.

Halperin's hearings will become a forum to examine Clinton's foreign and military policies, predicted Sen. Trent Lott, R-Miss. Lott said Halperin has played a role—exactly what role is not clear—in drafting a presidential order, known as PDD-13, that would expand the role the United States plays in U.N.-led peacekeeping missions.

Under Senate procedures, Halperin's opponents could block the nomination indefinitely. Instead, they decided they want confirmation hearings so they can grill Halperin and at the same time blast Clinton.

Then, after the bruising hearings, they hope to either defeat Halperin outright or use Senate procedures to block action.

"What they are doing is unfair and despicable," said Lawrence J. Korb of the Brookings Institution, a former Reagan administration defense official. "There are a lot of things at play here that have nothing to do with his merits."

PARTISAN POWER PLAYS

Republicans are trying to get back at Democrats for blocking the nomination of John Tower to be defense secretary during the Reagan administration, Korb said. Emotions of Vietnam, a war Halperin came to oppose, also are at play, he said.

One moderate Republican, Sen. John Warner of Virginia, has suggested Clinton withdraw the nomination.

"It seems to me it is timely for the president and secretary of defense to take a second look, and a very careful look, at this nomination," said Warner, ranking Republican on the Senate Select Committee on Intelligence and a senior member of the armed services committee.

Halperin, through a Pentagon spokesman, declined to be interviewed, but a senior Pentagon official said Defense Secretary Les Aspin continues to support him.

"This nomination is winnable," the official said. "Halperin is being tarred for the very reasons he was selected. He is one of the few people who has thought about a world in which there is no East-West conflict and about a U.S. foreign policy that involves more than worrying about the next big war."

[From U.S. News & World Report, Sept. 27, 1993]

A TRIP BACK TO D-DAY

It will be 49 years this winter that Winnifred Boese's husband, James, was killed in the Battle of the Bulge, the Germans' last major counteroffensive of World War II. The couple had been married 13 months. Now 75, the San Diego resident has thought more often in recent years about her husband's Luxembourg grave, which she has never seen. When she heard that his old division was sponsoring a D-day trip next year, Boese signed right up. "That place [in my heart] is always empty," says Boese, whose tour will stop at the cemetery. "I think just going there and actually standing at the grave will kind of finalize it for me."

Thousands of veterans, their families, heads of state, history buffs and ordinary tourists will reinvade Normandy next summer. June 6 will mark the 50th anniversary of D-day, when Gen. Dwight D. Eisenhower launched the massive Allied assault that eventually liberated Paris from German rule on Aug. 25, 1944. Like Boese, many will be visiting for the first time. Others will bid final adieus at the graves of fallen comrades, to the battlefields forever etched in memories and to the villages and the people still grateful to have been freed. Bob Pocklington, 69, a private specializing in demolition for the 28th Infantry Division in the Normandy campaign, has visited his old haunts 16 times. But the Eagle Rock, Calif., resident figures this will be "the last hurrah," since most of his fellow veterans are in their 70s.

Crowd control: Normandy isn't used to such concentrated tourism, and government officials on both sides of the Atlantic are reconnoitering to devise efficient ways of handling battalions of veterans, dignitaries and sightseers. With the leaders of the seven Allied nations expected to attend the events during the first week of June, security will be tight, access to historic sites will be controlled and roads will be blocked off; visitors probably will be ferried about by shuttle bus. Not surprisingly, the French government is urging casual tourists to visit the region another time. "Unless you are a dignitary, VIP or veteran, you probably won't be able to see much between June 5 and 8," says Claire Bigelow, director of the U.S. Normandy Tourist Board in New York. Those determined to brave the crowds, though, can outflank the logistical nightmare—with concrete plans.

Vets first: The United States will commemorate D-day with numerous ceremonies honoring the men who came ashore on Utah and Omaha beaches, the two American landing sites (see box). There will be a re-creation of the June 6 airborne assault that dropped 13,000 men near Sainte-Mère-Eglise, where the American flag was first raised over French soil on D-day. The week's emotional cap will be the U.S. memorial ceremony June 6 at the Normandy American Cemetery at Omaha Beach, where more than 9,000 soldiers are buried. The French and other nations are staging countless other events.

To avoid the confusion that ensnared the 40th anniversary—hordes of veterans didn't

get to participate in some events—organizers are determined to make sure veterans receive kid-glove handling. "The vets are always the VIPs," says Lt. Gen. C. M. Kicklighter, USA (Ret.), executive director of the 50th Anniversary of World War II Commemoration Committee, the body coordinating all U.S. preparations. Some sort of pass will most likely be needed for admittance, since the French government will limit attendance. Kicklighter hopes to announce details by mid-October and will notify veterans' groups and military associations to make sure the word gets out. For more information, veterans should write to Maj. Thomas Rigsbee, World War II Commemoration Committee, 1213 Jefferson Davis Highway, Crystal Gateway Four, Suite 702, Arlington, VA 22202.

Given their ages and the logistical difficulties, many veterans are opting to take organized tours. It's a good idea, not only for obtaining accommodations but for guaranteeing ground transportation. Many also have contacts with local hospitals and doctors, should the need arise. But veterans should examine proposed itineraries carefully; not all the tour packages include stops for official U.S. events.

Military associations generally sponsor trips to their respective battlefields through tour operators. "We have so many military units going we feel like Eisenhower coordinating the next invasion of Europe," says Andrew Ryder of Galaxy Tours in Wayne, Pa. Galaxy, (800) 523-7287, is offering a 10-day D-day trip that begins May 31 in New York and stops in London, Southampton, Normandy and Paris for about \$2,635 per person, double occupancy and including airfare. The French Government Tourist Office's "D-day Kit" includes a list of tour operators running trips to Normandy and other sites and a proposed list of anniversary happenings in France. Call (900) 990-0040—at 50 cents a minute—or write to Normandy Tourist Board, c/o FGTO, 610 Fifth Avenue, New York, NY 10020-2452.

While many of Normandy's 48,000 rooms have been gobbled up by the tour operators, free spirits who loathe itineraries can still find lodging during D-day week. "Liberté 44," an office set up by the La Manche Tourist Board in Normandy, can help you find accommodations in the Cherbourg, Mortain, Saint-Lo and Utah Beach vicinities. From the United States, phone (011) 33-33060644. Its eastern counterpart, the Calvados Tourist Board, (011) 33-31865330, can refer you to lodging around Caen, Deauville, Falaise and Omaha Beach.

If the remaining rooms fill up, the Association Débarquement et Bataille de Normandie 1944—set up to coordinate events in France—is mobilizing a host-family program for June 1-15. Veterans unable to find lodging can stay with a French family, free. For details, write to ADBN 44 at Abbaye-aux-Dames, BP311, 14015 Caen Cedex France.

Flight delay: Unless the flight is part of a package, hold off on buying tickets. "If you buy today, you will be paying a couple hundred dollars more than you need to," says Tom Parsons of Best Fares magazine. Spring, when bargain fares to Europe generally appear, is soon enough. And don't overlook consolidators, known for their cut-rate overseas fares. Parsons also suggests looking into flights to alternate cities, such as Rome or Frankfurt, then using an air or rail pass to end up in, say, Paris.

Cruise lines, too, are gearing up with special D-day sails. Cunard's Queen Elizabeth 2 will depart New York for Southampton and Cherbourg on May 29, with a star-studded

crew including Bob Hope and Dame Vera Lynn, Britain's popular radio star who earned the nickname "The Forces' Sweetheart" with her BBC broadcasts of "White Cliffs of Dover" and "We'll Meet Again." The price for a 10-day crossing begins at \$3,035 per person, double occupancy, and includes one-way airfare between London and any of 79 cities. Call (800) 221-4770 for more details. Stephen Ambrose, a University of New Orleans historian and noted Eisenhower biographer, will explain the nuances of the invasion aboard the Norwegian Black Prince as it follows in the wake of the sea crossing of 1944 during a four-day cruise that departs from Southampton on June 4. Bookings begin at \$1,370 per person, based on double occupancy. Call (800) 749-1869.

In the ensuing weeks of D-day, other venues of World War II will get their due. Military Historical Tours of Alexandria, Va., and Valor Tours of Sansalito, Calif., are putting together tours to Guam, Saipan and Tinian and the Solomon Islands next year and Iwo Jima, Okinawa and the Philippines in 1995. Call (800) 722-9501 for more details. And the folks back home won't be forgotten. Washington, D.C., of course, will be host to scores of ceremonies, exhibits and pageants, and Chicago, New York City and Salt Lake City also plan some sort of official observance of D-day. But 1944 just may be outgunned by 1995, when America marks the 50th anniversary of V-E and V-J days.

LET'S REMEMBER WHAT VETERANS DID IN THE WARS

(By Emma Pollack)

First, you see the wheelchairs. Some of these chairs are a style propelled by the hand of the occupant. A few have electric motors and are easily set in motion. Others have an electronic device and can be operated with pressure from the chin or mouth. Several chairs are not self-propelled but must be pushed by another human being.

Why this concentration on wheelchairs? Because it is much easier than looking at the people. However, eventually in this outpatient clinic, the veterans take the forefront.

Almost any weekday there are hundreds of people waiting in this large room. They surround you, and the time comes when you cannot blind your eyes nor your mind to their existence. These men and women waiting here for medical treatment are a diverse group from all walks of life—various ages, sizes, races.

Soon you can no longer see them as a mass; your eyes begin to focus on the individual. You discover what they have in common, a certain look. A look that asks: "Why? What has brought me to this place in my life?"

And what is this place? It is a modern hospital for veterans that is staffed with dedicated nurses and doctors—though far too few. This is also a teaching hospital and a nursing home.

An attempt has been made to create an attractive decor, a cheerful atmosphere. Ironically, the color orange has been applied generously to walls, floors, furniture and fixtures. Most of the visible activity takes place in the outpatient clinic. This is where the veterans sit and wait, and wait and wait.

On this particular morning, my husband is here for a series of tests, and I am prepared to spend the day. Although it is not yet 7 a.m., a long line has formed at the check-in counter. The first person in line is an elderly man with sunken eyes, unshaved, frail. His clothes are much too large for his thin body.

His hand trembles as he gives his card to the clerk. Briskly, she recites a series of instructions and tells him to sit down. The man takes the seat beside me. He stares helplessly at his appointment card, and I know he is confused.

"Could I be of any help to you?" I explain that I have been here many times. He eagerly hands me his appointment card.

"Shortly, they'll call your name on the loud speaker and give your doctor's room number." He still seems nervous, uncertain.

"I'll be glad to show you the room . . . this big place can be so confusing." Now, he smiles and begins to relax.

And so the day goes on. I look at these sick, miserable people, so tired of waiting and so often bewildered. My thoughts go back in time.

The year is 1942 and the place is Washington. The streets are filled with the human machinery of war: soldiers, sailors, Coast Guard personnel and Marines. They, like me, are very young. They are looking sharp, bright-eyed and ready for action. Without complaint, many will soon leave for the fight zones—on the ground, in the air, at sea. These youthful warriors are prepared to fight, to suffer pain and loneliness, and ready to die if need be.

My mind plays tricks on me. The fighting men and women of wars past are moving about in the waiting area. A tall, broad-shouldered Marine is standing beside a wheelchair. The man in the chair has no legs. A sailor in a white, crisp uniform is sitting in the place where, only seconds before, sat a man whose records were lost. The veteran to whom I had offered my help was no longer there. In his place sat a young man in a blue uniform, a pair of silver wings above his heart.

My vision clears, and I see once again the pain and helplessness of those around me. But now, I see so much more.

I see a room filled with heroes.

So often, after the shooting stops, these wartime heroes become little more than an unnecessary expense. The veterans must now pass a means test, must prove their financial need.

The people waiting in this outpatient clinic for medical care are not poor folks asking for a handout—although, indeed, many are poor. When they were young and healthy, they answered the call of their country. Flags waved, bands marched and promises were made. Promises that must not be forgotten.

What do veterans really want? More than anything else, they would like to be treated with dignity and respect. They want the American people to remember what they did in the wars—and why.

This day in the life of these veterans is coming to a close. But tomorrow, the line forms again and the waiting room will be filled once more. I stand still a moment and take one last look around. A voice speaks to me, a call from long ago. "To you from failing hands we throw the torch; be yours to hold it high."

We must keep faith with those who fought to preserve the freedom so cherished by all the world.

(Emma Pollack is recently widowed. Her husband fought in two wars and received his care in VA hospitals. Her father fought in three wars and died in a VA hospital.)

THE 75TH ANNIVERSARY OF WORLD WAR I

November 11th 1918—At the whim of the victorious Allies and at a cost of additional lives, the fighting ceases, bringing an end to

World War One at the 11th hour of the 11th day of the 11th month 1918. Total casualties for this war including all participating armies exceed 37,500,000 men. This figure includes a death toll of 8,500,000. Americans suffer 320,000 total casualties, once again proving that the cost of Liberty is high.

THE 50TH ANNIVERSARY OF WORLD WAR II

November 11th 1943—(Pacific-Bougainville) Marines hold the junction of the Mission and Numa Numa Trails after their successful drive, which kills about 550 Japs. The Marines (3rd Division) are ordered by General Geiger to drive in two directions, east and west, simultaneously to secure and hold an Airfield site. Also, additional contingents of the 21st Marines arrive. (Pacific-New Britain) The Japanese suffer more damage to their ailing Fleet at Simpson Harbor, New Britain, as two American Task Forces, commanded by Rear Admirals A.E. Montgomery, and F.C. Sherman, destroy one Destroyer, the *Suzunami* and inflict heavy losses to the Japanese Eleventh Air Fleet (twenty four enemy Planes against a U.S. loss of seven Aircraft). Montgomery's Force strikes from the southwest and Sherman delivers his blows from the northeast, despite bad weather. Sherman's Force retires without detection. The Japanese locate Admiral Montgomery's Task Force and strike without consequence, although between sixty to seventy enemy Planes pursue U.S. Land-based Planes from Barakoma intercept the Japanese Fighters and destroy over fifty of them. The U.S. loses three Planes. On the following morning no enemy Ships remain at Simpson Harbor. (China-Burma-India) General Chiang Kia-shek, after studying General Stilwell's proposal of November 5th, agrees to a combined British Chinese assault against Burma, with the Chinese being held in reserve until the British assault Kalewa. In the British Fourteenth Army area, the Japanese seize Haka. (Atlantic-Italy) The struggle to gain the mountains blocking the Fifth Army's approach to Rome still is highly combustible. The U.S. 157th Infantry is assigned the task of taking Acquafredda, with orders to move out, wedging between the 179th and 180th Regimental positions. Meanwhile, the Germans still feel secure that they can hold the Winter Line. The 2nd Battalion, 509th Paratroop Infantry, clears a portion of Mount Croce. Every yard gained during this campaign for Rome costs the Allies heavily. German soldiers do a masterful job of using the treacherous mountains to their advantage. They hold the high ground to observe all Allied movements. In a heated engagement involving elements of the U.S. 3rd Division, the Germans offer firm resistance near Mignano, then mount a counterattack. PFC Floyd K. Lindstrom's Platoon gives cover fire to a Rifle Company's advance when the enemy assault occurs, however, the Germans press ahead, forcing a withdrawal by the Americans, leaving Lindstrom's unit outnumbered about 5 to 1. Lindstrom advances with his machine gun, defying incessant fire and gains a position 10 yards from the enemy. Unable to score a kill, he intensifies his efforts and charges further over rocks and then kills two men with his pistol, confiscates their machine gun and returns to his own men. Still defying danger, he again returns to the enemy position and transports two boxes of ammunition back to his lines and begins firing his own machine gun in a fantastic display of dare that virtually breaks up the assault. (Atlantic-Russia) The Germans still hold firmly west of Kiev, but the Russians make progress. The Germans

holding southwest of Kiev advance against the Russians.

[From the Army Times, Nov. 15, 1993]

RANGERS IN SOMALIA—ANATOMY OF A FIREFIGHT

(By Tom Donnelly and Katherine McIntire)

"It was the longest day of everybody's life," says Lt. Col. Tom Matthews.

Matthews leads 1st Battalion, 160th Special Operations Aviation Regiment (Airborne), and from his flying command post in a specially modified UH-60 Black Hawk, he had a God's eye view of the vicious fighting Oct. 3 in Mogadishu that claimed the lives of 18 Americans and left more than 100 wounded, and drove American policy-makers into retreat from Somalia.

What he saw began as a lighting strike which, 20 minutes into the operation, had succeeded in snatching one of its human targets alive.

Then, amidst the blinding swirls of dust came a nightmare from doorways, rooftops and corners of perhaps the most heavily armed neighborhood in Africa.

Devastating fire from unending rocket propelled grenades took out helicopters. Rifles poked out of windows and over walls, firing blind. Hand grenades were lobbed from all directions.

The snatch operation turned into a grim rescue mission, and the lumbering trucks and other wheeled vehicles necessary for completing the extraction turned from a necessity into a deadly liability, offering fat targets as they stopped to load more and more wounded Rangers.

What began as a successful mission got lost in the fog of war, and left some of the Army's most elite units—men of the 75th Ranger Regiment, Delta Force as well as Matthews' highly-trained aviators—bloodied and battered, if not broken.

This longest day began in the most routine way. The Oct. 3 mission would be the Rangers' seventh since arriving in Somalia. It was all part of a campaign, not only to capture Somalia warlord Mohammed Farah Aided, but also to dismantle his organization so that the U.N. peacekeepers could conduct their mission.

The target was in the heart of Aided's territory, known among soldiers as "the Black Sea." Lt. Col. Danny McKnight, the commander of the Rangers' 3d Battalion and the senior commander on the battleground that day, remembers "it was more the area in bad guy country" than the previous raids, which had been to more isolated areas. This mission would take McKnight's Rangers near the notorious Bakara Market, one of the most heavily armed regions of Mogadishu.

VALUABLE TARGETS

The targets seemed well worth it: Two of Aided's lieutenants were going to be meeting in a building in the northeast part of the city, two to three blocks east of the market. At about 1 p.m., intelligence sources learned that the two would be meeting in the middle of the afternoon. Over the next two hours, the intelligence was confirmed and the exact location pinpointed—across the street from the original target. Maj. Gen. William Garrison, the senior special operations commander in Somalia, told McKnight: "Execute."

McKnight was initially pleased that he would have several hours to prepare for the mission; most had been conducted with less than one hour's notice. The raid would be conducted according to well-rehearsed, standard operating procedures. But

McKnight's force, built primarily on his battalion's B Company, would have time to study the layout of the target—a building near the Olympic Hotel, a local landmark—and review reconnaissance photographs.

Because the raid would take his men into a dangerous region, McKnight planned to take plenty of force and to attack by helicopter but extract his troops and their captives on the ground. A hovering helicopter made an inviting target, and secure areas to hold the captives or move wounded were not likely to be found.

All told, about 90 Rangers and Delta Forces troops would ride in six of Matthews' MH-60 helicopters. They would be backed up by other special operations aircraft: four MH-6 and four AH-6 "Little Birds," a search-and-rescue UH-60, and a command and control Black Hawk with Matthews aboard.

McKnight would lead a 52-man ground element, escorted by seven armored High Mobility Multipurpose Wheeled Vehicles, mounting grenade launchers and .50-caliber machine guns and with Kevlar liners and ballistic doors replacing the usual canvas doors. Also in the convoy were two utility HMMWVs and three five-ton trucks for the extraction. All told, about 170 men took part in the operation.

McKnight says he felt well prepared and well equipped for his mission. The one concern was getting in and getting out quickly.

MISSION TAKES OFF

On the ground, the Rangers crossed their line of departure at the Mogadishu airport at about 3:30 p.m. It took the convoy about 12 minutes to negotiate the narrow streets of Mogadishu—through the notorious K-4 traffic circle to their holding position about 200 meters from the target. The ground movement was accomplished without incident.

At the same time, the assault from the air began, led by the Little Birds. Four contingents of Rangers were dropped into blocking positions, while the remainder and Delta went for the "snatch" operation. Fast roping to the roof of the building where Aideed's men were said to be meeting, the operation, despite intermittent fire from Somalis, initially went well.

The "bad guy reaction was about what we expected, given where we were," says McKnight. What was surprising, however, was the intensity of the fire from rocket-propelled grenades, or RPGs.

"The fire never stopped," Matthews said. In fewer than 10 minutes, one Black Hawk was fired upon by 10 to 15 RPGs, he said.

A second problem came from "brown-outs" due to the dust kicked up by the hovering helicopters. In the confusion, one Ranger slipped off his ropes and fell about 40 feet to the ground, sustaining severe injuries.

The assault helicopters moved off. But the Little Birds and two of the Black Hawks, flying circular "racetrack" patterns, remained to provide covering fires from their miniguns and snipers onboard.

Twenty minutes after the assault, the snatch team had the men it wanted and called McKnight for extraction. "It was going extremely well," recalls McKnight, "very professionally done." The ground convoy sprinted to pick up the captives and the Americans.

As McKnight stepped from his vehicle to coordinate the extraction, a medic came running up with news of an urgent casualty, a Ranger who had fallen while fast-roping.

"We've got to get him out now. If we don't, I'm not sure he's gonna make it," the medic said.

McKnight agreed and put the injured Ranger in one of the cargo HMMWVs. He

then detailed two of the armored HMMWVs as escort and sent them immediately back to the American compound for treatment. This small convoy would be ambushed and Spec. Dominick M. Pilla of B Company would be killed during the ride.

McKnight was now down to four armored HMMWVs. Back at the snatch site, McKnight went back to loading the "detainees." The pace of Somali firing was increasing.

Then came word that the supporting Black Hawk piloted by CW3 Clifton Wolcott had been shot down about 500 meters to the east. Sgt. Aaron Weaver, in one of the Ranger blocking positions, saw the helicopter get hit by an RPG.

Wolcott was flying at about 75 feet, Weaver estimates, searching for Somalis who could threaten the snatch site. The helicopter crew saw the Somali who shot them down, McKnight says. Wolcott had pivoted his Black Hawk to allow his door gunners and snipers to fire. But in doing so, he presented a broadside shot to the lucky RPG gunner.

Weaver says the RPG hit the Black Hawk's drive shaft and tail rotor, causing the aircraft to auto-rotate and begin to drift. Wolcott fought to control the wounded chopper, but it was going down, crashing onto the top of a walled compound and tipping halfway over. Wolcott was trapped inside, pinned in his seat. "It almost folded on top of him," says 1st Lt. Larry Perino, leader of B Company's 1st Platoon.

Wolcott and his co-pilot were killed, and one of the two other crew members was badly wounded.

FEAR OF GOD

Crew member SSgt. Charlie Warren said he "had the fear of God" when the chopper was hit. His first thoughts were of his buddies on board and he was able to brief the crew on the way down. The impact of the crash left him with a severely bruised pelvis, a dislocated knee and a broken wrist. Two medics pulled him from the wreckage and carried him to the other side of the bird, when he saw that the pilot and co-pilot were dead.

"That was my first realization of how bad the crash really was," Warren said. Because of his injuries and the crew's inability to get Wolcott out, it was hours before they could move to an adjacent building. "One of the medics brought me a rifle for protection. We basically stayed there until nightfall," he said.

The two snipers onboard recovered their senses and began to defend the crash against Somali militia, who attacked almost immediately. SSgt. Daniel Busch, one of the snipers, fought ferociously, killing perhaps eight to 10 Somalis until he was shot in the stomach and the femur.

From the air, Matthews in the command and control aircraft and the crews of the Little Birds could see the crash survivors. McKnight, on the ground, had to make a decision. He'd lost some of his combat power in escorting the injured Ranger back to the airport. He'd also lost one of his five-ton trucks to an RPG shot. And there was the question of what to do with the detainees. Up until then, he had sustained only modest casualties, and no one killed. In the end, there really was no question for McKnight: live Americans nearby needed his help.

1st Lt. Tom DiTomasso, leader of B Company's 2d Platoon, had seen the Black Hawk go down and could see Americans moving at the crash site. He quickly radioed McKnight and began to move to protect the crash. Quickly, Garrison made the decision to consolidate the rest of McKnight's force around

the crash site. "We're going to go there with all our vehicles, see what's there, and we may be able to load everyone up on our vehicles and get out," he says. He still had a substantial force and had the bulk of his vehicles in working order.

As DiTomasso's element reached the crash site, CW3 Karl Maier landed his MH-6 helicopter in a nearby alley so narrow the rotors barely cleared the walls.

Maier's co-pilot, CW4 Keith Jones, leaped from the Little Bird in an attempt to rescue the wounded, while Maier held the controls with his right hand and provided cover with his submachine gun in the left.

Jones, covered by the crew and using his 9mm for protection, left the chopper to carry the mortally wounded Busch and another collapsed soldier to the helicopter for evacuation. The crew literally shot its way in and shot its way out of the rescue mission, Maier said. He expended about 150 rounds of ammunition and at one point during the rescue, Jones returned to the chopper for more ammunition before he was able to get the two soldiers loaded for evacuation. DiTomasso's platoon assumed the defense of the crash site, using the ballistic blankets that covered the floor of the downed Black Hawk as a shield as the crew tried to pull the wounded and the dead pilot from the wreckage.

One of the Rangers guarding the crash site had part of his face caved in after being hit by enemy fire, Maier said, but the Ranger refused to be evacuated, choosing instead to remain and protect the wounded who couldn't be evacuated.

Hours later, the same Ranger put his body over Warren—whose protective vest had been removed by medics examining his injuries—to protect him from incoming fire as they lay trapped in an adjacent building.

"It was just heroic acts like that that happened all day," Matthews said.

In short order, the search-and-rescue Black Hawk arrived at the crash with medics and a small contingent. Fifteen soldiers roped to the crash site from the search and rescue chopper, Matthews says. The medics and other soldiers—all with medical training—were able to stabilize all the wounded by the time they were rescued nearly 12 hours later, he said.

While the last two soldiers were roping down, "the search and rescue bird was hit with an RPG while lowering the medics, but was able to return to the port," according to Matthews and the Rangers. The wounded bird limped away, barely making it back to the airport. Upon landing, the pilots immediately switched to a back-up aircraft and returned to the air. Of those, 11 were either killed or wounded.

A few minutes later, McKnight's force began a larger relief effort. Perino's platoon and part of 3d Platoon, began to move on foot to bolster the defenses. The vehicles would follow after.

It took Perino's force 15 minutes to cover the ground between the snatch site and the crash—15 minutes of chaos and mounting casualties. In the rabbit warren of Mogadishu's meanest streets, a few dozen Rangers moved to the rescue of their comrades.

Every doorway, rooftop and corner could hold an unseen enemy. Often, Somalis would stick their rifles around a corner or out a window and let loose a burst, or toss a grenade over a wall at random. Still some women and children were on the streets. Gunfire, even heavy gunfire, was part of daily life in Mogadishu.

Perino's point man was hit almost immediately by fragments of an RPG round or a

grenade, wounded in the leg. "We'd just moved out. I knew the vehicles were right behind me," recalls Perino. "So we grabbed him and pulled him back."

Weaver was driving the first vehicle they came to and took the wounded soldier aboard. Occasionally during the move, the vehicles would link up with the dismounts and retrieve whatever casualties they could. From above, Matthews directed the convoy toward the crash and the Little Birds poured fire on threatening bands of Somalis, even firing their personal weapons out the doors of their choppers. In groups of 15 or so, the Somalis moved constantly to ambush the Americans.

McKnight and his men were hard pressed. "We didn't know where we were going," remembers Weaver, the only NCO not to be hit in the ground convoy. "We were just told to move . . . but the E-2s, even the privates, were doing their job." Each crossroads was a shooting gallery, with Somalis firing from every side across the Americans' path.

"Cpl. James Cavaco got shot; then Sgt. Lorenzo Ruiz got shot; we were taking some pretty sustained casualties," says Weaver. Also killed were Sgt. James Joyce and PFC Richard Kowalewski. Weaver's vehicle also was hit by an RPG.

KNEE DEEP UNDER FIRE

Perino's men were now in their first serious engagement, taking heavy fire and casualties by the minute. "We just kept pushing," he says, "because the alleyways were such limited cover and the streets were so narrow. You had to move; it was the only form of security we had."

DiTomasso's 2d Platoon was under constant fire, too. He had only enough forces to cover the immediate area around the wreck of the Black Hawk. On one side of the street, a solid wall provided a good anchor. But the open intersections on either end of the crash and the broken wall to the north provided spaces for Somalis to fire on and infiltrate the Rangers' position.

Even as the mission to rescue Wolcott was being mounted, a third Black Hawk, piloted by CW3 Michael Durant, was sent to provide additional air cover. About 15 minutes after the first crash, Durant's helicopter was hit, on the western side of its circular orbit. Attempting to fly to the airport and safety, Durant crashed about 1500 meters to the south and west of Wolcott.

A rescue party in four HMMWVs—two that had never gone out and the two that had initially been sent back to safeguard the Ranger injured in the snatch operation—was sent to try to secure the Durant crash.

After trying three different routes to the downed chopper and running into an ambush at each, the convoy was forced back to the airport. Near the K-4 traffic circle, the rescue party ran into McKnight's ground convoy and returned with it to the airport.

Other efforts to rescue Durant were futile. Returning from his daring pick up of the wounded Busch at the first crash site, Little Bird pilot Maier was able to land MH-6 about 150 meters from the site where Durant's bird crashed, but none at the second site were capable of getting to the chopper.

Later, two Rangers fast-roped into the area of Durant's helicopter. They were able to pull Durant from the wreckage and defend themselves for some time, but were killed and their position overrun. Durant was taken hostage by the Somalis. His co-pilot, who survived the crash, was later killed by Somalis.

The crew, who may have survived the impact—Durant later told McKnight that he

thought he heard them—did not survive the attacks.

CONVOY BECOMES LIABILITY

The attempt to get to Wolcott was bogging down, too. It was clear that the vehicle convoy was becoming more of a liability than an asset. They made inviting targets, lightly armed and constantly forced to stop to take on wounded. They still carried the detainees captured in the original raid. The lumbering, open five-ton trucks were especially vulnerable and a well-placed RPG shot could kill dozens of men. Ammunition, too, was running low.

In consultation with Garrison, and in view of the growing number of casualties, McKnight decided to pull back, limping into the airfield at about 5:30 p.m.

On the drive back, the Rangers were under constant fire, and the lone remaining cargo HMMWV was abandoned. "All the tires were flat. The engine was smoking," says Weaver. It was being pushed by the last five-ton truck. "We decided to destroy it in place, near the K-4 intersection," says Weaver. The armored HMMWVs all survived, "though they were pretty beat up," says McKnight, who was wounded when a round smashed through his windshield.

SSgt. Paul Shannon was in another Black Hawk whose initial mission was to drop off Rangers for the raid on Aldeed's lieutenants. After Durant crashed, Shannon's chopper flew to the site about two miles south of the first site and deployed two Rangers to assist the crew. After protecting the crash site for about 20 minutes, Shannon's Black Hawk also was hit in the right side by an RPG. Hit earlier in the mission and unable to fire his weapon, Shannon had been taken off his position at a door gun and moved to the back of the Black Hawk. Minutes later, when the RPG hit, the soldier who replaced him at the door gun sustained injuries that eventually cost him his leg. Shannon immediately started administering first aid to him and after the crash landing, another crew member helped tie on a tourniquet before he was evacuated to the U.S. hospital in Mogadishu.

The pilot nursed the helicopter to a nearby U.N. site where the pilots expertly performed a roll-on landing, probably saving the crew's lives, in Shannon's estimation. "Once I realized we were going to crash, the biggest thing was were we going to survive it. Everybody was pretty calm. Nobody screamed or anything like that. As soon as the U.N. APCs (armoured personnel carrier) pulled up we knew we were in a safe area," he says.

Back at the crash site, Perino found that DiTomasso's men had suffered seven casualties. The two lieutenants then moved to consolidate their forces, get the wounded under cover and push out their defensive perimeter to cover all the nearby intersections. Of the relieving dismounts, only Perino and two other Rangers had not been wounded. Though some of the wounded had been evacuated, about 15 were trapped at the crash site when the ground convoy was forced to turn back to the airport. Nor could the Rangers get Wolcott's body out of the downed helicopter.

After nightfall, the pace of Somalia attacks slackened noticeably, allowing DiTomasso and Perino to consolidate their forces further and get the wounded inside some buildings. "You'd get the odd RPG round, but we held our ground. We were able to keep anybody from coming in," said Perino. In one sense, the worst was over. In another, the worst was still to come: the waiting.

THE NEED FOR HEAVY ARMOR

On returning to the airfield, McKnight's first concern was to get care for his casualties. Step two ways to put together a relief operation to secure the two crash sites. There was a very little information about the second crash, except that it had been difficult to reach and was being overrun.

The immediate reaction company of the 10th Mountain Division quick reaction force, C Company, 2d Battalion, 14th Infantry, already had been dispatched to try to relieve the Rangers now hunkered down around Wolcott's downed aircraft.

Traveling in a convoy of HMMWVs and five-ton trucks, the ready company was ambushed just after passing east and to the north of K-4. An air assault was not a viable option, for three reasons: flying was extremely dangerous; the tight streets around the crash site would not accommodate a good landing zone; and the 10th Division infantry required the choppers to land in order to disembark.

The ready company returned to the airport at about 7 p.m. Clearly, busting through to the trapped Rangers would require a larger force and, more important, armor protection.

There were no U.S. heavy forces. Defense Secretary Les Aspin had denied a request from Maj. Gen. Thomas Montgomery to deploy armored and mechanized infantry units to Mogadishu to protect U.S. and U.N. troops. Any armor would have to come from other U.N. forces in Mogadishu.

The first step was to summon the rest of the quick reaction force, and a second company was ready by about 7:45 p.m.

Despite the four and a half hours of agony in assembling the relief force, McKnight is more than satisfied with the effort. The danger to the Rangers around the crash site lessening with darkness, and McKnight remained in constant communication with Perino and DiTomasso. "There was not a requirement that they have to get out there in two hours, because those guys were secured; they were consolidated," he maintains. "They were defending."

The wounded had been stabilized.

The political, diplomatic, and—more practically—language barriers of assembling the multinational relief force were daunting. The U.N. command at its best was a cooperative effort between various national armies; Montgomery and his superior, Turkish Lt. Gen. Civek Bir, do not enjoy the luxury of unity of command. Most coalition operations had to be cleared with the respective countries' defense ministries, not a recipe for fast action.

In the event, the relief column would marry the two light infantry companies, about 50 Rangers, U.S. troops in armored HMMWVs, four Pakistani M48 tanks and 24 Malaysian wheeled armored personnel carriers.

"I think the process was correct, a good deliberate process, so when you get out there, you don't get all screwed up," contends McKnight.

Among the Rangers who returned in the rescue operation was Weaver. It was a difficult order to carry out. "For myself, I'd have to admit I was scared. I was wondering if I'd make it out and back again."

Among the Rangers on the relief operations were cooks—"everybody helped out," says Weaver. They linked up with the 10th Mountain and the Pakistanis, then made a rendezvous with the Malaysians near the port of Mogadishu. The odd task force, 300 strong, crossed its line of departure at about 11:30 p.m.

Despite the long wait inside the perimeter, Perino knew that once his defenses was consolidated, the worst was probably over. The tension of the move to the crash site eased somewhat; darkness provided more confidence.

Throughout the operation, the command and control helicopter circled above, and the Little Birds were cycled through.

That is not to say there weren't tight moments. "The Little Birds fired plenty of 'danger close' rounds," says Perino. "We're talking 50 meters away with 2.75-inch rockets. But the [Somali] fire really came sporadic once it became dark. As long as we had ammo and as long as we had water . . ."

The volume of RPG fire was the most unsettling. "If you were anywhere around that helicopter, you were going to be a target," says Perino. "Several guys went down to fragments from RPGs. One went through the wall of a compound where I was and killed Smith. There was still the stress of being out there. But it was a lot better than being in the streets."

Like previous relief efforts, the final rescue column's progress was marked by repeated ambushes. At one point, Somali fire became so intense that the 10th Mountain jettisoned its lightly armed HMMWVs and rode inside the Malaysian APCs. The column took an indirect route, circling to the south and coming in from the east. At 2:30 a.m., Oct. 4, Mogadishu's longest day came to an end.

PASS THE NORTH AMERICAN FREE-TRADE AGREEMENT

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

Mr. KOLBE. Madam Speaker, I have taken this time this evening to do one more special order on the subject of the North American Free-Trade Agreement. I am joined here this evening by my good friend from California [Mr. DREIER].

We are down to, and we can almost count them now in hours, the last few days, on an issue that is truly one of the defining moments for American history. I have said this before and other Members have said it, but I think it bears repeating for my colleagues in Congress and for all America, and that is, this vote will be one of the most significant, if not the most significant, votes that my colleagues will cast in their entire career in the Congress of the United States.

We have cast a lot of very important votes in the 9 years that I have been here. I think back to earlier this year on the issue of the budget. I think back to the budget summit agreement in 1990, to the vote on Desert Storm in early 1991. I think back to the votes on the tax bill in 1986, and to the issue of flag burning and a constitutional amendment on that. These have all been very difficult votes, and ones in which all of us felt there was a great deal at stake.

But I can say without hesitation that none of those carry the consequences of this vote that we will cast in just an-

other 7 days, on Wednesday of next week. Because the vote on the North American Free-Trade Agreement is not just about whether we will have a free-trade agreement with Mexico and with Canada. The vote on the North American Free-Trade Agreement is about the future of this country. It is about the direction that this country is going to go.

There are those in our country today who are fearful of competition. Not just with Mexico, but with the world. Many of them remember the years at the end of World War II when the United States stood astride the world economy and there was no competition to the United States, and we did not have to ask other countries for good trade arrangements. We were the only source of goods for those countries.

But those days have passed, and the United States is truly living in a global economy. There is no escaping that. We may wish that it were not so. We may wish we could go back to the days that were there once before, but we cannot do that.

So the question which faces my colleagues this next week is, Does the United States have enough courage to compete with other countries of the world? Do we have enough courage to believe that American workers are productive and can compete in the rest of the world? Or do we believe that the only hope for the United States is to erect a barrier around this country and to deny competition with other countries? That is the issue which we face in this vote. And I believe that it is a most significant vote for that reason.

Madam Speaker, my colleagues will, I know, consider very carefully the pros and cons of this, what it does to their district, and the economics of it. But in the end they must understand that this has to do with where the United States will stand in the world today.

I know that my friend from southern California understands that very well, and I am pleased that he is here this evening with me as we go through some of the arguments that have been made.

Madam Speaker, I am very pleased to yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Madam Speaker, first of all, I would like to compliment my friend from Tucson, who has worked on this issue for a long period of time. It was 6½ years ago that I was privileged to join as a cosponsor of legislation with the gentleman calling for the establishment of a free-trade arrangement in this hemisphere, specifically with Mexico, because it seems to me that we need to recognize that we have a 2,000-mile border with Mexico and there is nothing we can ever do to make that change. I think my friend's remarks, Madam Speaker, are right on target here.

□ 1840

Because if you look at the last half century, the United States of America has successfully brought about victory with the Second World War and then the cold war, four decades of great difficulty, tremendous expense, tremendous cost. My friend from Garden Grove, who spoke here just before me, talked about the fact that a shot was not fired in the Reagan administration to win the cold war. But there was a tremendous cost that was paid and shouldered by the United States, a great responsibility, so as we, in a week, a week from today, maybe at this time in exactly 1 week, as we prepare to cast our vote on the North American Free-Trade Agreement, we have to make a determination. Is the United States of America going to stand, as it has for at least the last half century, having won the Second World War, having won the cold war, and proceed, as we face the millennium, with leading the world toward the change that the 21st century will bring. Or are we going to choose to, for lack of a better term, Madam Speaker, chicken out and stick our heads in the sand and say that we have this ability to stand alone and provide what is needed for our people and at the same time see our economy grow and the standard of living in the United States of America grow.

Clearly, while we listen to opponents to NAFTA say, "I am more concerned about the United States of America than I am the entire world," well, quite frankly, Madam Speaker, the gentleman from Arizona [Mr. KOLBE] and I have the United States of America as our No. 1 concern and the consumers of this country and the workers of this country, contrary to some of the rhetoric that we have been hearing from a wide range of people who have been opponents of the North America Free-Trade Agreement.

Mr. KOLBE. I appreciate the comments you have made. I think it sets us off on a very good beginning to the dialogue we will have this evening.

Something you just said reminds me of a comment that I heard when I was in Mexico a couple of weeks ago, and we met with a group of people from the Mexican business community.

One of them said to me at this dinner that we had,

Two things in my life have astonished me. One is the fall of the Berlin Wall and the end of Communism. Who would have ever thought it possible that that could have happened in our lifetime? But the other thing that happened to me, when I was making a business trip to the United States last week and was in several cities and I found that there are so many Americans who are afraid to compete with Mexico, a country which has an economy 2½ percent the size of the United States economy.

I don't believe Americans are afraid to compete. We know that we can compete, and we have seen recently companies that have announced they are

moving their manufacturing plants back from Mexico to the United States, thanks to NAFTA. They can afford now to produce them in the United States and ship the products down to Mexico. They are moving them back because they are more productive in the United States, and they only have those plants, as my friend knows, in Mexico because the barriers that Mexico erected to our doing business down there made it necessary to leapfrog over that barrier and establish the factory in Mexico to do business.

Mr. DREIER. Am I not correct in concluding that 70 percent of the business that is done by United States-owned operations in Mexico is done for the Mexican consumer and not to send back to the United States, as so many opponents have often argued?

Mr. KOLBE. That is correct. It is at least 70 percent. I think it is actually slightly higher than that. So most of our products that we are producing down there are for the Mexican economy. But now we do not have to do that. We can produce that product, with NAFTA, we can produce that product here and sell it in Mexico.

When people ask us, what is the North American Free-Trade Agreement, I think there is one fairly simple answer. It is a tax cut. It is a tax decrease. It is a two-way tax decrease. We decrease taxes on the products that come from Mexico, yes, but our average tariff is only about 4 percent. But even so, that means consumers in the United States will be paying 4 percent less for those products that come from Mexico, because they will not be taxed on it.

That means our consumers are better off.

Mr. DREIER. This bill that we are going to be faced with next Wednesday is, over a 5-year period, a \$1.5 billion net tax cut for Americans. And anyone who would choose to vote against the North American Free-Trade Agreement is voting against a 1½ billion dollar tax cut for Americans.

Mr. KOLBE. My friend is absolutely correct. This is a tax cut. It is a tax decrease. There is no way to get around that. There are some user-fee increases, but they do not match the tax cut that we have in there. So it is a net tax decrease. And no one, nobody voting against this should be allowed to misunderstand that. They are voting to keep higher taxes in place, if they vote against this.

But what is important about this, it seems to me, is the fact that the real tax cut here in on our products, that Mexico cuts their tax, their tariff at the border on our products going down to Mexico. That means that we will be able to sell more products down there.

Let us just take, for example, automobiles. We are going to get to that in a moment. They are in the special category. Maybe we should take some-

thing like a refrigerator today. Actually, refrigerators are a good one, because they have a 20-percent tariff.

Let me just give you this example here.

Mr. DREIER. Household appliances. If we could ask our colleagues to focus on this, and my friend will be able to explain the structure right now the way it exists and the way it will exist under NAFTA.

Mr. KOLBE. What you have there on that second item here, household appliances, you have a Mexican tax that right now is 17 percent on their products. I am going to focus just on that for the first moment and not the second one.

That means that if General Electric wants to ship a refrigerator to Mexico, let us say it is worth \$500, there is a 17-percent tax or \$75 on top of that in a tax, if my math is correct there, \$75 tax on top of that in order to get that refrigerator to Mexico.

Now, if you take that tax off altogether, common sense tells you some more people that cannot buy that refrigerator today are going to be able to buy it, if you take that huge tax off of it.

Mr. DREIER. My friend is absolutely right. I think it is important for us to realize that we have often heard in this debate about talk of Japan.

Vice President GORE mentioned it last night in the debate with Ross Perot. This 17.1 percent average tariff, which exists today on United States-manufactured refrigerators and other household appliances going to Mexico comes down to zero under the NAFTA. Right now it is really negligible for any Mexican-manufactured household appliances coming in the United States. Again, we have one-way free trade, because the Mexicans have access to our market. But this 17.1 percent average tariff remains for Japan, Germany, and other countries in the world that are not part of the North American Free-Trade Agreement.

And I think, Madam Speaker, it is important for us to realize that this 17.1 percent tariff here that exists today, if we defeat the NAFTA, it stays. And some would argue that to deal with environmental cleanup in Mexico, recommendations have been made that they even increase that 17 percent tariff, if the United States choose to defeat NAFTA. We all know that there is going to be certainly an invitation extended by the Japanese Government and businesses there, others in other parts of Western Europe and the Pacific rim, to Mexico to embark on a NAFTA-like arrangement with them.

It seems to me that we should benefit, the American consumer and the American worker, by bringing that barrier down.

I thank my friend for yielding.

Mr. KOLBE. My friend makes a very good point. Vice President GORE, I

think, made the point very well last night when he said, we have had an experiment with both ways. We have tried it your way and we have tried it our way. And he said, the old way was when Mexico had these tariffs.

□ 1850

We know what happens when Mexico reduces its tariffs from an average of 50 percent to an average of 11 percent, from a top rate of 120 percent to a top rate of 20 percent. We know what happens with that.

Our exports to Mexico have gone from \$13 billion in 1987, the year after they joined the General Agreement on Trade and Tariffs [GATT] to last year \$43 billion. We sold \$43 billion of goods to Mexico.

Mr. DREIER. From \$12 to \$13 billion to \$43 billion. We have gone from a deficit of about \$5.7 billion to a surplus of a like amount, just about \$6 billion. So because we flipped it around and because they have brought their tariffs down, have opened up their markets to our goods, we have a surplus of \$6 billion with Mexico, and we have increased by more than 100 percent the amount of goods we are selling in Mexico. Think what can happen when we bring that down to zero.

I would be happy to yield to my friend, the gentleman from California [Mr. DORNAN]. However, if I could just a moment, before I yield, say that his special order focused on the issue of the end of the cold war, and he referred to the fact that Ronald Reagan was able to bring about victory in the cold war without firing a single shot.

It seems to me that as we look at the next logical step beyond the cold war, it is getting to the point where we recognize that trade is the currency of friendship, trade is the currency of freedom, trade is the currency of peace, and these are the natural steps that are taken, bringing down barriers.

As we brought down the Berlin Wall, we want to bring down the barrier for the flow of free trade. My great friend from Garden Grove is one who spent a great deal of time working on that issue.

Mr. KOLBE. Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I thank the gentleman for yielding. I am moved to call the gentleman the sunshine boys, not because we all come from the Sun Belt, and States that, well, the gentleman's economy in Arizona is not as bad as ours in California, but the reason I want to call the gentlemen sunshine men is because they are so optimistic the way they have approached this treaty, and the way they delineate for all of our Americans who have been through a lot of fear tactics here that this is the way to approach the future.

One of the things the gentleman from California [Mr. DREIER] said to me at

the end of my special order was that if we vote this down in this Chamber, it will be a sad day in that post-cold war era, because we will have chickened out on an opportunity here to create a family in all of North America, to start treating our first cousins south of us the way we treat our first cousins north of us in Canada.

More than that, I wish we could kick around something that I have learned in classified and declassified briefings about what negative signals from this Chamber will do to the entire Central and South American area, this entire hemisphere, with the exception of Brazil, which is still having its problems from government corruption, and they speak Portuguese there, the line of demarcation. They came up on the east side of that.

However, in every other country, the major nine nations in South America, the Dutch-speaking nation of Surinam, the English-speaking nation of Guyana, and all those nations north of the Panama Canal, as David and I used to say in the Panama Canal debates, everybody north of that manmade body of water called the Panama Canal is a Norteamericano. We are all North Americans here.

I would ask the gentlemen to tell me something about their experiences traveling south of the border, the two of you, bumping into ambassadors from the South American countries. This will be a super tragedy for all of our fellow Americans north and south.

Mr. KOLBE. If I might reclaim my time, I think the gentleman has raised a very, very good point. NAFTA is really more than a vote on a trade agreement with Canada and Mexico. It is a vote to open a door. Mexico and NAFTA is the hinge to this door of all of Latin America.

We have today, and my friend, I know, is aware of this, but there may be some out there who are not aware of the fact that we now have a bilateral framework agreement that is kind of like an initial agreement, with every single country now in Central America and Latin America. What those agreements say is, "Mr. South American, if you will just open your economy, if you will get your debt under control, if you will reduce your inflation rate, if you will reduce your interest rate, if you will reduce your public sector spending, and if you will open up your markets to other countries, there will be a reward at the end of that. The reward will be that the United States will do more trade with you."

They have listened to us.

Mr. DORNAN. Exactly.

Mr. KOLBE. They have watched us go through this NAFTA process. We have told them, "Wait, let us finish with Mexico and then you will be next in line." Chile is banging on the door today. They are ready to join NAFTA tomorrow, the day after we do this.

The other countries of Latin America, many of them are ready immediately.

What do we say to them? If we say, "No, it is okay for us to trade with Canada, it is okay for us to trade with Europe, but those of you who are Latinos to the south, we are really not interested in free trade, we did not really mean what we said," it would be a devastating blow.

My friend, who has traveled in Latin America far more extensively than I have or ever will in my lifetime, knows the consequences of that for many of these fragile governments that could easily turn hostile again, go back to military government, where democracy, which is just trying to gain roots there, we could lose so many of those democracies.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, Mexico is growing so fast, I was stunned again to be re-reminded today that 50 percent of the population is under 20 years of age.

Mr. KOLBE. Actually, it is under the age of 17.

Mr. DORNAN. The Philippines is the only other country we have seen with that low a youthful demographic. But I notice the President today in his press conference said 90 million. Last night Ross Perot talked about how he wants to help 85 million people.

Mr. DREIER. If the gentleman will yield for just a moment, Ross Perot talked about 85 million people living in poverty in Mexico. If that is the entire size of the population, Mr. Perot has failed to recognize that the middle income wage earner in Mexico, the numbers are virtually identical to the entire population of Canada. We have been given figures of between 20 million, as high as 25 million people in the middle class in Mexico. Ross Perot continues to use this line, 85 million people living in poverty.

Mr. DORNAN. If the gentleman will continue to yield, like there are 35 families with no children, just maybe 70 people, husbands and wives, running the whole show, all being extorted for \$25 million.

I noticed an irony in the debate last night. AL GORE returned to the AL GORE I knew in this Chamber for 8 years. We were just, as I am Jim's classmate in my second life, here in 1984, I first came with the gentleman from Pennsylvania, BOB WALKER, and Dan Quayle, and a lot of people, the gentleman from Missouri, DICK GEPHARDT, the majority leader, in the class of 1976.

AL for 8 years was a strong moderate voice from the South. Last night he did something that I am sure I will see on the "Rush Limbaugh Show," the TV show, tonight. He said, "Why are you talking such doom and gloom," he says to Ross Perot, when that is exactly what Limbaugh points out, that on another issue, the health care thing, that

Mr. Clinton down in North Carolina actually pulled his hands in and shuddered his body and said, "Thirty-seven and one half million Americans, they are all living in fear of what is going to happen to their health care insurance policy."

Now they are on the right track. It is fear-mongering to reject all of the optimism of the post-cold war and to start here, on the northern half of this hemisphere, treating everyone as equals and opening up these barriers; that except for the first couple of millenia, where most fights were over turf and not necessarily the product that was grown on that turf, but in modern times, especially since the industrial era, the most annoying thing to triggering struggles that eventually turn to bloodshed of the youngest, most able members of societies were those caused by trade barriers.

Removal of trade barriers causes nations to grow in commerce, which is the dream of all civilized people, to say, "I would like to visit your country. You visit mine. What do you make? Here is what we make. Let us start trading things."

Mr. KOLBE. Reclaiming my time for a moment, I just want to inject here, the gentleman made a point as eloquently as Jack Kemp did today in the remarks that he made at lunch when he talked about this as a vote for freedom, freedom for Americans, for people everywhere.

We vote not only when we go to the ballot box, but we vote every day when we take out our wallets and we spend our dollars. There are two ways we can increase our income. One, we can have growth in productivity, which allows us to get a larger real wage. The other way we could do it to reduce the cost of the products we buy.

Mr. DORNAN. Exactly.

Mr. KOLBE. When Mexicans or Americans can get more choices and lower costs, then we have more money, disposable income, to spend on other products. That is freedom. That is increasing our freedom and increasing our real wealth.

We tend to forget in this debate all the time, and I know my colleagues know this, we tend to forget the consumer. We are always talking about protecting this job, protecting that job. What about the American consumer? What about consumers all over the world that have an opportunity to buy more products, to have more choices, to have lower prices?

Consumers need to be spoken for, too, in this debate. I think that is a very important point.

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Mr. DREIER. If the gentleman will yield on that particular point, one thing that needs to be underscored again is we have looked at the improvement of U.S.-manufactured automobiles that has taken place. I know

my friend from Garden Grove has a few old clunkers that were made in the early 1980s.

Mr. DORNAN. Nineteen seventy-eight, my Bronco.

Mr. DREIER. A 1978 Bronco. Some of those vehicles do not run nearly as well as those made in 1993, 1992. Why? Because of worldwide competition. Japanese and German automobiles came into the United States, and most every domestic automobile manufacturer acknowledges that if it were not for that competition that came to the United States, we would not have seen the tremendous improvement in the quality of automobiles, and trucks, and Broncos and other things built right here in the United States. It is worldwide competition which has improved the quality of life for people not necessarily buying those items from other countries, but because of the availability of those other items from other countries. It is the enhanced quality of life here in the United States.

Mr. DORNAN. I have to race off, so let me ask you guys a goodbye question. My staff is taping all of this so that I can look at your charts, along with the 1,300,000, maybe more, people following the proceedings of this House, and Madam Speaker knows that they are paying attention. And I think some of the debates on this floor, not that little quickie debate on Larry King last night, may get rid of this fearmongering. When we go back in, we are building up to this vote on the 17th, a week from today. If we can have like truth squads on the floor next week to at every point politely ask people to yield, to stop the fearmongering and to counter, always calmly and with truth. I think one of the reasons my colleague, AL GORE, my former classmate from the great class of 1976, prevailed last night was that he kept his cool, and he responded, and he asked many tough questions. And when Ross Perot, my friend of many decades of fighting for our missing in action, looked at him and said, "Work at it," I said to myself back at my pal, Ross, will you work at it, please, and come up with some facts and figures, because when Vice President GORE said how are you going to help those 80 million people, even if we were to accept this fallacy that they all live in poverty, with a sombrero on and a serapi, leaning against a wall wondering where their next job is coming from, if that cliché, sort of racist image were true, then where were Ross Perot's answers on what to do for them. He said study it and come up with a better treaty.

No. This thing has been studied to death, and the moment is now, a week from today.

Mr. DREIER. You know, the response to coming up with a better treaty, of course, is to come up with a treaty that the loser presidential candidates can all support, Pat Buchanan, Jesse

Jackson, Ralph Nader, Ross Perot, Lyndon LaRouche, Jerry Brown, those six. And there are also a few of our colleagues might be included in that mix, TOM HARKIN, DICK GEPHARDT.

I mean the fact of the matter is trying to come up with an agreement that could gain the support of all of these people with very disparate views is impossible.

Mr. DORNAN. You guys have worked so hard. Are we getting some of these Nobel laureate economists to visit the Hill next week?

Mr. KOLBE. We certainly have them speaking to Members.

Mr. DREIER. They have met with the Members, and that is the most fascinating thing. Paul Samuelson's statement that he made at the White House was incredible. He said when Milton Friedman and I walk up the sawdust path together, now there has got to be something right. And the way he put it in his statement down there, he said, "You know, the opponents to the NAFTA looked long and hard to try to find a Nobel Prize winning economist who would oppose NAFTA." Thirteen of them are alive today. Every single one supports the NAFTA.

And the President made it very clear. He said that those 13 economists have more disagreement on things than all of the living former Presidents, Democrats and Republicans do.

Mr. KOLBE. I think that the gentleman has made an important point.

Mr. DORNAN. I will just say goodnight, it is good working with you, and let us do it again next week.

Mr. KOLBE. We thank you for your contribution.

I want to thank the gentleman for his point there, because I think you made a very important point, and that is the people you just mentioned, ranging from Jerry Brown to Pat Buchanan, all of whom oppose trade, all of whom are against free trade, have not been successful candidates for President of the United States. We need to have people out there who are in favor of free trade speaking in behalf of it. Those are the kinds of Presidential candidates that will be successful.

As my colleague pointed out, every single former living President is in favor of this, every single former living Secretary of State, every single former living Secretary of Commerce is in favor of this, 300 economists, every one of them, the Nobel Prize winning economists are in favor of it. Are they all wrong and Ross Perot is correct? I doubt it. I think there is something else, and I think the American people are beginning to understand this issue, that this really is about creating jobs, about making more opportunities or Americans to have work so that we can sell our products in other countries.

There were many issues that were raised by Ross Perot last night in his

debate, but one of them I wanted to bring up at this point. He said well, people who do not make anything cannot buy anything. That is another one of these subliminal racist kind of remarks that we hear all of the time that harkens back to the old stereotypes about Mexico. The reality is that Mexico is the second-largest market today, even with the tariffs that exist it is the second-largest market for our products. It is the third-largest market for our U.S. farm products, the second-largest for our manufactured products.

They spend, as my colleague has pointed out, they spend 70 cents of every dollar that they spend overseas on U.S. products. And they spend more, and I think this is astonishing that here is an economy with a per capita income one-seventh of the United States, and roughly one-seventh of that of the EC countries, and one-seventh of that of Japan, and they spend more on a per capita basis, that is every Mexican, if you took all of the purchases from Mexico of United States products, they spend more, \$450 per person per year on United States products, \$450 more than the Japanese do, who are our second-largest trading partners. And they buy \$385 in products. We have a chart right down there which shows that very well. And the European Community buys an even lesser amount.

Mr. DREIER. Two hundred ninety-six dollars.

Mr. KOLBE. Considerably less than does Mexico.

So here we have a good example of how Mexicans are buying today, and if we bring these tariffs down we will have more opportunities to do this.

I know we have been joined here by a couple of our colleagues, my friend from Washington, JAY INSLEE, who has just joined us, and I would like to yield to him. I just want to say that he has been a real stalwart on this battle, and it is not an easy fight that we are in right now. And I appreciate the leadership that you have shown on your side from the State of Washington.

Mr. DREIER. Will my friend yield for just a minute?

Mr. KOLBE. Yes. I know that the gentleman wants to make an introductory remark.

Mr. DREIER. All I wanted to say is that Mr. INSLEE's presence here demonstrates the fact that this is a bipartisan effort. Democrats and Republicans are working together for free trade, and breaking down barriers to expand opportunities for U.S. manufacturers to sell worldwide, and for consumers to benefit in this country.

Mr. KOLBE. I thank you, and I yield to the gentleman from Washington.

Mr. INSLEE. I appreciate that, and I am sure you appreciate how much I appreciate being involved in this bipartisan effort. I think when you have such a bipartisan effort it shows the attraction and the benefits, the mutual benefits, and it does not happen very often

around here where we have a bipartisan effort. To me it shows me that when people of different minds can be attracted to something, this is a unique situation, to have the attraction of both sides for free trade is unique.

But I just want to comment on a couple of things that have happened in the last 24 hours, and then ask you gentleman a question. To me the democratic process has truly gotten into high gear when it comes to the NAFTA debate. What I mean by that is it has been my belief if you combine the common sense of the American people with the very accurate knowledge about an issue before them, the right thing happens. And that is what started happening in high gear last night, because we have the common sense of the American people who got to see the Vice President of the United States blast away a lot of the myths about the NAFTA treaty and actually give the American people the facts. And I will tell you what has happened.

What has happened is that the polling done right away last night shown there was a 23-percent jump after listening to the Vice President talk about the facts of NAFTA. It went from I think 35 percent pro-NAFTA on those who heard the debate, who cared enough about this issue to tune into their television sets, and it went up to 57 percent in 1 hour. And we have been working for weeks and weeks, and in 1 hour, when people heard the facts, they took this giant jump.

But even more importantly, the gentleman referred to the Noble Prize winners, the economists who have been in favor of this, but I will tell you who is even more important in my analysis, is these four fellows who are in a carpool every morning driving to the Hanford Nuclear Reservation in my district. We got a call from them.

Mr. DREIER. I was going to mention them, and I forgot.

Mr. INSLEE. But they called up, and they said, "You know, we have been in this carpool now for 3 months, and every morning we are saying how do you do, what's up with the wife and kids, et cetera, and then we talk about NAFTA."

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And we have had bad-mouthing of NAFTA from one end of the Fourth District to the other. You know, it is the craziest thing, we all went home the other night and we watched the debate. We learned what, in fact, is the situation with the Mexican tariffs, that their tariffs are twice as high as ours. We learned that that is going to be knocked down to zero. We found out that we are having a trade surplus with Mexico. And we found out that they buy \$450 per capita of goods here. And, you know, four people got in that car this morning and said, "It is the darnest thing, we are all for NAFTA now."

It seems to me that this is democracy in high gear. Great things are happening, maybe in part because of the bipartisan effort here but also because I believe the facts got delivered.

I was just wondering, our phone calls got turned around this morning, all the way around. I just want to yield to all the gentleman here and ask was your experience the same as mine?

Mr. KOLBE. Reclaiming my time if I might, and I appreciate the gentleman's contribution because I think he makes a good point. This is democracy in action, having this debate last night. It really has focused the American people on this issue.

The calls in our district office as well as here in Washington have changed fairly dramatically and are much more in favor. As the gentleman pointed out, those supporting NAFTA went from 34 to 57 percent. That is the first time we have had a majority who have been in favor of the North American Free-Trade Agreement. Those opposed dropped not nearly as much as the increase, but dropped from 38 to 36 percent. There were some other interesting statistics that came out of that debate. None of us is going to make our decision now on the basis of a debate, but I will come back to why I think it is important. In terms of those who say NAFTA will result in more jobs, 58 percent believe it will result in more jobs and 38 percent believe it will result in less jobs. That is the first time we have been able to win on that fundamental and basic argument.

Why is that important? Because I know my friend from Washington has heard this from a lot of his colleagues as I have from ours, they say, "Gee, I know NAFTA is good, I know NAFTA is the right thing to do, I know it is good for the United States, but I just can't be for it because I have heard all these people, the Perot people who are against this thing," or, "I have been beaten up by labor unions at home and I just don't have any support." Well, there is support, and the American people are coming to support and to understand this issue. I will say to my colleagues that in order to cast this vote, it is not going to be on the basis of what is good, ultimately, for jobs for America and for their districts but on what they put their finger to the wind and what they think it is going to be. The day will come, and it will not be too long, before people will be asking, "How is it that you voted against consumer interests, how is it you voted against providing jobs in this country, how is it you voted against America's interests in Latin America?" They will have to answer for the vote that they will cast against this.

I am happy to yield to my friend from Orange County—and we have many from California who have been joining in this debate—now from Orange County, I yield to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Well, that is because the issue to be determined means a lot to the future of California. We are in a tremendous economic slump in California. Unemployment is near 10 percent, people are suffering, they are losing their homes, the aerospace industry is in a time of transition from the cold war to the post-cold war world. California is having a very difficult time adjusting.

NAFTA, the Free-Trade Agreement, would mean more for the benefit of our people in California and perhaps other people around the country because we are in close proximity to Mexico. A growth in the Mexican economy would mean substantial growth and job creation in California.

But what I am afraid of right now is that once the information gets out about that, that the policymakers will not be able to make the right decision because they have been intimidated. And that is something I really fear.

In my own area it is very evident that NAFTA is going to really benefit the people of southern California. In McDonnell Douglas we have a strong aerospace presence in southern California; McDonnell Douglas builds commercial airliners. In the future McDonnell Douglas will be able to sell its commercial airliners to Mexico absent a tariff. Our competitors in Europe, the European Airbus manufacturers, they will have to spend a 10- to 20-percent tariff. They will have to try to cope with that as well as compete with us. We will outcompete the pants off those people if the Free Trade Treaty goes through. That means aerospace jobs right in southern California and, I might add, in Seattle and other areas around the country, but it is more important in California because we have such a high unemployment rate.

Mr. DREIER. And because we live there.

Mr. ROHRBACHER. We live there, and I represent that area, it is important, of course.

AST computers, for example, thousands of people in Orange County work in AST computers. We make a lot of computers in California. If the Free Trade Treaty goes through, AST—and by the way, today they announced they are laying off 650 people, 650 people out of work, unable to pay their mortgage, unable to pay their bills. What a tragedy right before Christmas season, that they are going to lay these people off.

With a Free Trade Treaty, they will be able to sell their computers in Mexico while the European and Japanese competitors will have to pay a tariff, and that will give us the competitive edge. It will save the jobs of the people who are being laid off right now. It is so evident that NAFTA will help in southern California.

We have television and we have the records industry, billions of dollars into our local economy—

Mr. KOLBE. If I may reclaim my time and follow up on that point, I know the gentleman has a great deal of telecommunications industries located in his area. The Mexican telecommunications industry is going to be investing more than \$5 billion in the next 4 years. Now, they expect to do most of those purchases in the United States. They have a consortium partnership with Southwestern Bell. There is going to be a tremendous market for U.S. telecommunications, whether it is optical fibers, switching gear, all the telephone equipment that is going into modernizing their industry. They have a long way to go to modernize their telephone system. There is just tremendous opportunity for us.

We turn this down, so why would not Mexico go with the Japanese, at NEC, or Siemens in Germany, and say, "Hey, are you interested in doing business with us? The Americans aren't interested in doing business."

Mr. ROHRABACHER. Those are solid manufacturing jobs that the gentleman is talking about, the very jobs that the opponents claim we have been losing overseas, manufacturing jobs will be created.

I was not even referring to those manufacturing jobs; I was referring to the jobs of all the people in the film business, in the records business, the music business, people who are tape editors and sound engineers, people who sell records and things such as that. For the first time, intellectual property rights will be protected, those intellectual property rights of American citizens will be protected in Mexico. That is a country with a vast potential market for American films and American music. For the first time that is going to be protected.

That means billions of dollars for the southern California economy. Still you have these people representing southern California, "Well, they do not know whether they are going to vote for it," and some of them say, "I am opposed to it." And when you ask them about it, what really is the reason that they are opposed to it, they give you these answers that are almost incomprehensible, almost like Ross Perot's answer last night as to how he would really change the treaty, last night in the debate.

Mr. DREIER. Study it.

Mr. ROHRABACHER. You listen to him, and what he was saying, a bunch of gobbledygook that you cannot even understand. And when you ask some of our own colleagues that, you get the same kind of answer. And I am convinced some of our colleagues in this hall, in this House, have been intimidated by Ross Perot and his people.

Last night Ross Perot finished his presentation to the American people, looking into the camera with a smirk on his face, threatening the people of this body, not telling them to do what

is right, but telling them, "You do what I want you to or we are going to kick you out of your job."

This type of threat, I believe, has a deleterious effect on the free exchange of ideas and the free discussion of NAFTA here in this body.

Mr. KOLBE. I will yield further, but I want to say I think the gentleman is absolutely right. I do not think the threat that Ross Perot makes will work because in the end the people of this body, the men and women who serve in this body, will do what is right for America. And they know that what is right for America is what is in her national interest, and that is more jobs, that is more trade, that is more freedom, that is more national security that comes with the North American Free-Trade Agreement.

Mr. ROHRABACHER. One last point.

Mr. KOLBE. Yes, of course, I want to continue the dialog and we will come back.

Mr. ROHRABACHER. If the vote was going to be anonymous, if we were going to be able to do this without publicly announcing the votes, I am convinced that it would pass this body overwhelmingly. But people have been calling my office using profanity to the women members of my staff, because of my position on NAFTA. My townhall meetings were invaded and disrupted. People were threatening people, using vile language.

Mr. DREIER. Tell them about the vote that took place in one of your town meetings.

Mr. ROHRABACHER. Well, in fact one of my townhall meetings, when the Perot people invaded this town, they tried to take it over. I finally had to tell them to sit down or shut up and get out. They can express themselves, they can ask questions, but other people have to be permitted to do so. They intentionally were disrupting the communication that was going on.

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Finally I took a vote. I said, "We are going to have a vote on NAFTA. We are going to have a vote and see how many people here want NAFTA." Because all I heard were voices, loud angry voices threatening me about NAFTA. It seemed like everyone in the townhall meeting was against NAFTA.

When we took the vote, the vote was about 60 to 40 in favor of NAFTA, but the other people were quiet. They were considering the issue, and when they listened to both sides, and I tried to keep my cool, just like Vice President GORE did last night, they got the word, and I have faced not only in the people in this body, but I have faced in the American people. Like the fellows in that carpool, they are going to see the truth of this argument.

Mr. KOLBE. I agree absolutely.

Madam Speaker, I am delighted to yield to my friend and colleague on the

Budget Committee, the gentleman from the great State of Connecticut, the nutmeg State [Mr. SHAYS]. I have worked with the gentleman on a lot of budget issues, and I have to tell you, this is an individual who has been a real leader on budget issues, and I think has taken some very courageous stands on the North American Free-Trade Agreement, and I am happy to yield to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Well, Madam Speaker, I thank the gentleman for yielding to me.

The gentleman from California [Mr. ROHRABACHER] was talking about what is right for America. I was thinking about a meeting I had with a group that was strongly opposed to NAFTA. They said because all of them were against NAFTA, then I should be, or else I was not representing my district.

I had one man lecture me about representation, and I found out later he did not even come from my district.

I just find intriguing the kind of pressure that is being put on; but this is part of the job and it makes it very exciting.

Also the bottom line is that we are trying to do what is right for America, those who are voting against and those who are voting for it.

I think in terms of this comment of what happened on August 12, 1941, there was a large group, a majority of the American people wanted to draw in. They wanted to isolate themselves. They thought if we eliminated the draft, that maybe we would not end up in war with Germany or Japan.

The majority said to end the draft, and yet there were brave souls who decided to do what was right for America, and in a vote of 203 to 202 they continued the draft, and 4 months later Pearl Harbor was under attack.

I think in terms of this vote being something quite similar. As people realize what NAFTA is all about, they are going to be very, very supportive of it.

I have only spoken three times in these opportunities for special orders in my 7 years here. I was drawn by what the gentleman was saying and wanted just to come down and thank the gentleman for educating people, because the gentleman really stood out, I say to the gentleman from Arizona [Mr. KOLBE] before so many others.

Unfortunately, the President was focused in on his budget and did not get the American people energized, so a lot of people committed themselves to saying no on NAFTA before they really knew what it was about.

Mr. KOLBE. Just reclaiming my time for a moment, Madam Speaker, and I will yield right back to the gentleman, I think that is a very important point.

Unfortunately, we lost a lot of time in this debate while the President was negotiating side agreements. We all

understand the reasons. He made a commitment during the campaign that he would get side agreements on labor and the environment.

But what happened is that it put us in neutral from January when this administration came into office until the middle of August when the side agreements were done.

During that time, while the gentleman and I were trying to get the business community and others, trade associations and so forth, who understood the importance of the trade agreement that had been signed by President Bush, the North American Free-Trade Agreement, to get them energized to work on their behalf, what we found was that they were saying, "Well, yes, we're for the trade agreement, but we don't know what the side agreements are going to do." So they held off.

During that same time, the opponents were not holding off. They were not waiting to see what the side agreements were going to be. They knew they were going to oppose this and they spent those 8 months hammering away and getting a lot of people to come out early with commitments.

We have been playing catch-up here, but I must say, in the last few days with the work that people like my friend, the gentleman from Connecticut has been doing, talking to Members, sounding them out, finding out what their concerns are, educating and convincing them, allaying the concerns that they have, we are making tremendous progress.

I am not going to stand here on the floor tonight, as some on the other side who oppose this, and claim that we now have 219 or 220 votes in favor. That is not true anymore, neither does the other side have 220 votes against it. They know that. They are only trying to do that in order to stop the continuing flow of people from the undecided column over to the favorable side.

But we are moving in the right direction. We are getting closer. We are closing in on the magic number of 218.

I know that 1 week from tonight when we have this vote on the North American Free-Trade Agreement, my colleagues will not fail to do what is right for America. We will pass the North American Free-Trade Agreement.

Madam Speaker, I am happy to yield further to my friend, the gentleman from Connecticut.

Mr. SHAYS. Well, I just say, I pray the gentleman is right, because I consider it such an extraordinarily important issue.

I view this as a win socially for Mexico and the United States, a win politically for both countries, a win economically, a net win economically for both countries, and even environmentally.

I wanted to speak to that, if I could.

Mr. KOLBE. I wish the gentleman would talk about some of the environmental concerns that are in here.

Mr. SHAYS. I look at this as someone who has had a 100-percent rating from League of Conservation Voters for 4 years. I am not unmindful of environmental concerns and the strong laws we have, and know that they are not compromised.

But where the logic escapes me on the other side is that somehow they say NAFTA does not cure Mexico's environmental problems, as if defeating NAFTA will.

What I see is the extraordinary economic activity and opportunity that exists for foreign countries in Mexico.

If we say no to Mexico, it seems to me our preferential opportunities there are going to then come to Japan and the other Asian and European nations. Instead of an American company on either side of the border, we will have a Japanese or German company.

How then are we going to get that German company or that Japanese company to honor American law and to respect our environmental concerns? How are we going to get those countries to care about the environment in North America?

I submit that an American company established in Mexico is going to be far more concerned about our environment.

Mr. KOLBE. I think if I might join in on this part of the debate, I think the gentleman has made an excellent point. It boils down to that one question. The status quo, we know we have got problems. I live along the border. I grew up on a ranch that is only 15 miles from the border with Mexico. I have watched through the years as the growth has taken place along there, as Maquiladores plants have been built, as there has been industrial growth along there. I have seen the problems that have come from border environmental problems, the degradation of the environment, and the fact that we have this artificial barrier of a political boundary that makes it difficult for us to work together to solve some of these problems.

How does one believe the status quo, which is that we have environmental problems, is going to be better than solving the problems cooperatively?

I think it is worth noting, Madam Speaker, what has happened in Mexico and is happening today in Mexico with regard to the environment. Mexico's environmental law, which is modeled after our own Clean Air and Clean Water Act, all sides would agree on this, I think, is a good law. Even the opponents concede it is a good law.

But they say, of course, it is not getting enforced. I would concede that enforcement in Mexico does not come up to the standards that the United States has for enforcement of environmental education. After all, it is a country

with an economy a fraction the size of ours, a per capita income that is about one-seventh the size of ours, but they are spending more and more of their resources.

I might add, over 3 years time they have committed \$400 million to border environmental problems. That is \$400 million more than the United States has committed to the problem, even though we said we were going to do something about it.

Every time it has come to the floor of the House of Representatives in an appropriations bill, we have defeated and taken out the appropriations for border environmental problems, because we have not had the concern. Mexico is doing something about the problems along their side of the border.

Madam Speaker, I am happy to yield again to the gentleman from Connecticut.

Mr. SHAYS. It seems that we first care about breathing, and then we care about feeding ourselves, and we work to deal with the other concerns that we have. Mexico is a country with a tremendous amount of unemployment.

Mr. KOLBE. And we are not that many years past the Love Canal in our own country.

Mr. SHAYS. I had a Mexican say to me, "You know, you worry about what happens down there, but am I wrong, Congressman, that in a 4-day period you have 17 people murdered in your Capital? What are you doing to protect your citizens? What are you doing to help your own citizens?"

We have some things that we need to focus in on ourselves, but I just would like to make this point, if I could.

When I was working in the private sector, I had a 6-month opportunity to do a risk analysis for a Fortune 500 company in 1982, to have one of its subsidiaries go down to Mexico. At that time you had to have Mexican ownership.

□ 1930

The American company could only have 49-percent ownership. After looking at this and the opportunities in Mexico, I advise them not to go in, but we have seen a significant change now. You can own a company in Mexico, and the maquiladora plant, I mean that, to me, is not a good situation for the United States, but that disappears under NAFTA. You used to, in order to sell in Mexico, have to have Mexican content, and we do not have to have that today.

So, when I have someone tell me they are unemployed because of NAFTA, I say to them, "NAFTA hasn't gone into effect. You are not unemployed."

Mr. KOLBE. I had a woman come up to me the other night after debate that I did in my district who said, "Everyone in my family has lost their jobs because of NAFTA."

I said, "Excuse me. We are about to vote on it. We haven't done NAFTA yet."

But I think it is again one of the fears and the misconceptions that we have here.

If I might, I will just yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Well, I think the gentleman is making a really significant point. I hope people are not missing this.

I ask, "How many times have you listened to a speech about NAFTA and heard all of the horrible things that are going on?"

Ross Perot did it last night, the environment, how horrible it is down there, the working conditions for the people down there, how horrible it is down there in Mexico.

I mean it's over and over and over again we hear about the horrors in Mexico.

Mr. DREIER. Does the gentleman mean to tell me NAFTA is not responsible for that?

Mr. ROHRABACHER. My goodness.

Mr. DREIER. We have not had NAFTA for years?

Mr. ROHRABACHER. We are debating about whether there will be a NAFTA, and I think the Vice President's greatest point was: How are we going to make that better?

That is what NAFTA is all about.

As my colleagues know, I am a surfer from California, that is what I have done, and I will tell my colleagues when we talk about environment down in Mexico—

Mr. DREIER. And a darn good one at that.

Mr. ROHRABACHER. I am the best surfer in Congress, the only surfer in Congress, but the best surfer.

Mr. DREIER. Not necessarily the only one.

Mr. ROHRABACHER. But I used to go down to Mexico, and there was a problem that we knew about, the pollution into the ocean in Mexico because Mexico did not treat the sewage that was being dumped into the ocean, and it would cause sickness among surfers and other people who went into the water there.

Well, why did Mexico do that? Mexico did that because it was a poor country. They did not have the money to actually build the treatment plants, and, when the Mexican economy goes up, and they start putting money into protecting their environment, which is what countries do when they have more wealth, when they get over the situation where the workers cannot even pay for their family homes and things like that, when they get beyond that stage they will be investing in this environmental technology.

No. 1, it will make the environment better; but, No. 2, who is going to sell them the environmental technology? It is going to come from the United States. It is going to come from workers in our country who produce the ma-

chines that will help improve the economy in Mexico.

This is a system that works on itself, a better economy, a better environment, better jobs on both sides of the border.

Mr. KOLBE. Madam Speaker, I appreciate the gentleman's comments, and I think he said it as succinctly as it possibly can be said, and that is that we cannot have improved environmental conditions unless: First, we have improvement in the economy in Mexico; and second, we have a cooperative spirit. We are talking about border problems, cooperation between the United States and Mexico.

The cooperation that is going on right now is absolutely fantastic. I do not know if the gentleman knows, but Mexico City is the only country in the world where we have an EPA person in the embassy. We actually have two of them now in our embassy down there. They are hungering for the technical advice that we can give them on auto emissions, on how to solve their problems, and when people tell me that the Mexicans do not care about the environment, I ask them to go to Mexico City. It is a very polluted city, and every one of them, they know that.

For one thing it is at 6,000 feet. Less oxygen makes it very much more difficult to solve the problem than we have even in the Los Angeles Basin. But every one of the media leaders, the public opinion leaders, the politicians, the business leaders in Mexico, lives in Mexico City.

And I heard it so well from President Salinas when he said, "When my daughter comes home from school," and he is a very young President, and he has got very young children; he says, "When my daughter comes home from school and she brings me a picture of what her dream of Mexico is, and that is to have a sky with stars in it at night, which she says, 'I have never seen in Mexico City,'" he says, "how can I not be affected and moved by that?" He says, "I go to schools, and the only thing I ever get from children, is: 'What are you going to do to clean up the environment?'"

Well, a Mexican politician is no different than a politician in this country. They need to be able to respond to those concerns, and they are responding. They are responding with good laws, and they are responding with good enforcement.

Mr. ROHRABACHER. But they have got to have the resources.

Mr. KOLBE. Exactly.

Mr. ROHRABACHER. And to so many people that fear an expanding economy in Mexico—in fact Ross Perot would rather have us condemn Mexico to what it used to be 20 years ago rather than seeing a growing economy because he is actually, when they call him a fearmonger, I think that was a very good expression by the Vice Presi-

dent. He wants us to be afraid of an expanding economy in Mexico.

Mr. SHAYS. And a solution was to actually raise the tariff, and he said, "As their economy improves, then we can lower it."

How in the world is their economy going to improve when we raise our tariffs?

Mr. KOLBE. Well, that of course was the Smoot-Hawley approach back in the 1930's, and it did not work there.

Madam Speaker, my time is about to expire here, and, as we end this part of the debate, at least I think my colleagues will be able to continue this, and I will join them in that. I just want to say that I believe that this debate that we are having, and this discussion, I think, is absolutely critical if the American people are going to understand the issues that are involved here and if our colleagues in Congress are going to understand and cast an intelligent vote.

I want to thank my colleagues for joining in on this debate.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3116) "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes."

NAFTA

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

Mr. DREIER. Madam Speaker, I would like to continue the discussion that we have going on with our colleagues here, and I would like to focus on a couple of points that have not been made. I would like to begin by referring to the support that exists in this country for the North American Free-Trade Agreement.

Now we have talked about the fact that all 13 living former Nobel prize winning economists, Milton Friedman, Paul Samuelson, right down the line strongly support the NAFTA, and Paul Samuelson indicated that those who oppose the NAFTA have tried desperately to find a Nobel Prize winning economist who opposed the North American Free-Trade Agreement, and they could not do it.

Now we have all sort of questioned the economists in the past. In fact, our Labor Secretary has said, "An economist is one who doesn't have the personality to be an accountant." But it seems to me that we need to look at the other base of support.

That is one that ROHRABACHER is going to write down I see. It seems to me that the gentleman can attribute that to Robert Reich, Secretary of Labor.

It seems to me that we need to look at the other support that there exists in this country for the North American Free-Trade Agreement. Now I know that my friend, the gentleman from Arizona [Mr. KOLBE], and I have had the privilege of sitting in the East Room of the White House when former President Bush, former President Carter, and former President Ford joined with President Clinton to support the North American Free-Trade Agreement. In the speech that was delivered by President Clinton he said that, as a former Governor, he knows that every single Governor wakes up every morning and faces their No. 1 priority, and I know that my friends are well aware of exactly what that priority is. It is to create jobs in the State that they govern.

Now, Madam Speaker, of the 50 Governors there are 2 Governors who have come out in opposition to the North American Free-Trade Agreement. Those two Governors happen to be Gov. James Florio of New Jersey and Gov. Doug Wilder of Virginia. Those are the only two Governors who have come out in opposition to the North American Free-Trade Agreement, and, as we all know, Governor Florio was defeated, and Governor Wilder's term has expired.

□ 1940

Mr. DREIER. Madam Speaker, let me say that if we look at the 50 Governors, I mentioned the two who had been strong opponents. One was defeated and the other's term expired. If you look at the support base that exists out there, there are 41 Governors who strongly support the North American Free-Trade Agreement. They do so because they know that it is going to create jobs in their States, creating opportunities for exporting products manufactured in their States. That is why I have been so hard pressed to understand how our colleagues here, who are to be the representatives of the people, and I know my friend from Connecticut has referred to the fact he was lectured on representative government, how our colleagues can be Representatives and not realize, as the Governors who are daily on the front line, trying to create jobs for the people whom they represent, how they could possibly oppose the North American Free-Trade Agreement.

I know my friend has talked about representative government, and I have always thought that the quote that was delivered in 1794 by the father of conservatism, a former member of Parliament in Great Britain, Edmund Burke, really hit the nail on the head. And I think the vote we will face here is probably more akin to that state-

ment of Edmund Burke than almost anything.

Burke said, "Your representative owes you. Not his industry only, but his judgment as well. And he betrays, rather than serves, if he sacrifices it to your opinion."

This basically means that if we as Members of Congress are simply weather vane, at the whim of a few constituents, remembering that we each represent about 600,000 people, if that one person talking there has said you have to do what I and the six people I have in this room want or you are not representing us, as your job states, then that would really be an abrogation of my friend's responsibility as a representative from the State of Connecticut. And I congratulate him for understanding what representative government is all about.

I am happy to yield to my friend from Newport Beach.

Mr. ROHRABACHER. You know, it is not just the primary responsibility of Governors to look out for jobs. That is what this Congress is supposed to be all about, because we realize we are not going to bring down the deficit, we are not going to be able to solve some of the social problems that plague our country, unless we maximize the number of real jobs that are available in our society.

Jobs are a great social program. I think that perhaps one of the reasons people have a wrong idea about what this NAFTA will do about jobs is because they have been fooled with maybe some of the charts that Ross Perot has been showing for the last 6 months.

Now, last night when Ross Perot was debating the Vice President, I do not know if you noticed when he very quickly showed the pie chart about what United States exports are to Mexico. He said, "You see, only 17 percent of those exports really count, only 17 percent, because those are the only exports that reflect a consumer in Mexico buying an item that was manufactured in the United States."

Seventeen percent. In other words, all of the aerospace workers who work in my district who produce airplanes and sell them around the world, their jobs don't count. The export market of American aircraft overseas, according to Ross Perot, to hell with their jobs, they do not count on the export-plus for the United States. They do not make it on his pie chart because that is not a consumer item that is purchased by a consumer in some other country. Well, that is how our people are employed in southern California.

By the way, the people at Caterpillar Tractor, they are selling thousands of Caterpillar tractors to help Mexico build their roads. Of course, their jobs do not count either under Ross Perot's analysis because that is not a consumer buying a Caterpillar tractor.

Mr. KOLBE. If the gentleman will yield, I was down in Hermosillo a few months ago, which is the capital of the state directly to the south of me. I went to a place where they were building the first luxury golf course and country club in Hermosillo, a sign, in and of itself, of the growing prosperity of that part of northern Mexico, that they are now building this country club with fairway lots that are going to sell for \$75,000 or \$100,000, not a bad price by Mexican standards.

They were building this golf course. It was an 18-hole golf course, and they were going to add another 9, so it was going to be a 27-hole golf course. They were trying to build the entire 27 holes in 11 months time.

I ask them, because there was a sea of Caterpillar equipment running all over the place. Earth movers, graders, bulldozers.

I said, "How many pieces do you have here?" They said, "We have more than 100 pieces on this job down here."

Now, this is Peter Cuett, one of the largest contractors in the world, and this was their first job in Mexico. So they had all their top executives on this job, because they were watching to see how it went in Mexico. I said, "What are you going to do with that equipment when you are finished?" He said, "We are moving on to other jobs here in Mexico and we are going to bring more equipment down here in order to do those jobs."

Folks in Peoria and Decatur, IL are making that equipment. To be exact, the year before last, \$360 million were sold by Caterpillar in Mexico alone. Exactly \$360 million.

Mr. DREIER. If I may reclaim my time on that specific point, last Saturday afternoon I, in Mexico City, went, and my friend from Tucson referred to this earlier, to the Telmex operation in Mexico City.

Now, we know that in this House there are people from Ohio, Michigan, and Pennsylvania, who have harshly attacked the NAFTA, saying it is going to create this flow of jobs to Mexico.

When I went into Telmex and looked at equipment, some of which is still running today and has been in operation since 1929, they have not updated telephone equipment in some parts since 1929. I moved around the switching operation there are Telmex. And I was so struck when my friends mentioned Caterpillar. The energy source for Telmex is a huge Caterpillar generator that is inside, right there in the interior of this operation there.

Now, the other thing that struck me as I looked at other equipment in there, I wanted to go up and look at the labels, its place of origin.

One of the most virulent opponents to the NAFTA is a freshman Member of ours from Lorain, OH. There is a huge operation that produces energy sources, power sources, made in Lorain. And I know that many of those

jobs in Lorain moved to Mexico. There is in fact a Lorain de Mexico operation which has shifted from Lorain, OH to Mexico.

I talked to the people about this. They explained, "Of course, if we had a free-trade agreement, it would not have been necessary to see the movement from Ohio to Mexico that provides this equipment for Telmex."

If you look at the tariff barrier that exists, ranging from 10 to as high as 20 percent on computers, and that tariff barrier forced operations in Lorain, OH, to move and establish Lorain de Mexico so they could produce cost effectively those items for the new Telmex operation power sources.

I was also struck with other equipment I found there from Gaithersburg, MD, and, of course, from Peoria, IL. Many of these items are there today, but many of them have been produced by Mexican workers. Not because of cheap labor, but because of the tariff structure that exists, that prevents United States-manufactured items from getting into Mexico. Of course, bringing down these barriers is going to greatly enhance our opportunity to do that. And we have got to remember, many of these items are produced in Germany and Japan, and these tariff barriers that exist on computers, computer chips, and other things, remains. I know my friend mentioned earlier IBM.

□ 1950

The fact of the matter is the tariff on computer systems, this is a low of 10 percent. It is as high as 20 percent. The chief executive officer of IBM has said, if the NAFTA is passed, there will not be the necessity to move operations in our State of California from California to Mexico. Why? Because the tariff barrier which is so high, 10 to 20 percent, will come down to zero, being totally eliminated. But if the North American Free Trade Agreement is defeated, the IBM operations will have virtually no choice whatsoever other than to move to Mexico for their operations.

But remember, the Japanese and the Germans will still have to overcome these great hurdles that are there.

Madam Speaker, I yield to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Madam Speaker, I have been so intrigued by these charts and just the logic of a barrier that is eliminated makes it so much easier for Americans to sell in Mexico. I view the NAFTA as right for Mexico, clearly, for the United States, and clearly for my own State of Connecticut. I mean, we are seeing our only hope is exports, as our defense contracts are closing in and being reduced.

What I am seeing that is so exciting is the companies that exist in my State, the Xeroxes, the IBM's, and the others, they are able now to be far more competitive overseas. And with-

out these barriers, what we sell in Mexico, our ability to compete more favorably than the European nations in Mexico and the Asian Rim nations, to me is such a clear win.

I know my colleague said he expects NAFTA will pass. I get on my knees, figuratively, and hope that both of you are able to persuade your colleagues. I know you have worked so hard. I am going to be taking a plane home back to my district, but this is the third time I have come, as I said earlier, to this kind of opportunity.

I just feel what you both are doing, and others, is so important and just want to thank you. Hopefully, we will be able to look the American people in the eye and say it passed. We did the right thing for the United States. We did the right thing for Mexico, and we are going to see some very good results.

Mr. DREIER. I thank my friend for his contribution. I have one message that I would like to deliver to him, as he prepares to head to Connecticut. There are a few of our colleagues who have not seen the light on this issue, as my friend has. And I hope very much that as he heads home that he will be able to prevail on some of our colleagues in Connecticut to use the same incredibly incisive reason and logic which he so often brings regularly to the floor of this Congress in letting those people know that we are going to break down barriers and expand employment opportunities for the people of Connecticut.

Mr. SHAYS. There are three Congressmen who intend to vote for NAFTA now and three who are choosing not to. But both our Senators, Senator DODD and Senator LIEBERMAN, have looked at both sides of this issue and have had a lot of pressure on both sides and are strongly in support of it. And I am obviously working with them to articulate, with our three colleagues, that their vote is extraordinarily important.

Just as that debate in 1941, to renew the draft, that some thought was not the popular vote but was the right vote, and 4 months later we learned why, I hope that they will recognize that people will look back on this day next week and say, who came up to the plate and who was willing to take the hit that made a difference in this world.

Mr. KOLBE. Madam Speaker, if the gentleman will continue to yield, before the gentleman from Connecticut leaves, I would just like to say that I appreciate the thoughtfulness of his remarks. I want to reiterate what I said earlier, and that is, these are not remarks said just to flatter the gentleman from Connecticut, but his very quiet and thoughtful support on this issue, I think, has meant a great deal to a number of our colleagues.

You have been an individual that has shown through the years a lot of con-

cern about environmental issues. You have shown a lot of concern about economic issues. You come from a district that has some very tough economic times, I know, as many of my friends from California have suffered with that now. And we did it just a few years ago in Arizona. But you have thought through these issues.

I would say that the thoughtful approach you have brought to this, I think, has been very instrumental with some of our colleagues in helping persuade them to be for this. We thank you for what you have done.

Madam Speaker, I thank the gentleman for yielding further. I was wondering if it might be possible for us to proceed to a slightly different issue and one that I think the three of us, coming from this side of the aisle, need to talk about with some of our colleagues. And that is the issue that has been suggested by some that this agreement represents a significant threat to U.S. sovereignty, that somehow we are going to lose, the United States is going to give away its sovereignty.

I think that is an absolutely bogus issue and one that has been raised by many people, including former Presidential candidate Pat Buchanan.

I am looking here, and I know my colleagues have seen this, a policy analysis that has been done by the Cato Institute. The Cato Institute, as my friends know, is probably the most libertarian think tank that exists here in Washington. It is one that does not believe in Government regulation at all, and so I would have to say that they have a lot of concerns about the North American Free-Trade Agreement.

It is certainly not, as my friends would acknowledge, a pure free-trade agreement. If it was a pure free-trade agreement, we could do it all in one sentence. But it does move us in the direction toward freer trade.

But on the issue of sovereignty, I would just read two sentences that come from the executive summary of the Cato policy analysis, by Jerry Taylor, which is entitled, "NAFTA's Green Accords, Sounds and Fury Signifying Little." And they said this, when talking about the concern that there will be huge international bureaucracies that have the power to impose a new green policy agenda on the signatories to the agreement.

They said this:

Indeed, no reasonable reading of the treaty warrants the concerns expressed by conservative anti-NAFTA critics. Although some of the NAFTA's environmental language is, in fact, vague and full of potential mischief, the clauses at issue are hermetically sealed within a wall of qualifications, exceptions, loopholes, and countermanding language.

In other words, the argument that somehow the United States is going to give away its sovereignty is, I think, absolutely refutable by this report, which goes on at some length.

For example, Pat Buchanan has said, pass NAFTA and you lose forever your opportunity to roll back Big Government. That is, we will never be able to reduce environmental regulations in this country.

And yet, if you read through this agreement and the side agreements and the implementing legislation, there is nothing at all which would suggest that that is the case, that we are going to lose our ability to do this.

All the agreement says that the United States and Canada and Mexico will make a good faith effort to enforce its laws, whatever they are. And if we do not enforce our laws, if there is a pattern, and it is very explicit on that, a pattern of nonenforcement that gives one country a trade advantage, then indeed, there can be a claim brought against that country.

Now, what is the bottom line, if you go through all these hoops that Cato talks about, all these rigorous barriers that you have that is completely encompassed by all these various things that you have to go through before you can prove that there is a pattern of nonenforcement, what happens at the end if you have gone through all that. You have had the Commission. You have gone through an appeal. You have had a fine. You have not paid it. What is the bottom line. What is the worst that can happen?

You return to the tariffs that exist today.

Mr. DREIER. The ones right here on our chart. That is the greatest penalty that people will suffer in that particular sector. Not for everything, but for that particular sector.

Mr. ROHRBACHER. Let us note that in the Cato Institute, as you say, which is a libertarian think tank, if there was any possibility that you would have government authority of another government on the people of the United States, they would be the first ones to squawk. They would be the first ones to highlight that, because they do not even like government authority of their own government over them. And the fact is that if I, and I am sure this is true of the three of us, I am sure it is true of everyone in this Hall who supports NAFTA, if we did not think this was the best deal for the United States of America, we, sure, we think that as neighbors our welfare is tied to Mexico, a growing prosperous Mexico, but we are not for this treaty simply because it is going to help Mexico. If this was not the best deal for the United States, the best deal for the people of our own areas even, we would not be supporting it.

And the fact is that taking away the right of our people or even diminishing the right of our people to control their own destinies, by one iota, would never make up for a multitude of enrichment in terms of the material side.

□ 2000

We as Americans, the love of liberty is what ties us together. It is not just the struggle to obtain material well-being. It is the love of freedom that brought people here to the United States of America, and the right for us to control our own destinies.

The fact is that this treaty, by providing economic well being for the people of Mexico, will also provide jobs and an economic upsurge for people in the United States. At the same time, by having a more prosperous country, we make our country a freer country.

I worked with Pat Buchanan. I worked at the White House. I heard him last night on "Night Line." He was asked for specifics of what he thought was in some way a threat to national sovereignty. I am afraid to say that he acted exactly like Ross Perot acted earlier with AL GORE. He tried to ease around the subject. He never gave specifics.

I am a patriot. I worked for Ronald Reagan. I worked in the Reagan White House with Pat Buchanan. Ronald Reagan would never concede anything of American sovereignty. Ronald Reagan is solidly behind this agreement. I am solidly behind this agreement. Conservatives who are exceptionally patriotic are behind this agreement.

I think, again, this is just another example of fear-mongering, of trying to basically play to people's fears and anxieties, rather than giving them something of substance.

Mr. DREIER. My friend is absolutely right. I think it is important for us to recognize that we saw two debates last night. We saw Ross Perot debate Democrat Vice President AL GORE. We saw Pat Buchanan debate Democrat Labor Secretary Robert Reich.

Next Monday, the debate of all debates will take place, and I hope that the American people will focus as much attention on those as they did on "Larry King Live" and "Night Line," when we see Pat Buchanan debate one of the great leaders of our party, the former Secretary of Housing and Urban Development and former Member of the U.S. House of Representatives, Jack Kemp.

We had the privilege of having lunch with Mr. Kemp today. He talked about the fact that we are going to be seeing this debate. He talked about the need for economic growth in the United States and Mexico, and breaking down barriers. I think that debate next Monday night, which will take place, and I do not know which medium we will see that on, but I know it will be carried on some forum, probably C-SPAN or one of the others.

Mr. ROHRBACHER. If the gentleman will continue to yield, as my colleague pointed out, the words that could possibly happen, as your charts point out, if there is some sort of situa-

tion where, you know, the system that is set up to determine if there has been some violation of the treaty, should a decision be made that we think is to our detriment, the worst detriment that could possibly happen would be that in that specific area the tariffs would go up to exactly the level that they are already, so it could not possibly be a detriment beyond what we already have today.

No. 2, however, let us not forget this. If this treaty is some way a detriment to the national security or national sovereignty or economic well-being of our country, of our people, we just give 6 months' notice and we are out of it. That is totally up to us. Nobody can force us to stay in this agreement unless it is to our betterment to be there, and we decide ourselves whether to stay in it.

What could be better, if you go out to buy an automobile and somebody says, "Look, I am going to let you try it out and you can buy this automobile, but look, you can get out of the deal. Just give me a little notice and you can get out of the deal." My goodness, anybody would take that buy.

This is a really good buy for us, because we can get out of it if it is not good for us.

Mr. DREIER. Let me just take 1 second, and I am happy to further yield to my friend. One of the things that has concerned me greatly is that there are more than a few Members of this House who like to engage in Japan bashing. I am not one of them. I happen to believe we should bash countries that do not have free markets, that do not have political pluralism, that have repressive human rights violations. Those are the countries we should be criticizing. We should not be criticizing countries that have free markets and political pluralism and enhanced human rights and all.

It seems to me that as we look at the history of this, if we take the Second World War and realize what has taken place since that time, we often hear people say, "Who actually won the war? Look at how well the Japanese have done over us, and we actually won the war." What really has happened is, the people in this House who regularly engage in Japan bashing bash them for one very simple and basic reason: The Japanese will not allow us to gain access to their markets.

What has happened is, we constantly see that line coming forth here in the well of this House on a regular basis. We allow Japan to develop, to grow economically to an economic super power past the Second World War, and we allowed and encouraged that development without insisting that they break down their barriers.

What has happened with Mexico? We see Mexico's economy moving, emerging, the 13th largest economy on the face of the Earth, our second largest trading partner.

What is it that we are doing? We are seeing the Mexican Government and business leaders there voluntarily taking down a tax, a tariff, a barrier which is two and one-half times greater than the barrier that we have, enhancing the opportunity for us to get into their market. The reason we criticized Japan is that they will not allow us access to their markets. The framework agreements which have been put together between the Clinton administration and the Japanese Government are a good first step, but the barriers are still there. There are tariff and non-tariff barriers. The Mexican people desperately want United States manufactured goods.

I talked about my experience Sunday morning going to the largest Wal-Mart store in the world. In that store 55 percent of the products there are made in the United States. Consumers there came up to me and said, "Please get us more U.S.-manufactured goods." As we looked around and saw items there from Taiwan, Singapore, China, and Japan, we had to remember that the barrier that exists today for us comes down, but that barrier stays up for those goods coming from other parts of the world, enhancing the opportunity to see that 55 percent of United States goods in the Wal-Mart and other department stores there in Mexico, see that figure go up, and even more United States-manufactured goods arrive.

Mr. ROHRBACHER. If the gentleman will continue to yield, I have a few more observations. What the gentleman's observation was about the Japanese, I think it is significant. There is something there about the difference between our relationship with Japan and our relationship with Mexico.

I come from California, and we Californians, of course all of us are from the Southwest, and there is a special relationship between Mexico and the United States. We feel that, because we know that our part of the United States used to be part of Mexico. We have so many citizens who are of Mexican descent. They are such an important part of our society, and we are proud of our heritage. Mexicans, they do not want to be just our neighbors, they want to be our friends. They literally want to be our friends.

Perhaps the Japanese, when we are talking about trading agreements with the Japanese, yes, they believe in equality, in trying to have some mutual benefit, but it is not done in the same kind of spirit of friendship and understanding. The Mexicans understand well that they will always be the neighbors of the United States of America.

I think it is about time, when we look at this debate, that we keep that in mind. No matter what happens, they are always going to be our neighbors. They are always going to be next door.

Whether or not they are going to be friends, whether or not the type of friendship that we have is going to be something that we can be proud of, and whether we can march together into the future, that is what we are going to make of that neighborliness.

They are always going to be there. This is perhaps something that I tried to tell the people in this Hall, because I am very aware of that. They take all the good things that are happening in Mexico for granted right now. If this treaty goes down, this is the first administration that I have seen in Mexico in my lifetime where we did not have a government being run by someone who is viciously anti-American, because they would play on the fears, just like some of our people here are playing on our fears of potential change with Mexico, they played on the fears of their people. They covered up their own corruption and incompetence by trying to stir up fear and hatred of the United States of America.

This group that is in there now, President Salinas, who is such an honorable man, who has done so much to reform that country—

Mr. KOLBE. And a real supply sider.

Mr. ROHRBACHER. And a real supply sider, who is proving it, by the way, by cutting his taxes and balancing the budget at the same time, but this man, he will not be in power. His group that is trying to reform Mexico, if we slap them in the face, we are slapping the people of Mexico in the face. We are slapping in the face people who want to be our friends and are reaching out, and what would that do, if you slapped your neighbor in the face? What kind of relationships would you have, no matter what you do from that moment on? They would remember that for the rest of their lives.

We have a chance now to chart a course, a course of friendship that will last our entire lives and the lives of our children, and benefit children on both sides of the border.

However, if instead of us reaching out and grabbing that hand in friendship and grasping that hand in a clasp and saying, "We are your neighbors, we are your friends, we mean to go through all of this together," if we instead turned it into a fist or turned the back of our hand into the face of our neighbors, there will be a price to pay. People who hate the United States will come back into power. Chaos could reign. People who do not believe in democracy, do not believe in our ideals, could come back into power.

□ 1010

The immigration problem we face now in California and in the southwest would be overwhelming. And that is the worst case scenario. Another scenario is Mexico could turn to Japan and some of our competitors while our economy went down. Our competitors

like the Japanese, who are not our friends but our trading partners, would prosper and our people would lose jobs.

I am so committed to this, and I want to thank both of you. I have not provided leadership on this. I have been a part of the battle. But you two have been providing the leadership in this fight that I believe will chart the future of our country, and the people who live in my district, my congressional district, they will have jobs, and their children will be able to have jobs, and be able to own homes, and our standard of living will improve because of the decision we make today, and because you fellows have provided such incredible leadership to give us a fighting chance.

Mr. DREIER. I thank my friend for his very kind remarks. But I should say that in the area of leadership my friend has been working diligently to encourage many of our colleagues to join in support of this effort. And it cannot be done alone. When you are dealing with 435 senior class presidents, you have little choice other than to work diligently and to reason with them and to talk about the necessity to bring this about. And my friend has been a leader in this effort.

Mr. ROHRBACHER. As they say in Mexico, I say to you both tonight, *el gusto es mio*. The pleasure is mine.

Mr. DREIER. And I thank my friend.

Mr. KOLBE. If the gentleman will yield on that point just a moment, I would certainly agree with my friend from California that the gentleman from Orange County has been a real leader. Every day he comes up to me and says give me more assignments, more people that we can go and talk to, and who else can we talk to. And we really appreciate what the gentleman has been doing.

Mr. DREIER. And he has been collecting names from both my friend from Tucson and me, so he has been working double in this effort.

Tomorrow is Veterans Day, and many of us are going to be in our States celebrating, marking Veterans Day celebrations, and when we think about the fact that there are people throughout the history of this country who have fought, given their lives, their fortunes, their sacred honor to ensure that this country will succeed, you know it is amazing having made the sacrifice that they have, and none has lost his sacred honor, but many have lost their fortunes, their lives for this great experiment known as the United States of America, and as we mark Veterans Day tomorrow it seems to me that we really are a turning point. A week from today we will cast what I know my friend and I believe is the most important vote of what will be the last decade of the millenium, and as we prepare to head into the 21st century, the sacrifice that so many Americans have given for the cause of

freedom, democratic expansion, free markets, political pluralism, self-determination and all of the things that were used as a basis for the establishment of the United States of America will be determined. Why? Because one week from today when we face that vote it will probably be around this time, some time in the early evening, I would suspect next Wednesday. We will be making the determination as to whether or not those veterans who we honor tomorrow on Veterans Day will have struggled in vain for the cause of freedom, or whether that cause will continue to proceed.

I am happy to yield to my friend from Tucson.

Mr. KOLBE. I appreciate the comments the gentleman just made, because I think you have brought us back here as we come to the conclusion of this discussion tonight as to what the real issue is here. And that is will we act in the interest of America, will we act in the interest of what is good for the world and for our national interest. And I believe that Members of this body will do that, because they are good, and they are honorable men and women, and they want to do what is right for America.

I like to think that sometimes the reward for doing the right thing is the reward, the doing of the right thing itself, and the reward will be found in doing that. And I can think back to a couple of very tough votes that I have cast, a couple of them where I have gone against my President, or gone against the overwhelming majority of my caucus because I believed, my conscience told me it was the right thing to do. And I worried politically at the time that I cast that vote whether I would suffer from that, what kind of consequences would flow from going against the President or going against my caucus. But I have found that by and large the fallout from that has not been great, because when you do the right thing, and what people know you believe to be the right thing, and not because you are doing it because you think it is the politically expedient thing to do for the moment, they will trust your judgment on that. And I believe that the American people will trust the judgment of those of us here in this body as we make this historic decision, because they know that the decision that we will make will be one that is for the interest of the country.

I can only believe that the interests of this country are in expanding our markets, in expanding our opportunities to export, in expanding the opportunities for jobs here in America as we produce goods that can be sold in other countries.

As I said at the beginning of my remarks, now almost 2 hours ago, we live in a world that is very different from the world that most of us were born into at the end of the war or sometime

around that time. We live in a world in which the United States must truly compete for its place in the world, where we must earn our way by being a better producer, and American manufacturers, American workers are better producers. We have won that struggle. We have won it not without a lot of pain, and not without a lot of difficulty. But the fact of the matter is today when you look at the other countries in the world, when you look at Germany, and when you look at Japan, the United States is in a better position today than any of those countries, because we have gone through the restructuring, we have made the decisions about investment, we have made the decisions to change the way we do business in this country, and our businesses are more competitive than ever.

We have the ability today to compete in industry after industry, and our products are better. Look at our automobile industry, which only a few years ago was being derided as being bad producers, as being high-cost and low-quality producers. Today, American cars are the envy of people all over the world, and our export market has grown from a tiny amount to over half a million. That is double in the last 3 years in the U.S. export market in automobiles, and that is because of our price, and that is because of our quality.

I know that Americans have confidence in the future of this country. They do not want our colleagues, they do not want the Members of this Congress to say we do not believe in America, we do not believe that Americans can compete in this world. We look forward to the future, and I know my friend from California does. And he has been a leader in making that happen.

We look forward to the future, and we know that Americans can compete. I want to thank the gentleman for participating in this discussion tonight. I think it has been a very useful discussion.

Mr. DREIER. Madam Speaker, I thank my friend for his very helpful contribution and his typical eloquence. I will now place him, having listened to that speech that he just delivered in the eye column. He will be voting I suspect in favor of the North American Free-Trade Agreement. As votes are being counted, I think it is going to be a very fascinating week. Wednesday it really started with the debate that took place last night, and we will see a wide range of discussions that take place here on the floor of the Congress, in the newspapers, on television, and radio over the next week. And I am convinced that a week from tonight we will have what will be a narrow victory, but it will be a victory for the cause of freedom, and the cause of breaking down barriers and expanding opportunities for Americans.

Mr. KOLBE. If the gentleman will yield, something you just said made me

think of something as we talk about going into this final week. When we finish this discussion here tonight, we leave for 4 days. Tomorrow, as you say, is Veterans Day, and Members will be home over the next 4 days.

This is a wonderful opportunity for Americans to make their views known to our colleagues, to let them know how they feel about American opportunities, how they feel about America's role in the world, and to let their representatives know whether they are for or against the North American Free-Trade Agreement, to let their representatives know their views on this.

□ 2020

Our colleagues have gone home, and I know many of them expect to hear from their constituents, from the people that they represent, and I hope those who might be listening to this will feel a reason to want to call their Representative and let them know how they feel about this issue.

Mr. DREIER. My friend is absolutely right. I assume the gentleman is going to be in Arizona tomorrow as I will be in California tomorrow, and we will be hearing from our constituents as we have on this issue for a long period of time. But I am convinced that with strong support, people like the gentleman from Tucson and others who have been working diligently on this, that the American people will score a great victory for the United States of America 1 week from today.

H.R. 3464, THE ARSON DETERRENCE AND WILDFIRE CONTAINMENT ACT

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

Mr. DREIER. I would like to take just 1 minute to talk about an issue of great concern to my State of California. We all saw the tremendous fires that took place in southern California a couple of weeks ago and have still been burning.

Fortunately, we only lost three lives, but thousands and thousands of acres were burned, and many homes.

I happen to represent an area that was particularly hard hit, the hills in Pasadena, Kinoloa Mesa, Sierra Madre Villa, Pasadena Glen, we lost over 100 homes. It has been a great tragedy.

So Monday evening I introduced legislation, H.R. 3464, which is designed to get at the root of this problem. There have been some tremendous heroes in this struggle against the fires in southern California. And the discussions that I and the members of my staff have had with literally dozens of people in the U.S. Forest Service, in law enforcement, the fire fighters, a wide range of victims, we have worked, the people in our office, day and night to

put together H.R. 3464. This legislation would enact strong new penalties on arsonists, including punishment for those who allow fires to start through their reckless actions.

The act also would improve our ability to fight and contain fires in the future. It modernizes our airborne fire-fighting units, converts more military planes toward private fire fighting contracting and improves fire fighting response time. It also studies ways to increase our fire fighting response time. It also studies ways to increase our fire fighting infrastructure and eliminates legal impediments which prevent people from clearing out flammable dry brush and weeds on their property. Specifically, that was the Endangered Species Act, which I believe needs to be addressed.

We cannot afford another destructive fire like those we have suffered in California. I urge my colleagues from California in cosponsoring H.R. 3464.

CONFERENCE REPORT ON H.R. 2401

Mr. DELLUMS submitted the following conference report and statement on the bill (H.R. 2401), to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

CONFERENCE REPORT (H. REPT. 103-357)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2401), to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Reserve components.

Sec. 107. Chemical demilitarization program.

Sec. 108. National Shipbuilding Initiative.

Sec. 109. Denial of multiyear procurement authorization.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.

Sec. 112. Light utility helicopter modernization.

Sec. 113. Nuclear, biological, and chemical protective masks.

Sec. 114. Chemical agent monitoring program.

Sec. 115. Close Combat Tactical Trainer Quickstart program.

Subtitle C—Navy Programs

Sec. 121. Seawolf attack submarine program.

Sec. 122. Trident II (D-5) missile procurement.

Sec. 123. Study of Trident missile submarine program.

Sec. 124. MK-48 ADCAP torpedo program.

Sec. 125. SSN acoustics master plan.

Sec. 126. Long-term lease or charter authority for certain double-hull tankers and oceanographic vessels.

Sec. 127. Long-term lease or charter authority for certain Roll-On/Roll-Off vessels.

Sec. 128. F-14 aircraft upgrade program.

Subtitle D—Air Force Programs

Sec. 131. B-2 bomber aircraft program.

Sec. 132. B-1B bomber aircraft program.

Sec. 133. Full and prompt access by Comptroller General to information on heavy bomber programs.

Sec. 134. C-17 aircraft program progress payments and reports.

Sec. 135. Live-fire survivability testing of the C-17 aircraft.

Sec. 136. Intertheater airlift program.

Sec. 137. Use of F-16 aircraft advance procurement funds for program termination costs.

Sec. 138. Tactical signals intelligence aircraft.

Sec. 139. C-135 aircraft program.

Subtitle E—Other Matters

Sec. 151. ALQ-135 jammer device.

Sec. 152. Global Positioning System.

Sec. 153. Ring laser gyro navigation systems.

Sec. 154. Operational support aircraft.

Sec. 155. Administration of chemical demilitarization program.

Sec. 156. Chemical munitions disposal facilities, Tooele Army Depot, Utah.

Sec. 157. Authority to convey Los Alamos dry dock.

Sec. 158. Sales authority of certain working-capital funded industrial facilities of the Army.

Sec. 159. Space-based missile warning and surveillance programs.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for basic research and exploratory development.

Sec. 203. Strategic Environmental Research and Development Program.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Kinetic Energy Antisatellite Program.

Sec. 212. B-1B bomber program.

Sec. 213. Space launch modernization plan.

Sec. 214. Medical countermeasures against biowarfare threats.

Sec. 215. Federally funded research and development centers.

Sec. 216. Demonstration program for ballistic missile post-launch destruct mechanism.

Sec. 217. High Performance Computing and Communication Initiative.

Sec. 218. Superconducting Magnetic Energy Storage (SMES) program.

Sec. 219. Advanced Self Protection Jammer (ASPJ) Program.

Sec. 220. Electronic combat systems testing.

Sec. 221. Limitation on flight tests of certain missiles.

Sec. 222. Joint Advanced Rocket System.

Sec. 223. Standoff Air-to-Surface munitions technology demonstration.

Sec. 224. Standard extremely high frequency waveform.

Sec. 225. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.

Subtitle C—Missile Defense Programs

Sec. 231. Funding for ballistic missile defense programs for fiscal year 1994.

Sec. 232. Revisions to Missile Defense Act of 1991.

Sec. 233. Patriot Advanced Capability-3 theater missile defense system.

Sec. 234. Compliance of ballistic missile defense systems and components with ABM Treaty.

Sec. 235. Theater missile defense master plan.

Sec. 236. Limited Defense System development plan.

Sec. 237. Theater and Limited Defense System testing.

Sec. 238. Arrow Tactical Anti-Missile program.

Sec. 239. Report on Arrow Tactical Anti-Missile program.

Sec. 240. Technical amendments to annual report requirement to reflect creation of Ballistic Missile Defense Organization.

Sec. 241. Clementine satellite program.

Sec. 242. Cooperation of United States allies on development of tactical and theater missile defenses.

Sec. 243. Transfer of follow-on technology programs.

Subtitle D—Women's Health Research

Sec. 251. Defense Women's Health Research Center.

Sec. 252. Inclusion of women and minorities in clinical research projects.

Subtitle E—Other Matters

Sec. 261. Nuclear weapons effects testing by Department of Defense.

- Sec. 262. One-year delay in transfer of management responsibility for Navy mine countermeasures program to the Director, Defense Research and Engineering.
- Sec. 263. Termination, reestablishment, and reconstitution of an Advisory Council on Semiconductor Technology.
- Sec. 264. Navy large cavitation channel, Memphis, Tennessee.
- Sec. 265. Strategic Environmental Research Council.
- Sec. 266. Repeal of requirement for study by Office of Technology Assessment.
- Sec. 267. Comprehensive independent study of national cryptography policy.
- Sec. 268. Review of assignment of defense research and development categories.
- Sec. 269. Authorized use for facility constructed with prior defense grant funds.
- Sec. 270. Grant to support research on exposure to hazardous agents and materials by military personnel who served in the Persian Gulf War.
- Sec. 271. Research on exposure to depleted uranium by military personnel who served in the Persian Gulf War.
- Sec. 272. Sense of Congress on metalcasting and ceramic semiconductor package industries.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. National Security Education Trust Fund obligations.
- Sec. 305. Transfer from National Defense Stockpile Fund.
- Sec. 306. Funds for clearing landmines.

Subtitle B—Limitations

- Sec. 311. Prohibition on operation of Naval Air Station, Bermuda.
- Sec. 312. Limitation on the use of appropriated funds for Department of Defense golf courses.
- Sec. 313. Prohibition on the use of certain cost comparison studies.
- Sec. 314. Limitation on contracts with certain ship repair companies for ship repair.
- Sec. 315. Requirement of performance in the United States of certain reflagging or repair work.
- Sec. 316. Prohibition on joint civil aviation use of Selfridge Air National Guard Base, Michigan.
- Sec. 317. Location of certain prepositioning facilities.

Subtitle C—Defense Business Operations Fund

- Sec. 331. Extension of authority for use of the Defense Business Operations Fund.
- Sec. 332. Implementation of the Defense Business Operations Fund.
- Sec. 333. Charges for goods and services provided through the Defense Business Operations Fund.
- Sec. 334. Limitation on obligations against the Defense Business Operations Fund.

Subtitle D—Depot-Level Activities

- Sec. 341. Department of Defense depot task force.
- Sec. 342. Limitation on consolidation of management of depot-level maintenance workload.
- Sec. 343. Continuation of certain percentage limitations on the performance of depot-level maintenance.
- Sec. 344. Sense of Congress on the performance of certain depot-level work by foreign contractors.
- Sec. 345. Sense of Congress on the role of depot-level activities of the Department of Defense.
- Sec. 346. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense.
- Sec. 347. Authority to waive certain claims of the United States.

Subtitle E—Commissaries and Military Exchanges

- Sec. 351. Prohibition on operation of commissary stores by active duty members of the Armed Forces.
- Sec. 352. Modernization of automated data processing capability of the Defense Commissary Agency.
- Sec. 353. Operation of Stars and Stripes bookstores overseas by the military exchanges.
- Sec. 354. Availability of funds for relocation expenses of the Navy Exchange Service Command.

Subtitle F—Other Matters

- Sec. 361. Emergency and extraordinary expense authority for the Inspector General of the Department of Defense.
- Sec. 362. Authority for civilian employees of the Army to act on reports of survey.
- Sec. 363. Extension of guidelines for reductions in civilian positions.
- Sec. 364. Authority to extend mailing privileges.
- Sec. 365. Extension and modification of pilot program to use National Guard personnel in medically underserved communities.
- Sec. 366. Amendments to the Armed Forces Retirement Home Act of 1991.
- Sec. 367. Modification of restriction on repair of certain vessels the homeport of which is planned for reassignment.
- Sec. 368. Escorts and flags for civilian employees who die while serving in an armed conflict with the Armed Forces.
- Sec. 369. Maintenance and repair of Pacific battle monuments.
- Sec. 370. One-year extension of certain programs.
- Sec. 371. Ships' stores.
- Sec. 372. Promotion of civilian marksmanship.
- Sec. 373. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 374. Budget information on Department of Defense recruiting expenditures.
- Sec. 375. Revision of authorities on National Security Education Trust Fund.
- Sec. 376. Annual assessment of force readiness.
- Sec. 377. Reports on transfers of certain funds.
- Sec. 378. Report on replacement sites for Army Reserve Facility in Marcus Hook, Pennsylvania.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Temporary variation of end strength limitations for Marine Corps majors and lieutenant colonels.
- Sec. 403. Army end strength.
- Sec. 404. Report on end strengths necessary to meet levels assumed in Bottom Up Review.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the Reserves.
- Sec. 414. Force structure allowance for Army National Guard.
- Sec. 415. Personnel level for Navy Craft of Opportunity (COOP) Program.

Subtitle C—Military Training Student Loads

- Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

- Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Active Components

- Sec. 501. Years of service for eligibility for separation pay for regular officers involuntarily discharged.
- Sec. 502. Expansion of eligibility for Voluntary Separation Incentive and Special Separation Benefits programs.
- Sec. 503. Members eligible for involuntary separation benefits.
- Sec. 504. Temporary authority for involuntary separation of certain regular warrant officers.
- Sec. 505. Determination of service for warrant officer retirement sanctuary.
- Sec. 506. Officers ineligible for consideration by early retirement boards.
- Sec. 507. Remedy for ineffective counseling of officers discharged following selection by early discharge boards.
- Sec. 508. Two-year extension of authority for temporary promotions of certain Navy lieutenants.
- Sec. 509. Award of constructive service credit for advanced education in a health profession upon original appointment as an officer.
- Sec. 510. Original appointment as regular officers of certain reserve officers in health professions.

Subtitle B—Reserve Components

- Sec. 511. Exception for health care providers to requirement for 12 weeks of basic training before assignment outside United States.
- Sec. 512. Number of full-time reserve personnel who may be assigned to ROTC duty.
- Sec. 513. Repeal of mandated reduction in Army Reserve component full-time manning end strength.
- Sec. 514. Two-year extension of certain reserve officer management authorities.
- Sec. 515. Active component support for reserve training.

- Sec. 516. Test program for Reserve Combat Maneuver Unit integration.
- Sec. 517. Revisions to pilot program for active component support of the reserves.
- Sec. 518. Educational assistance for graduate programs for members of the Selected Reserve.
- Sec. 519. Frequency of physical examinations of members of the Ready Reserve.
- Sec. 520. Revision of certain deadlines under Army National Guard Combat Readiness Reform Act.
- Sec. 521. Annual report on implementation of Army National Guard Combat Readiness Reform Act.
- Sec. 522. FFRDC study of State and Federal missions of the National Guard.
- Sec. 523. Consistency of treatment of National Guard technicians and other members of the National Guard.
- Sec. 524. National Guard management initiatives.

Subtitle C—Service Academies

- Sec. 531. Congressional nominations.
- Sec. 532. Technical amendment related to change in nature of commission of service academy graduates.
- Sec. 533. Management of civilian faculty at Military and Air Force Academies.
- Sec. 534. Evaluation of requirement that officers and civilian faculty members report violations of Naval Academy regulations.
- Sec. 535. Prohibition of transfer of Naval Academy Preparatory School.
- Sec. 536. Test program to evaluate use of private preparatory schools for service academy preparatory school mission.

Subtitle D—Women in the Service

- Sec. 541. Repeal of the statutory restriction on the assignment of women in the Navy and Marine Corps.
- Sec. 542. Notice to Congress of proposed changes in combat assignments to which female members may be assigned.
- Sec. 543. Gender-neutral occupational performance standards.

Subtitle E—Victims' Rights and Family Advocacy

- Sec. 551. Responsibilities of military law enforcement officials at scenes of domestic violence.
- Sec. 552. Improved procedures for notification of victims and witnesses of status of prisoners in military correctional facilities.
- Sec. 553. Study of stalking by persons subject to UCMJ.
- Sec. 554. Transitional compensation for dependents of members of the Armed Forces discharged for dependent abuse.
- Sec. 555. Clarification of eligibility for benefits for dependent victims of abuse by members of the Armed Forces pending loss of retired pay.

Subtitle F—Force Reduction Transition

- Sec. 561. Extension through fiscal year 1999 of certain force draw-down transition authorities relating to personnel management and benefits.
- Sec. 562. Retention in an active status of enlisted Reserves with between 18 and 20 years of service.

- Sec. 563. Authority to order early Reserve retirees to active duty.
- Sec. 564. Applicability to Coast Guard Reserve of certain reserve components transition initiatives.

Subtitle G—Other Matters

- Sec. 571. Policy concerning homosexuality in the Armed Forces.
- Sec. 572. Change in timing of required drug and alcohol testing and evaluation of applicants for appointment as cadet or midshipman and for ROTC graduates.
- Sec. 573. Reimbursement requirements for advanced education assistance.
- Sec. 574. Recognition by States of military powers of attorney.
- Sec. 575. Foreign language proficiency test program.
- Sec. 576. Clarification of punitive UCMJ article regarding drunken driving.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Military pay raise for fiscal year 1994.
- Sec. 602. Continuation of rate of basic pay applicable to certain members with over 24 years of service.
- Sec. 603. Pay for students at service academy preparatory schools.
- Sec. 604. Variable housing allowance for certain members who are required to pay child support and who are assigned to sea duty.
- Sec. 605. Evacuation advance pay.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Extension of authority for bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 612. Extension and modification of certain bonuses for reserve forces.
- Sec. 613. Extension of authority relating to payment of other bonuses and special pays.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Reimbursement of temporary lodging expenses.
- Sec. 622. Payment of losses incurred or collection of gains realized due to fluctuations in foreign currency in connection with housing members in private housing abroad.

Subtitle D—Other Matters

- Sec. 631. Revision of definition of dependents for purposes of allowances.
- Sec. 632. Clarification of eligibility for tuition assistance.
- Sec. 633. Sense of Congress regarding the provision of excess leave and permissive temporary duty for members from outside the continental United States.
- Sec. 634. Special pay for certain disabled members.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

- Sec. 701. Primary and preventive health care services for women.
- Sec. 702. Revision of definition of dependents for purposes of health benefits.
- Sec. 703. Authorization to expand enrollment in the dependents' dental program to certain members returning from overseas assignments.

- Sec. 704. Authorization to apply section 1079 payment rules for the spouse and children of a member who dies while on active duty.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

- Sec. 711. Codification of CHAMPUS Peer Review Organization program procedures.
- Sec. 712. Increased flexibility for personal service contracts in military medical treatment facilities.
- Sec. 713. Expansion of the program for the collection of health care costs from third-party payers.
- Sec. 714. Alternative resource allocation method for medical facilities of the uniformed services.
- Sec. 715. Federal preemption regarding contracts for medical and dental care.
- Sec. 716. Specialized treatment facility program authority and issuance of nonavailability of health care statements.
- Sec. 717. Delay of termination authority regarding status of certain facilities as Uniformed Services Treatment Facilities.
- Sec. 718. Managed-care delivery and reimbursement model for the Uniformed Services Treatment Facilities.
- Sec. 719. Flexible deadline for continuation of CHAMPUS reform initiative in Hawaii and California.
- Sec. 720. Clarification of conditions on expansion of CHAMPUS reform initiative to other locations.
- Sec. 721. Report regarding demonstration programs for the sale of pharmaceuticals.

Subtitle C—Other Matters

- Sec. 731. Use of health maintenance organization model as option for military health care.
- Sec. 732. Clarification of authority for graduate student program of the Uniformed Services University of the Health Sciences.
- Sec. 733. Authority for the Armed Forces Institute of Pathology to obtain additional distinguished pathologists and scientists.
- Sec. 734. Authorization for automated medical record capability to be included in medical information system.
- Sec. 735. Report on the provision of primary and preventive health care services for women.
- Sec. 736. Independent study of conduct of medical study by Arctic Aeromedical Laboratory, Ladd Air Force Base, Alaska.
- Sec. 737. Availability of report regarding the CHAMPUS chiropractic demonstration.
- Sec. 738. Sense of Congress regarding the provision of adequate medical care to covered beneficiaries under the military medical system.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

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- Sec. 801. Industrial Preparedness Manufacturing Technology Program.
- Sec. 802. University Research Initiative Support Program.
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Subtitle B—Acquisition Assistance Programs

- Sec. 811. Contract goal for disadvantaged small businesses and certain institutions of higher education.
- Sec. 812. Procurement technical assistance programs.
- Sec. 813. Pilot Mentor-Protégé Program funding and improvements.

Subtitle C—Provisions to Revise and Consolidate Certain Defense Acquisition Laws

- Sec. 821. Repeal and amendment of obsolete, redundant, or otherwise unnecessary laws applicable to Department of Defense generally.
- Sec. 822. Extension to Department of Defense generally of certain acquisition laws applicable to the Army and Air Force.
- Sec. 823. Repeal of certain acquisition laws applicable to the Army and Air Force.
- Sec. 824. Consolidation, repeal, and amendment of certain acquisition laws applicable to the Navy.
- Sec. 825. Additional authority to contract for fuel storage and management.
- Sec. 826. Additional authority relating to the acquisition of petroleum and natural gas.
- Sec. 827. Amendment of research authorities.
- Sec. 828. Technical and clerical amendments relating to acquisition laws.

Subtitle D—Defense Acquisition Pilot Programs

- Sec. 831. Reference to Defense Acquisition Pilot Program.
- Sec. 832. Defense Acquisition Pilot Program amendments.
- Sec. 833. Mission oriented program management.
- Sec. 834. Savings objectives.
- Sec. 835. Program phases and phase funding.
- Sec. 836. Program work force policies.
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- Sec. 838. Contract administration: performance based contract management.
- Sec. 839. Contractor performance assessment.

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- Sec. 842. Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government.
- Sec. 843. Reports by defense contractors of dealings with terrorist countries.
- Sec. 844. Department of Defense purchases through other agencies.
- Sec. 845. Authority of the Advanced Research Projects Agency to carry out certain prototype projects.
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- Sec. 902. Additional responsibilities of the Comptroller.
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Subtitle B—Professional Military Education

- Sec. 921. Congressional findings concerning professional military education schools.
- Sec. 922. Authority for award by National Defense University of certain master of science degrees.
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- Sec. 931. Revision of Goldwater-Nichols requirement of service in a joint duty assignment before promotion to general or flag grade.
- Sec. 932. Joint duty credit for certain duty performed during Operations Desert Shield and Desert Storm.
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- Sec. 941. Army Reserve Command.
- Sec. 942. Flexibility in administering requirement for annual four percent reduction in number of personnel assigned to headquarters and headquarters support activities.
- Sec. 943. Report on Department of Defense Bottom Up Review.
- Sec. 944. Repeal of termination of requirement for a Director of Expeditionary Warfare in the Office of the Chief of Naval Operations.
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- Sec. 951. Findings.
- Sec. 952. Establishment of Commission.
- Sec. 953. Duties of Commission.
- Sec. 954. Reports.
- Sec. 955. Powers.
- Sec. 956. Commission procedures.
- Sec. 957. Personnel matters.
- Sec. 958. Miscellaneous administrative provisions.
- Sec. 959. Payment of Commission expenses.
- Sec. 960. Termination of the Commission.

TITLE X—ENVIRONMENTAL PROVISIONS

- Sec. 1001. Annual environmental reports.
- Sec. 1002. Indemnification of transferees of closing defense property for releases of petroleum and petroleum derivatives.
- Sec. 1003. Shipboard plastic and solid waste control.
- Sec. 1004. Extension of applicability period for reimbursement for certain liabilities arising under hazardous waste contracts.

- Sec. 1005. Prohibition on the purchase of surety bonds and other guarantees for the Department of Defense.

TITLE XI—GENERAL PROVISIONS**Subtitle A—Financial Matters**

- Sec. 1101. Transfer authority.
- Sec. 1102. Clarification of scope of authorizations.
- Sec. 1103. Incorporation of classified annex.
- Sec. 1104. Revision of date for submittal of joint report on scoring of budget outlays.
- Sec. 1105. Comptroller General audits of acceptance by Department of Defense of property, services, and contributions.
- Sec. 1106. Limitation on transferring defense funds to other departments and agencies.
- Sec. 1107. Sense of Congress concerning defense budget process.
- Sec. 1108. Funding structure for contingency operations.

Subtitle B—Fiscal Year 1993 Authorization Matters

- Sec. 1111. Authority for obligation of certain unauthorized fiscal year 1993 defense appropriations.
- Sec. 1112. Obligation of certain appropriations.
- Sec. 1113. Supplemental authorization of appropriations for fiscal year 1993.

Subtitle C—Counter-Drug Activities

- Sec. 1121. Department of Defense support for counter-drug activities of other agencies.
- Sec. 1122. Requirement to establish procedures for State and local governments to buy law enforcement equipment suitable for counter-drug activities through the Department of Defense.

Subtitle D—Matters Relating to Reserve Components

- Sec. 1131. Review of Air Force plans to transfer heavy bombers to reserve components units.

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- Sec. 1141. Award of purple heart to members killed or wounded in action by friendly fire.
- Sec. 1142. Sense of Congress relating to award of the Navy Expeditionary Medal to Navy members supporting Doolittle Raid on Tokyo.
- Sec. 1143. Award of gold star lapel buttons to survivors of service members killed by terrorist acts.

Subtitle F—Recordkeeping and Reporting Requirements

- Sec. 1151. Termination of Department of Defense reporting requirements determined by Secretary of Defense to be unnecessary or incompatible with efficient management of the Department of Defense.
- Sec. 1152. Reports relating to certain special access programs and similar programs.
- Sec. 1153. Identification of service in Vietnam in the computerized index of the National Personnel Records Center.
- Sec. 1154. Report on personnel requirements for control of transfer of certain weapons.
- Sec. 1155. Report on food supply and distribution practices of the Department of Defense.

Subtitle G—Congressional Findings, Policies, Commendations, and Commemorations

- Sec. 1161. Sense of Congress regarding justification for continuing the Extremely Low Frequency (ELF) communication system.
- Sec. 1162. Sense of Congress regarding the importance of naval oceanographic survey and research in the post-cold war period.
- Sec. 1163. Sense of Congress regarding United States policy on plutonium.
- Sec. 1164. Sense of Senate on entry into the United States of certain former members of the Iraqi armed forces.
- Sec. 1165. U.S.S. Indianapolis Memorial, Indianapolis, Indiana.

Subtitle H—Other Matters

- Sec. 1171. Procedures for handling war booty.
- Sec. 1172. Basing for C-130 aircraft.
- Sec. 1173. Transportation of cargoes by water.
- Sec. 1174. Modification of authority to conduct National Guard Civilian Youth Opportunities Program.
- Sec. 1175. Effective date for changes in Servicemen's Group Life Insurance Program.
- Sec. 1176. Eligibility of former prisoners of war for burial in Arlington National Cemetery.
- Sec. 1177. Redesignation of Hanford Arid Lands Ecology Reserve.
- Sec. 1178. Aviation Leadership Program.
- Sec. 1179. Administrative improvements in the Goldwater Scholarship and Excellence in Education Program.
- Sec. 1180. Transfer of obsolete destroyer tender Yosemite.
- Sec. 1181. Transfer of obsolete heavy cruiser U.S.S. Salem.
- Sec. 1182. Technical and clerical amendments.
- Sec. 1183. Security clearances for civilian employees.
- Sec. 1184. Videotaping of investigative interviews.
- Sec. 1185. Investigations of deaths of members of the Armed Forces from self-inflicted causes.
- Sec. 1186. Export loan guarantees.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

- Sec. 1201. Short title.
- Sec. 1202. Findings on cooperative threat reduction.
- Sec. 1203. Authority for programs to facilitate cooperative threat reduction.
- Sec. 1204. Demilitarization Enterprise Fund.
- Sec. 1205. Funding for fiscal year 1994.
- Sec. 1206. Prior notice to Congress of obligation of funds.
- Sec. 1207. Semiannual report.
- Sec. 1208. Appropriate congressional committees defined.
- Sec. 1209. Authorization for additional fiscal year 1993 assistance to the independent states of the former Soviet Union.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

- Sec. 1301. Short title.
- Sec. 1302. Funding of defense conversion, reinvestment, and transition assistance programs for fiscal year 1994.
- Sec. 1303. Reports on defense conversion, reinvestment, and transition assistance programs.

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

- Sec. 1311. Funding of defense dual-use partnerships program for fiscal year 1994.
- Sec. 1312. Defense technology and industrial base, reinvestment, and conversion planning.
- Sec. 1313. Congressional defense policy concerning defense technology and industrial base, reinvestment, and conversion.
- Sec. 1314. Expansion of businesses eligible for loan guarantees under the defense dual-use assistance extension program.
- Sec. 1315. Consistency in financial commitment requirements of non-Federal Government participants in technology reinvestment projects.
- Sec. 1316. Additional criteria for the selection of regional technology alliances.
- Sec. 1317. Conditions on funding of defense technology reinvestment projects.

Subtitle B—Community Adjustment and Assistance Programs

- Sec. 1321. Adjustment and diversification assistance for States and local governments from the Office of Economic Adjustment.
- Sec. 1322. Assistance for communities adversely affected by catastrophic or multiple base closures or realignments.
- Sec. 1323. Continuation of pilot project to improve economic adjustment planning.

Subtitle C—Personnel Adjustment, Education, and Training Programs

- Sec. 1331. Continuation of teacher and teacher's aide placement programs.
- Sec. 1332. Programs to place separated members in employment positions with law enforcement agencies and health care providers.
- Sec. 1333. Grants to institutions of higher education to provide education and training in environmental restoration to dislocated defense workers and young adults.
- Sec. 1334. Environmental education opportunities program.
- Sec. 1335. Training and employment of Department of Defense employees to carry out environmental restoration at military installations to be closed.
- Sec. 1336. Revision to improvements to employment and training assistance for dislocated workers.
- Sec. 1337. Demonstration program for the training of recently discharged veterans for employment in construction and in hazardous waste remediation.
- Sec. 1338. Service members occupational conversion and training.
- Sec. 1339. Amendments to defense diversification program under Job Training Partnership Act.

Subtitle D—National Shipbuilding Initiative

- Sec. 1351. Short title.
- Sec. 1352. National Shipbuilding Initiative.
- Sec. 1353. Department of Defense program management through Advanced Research Projects Agency.

- Sec. 1354. Advanced Research Projects Agency functions and minimum financial commitment of non-Federal government participants.
- Sec. 1355. Authority for Secretary of Transportation to make loan guarantees.
- Sec. 1356. Loan guarantees for export vessels.
- Sec. 1357. Loan guarantees for shipyard modernization and improvement.
- Sec. 1358. Eligible shipyards.
- Sec. 1359. Funding for certain loan guarantee commitments for fiscal year 1994.
- Sec. 1360. Court sale to enforce preferred mortgage liens for export vessels.
- Sec. 1361. Authorizations of appropriations.
- Sec. 1362. Regulations.
- Sec. 1363. Shipyard conversion and reuse studies.

Subtitle E—Other Matters

- Sec. 1371. Encouragement of the purchase or lease of vehicles producing zero or very low exhaust emissions.
- Sec. 1372. Revision to requirements for notice to contractors upon pending or actual termination of defense programs.
- Sec. 1373. Regional retraining services clear-houses.
- Sec. 1374. Use of naval installations to provide employment training to nonviolent offenders in State penal systems.

TITLE XIV—MATTERS RELATING TO ALLIES AND OTHER NATIONS**Subtitle A—Defense Burden Sharing**

- Sec. 1401. Defense burdens and responsibilities.
- Sec. 1402. Burden sharing contributions from designated countries and regional organizations.

Subtitle B—North Atlantic Treaty Organization

- Sec. 1411. Findings, sense of Congress, and report requirement concerning North Atlantic Treaty Organization.
- Sec. 1412. Modification of certain report requirements.
- Sec. 1413. Permanent authority to carry out AWACS memoranda of understanding.

Subtitle C—Export of Defense Articles

- Sec. 1421. Extension of authority for certain foreign governments to receive excess defense articles.
- Sec. 1422. Report on effect of increased use of dual-use technologies on ability to control exports.
- Sec. 1423. Extension of landmine export moratorium.

Subtitle D—Other Matters

- Sec. 1431. Codification of provision relating to Overseas Workload Program.
- Sec. 1432. American diplomatic facilities in Germany.
- Sec. 1433. Consent of Congress to service by retired members in military forces of newly democratic nations.
- Sec. 1434. Semiannual report on efforts to seek compensation from Government of Peru for death and wounding of certain United States servicemen.

TITLE XV—INTERNATIONAL PEACEKEEPING AND HUMANITARIAN ACTIVITIES**Subtitle A—Assistance Activities**

- Sec. 1501. General authorization of support for international peacekeeping activities.
- Sec. 1502. Report on multinational peacekeeping and peace enforcement.
- Sec. 1503. Military-to-military contact.
- Sec. 1504. Humanitarian and civic assistance.

Subtitle B—Policies Regarding Specific Countries

- Sec. 1511. Sanctions against Serbia and Montenegro.
- Sec. 1512. Involvement of Armed Forces in Somalia.

TITLE XVI—ARMS CONTROL MATTERS**Subtitle A—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction**

- Sec. 1601. Study of global proliferation of strategic and advanced conventional military weapons and related equipment and technology.
- Sec. 1602. Extension of existing authorities.
- Sec. 1603. Studies relating to United States counterproliferation policy.
- Sec. 1604. Sense of Congress regarding United States capabilities to prevent and counter weapons proliferation.
- Sec. 1605. Joint Committee for Review of Proliferation Programs of the United States.
- Sec. 1606. Report on nonproliferation and counterproliferation activities and programs.
- Sec. 1607. Definitions.

Subtitle B—International Nonproliferation Activities

- Sec. 1611. Nuclear nonproliferation.
- Sec. 1612. Condition on assistance to Russia for construction of plutonium storage facility.
- Sec. 1613. North Korea and the Treaty on the Non-Proliferation of Nuclear Weapons.
- Sec. 1614. Sense of Congress relating to the proliferation of space launch vehicle technologies.

TITLE XVII—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

- Sec. 1701. Conduct of the chemical and biological defense program.
- Sec. 1702. Consolidation of chemical and biological defense training activities.
- Sec. 1703. Annual report on chemical and biological warfare defense.
- Sec. 1704. Sense of Congress concerning Federal emergency planning for response to terrorist threats.
- Sec. 1705. Agreements to provide support to vaccination programs of Department of Health and Human Services.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.

- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Termination of authority to carry out certain projects.

- Sec. 2106. Construction of chemical munitions disposal facilities.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.

- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.

- Sec. 2204. Authorization of appropriations, Navy.

- Sec. 2205. Termination of authority to carry out certain projects.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.

- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.

- Sec. 2304. Authorization of appropriations, Air Force.

- Sec. 2305. Termination of authority to carry out certain projects.

- Sec. 2306. Relocation of Air Force activities from Sierra Army Depot, California, to Beale Air Force Base, California.

- Sec. 2307. Combat arms training and maintenance facility relocation from Wheeler Air Force Base, Hawaii, to United States Army Schofield Barracks Open Range, Hawaii.

- Sec. 2308. Authority to transfer funds as part of the improvement of Dysart Channel, Luke Air Force Base, Arizona.

- Sec. 2309. Authority to transfer funds for school construction for Lackland Air Force Base, Texas.

- Sec. 2310. Transfer of funds for construction of family housing, Scott Air Force Base, Illinois.

- Sec. 2311. Increase in authorized unit cost for certain family housing, Randolph Air Force Base, Texas.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.

- Sec. 2404. Termination of authority to carry out certain projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

- Sec. 2501. Authorized NATO construction and land acquisition projects.

- Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

- Sec. 2602. Reduction in amounts authorized to be appropriated for Reserve military construction projects.

- Sec. 2603. United States Army Reserve Command headquarters facility.

- Sec. 2604. Limitation on total cost of construction projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

- Sec. 2702. Extension of authorizations of certain fiscal year 1991 projects.

- Sec. 2703. Extension of authorizations of certain fiscal year 1990 projects.

- Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS**Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Military family housing leasing programs.

- Sec. 2802. Sale of electricity from alternate energy and cogeneration production facilities.

- Sec. 2803. Authority for military departments to participate in water conservation programs.

- Sec. 2804. Clarification of energy conservation measures for the Department of Defense.

- Sec. 2805. Authority to acquire existing facilities in lieu of carrying out construction authorized by law.

- Sec. 2806. Clarification of participation in Department of State housing pools.

- Sec. 2807. Extension of authority to lease real property for special operations activities.

Subtitle B—Land Transactions Generally

- Sec. 2811. Land conveyance, Broward County, Florida.

- Sec. 2812. Land conveyance, Naval Air Station Oceana, Virginia.

- Sec. 2813. Land conveyance, Craney Island Fuel Depot, Naval Supply Center, Virginia.

- Sec. 2814. Land conveyance, Portsmouth, Virginia.

- Sec. 2815. Land conveyance, Iowa Army Ammunition Plant, Iowa.

- Sec. 2816. Land conveyance, Radar Bomb Scoring Site, Conrad, Montana.

- Sec. 2817. Land conveyance, Charleston, South Carolina.

- Sec. 2818. Land conveyance, Fort Missoula, Montana.

- Sec. 2819. Land acquisition, Navy Large Cavitation Channel, Memphis, Tennessee.

- Sec. 2820. Release of reversionary interest, Old Spanish Trail Armory, Harris County, Texas.

- Sec. 2821. Grant of easement, West Loch Branch, Naval Magazine Lualualei, Hawaii.

- Sec. 2822. Review of proposed land exchange, Fort Sheridan, Illinois, and Arlington County, Virginia.

Subtitle C—Changes to Existing Land Transaction Authority

- Sec. 2831. Modification of land conveyance, New London, Connecticut.

- Sec. 2832. Modification of termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia.

- Sec. 2833. Modification of lease authority, Naval Supply Center, Oakland, California.

- Sec. 2834. Expansion of land transaction authority involving Hunters Point Naval Shipyard, San Francisco, California.

Subtitle D—Land Transactions Involving Utilities

- Sec. 2841. Conveyance of natural gas distribution system, Fort Belvoir, Virginia.

- Sec. 2842. Conveyance of water distribution system, Fort Lee, Virginia.

- Sec. 2843. Conveyance of waste water treatment facility, Fort Pickett, Virginia.

- Sec. 2844. Conveyance of water distribution system and reservoir, Stewart Army Subpost, New York.
- Sec. 2845. Conveyance of electric power distribution system, Naval Air Station, Alameda, California.
- Sec. 2846. Conveyance of electricity distribution system, Fort Dix, New Jersey.
- Sec. 2847. Lease and joint use of certain real property, Marine Corps Base, Camp Pendleton, California.

Subtitle E—Other Matters

- Sec. 2851. Conveyance of real property at missile sites to adjacent landowners.
- Sec. 2852. Prohibition on use of funds for planning and design of Department of Defense vaccine production facility.
- Sec. 2853. Grant relating to elementary school for dependents of Department of Defense personnel, Fort Belvoir, Virginia.
- Sec. 2854. Allotment of space in Federal buildings to credit unions.
- Sec. 2855. Flood control project for Coyote and Berryessa Creeks, California.
- Sec. 2856. Restrictions on land transactions relating to the Presidio of San Francisco, California.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT**Subtitle A—Base Closure Community Assistance**

- Sec. 2901. Findings.
- Sec. 2902. Prohibition on transfer of certain property located at military installations to be closed.
- Sec. 2903. Authority to transfer property at closed installations to affected communities and States.
- Sec. 2904. Expedited determination of transferability of excess property of installations to be closed.
- Sec. 2905. Availability of property for assisting the homeless.
- Sec. 2906. Authority to lease certain property at installations to be closed.
- Sec. 2907. Authority to contract for certain services at installations being closed.
- Sec. 2908. Authority to transfer property at military installations to be closed to persons paying the cost of environmental restoration activities on the property.
- Sec. 2909. Sense of Congress on availability of surplus military equipment.
- Sec. 2910. Identification of uncontaminated property at installations to be closed.
- Sec. 2911. Compliance with certain environmental requirements relating to closure of installations.
- Sec. 2912. Preference for local and small businesses.
- Sec. 2913. Consideration of applications of affected States and communities for assistance.
- Sec. 2914. Clarification of utilization of funds for community economic adjustment assistance.
- Sec. 2915. Transition coordinators for assistance to communities affected by the closure of installations.
- Sec. 2916. Sense of Congress on seminars on reuse or redevelopment of property at installations to be closed.

- Sec. 2917. Feasibility study on assisting local communities affected by the closure or realignment of military installations.

- Sec. 2918. Definitions.

Subtitle B—Other Matters

- Sec. 2921. Base closure account management flexibility.
- Sec. 2922. Limitation on expenditure of funds from the Defense Base Closure Account 1990 for military construction in support of transfers of functions.
- Sec. 2923. Modification of requirement for reports on activities under the Defense Base Closure Account 1990.
- Sec. 2924. Residual value of overseas installations being closed.
- Sec. 2925. Sense of Congress on development of base closure criteria.
- Sec. 2926. Information relating to recommendations for the closure or realignment of military installations.
- Sec. 2927. Public purpose extensions.
- Sec. 2928. Expansion of conveyance authority regarding financial facilities on closed military installations to include all depository institutions.
- Sec. 2929. Electric power allocation and economic development at certain military installations to be closed in the State of California.
- Sec. 2930. Testimony before Defense Base Closure and Realignment Commission.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS****Subtitle A—National Security Programs Authorizations**

- Sec. 3101. Weapons activities.
- Sec. 3102. Environmental restoration and waste management.
- Sec. 3103. Nuclear materials support and other defense programs.
- Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Defense inertial confinement fusion program.
- Sec. 3132. Payment of penalty assessed against Hanford project.
- Sec. 3133. Water management programs.
- Sec. 3134. Technology transfer.
- Sec. 3135. Technology transfer and economic development activities for communities surrounding Savannah River Site.
- Sec. 3136. Prohibition on research and development of low-yield nuclear weapons.
- Sec. 3137. Testing of nuclear weapons.
- Sec. 3138. Stockpile stewardship program.

- Sec. 3139. National security programs.
- Sec. 3140. Expanded core facility dry cell.
- Sec. 3141. Scholarship and fellowship program for environmental restoration and waste management.
- Sec. 3142. Hazardous materials management and hazardous materials emergency response training program.
- Sec. 3143. Worker health and protection.
- Sec. 3144. Verification and control technology.
- Sec. 3145. Tritium production requirements.

Subtitle D—Other Matters

- Sec. 3151. Limitations on the receipt and storage of spent nuclear fuel from foreign research reactors.
- Sec. 3152. Extension of review of waste isolation pilot plant in New Mexico.
- Sec. 3153. Baseline environmental management reports.
- Sec. 3154. Lease of property at Department of Energy weapon production facilities.
- Sec. 3155. Authority to transfer certain Department of Energy property.
- Sec. 3156. Improved congressional oversight of Department of Energy special access programs.
- Sec. 3157. Reauthorization and expansion of authority to loan personnel and facilities.
- Sec. 3158. Modification of payment provision.
- Sec. 3159. Contract goal for small disadvantaged businesses and certain institutions of higher education.
- Sec. 3160. Amendments to Stevenson-Wylder Technology Innovation Act of 1980.
- Sec. 3161. Conflict of interest provisions for Department of Energy employees.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.
- Sec. 3202. Requirement for transmittal to Congress of certain information prepared by Defense Nuclear Facilities Safety Board.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Subtitle A—Authorizations of Disposals and Use of Funds**
- Sec. 3301. Disposal of obsolete and excess materials contained in the National Defense Stockpile.
- Sec. 3302. Authorized uses of stockpile funds.
- Sec. 3303. Revision of authority to dispose of certain materials authorized for disposal in fiscal year 1993.
- Sec. 3304. Conversion of chromium ore to high purity chromium metal.

Subtitle B—Programmatic Changes

- Sec. 3311. Stockpiling principles.
- Sec. 3312. Modification of notice and wait requirements for deviations from annual materials plan.
- Sec. 3313. Additional authorized uses of the National Defense Stockpile Transaction Fund.
- Sec. 3314. National emergency planning assumptions for biennial report on stockpile requirements.

TITLE XXXIV—CIVIL DEFENSE

- Sec. 3401. Authorization of appropriations.
- Sec. 3402. Modernization of the civil defense system.

TITLE XXXV—PANAMA CANAL COMMISSION

- Sec. 3501. Short title.

- Sec. 3502. Authorization of expenditures.
 Sec. 3503. Expenditures in accordance with other laws.
 Sec. 3504. Employment of commission employees by the Government of Panama.
 Sec. 3505. Labor-management relations.
 Sec. 3506. Effective date.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

- (1) For aircraft, \$1,338,351,000.
- (2) For missiles, \$1,081,515,000.
- (3) For weapons and tracked combat vehicles, \$886,717,000.
- (4) For ammunition, \$619,668,000.
- (5) For other procurement, \$2,992,077,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

- (1) For aircraft, \$5,793,157,000.
- (2) For weapons, including missiles and torpedoes, \$2,986,965,000.
- (3) For shipbuilding and conversion, \$4,265,102,000.
- (4) For other procurement, \$2,953,605,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of \$483,621,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:

- (1) For aircraft, \$7,013,938,000.
- (2) For missiles, \$3,582,743,000.
- (3) For other procurement, \$7,524,608,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for defense-wide procurement in the amount of \$3,050,748,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Inspector General of the Department of Defense in the amount of \$800,000.

SEC. 106. RESERVE COMPONENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

- (1) For the Army National Guard, \$210,000,000.
- (2) For the Air National Guard, \$260,000,000.
- (3) For the Army Reserve, \$50,000,000.
- (4) For the Naval Reserve, \$60,000,000.
- (5) For the Air Force Reserve, \$250,000,000.
- (6) For the Marine Corps Reserve, \$35,000,000.

(7) For reserve components simulation equipment, \$75,000,000.

(8) For National Guard aircraft replacement and modernization, \$50,000,000.

(b) MULTIPLE-LAUNCH ROCKET SYSTEM.—Of the total number of Multiple-Launch Rocket System units acquired with funds appropriated pursuant to the authorization of ap-

propriations in section 101 for the Army, the Secretary of the Army shall ensure that one battalion set shall be authorized for and made available to the Army National Guard.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1994 the amount of \$379,561,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

(b) LIMITATION.—Of the funds specified in subsection (a)—

(1) \$280,361,000 is for operations and maintenance;

(2) \$72,600,000 is for procurement; and

(3) \$26,600,000 is for research and development efforts in support of the nonstockpile chemical weapons program.

(c) CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY.—Subsection (c)(3) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended by striking out "and approving" in the third sentence and inserting in lieu thereof ", approving, and overseeing".

SEC. 108. NATIONAL SHIPBUILDING INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for the National Shipbuilding Initiative under subtitle D of title XIII in the amount of \$147,000,000.

(b) AVAILABILITY FOR OBLIGATION.—Funds appropriated pursuant to subsection (a) shall not be available for obligation for loan guarantees after September 30, 1997.

SEC. 109. DENIAL OF MULTIYEAR PROCUREMENT AUTHORIZATION.

The Secretary of the Navy may not enter into a multiyear procurement contract under section 2306(h) of title 10, United States Code, for the F/A-18C/D aircraft program.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

(a) AH-64 APACHE AIRCRAFT.—The prohibition in section 132(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1382) does not apply to the obligation of funds in amounts not to exceed \$150,000,000 for the procurement of not more than 10 AH-64 aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

(b) OH-58D AHIP AIRCRAFT.—The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed \$112,500,000 for the procurement of not more than 18 OH-58D AHIP Scout aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

SEC. 112. LIGHT UTILITY HELICOPTER MODERNIZATION.

(a) PROGRAM STUDY.—The Secretary of the Army, in coordination with the Chief of the National Guard Bureau, shall conduct a thorough study of the requirements of the Army for light utility helicopter modernization. The study shall include considerations of life-cycle costs, capability requirements, and, if acquisition of new light helicopters is determined to be needed, an appropriate acquisition strategy, including full and open competition.

(b) REQUIREMENT FOR USE OF COMPETITIVE PROCEDURES.—Funds may not be obligated

for a light utility helicopter modernization program for a contractor selected through the use of acquisition procedures other than competitive procedures.

(c) LIMITATION ON OBLIGATIONS.—No funds may be obligated for such a program until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth the recommendations of the Secretary for a light utility helicopter modernization program for the Army based upon the Secretary's review of the results of the study under subsection (a).

SEC. 113. NUCLEAR, BIOLOGICAL, AND CHEMICAL PROTECTIVE MASKS.

Of the unobligated balance of the funds appropriated for the Army for fiscal year 1993 for other procurement, \$9,300,000 shall be available, to the extent provided in appropriations Acts, for procurement of M40/M42 nuclear, biological, and chemical protective masks.

SEC. 114. CHEMICAL AGENT MONITORING PROGRAM.

Funds appropriated for the Army for fiscal year 1993 for other procurement may not be obligated after the date of the enactment of this Act for the Improved Chemical Agent Monitor (ICAM) program.

SEC. 115. CLOSE COMBAT TACTICAL TRAINER QUICKSTART PROGRAM.

Funds authorized to be appropriated for the Army for procurement for fiscal year 1994 by section 101 may be used for long lead procurement of component hardware items to accelerate the Close Combat Tactical Trainer Quickstart program.

Subtitle C—Navy Programs

SEC. 121. SEAWOLF ATTACK SUBMARINE PROGRAM.

(a) LIMITATION ON USE OF CERTAIN FUNDS.—Except as provided in subsection (c), none of the funds described in subsection (b) may be obligated for Seawolf-class attack submarines other than for long-lead components for the vessel designated as SSN-23.

(b) FUNDS SUBJECT TO LIMITATION.—Subsection (a) applies to any unobligated funds remaining on the date of the enactment of this Act from the amount of \$540,200,000 originally appropriated for fiscal year 1992 for the Seawolf-class attack submarine program and made available under Public Law 102-298 for the purposes of preserving the industrial base for submarine construction (as specified at page 27 of the report of the committee of conference to accompany the conference report on H.R. 4990 of the 102d Congress (House Report 102-530)).

(c) EXCEPTION.—Subsection (a) does not prohibit the obligation of funds for settlement of claims arising from the termination for the convenience of the Government during fiscal year 1992 of contracts for Seawolf-class submarines or components of Seawolf-class submarines.

SEC. 122. TRIDENT II (D-5) MISSILE PROCUREMENT.

(a) PRODUCTION.—Of amounts appropriated pursuant to section 102 for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1994—

(1) not more than \$983,345,000 may be obligated for procurement of Trident II (D-5) missiles; and

(2) not more than \$145,251,000 may be obligated for advance procurement for production of D-5 missiles for a fiscal year after fiscal year 1994.

(b) OPTIONS FOR ACHIEVING SLBM WARHEAD LIMITATIONS.—Not later than April 1, 1994, the Secretary of Defense shall submit to Congress a report on options available for

achieving the limitations on submarine-launched ballistic missile (SLBM) warheads imposed by the START II treaty at significantly reduced costs from the costs planned for fiscal year 1994. The report shall include an examination of the implications for those options of further reductions in the number of such warheads under further strategic arms reduction treaties.

SEC. 123. STUDY OF TRIDENT MISSILE SUBMARINE PROGRAM.

The Secretary of Defense shall submit to the congressional defense committees, not later than April 1, 1994, a report comparing (1) modifying Trident I submarines to enable those submarines to be deployed with D-5 missiles, with (2) retaining the Trident I (C-4) missile on the Trident I submarine. In preparing the report, the Secretary shall include considerations of cost effectiveness, force structure requirements, and future strategic flexibility of the Trident I and Trident II submarine programs.

SEC. 124. MK-48 ADCAP TORPEDO PROGRAM.

(a) **IN GENERAL.**—(1) The Secretary of Defense shall terminate the MK-48 ADCAP torpedo program in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of MK-48 ADCAP torpedoes.

(b) **EXCEPTIONS.**—(1) The prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of, spare or repair parts for MK-48 ADCAP torpedoes described in paragraph (2);

(B) completion of the procurement of MK-48 ADCAP torpedoes described in paragraph (2)(B); and

(C) the obligation of not more than \$100,125,000 from funds made available pursuant to section 102(a) for the procurement of 108 MK-48 ADCAP torpedoes and for payment of costs necessary to terminate the MK-48 ADCAP procurement program.

(2) The MK-48 ADCAP torpedoes referred to in paragraph (1)(A) are—

(A) MK-48 ADCAP torpedoes acquired by the Navy on or before the date of the enactment of this Act;

(B) MK-48 ADCAP torpedoes for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of the enactment of this Act and which are delivered to the Navy on or after that date; and

(C) 108 MK-48 ADCAP torpedoes for which funds are available in accordance with paragraph (1)(C).

SEC. 125. SSN ACOUSTICS MASTER PLAN.

(a) **MASTER PLAN.**—The funds described in subsection (b) may not be obligated until the Secretary of the Navy submits to the congressional defense committees a submarine acoustics master plan. The master plan shall include—

(1) current requirements for submarine acoustic sensors and combat systems based on existing and future evolving missions and environment considerations;

(2) a catalogue of existing and future sensors, technologies, and programs and a description of their shortcomings relative to current requirements;

(3) technology application, program plans, and costs for remedying shortcomings in submarine acoustic sensors and combat systems identified under paragraph (2); and

(4) a statement of the specific purposes for which the Navy intends to obligate the funds described in subsection (b).

(b) **FUNDS SUBJECT TO LIMITATION.**—Subsection (a) applies to \$13,000,000 of the amount appropriated pursuant to section 102 for other procurement for the Navy that is available for submarine acoustics.

SEC. 126. LONG-TERM LEASE OR CHARTER AUTHORITY FOR CERTAIN DOUBLE-HULL TANKERS AND OCEANOGRAPHIC VESSELS.

(a) **AUTHORITY.**—The Secretary of the Navy may enter into a long-term lease or charter for any double-hull tanker or oceanographic vessel constructed in a United States shipyard after the date of the enactment of this Act using assistance provided under the National Shipbuilding Initiative.

(b) **CONDITIONS ON OBLIGATION OF FUNDS.**—Unless budget authority is specifically provided in an appropriations Act for the lease or charter of vessels pursuant to subsection (a), the Secretary may not enter into a contract for a lease or charter pursuant to that subsection unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter or that kind of vessel lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter, or that kind of lease or charter, for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(c) **INAPPLICABILITY OF CERTAIN LAWS.**—A long-term lease or charter authorized by subsection (a) may be entered into without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(d) **DEFINITION.**—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in subparagraph (A) of section 2401(d)(1) of title 10, United States Code.

SEC. 127. LONG-TERM LEASE OR CHARTER AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.

(a) **AUTHORITY.**—The Secretary of the Navy may enter into a long-term lease or charter for vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note). The authority provided in the preceding sentence may not be exercised after June 15, 1995, to enter into a long-term lease or charter for a vessel described in subsection (b)(1).

(b) **VESSELS COVERED.**—Subsection (a) applies to the following vessels which are required by the Department of the Navy for prepositioning aboard ship or related point-to-point service as follows:

(1) Not more than five roll-on/roll-off (RO/RO) vessels which were constructed before the date of the enactment of this Act and on which, in the case of a vessel for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, such work is performed in a United States shipyard.

(2) Any roll-on/roll-off (RO/RO) vessel built after the date of the enactment of this Act in a shipyard located in the United States.

(c) **LIMITATION ON SOURCE OF FUNDS.**—The Secretary may not use funds appropriated for the National Defense Sealift program

that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) **CONDITIONS ON OBLIGATION OF FUNDS.**—Unless budget authority is specifically provided in an appropriations Act for the lease or charter of vessels pursuant to subsection (a), the Secretary may not enter into a contract for a lease or charter pursuant to that subsection unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter or that kind of vessel lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter, or that kind of lease or charter, for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) **RENEWAL OF CHARTERS.**—A long-term lease or charter under subsection (a) for a vessel described in subsection (b)(1) may not be entered into for a term of more than five years. Such a lease or charter may only be renewed or extended subject to the restrictions and authority provided in section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(f) **DEFINITION.**—For purposes of this section, the term "long-term lease or charter" has the meaning given that term in subparagraph (A) of section 2401(d)(1) of title 10, United States Code.

SEC. 128. F-14 AIRCRAFT UPGRADE PROGRAM.

None of the funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1994 may be obligated for the F-14 aircraft upgrade program until 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees a report on that upgrade program that includes the following information:

(1) A description of the F-15E equivalent strike upgrade configuration selected for the F-14D upgrade program.

(2) A schedule for conversion of the F-14D fleet to the upgraded configuration.

(3) A description of the F-14D strike upgrade derivative configuration selected for the F-14A or F-14B upgrade program.

(4) A schedule for conversion of the F-14A and F-14B fleet to an upgraded configuration.

(5) The total number of F-14A and F-14B aircraft to be converted.

(6) A funding plan for implementing the upgrade programs.

Subtitle D—Air Force Programs

SEC. 131. B-2 BOMBER AIRCRAFT PROGRAM.

(a) **AMOUNT FOR PROGRAM.**—Of the amount appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, not more than \$911,300,000 may be obligated for the B-2 bomber aircraft program. Of that amount, not more than \$285,100,000 may be obligated for initial spares.

(b) **LIMITATION ON OBLIGATION OF FUNDS.**—None of the unobligated balances of funds appropriated for procurement of B-2 aircraft for fiscal year 1992, fiscal year 1993, or fiscal year 1994 may be obligated for the B-2 bomber aircraft program until—

(1) the Secretary of the Air Force—

(A) enters into a definitized production contract with the prime contractor for air vehicles 17 through 21; or

(B) submits to the congressional defense committees a report setting forth the reasons that such a contract cannot be entered into; and

(2) the Secretary of Defense submits to those committees a certification that the Department of the Air Force is in full compliance with the B-2 correction-of-deficiency requirements set forth in section 117(d) of Public Law 101-189 (103 Stat. 1376) in all aspects of deficiency correction.

(c) REAFFIRMATION OF LIMITATION ON NUMBER OF B-2 AIRCRAFT.—As provided in section 151(c) of Public Law 102-484 (106 Stat. 2339), the Secretary of the Air Force may not procure more than 20 deployable B-2 bomber aircraft (plus one test aircraft which may not be made operational).

(d) LIMITATION ON TOTAL PROGRAM COST.—The total amount obligated on or after the date of the enactment of this Act (1) for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the B-2 bomber aircraft referred to in subsection (c), and (2) for paying the costs associated with termination of the B-2 bomber aircraft program upon completion of the acquisition of those aircraft may not exceed \$28,968,000,000 (in fiscal year 1981 constant dollars).

(e) RELEASE OF PRIOR YEAR FUNDS.—Funds previously authorized and appropriated for procurement of B-2 bomber aircraft program, the obligation of which was limited by section 131(b) of Public Law 102-190 (105 Stat. 1306) or by section 151(d) of Public Law 102-484 (106 Stat. 2339), may be obligated for that program.

SEC. 132. B-1B BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROCUREMENT.—Of the amount authorized to be appropriated pursuant to section 103(1) for the Air Force for fiscal year 1994 for procurement of aircraft, not more than \$272,300,000 shall be available for the B-1B bomber program.

(b) REQUIREMENT FOR TEST PLAN.—(1) The Secretary of the Air Force shall develop a plan to test the operational readiness rate of one B-1B bomber wing that could be sustained if that wing were provided the planned complement of base-level spare parts, maintenance equipment, maintenance manpower, and logistic support equipment.

(2) The plan shall also test the operational readiness rates of one squadron of that wing operating at a remote operating location, for a period of not less than two weeks, in a manner consistent with Air Force plans for the use of B-1B bombers in a conventional conflict.

(3) The remote operating location selected for purposes of paragraph (2) shall be at a base other than a base containing or servicing heavy bomber aircraft.

(4) The test plan under paragraph (1) shall be designed to be carried out over a period of not less than six months ending not later than December 1, 1995.

(c) REPORT ON THE TEST PLAN.—(1) The Secretary shall submit to the congressional defense committees a report on the proposed test plan not later than March 31, 1994. The report shall include a copy of the proposed test plan.

(2) The report on the test plan shall include the following elements:

(A) A description of the plans of the Air Force for meeting the test requirements specified in subsection (b), including the period during which the test is proposed to be conducted under this section.

(B) A description of the predicted contribution to mission capable rates that planned reliability and maintenance improvements are expected to make.

(C) A description of the predicted effects of the test on the readiness rates of the B-1B wings not participating in the test if the test is initiated between the date of the enactment of this Act and June 1, 1995.

(D) The earliest date feasible for the implementation of the test plan if a test within the period specified in the description under subparagraph (A) is predicted under subparagraph (C) to have an adverse effect on B-1B fleet readiness.

(d) IMPLEMENTATION OF TEST PLAN.—(1) The Secretary shall notify the congressional defense committees of the start of the test period.

(2) The Secretary shall complete the implementation of the test plan required under subsection (b) not later than December 1, 1995.

(e) WAIVER AUTHORITY.—(1)(A) The Secretary of the Air Force may postpone implementation of the test plan to a period ending after December 1, 1995, if the Secretary determines that, as a result of implementing the planned test within the period specified in subsection (b)(4), the ability of the Air Force to meet operational readiness rates for B-1B units not participating in the test would be reduced to unacceptable levels.

(B) If the Secretary of the Air Force proposes to use the authority provided in subparagraph (A), the Secretary shall, before using that authority, submit to the congressional defense committees notice in writing of the proposed postponement of the test plan. If the test plan report required under subsection (c) has not been submitted as of the time of the decision to postpone implementation of the test plan, that notice shall be submitted as part of the submission of the test plan report.

(2)(A) The Secretary of Defense may waive implementation of the test plan if the Secretary determines that implementing the test plan would not be in the national security interest of the United States.

(B) If the Secretary of Defense proposes to use the waiver authority provided in subparagraph (A), the Secretary shall, before using that authority, submit to the congressional defense committees notice in writing of the proposed waiver. Upon using that waiver authority, the Secretary shall, not later than 30 days after the date on which the waiver authority is used, submit to the congressional defense committees a report setting forth a detailed explanation of the reasons for the waiver.

(f) REPORT ON TEST RESULTS.—(1) Unless the Secretary exercises the waiver authority provided in subsection (e)(1)(B), the Secretary shall submit to the congressional defense committees, and to the Comptroller General of the United States, a report on the results obtained from implementation of the test. The report shall be submitted within 90 days after the completion of the test.

(2) The report required under paragraph (1) shall include an assessment of—

(A) the extent to which the provision of planned spares, maintenance manpower, and logistics support will enable the B-1B force to achieve the planned operational readiness rate; and

(B) if the planned readiness rate cannot be achieved with the planned level of spares, maintenance manpower and logistics support—

(1) an estimate of the operational readiness rate that can be achieved with the planned

level of spares, maintenance manpower, and logistics support;

(ii) an estimate of the additional amounts of spares, maintenance manpower, and logistics support and the added costs thereof, to achieve the planned operational readiness rate; and

(iii) an enumeration of those specific factors limiting the achievable operational readiness rate which it would be cost-effective to mitigate, and the increase in operational readiness that would result therefrom.

SEC. 133. FULL AND PROMPT ACCESS BY COMPTROLLER GENERAL TO INFORMATION ON HEAVY BOMBER PROGRAMS.

(a) DUTY OF SECRETARY OF DEFENSE.—The Secretary of Defense shall take all actions necessary to ensure that all components of the Department of Defense, in providing to the Comptroller General of the United States such access to information described in subsection (b) as the Comptroller General may require in order to carry out the functions of the Comptroller General, provide such access on a full and prompt basis.

(b) INFORMATION COVERED.—Subsection (a) refers to all information (including reports and analyses) generated by or on behalf of the Department of the Air Force (including by Air Force contractors) that relates to (1) operation, maintenance, repair, and modernization of heavy bombers, or (2) the plans of the Air Force for operation, maintenance, repair, and modernization of heavy bombers in the future.

SEC. 134. C-17 AIRCRAFT PROGRAM PROGRESS PAYMENTS AND REPORTS.

(a) WITHHOLDING OF PAYMENTS FOR SOFTWARE NONCOMPLIANCE.—In accepting further delivery of C-17 aircraft that in accordance with existing C-17 contracts require a waiver for software noncompliance, the Secretary of Defense shall withhold from the unliquidated portion of the progress payments for such aircraft an amount not less than 1 percent of the total cost of such aircraft. The withholding shall continue until the Secretary submits to each of the congressional committees named in subsection (e) a report in which the Secretary certifies each of the following:

(1) That C-17 software testing and avionics integration have been completed.

(2) That the costs of waivers for software noncompliance have been identified and are in accordance with the terms of existing C-17 contracts.

(b) CORRECTION OF WING DEFECTS.—Within 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report in which the Secretary certifies that, in accordance with the terms of existing C-17 contracts, the contractor has identified and is bearing each of the following:

(1) The costs related to wing structural deficiencies (including the costs of redesign, static wing failure repair, and retrofit for existing wing sets).

(2) The costs for required redesign, retesting, and manufacture of C-17 slats and flaps to correct identified deficiencies.

(c) ANALYSIS OF RANGE/PAYLOAD DEFICIENCY.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report containing the following:

(1) An analysis of the operational impacts caused by deficiencies in the range/payload specification, as defined by the C-17 Lot III

production contract, including projected operational and maintenance costs, such as the costs of required airborne refueling due to range shortfalls.

(2) A schedule for securing from the contractor, in accordance with the terms of existing C-17 contracts, an equitable recovery for the operational impacts caused by deficiencies in the range/payload specification identified in the analysis required by this section.

(d) **REPORT CONTENTS.**—Each report required by this section shall include an itemization of the estimated effect on total production costs caused by software noncompliance, wing defects, or range/payload deficiency, as applicable.

(e) **CONGRESSIONAL COMMITTEES.**—The committees of Congress to which a report required by this section is to be submitted are the following:

(1) The Committees on Armed Services of the Senate and the House of Representatives.

(2) The Committees on Appropriations of the Senate and the House of Representatives.

(3) The Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives.

SEC. 135. LIVE-FIRE SURVIVABILITY TESTING OF THE C-17 AIRCRAFT.

Section 132(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2335) is amended by striking out "for fiscal year 1993".

SEC. 136. INTERTHEATER AIRLIFT PROGRAM.

(a) **FUNDING FOR PROGRAM.**—Of the amount appropriated under section 103 for procurement of aircraft for the Air Force (or otherwise made available for procurement of aircraft for the Air Force for fiscal year 1994), not more than \$2,318,000,000 (hereinafter in this section referred to as "fiscal year 1994 intertheater airlift funds") may be made available for the Intertheater Airlift Program, including the C-17 aircraft program. Of that amount—

(1) not more than \$1,730,000,000 may be made available for procurement for the C-17 aircraft program (other than for advanced procurement and procurement of spare parts), except as such amount may be increased pursuant to paragraph (4);

(2) not more than \$188,000,000 may be made available for advanced procurement for the C-17 aircraft program;

(3) not more than \$100,000,000 may be made available for procurement of nondevelopmental wide-body military or commercial cargo variant aircraft as a complement to the C-17 aircraft, except as such amount may be increased pursuant to paragraph (4); and

(4) subject to subsection (h), not more than \$300,000,000 may be made available for procurement either as specified in paragraph (1) or as specified in paragraph (3), in addition to the amount specified in that paragraph.

(b) **USE OF FUNDS.**—(1) Using fiscal year 1994 intertheater airlift funds and subject to the limitations in subsection (a), the Secretary of Defense shall do the following:

(A) Procure C-17 aircraft.

(B) Initiate procurement of nondevelopmental aircraft as a complement to the C-17 aircraft, selected as provided in paragraph (3).

(2) Using fiscal year 1994 intertheater airlift funds and subject to the limitations in subsection (a), the Secretary shall develop an acquisition plan leading to procurement as an airlift aircraft complementary to the C-17 aircraft of either—

(A) a nondevelopmental, wide-body military airlift aircraft; or

(B) a nondevelopmental commercial wide-body cargo variant aircraft.

(3) The Secretary shall choose which, or what mix, of the options specified in paragraph (2) best supports intertheater airlift requirements.

(c) **FISCAL YEAR 1994 LIMITATION.**—Amounts appropriated under section 103 for procurement of aircraft for the Air Force (or otherwise made available for procurement of aircraft for the Air Force for fiscal year 1994) may not be obligated for procurement of C-17 aircraft (other than for advanced procurement) until—

(1) each limitation and requirement set forth in subsections (b), (c), (d), and (f) of section 134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2335) has been satisfied; and

(2) the Secretary of Defense submits to the congressional defense committees a report on the C-17 acquisition program that contains—

(A) the results of the special Defense Acquisition Board review of the program, to include specific changes to requirements recommended by the Joint Requirements Oversight Council (JROC);

(B) a discussion of the corrective actions to be taken by the Air Force with regard to such program;

(C) a proposed resolution of outstanding contractor claims and any requested legislation relating to those claims;

(D) a discussion of the corrective actions to be taken by the contractor with regard to such program; and

(E) the findings and recommendations of the special Defense Science Board group resulting from the investigation of the program by that group.

(d) **FISCAL YEAR 1995 LIMITATION.**—The Secretary of Defense may not obligate any funds that may be appropriated for the Department of Defense for fiscal year 1995 that are made available for the C-17 aircraft program (other than funds made available for advanced procurement) until the Secretary submits to the congressional defense committees a report containing a review (based on an analysis by a federally funded research and development center) of the airlift requirements of the Armed Forces. The review shall reflect consideration of each of the following:

(1) The changes in total airlift requirements of the Armed Forces resulting from the disintegration of the Warsaw Pact and Soviet Union that eliminate any major trans-Atlantic airlift requirement for Europe.

(2) The change in airlift requirements of the Armed Forces from requirements for airlift of large quantities of outsize cargo for reinforcement of North Atlantic Treaty Organization forces to requirements for airlift in connection with such lesser regional contingencies and humanitarian operations as Operation Desert Shield, Operation Desert Storm, and Operation Restore Hope.

(3) The potential contribution that planned strategic sealift improvements can make toward—

(A) reducing the total demand for airlift; and

(B) changing the type of cargo that airlift aircraft must carry.

(4) The declining demand for the conduct of airlift operations in austere airfield environments.

(5) The trade-off between purchasing the type of additional capability that the C-17 aircraft can provide and purchasing and using additional support equipment that

would increase the cargo airlift capacity of alternative cargo aircraft.

(e) **LIMITATION ON ACQUISITION OF MORE THAN FOUR C-17 AIRCRAFT.**—The Secretary of Defense may not obligate C-17 production funds (as defined in subsection (i)) to produce more than four C-17 aircraft until the program meets the following milestones:

(1) Clearance of flight envelope with respect to altitude and speed.

(2) Takeoff of aircraft at gross weight of 580,000 pounds and 160,000 pounds payload within a critical field length of 8,500 feet at sea level and 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Backing aircraft up a two degree slope with a gross weight of 510,000 pounds.

(4) Unassisted 180 degree turn of aircraft on paved runway of load classification group IV in less than 90 feet, using three maneuvers.

(5) Completion of static article ultimate load (150 percent of design limit load) test condition S.P. 5030 for wing up bending.

(6) Completion of electromagnetic radiation, electromagnetic compatibility, and lightning tests.

(7) Low velocity air drop of 5,000-pound, 8-foot length platform.

(8) Sequential air drop of multiple simulated paratroop dummies from both paratroop doors.

(9) A minimum unit equivalent assembly rate of 6.0 assemblies per year, as measured by the ratio of annualized standard hours earned to that required to assemble one aircraft from beginning of assembly to the completion of assembly before movement to the ramp at the prime contractor's facilities.

(10) For all aircraft scheduled for delivery in the prior six-month period, delivery of each aircraft within one month of scheduled delivery date.

(f) **LIMITATION ON ACQUISITION OF MORE THAN SIX C-17 AIRCRAFT.**—The Secretary of Defense may not obligate C-17 production funds (as defined in subsection (i)) to produce more than six aircraft for a fiscal year after fiscal year 1995 until the program meets the following milestones (in addition to the milestones specified in subsection (e)):

(1) Clearance of flight envelope with respect to loads.

(2) Estimate of payload meets 95 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(3) Operational clearance for aircraft to be air refueled on operational KC-10 and KC-135 aircraft at standard Air Force refueling speeds for the specific tanker in a single receiver formation.

(4) Demonstration of combat offload with two 463L pallets using the air delivery system rails.

(5) Airdrop of 70 paratroopers on one pass, using both paratroop doors.

(6) Low velocity air drop of 30,000-pound, 24-foot length platform.

(g) **LIMITATION ON ACQUISITION OF MORE THAN SIX C-17 AIRCRAFT.**—The Secretary of Defense may not obligate C-17 production funds (as defined in subsection (i)) to produce more than six C-17 aircraft for a fiscal year after fiscal year 1996 until the program meets the following milestones (in addition to the milestones specified in subsections (e) and (f)):

(1) Estimate of payload meets 97.5 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(2) Landing of aircraft with a payload of 160,000 pounds and fuel necessary to fly 300 nautical miles on a 3,000-foot long, 90-foot wide, and load classification group IV runway at sea level, 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Low altitude parachute extraction system delivery of a 20,000-pound cargo.

(4) Simultaneous and sequential container delivery system airdrop of 30 bundles.

(5) Low velocity air drop of 42,000-pound platform.

(6) Satisfactory completion of one lifetime of testing of durability article.

(7) Air vehicle mean time between removal at cumulative flying hours to date of measurement indicates that the mature requirement established in the full-scale development contract will be met.

(h) FUNDING OUT OF INTERTHEATER AIRLIFT PROGRAM.—Fiscal year 1994 intertheater airlift funds that are referred to in paragraph (4) of subsection (a) may be made available by the Secretary of Defense for procurement for the C-17 program, or for procurement for the complementary nondevelopmental wide-body aircraft, only after—

(1) the Secretary of Defense—
(a) submits the report on the C-17 program specified in subsection (c)(2);

(B) determines whether procurement of two additional C-17 aircraft would contribute more to intertheater lift modernization than procurement of additional complementary nondevelopmental wide-body aircraft at the same funding level; and

(C) submits to the congressional defense committees notice of the determination described in subparagraph (B) along with notification of the Secretary's intent to transfer up to \$300,000,000 as provided in subsection (a)(4) either to the C-17 program or to the nondevelopmental aircraft program specified in subsection (a)(3); and

(2) a period of 30 days has elapsed after the submission of the report referred to in paragraph (1)(A) and the notification required by paragraph (1)(C).

(i) C-17 PRODUCTION FUNDS DEFINED.—For purposes of this section, the term "C-17 production funds" means funds appropriated for the Department of Defense for a fiscal year after fiscal year 1993 that are made available for the intertheater airlift program, including the C-17 aircraft program (other than funds made available for advanced procurement).

SEC. 137. USE OF F-16 AIRCRAFT ADVANCE PROCUREMENT FUNDS FOR PROGRAM TERMINATION COSTS.

(a) FUNDS FOR PROGRAM TERMINATION COSTS.—Of the amount provided in section 103 for procurement of aircraft for the Air Force, the amount of \$70,800,000 shall be available only for program termination costs for the F-16 aircraft program.

(b) PROHIBITION OF FUNDS FOR ADVANCE PROCUREMENT.—None of the funds appropriated pursuant to section 103 for procurement of aircraft for the Air Force shall be available for advance procurement of F-16 aircraft for fiscal year 1995.

SEC. 138. TACTICAL SIGNALS INTELLIGENCE AIRCRAFT.

(a) FISCAL YEAR 1994 FUNDING.—Of the amount authorized to be appropriated for procurement for Defense-wide activities in section 104, \$161,225,000 shall be available for tactical signals intelligence aircraft programs as follows:

(1) \$34,225,000 for the EP-3 Aries II Phase I modification program.

(2) \$33,800,000 for the RC-135 Rivet Joint Block III Baseline Six modification program.

(3) \$93,200,000 for a nondevelopmental testbed aircraft incorporating ARSP SIGINT upgrade program architecture.

(b) PRIOR YEAR FUNDS.—(1) Section 141 of Public Law 102-484 (106 Stat. 2338) is repealed.

(2) Amounts made available pursuant to section 141 of Public Law 102-484 that remain available for obligation shall be available for the fiscal year 1993 EP-3 Aries II Phase I modification program and the RC-135 Rivet Joint Block III Baseline Six modification program as provided for in the budget for fiscal year 1993 submitted to Congress pursuant to section 1105 of title 31, United States Code.

(c) LIMITATION.—None of the funds referred to in subsection (a) or (b) may be used for any purpose other than the EP-3 and RC-135 aircraft upgrade programs identified in those subsections.

SEC. 139. C-135 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 FUNDS.—Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force for fiscal year 1994, \$48,000,000 shall be available for reengining two KC-135E aircraft.

(b) FISCAL YEAR 1993 FUNDS.—Of the funds available for C-135 series aircraft modifications for fiscal year 1993 that remain available for obligation, \$100,900,000 shall be available for reengining four KC-135E aircraft.

Subtitle E—Other Matters

SEC. 151. ALQ-135 JAMMER DEVICE.

Section 182(b)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1508) is amended by striking out "meets or exceeds all operational criteria established for the program" and inserting in lieu thereof "is operationally effective and suitable".

SEC. 152. GLOBAL POSITIONING SYSTEM.

(a) PROGRAM STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study to be conducted on the management and funding of the Global Positioning System program for the future.

(2) With the agreement of the National Academy of Sciences and the National Academy of Public Administration, the study shall be conducted jointly by those organizations.

(3) Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 1994 and made available for procurement of Global Positioning System user equipment, for procurement of spacecraft, or for operations and maintenance, up to \$3,000,000 may be used for carrying out the study required by paragraph (1).

(b) LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.—After September 30, 2000, funds may not be obligated to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver.

(c) REPORT.—(1) Not later than May 1, 1994, the Secretary of Defense shall submit to the committees specified in paragraph (3) a report on the Global Positioning System. The report shall include a description of each of the following:

(A) The threats, if any, to the health and safety of United States military forces, allied military forces, and the United States and allied civilian populations, and the threats, if any, of damage to property within the United States and allied countries, that will result by the year 2000 from Global Positioning System navigation signals, local and wide-area differential navigation correction signals, kinematic differential correction

signals, and commercially available map products based on the Global Positioning System.

(B) The threat, if any, to civil aviation and other transportation operations that will result by the year 2000 from the signal jamming, deception, and other disruptive effects of Global Positioning System navigation signals.

(C) The actions, if any, that can be taken to eliminate or mitigate such threats.

(D) The modifications, if any, of the Global Positioning System and derivative systems that can be made to eliminate or significantly reduce such threats, or to increase the ability of the Department of Defense to mitigate such threats, without interfering with authorized and peaceful uses of the Global Positioning System.

(2) The report under paragraph (1) shall be prepared in coordination with the Director of Central Intelligence.

(3) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 153. RING LASER GYRO NAVIGATION SYSTEMS.

None of the funds appropriated for fiscal year 1993 or fiscal year 1994 for procurement for the Navy may be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole-source contract.

SEC. 154. OPERATIONAL SUPPORT AIRCRAFT.

(a) LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procurement of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code) unless the Under Secretary of Defense for Acquisition and Technology certifies that the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of title 10, United States Code.

(b) AIRLIFT STUDY.—Of the funds appropriated pursuant to section 106, not more than \$50,000,000 may be obligated to procure operational support airlift aircraft. None of those funds may be obligated until 60 days after the date on which the study required by subsection (c) is transmitted to the congressional defense committees.

(c) STUDY REQUIRED.—The Secretary of Defense shall undertake a study of operational support airlift aircraft and administrative transport airlift aircraft operated by reserve components of the Department of Defense.

(d) STUDY REQUIREMENTS.—The study required by subsection (c) shall include the following:

(1) An inventory of all operational support airlift aircraft and administrative transport airlift aircraft.

(2) The peacetime utilization rate of such aircraft.

(3) The wartime mission of such aircraft.

(4) The need for such aircraft for the future base force.

(5) The current age, projected service life, and programmed retirement date for such aircraft.

(6) A list of aircraft programmed in the current future-years defense program to be purchased or to be transferred from the active components to the reserve components.

(7) The funds programmed in the current future-years defense program for procurement of replacement operational support and administrative transport airlift aircraft, and the acquisition strategy proposed for each type of replacement aircraft so programmed.

(e) DEFINITION.—For purposes of this section, the term "future-years defense program" means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

SEC. 155. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

(a) SUBMISSION OF REPORTS ON ALTERNATIVE TECHNOLOGIES.—Section 173(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2343) is amended by striking out the period at the end and inserting in lieu thereof "and a period of 60 days has passed following the submission of the report. During such 60-day period, each Chemical Demilitarization Citizens' Advisory Commission in existence on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994 may submit such comments on the report as it considers appropriate to the Committees on Armed Services of the Senate and House of Representatives."

(b) EXTENSION OF DEADLINE FOR SUBMISSION OF REVISED CONCEPT PLAN.—Section 175(d) of such Act (106 Stat. 2344) is amended by striking out "not later than 180 days" and all that follows and inserting in lieu thereof "during the 120-day period beginning at the end of the 60-day period following the submission of the report of the Secretary required under section 173."

SEC. 156. CHEMICAL MUNITIONS DISPOSAL FACILITIES, TOOELE ARMY DEPOT, UTAH.

(a) LIMITATION PENDING CERTIFICATION.—After January 1, 1994, none of the funds appropriated to the Department of Defense for fiscal year 1993 or 1994 may be obligated for the systemization of chemical munitions disposal facilities at Tooele Army Depot, Utah, until the Secretary of Defense submits to Congress a certification described in subsection (b).

(b) CERTIFICATION REQUIREMENT.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the operation of the chemical munitions disposal facilities at Tooele Army Depot will not jeopardize the health, safety, or welfare of the community surrounding Tooele Army Depot; and

(2) adequate base support, management, oversight, and security personnel to ensure the public safety in the operation of chemical munitions disposal facilities constructed and operated at Tooele Army Depot will remain at that depot while chemical munitions storage or disposal activities continue.

(c) SUPPORTING REPORT.—The Secretary of Defense shall include with a certification under this section a report specifying all base support, management, oversight, and security personnel to be retained at Tooele Army Depot after the realignment of that depot is completed.

SEC. 157. AUTHORITY TO CONVEY LOS ALAMOS DRY DOCK.

(a) AUTHORITY.—The Secretary of the Navy may convey to the Brownsville Navigation District of Brownsville, Texas, all right, title, and interest of the United States in and to the dry dock designated as Los Alamos (AFDB7).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Brownsville Navigation District shall permit the Secretary of the Navy—

(1) to use real property which is (A) located on and near a ship channel, (B) under the ownership or control of the Brownsville Navigation District, and (C) not used by the Brownsville Navigation District, except that such use shall be only for training purposes and shall be permitted for a five-year period beginning on the date of the transfer;

(2) to use such property under paragraph (1) without reimbursement from the Secretary of the Navy; and

(3) to use the dock for dockage services, without reimbursement from the Secretary of the Navy, except that such use shall be for not more than 45 days each year during the period referred to in paragraph (1) and shall be subject to all applicable Federal and State laws, including laws on maintenance and dredging.

(c) EXTENSION OF USE.—At the end of the five-year period referred to in subsection (b)(1), the Secretary of the Navy and the chief executive officer of the Brownsville Navigation District may enter into an agreement to extend the period during which the Secretary may use real property and dockage under subsection (b).

(d) CONDITION.—As a condition of the conveyance authorized by subsection (a), the Secretary shall enter into an agreement with the Brownsville Navigation District under which the Brownsville Navigation District agrees to hold the United States harmless for any claim arising with respect to the drydock after the conveyance of the drydock other than as a result of use of the dock by the Navy pursuant to subsection (b) or an agreement under subsection (c).

SEC. 158. SALES AUTHORITY OF CERTAIN WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE ARMY.

(a) IN GENERAL.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Regulations under section 2208(h) of this title shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured nondefense-related commercial articles or services to a person outside the Department of Defense if—

"(1) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

"(A) for use in developing new products;

"(B) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

"(C) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

"(D) for use in commercial products;

"(2) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(3) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

"(4) in the case of services, the services are related to an article authorized to be sold under this section and are to be performed in the United States for the purchaser.

"(b) ADDITIONAL REQUIREMENTS.—The regulations shall also—

"(1) require that the authority to sell articles or services under the regulations be exercised at the level of the commander of the major subordinate command of the Army with responsibility over the facility concerned;

"(2) authorize a purchaser of articles or services to use advance incremental funding to pay for the articles or services; and

"(3) in the case of a sale of commercial articles or commercial services in accordance with subsection (a) by a facility that manufactures large caliber cannons, gun mounts, or recoil mechanisms, or components thereof, authorize such facility—

"(A) to charge the buyer, at a minimum, the variable costs that are associated with the commercial articles or commercial services sold;

"(B) to enter into a firm, fixed-price contract or, if agreed by the buyer, a cost reimbursement contract for the sale; and

"(C) to develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the commercial articles or commercial services sold.

"(c) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'commercial article' means an article that is usable for a nondefense purpose.

"(2) The term 'commercial service' means a service that is usable for a nondefense purpose.

"(3) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the articles or the performance of the services, as the case may be; and

"(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

"(4) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

"(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

"(B) in the case of services, the extent of the services sold."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense."

(b) CONFORMING AMENDMENT.—Subsection (i) of section 2208 of such title is amended to read as follows:

"(i) For provisions relating to sales outside the Department of Defense of manufactured articles and services by a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof, see section 4543 of this title."

(c) DEADLINE FOR REGULATIONS.—Regulations under subsection (b) of section 4543 of

title 10, United States Code, as added by subsection (a), shall be prescribed not later than 30 days after the date of the enactment of this Act.

SEC. 159. SPACE-BASED MISSILE WARNING AND SURVEILLANCE PROGRAMS.

(a) **AMOUNT FOR PROGRAMS.**—Of the amounts authorized to be appropriated by section 104, not to exceed \$801,900,000 shall be available for space-based missile warning and surveillance programs.

(b) **TRANSFER AUTHORITY.**—To the extent provided in appropriations Acts, during fiscal year 1994 funds may be transferred from the amount available for space-based missile warning and surveillance programs pursuant to subsection (a) to programs specified in subsection (c) as follows:

(1) Before March 1, 1994, up to \$250,000,000.

(2) On or after March 1, 1994, any unobligated amount remaining for space-based missile warning and surveillance programs pursuant to subsection (a).

(c) **PROGRAMS TO WHICH TRANSFERRED.**—A transfer under subsection (b) may be made to any of the following programs:

(1) The Follow-on Early Warning System.

(2) The Defense Support Program.

(3) The Brilliant Eyes Program.

(4) The Cobra Ball Upgrade Program.

(d) **RELATIONSHIP TO OTHER TRANSFER AUTHORITY.**—The authority to make transfers under subsection (b) is in addition to the authority provided in section 1101.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS. Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for research, development, test, and evaluation, as follows:

(1) For the Army, \$5,197,467,000.

(2) For the Navy, \$8,376,737,000.

(3) For the Air Force, \$12,289,211,000.

(4) For Defense-wide activities, \$9,042,949,000, of which—

(A) \$242,592,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) \$12,650,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) **FISCAL YEAR 1994.**—Of the amounts authorized to be appropriated by section 201, \$4,283,935,000 shall be available for basic research and exploratory development projects.

(b) **BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.**—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, \$150,000,000 shall be available for the Strategic Environmental Research and Development Program.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. KINETIC ENERGY ANTISATELLITE PROGRAM.

(a) **CONVERSION OF PROGRAM.**—The Secretary of Defense shall convert the Kinetic Energy Antisatellite (KE-ASAT) Program to a tactical antisatellite technologies program.

(b) **LEVEL FUNDING.**—Of the amounts authorized to be appropriated in this title,

\$10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

(c) **DEVELOPMENT OF MOST CRITICAL TECHNOLOGIES.**—The amount referred to in subsection (b) shall be available for engineering development of the most critical antisatellite technologies.

(d) **LIMITATION PENDING SUBMISSION OF REPORT.**—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatellite (KE-ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

SEC. 212. B-1B BOMBER PROGRAM.

Of the amount authorized to be appropriated pursuant to section 201 for the Air Force for fiscal year 1994, not more than \$49,000,000 shall be available for the B-1B bomber program.

SEC. 213. SPACE LAUNCH MODERNIZATION PLAN.

(a) **PLAN REQUIRED.**—(1) The Secretary of Defense shall develop a plan that establishes and clearly defines priorities, goals, and milestones regarding modernization of space launch capabilities for the Department of Defense or, if appropriate, for the Government as a whole. The plan shall specify whether the Secretary intends to allocate funds for a new space launch vehicle or other major space launch development initiative in the next future-years defense program submitted pursuant to section 221 of title 10, United States Code.

(2) The plan shall be developed in consultation with the Director of the Office of Science and Technology Policy.

(3) The Secretary shall submit the plan to Congress at the same time in 1994 that the Secretary submits to Congress the next future-years defense program.

(b) **ALLOCATION OF FUNDS.**—Of the amount authorized to be appropriated in section 201, \$35,000,000 shall be available through the Office of the Undersecretary of Defense for Acquisition and Technology for research, development, test, and evaluation of new non-man-rated space launch systems and technologies. None of that amount may be obligated or expended for any operational United States space launch vehicle system in existence as of the date of the enactment of this Act. Of that amount—

(1) \$17,000,000 shall be available for the single-stage rocket technology (SSRT) program, including—

(A) completion of phase one of the SSRT program begun in the Ballistic Missile Defense Office;

(B) concept studies for new reusable space launch vehicles;

(C) data base development on domestic and foreign launch systems to support design-to-cost, engine development, and reduced life-cycle costs; and

(D) examination of reusable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs; and

(2) \$18,000,000 shall be available for similar tasks related to expendable launch vehicles, including—

(A) concept studies for new expendable space launch vehicles;

(B) data base development on domestic and foreign launch systems to support design-to-

cost, engine development, and reduced life-cycle costs; and

(C) examination of expendable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs.

(c) **REQUIREMENTS REGARDING DEVELOPMENT OF NEW LAUNCH VEHICLES.**—If the space launch plan under subsection (a) identifies a new, non-man-rated expendable or reusable launch vehicle technology for development or acquisition, the Secretary shall explore innovative government-industry funding, management, and acquisition strategies to minimize the cost and time involved.

(d) **COST REDUCTION REQUIREMENT.**—The plan shall provide for a means of reducing the cost of producing existing launch vehicles at current and projected production rates below the current estimates of the costs for those production rates.

(e) **STUDY OF DIFFERENCES BETWEEN UNITED STATES AND FOREIGN SPACE LAUNCH VEHICLES.**—(1) The Secretary of Defense shall conduct a comprehensive study of the differences between existing United States and foreign expendable space launch vehicles in order—

(A) to identify specific differences in the design, manufacture, processing, and overall management and infrastructure of such space launch vehicles; and

(B) to determine the approximate effect of the differences on the relative cost, reliability, and operational efficiency of such space launch vehicles.

(2) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration and, as appropriate, the heads of other Federal agencies and appropriate personnel of United States industries and academic institutions in carrying out the study.

(3) The Secretary shall submit to Congress a report of the results of the study no later than October 1, 1994.

SEC. 214. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) **IN GENERAL.**—Chapter 139 of title 10, United States Code, is amended by inserting after section 2370 the following new section: "**§2370a. Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats**

"(a) **ALLOCATION BETWEEN NEAR-TERM AND OTHER THREATS.**—Of the funds appropriated or otherwise made available for any fiscal year for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense—

"(1) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

"(2) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term or far-term validated biowarfare threat agents.

"(b) **DEFINITIONS.**—In this section: "(1) The term 'validated biowarfare threat agent' means a biological agent that—

"(A) is named in the biological warfare threat list published by the Defense Intelligence Agency; and

"(B) is identified as a biowarfare threat by the Deputy Chief of Staff of the Army for Intelligence in accordance with Army regulations applicable to intelligence support for the medical component of the Biological Defense Research Program.

"(2) The term 'near-term validated biowarefare threat agent' means a validated biowarefare threat agent that has been, or is being, developed or produced for weaponization within 5 years, as assessed and determined by the Defense Intelligence Agency.

"(3) The term 'mid-term validated biowarefare threat agent' means a validated biowarefare threat agent that is an emerging biowarefare threat, is the object of research by a foreign threat country, and will be ready for weaponization in more than 5 years and less than 10 years, as assessed and determined by the Defense Intelligence Agency.

"(4) The term 'far-term validated biowarefare threat agent' means a validated biowarefare threat agent that is a future biowarefare threat, is the object of research by a foreign threat country, and could be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined by the Defense Intelligence Agency.

"(5) The term 'weaponization' means incorporation into usable ordnance or other militarily useful means of delivery."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2370 the following new item:

"2370a. Medical countermeasures against biowarefare threats: allocation of funding between near-term and other threats."

SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the name of each federally funded research and development center from which work is proposed to be procured for the Department of Defense for fiscal year 1994; and

(2) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1994.

The total of the proposed funding levels set forth in the report for all federally funded research and development centers may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated to obtain work from a federally funded research and development center until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated to the Department of Defense for research, development, test, and evaluation for fiscal year 1994 pursuant to section 201, not more than a total of \$1,352,650,000 may be obligated to procure services from the federally funded research and development centers named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a)

to a federally funded research and development center. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the congressional defense committees notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies the congressional defense committees of that determination and the reasons for the determination.

(f) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by \$200,000,000.

SEC. 216. DEMONSTRATION PROGRAM FOR BALLISTIC MISSILE POST-LAUNCH DESTRUCT MECHANISM.

(a) DEMONSTRATION PROGRAM.—The Secretary of Defense shall conduct a demonstration program to develop and test a ballistic missile post-launch destruct mechanism. The program shall be carried out through the Advanced Research Projects Agency.

(b) FUNDING.—The amount expended for the demonstration program may not exceed \$15,000,000. Subject to the provisions of appropriations Acts, the Secretary may provide \$5,000,000 for the program from unexpended balances remaining available for obligation from funds appropriated to the Department of Defense for fiscal year 1993.

(c) WAIVER.—The Secretary of Defense may waive the requirement to conduct a demonstration program under subsection (a) if the Secretary certifies to the congressional defense committees that conducting such a program is not in the national security interest of the United States.

SEC. 217. HIGH PERFORMANCE COMPUTING AND COMMUNICATION INITIATIVE.

(a) INDEPENDENT STUDY.—Within 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the Office and Science and Technology Policy, shall request the National Research Council (NRC) to conduct a comprehensive study of the inter-agency High Performance Computing and Communications Initiative (HPCCI).

(b) MATTERS TO BE INCLUDED.—The study shall address (at a minimum) the following aspects of the High Performance Computing and Communications Initiative:

(1) The basic underlying rationale for the program, including the appropriate balance between Federal efforts and private sector efforts.

(2) The appropriateness of the goals and directions of the program.

(3) The balance between various elements of the program.

(4) The likelihood that the various goals of the program will be achieved.

(5) The effectiveness of the mechanisms for obtaining the views of industry and the views of users for the planning and implementation of the program.

(6) The management and coordination of the program.

(7) The relationship of the program to other Federal support of high performance computing and communications, including acquisition of high performance computers by Federal departments and agencies in support of the mission needs of such departments and agencies.

(c) COOPERATION WITH STUDY.—The Director of the Office of Science and Technology

Policy shall direct all relevant Federal agencies to cooperate fully with the National Research Council in all aspects of this study. The heads of Federal agencies receiving the directive shall cooperate in accordance with the provisions of the directive.

(d) FUNDING.—The Secretary shall make available from funds available for the High Performance Computing and Communications Program of the Department of Defense amounts not to exceed \$500,000 for the National Research Council to conduct the study under subsection (a).

(e) REPORTS.—The Secretary of Defense shall include in an agreement with the National Academy of Sciences that provides for the study, a requirement that the National Research Council submit an interim report and a final report on the results of the study to the Secretary of Defense and to the Director of the Office of Science and Technology Policy. The interim report shall be submitted not later than July 1, 1994, and the final report shall be submitted not later than February 1, 1995. Promptly after receiving the reports, the Director of the Office of Science and Technology Policy shall submit the reports to Congress and may submit with the reports such additional comments as the Director considers appropriate. The reports shall be submitted to Congress in unclassified form with classified annexes as necessary.

SEC. 218. SUPERCONDUCTING MAGNETIC ENERGY STORAGE (SMES) PROGRAM.

(a) PROGRAM OFFICE.—The Secretary of Defense shall establish within the Department of the Navy a program office to facilitate research and design studies leading to possible construction of Superconducting Magnetic Energy Storage (SMES) test models.

(b) FUNDING.—Immediately upon enactment of this Act, the Secretary of Defense shall transfer from the Defense Nuclear Agency to the Department of the Navy any funds appropriated for fiscal years before fiscal year 1994 that were designated for the Superconducting Magnetic Energy Storage Project that remain available for obligation. Those funds shall be obligated for (1) continued work for experiments and studies described in section 218(b)(4) of the National Defense Authorization Act of 1993 (Public Law 102-484; 106 Stat. 2353), and (2) study of alternative SMES designs.

(c) COORDINATION WITH DEPARTMENT OF ENERGY.—Research work of the Department of the Navy described in subsection (a) shall be coordinated with emerging Superconducting Magnetic Energy Storage research being carried out within the Department of Energy.

(d) DEADLINE.—The office referred to in subsection (a) shall be created and staffed not later than 30 days after the date of the enactment of this Act.

SEC. 219. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

Notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2334), the Secretary of Defense may carry out material procurement, logistics support, and integration of existing Advanced Self Protection Jammer systems from Department of Defense inventory into the F-14D aircraft for testing and evaluation using funds appropriated to the Department of Defense for fiscal year 1993 and prior years.

SEC. 220. ELECTRONIC COMBAT SYSTEMS TESTING.

(a) DETAILED TEST AND EVALUATION BEFORE INITIAL LOW-RATE PRODUCTION.—The Secretary of Defense shall ensure that any electronic combat system and any command,

control, and communications countermeasure system is authorized to proceed into the low-rate initial production stage only upon the completion of an appropriate, rigorous, and structured test and evaluation regime. Such a regime shall include testing and evaluation at each of the following types of facilities: computer simulation and modeling facilities, measurement facilities, system integration laboratories, simulated threat hardware-in-the-loop test facilities, installed system test facilities, and open air ranges.

(b) **TIMELY TEST AND EVALUATION REQUIRED.**—The Secretary shall ensure that test and evaluation of a system as required by subsection (a) is conducted sufficiently early in the development phase to allow—

(1) a correction-of-deficiency plan to be developed and in place for deficiencies identified by the testing before the system proceeds into low-rate initial production; and

(2) the deficiencies identified by test and evaluation to be corrected before the system proceeds beyond low-rate initial production.

(c) **ANNUAL REPORT ON COMPLIANCE.**—The Secretary of Defense shall include in the annual Department of Defense Electronic Warfare Plan report a description of compliance with this section during the preceding year. Such a report shall include a description of the test and evaluation process applied to each system, the results of that process, and the adequacy of test and evaluation resources to carry out that process.

(d) **FUNDS USED FOR TESTING.**—The costs of the testing necessary to carry out this section with respect to any system shall be paid from funds available for that system.

(e) **APPLICABILITY.**—The provisions of subsections (a) and (b) shall apply to any ACAT I level electronic combat system milestone I program and to any command, control, and communications countermeasure system milestone I program that is initiated after the date of the enactment of this Act.

SEC. 221. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) **LIMITATION.**—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not conduct a flight test program of theater missile defense interceptors and sensors if an anticipated result of the launch of a missile under that test program would be release of debris within 50 miles of the Canyonlands National Park, Utah.

(b) **DEFINITION OF DEBRIS.**—For purposes of subsection (a), the term "debris" does not include particulate matter that is regulated for considerations of air quality.

SEC. 222. JOINT ADVANCED ROCKET SYSTEM.

(a) **PROGRAM REQUIREMENT.**—None of the funds appropriated pursuant to authorizations in section 201 or otherwise made available for fiscal year 1994 for research, development, test, and evaluation for the Department of Defense may be obligated for any technology for a 2.75-inch rocket or missile program that is inconsistent with the goals and objectives of the joint Advanced Rocket System program or that would otherwise not result in the use of a common 2.75-inch rocket motor by all components of the Department of Defense.

(b) **ARMY PROGRAM.**—Of the amount authorized for the Army under section 201, \$5,500,000 shall be available for participation by the Department of the Army in the Advanced Rocket System program.

(c) **FUNDING LIMITATION PENDING REPORT.**—Of the amount appropriated pursuant to section 201 for the Department of the Navy for the Advanced Rocket System (program element 604603N) and for the Department of the

Army for program element 603313A, not more than 75 percent may be obligated until the end of the 30-day period beginning on the date on which the Secretary of Defense submits to the congressional defense committees a report on the matters specified in subsection (d).

(d) **REPORT CONTENTS.**—The matters referred to in subsection (c) are the following:

(1) A cost and operational effectiveness analysis (COEA) of 2.75-inch hypervelocity rockets, jointly developed by the military services.

(2) If the analysis referred to in paragraph (1) validates the requirement for such hypervelocity rockets, an evaluation (prepared jointly by the Army and the Navy) of the feasibility of incorporating hypervelocity rocket technology into the Advanced Rocket System.

(3) A plan (prepared jointly by the Army and the Navy) for the transition of total responsibility for 2.75-inch rocket systems to the Rocket Management Office of the Army.

SEC. 223. STANDOFF AIR-TO-SURFACE MUNITIONS TECHNOLOGY DEMONSTRATION.

(a) **IN GENERAL.**—(1) Of the amounts authorized to be appropriated pursuant to section 201, up to \$2,000,000 of the amount for the Navy and up to \$2,000,000 of the amount for Air Force may be used for the conduct of a demonstration of nondevelopmental technology that would enable the use of a single adapter kit for munitions described in paragraph (2) in order to give those munitions a standoff, near-precision guided capability.

(2) Paragraph (1) applies to unguided, inventory munitions of the class of 1,000 pounds and below.

(b) **REQUEST FOR INFORMATION.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall issue a request for information for nondevelopmental munitions adapter kits for the purpose described in subsection (a).

(c) **CONTRACTOR SELECTION.**—Not later than 30 days after the closing date of the request for information under subsection (b), the Secretary of the Navy shall determine whether any of the responses received have sufficient technical merit to justify the conduct of a technology demonstration. If the Secretary determines that the conduct of such a technology demonstration is justified, the Secretary shall select the single most promising technology offered, if applicable, for that demonstration.

(d) **TECHNOLOGY DEMONSTRATION.**—If the Secretary determines under subsection (c) that a technology demonstration is warranted, the Secretary shall require the contractor selected to complete a suitable nondevelopmental item demonstration of the contractor's adapter kit proposal.

(e) **REPORT.**—If a contractor is selected in accordance with subsection (c) and a demonstration is accomplished in accordance with subsection (d), the Secretary of the Navy shall submit to the congressional defense committees a report detailing the results and costs of the demonstration and the applicability of the technology demonstrated in providing the Armed Forces with an inexpensive solution to providing near-precision guided munition capability to inventory munitions.

SEC. 224. STANDARD EXTREMELY HIGH FREQUENCY WAVEFORM.

The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, shall establish a single standard for all components of the Department of Defense for the set of waveforms to

be used for medium data rate (MDR) communications using an extremely high frequency (EHF) band. The standard shall be established not later than June 1, 1994.

SEC. 225. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.

Subtitle C—Missile Defense Programs

SEC. 231. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS FOR FISCAL YEAR 1994.

(a) **TOTAL AMOUNT.**—Of the amounts appropriated pursuant to section 201 for fiscal year 1994 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than \$2,638,992,000 may be obligated for programs managed by the Ballistic Missile Defense Organization.

(b) **ALLOCATION TO PROGRAM ELEMENTS.**—Of the amount specified in subsection (a)—

(1) not more than \$1,450,992,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(2) not more than \$650,000,000 shall be available for programs, projects, and activities within the Limited Defense System program element; and

(3) a total of not more than \$538,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element, including funding for the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(c) **TRANSFER AUTHORITIES.**—(1) Notwithstanding the limitations set forth in paragraphs (1) through (3) of subsection (b), the Secretary of Defense may transfer funds among the program elements managed by the Ballistic Missile Defense Organization. The total amount that may be transferred pursuant to the preceding sentence—

(A) from any program element named in subsection (b) may not exceed 10 percent of the amount specified for that program element in subsection (b); and

(B) to any program element named in subsection (b) may not result in an increase by more than 10 percent of the amount specified for that program element in that subsection.

(2) The authority under paragraph (1) may not be used to transfer funds from the Theater Missile Defense program element.

(3) The authority under paragraph (1) may not be used to transfer funds from the Limited Defense System program element to the program element for Research and Support Activities.

(4) Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

(d) **LIMITATIONS.**—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program. Such funds may be obligated for the Brilliant Pebbles program only within the Research and Support Activities program element and in an amount not in excess of \$35,000,000.

(e) **REPORT ON ALLOCATION OF FUNDS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of

funds appropriated for the ballistic missile defense program for fiscal year 1994. The report—

(1) shall specify the amount of such funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization; and

(2) shall list each ballistic missile defense program, project, and activity under the appropriate program element.

SEC. 232. REVISIONS TO MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 10 U.S.C. 2431 note) is amended as follows:

(1) Section 232(a) is amended—

(A) in paragraph (1), by striking out "while deploying" and inserting in lieu thereof "while developing, and maintaining the option to deploy,"; and

(B) in paragraph (3), by inserting ", as appropriate," before "to friends and allies of the United States";

(2) Section 232(b) is amended—

(A) in paragraph (1), by striking out "the Soviet Union" and inserting in lieu thereof "other nuclear weapons states"; and

(B) in paragraph (2)—

(1) by striking out "the Soviet Union" and inserting in lieu thereof "Russia"; and

(2) by striking out "Treaty, to include the down-loading of multiple warhead ballistic missiles" and inserting in lieu thereof "Treaties, to include the down-loading of multiple warhead ballistic missiles, as appropriate".

(3) Section 233(b) is amended—

(A) in paragraph (1), by inserting "in compliance with the ABM Treaty, including any protocol or amendment thereto" after "for deployment";

(B) in paragraph (2), by striking out "develop for deployment" and inserting in lieu thereof "conduct a research and development program to develop and maintain the option to deploy"; and

(C) by striking out paragraph (3).

(4) Subsection (c) of section 233 is amended to read as follows:

"(c) **PRESIDENTIAL ACTIONS.**—Congress urges the President to pursue immediate discussions with Russia and other successor states of the former Soviet Union, as appropriate, on the feasibility of, and mutual interest in, amendments to the ABM Treaty to permit—

"(1) clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors, radars, and other sensors; and

"(2) increased use of space-based sensors for direct battle management."

(5) Section 235 is amended—

(A) in the section heading, by striking out "STRATEGIC DEFENSE INITIATIVE" and inserting in lieu thereof "BALLISTIC MISSILE DEFENSE PROGRAM";

(B) in subsection (a)—

(1) by striking out "Strategic Defense Initiative" and inserting in lieu thereof "Ballistic Missile Defense program"; and

(2) by striking out paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(C) in subsection (b), by striking out "Strategic Defense Initiative" and inserting in lieu thereof "Ballistic Missile Defense program".

(6) Section 236 is amended—

(A) in the section heading, by striking out "sdi" and inserting in lieu thereof "bmd";

(B) by striking out subsections (b) and (c); and

(C) by redesignating subsection (d) as subsection (b) and in paragraph (1) of that subsection by striking out "within the" and all that follows in that paragraph and inserting in lieu thereof "within the Limited Defense System program element."

(7) Section 238 is amended by striking out "As deployment" and all that follows through "deployment date," and inserting in lieu thereof "Once development testing of components for a Limited Defense System has begun,".

SEC. 233. PATRIOT ADVANCED CAPABILITY-3 THEATER MISSILE DEFENSE SYSTEM.

(a) **COMPETITION FOR MISSILE SELECTION.**—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of October 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability-3 (PAC-3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the weapon systems referred to in subsection (d), shall be continued until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) **IMPLICATIONS OF DELAY.**—If there is a delay (based upon the schedule in effect in October 1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability-3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

(c) **FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.**—If a decision is not made before February 28, 1994, to proceed into the Engineering and Manufacturing Development stage under a weapon system program referred to in subsection (d), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC-3 Missile program.

(d) **COVERED WEAPON SYSTEM PROGRAMS.**—For purposes of subsections (a) and (c), the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

(2) The Extended Range Interceptor (ERINT) missile program.

SEC. 234. COMPLIANCE OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS WITH ABM TREATY.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that

treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) The Department of Defense has conducted no formal compliance review of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) The Department of Defense is continuing to obligate hundreds of millions of dollars for the development and testing of systems or components of ballistic missile defense systems before a determination has been made that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) The President requested the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iraq, Iran, and North Korea.

(6) Some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than the capabilities of missiles which were determined to be strategic missiles more than 20 years ago under the SALT I Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(7) The ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(8) It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles as soon as is technically possible.

(9) It is essential that the Secretary of Defense immediately undertake and complete a review for compliance with the ABM Treaty of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

(b) **REQUIRED COMPLIANCE REVIEW.**—(1) The Secretary of Defense shall review the current baseline configuration of each system or system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, or deployment of that system or system upgrade would be in compliance with the ABM Treaty, including the interpretation of the Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are the following:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR-T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile-2 (SM-2) Interceptor of the Navy.

(3) If during the course of the compliance review under paragraph (1) (or any other such compliance review of a ballistic missile system or system upgrade), an issue arises that appears to indicate that a provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles, the Secretary of Defense shall immediately submit to the appropriate congressional committees a report on that issue.

(c) REPORT.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the appropriate congressional committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade. For any system or system upgrade determined not to be in compliance with the ABM Treaty, the Secretary shall indicate (A) what changes to the ABM Treaty would be required for the system to be deemed compliant with such modified ABM Treaty, and (B) what changes to the performance capability of the system or system upgrade would be required in order for it to become compliant with the existing Treaty, together with the effect of those performance capability changes on the effectiveness of the planned missile defense architecture.

(2) With regard to the Brilliant Eyes space-based sensor system, the Secretary shall include in the report findings on each of the following issues:

(A) Whether the current baseline configuration of the Brilliant Eyes space-based sensor system would comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota.

(B) If not, whether design changes or operational changes can be made to the Brilliant Eyes space-based sensor system that—

(1) will result in the sensor system, when employed in conjunction with the planned ground-based radar system and its ground-based interceptors, being in compliance with the ABM Treaty; and

(2) will not prevent the sensor system from performing its strategic defense missions with a high degree of effectiveness.

(C) If not, whether the Brilliant Eyes space-based sensor system can be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty.

(D) If so, the extent to which deployment of the Brilliant Eyes space-based sensor system would enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively.

(d) LIMITATIONS ON FUNDING PENDING SUBMISSION OF REPORT.—(1) Not more than 50 percent of the funds reported pursuant to section 231(e) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) may be obligated for that system or system upgrade, or any of its components, until the Secretary completes the

compliance review of such system or system upgrade required by subsection (b) and submits to the appropriate congressional committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c).

(2) Funds appropriated to the Department of Defense for fiscal year 1994, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1994 or for any fiscal year before 1994, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(B) for the acquisition of any material or equipment (including long lead materials, components, piece parts, or test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(e) DEFINITIONS.—In this section:

(1) The term "July 13, 1993, ACDA letter" means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the ABM Treaty and accompanied by an enclosure setting forth such interpretation.

(2) The term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

(3) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 235. THEATER MISSILE DEFENSE MASTER PLAN.

(a) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

(1) seek to maximize the use of existing systems and technologies; and

(2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

(b) TMD MASTER PLAN.—The Secretary of Defense shall submit to Congress a report (which shall constitute the TMD master plan) containing a thorough and complete analysis of the future of theater missile defense programs. The report shall include the following:

(1) A description of the mission and scope of Theater Missile Defense.

(2) A description of the role of each of the Armed Forces in Theater Missile Defense.

(3) A description of how those roles interact and complement each other.

(4) An evaluation of the cost and relative effectiveness of each interceptor and sensor

under development as part of a Theater Missile Defense system by the Ballistic Missile Defense Organization.

(5) A detailed acquisition strategy which includes an analysis and comparison of the projected acquisition and life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each system).

(6) Specification of the baseline production rate for each year of the program through completion of procurement.

(7) An estimate of the unit cost and capabilities of each system.

(8) A description of plans for theater and tactical missile defense doctrine, training, tactics, and force structure.

(c) DESCRIPTION OF TESTING PROGRAM.—The Secretary of Defense shall include in the report under subsection (b)—

(1) a description of the current and projected testing program for Theater Missile Defense systems and major components; and

(2) an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Defense program will conform to all relevant arms control agreements. The report shall describe any potential noncompliance with any such agreement, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that agreement to address future contingencies.

(e) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

(f) OBJECTIVES OF PLAN.—In preparing the master plan, the Secretary shall—

(1) seek to maximize the use of existing technologies (such as SM-2, AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

(g) REVIEW AND REPORT ON DEPLOYMENT OF BALLISTIC MISSILE DEFENSES.—(1) The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, testing, and deployment of theater ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency.

(2) In conducting the review, the Secretary shall obtain recommendations and advice from—

(A) the Defense Science Board;

(B) the faculty of the Industrial College of the Armed Forces; and

(C) federally funded research and development centers supporting the Office of the Secretary of Defense.

(3) Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on the Secretary's findings resulting from the review under paragraph (1), together with any recommendations of the Secretary for legislation. The Secretary shall submit the report in unclassified form, but may submit a classified version of the report if necessary to clarify any of the information in the findings or recommendations or any related information. The report may be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

SEC. 236. LIMITED DEFENSE SYSTEM DEVELOPMENT PLAN.

(a) **REQUIREMENT FOR REPORT.**—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the development plan for a Limited Defense System covering the period of fiscal years 1994 through 1999.

(2) The report under paragraph (1) shall be submitted not later than May 30, 1994, and may be included in the next annual report on ballistic missile defenses submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

(b) **ISSUES TO BE ADDRESSED IN REPORT.**—The report under subsection (a) shall include discussion of the following matters:

(1) The proposed Limited Defense System architecture.

(2) The systems and components to be developed to implement that architecture.

(3) The extent to which those systems and components can be developed during the period referred to in subsection (a), assuming annual funding for the Limited Defense System averaging \$600,000,000 per year.

(4) The additional funding required and the additional time required after fiscal year 1999 in order for initial deployment of a limited, ABM-Treaty-compliant capability at a single site to be implemented.

(5) The variations in both required funding and required time after fiscal year 1999 for the same initial deployment to be implemented—

(A) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages \$750,000,000 per year; and

(B) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages \$450,000,000 per year.

(6) The extent to which missile defense technologies and components that are developed for Theater Missile Defense systems to be deployed before fiscal year 2000 can reduce the development costs and lead-times for development and deployment of a Limited Defense System.

(7) The extent to which acquisition streamlining can be applied to the development of a Limited Defense System.

(8) The extent to which the testing and simulation infrastructure, the level of engineering and technical support, the extensive reliance on studies and analyses by contractors, and the substantial use of outside contractors for systems engineering and technical analysis which the Ballistic Missile Defense Organization has inherited from the Strategic Defense Initiative Organization can be reduced given the re-evaluation of the Ballistic Missile Defense program that has emerged from the Bottom-Up Review of the Secretary of Defense which was conducted during 1993.

(9) Such other matters as the Secretary considers important.

SEC. 237. THEATER AND LIMITED DEFENSE SYSTEM TESTING.

(a) **TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.**—Except for the acquisition of those production representative missiles required for the completion of developmental and operational testing, the Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone IIIA) acquisition stage until the Secretary certifies to the congressional defense committees that more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, have been conducted, the results of which demonstrate the achievement by the interceptors of the weapons systems performance goals specified in the system baseline document established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered engineering and manufacturing systems development. The live-fire tests demonstrating such results shall involve multiple interceptors and multiple targets in the presence of realistic countermeasures.

(b) **ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS OF LIMITED DEFENSE SYSTEM PROGRAM PROJECTS.**—A developmental test may not be conducted under the Limited Defense System program element of the Ballistic Missile Defense Program until the Secretary of Defense reviews and approves (or approves with changes) the test plan for such developmental test.

(c) **INDEPENDENT MONITORING OF TESTS.**—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (b) by a group composed of persons who—

(A) by reason of education, training, or experience are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

SEC. 238. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) **ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.**—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101-510 (104 Stat. 1515) and section 241(a) of Public Law 102-190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) **PROGRAM GOAL.**—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) **ARROW CONTINUING EXPERIMENTS.**—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program in an amount not to exceed \$56,400,000.

(d) **ARROW DEPLOYABILITY INITIATIVE.**—(1) Subject to paragraph (2), the Secretary of Defense may obligate funds appropriated pursuant to section 201 in an amount not to

exceed \$25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) (other than as required to satisfy the conditions set forth in this paragraph) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (1) will have a benefit for the United States, and (1) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) **SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.**—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

SEC. 239. REPORT ON ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) **REPORT REQUIRED.**—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the Arrow Tactical Anti-Missile program. The Secretary shall design the report to provide those committees with the information they need in order to perform their oversight function. The Secretary shall obtain the information for the report from actual program data to which the United States Government has access, to the extent possible, or, if necessary, from the best estimates available to the United States Government.

(b) **CONTENT OF REPORT.**—The report shall include (at a minimum) the following:

(1) The development and procurement schedules for the program.

(2) The estimated annual and total cost of the program.

(3) The estimated total cost to the United States of involvement in the program, including funding provided through foreign military sales financing under the Arms Export Control Act.

(4) A detailed description of the contract types and cost estimating data for the program.

(5) An assessment of the performance of the Arrow interceptor and the Arrow system.

(6) An evaluation of the development and production risks under the program.

(7) Alternatives to the Arrow interceptor and Arrow system for meeting the tactical ballistic missile defense needs of Israel, including providing Israel with an existing or planned United States weapon system.

(8) For each such alternative—

(A) an assessment of the cost effectiveness of undertaking the alternative;

(B) the technology transfer implications; and

(C) the weapon proliferation implications.

(c) FORM OF REPORT.—The Secretary shall submit the report in classified and unclassified versions.

(d) CONSTRUCTION OF SECTION.—Nothing in this section shall be construed to endorse United States participation in any aspect of the Arrow program beyond the research and development programs authorized by law.

SEC. 240. TECHNICAL AMENDMENTS TO ANNUAL REPORT REQUIREMENT TO REFLECT CREATION OF BALLISTIC MISSILE DEFENSE ORGANIZATION.

Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended—

(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";

(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";

(3) by striking out "SDI" each place it appears and inserting in lieu thereof "BMD"; and

(4) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM."

SEC. 241. CLEMENTINE SATELLITE PROGRAM.

(a) FINDING.—The Congress finds that the program of the Ballistic Missile Defense Organization that is known as the "Clementine" program, consisting of a satellite space project that will, among other matters, provide valuable information about asteroids in the vicinity of Earth, represents an important opportunity for transfer of Department of Defense technology for civilian purposes and should be supported.

(b) CONGRESSIONAL VIEWS.—The Congress urges the Secretary of Defense—

(1) to identify an appropriate management structure within either the Advanced Research Projects Agency or one of the military departments to which the Clementine program and related programs of general applicability to civilian, commercial, and military space programs might be transferred; and

(2) to consider funding for the Clementine program to be a priority within whatever agency or department is identified as described in paragraph (1) and to provide funds for that program at an appropriate level.

SEC. 242. COOPERATION OF UNITED STATES ALLIES ON DEVELOPMENT OF TACTICAL AND THEATER MISSILE DEFENSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Systems to provide effective defense against theater and tactical ballistic missiles that may be developed and deployed by the United States have the potential to make contributions to the national security interests of nations that are allies of the United States that would be equal to or greater than the contributions such systems would make to the national security interests of the United States.

(2) The cost of developing and deploying a broad spectrum of such systems will be several tens of billions of dollars.

(3) A truly cooperative multinational approach to the development and deployment of such systems could substantially reduce the financial burden of such an undertaking on any one country and would involve additional sources of technological expertise.

(4) While leaders of nations that are allies of the United States have stated an interest in becoming involved, or increasing involvement, in United States tactical missile defense programs, the governments of those

nations are unlikely to support programs for theater missile defense development and deployment unless, at a minimum, they can participate in meaningful ways in the planning and execution of such programs, including active participation in research and development and production of the systems involved.

(5) Given the high cost of developing theater ballistic missile defense systems, the participation of United States allies in the efforts to develop tactical missile defenses would result in substantial savings to the United States.

(b) PLAN AND REPORTS.—(1) The Secretary of Defense shall develop a plan to coordinate development and implementation of Theater Missile Defense programs of the United States with theater missile defense programs of United States allies, with the goal of avoiding duplication of effort, increasing interoperability, and reducing costs. The plan shall set forth in detail any financial, in-kind, or other form of participation by each nation in cooperative efforts to plan, develop, produce, and deploy theater ballistic missile defenses for the mutual benefit of the countries involved.

(2) The Secretary shall submit to Congress a report on the plan developed under paragraph (1). The report shall be submitted in both classified and unclassified versions, as appropriate, and may be submitted as a component of the next Theater Missile Defense Initiative report to Congress.

(3) The Secretary shall include in each annual Theater Missile Defense Initiative report to Congress a report on actions taken to implement the plan developed under paragraph (1). Each such report shall set forth the status of discussions between the United States and United States allies for the purposes stated in that paragraph and shall state the status of contributions by those allies to the Theater Missile Defense Cooperation Account, shown separately for each allied country covered by the plan.

(c) RESTRICTION ON FUNDS.—Of the total amount appropriated pursuant to authorizations in this Act for theater ballistic missile defense programs, not more than 80 percent may be obligated until—

(1) the report under subsection (b)(2) is submitted to Congress; and

(2) the President certifies in writing to Congress that representatives of the United States have formally submitted to each of the member nations of the North Atlantic Treaty Organization and to Japan, Israel, and South Korea a proposal concerning the matters described in the report.

The President may submit with such certification a report of similar formal contacts with any other country that the President considers appropriate.

(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever the United States deploys theater ballistic missile defenses to protect another country, or the military forces of another country, that has not provided financial or in-kind support for development of theater ballistic missile defenses, the United States should consider whether it is appropriate to seek reimbursement from that country to cover at least the incremental cost to the United States of such deployment.

(e) ALLIED PARTICIPATION IN TMD PROGRAMS.—Congress encourages allies of the United States, and particularly those allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of

the United States. Congress also encourages participation by the United States in cooperative theater missile defense efforts of allied nations as such programs emerge.

(f) FUND FOR ALLIED CONTRIBUTIONS.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account

"(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

"(b) ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury a special account to be known as the "Theater Missile Defense Cooperation Account".

"(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

"(c) USE OF THE ACCOUNT.—Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense.

"(d) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Account.

"(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

"(f) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account."

SEC. 243. TRANSFER OF FOLLOW-ON TECHNOLOGY PROGRAMS.

(a) MANAGEMENT RESPONSIBILITY.—Except as provided in subsection (b), the Secretary of Defense shall provide that management and budget responsibility for research and development of any program, project, or activity to develop far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.

(b) WAIVER AUTHORITY.—The Secretary may waive the provisions of subsection (a) in the case of a particular program, project, or activity if the Secretary certifies to the congressional defense committees that it is in the national security interest of the United States to provide management and budget responsibility for that program, project, or

activity through the Ballistic Missile Defense Organization.

(c) **REPORT REQUIRED.**—As a part of the report required by section 231(e), the Secretary shall submit to the congressional defense committees a report identifying—

(1) each program, project, and activity with respect to which the Secretary has transferred management and budget responsibility from the Ballistic Missile Defense Organization in accordance with subsection (a);

(2) the agency or military department to which each such transfer was made; and

(3) the date on which each such transfer was made.

(d) **DEFINITION.**—For the purposes of this section, the term “far-term follow-on technology” means a technology that is not incorporated into a ballistic missile defense architecture and is not likely to be incorporated within 15 years into a weapon system for ballistic missile defense.

(e) **CONFORMING AMENDMENT.**—Section 234 of the Missile Defense Act of 1991 is repealed.

Subtitle D—Women's Health Research

SEC. 251. DEFENSE WOMEN'S HEALTH RESEARCH CENTER.

(a) **AUTHORITY TO ESTABLISH CENTER.**—The Secretary of Defense may establish a Defense Women's Health Research Center (hereinafter in this section referred to as the “Center”) at an existing Department of Defense medical center to serve as the coordinating agent for multidisciplinary and multi-institutional research within the Department of Defense on women's health issues related to service in the Armed Forces. The Secretary shall determine whether or not to establish the Center not later than May 1, 1994. If established, the Center shall also coordinate with research supported by the Department of Health and Human Services and other agencies that is aimed at improving the health of women.

(b) **SUPPORT OF RESEARCH.**—The Center shall support health research into matters relating to the service of women in the military, including the following matters:

(1) Combat stress and trauma.

(2) Exposure to toxins and other environmental hazards associated with military equipment.

(3) Psychology related stress in warfare situations.

(4) Mental health, including post-traumatic stress disorder and depression.

(5) Human factor studies related to women in combat areas.

(c) **COMPETITION REQUIREMENT RELATING TO ESTABLISHMENT OF CENTER.**—The Center may be established only pursuant to a competition among existing Department of Defense medical centers.

(d) **IMPLEMENTATION PLAN.**—The Secretary of Defense shall prepare a plan for the implementation of subsection (a). The plan shall be submitted to the Committees on Armed Services of the Senate and House of Representatives before May 1, 1994.

(e) **ACTIVITIES FOR FISCAL YEAR 1994.**—During fiscal year 1994, the Center may address the following:

(1) Program planning, infrastructure development, baseline information gathering, technology infusion, and connectivity.

(2) Management and technical staffing.

(3) Data base development of health issues related to service by women on active duty as compared to service by women in the National Guard or Reserves.

(4) Research protocols, cohort development, health surveillance, and epidemiologic studies, to be developed in coordination with

the Centers for Disease Control and the National Institutes of Health whenever possible.

(f) **FUNDING.**—Of the funds authorized to be appropriated pursuant to section 201, \$20,000,000 shall be available for the establishment of the Center or for medical research at existing Department of Defense medical centers into matters relating to service by women in the military.

(g) **REPORT.**—(1) If the Secretary of Defense determines not to establish a women's health center under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives, not later than May 1, 1994, a report on the plans of the Secretary for the use of the funds described in subsection (f).

(2) If the Secretary determines to establish the Center, the Secretary shall, not less than 60 days before the establishment of the Center, submit to those committees a report describing the planned location for the Center and the competitive process used in the selection of that location.

SEC. 252. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.

(a) **GENERAL RULE.**—In conducting or supporting clinical research, the Secretary of Defense shall ensure that—

(1) women who are members of the Armed Forces are included as subjects in each project of such research; and

(2) members of minority groups who are members of the Armed Forces are included as subjects of such research.

(b) **WAIVER AUTHORITY.**—The requirement in subsection (a) regarding women and members of minority groups who are members of the Armed Forces may be waived by the Secretary of Defense with respect to a project of clinical research if the Secretary determines that the inclusion, as subjects in the project, of women and members of minority groups, respectively—

(1) is inappropriate with respect to the health of the subjects;

(2) is inappropriate with respect to the purpose of the research; or

(3) is inappropriate under such other circumstances as the Secretary of Defense may designate.

(c) **REQUIREMENT FOR ANALYSIS OF RESEARCH.**—In the case of a project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects of the research, the Secretary of Defense shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

Subtitle E—Other Matters

SEC. 261. NUCLEAR WEAPONS EFFECTS TESTING BY DEPARTMENT OF DEFENSE.

(a) **LIMITATION ON OBLIGATION OF FUNDS.**—The Secretary of Defense may not obligate funds in preparation for any activity of the Department of Defense, including the so-called “Mighty Uncle” test, to study the effects of a nuclear weapon explosion through underground nuclear weapons testing unless that test is permitted in accordance with the provisions of section 507 of Public Law 102-377 (106 Stat. 1343).

(b) **CERTAIN ACTIONS NOT PROHIBITED.**—Subsection (a) does not preclude the Secretary of Defense, acting through the Director of the Defense Nuclear Agency, from—

(1) proceeding with underground nuclear test tunnel deactivation and environmental cleanup; or

(2) expending funds for infrastructure activities not covered by the limitation in subsection (a).

(c) **FUNDING.**—Of the funds authorized to be appropriated pursuant to section 201 for Defense-wide activities, not more than \$38,000,000 may be used for activities described in subsection (b).

SEC. 262. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM TO THE DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.

Section 216(a) of the National Defense Authorization for Fiscal Years 1992 and 1993 (Public Law 102-190) is amended by striking out “fiscal years 1994 through 1997” and inserting in lieu thereof “fiscal years 1995 through 1999”.

SEC. 263. TERMINATION, REESTABLISHMENT, AND RECONSTITUTION OF AN ADVISORY COUNCIL ON SEMICONDUCTOR TECHNOLOGY.

(a) **TERMINATION OF ADVISORY COUNCIL ON FEDERAL PARTICIPATION IN SEMATECH.**—The advisory council known as the Advisory Council on Federal Participation in Sematech, established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603), is hereby terminated.

(b) **SEMICONDUCTOR TECHNOLOGY COUNCIL.**—Section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is amended by striking out the heading and subsections (a) through (c) and inserting in lieu thereof the following:

“SEC. 273. SEMICONDUCTOR TECHNOLOGY COUNCIL.

“(a) **ESTABLISHMENT.**—There is established the Semiconductor Technology Council.

“(b) **PURPOSES AND FUNCTIONS.**—(1) The purposes of the Council are the following:

“(A) To link assessment by the semiconductor industry of future market and national security needs to opportunities for technology development through cooperative public and private investment.

“(B) To seek ways to respond to the technology challenges for semiconductors by fostering precompetitive cooperation among industry, the Federal Government, and institutions of higher education.

“(C) To make available judgments, assessments, insights, and recommendations that relate to the opportunities for new research and development efforts and the potential to better rationalize and align industry and government contributions to semiconductor research and development.

“(2) The Council shall carry out the following functions:

“(A) Advise Sematech and the Secretary of Defense on appropriate technology goals and appropriate level of effort for the research and development activities of Sematech.

“(B) Review the emerging markets, technology developments, and core technology challenges for semiconductor research and development and semiconductor manufacturing and explore opportunities for improved coordination among industry, the Federal Government, and institutions of higher education regarding such developments and challenges.

“(C) Assess the effect on the appropriate role of Sematech of public and private sector international agreements in semiconductor research and development.

“(D) Exchange views regarding the competitiveness of United States semiconductor technology and new or emerging semiconductor technologies that could affect national economic and security interests.

"(E) Exchange and update information and identify overlaps and gaps regarding the efforts of industry, the Federal Government, and institutions of higher education in semiconductor research and development.

"(F) Assess technology progress relative to industry requirements and Federal Government requirements, responding as appropriate to the challenges in the national semiconductor technology roadmap developed by representatives of industry, the Federal Government, and institutions of higher education.

"(G) Make recommendations regarding the semiconductor technology development efforts that should be supported by Federal agencies and industry.

"(H) Appoint subgroups as appropriate in connection with the updating of the semiconductor technology roadmap.

"(I) Publish an annual report addressing the semiconductor technology challenges and developments for industry, government, and institutions of higher education and the relationship among the challenges and developments for each, including an evaluation of the role of Sematech.

"(c) MEMBERSHIP.—The Council shall be composed of 16 members as follows:

"(1) The Under Secretary of Defense for Acquisition and Technology, who shall be Cochairman of the Council.

"(2) The Under Secretary of Energy responsible for science and technology matters.

"(3) The Under Secretary of Commerce for Technology.

"(4) The Director of the Office of Science and Technology Policy.

"(5) The Assistant to the President for Economic Policy.

"(6) The Director of the National Science Foundation.

"(7) Ten members appointed by the President as follows:

"(A) Four individuals who are eminent in the semiconductor device industry, one of whom shall be Cochairman of the Council.

"(B) Two individuals who are eminent in the semiconductor equipment and materials industry.

"(C) Three individuals who are eminent in the semiconductor user industry, including representatives from the telecommunications and computer industries.

"(D) One individual who is eminent in an academic institution."

(c) CONFORMING AMENDMENTS.—Part F of title II of such Act (15 U.S.C. 4601 et seq.) is amended as follows:

(1) Section 271(c)(1) (15 U.S.C. 4601(c)(1)) is amended by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council".

(2) Section 272(b)(1)(B) (15 U.S.C. 4602(b)(1)(B)) is amended by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council".

(3) Section 273 (15 U.S.C. 4603) is amended—

(A) in the first sentence of subsection (d)—

(i) by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(ii) by striking out "two shall be appointed for a term of two years" and inserting in lieu thereof "five shall be appointed for a term of two years";

(B) in the first sentence of subsection (e), by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and

(C) in subsection (f), by striking out "Seven members" and inserting in lieu thereof "Eleven members".

(d) AUTHORITY TO CALL MEETINGS.—Section 273(g) of such Act (15 U.S.C. 4603(g)) is

amended by striking out "the Chairman or a majority of its members" and inserting in lieu thereof "a Cochairman".

(e) SOURCE OF SUPPORT FOR SEMATECH.—Section 273 of such Act (22 U.S.C. 4603) is further amended by adding at the end the following new subsection:

"(j) SUPPORT FOR COUNCIL.—The Council shall use Federal funds made available to Sematech as needed for general and administrative support in accomplishing the Council's purposes."

(f) FIRST MEETING OF NEW COUNCIL.—The first meeting of the Semiconductor Technology Council shall be held not later than 45 days after the date of the enactment of this Act.

(g) REFERENCES TO TERMINATED COUNCIL.—A reference in any provision of law to the Advisory Council on Federal Participation in Sematech shall be deemed to refer to the Semiconductor Technology Council established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, as amended by subsection (b).

SEC. 264. NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

Amounts authorized to be appropriated pursuant to section 201 for the Navy shall be available to the Secretary of the Navy for the acquisition of real property under section 2819 of this Act (related to the Navy Large Cavitation Channel, Memphis, Tennessee).

SEC. 265. STRATEGIC ENVIRONMENTAL RESEARCH COUNCIL.

(a) MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively;

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

"(4) The Deputy Under Secretary of Defense responsible for environmental security."; and

(4) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph (6):

"(6) The Assistant Secretary of Energy responsible for environmental restoration and waste management."

(b) EXTENSION OF AUTHORITY TO ESTABLISH EMPLOYEE PAY RATES.—Section 2903(d)(2) of title 10, United States Code, is amended by striking out "November 5, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 266. REPEAL OF REQUIREMENT FOR STUDY BY OFFICE OF TECHNOLOGY ASSESSMENT.

Section 802(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1414; 10 U.S.C. 2372 note) is repealed.

SEC. 267. COMPREHENSIVE INDEPENDENT STUDY OF NATIONAL CRYPTOGRAPHY POLICY.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study of cryptographic technologies and national cryptography policy.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study shall assess—

(1) the effect of cryptographic technologies on—

(A) national security interests of the United States Government;

(B) law enforcement interests of the United States Government;

(C) commercial interests of United States industry; and

(D) privacy interests of United States citizens; and

(2) the effect on commercial interests of United States industry of export controls on cryptographic technologies.

(c) INTERAGENCY COOPERATION WITH STUDY.—The Secretary of Defense shall direct the National Security Agency, the Advanced Research Projects Agency, and other appropriate agencies of the Department of Defense to cooperate fully with the National Research Council in its activities in carrying out the study under this section. The Secretary shall request all other appropriate Federal departments and agencies to provide similar cooperation to the National Research Council.

(d) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense-wide activities, \$800,000 shall be available for the study under this section.

(e) REPORT.—(1) The National Research Council shall complete the study and submit to the Secretary of Defense a report on the study within approximately two years after full processing of security clearances under subsection (f). The report on the study shall set forth the Council's findings and conclusions and the recommendations of the Council for improvements in cryptography policy and procedures.

(2) The Secretary shall submit the report to the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate and to the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives not later than 120 days after the day on which the report is submitted to the Secretary. The report shall be submitted to those committees in unclassified form, with classified annexes as necessary.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

SEC. 268. REVIEW OF ASSIGNMENT OF DEFENSE RESEARCH AND DEVELOPMENT CATEGORIES.

(a) RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense to be responsible for conducting an annual review of program elements for proper categorization to the research and development categories of the Department of Defense designated as 6.1, 6.2, 6.3, 6.4, 6.5, and 6.6.

(b) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of the general content of the research and development categories specified in subsection (a), including a review of the criteria for assigning programs to those categories. The review shall examine the assignment of current programs to those categories for the purpose of ensuring that those programs are correctly categorized and assigned program element numbers in accordance with existing Department of Defense policy.

(c) REPORT.—The Secretary shall include with the budget justification materials for fiscal year 1995 submitted to Congress by the Secretary in support of the President's budget for that year a report on the implementation of this section. The report—

(1) shall specify the official designated under subsection (a); and

(2) shall include a certification (or an explanation of why the Secretary cannot certify) that current research and development programs are correctly categorized as described in subsection (b).

SEC. 269. AUTHORIZED USE FOR FACILITY CONSTRUCTED WITH PRIOR DEFENSE GRANT FUNDS.

The plasma arc facilities constructed using funds provided under grants made to the South Carolina Research Authority from amounts appropriated in the Department of Defense Appropriations Act, 1988 (Public Law 100-463), and the Department of Defense Appropriations Act, 1991 (Public Law 101-511), may be equipped and operated as prototype materials processing facilities.

SEC. 270. GRANT TO SUPPORT RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) A number of veterans of the Persian Gulf War have reported unexplained illnesses and claim that such illnesses are a consequence of exposure to hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Reports indicate that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to hazardous agents, including chemical warfare agents, biotoxins, and other substances during such service.

(3) It is in the interest of the United States that medical professionals providing care to members of the Armed Forces and to veterans understand the nature of the illnesses that such members and veterans may contract in order to ensure that such professionals have sufficient information to provide proper care to such members and veterans.

(b) GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.—The Secretary of Defense is authorized to make a grant in the amount of \$1,200,000 to a medical research institution for the purpose of constructing and equipping a specialized environmental medical facility at that institution for the conduct of research into the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, and for the conduct of such research, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War. The grant shall be made in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The institution to which the grant is to be made shall be selected through established acquisition procedures.

(c) FUNDING SOURCE.—Funds for the grant under subsection (b) shall be made from amount appropriated to the Department of Defense for fiscal year 1994 for research, development, test, and evaluation.

(d) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (b), an institution must meet each of the following requirements:

(1) Be affiliated with an accredited hospital and be affiliated with, and in close proximity to, a Department of Defense medical and a Department of Veterans Affairs medical center.

(2) Enter into an agreement with the Secretary of Defense to ensure that research

personnel of those affiliated medical facilities and other relevant Federal personnel may have access to the facility to carry out research.

(3) Have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to hazardous chemicals and other substances.

(4) Have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to hazardous chemicals and other substances and lead to new therapies.

(e) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each element of the Department of Defense provides to the medical research institution that is awarded the grant under subsection (b) any information possessed by that element on hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure. To the extent available, the information provided shall include unit designations, locations, and times for those instances in which such exposure is alleged to have occurred.

(f) REPORTS TO CONGRESS.—Not later than October 1, 1994, and annually thereafter for the period that research described in subsection (b) is being carried out at the facility constructed with the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results during the year preceding the report of the research and studies carried out under the grant.

SEC. 271. RESEARCH ON EXPOSURE TO DEPLETED URANIUM BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) GRANT TO SUPPORT RESEARCH ON THE EFFECTS OF DEPLETED URANIUM.—From the funds appropriated or otherwise made available in fiscal year 1994 for research, development, test, and evaluation for the Department of Defense, the Secretary of Defense is authorized to make a competitive award of a grant in the amount of \$1,700,000 to a medical research institution for the purpose of studying the possible health effects of battlefield exposure to depleted uranium, including exposure through ingestion, inhalation, or bodily injury. The selection of the institution to which the grant is awarded shall be made in accordance with established defense acquisition procedures.

(b) RESEARCH PROGRAM.—The research to be conducted at the facility for which a grant is made under subsection (a) shall explore the possible short-term and long-term health effects of exposure to depleted uranium, including exposure through ingestion, inhalation, or bodily injury, and the individual susceptibility of service personnel to such exposure. Such research shall focus on (but not be limited to) persons who may have been exposed to depleted uranium while serving on active duty in the theater of operations during the Persian Gulf War. The specific objectives of the study shall include investigation of the pathology of depleted uranium fragments under controlled conditions, including—

(1) assessment of the toxicokinetic properties of the various chemical forms of depleted uranium that could be inhaled, ingested, or imbedded;

(2) examination of whether there are depleted uranium cancer induction mecha-

nisms similar to those observed in Thorotrast-specific liver cancers;

(3) determination of whether the radiogenic effects described in paragraphs (1) and (2) occur and, if so, at what fragment densities and latent periods;

(4) assessment of long-term, low-dose-rate irradiation of specific tissues, such as those of the nervous system;

(5) determination of the potential for chronic nephrotoxicity as a function of the organ exposed to depleted uranium; and

(6) conduct of pathological studies of tissue surrounding depleted uranium particles.

(c) REPORTS TO CONGRESS.—Not later than October 1, 1994, and annually thereafter for the period that research described in subsection (a) is being carried out under the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results of such research during the year preceding the report.

SEC. 272. SENSE OF CONGRESS ON METALCASTING AND CERAMIC SEMICONDUCTOR PACKAGE INDUSTRIES.

(a) METALCASTING INDUSTRY.—It is the sense of Congress that—

(1) the health and viability of the metalcasting industry of the United States are at serious risk; and

(2) the Secretary of Defense should seriously consider providing funds, from the funds made available pursuant to section 201, for research and development activities of the metalcasting industry, including the following activities:

(A) Development of casting technologies and techniques.

(B) Improvement of technology transfer within the metalcasting industry in the United States.

(C) Improvement of training for the metalcasting industry workforce.

(b) CERAMIC SEMICONDUCTOR PACKAGE INDUSTRY.—It is the sense of Congress that—

(1) the health and viability of the ceramic semiconductor package industry of the United States are at serious risk, as demonstrated by the action plan relating to the ceramic semiconductor package industry issued by the Secretary of Commerce on August 15, 1993;

(2) advanced ceramic semiconductor packages are critical components under section 107 of the Defense Production Act (50 U.S.C. App. 2077);

(3) the technologies used in producing ceramic and advanced ceramic semiconductor packages are dual-use technologies; and

(4) the Secretary of Defense should provide funds for support of the domestic ceramic semiconductor package industry through the following types of activities:

(A) Research and development.

(B) Procurement by the Department of Defense of ceramic semiconductor packages made in the United States.

(C) Assistance to the industry in meeting qualification specifications of the Department of Defense for procurement solicitations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations
SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

- (1) For the Army, \$15,907,246,000.
- (2) For the Navy, \$20,076,440,000.
- (3) For the Marine Corps, \$1,860,056,000.
- (4) For the Air Force, \$19,330,109,000.
- (5) For Defense-wide activities, \$9,235,461,000.
- (6) For Medical Programs, Defense, \$9,379,447,000.
- (7) For the Army Reserve, \$1,095,590,000.
- (8) For the Naval Reserve, \$772,706,000.
- (9) For the Marine Corps Reserve, \$82,950,000.
- (10) For the Air Force Reserve, \$1,346,292,000.
- (11) For the Army National Guard, \$2,216,544,000.
- (12) For the Air National Guard, \$2,639,204,000.
- (13) For the National Board for the Promotion of Rifle Practice, \$2,483,000.
- (14) For the Defense Inspector General, \$161,001,000.
- (15) For Drug Interdiction and Counterdrug Activities, Defense-wide, \$868,200,000.
- (16) For the Court of Military Appeals, \$6,055,000.
- (17) For Environmental Restoration, Defense, \$1,962,400,000.
- (18) For Humanitarian Assistance, \$48,000,000.
- (19) For support for the 1996 Summer Olympics, \$2,000,000.
- (20) For support for the 1994 World Cup Games, \$12,000,000.
- (21) For Former Soviet Union Threat Reduction, \$400,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

- (1) For the Defense Business Operations Fund, \$1,116,095,000.
- (2) For the National Defense Sealift Fund, \$290,800,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the sum of \$61,918,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.

During fiscal year 1994, \$24,000,000 is authorized to be obligated from the National Security Education Trust Fund established by section 804(a) of the David L. Boren National Security Education Act of 1991 (Public Law 102-183; 50 U.S.C. 1904(a)).

SEC. 305. TRANSFER FROM NATIONAL DEFENSE STOCKPILE FUND.

(a) **TRANSFER AUTHORITY.**—To the extent provided in appropriations Acts, not more than \$500,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1994 in amounts as follows:

- (1) For the Army, \$150,000,000.
- (2) For the Navy, \$150,000,000.
- (3) For the Air Force, \$200,000,000.

(b) **TREATMENT OF TRANSFERS.**—Amounts transferred under this section—

- (1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred; and
- (2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) **RELATIONSHIP TO OTHER TRANSFER AUTHORITY.**—The transfer authority provided in this section is in addition to the transfer authority provided in section 1101.

SEC. 306. FUNDS FOR CLEARING LANDMINES.

(a) **LIMITATION.**—Of the funds authorized to be appropriated in section 301, not more than \$10,000,000 shall be available for activities to support the clearing of landmines for humanitarian purposes (as determined by the Secretary of Defense), including the clearing of landmines in areas in which refugee repatriation programs are on-going.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of subsection (a). The report shall specify the following:

- (1) The amount of the funds made available under subsection (a) that are to be expended.
- (2) The purposes for which the funds are to be expended.
- (3) The location of the landmine clearing activity.
- (4) Any use of United States military personnel or employees of the Department of Defense in the activity.
- (5) Any use of non-Federal Government organizations in the activity.
- (6) The relationship between the activity and the missions of the Department of Defense.

Subtitle B—Limitations

SEC. 311. PROHIBITION ON OPERATION OF NAVAL AIR STATION, BERMUDA.

(a) **PROHIBITION.**—No funds available to the Department of Defense for operation and maintenance may be used to operate Naval Air Station, Bermuda after September 1, 1995.

(b) **REPORT.**—Not later than March 1, 1994, the Secretary of Defense shall submit to the Congress a report that contains a plan for the termination of the operation of Naval Air Station, Bermuda.

(c) **OPERATION ON REIMBURSABLE BASIS.**—The Secretary of Defense may provide support for airfield operations at Naval Air Station, Bermuda after September 1, 1995, except that any such support shall be provided only on a reimbursable basis.

SEC. 312. LIMITATION ON THE USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

(a) **IN GENERAL.**—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2246. Department of Defense golf courses: limitation on use of appropriated funds

"(a) **LIMITATION.**—Except as provided in subsection (b), funds appropriated to the Department of Defense may not be used to equip, operate, or maintain a golf course at a facility or installation of the Department of Defense.

"(b) **EXCEPTIONS.**—(1) Subsection (a) does not apply to a golf course at a facility or installation outside the United States or at a facility or installation inside the United States at a location designated by the Secretary of Defense as a remote and isolated location.

"(2) The Secretary of Defense shall prescribe regulations governing the use of appropriated funds under this subsection."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2246. Department of Defense golf courses: limitation on use of appropriated funds."

SEC. 313. PROHIBITION ON THE USE OF CERTAIN COST COMPARISON STUDIES.

(a) **PROHIBITION.**—Except as provided in subsection (b), the Secretary of Defense may not, during the period beginning on the date of the enactment of this Act and ending on April 1, 1994, enter into a contract for the performance of a commercial activity if the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

(b) **EXCEPTIONS FOR CERTAIN CONTRACTS.**—Subsection (a) does not apply to—

- (1) a contract to be carried out at a location outside the United States at which members of the Armed Forces would otherwise have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or
- (2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.

SEC. 314. LIMITATION ON CONTRACTS WITH CERTAIN SHIP REPAIR COMPANIES FOR SHIP REPAIR.

(a) **LIMITATION.**—The Secretary of the Navy may not enter into a contract having a value greater than \$250,000 with a ship repair company referred to in subsection (b) for the overhaul, repair, or maintenance of a naval vessel until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives the certification referred to in subsection (c).

(b) **COVERED SHIP REPAIR COMPANY.**—A ship repair company referred to in subsection (a) is a ship repair company located outside the United States that was the subject of a court inquiry into fatalities resulting from ship repairs performed by that company in fiscal year 1990, 1991, 1992, or 1993.

(c) **CERTIFICATION.**—The certification referred to in subsection (a) is a certification that a ship repair company referred to in subsection (b) has initiated legal proceedings, or other proceedings, to compensate the survivors of each member of the Navy killed as a result of faulty ship repair performed by that company during a fiscal year referred to in such subsection.

(d) **WAIVER.**—A contract referred to in subsection (a) may be entered into pursuant to a waiver of the limitation in such subsection only after the Secretary of the Navy submits to the Committees on Armed Services of the Senate and House of Representatives a certification that—

- (1) the work is for voyage repairs; or
- (2) there is a compelling national security reason for the work to be done by the ship repair company.

SEC. 315. REQUIREMENT OF PERFORMANCE IN THE UNITED STATES OF CERTAIN REFLAGGING OR REPAIR WORK.

(a) **REQUIREMENT.**—Section 2631 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Only vessels"; and

(2) by adding at the end the following new subsection:

"(b)(1) In each request for proposals to enter into a time-charter contract for the use of a vessel for the transportation of supplies under this section, the Secretary of Defense shall require that any reflagging or repair work on a vessel for which a proposal is submitted in response to the request for proposals be performed in the United States (including any territory of the United States).

"(2) In paragraph (1), the term 'reflagging or repair work' means work performed on a vessel—

"(A) to enable the vessel to meet applicable standards to become a vessel of the United States; or

"(B) to convert the vessel to a more useful military configuration.

"(3) The Secretary of Defense may waive the requirement described in paragraph (1) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such waiver and the reasons for such waiver."

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to a vessel for which reflagging or repair work is necessary to be performed after the date of the enactment of this Act.

SEC. 316. PROHIBITION ON JOINT CIVIL AVIATION USE OF SELFRIDGE AIR NATIONAL GUARD BASE, MICHIGAN.

The Secretary of the Air Force may not enter into any agreement that would provide for or permit civil aircraft to regularly use Selfridge Air National Guard Base, Michigan.

SEC. 317. LOCATION OF CERTAIN PRE-POSITIONING FACILITIES.

(a) **SITE FOR ARMY PREPOSITIONING MAINTENANCE FACILITY.**—The Secretary of the Army shall establish the Army Prepositioning Maintenance Facility at Charleston, South Carolina.

(b) **LIMITATION.**—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall ensure that separate but complementary prepositioning facilities are maintained in Charleston, South Carolina, and Blount Island, Jacksonville, Florida, for the Army and Marine Corps, respectively.

(c) **REPORT BEFORE SUBSEQUENT RELOCATION.**—After the end of such two-year period, the Secretary of the Navy may not relocate the Marine Prepositioning Forces from Blount Island, Jacksonville, Florida, until the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and House of Representatives a detailed cost analysis and operational analysis explaining the basis of the decision for such relocation.

Subtitle C—Defense Business Operations Fund

SEC. 331. EXTENSION OF AUTHORITY FOR USE OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out "April 15, 1994" and inserting in lieu thereof "December 31, 1994".

SEC. 332. IMPLEMENTATION OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out subsections (d), (e), and (f) and inserting in lieu thereof the following new subsections (d), (e), and (f):

"(d) **COMPREHENSIVE MANAGEMENT PLAN.**—(1) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of Defense shall submit to the congressional defense committees a comprehensive management plan for the Defense Business Operations Fund. The Secretary shall identify in the plan the actions the Secretary will take to improve the implementation and operation of the Defense Business Operations Fund.

"(2)(A) The plan shall also include the following matters:

"(i) The specific tasks to be performed to address the serious shortcomings that exist in the Fund's implementation and operation.

"(ii) Milestones for starting and completing each task.

"(iii) A statement of the resources needed to complete each task.

"(iv) The specific organizations within the Department of Defense that are responsible for accomplishing each task.

"(v) Department of Defense plans to monitor the implementation of all corrective actions.

"(B) The plan shall also address the following specific areas:

"(i) The management and organizational structure of the Fund.

"(ii) The development and implementation of the policies and procedures, including cash management and internal controls, applicable to the Fund.

"(iii) Management reporting, including financial and operational reporting.

"(iv) Accuracy and reliability of cost accounting data.

"(v) Development and use of performance indicators to measure the efficiency and effectiveness of Fund operations.

"(vi) The status of efforts to develop and implement new financial systems for the Fund.

"(e) **PROGRESS REPORT ON IMPLEMENTATION.**—Not later than February 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made in implementing the comprehensive management plan required by subsection (d). The report shall describe the progress made in reaching the milestones established in the plan and provide an explanation for the failure to meet any of the milestones. The Secretary shall submit a copy of the report to the Comptroller General of the United States at the same time the Secretary submits the report to the congressional defense committees.

"(f) **RESPONSIBILITIES OF THE COMPTROLLER GENERAL.**—(1) The Comptroller General shall monitor and evaluate the progress of the Department of Defense in developing and implementing the comprehensive management plan required by subsection (d).

"(2) Not later than March 1, 1994, the Comptroller General shall submit to the congressional defense committees a report containing the following:

"(A) The findings and conclusions of the Comptroller General resulting from the monitoring and evaluation conducted under paragraph (1).

"(B) An evaluation of the progress report submitted to the congressional defense committees by the Secretary of Defense pursuant to subsection (e).

"(C) Any recommendations for legislation or administrative action concerning the Fund that the Comptroller General considers appropriate."

SEC. 333. CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE DEFENSE BUSINESS OPERATIONS FUND.

(a) **IN GENERAL.**—Charges for goods and services provided through the Defense Business Operations Fund—

(1) shall include amounts necessary to recover the full costs of—

(A) the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense; and

(B) the use of military personnel in the provision of the goods and services, as computed by calculating, to the maximum extent practicable, such costs if employees of the Department of Defense were used in the provision of the goods and services; and

(2) shall not include amounts necessary to recover the costs of a military construction project (as such term is defined in section 2801(b) of title 10, United States Code), other than a minor construction project financed by the Defense Business Operations Fund pursuant to section 2805(c)(1) of such title.

(b) **DEFENSE FINANCE ACCOUNTING SERVICES.**—The full cost of the operation of the Defense Finance Accounting Service shall be financed within the Defense Business Operations Fund through charges for goods and services provided through the Fund.

(c) **MODIFICATION OF CAPITAL ASSET SUB-ACCOUNT.**—Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2208 note) is amended—

(1) in subsection (a), by striking out the third sentence;

(2) in subsection (b), by striking out "to the extent provided for in appropriations Acts"; and

(3) in subsection (d), by striking out "during fiscal year 1993 and until April 15, 1994".

SEC. 334. LIMITATION ON OBLIGATIONS AGAINST THE DEFENSE BUSINESS OPERATIONS FUND.

(a) **LIMITATION.**—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund during fiscal year 1994 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1994, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment and spare parts in support of repair, direct vendor deliveries, foreign military sales, initial outfitting requiring equipment furnished by the Federal Government, and the cost of operations.

(b) **EXCEPTION.**—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is necessary in order to maintain the readiness and combat effectiveness of the Armed Forces. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle D—Depot-Level Activities

SEC. 341. DEPARTMENT OF DEFENSE DEPOT TASK FORCE.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a task force to assess the overall performance and management of depot-level activities of the Department of Defense. The assessment shall include the following:

(1) The identification of the depot-level maintenance workloads that were performed during each of fiscal years 1990 through 1993 for the military departments and the Defense Agencies by employees of the Department of Defense and by non-Federal Government personnel.

(2) An estimate of the current capacity to carry out the performance of depot-level maintenance workloads by employees of the Department of Defense and by non-Federal Government personnel.

(3) An identification of the rationale used by the Department of Defense to support a decision to provide for the performance of a depot-level maintenance workload by employees of the Department of Defense or by non-Federal Government personnel.

(4) An evaluation of the cost, manner, and quality of performance of the depot-level maintenance workload by employees of the

Department of Defense and by non-Federal Government personnel.

(5) An evaluation of the manner of determining the core workload requirements for depot-level maintenance workloads performed by employees of the Department of Defense.

(6) A comparison of the methods by which the rates and prices for depot-level maintenance workloads performed by employees of the Department of Defense are determined with the methods by which such rates and prices are determined for depot-level maintenance workloads performed by non-Federal Government personnel.

(7) A discussion of the issues involved in determining the balance between the amount of depot-level maintenance workloads assigned for performance by employees of the Department of Defense and the amount of depot-level maintenance workloads assigned for performance by non-Federal Government personnel, including the preservation of surge capabilities and essential industrial base capabilities needed in the event of mobilization.

(8) An identification of the depot-level functions and activities that are suitable for performance by employees of the Department of Defense and the depot-level functions and activities that are suitable for performance by non-Federal Government personnel.

(9) An identification of the management and organizational structure of the Department of Defense necessary for the Department to provide the optimal management of depot-level maintenance and the allocation of related resources.

(b) MEMBERSHIP.—The task force established pursuant to subsection (a) shall be composed of individuals from the Department of Defense and the private sector who—

- (1) have expertise in the management of depot-level activities;
- (2) have expertise in acquisition;
- (3) have expertise in the management of relevant items and weapon systems; and
- (4) are or have been users of depot-level maintenance products produced by employees of the Department of Defense and by non-Federal Government personnel.

(c) PAY AND TRAVEL EXPENSES.—(1) Except as provided in paragraph (3), each member of the task force shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the task force.

(2) Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) Except as provided in paragraph (2), a member of the task force who is an employee of the Department of Defense or a member of the Armed Forces may not receive additional pay, allowances, or benefits by reason of such individual's service on the task force.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall provide the task force with the administrative, professional, and technical support required by the task force to carry out its duties under this section.

(e) REPORT.—Not later than April 1, 1994, the task force shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment conducted under subsection (a) and the recommendations of the task force for

any legislative and administrative action the task force considers to be appropriate.

(f) TERMINATION.—The task force shall terminate not later than 60 days after submitting its report pursuant to subsection (e).

SEC. 342. LIMITATION ON CONSOLIDATION OF MANAGEMENT OF DEPOT-LEVEL MAINTENANCE WORKLOAD.

The Secretary of Defense may not, during fiscal year 1994, consolidate the management of the depot-level maintenance workload of the Department of Defense under a single Defense-wide entity.

SEC. 343. CONTINUATION OF CERTAIN PERCENTAGE LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

The Secretary of Defense shall ensure that the percentage limitations applicable to the depot-level maintenance workload performed by non-Federal Government personnel set forth in section 2466 of title 10, United States Code, are adhered to.

SEC. 344. SENSE OF CONGRESS ON THE PERFORMANCE OF CERTAIN DEPOT-LEVEL WORK BY FOREIGN CONTRACTORS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense should not contract for the performance by a person or organization described in subsection (b) of any depot-level maintenance work on equipment located in the United States if the Secretary determines that the work could be performed in the United States on a cost-effective basis and without significant adverse effect on the readiness of the Armed Forces.

(b) COVERED PERSONS AND ORGANIZATIONS.—A person or organization referred to in subsection (a) is a person or organization which is not part of the national technology and industrial base, as such term is defined in section 2491(1) of title 10, United States Code.

SEC. 345. SENSE OF CONGRESS ON THE ROLE OF DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The depot-level maintenance and repair activities of the Department of Defense provide the Armed Forces with a critical capacity to respond to the needs of the Armed Forces for depot-level maintenance and repair of weapon systems and equipment.

(2) The depot-level maintenance and repair activities of the Department of Defense provide the Department with capabilities that are uniquely suited to responding to the increased need for repair and maintenance of weapon systems and equipment which may arise in times of national crisis.

(3) The skilled employees and equipment of the depot-level maintenance and repair activities of the Department of Defense are an essential component of the overall defense industrial base of the United States.

(4) The critical role of the depot-level maintenance and repair activities of the Department of Defense is recognized in section 2466 of title 10, United States Code, which provides that the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may not contract for the performance by non-Federal Government personnel of more than 40 percent of the depot-level maintenance workload for the military department or the Defense Agency.

(5) Maintenance of this critical industrial capability in the Department of Defense requires that an appropriate level of the depot-level maintenance and repair of new weapon systems be assigned to depot-level maintenance and repair activities of the Department of Defense.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, in order to maintain the critical depot-level maintenance and repair capability for military weapon systems and equipment, the Secretary of Defense shall, to the maximum extent practicable, ensure that a sufficient amount of the depot-level maintenance and repair of new weapon systems and equipment is assigned to depot-level maintenance and repair activities of the Department of Defense, consistent with the requirements of section 2466 of title 10, United States Code.

SEC. 346. CONTRACTS TO PERFORM WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 2469 of title 10, United States Code, is amended—

(1) by inserting "(a) REQUIREMENT FOR COMPETITION.—" before "The Secretary of Defense";

(2) by striking out "threshold";

(3) by striking out "unless" and all that follows and inserting in lieu thereof "to performance by a contractor unless the Secretary uses competitive procedures for the selection of the contractor to perform such workload."; and

(4) by adding at the end the following new subsection:

"(b) INAPPLICABILITY OF OMB CIRCULAR A-76.—The use of Office of Management and Budget Circular A-76 shall not apply to a performance change under subsection (a)."

SEC. 347. AUTHORITY TO WAIVE CERTAIN CLAIMS OF THE UNITED STATES.

(a) DESCRIPTION OF CLAIMS INVOLVED.—This section applies with respect to any claim of the United States against an individual which relates to a bonus or other payment awarded to such individual under a productivity gainsharing program based on work performed by such individual as an employee of Naval Aviation Depot, Norfolk, Virginia, or as an employee of Naval Aviation Depot, Jacksonville, Florida, after September 30, 1988, and before October 1, 1992.

(b) WAIVER AUTHORITY AVAILABLE WITHOUT REGARD TO AMOUNT INVOLVED.—Notwithstanding the limitation set forth in section 2774(a)(2)(A) of title 10, United States Code, any waiver authority under section 2774(a)(2) of such title may be exercised, with respect to any claim described in subsection (a) of this section, without regard to the amount involved.

(c) REPORT.—Not later than March 1, 1994, the Secretary of the Navy shall submit to the congressional defense committees a report that specifies—

(1) the circumstances under which each overpayment of a bonus or other payment referred to in subsection (a) was made;

(2) the number of individuals to whom such an overpayment was made;

(3) the total amount of such overpayments; and

(4) any action planned or initiated by the Secretary to prevent the occurrence of similar overpayments in the future.

(d) DEFINITION.—In this section, the term "productivity gainsharing program" means a productivity gainsharing program established under chapter 45 or section 5407 of title 5, United States Code, or Executive Order No. 12637 (31 U.S.C. 501 note).

Subtitle E—Commissaries and Military Exchanges

SEC. 351. PROHIBITION ON OPERATION OF COMMISSARY STORES BY ACTIVE DUTY MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

“§977. Operation of commissary stores: assignment of active duty members generally prohibited

“(a) GENERAL RULE.—A member of the armed forces on active duty may not be assigned to the operation of a commissary store.

“(b) EXCEPTION FOR DCA DIRECTOR.—The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

“(c) EXCEPTION FOR CERTAIN ADDITIONAL MEMBERS.—Beginning on October 1, 1996, not more than 18 members (in addition to the officer referred to in subsection (b) of the armed forces on active duty may be assigned to the Defense Commissary Agency. Members who may be assigned under this subsection to regional headquarters of the agency shall be limited to enlisted members assigned to duty as advisors in the regional headquarters responsible for overseas commissaries and to veterinary specialists.

“(d) EXCEPTION FOR CERTAIN NAVY PERSONNEL.—(1) The Secretary of the Navy may assign to the Defense Commissary Agency a member of the Navy on active duty whose assignment afloat is part of the operation of a ship's food service or a ship's store. Any such assignment shall be on a nonreimbursable basis.

“(2) The number of such members assigned to the Defense Commissary Agency during any period before October 1, 1996, may not exceed the number of such members so assigned on October 1, 1993. After September 30, 1996, the number of such members so assigned may not exceed the lesser of (A) the number of members so assigned on October 1, 1993, and (B) 400.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 976 the following new item:

“977. Operation of commissary stores: assignment of active duty members generally prohibited.”

SEC. 352. MODERNIZATION OF AUTOMATED DATA PROCESSING CAPABILITY OF THE DEFENSE COMMISSARY AGENCY.

In order to perform inside the Defense Commissary Agency all automated data processing functions of the Agency as soon as possible, the Secretary of Defense shall, consistent with other applicable law, take any action necessary to expedite the modernization of the automated data processing capability of the Agency, including the adoption of the use of commercial grocery industry practices and financial management programs with respect to such processing.

SEC. 353. OPERATION OF STARS AND STRIPES BOOKSTORES OVERSEAS BY THE MILITARY EXCHANGES.

(a) REQUIREMENT.—The Secretary of Defense shall provide for the commencement, not later than October 1, 1994, of the operation of Stars and Stripes bookstores outside of the United States by the military exchanges.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out subsection (a).

SEC. 354. AVAILABILITY OF FUNDS FOR RELOCATION EXPENSES OF THE NAVY EXCHANGE SERVICE COMMAND.

Of funds authorized to be appropriated under section 301(2), not more than \$10,000,000

shall be available to provide for the payment of expenses incurred by the Navy Exchange Service Command to relocate functions and activities from Naval Station, Staten Island, New York, to Norfolk, Virginia.

Subtitle F—Other Matters

SEC. 361. EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 127 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting “, the Inspector General of the Department of Defense,” after “the Secretary of Defense”;

(B) in the second sentence, by inserting “or the Inspector General” after “the Secretary concerned”;

(C) in the third sentence, by inserting “or the Inspector General” after “The Secretary concerned”;

(2) in subsection (b), by inserting “, by the Inspector General to any person in the Office of the Inspector General,” after “the Department of Defense”;

(3) in subsection (c)—

(A) by inserting “(1)” after “(c)”;

(B) by adding at the end the following new paragraph:

“(2) The amount of funds expended by the Inspector General of the Department of Defense under subsections (a) and (b) during a fiscal year may not exceed \$400,000.”

SEC. 362. AUTHORITY FOR CIVILIAN EMPLOYEES OF THE ARMY TO ACT ON REPORTS OF SURVEY.

Section 4835 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “or any civilian employee of the Department of the Army” after “any officer of the Army”;

(2) in subsection (b), by striking out “an officer of the Army designated by him.” and inserting in lieu thereof “the Secretary's designee. The Secretary may designate officers of the Army or civilian employees of the Department of the Army to approve such action.”

SEC. 363. EXTENSION OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out “during fiscal year 1993” and inserting in lieu thereof “during a fiscal year”;

(2) in subsection (b), by striking out “for fiscal year 1993”.

(b) UPDATE OF MASTER PLAN.—Section 1597(c) of such title is amended—

(1) in paragraph (1), by striking out “for fiscal year 1994” and inserting in lieu thereof “for each fiscal year”;

(2) in subparagraph (A) of paragraph (3), by adding at the end the following new clause:

“(vii) The total number of individuals employed by contractors and subcontractors of the Department of Defense under a contract or subcontract entered into pursuant to Office of Management and Budget Circular A-76 to perform commercial activities for the Department of Defense, a military department, a defense agency, or other component.”;

(3) by adding at the end the following new paragraph:

“(4) The Secretary of Defense shall include in the materials referred to in paragraph (1) a report on the implementation of the master plan for the fiscal year immediately preceding the fiscal year for which such materials are submitted.”

SEC. 364. AUTHORITY TO EXTEND MAILING PRIVILEGES.

Paragraph (1) of section 3401(a) of title 39, United States Code, is amended—

(1) in the matter before subparagraph (A)—

(A) by inserting “an individual who is” before “a member”;

(B) by inserting “or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander,” after “section 101 of title 10.”;

(2) in subparagraphs (A) and (B), by striking “the member” and inserting “such individual”.

SEC. 365. EXTENSION AND MODIFICATION OF PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) PILOT PROGRAM.—Subsection (a) of section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 501 note) is amended—

(1) by striking out “Under regulations prescribed by the Secretary of Defense, the” and inserting in lieu thereof “The”;

(2) by inserting “, approved by the Secretary of Defense,” after “enter into an agreement”;

(3) by striking out “fiscal years 1993 and 1994” and inserting in lieu thereof “fiscal years 1993, 1994, and 1995”.

(b) FUNDING ASSISTANCE.—Subsection (b) of such section is amended to read as follows:

“(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance allotments and the pay and allowances allotments for the National Guard of the State for that fiscal year.”

(c) SUPPLIES AND EQUIPMENT.—Such section is further amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following new subsection (c):

“(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

“(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, a private agency, or an individual may be used to carry out the pilot program.”

(d) SERVICE OF PARTICIPANTS.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

“(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard shall be considered training in the member's Federal status as a member of the National Guard of a State under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.”

(e) REPORT.—Subsection (g) of such section, as redesignated by subsection (c)(1), is

amended by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1995".

(f) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—In this section:

"(1) The term 'health care' includes medical care services and dental care services.

"(2) The term 'Governor', with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands."

SEC. 366. AMENDMENTS TO THE ARMED FORCES RETIREMENT HOME ACT OF 1991.

(a) SUPPORT FOR HOME BY DEPARTMENT OF DEFENSE.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 411) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense may make available to the Retirement Home, on a non-reimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this Act."

(b) AUTHORITY OF RETIREMENT HOME CHAIRMAN.—Paragraph (1) of section 1515(d) of such Act (24 U.S.C. 415(d)) is amended to read as follows:

"(1)(A) The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman shall be five years. At the discretion of the Secretary a chairman may serve a second five-year term of office as chairman.

"(B) The chairman shall act as the chief executive officer of the Armed Forces Retirement Home and while so acting shall not be responsible to the Secretary of Defense or to the Secretaries of the military departments for direction and management of the Retirement Home or each facility maintained as a separate facility of the Retirement Home.

"(C) The chairman may appoint, in addition to such ad hoc committees as the chairman determines to be appropriate, a standing executive committee to act for, and in the name of, the Retirement Home Board at such times and on such matters as the chairman considers necessary to expedite the efficient and timely management of each facility maintained as a separate facility of the Retirement Home.

"(D) The chairman may appoint an administrative staff to assist the chairman in the performance of the duties of the chairman. The chairman shall determine the rates of pay applicable to such staff, except that a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States shall receive no additional pay by reason of service on the administrative staff."

(c) HOSPITAL CARE FOR HOME RESIDENTS.—Section 1513(b) of such Act (24 U.S.C. 413(b)) is amended by striking out the second sentence and inserting in lieu thereof the following: "Secondary and tertiary hospital care for residents that is not available at a facility maintained as a separate establish-

ment of the Retirement Home shall, to the extent available, be obtained by agreement with the Secretary of Veterans Affairs or the Secretary of Defense in a facility administered by such Secretary. The Retirement Home shall not be responsible for the costs incurred for such care by a resident of the Retirement Home who uses a private medical facility for such care."

(d) DISPOSITION OF ESTATES OF DECEASED PERSONS.—Subsection (a) of section 1520 of such Act (24 U.S.C. 420) is amended to read as follows:

"(a) DISPOSITION OF EFFECTS OF DECEASED PERSONS.—The Director of each facility that is maintained as a separate establishment of the Retirement Home shall safeguard and dispose of the estate and personal effects of deceased residents, including effects delivered to such facility under sections 4712(f) and 9712(f) of title 10, United States Code, and shall ensure the following:

"(1) A will or other instrument of a testamentary nature involving property rights executed by a resident shall be promptly delivered, upon the death of the resident, to the proper court of record.

"(2) If a resident dies intestate and the heirs or legal representative of the deceased cannot be immediately ascertained, the Director shall retain all property left by the decedent for a three-year period beginning on the date of the death. If entitlement to such property is established to the satisfaction of the Director at any time during the three-year period, the Director shall distribute the decedent's property, in equal prorate shares when multiple beneficiaries have been identified, to the highest following categories of identified survivors (listed in the order of precedence indicated):

"(A) The surviving spouse or legal representative.

"(B) The children of the deceased.

"(C) The parents of the deceased.

"(D) The siblings of the deceased.

"(E) The next-of-kin of the deceased."

(e) SALE OF EFFECTS.—Subsection (b) of such section 1520 is amended to read as follows:

"(b) SALE OF EFFECTS.—(1)(A) If the disposition of the estate of a resident of the Retirement Home cannot be accomplished under subsection (a)(2) or if a resident dies testate and the nominated fiduciary, legatees, or heirs of the resident cannot be immediately ascertained, the entirety of the deceased resident's domiciliary estate and the entirety of any ancillary estate that is unclaimed at the end of the three-year period beginning on the date of the death of the resident shall escheat to the Retirement Home.

"(B) Upon the sale of any such unclaimed estate property, the proceeds of the sale shall be deposited in the Retirement Home Trust Fund.

"(C) If a personal representative or other fiduciary is appointed to administer a deceased resident's estate and the administration is completed before the end of such three-year period, the balance of the entire net proceeds of the estate, less expenses, shall be deposited directly in the Retirement Home Trust Fund. The heirs or legatees of the deceased resident may file a claim made with the Comptroller General of the United States to reclaim such proceeds. A determination of the claim by the Comptroller General shall be subject to judicial review exclusively by the United States Court of Federal Claims.

"(2)(A) The Director of a facility main-

tirement Home may designate an attorney to serve as attorney or agent for the facility in any probate proceeding in which the Retirement Home may have a legal interest as nominated fiduciary, testamentary legatee, escheat legatee, or in any other capacity.

"(B) An attorney designated under this paragraph may, in the domiciliary jurisdiction of the deceased resident and in any ancillary jurisdiction, petition for appointment as fiduciary. The attorney shall have priority over any petitioners (other than the deceased resident's nominated fiduciary, named legatees, or heirs) to serve as fiduciary. In a probate proceeding in which the heirs of an intestate deceased resident cannot be located and in a probate proceeding in which the nominated fiduciary, legatees, or heirs of a testate deceased resident cannot be located, the attorney shall be appointed as the fiduciary of the deceased resident's estate.

"(3) The designation of an employee or representative of a facility of the Retirement Home as personal representative of the estate of a resident of the Retirement Home or as a legatee under the will or codicil of the resident shall not disqualify an employee or staff member of that facility from serving as a competent witness to a will or codicil of the resident.

"(4) After the end of the three-year period beginning on the date of the death of a resident of a facility, the Director of the facility shall dispose of all property of the deceased resident that is not otherwise disposed of under this subsection, including personal effects such as decorations, medals, and citations to which a right has not been established under subsection (a). Disposal may be made within the discretion of the Director by—

"(A) retaining such property or effects for the facility;

"(B) offering such items to the Secretary of Veterans Affairs, a State, another military home, a museum, or any other institution having an interest in such items; or

"(C) destroying any items determined by the Director to be valueless."

(f) APPLICABILITY.—Section 1541 of such Act (24 U.S.C. 401 note) is amended by adding at the end the following new subsection:

"(d) APPLICABILITY.—Section 1520 of this Act shall apply to the estate of each resident of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home, who dies after November 29, 1989."

SEC. 367. MODIFICATION OF RESTRICTION ON REPAIR OF CERTAIN VESSELS THE HOMEPORT OF WHICH IS PLANNED FOR REASSIGNMENT.

Subsection (b) of section 7310 of title 10, United States Code, as inserted by section 824(b), is amended to read as follows:

"(b) VESSEL CHANGING HOMEPORTS.—(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.

"(2) In the case of a naval vessel the homeport of which is in the United States (or a territory of the United States), the Secretary of the Navy shall during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the United States (or a territory of the United States) perform in the United States (or a territory

of the United States) any work for the overhaul, repair, or maintenance of the vessel that is scheduled—

“(A) to begin during the 15-month period; and

“(B) to be for a period of more than six months.”.

SEC. 368. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES WHO DIE WHILE SERVING IN AN ARMED CONFLICT WITH THE ARMED FORCES.

(a) IN GENERAL.—Chapter 75 of title 10, United States Code, is amended by inserting after section 1482 the following new section:

“§ 1482a. Expenses incident to death: Civilian employees serving with an armed force

“(a) PAYMENT OF EXPENSES.—The Secretary concerned may pay the expenses incident to the death of a civilian employee who dies of injuries incurred in connection with the employee's service with an armed force in a contingency operation, or who dies of injuries incurred in connection with a terrorist incident occurring during the employee's service with an armed force, as follows:

“(1) Round-trip transportation and prescribed allowances for one person to escort the remains of the employee to the place authorized under section 5742(b)(1) of title 5.

“(2) Presentation of a flag of the United States to the next of kin of the employee.

“(3) Presentation of a flag of equal size to the flag presented under paragraph (2) to the parents or parent of the employee, if the person to be presented a flag under paragraph (2) is other than the parent of the employee.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. The Secretary of Transportation shall prescribe regulations to implement this section with regard to civilian employees of the Department of Transportation. Regulations under this subsection shall be uniform to the extent possible and shall provide for the Secretary's consideration of the conditions and circumstances surrounding the death of an employee and the nature of the employee's service with the armed force.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘civilian employee’ means a person employed by the Federal Government, including a person entitled to basic pay in accordance with the General Schedule provided in section 5332 of title 5 or a similar basic pay schedule of the Federal Government.

“(2) The term ‘contingency operation’ includes humanitarian operations, peacekeeping operations, and similar operations.

“(3) The term ‘parent’ has the meaning given such term in section 1482(a)(11) of this title.

“(4) The term ‘Secretary concerned’ includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of such title is amended by inserting after the item relating to section 1482 the following new item:

“1482a. Expenses incident to death: Civilian employees serving with an armed force.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the payment of incidental expenses for civilian employees who die while serving in a contingency operation that occurs after the date of the enactment of this Act.

SEC. 369. MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

(b) FUNDING.—Of the amounts authorized to be appropriated to the Marine Corps for operation and maintenance in a fiscal year, not more than \$15,000 may be made available to repair and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, \$150,000 may be made available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of United States military personnel during World War II.

SEC. 370. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1344) is amended by striking out “terminate at the end of the two-year period beginning on the date of the enactment of this Act” and inserting in lieu thereof “terminate on December 5, 1994”.

(2) Section 343(e) of such Act is amended by striking out “60 days after the end of the two-year period described in subsection (d)” and inserting in lieu thereof “February 3, 1995”.

(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1684) is amended by striking out “September 30, 1993” and inserting in lieu thereof “September 30, 1994”.

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out “September 30, 1993” and inserting in lieu thereof “September 30, 1994”.

SEC. 371. SHIPS' STORES.

(a) CONVERSION TO OPERATION AS NON-APPROPRIATED FUND INSTRUMENTALITIES.—Not later than October 1, 1994, the Secretary of the Navy shall convert the operation of all ships' stores from operation as an activity funded by direct appropriations to operation by the Navy Exchange Service Command as an activity funded from sources other than appropriated funds.

(b) TRANSFER OF FUNDS.—To facilitate the conversion required under subsection (a), the Secretary of the Navy shall transfer to the Navy Exchange Service Command, without cost to the Navy Exchange Service Command, from—

(1) the Navy Stock Fund, an amount equal to the value of existing ships' stores assets in that Fund; and

(2) the Ships' Stores Profits, Navy Fund, residual cash in that Fund.

(c) CODIFICATION.—Section 7604 of title 10, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Under such regulations”; and

(2) by adding at the end the following new subsections:

“(b) INCIDENTAL SERVICES.—The Secretary of the Navy may provide financial services, space, utilities, and labor to ships' stores on a nonreimbursable basis.

“(c) ITEMS SOLD.—Merchandise sold by ship stores afloat shall include items in the following categories:

“(1) Health, beauty, and barber items.

“(2) Prerecorded music and videos.

“(3) Photographic batteries and related supplies.

“(4) Appliances and accessories.

“(5) Uniform items, emblematic and athletic clothing, and equipment.

“(6) Luggage and leather goods.

“(7) Stationery, magazines, books, and supplies.

“(8) Sundry, games, and souvenirs.

“(9) Beverages and related food and snacks.

“(10) Laundry, tailor, and cleaning supplies.

“(11) Tobacco products.”.

(d) EFFECTIVE DATE.—Subsections (b) and (c) of section 7604 of title 10, United States Code, as added by subsection (c), shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a).

SEC. 372. PROMOTION OF CIVILIAN MARKSMANSHIP.

Section 4308(c) of title 10, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, such amounts shall remain available until expended.”.

SEC. 373. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 238 note) is amended—

(1) by striking out “or” at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) there has been a significant increase, as determined by the Secretary of Defense, in the number of military dependent students in average daily attendance in the schools of that agency as a result of a relocation of Armed Forces personnel or civilian employees of the Department of Defense or as a result of a realignment of one or more military installations; or”; and

(4) in paragraph (3), as redesignated by paragraph (2), by inserting “or (2)” before the period at the end.

(b) TECHNICAL CORRECTION.—Section 386 of such Act is amended by—

(1) by redesignating the second subsection (e), relating to definitions, as subsection (h); and

(2) by transferring such subsection, as so redesignated, to the end of such section.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsections (a) and (b) shall take effect as of October 23, 1992, as if section 386 of Public Law 102-484 had been enacted as amended by such subsections.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated pursuant to section 301(5)—

(1) \$50,000,000 shall be available for providing assistance to local educational agencies under subsection (b) of section 386 of Public Law 102-484; and

(2) \$8,000,000 shall be available for making payments to local educational agencies under subsection (d) of such section.

(e) NOTIFICATION AND DISBURSAL.—(1) On or before June 30, 1994, the Secretary of Defense (with respect to assistance provided in subsection (b) of section 386 of Public Law 102-

484) and the Secretary of Education (with respect to payments made under subsection (d) of such section) shall notify each local educational agency eligible for assistance under subsections (b) and (d) of such section, respectively, for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary of Defense (with respect to funds made available under subsection (d)(1)) and the Secretary of Education (with respect to funds made available under subsection (d)(2)) shall disburse such funds not later than 30 days after notification to eligible local education agencies.

SEC. 374. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 227. Recruiting costs

“The Secretary of Defense shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

“(1) The amount requested for the recruitment of persons for enlistment or appointment into the armed forces, including—

“(A) the personnel costs for Department of Defense personnel whose duties include—

“(i) recruitment;

“(ii) the management of Department of Defense personnel performing recruitment duties; or

“(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

“(B) the cost of providing support for such personnel for the performance of those duties;

“(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

“(D) the costs of incentives, including—

“(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

“(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

“(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

“(E) costs associated with military entrance processing.

“(2) The appropriation accounts from which such costs are to be paid.

“(3) The estimated average total annual cost of recruiting a person for enlistment or appointment into the armed forces for the fiscal year covered by the budget, determined and shown separately for—

“(A) each armed force;

“(B) the active component of each armed force;

“(C) each of the reserve components of each armed force; and

“(D) for all of the armed forces.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“227. Recruiting costs.”

SEC. 375. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

“(3) Any gifts of money shall be credited to and form a part of the Fund.”

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out “(1)”; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 376. ANNUAL ASSESSMENT OF FORCE READINESS.

(a) ANNUAL ASSESSMENT REQUIRED.—Not later than March 1 of each of 1994, 1995, and 1996, the Chairman of the Joint Chiefs of Staff shall submit to the Congress an assessment of—

(1) the readiness and capability of the Armed Forces to carry out the full range of the missions assigned to the Armed Forces; and

(2) the associated level or degree of risk for the Armed Forces in responding to current and anticipated threats to national security interests of the United States.

(b) CONTENT OF ASSESSMENT.—Each assessment shall include, for the five-year period described in subsection (c), the following matters:

(1) An unclassified description of the current and projected readiness and capability of the Armed Forces taking into consideration each of the following areas:

- (A) Personnel.
- (B) Training and exercises.
- (C) Logistics, including equipment maintenance and supply availability.
- (D) Equipment modernization.
- (E) Installations, real property, and facilities.
- (F) Munitions.
- (G) Mobility.
- (H) Wartime sustainability.

(2) The personal assessment of the Chairman of the Joint Chiefs of Staff regarding the readiness and capabilities of the Armed Forces, together with the Chairman's personal judgment on whether there are significant problems or risks regarding the readiness and capabilities of the Armed Forces.

(3) Any factors that the Chairman or any other member of the Joint Chiefs of Staff believes may lead to a decrease in force readiness or a degradation in the overall capability of the Armed Forces.

(4) Any recommended actions that the Chairman of the Joint Chiefs of Staff considers appropriate.

(5) Any classified annexes that the Chairman of the Joint Chiefs of Staff considers appropriate.

(c) PERIOD ASSESSED.—The assessment shall include information for the fiscal year in which the assessment is submitted, the three preceding fiscal years, and projections for the subsequent fiscal year.

(d) INTERIM ASSESSMENTS.—If, at any time between submissions of assessments to the Congress under subsection (a), the Chairman of the Joint Chiefs of Staff determines that there is a significant change in the projected readiness or capability of the Armed Forces from the readiness or capability projected in the most recent annual assessment, the Chairman shall submit to the Congress a revised assessment that reflects each such significant change.

SEC. 377. REPORTS ON TRANSFERS OF CERTAIN FUNDS.

(a) ANNUAL REPORTS.—In each of 1994, 1995, and 1996, the Secretary of Defense shall submit to the congressional defense committees, not later than the date on which the President submits the budget pursuant to section 1105 of title 31, United States Code,

in that year, a report on each transfer of funds that was made from an operation and maintenance account of the Department of Defense for operating forces during the preceding fiscal year. The report shall include the reason for the transfer.

(b) MIDYEAR REPORTS.—On May 1 of each of 1994, 1995, and 1996, the Secretary of Defense shall submit to the congressional defense committees a report on each transfer of funds that was made from an operation and maintenance account of the Department of Defense for operating forces during the first six months of the fiscal year in which such report is submitted. The report shall include the reason for the transfer.

SEC. 378. REPORT ON REPLACEMENT SITES FOR ARMY RESERVE FACILITY IN MARCUS HOOK, PENNSYLVANIA.

Not later than March 1, 1994, the Secretary of the Army shall submit to the Congress a report evaluating the suitability of each site within a 100-mile radius of the Army Reserve Facility in Marcus Hook, Pennsylvania, that may be considered by the Secretary as a replacement facility for the Army Reserve Facility. The report shall include a detailed accounting of—

(1) the pier and building space required at the replacement facility and the pier and building space available at each alternative site;

(2) the cost of operating a facility comparable to the Army Reserve Facility at each alternative site;

(3) the other entities, if any, carrying out activities at each alternative site and the pier and building space required by such entities at each alternative site; and

(4) the advantages and disadvantages of locating the facility at each alternative site.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

- (1) The Army, 540,000.
- (2) The Navy, 480,800.
- (3) The Marine Corps, 177,000.
- (4) The Air Force, 425,700.

SEC. 402. TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR MARINE CORPS MAJORS AND LIEUTENANT COLONELS.

(a) VARIATION AUTHORIZED.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1994 and 1995, the numbers applicable to officers of the Marine Corps serving on active duty in the grades of major and lieutenant colonel shall be the numbers set forth for that fiscal year in subsection (b) (rather than the numbers determined in accordance with the table in that section).

(b) NUMBERS FOR FISCAL YEARS 1994 AND 1995.—The numbers referred to in subsection (a) are as follows:

Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,578
1995	3,157	1,634

SEC. 403. ARMY END STRENGTH.

(a) TIMING OF REDUCTION.—The number of active duty members of the Army may not be reduced (from the number as of the date of the enactment of this Act) to a number below 555,000 until after April 30, 1994.

(b) **CONDITIONS ON REDUCTION.**—After April 30, 1994, the number of active duty members of the Army may be reduced below 555,000 only if—

(1) the Secretary of Defense has submitted to Congress a report setting forth in detail—

(A) the method by which the force structure of the Army in the Bottom Up Review was derived and the projected active duty end strength for the Army for each of fiscal years 1995 through 1999;

(B) how the forces recommended in the Bottom Up Review for the Army for future fiscal years will be able to carry out the two major regional conflicts strategy; and

(C) what effect peacekeeping operations, peace making operations, peace enforcing operations, disaster relief operations, and other operations other than war have on the ability of the Army to carry out the two major regional conflicts strategy;

(2) the President (after receiving a report from the Secretary of the Army containing the assessment of the Secretary on the capabilities of the Army) has submitted to Congress a report—

(A) containing a certification that the Army is capable of providing sufficient forces (excluding forces engaged in peacekeeping operations and other operations other than war) to carry out two major regional conflicts nearly simultaneously, in accordance with the National Military Strategy;

(B) specifying the active Army units anticipated to deploy within the first 75 days in response to a major regional conflict that are at the time of the submission of the report engaged in peacekeeping operations and other operations other than war; and

(C) containing the President's estimate of the time required to redeploy and retrain the forces specified in subparagraph (B) and subsequently to commit them to combat in a major regional contingency; and

(3) the President has submitted the report on multinational peacekeeping and peace enforcement required by section 1502.

(c) **LIMITATION ON REDUCTIONS.**—If the conditions specified in subsection (b) are met, the number of active duty members of the Army may not during fiscal year 1994 be reduced below the end strength for the Army specified in section 401.

(d) **CERTIFICATION UPON PARTICIPATION IN PEACETIME CONTINGENCY OPERATIONS.**—

Whenever, at a time when the number of active duty members of the Army is below 555,000, the President makes a decision to commit elements of the Army to (1) a peacekeeping operation, a peace making operation, or a peace enforcing operation, or (2) any other operation during peacetime that would require assignment of a large contingent of personnel or that would consume significant resources, the President shall submit to Congress a report containing a certification specified in subsection (b)(2)(A). Any such report shall be submitted not later than the date on which the execution of the operation begins.

(e) **END STRENGTH WITHOUT CERTIFICATION.**—If the conditions specified in subsection (b) have not been met as of September 30, 1994, the limitation as of that date for the Army under section 401 shall be 555,000 (rather than the number specified in that section for the Army).

(f) **ACTIVE DUTY MEMBERS OF THE ARMY.**—For purposes of this section, active duty members of the Army are those members of the Army who are on active duty and are counted for purposes of the active duty end strength limitation under section 401.

(g) **BOTTOM UP REVIEW.**—For purposes of this section, the term "Bottom Up Review" means the internal study of the Department of Defense conducted during 1993 at the direction of the Secretary of Defense, the results of which were published in October 1993 in the report entitled "Report on the Bottom-Up Review".

SEC. 404. REPORT ON END STRENGTHS NECESSARY TO MEET LEVELS ASSUMED IN BOTTOM UP REVIEW.

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the personnel management actions programmed to be carried out in order to reach the military force strength levels assumed as of the end of fiscal year 1999 in the Bottom Up Review study carried out in the Department of Defense during 1993.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include the following, shown separately for each of the Army, Navy, Air Force, and Marine Corps:

(1) The active-duty and Selected Reserve end strengths programmed for each fiscal year through fiscal year 1999.

(2) The number of accessions (shown by type of accession) programmed for each fiscal year through fiscal year 1999.

(3) The number of separations, shown by category of separation for both voluntary and involuntary separations, and shown separately for officers and enlisted personnel, programmed for each fiscal year through fiscal year 1999.

(4) A description of any other personnel management action programmed for the purpose stated in subsection (a).

(c) **DEADLINE FOR REPORT.**—The report under subsection (a) shall be submitted not later than February 15, 1994.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 118,000.

(4) The Marine Corps Reserve, 42,200.

(5) The Air National Guard of the United States, 117,700.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 10,000.

(b) **WAIVER AUTHORITY.**—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(c) **ADJUSTMENTS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be

increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.

(2) The Army Reserve, 12,542.

(3) The Naval Reserve, 19,718.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,389.

(6) The Air Force Reserve, 648.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) **SENIOR ENLISTED MEMBERS.**—The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	569	202	328	14
E-8	2,585	429	840	74"

(b) **OFFICERS.**—The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	636	75
Colonel or Navy Captain	372	188	274	25"

SEC. 414. FORCE STRUCTURE ALLOWANCE FOR ARMY NATIONAL GUARD.

(a) **MINIMUM FORCE STRUCTURE LEVEL.**—The force structure allowance for the Army National Guard of the United States for fiscal year 1994 shall be not less than 420,000.

(b) **FORCE STRUCTURE ALLOWANCE DEFINED.**—For purposes of this section, the force structure allowance for a reserve component is the allowance prescribed for that reserve component by the Secretary of the military department concerned pursuant to section 413 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2400).

SEC. 415. PERSONNEL LEVEL FOR NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

(a) **FISCAL YEAR 1994.**—The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission.

(b) **PERMANENT STAFFING LEVEL.**—The number of personnel authorizations assigned to the Craft of Opportunity mission shall be maintained during fiscal year 1994 and thereafter at not less than the level in effect on September 30, 1991.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) **IN GENERAL.**—For fiscal year 1994, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations
SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of \$70,183,770,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

TITLE V—MILITARY PERSONNEL POLICY
Subtitle A—Officer Personnel Policy

SEC. 501. YEARS OF SERVICE FOR ELIGIBILITY FOR SEPARATION PAY FOR REGULAR OFFICERS INVOLUNTARILY DISCHARGED.

(a) PERIOD OF SERVICE REQUIRED FOR ELIGIBILITY.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to any regular officer who is discharged after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not apply with respect to an officer who on the date of the enactment of this Act has five or more, but less than six, years of active service in the Armed Forces.

SEC. 502. EXPANSION OF ELIGIBILITY FOR VOLUNTARY SEPARATION INCENTIVE AND SPECIAL SEPARATION BENEFITS PROGRAMS.

Sections 1174a(c)(2) and 1175(d)(1) of title 10, United States Code, are amended by striking out "before December 5, 1991".

SEC. 503. MEMBERS ELIGIBLE FOR INVOLUNTARY SEPARATION BENEFITS.

Section 1141 of title 10, United States Code, is amended by inserting "or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994" after "September 30, 1990".

SEC. 504. TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

"§ 580a. Enhanced authority for selective early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the period beginning on the date of the enactment of this section and ending on October 1, 1999, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

"(b) The Secretary of a military department may, with respect to regular warrant officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

"(1) who have served at least one year of active duty in the grade currently held;

"(2) whose names are not on a list of warrant officers recommended for promotion; and

"(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to subsection (b) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges."

SEC. 505. DETERMINATION OF SERVICE FOR WARRANT OFFICER RETIREMENT SANCTUARY.

(a) EQUITY WITH OTHER MEMBERS.—Section 580(a)(4) of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subparagraph (C))" in subparagraph (A) after "shall be separated"; and

(2) by adding at the end the following new subparagraph:

"(C) If on the date on which a warrant officer is to be separated under subparagraph (A) the warrant officer has at least 18 years of creditable active service, the warrant officer shall be retained on active duty until retired under paragraph (3) in the same manner as if the warrant officer had had at least 18 years of service on the applicable date under subparagraph (A) or (B) of that paragraph."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to warrant officers who have not been separated

pursuant to section 580(a)(4) of title 10, United States Code, before the date of enactment of this Act.

SEC. 506. OFFICERS INELIGIBLE FOR CONSIDERATION BY EARLY RETIREMENT BOARDS.

Section 638(e)(2)(B) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "grade and competitive category";

(2) by inserting "(11)" after "of this title, or"; and

(3) by striking out the comma after "any provision of law".

SEC. 507. REMEDY FOR INEFFECTIVE COUNSELING OF OFFICERS DISCHARGED FOLLOWING SELECTION BY EARLY DISCHARGE BOARDS.

(a) PROCEDURE FOR REVIEW.—(1) The Secretary of each military department shall establish a procedure for the review of the individual circumstances of an officer described in paragraph (2) who is discharged, or who the Secretary concerned approves for discharge, following the report of a selection board convened by the Secretary to select officers for separation. The procedure established by the Secretary of a military department under this section shall provide that each review under that procedure be carried out by the Board for the Correction of Military Records of that military department.

(2) This section applies in the case of any officer (including a warrant officer) who, having been offered the opportunity to be discharged or otherwise separated from active duty through the programs provided under section 1174a and 1175 of title 10, United States Code—

(A) elected not to accept such discharge or separation; and

(B) submits an application under subsection (b) during the two-year period beginning on the later of the date of the enactment of this Act and the date of such discharge or separation.

(b) APPLICATION.—A review under this section shall be conducted in any case submitted to the Secretary concerned by application from the officer or former officer under regulations prescribed by the Secretary.

(c) PURPOSE OF REVIEW.—(1) The review under this section shall be designed to evaluate the effectiveness of the counseling of the officer before the convening of the board to ensure that the officer was properly informed that selection for discharge or other separation from active duty was a potential result of being within the group of officers to be considered by the board and that the officer was not improperly informed that such selection in that officer's personal case was unlikely.

(2) The Board for the Correction of Military Records of a military department shall render a decision in each case under this section not later than 60 days after receipt by the Secretary concerned of an application under subsection (b).

(d) REMEDY.—Upon a finding of ineffective counseling under subsection (c), the Secretary shall provide the officer the opportunity to participate, at the officer's option, in any one of the following programs for which the officer meets all eligibility criteria:

(1) The Special Separation Benefits program under section 1174a of title 10, United States Code.

(2) The Voluntary Separation Incentive program under section 1175 of such title.

(3) Retirement under the authority provided by section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2702; 10 U.S.C. 1293).

(e) EFFECTIVE DATE.—This section shall apply with respect to officers separated after September 30, 1990.

SEC. 508. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS.

(a) EXTENSION.—Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1993.

SEC. 509. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED EDUCATION IN A HEALTH PROFESSION UPON ORIGINAL APPOINTMENT AS AN OFFICER.

(a) CREDIT UPON APPOINTMENT IN A REGULAR COMPONENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(b) CREDIT UPON APPOINTMENT AS RESERVE OFFICER IN THE ARMY.—Section 3353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(c) CREDIT UPON APPOINTMENT AS OFFICER IN NAVAL RESERVE OR MARINE CORPS RESERVE.—Section 5600(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(d) CREDIT UPON APPOINTMENT AS RESERVE OFFICER IN THE AIR FORCE.—Section 8353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(e) RATIFICATION OF PRIOR CREDIT.—To the extent that service credit awarded before the date of the enactment of this Act under section 533, 3353, 5600, or 8353 of title 10, United States Code, based on advanced education in

medicine or dentistry was awarded consistent with that section as amended by this section (whether or not properly awarded under that section as in effect before such amendment), the awarding of that service credit is hereby ratified.

SEC. 510. ORIGINAL APPOINTMENT AS REGULAR OFFICERS OF CERTAIN RESERVE OFFICERS IN HEALTH PROFESSIONS.

Section 532(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A reserve commissioned officer appointed in a medical skill other than as a medical officer or dental officer (as defined in regulations prescribed by the Secretary of Defense) is not subject to clause (2) of subsection (a)."

Subtitle B—Reserve Components

SEC. 511. EXCEPTION FOR HEALTH CARE PROVIDERS TO REQUIREMENT FOR 12 WEEKS OF BASIC TRAINING BEFORE ASSIGNMENT OUTSIDE UNITED STATES.

Section 671 of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subsection (c))" in subsection (b) after "may not"; and

(2) by adding at the end the following new subsection

"(c)(1) A period of basic training (or equivalent training) shorter than 12 weeks may be established by the Secretary concerned for members of the armed forces who have been credentialed in a medical profession or occupation and are serving in a health-care occupational specialty, as determined under regulations prescribed under paragraph (2). Any such period shall be established under regulations prescribed under paragraph (2) and may be established notwithstanding section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)).

"(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations for the purposes of paragraph (1). The regulations prescribed by the Secretary of Defense shall apply uniformly to the military departments."

SEC. 512. NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.

Section 690 of title 10, United States Code, is amended by striking out "may not exceed 200" and inserting in lieu thereof "may not exceed 275".

SEC. 513. REPEAL OF MANDATED REDUCTION IN ARMY RESERVE COMPONENT FULL-TIME MANNING END STRENGTH.

Section 412 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 261 note) is amended by striking out subsections (b) and (c).

SEC. 514. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Sec-

tion 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1993.

(2) The Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 515. ACTIVE COMPONENT SUPPORT FOR RESERVE TRAINING.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of the Army shall, not later than September 30, 1995, establish one or more active-component units of the Army with the primary mission of providing training support to reserve units. Each such unit shall be part of the active Army force structure and shall have a commander who is on the active-duty list of the Army.

(b) IMPLEMENTATION PLAN.—The Secretary of the Army shall during fiscal year 1994 submit to the Committees on Armed Services of the Senate and House of Representatives a plan to meet the requirement in subsection (a). The plan shall include a proposal for any statutory changes that the Secretary considers to be necessary for the implementation of the plan.

SEC. 516. TEST PROGRAM FOR RESERVE COMBAT MANEUVER UNIT INTEGRATION.

(a) PLAN FOR TEST PROGRAM.—The Secretary of the Army shall prepare a plan for carrying out a test program to determine the feasibility and advisability of applying the roundup and roundup models for integration of active and reserve component Army units at the battalion and company levels.

(b) PURPOSE OF TEST PROGRAM.—The purpose of the test program shall be to evaluate whether the roundup and roundup concepts if applied at the battalion and company levels would—

(1) decrease post-mobilization training time;

(2) increase the capabilities of reserve component leaders;

(3) improve the integration of the active and reserve components; and

(4) provide a more efficient means for future expansion of the Army in a period of emergency or increasing international threats to the vital interests of the United States.

(c) REPORT ON PLAN.—The Secretary of the Army shall submit to Congress not later than March 31, 1994, a report that includes the plan for the test program required under subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms "roundout" and "roundup" refer to two approaches for integrating Army National Guard and Army Reserve combat units into active Army corps, divisions, brigades, and battalions after mobilization. The

roundout approach is the method of bringing an incomplete active unit up to full strength by assigning one or more reserve component units to it. The roundup approach is the use of reserve component units to augment or expand active units that are already at full strength.

SEC. 517. REVISIONS TO PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF THE RESERVES.

(a) ACTIVE COMPONENT ADVISERS.—(1) Subsection (c) of section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 261 note) is amended to read as follows:

“(c) PERSONNEL TO BE ASSIGNED.—The Secretary shall assign not less than 2,000 active component personnel to serve as advisers under the program. After September 30, 1994, the number under the preceding sentence shall be increased to not less than 5,000.”

(2) Subsection (d) of such section is amended by striking out the period at the end of the second sentence and inserting in lieu thereof “, together with a proposal for any statutory changes that the Secretary considers necessary to implement the program on a permanent basis.”

(b) ANNUAL REPORT ON IMPLEMENTATION.—(1) The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a presentation relating to the implementation of the Pilot Program for Active Component Support of the Reserves under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 261 note), as amended by subsection (a).

(2) Each such presentation shall include, with respect to the period covered by the report, the following information:

(A) The promotion rate for officers considered for promotion from within the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the Army.

(B) The promotion rate for officers considered for promotion from below the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared in the same manner as specified in subparagraph (A).

SEC. 518. EDUCATIONAL ASSISTANCE FOR GRADUATE PROGRAMS FOR MEMBERS OF THE SELECTED RESERVE.

Section 2131 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking out “other than” and all that follows through “level,” and inserting in lieu thereof a period; and

(2) by adding at the end the following new subsection:

“(1) A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this chapter, subject to the availability of appropriations.”

SEC. 519. FREQUENCY OF PHYSICAL EXAMINATIONS OF MEMBERS OF THE READY RESERVE.

Section 1004(a)(1) of title 10, United States Code, is amended by striking out “four years” and inserting in lieu thereof “five years”.

SEC. 520. REVISION OF CERTAIN DEADLINES UNDER ARMY NATIONAL GUARD COMBAT READINESS REFORM ACT.

(a) DELAY IN MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.—(1) Subsection (b) of section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102-484; 10 U.S.C. 3077 note; 106 Stat. 2537) is amended by striking out “fiscal years 1993 through 1997” and inserting in lieu thereof “fiscal years 1994 through 1997”.

(2) Subsection (d) of such section is amended by striking out “March 15, 1993” and “April 1, 1993” and inserting in lieu thereof “December 15, 1993” and “January 15, 1994”, respectively.

(b) REPORT ON DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.—Section 1118(b) of such Act (106 Stat. 2539) is amended by striking out “February 15, 1993” and inserting in lieu thereof “December 1, 1993”.

SEC. 521. ANNUAL REPORT ON IMPLEMENTATION OF ARMY NATIONAL GUARD COMBAT READINESS REFORM ACT.

(a) IN GENERAL.—Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 3082. Army National Guard combat readiness reform: annual report

“(a) IN GENERAL.—The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a detailed presentation concerning the Army National Guard, including particularly information relating to the implementation of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102-484; 106 Stat. 2536) (hereinafter in this section referred to as ‘ANGCRRRA’).”

“(b) MATTERS TO BE INCLUDED IN REPORT.—Each presentation under subsection (a) shall include, with respect to the period covered by the report, the following information concerning the Army National Guard:

“(1) The number and percentage of officers with at least two years of active-duty before becoming a member of the Army National Guard.

“(2) The number and percentage of enlisted personnel with at least two years of active-duty before becoming a member of the Army National Guard.

“(3) The number of officers who are graduates of one of the service academies and were released from active duty before the completion of their active-duty service obligation and, of those officers—

“(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRRA; and

“(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRRA, together with the reason for each waiver.

“(4) The number of officers who were commissioned as distinguished Reserve Officers’ Training Corps graduates and were released from active duty before the completion of their active-duty service obligation and, of those officers—

“(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRRA; and

“(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRRA, together with the reason for each waiver.

“(5) The number of officers who are graduates of the Reserve Officers’ Training Corps

program and who are performing their minimum period of obligated service in accordance with section 1112(b) of ANGCRRRA by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation served in the National Guard and, of those officers, the number for whom permission to perform their minimum period of obligated service in accordance with that section was granted during the preceding fiscal year.

“(6) The number of officers for whom recommendations were made during the preceding fiscal year for a unit vacancy promotion to a grade above first lieutenant and, of those recommendations, the number and percentage that were concurred in by an active-duty officer under section 1113(a) of ANGCRRRA, shown separately for each of the three categories of officers set forth in section 1113(b) of ANGCRRRA.

“(7) The number of waivers during the preceding fiscal year under section 1114(a) of ANGCRRRA of any standard prescribed by the Secretary establishing a military education requirement for noncommissioned officers and the reason for each such waiver.

“(8) The number and distribution by grade, shown for each State, of personnel in the initial entry training and nondeployability personnel accounting category established under 1115 of ANGCRRRA for members of the Army National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment.

“(9) The number of members of the Army National Guard, shown for each State, that were discharged during the previous fiscal year pursuant to 1115(c)(1) of ANGCRRRA for not completing the minimum training required for deployment within 24 months after entering the National Guard.

“(10) The number of waivers, shown for each State, that were granted by the Secretary during the previous fiscal year under section 1115(c)(2) of ANGCRRRA of the requirement in section 1115(c)(1) of ANGCRRRA described in paragraph (9), together with the reason for each waiver.

“(11) The number of members, shown for each State, who were screened during the preceding fiscal year to determine whether they meet minimum physical profile standards required for deployment and, of those members—

“(A) the number and percentage who did not meet minimum physical profile standards required for deployment; and

“(B) the number and percentage who were transferred pursuant to section 1116 of ANGCRRRA to the personnel accounting category described in paragraph (8).

“(12) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a medical screening during the previous fiscal year as provided in section 1117 of ANGCRRRA.

“(13) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a dental screening during the previous fiscal year as provided in section 1117 of ANGCRRRA.

“(14) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, over the age of 40 who underwent a full physical examination during the previous fiscal year for purposes of section 1117 of ANGCRRRA.

"(15) The number of units of the Army National Guard that are scheduled for early deployment in the event of a mobilization and, of those units, the number that are dentally ready for deployment in accordance with section 1118 of ANGCRRA.

"(16) The estimated post-mobilization training time for each Army National Guard combat unit, and a description, displayed in broad categories and by State, of what training would need to be accomplished for Army National Guard combat units in a post-mobilization period for purposes of section 1119 of ANGCRRA.

"(17) A description of the measures taken during the preceding fiscal year to comply with the requirement in section 1120 of ANGCRRA to expand the use of simulations, simulators, and advanced training devices and technologies for members and units of the Army National Guard.

"(18) Summary tables of unit readiness, shown for each State, and drawn from the unit readiness rating system as required by section 1121 of ANGCRRA, including the personnel readiness rating information and the equipment readiness assessment information required by that section, together with—

"(A) explanations of the information shown in the table; and

"(B) based on the information shown in the tables, the Secretary's overall assessment of the deployability of units of the Army National Guard, including a discussion of personnel deficiencies and equipment shortfalls in accordance with such section 1121.

"(19) Summary tables, shown for each State, of the results of inspections of units of the Army National Guard by inspectors general or other commissioned officers of the Regular Army under the provisions of section 105 of title 32, together with explanations of the information shown in the tables, and including display of—

"(A) the number of such inspections;

"(B) identification of the entity conducting each inspection;

"(C) the number of units inspected; and

"(D) the overall results of such inspections, including the inspector's determination for each inspected unit of whether the unit met deployability standards and, for those units not meeting deployability standards, the reasons for such failure and the status of corrective actions.

"(20) A listing, for each Army National Guard combat unit, of the active-duty combat unit associated with that Army National Guard unit in accordance with section 1131(a) of ANGCRRA, shown by State and to be accompanied, for each such National Guard unit, by—

"(A) the assessment of the commander of that associated active-duty unit of the manpower, equipment, and training resource requirements of that National Guard unit in accordance with section 1131(b)(3) of ANGCRRA; and

"(B) the results of the validation by the commander of that associated active-duty unit of the compatibility of that National Guard unit with active duty forces in accordance with section 1131(b)(4) of ANGCRRA.

"(21) A specification of the active-duty personnel assigned to units of the Selected Reserve pursuant to section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note), shown (A) by State, (B) by rank of officers, warrant officers, and enlisted members assigned, and (C) by unit or other organizational entity of assignment.

"(c) IMPLEMENTATION.—The requirement to include in a presentation required by sub-

section (a) information under any paragraph of subsection (b) shall take effect with respect to the year following the year in which the provision of ANGCRRA to which that paragraph pertains has taken effect. Before then, in the case of any such paragraph, the Secretary shall include any information that may be available concerning the topic covered by that paragraph.

"(d) DEFINITION.—In this section, the term 'State' includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3082. 3082. Army National Guard combat readiness reform: annual report."

SEC. 522. FFRDC STUDY OF STATE AND FEDERAL MISSIONS OF THE NATIONAL GUARD.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study of the State and Federal missions of the National Guard to be carried out by a federally funded research and development center. The study shall consider both the separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions.

(b) MATTERS TO BE INCLUDED.—The Secretary shall require that the matters to be considered under the study include the following:

(1) Whether the currently projected size for the National Guard after the completion of the reductions in the national defense structure planned through fiscal year 1999 will be adequate for the National Guard to fulfill both its State and Federal missions.

(2) Whether the system of assigning Federal missions to State Guard units could be altered to optimize the Federal as well as the State capabilities of the National Guard.

(3) Whether alternative arrangements, such as cooperative development of National Guard capabilities among the States grouped as regions, are advisable and feasible.

(4) Whether alternative Federal-State cost-sharing arrangements should be implemented for National Guard units whose principal function is to support State missions.

(5) Such other matters related to the missions of the National Guard and the corresponding requirements related to those missions as the Secretary may specify or the center carrying out the study may determine necessary.

(c) FFRDC REPORTS.—(1) The Secretary shall require the center carrying out the study to submit an interim report not later than May 1, 1994, and a final report not later than November 15, 1994. Each report shall include the findings, conclusions, and recommendations of the center concerning each of the matters referred to in subsection (b).

(2) The Secretary shall submit each such report to the Committees on Armed Services of the Senate and House of Representatives not later than 15 days after the date on which it is received by the Secretary.

(d) EVALUATION AND REPORT OF FINAL FFRDC REPORT.—(1) After the center carrying out the study submits its final report, the Secretary of Defense, together with the Secretary of the Army and the Secretary of the Air Force, shall conduct an evaluation of the assumptions, analysis, findings, and recommendations of that study.

(2) Not later than February 1, 1995, the Secretary shall submit to the Committees on Armed Services of the Senate and House of

Representatives a report on the evaluation under paragraph (1). The report shall be accompanied by any recommendations for legislative action that the Secretary considers necessary as a result of the study and evaluation required by this section.

(e) COOPERATION.—The Secretary shall ensure that the center carrying out the study under this section has full access to such information as the center requires for the purposes of the study and that the center otherwise receives full cooperation from all officials and entities of the Department of Defense, including the National Guard, in carrying out the study.

SEC. 523. CONSISTENCY OF TREATMENT OF NATIONAL GUARD TECHNICIANS AND OTHER MEMBERS OF THE NATIONAL GUARD.

(a) FEDERAL RECOGNITION QUALIFICATIONS FOR TECHNICIANS.—Section 709 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(1) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved."

(b) MILITARY EDUCATION.—The following provisions of law are repealed:

(1) Section 523 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1974; 32 U.S.C. 709 note).

(2) Section 506 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1438; 32 U.S.C. 709 note).

(c) SAVINGS PROVISION.—A civilian technician of the Army National Guard serving in an active status on the date of the enactment of this Act who under the provisions of law repealed by subsection (b) (or under other Department of the Army policy in effect on the day before such the date of enactment) was granted credit on the technician's military record for the completion of certain education and training courses shall retain such credit, notwithstanding the provisions of subsections (a) and (b), for a period determined by the Secretary of the Army. Such a period may not terminate, in the case of any such civilian technician, before the effective date of such civilian technician's next military promotion.

SEC. 524. NATIONAL GUARD MANAGEMENT INITIATIVES.

(a) CLARIFICATION REGARDING FEMALE MEMBERS OF THE NATIONAL GUARD AS MEMBERS OF THE MILITIA.—Section 311(a) of title 10, United States Code, is amended by striking out "commissioned officers" and inserting in lieu thereof "members".

(b) INCREASED PERIOD FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30 consecutive days" in the second sentence and inserting in lieu thereof "90 consecutive days".

(c) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF TECHNICIANS.—Section 709(e)(6) of title 32, United States Code, is amended by inserting after "termination of employment as a technician and" the following: "unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment."

(d) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS EMPLOYED CONCURRENTLY.—Section

709(h) of title 32, United States Code, is repealed.

(e) **PERSONNEL AUTHORIZED TO MAKE UNSERVICEABILITY FINDINGS.**—Section 710(f) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) by striking out "subsections (b)-(d)" and inserting in lieu thereof "subsections (b), (c), and (d)";

(3) by striking out "of the Regular Army or the Regular Air Force, as the case may be,"; and

(4) by adding at the end the following:

"(2) In designating an officer to conduct inspections and make findings for purposes of paragraph (1), the Secretary concerned shall designate—

"(A) in the case of the Army National Guard, a commissioned officer of the Regular Army or a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States; and

"(B) in the case of the Air National Guard, a commissioned officer of the Regular Air Force or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States."

Subtitle C—Service Academies

SEC. 531. CONGRESSIONAL NOMINATIONS.

Sections 4342(a), 6954(a), and 9342(a) of title 10, United States Code, are each amended—

(1) in the sentence following paragraph (9), by striking out "a principal candidate and nine alternates" and inserting in lieu thereof "10 persons"; and

(2) by inserting after such sentence the following: "Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter."

SEC. 532. TECHNICAL AMENDMENT RELATED TO CHANGE IN NATURE OF COMMISSION OF SERVICE ACADEMY GRADUATES.

Section 702(a) of title 10, United States Code, is amended by striking out "regular" in the first sentence.

SEC. 533. MANAGEMENT OF CIVILIAN FACULTY AT MILITARY AND AIR FORCE ACADEMIES.

(a) **RECODIFICATION OF MILITARY ACADEMY AUTHORITY.**—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4337 the following new section:

"§ 4338. **Civilian faculty: number; compensation**

"(a) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(b) The compensation of persons employed under this section is as prescribed by the Secretary."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4337 the following new item:

"4338. **Civilian faculty: number; compensation.**"

(3) Section 4331 of such title is amended by striking out subsection (c).

(b) **RECODIFICATION OF AIR FORCE ACADEMY AUTHORITY.**—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9337 the following new section:

"§ 9338. **Civilian faculty: number; compensation**

"(a) The Secretary of the Air Force may employ as many civilians as professors, in-

structors, and lecturers at the Academy as the Secretary considers necessary.

"(b) The compensation of persons employed under this section is as prescribed by the Secretary."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9337 the following new item:

"9338. **Civilian faculty: number; compensation.**"

(3) Section 9331 of such title is amended by striking out subsection (c).

(c) **CONFORMING AMENDMENT.**—Section 5102(c)(10) of title 5, United States Code, is amended by striking out "at the Naval Academy whose pay is fixed under section 6952 of title 10" and inserting in lieu thereof "at the Military Academy, the Naval Academy, and the Air Force Academy whose pay is fixed under sections 4338, 6952, and 9338, respectively, of title 10".

SEC. 534. EVALUATION OF REQUIREMENT THAT OFFICERS AND CIVILIAN FACULTY MEMBERS REPORT VIOLATIONS OF NAVAL ACADEMY REGULATIONS.

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating the administration of section 6965 of title 10, United States Code. The report shall include any recommendations of the Secretary as to amendments or repeal of that section or whether the provisions of that section should be applied to the United States Military Academy and the United States Air Force Academy.

(b) **SUBMISSION OF REPORT.**—The report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 535. PROHIBITION OF TRANSFER OF NAVAL ACADEMY PREPARATORY SCHOOL.

During fiscal year 1994, the Secretary of the Navy may not transfer the Naval Academy Preparatory School from Newport, Rhode Island, to Annapolis, Maryland, or expend any funds for any work (including preparation of an architectural engineering study, design work, or construction or modification of any structure) in preparation for such a transfer.

SEC. 536. TEST PROGRAM TO EVALUATE USE OF PRIVATE PREPARATORY SCHOOLS FOR SERVICE ACADEMY PREPARATORY SCHOOL MISSION.

(a) **TEST PROGRAM.**—The Secretary of Defense shall conduct a test program to determine the efficiency and cost effectiveness of using schools in the private sector as an alternative to the existing schools used for the mission of operating a military preparatory school program for one or more of the service academies. The Secretary shall carry out the test program through the Under Secretary of Defense for Personnel and Readiness.

(b) **PRIORITY.**—The test program shall be carried out so as to give priority to the goal of enhancing opportunities for minorities, women, and prior enlisted personnel to attend service academies.

(c) **EXCLUSION FROM ACADEMY STRENGTH LIMITATIONS.**—Any individual who is admitted to one of the three service academies following completion of a program of instruction at a private-sector preparatory school under the test program shall be excluded from the computation of the size of the corps of cadets or brigade of midshipmen, as the case may, for purposes of strength ceilings imposed by law.

Subtitle D—Women in the Service

SEC. 541. REPEAL OF THE STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.

(a) **IN GENERAL.**—Section 6015 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 555 of such title is amended by striking out the item relating to section 6015.

SEC. 542. NOTICE TO CONGRESS OF PROPOSED CHANGES IN COMBAT ASSIGNMENTS TO WHICH FEMALE MEMBERS MAY BE ASSIGNED.

(a) **IN GENERAL.**—(1) Except in a case covered by subsection (b), whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary shall, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of the proposed change in personnel policy.

(2) If before the date of the enactment of this Act the Secretary made any change to military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that was not previously open to such assignments, the Secretary shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of that change in personnel policy.

(b) **SPECIAL RULE FOR GROUND COMBAT EXCLUSION POLICY.**—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, not less than 90 days before any such change is implemented, submit to Congress a report providing notice of the proposed change.

(2) A change referred to in paragraph (1) is a change that either—

(A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members; or

(B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

(3) The Secretary shall include in any report under paragraph (1)—

(A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act to males only.

(4) For purposes of this subsection, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

SEC. 543. GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE STANDARDS.

(a) **GENDER NEUTRALITY REQUIREMENT.**—In the case of any military occupational career field that is open to both male and female members of the Armed Forces, the Secretary of Defense—

(1) shall ensure that qualification of members of the Armed Forces for, and continuance of members of the Armed Forces in, that occupational career field is evaluated on the basis of common, relevant performance standards, without differential standards or evaluation on the basis of gender;

(2) may not use any gender quota, goal, or ceiling except as specifically authorized by law; and

(3) may not change an occupational performance standard for the purpose of increasing or decreasing the number of women in that occupational career field.

(b) **REQUIREMENTS RELATING TO USE OF SPECIFIC PHYSICAL REQUIREMENTS.**—(1) For any military occupational specialty for which the Secretary of Defense determines that specific physical requirements for muscular strength and endurance and cardiovascular capacity are essential to the performance of duties, the Secretary shall prescribe specific physical requirements for members in that specialty and shall ensure (in the case of an occupational specialty that is open to both male and female members of the Armed Forces) that those requirements are applied on a gender-neutral basis.

(2) Whenever the Secretary establishes or revises a physical requirement for an occupational specialty, a member serving in that occupational specialty when the new requirement becomes effective, who is otherwise considered to be a satisfactory performer, shall be provided a reasonable period, as determined under regulations prescribed by the Secretary, to meet the standard established by the new requirement. During that period, the new physical requirement may not be used to disqualify the member from continued service in that specialty.

(c) **NOTICE TO CONGRESS OF CHANGES.**—Whenever the Secretary of Defense proposes to implement changes to the occupational standards for a military occupational field that are expected to result in an increase, or in a decrease, of at least 10 percent in the number of female members of the Armed Forces who enter, or are assigned to, that occupational field, the Secretary of Defense shall submit to Congress a report providing notice of the change and the justification and rationale for the change. Such changes may then be implemented only after the end of the 60-day period beginning on the date on which such report is submitted.

Subtitle E—Victims' Rights and Family Advocacy

SEC. 551. RESPONSIBILITIES OF MILITARY LAW ENFORCEMENT OFFICIALS AT SCENES OF DOMESTIC VIOLENCE.

(a) **IN GENERAL.**—(1) Section 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Responsibilities of military law enforcement officials at scenes of domestic violence

"(a) **IMMEDIATE ACTIONS REQUIRED.**—Under regulations prescribed pursuant to subsection (c), the Secretary concerned shall ensure, in any case of domestic violence in which a military law enforcement official at the scene determines that physical injury has been inflicted or a deadly weapon or dangerous instrument has been used, that military law enforcement officials—

"(1) take immediate measures to reduce the potential for further violence at the scene; and

"(2) within 24 hours of the incident, provide a report of the domestic violence to the appropriate commander and to a local military family advocacy representative exercising responsibility over the area in which the incident took place.

"(b) **FAMILY ADVOCACY COMMITTEE.**—Under regulations prescribed pursuant to subsection (c), the Secretary concerned shall ensure that, whenever a report is provided to a commander under subsection (a)(2), a multidisciplinary family advocacy committee meets, with all due practicable speed, to review the situation and to make recommendations to the commander for appropriate action.

"(c) **REGULATIONS.**—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe by regulation the definition of 'domestic violence' for purposes of this section and such other regulations as may be necessary for purposes of this section.

"(d) **MILITARY LAW ENFORCEMENT OFFICIAL.**—In this section, the term 'military law enforcement official' means a person authorized under regulations governing the armed forces to apprehend persons subject to this chapter or to trial thereunder."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1058. Responsibilities of military law enforcement officials at scenes of domestic violence."

(b) **DEADLINE FOR PRESCRIBING PROCEDURES.**—The Secretary of Defense shall prescribe procedures to carry out section 1058 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

SEC. 552. IMPROVED PROCEDURES FOR NOTIFICATION OF VICTIMS AND WITNESSES OF STATUS OF PRISONERS IN MILITARY CORRECTIONAL FACILITIES.

(a) **IN GENERAL.**—The Secretary of Defense shall prescribe procedures and implement a centralized system for notice of the status of offenders confined in military correctional facilities to be provided to victims and witnesses. Such procedures shall, to the maximum extent practicable, be consistent with procedures of the Federal Bureau of Prisons for victim and witness notification.

(b) **DEADLINE FOR PRESCRIBING PROCEDURES.**—The Secretary of Defense—

(1) shall prescribe the procedures required by subsection (a) not later than six months after the date of the enactment of this Act; and

(2) shall implement the centralized system required by that section not later than six months after those procedures are prescribed.

(c) **NOTIFICATION AND REPORTING REQUIREMENT.**—(1) Upon implementation of the centralized system of notice under subsection (a), the Secretary shall notify Congress of such implementation.

(2) After such system has been in operation for one year, the Secretary shall submit to Congress a report detailing the lessons learned during the first year of operation.

(d) **TERMINATION OF REQUIREMENT.**—The requirement to establish procedures and implement a centralized system of notice under subsection (a) shall expire 90 days after the receipt of the report required by subsection (c)(2).

SEC. 553. STUDY OF STALKING BY PERSONS SUBJECT TO UCMJ.

(a) **REPORT REQUIRED.**—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the problem of stalking by persons subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States

Code). In the report, the Secretary shall describe the scope of the problem of stalking within the Armed Forces and shall address whether existing procedures and punitive articles under the Uniform Code of Military Justice adequately protect members of the Armed Forces, and dependents of members of the Armed Forces, who are threatened with stalking. The Secretary shall include in the report such recommendations for changes to law and regulations as the Secretary determines to be necessary.

(b) **STALKING.**—For purposes of the report under subsection (a), stalking shall be considered to include actions of a person in repeatedly following or harassing another person in a manner to induce in a reasonable person a fear of sexual battery, bodily injury, or death of that person or a member of that person's immediate family.

SEC. 554. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) **IN GENERAL.**—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Dependents of members separated for dependent abuse: transitional compensation

"(a) **AUTHORITY TO PAY COMPENSATION.**—The Secretary of Defense, with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy), and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may each establish a program to pay monthly transitional compensation in accordance with this section to dependents or former dependents of a member of the armed forces described in subsection (b).

"(b) **PUNITIVE AND OTHER ADVERSE ACTIONS COVERED.**—This section applies in the case of a member of the armed forces on active duty for a period of more than 30 days—

"(1) who is convicted of a dependent-abuse offense (as defined in subsection (c)) and whose conviction results in the member—

"(A) being separated from active duty pursuant to a sentence of a court-martial; or

"(B) forfeiting all pay and allowances pursuant to a sentence of a court-martial; or

"(2) who is administratively separated from active duty in accordance with applicable regulations if the basis for the separation includes a dependent-abuse offense.

"(c) **DEPENDENT-ABUSE OFFENSES.**—For purposes of this section, a dependent-abuse offense is conduct by an individual while a member of the armed forces on active duty for a period of more than 30 days—

"(1) that involves abuse of the spouse or a dependent child of the member; and

"(2) that is a criminal offense specified in regulations prescribed by the Secretary of Defense under subsection (j).

"(d) **RECIPIENTS OF PAYMENTS.**—In any case of a separation from active duty as described in subsection (b), the Secretary shall pay such compensation to dependents or former dependents of the former member as follows:

"(1) If the former member was married at the time of the commission of the dependent-abuse offense resulting in the separation, such compensation shall (except as otherwise provided in this subsection) be paid to the spouse or former spouse to whom the member was married at that time.

"(2) If there is a spouse or former spouse who (but for subsection (g)) would be eligible for compensation under this section and if there is a dependent child of the former member who does not reside in the same

household as that spouse or former spouse, such compensation shall be paid to each such dependent child of the former member who does not reside in that household.

“(3) If there is no spouse or former spouse who is (or but for subsection (g) would be) eligible under paragraph (1), such compensation shall be paid to the dependent children of the former member.

“(4) For purposes of paragraphs (2) and (3), an individual's status as a ‘dependent child’ shall be determined as of the date on which the member is convicted of the dependent-abuse offense or, in a case described in subsection (b)(2), as of the date on which the member is separated from active duty.

“(e) COMMENCEMENT AND DURATION OF PAYMENT.—(1) Payment of transitional compensation under this section shall commence as of the date of the discontinuance of the member's pay and allowances pursuant to the separation or sentencing of the member and, except as provided in paragraph (2), shall be paid for a period of 36 months.

“(2) If as of the date on which payment of transitional compensation commences the unserved portion of the member's period of obligated active duty service is less than 36 months, the period for which transitional compensation is paid shall be equal to the greater of—

“(A) the unserved portion of the member's period of obligated active duty service; or

“(B) 12 months.

“(f) AMOUNT OF PAYMENT.—(1) Payment to a spouse or former spouse under this section for any month shall be at the rate in effect for that month for the payment of dependency and indemnity compensation under section 1311(a)(1) of title 38.

“(2) If a spouse or former spouse to whom compensation is paid under this section has custody of a dependent child or children of the member, the amount of such compensation paid for any month shall be increased for each such dependent child by the amount in effect for that month under section 1311(b) of title 38.

“(3) If compensation is paid under this section to a child or children pursuant to subsection (d)(2) or (d)(3), such compensation shall be paid in equal shares, with the amount of such compensation for any month determined in accordance with the rates in effect for that month under section 1313 of title 38.

“(g) SPOUSE AND FORMER SPOUSE FORFEITURE PROVISIONS.—(1) If a former spouse receiving compensation under this section remarries, the Secretary shall terminate payment of such compensation, effective as of the date of such marriage. The Secretary may not renew payment of compensation under this section to such former spouse in the event of the termination of such subsequent marriage.

“(2) If after a punitive or other adverse action is executed in the case of a former member as described in subsection (b) the former member resides in the same household as the spouse or former spouse, or dependent child, to whom compensation is otherwise payable under this section, the Secretary shall terminate payment of such compensation, effective as of the time the former member begins residing in such household. Compensation paid for a period after the former member's separation, but before the former member resides in the household, shall not be recouped. If the former member subsequently ceases to reside in such household before the end of the period of eligibility for such payments, the Secretary may not resume such payments.

“(3) In a case in which the victim of the dependent-abuse offense resulting in a punitive or other adverse action described in subsection (b) was a dependent child, the Secretary concerned may not pay compensation under this section to a spouse or former spouse who would otherwise be eligible to receive such compensation if the Secretary determines (under regulations prescribed under subsection (j)) that the spouse or former spouse was an active participant in the conduct constituting the dependent-abuse offense.

“(h) EFFECT OF CONTINUATION OF MILITARY PAY.—In the case of payment of transitional compensation by reason of a total forfeiture of pay and allowances pursuant to a sentence of a court-martial, payment of transitional compensation shall not be made for any period for which an order—

“(1) suspends, in whole or in part, that part of a sentence that includes forfeiture of the member's pay and allowance; or

“(2) otherwise results in continuation, in whole or in part, of the member's pay and allowances.

“(i) COORDINATION OF BENEFITS.—The Secretary concerned may not make payments to a spouse or former spouse under both this section and section 1408(h)(1) of this title. In the case of a spouse or former spouse for whom a court order provides for payments by the Secretary pursuant to section 1408(h)(1) of this title and to whom the Secretary offers payments under this section, the spouse or former spouse shall elect which to receive.

“(j) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy). The Secretary of Transportation shall prescribe regulations to carry out this section with respect to the Coast Guard when it is not operating as a service in the Navy.

“(2) Regulations prescribed under paragraph (1) shall include the criminal offenses, or categories of offenses, under the Uniform Code of Military Justice (chapter 47 of this title), Federal criminal law, the criminal laws of the States and other jurisdictions of the United States, and the laws of other nations that are to be considered to be dependent-abuse offenses for the purposes of this section.

“(k) DEPENDENT CHILD DEFINED.—In this section, the term ‘dependent child’, with respect to a member or former member of the armed forces referred to in subsection (b), means an unmarried child, including an adopted child or a stepchild, who was residing with the member at the time of the dependent-abuse offense resulting in the separation of the former member and—

“(1) who is under 18 years of age;

“(2) who is 18 years of age or older and is incapable of self-support because of a mental or physical incapacity that existed before the age of 18 and who is (or, at the time a punitive or other adverse action was executed in the case of the former member as described in subsection (b), was) dependent on the former member for over one-half of the child's support; or

“(3) who is 18 years of age or older but less than 23 years of age, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense and who is (or, at the time a punitive or other adverse action was executed in the case of the former member as described in subsection (b), was) dependent on the former member for over one-half of the child's support.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1056 the following new item:

“1058. Dependents of members separated for dependent abuse: transitional compensation.”

(b) EFFECTIVE DATE.—(1) Section 1058 of title 10, United States Code, as added by subsection (a), shall apply with respect to a member of the Armed Forces who, on or after the date of the enactment of this Act—

(A) is separated from active duty as described in subsection (b) of such section; or

(B) forfeits all pay and allowances as described in such subsection.

(2) Notwithstanding paragraph (1), no payment may be made under such section 1058 with respect to any period before April 1, 1994.

SEC. 555. CLARIFICATION OF ELIGIBILITY FOR BENEFITS FOR DEPENDENT VICTIMS OF ABUSE BY MEMBERS OF THE ARMED FORCES PENDING LOSS OF RETIRED PAY.

(a) PAYMENT REQUIRED.—Subsection (h) of section 1408 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

“(10)(A) For purposes of this subsection, in the case of a member of the armed forces who has been sentenced by a court-martial to receive a punishment that will terminate the eligibility of that member to receive retired pay if executed, the eligibility of that member to receive retired pay may, as determined by the Secretary concerned, be considered terminated effective upon the approval of that sentence by the person acting under section 860(c) of this title (article 60(c) of the Uniform Code of Military Justice).

“(B) If each form of the punishment that would result in the termination of eligibility to receive retired pay is later remitted, set aside, or mitigated to a punishment that does not result in the termination of that eligibility, a payment of benefits to the eligible recipient under this subsection that is based on the punishment so vacated, set aside, or mitigated shall cease. The cessation of payments shall be effective as of the first day of the first month following the month in which the Secretary concerned notifies the recipient of such benefits in writing that payment of the benefits will cease. The recipient may not be required to repay the benefits received before that effective date (except to the extent necessary to recoup any amount that was erroneous when paid).”

(b) ADMINISTRATION FOR THE COAST GUARD.—Such subsection is further amended—

(1) in paragraph (2)(A), by inserting after “Secretary of Defense” the following: “or, for the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation”; and

(2) in paragraph (8), by inserting before the period at the end the following: “or, in the case of the Coast Guard, out of funds appropriated to the Department of Transportation for payment of retired pay for the Coast Guard”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 23, 1992, and shall apply as if the provisions of the paragraph (10) of section 1408(h) of title 10, United States Code, added by such subsection were included in the amendment made by section 653(a)(2) of Public Law 102-484 (106 Stat. 2426).

Subtitle F—Force Reduction Transition**SEC. 561. EXTENSION THROUGH FISCAL YEAR 1999 OF CERTAIN FORCE DRAW-DOWN TRANSITION AUTHORITIES RELATING TO PERSONNEL MANAGEMENT AND BENEFITS.**

(a) **EARLY RETIREMENT AUTHORITY FOR ACTIVE DUTY MEMBERS.**—Section 4403(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2704; 10 U.S.C. 1293 note) is amended by striking out “October 1, 1995” and inserting in lieu thereof “October 1, 1999”.

(b) **SELECTIVE EARLY RETIREMENT BOARDS.**—Section 638a(a) of title 10, United States Code, is amended by striking out “five-year period” and inserting in lieu thereof “nine-year period”.

(c) **REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.**—Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are each amended by striking out “five-year period” and inserting in lieu thereof “nine-year period”.

(d) **REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.**—Section 1370(a)(2)(A) of title 10, United States Code, is amended by striking out “five-year period” and inserting in lieu thereof “nine-year period”.

(e) **RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY.**—Sections 633 and 634, and subsection (a)(5) and (i) of section 6383, of title 10, United States Code, are each amended by striking out “October 1, 1995” and inserting in lieu thereof “October 1, 1999”.

(f) **GUARD AND RESERVE TRANSITION INITIATIVES.**—(1) Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2712; 10 U.S.C. 1162 note) is amended by striking out “September 30, 1995” and inserting in lieu thereof “September 30, 1999”.

(2) Section 4416 of such Act (106 Stat. 2714; 10 U.S.C. 1162 note) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking out “the period referred to in subsection (c)” and inserting in lieu thereof “the force reduction transition period”;

(ii) in paragraph (1), by striking out “October 1, 1995,” and inserting in lieu thereof “October 1, 1999,”; and

(iii) in paragraph (3), by striking out “Retired Reserve—” and all that follows in that paragraph and inserting in lieu thereof “Retired Reserve.”; and

(B) by striking out subsection (c).

(3) Section 4418(a) of such Act (106 Stat. 2717; 10 U.S.C. 1162 note) is amended by inserting “during the force reduction transition period” before “is entitled to separation pay”.

(4) Section 1331a of title 10, United States Code, is amended—

(A) in subsection (a)(1)(B), by striking out “October 1, 1995” and inserting in lieu thereof “October 1, 1999”;

(B) in subsection (a)(2), by striking out “within one year after the date of the notification referred to in paragraph (1)”;

(C) in subsection (b), by striking out “October 1, 1995” and inserting in lieu thereof “October 1, 1999”.

(g) **SPECIAL SEPARATION BENEFIT.**—Section 1174a(h) of title 10, United States Code, is amended by striking out “September 30, 1995” and inserting in lieu thereof “September 30, 1999”.

(h) **VOLUNTARY SEPARATION INCENTIVE.**—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (d)(3) and (h)(6), by striking out “September 30, 1995” each place it

appears and inserting in lieu thereof “September 30, 1999”; and

(2) in subsection (h)(7)(A), by striking out “fiscal year 1996” and inserting in lieu thereof “fiscal year 1999”.

(i) **HEALTH, COMMISSARY, AND FAMILY HOUSING BENEFITS.**—Sections 1145(a)(1), 1145(c)(1), 1146, and 1147(a) of title 10, United States Code, are each amended by striking out “five-year period” and inserting in lieu thereof “nine-year period”.

(j) **GUARD AND RESERVE AFFILIATION PREFERENCE.**—Section 1150(a) of title 10, United States Code, is amended by striking out “five-year period” and inserting in lieu thereof “nine-year period”.

(k) **ASSISTANCE TO OBTAIN EMPLOYMENT AS TEACHER.**—Section 1151(c)(1)(A) of title 10, United States Code, is amended by striking out “five-year period” and inserting in lieu thereof “seven-year period”.

(l) **TRAVEL AND TRANSPORTATION ALLOWANCES AND STORAGE OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN MEMBERS BEING INVOLUNTARILY SEPARATED.**—(1) Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, are each amended by striking out “five-year period” and inserting in lieu thereof “nine-year period”.

(2) Section 503(c) of the National Defense Act Authorization Act for Fiscal Year 1991 (Public Law 101-510; 37 U.S.C. 406 note) is amended by striking out “five-year period” and inserting in lieu thereof “nine-year period”.

(m) **WAIVER OF SERVICE REQUIREMENT FOR CERTAIN RESERVISTS UNDER MONTGOMERY GI BILL.**—Section 2133(b)(1)(B) of title 10, United States Code, and section 3012(b)(1)(B)(iii) of title 38, United States Code, are each amended by striking out “September 30, 1995,” and inserting in lieu thereof “September 30, 1999”.

(n) **CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.**—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking out “five-year period” and inserting in lieu thereof “nine-year period”.

(o) **PROGRAM OF EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.**—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (106 Stat. 2741; 10 U.S.C. 1143a note) is amended by striking out “September 30, 1995” and inserting in lieu thereof “September 30, 1999”.

SEC. 562. RETENTION IN AN ACTIVE STATUS OF ENLISTED RESERVES WITH BETWEEN 18 AND 20 YEARS OF SERVICE.

(a) **SANCTUARY FOR RESERVE MEMBERS.**—Section 1176 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

“(b) **RESERVE MEMBERS IN ACTIVE STATUS.**—A reserve enlisted member serving in an active status who is selected to be involuntarily separated (other than for physical disability or for cause), or whose term of enlistment expires and who is denied reenlistment (other than for physical disability or for cause), and who on the date on which the member is to be discharged or transferred from an active status is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged, denied reenlistment, or transferred from an active status without the member's consent before the earlier of the following:

“(1) If as of the date on which the member is to be discharged or transferred from an ac-

tive status the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

“(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

“(B) the third anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

“(2) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

“(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

“(B) the second anniversary of the date on which the member would otherwise be discharged or transferred from an active status.”

(b) **EFFECTIVE DATE.**—Subsection (b) of section 1176 of title 10, United States Code, as added by subsection (a), shall take effect as of October 23, 1992.

SEC. 563. AUTHORITY TO ORDER EARLY RESERVE RETIREES TO ACTIVE DUTY.

Section 688(a) of title 10, United States Code, is amended by striking out “who has completed at least 20 years of active service” and inserting in lieu thereof “who was retired under section 1293, 3911, 3914, 6323, 8911, or 8914 of this title”.

SEC. 564. APPLICABILITY TO COAST GUARD RESERVE OF CERTAIN RESERVE COMPONENTS TRANSITION INITIATIVES.

(a) **APPLICABILITY OF CERTAIN BENEFITS.**—The Secretary of Transportation shall prescribe such regulations as necessary so as to apply to the members of the Coast Guard Reserve the provisions of subtitle B of title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2712), including the amendments made by those provisions. For purposes of the application of any of such provisions to the Coast Guard Reserve, any reference in those provisions to the Secretary of Defense or Secretary of a military department shall be treated as referring to the Secretary of Transportation.

(b) **REGULATIONS.**—Regulations prescribed for the purposes of this section shall to the extent practicable be identical to the regulations prescribed by the Secretary of Defense under those provisions.

(c) **TEMPORARY SPECIAL RETIREMENT AUTHORITY.**—Section 1331a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out “Secretary of a military department” and inserting in lieu thereof “Secretary concerned”; and

(2) in subsection (c), by striking out “of the military department”; and

(3) in subsection (e), by striking out the period at the end and inserting in lieu thereof “and by the Secretary of Transportation with respect to the Coast Guard.”

Subtitle G—Other Matters**SEC. 571. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.**

(a) **CODIFICATION.**—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 654. Policy concerning homosexuality in the armed forces

“(a) **FINDINGS.**—Congress makes the following findings:

“(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise

and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or in-

tent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a

propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—
"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A)."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces."

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a), may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

SEC. 572. CHANGE IN TIMING OF REQUIRED DRUG AND ALCOHOL TESTING AND EVALUATION OF APPLICANTS FOR APPOINTMENT AS CADET OR MIDSHIPMAN AND FOR ROTC GRADUATES.

Section 978(a)(3) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "during the physical examination given the applicant before such appointment" and inserting in lieu thereof "within 72 hours of such appointment"; and

(2) in the second sentence, by striking out "during the precommissioning physical examination given such person" and inserting in lieu thereof "before such an appointment is executed".

SEC. 573. REIMBURSEMENT REQUIREMENTS FOR ADVANCED EDUCATION ASSISTANCE.

(a) IN GENERAL.—Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(g)(1) In any case in which the Secretary concerned determines that a person who entered into an agreement under this section failed to complete the period of active duty specified in the agreement (or failed to fulfill any other term or condition prescribed in

the agreement) and, by reason of the provision of the agreement required under subsection (a)(3), may owe a debt to the United States and in which that person disputes that such a debt is owed, the Secretary shall designate a member of the armed forces or a civilian employee under the jurisdiction of the Secretary to investigate the facts of the case and hear evidence presented by the person who may owe the debt and other parties, as appropriate, in order to determine the validity of the debt. That official shall report the official's findings and recommendations to the Secretary concerned. If the justification for the debt investigated includes an allegation of misconduct, the investigating official shall state in the report the official's assessment as to whether the individual behavior that resulted in the separation of the person who may owe the debt qualifies as misconduct under subsection (a)(3).

"(2) The Secretary of each military department shall ensure that a member of the armed forces who may be subject to a reimbursement requirement under this section is advised of such requirement before (1) submitting a request for voluntary separation, or (2) making a decision on a course of action regarding personal involvement in administrative, nonjudicial, and judicial action resulting from alleged misconduct.

"(h) The Secretary concerned may, at any time before October 1, 1998, modify an agreement described in subsection (a) to reduce the active duty service obligation specified in the agreement if the Secretary determines that it is in the best interests of the United States to do so. In such a case, the Secretary shall reduce the amount required to be reimbursed to the United States proportionately with the reduction in the period of obligated active duty service."

(b) EFFECTIVE DATES.—(1) Subsection (g) of section 2005 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the end of the six-month period beginning on the date of the enactment of this Act.

(2) Subsection (h) of such section, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the date of the enactment of this Act.

SEC. 574. RECOGNITION BY STATES OF MILITARY POWERS OF ATTORNEY.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044a the following new section:

"§ 1044b. Military powers of attorney: requirement for recognition by States

"(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—A military power of attorney—

"(1) is exempt from any requirement of form, substance, formality, or recording that is provided for powers of attorney under the laws of a State; and

"(2) shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the State concerned.

"(b) MILITARY POWER OF ATTORNEY.—For purposes of this section, a military power of attorney is any general or special power of attorney that is notarized in accordance with section 1044a of this title or other applicable State or Federal law.

"(c) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed by the Secretary concerned, each military power of attorney shall contain a statement that sets forth the provisions of subsection (a).

"(2) Paragraph (1) shall not be construed to make inapplicable the provisions of sub-

section (a) to a military power of attorney that does not include a statement described in that paragraph.

"(d) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044a the following:

"1044b. Military powers of attorney: requirement for recognition by States."

SEC. 575. FOREIGN LANGUAGE PROFICIENCY TEST PROGRAM.

(a) TEST PROGRAM.—The Secretary of Defense shall develop and carry out a test program for improving foreign language proficiency in the Department of Defense through improved management and other measures. The test program shall be designed to evaluate the findings and recommendations of—

(1) the June 1993 inspection report of the Inspector General of the Department of Defense on the Defense Foreign Language Program (report numbered 93-INS-10);

(2) the report of the Sixth Quadrennial Review of Military Compensation (August 1988); and

(3) any other recent study of the foreign language proficiency program of the Department of Defense.

(b) EVALUATION OF PRIOR RECOMMENDATIONS.—The test program shall include an evaluation of the following possible changes to current practice identified in the reports referred to in subsection (a):

(1) Management of linguist billets and personnel for the active and reserve components from a Total Force perspective.

(2) Improvement of linguist training programs, both resident and nonresident, to provide greater flexibility, to accommodate missions other than signals intelligence, and to improve the provision of resources for nonresident programs.

(3) Centralized responsibility within the Office of the Secretary of Defense to provide coordinated oversight of all foreign language issues and programs, including a centralized process for determination, validation, and documentation of foreign language requirements for different services and missions.

(4) Revised policies of each of the military departments to foster maintenance of highly perishable linguistic skills through improved management of the careers of language-trained personnel, including more effective use of language skills, improved career opportunities within the linguistics field, and specific linkage of language proficiency to promotions.

(5) In the case language-trained members of the reserve components—

(A) the use of additional training assemblies (ATAs) as a means of sustaining linguistic proficiency and enhancing retention; and

(B) the use of larger enlistment and reenlistment bonuses, Special Duty Assignment Pay, and educational incentives.

(6) Such other management changes as the Secretary may consider necessary.

(c) EVALUATION OF ADJUSTMENT IN FOREIGN LANGUAGE PROFICIENCY PAY.—(1) The Secretary shall include in the test program an evaluation of adjustments in foreign language proficiency pay for active and reserve component personnel (which may be adjusted for purposes of the test program without regard to section 316(b) of title 37, United States Code).

(2) Before any adjustment in foreign language proficiency pay is included in the test program as authorized by paragraph (1), the Secretary shall submit to the committees named in subsection (d)(2) the following information related to proficiency pay adjustments:

(A) The response of the Secretary to the findings of the Inspector General in the report on the Defense Foreign Language Program referred to in subsection (a)(1), specifically including the following matters raised in that report:

(i) Inadequate centralized oversight of planning, policy, roles, responsibilities, and funding for foreign language programs.

(ii) Inadequate management and validation of the requirements process for foreign language programs.

(iii) Inadequate uniform career management of language-trained personnel, including failure to take sufficient advantage of language skills and to recoup investment of training dollars.

(iv) Inadequate training programs, both resident and nonresident.

(B) The current manning of linguistic billets (shown by service, by active or reserve component, and by career field).

(C) The rates of retention in the service for language-trained personnel (shown by service, by active or reserve component, and by career field).

(D) The rates of retention by career field for language-trained personnel (shown by service and by active or reserve component).

(E) The rates of language proficiency for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(F) Trends in performance ratings for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(G) Promotion rates for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(H) The estimated cost of foreign language proficiency pay as proposed to be paid at the adjusted rates for the test program under paragraph (1)—

(i) for each year of the test program; and

(ii) for five years, if those rates are subsequently applied to the entire Department of Defense.

(3) The rates for adjusted foreign language proficiency pay as proposed to be paid for the test program under paragraph (1) may not take effect for the test program unless the senior official responsible for personnel matters in the Office of the Secretary of Defense determines that—

(A) the foreign language proficiency pay levels established for the test program are consistent with proficiency pay levels for other functions throughout the Department of Defense; and

(B) the terms and conditions for receiving foreign language proficiency pay conform to current policies and practices within the Department of Defense.

(d) REPORT ON PLAN FOR TEST PROGRAM.—

(1) The Secretary of Defense shall submit to the committees named in paragraph (2) a report containing a plan for the test program required in subsection (a), an explanation of the plan, and a discussion of the matters stated in subsection (c)(2). The report shall be submitted not later than April 1, 1994.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(e) PERIOD OF TEST PROGRAM.—(1) The test program required by subsection (a) shall begin on October 1, 1994. However, if the report required by subsection (d) is not submitted by the date specified in that subsection for the submission of the report, the test program shall begin at the end of a period of 180 days (as computed under paragraph (2)) beginning on the date on which such report is submitted.

(2) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 180-day period.

(3) The test program shall terminate two years after it begins.

SEC. 576. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

(a) CLARIFICATION.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting "or more" after "0.10 grams" both places such term appears.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102-484 on October 23, 1992.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

SEC. 602. CONTINUATION OF RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.

(a) CONTINUATION OF RATE.—Section 4402 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2701; 37 U.S.C. 1009 note) is amended—

(1) in subsection (a)—

(A) by striking out "TEMPORARY" in the subsection heading; and

(B) by striking out "Temporary" in the heading of the table; and

(2) in subsection (b)—

(A) by striking out "TEMPORARY" in the subsection heading; and

(B) by striking out "December 31, 1992," and all that follows through the period at the end and inserting in lieu thereof "December 31, 1992."

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"SEC. 4402. RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE."

(2) The item relating to such section in the table of contents in section 2(b) of such Act (Public Law 102-484; 106 Stat. 2329) is amended to read as follows:

"Sec. 4402. Rate of basic pay applicable to certain members with over 24 years of service."

SEC. 603. PAY FOR STUDENTS AT SERVICE ACADEMY PREPARATORY SCHOOLS.

(a) RATES OF PAY.—Section 203 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A student at the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School who was selected to attend the preparatory school from civilian life is entitled to monthly student pay at the same rate as provided for cadets and midshipmen under subsection (c).

"(2) A student at a preparatory school referred to in paragraph (1) who, at the time of the student's selection to attend the preparatory school, was an enlisted member of the uniformed services on active duty for a period of more than 30 days shall continue to receive monthly basic pay at the rate prescribed for the student's pay grade and years of service as an enlisted member.

"(3) The monthly student pay of a student described in paragraph (1) shall be treated for purposes of the accrual charge for the Department of Defense Military Retirement Fund established under section 1461 of title 10 in the same manner as monthly cadet pay or midshipman pay under subsection (c)."

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to students entering the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School on or after the date of the enactment of this Act.

SEC. 604. VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS WHO ARE REQUIRED TO PAY CHILD SUPPORT AND WHO ARE ASSIGNED TO SEA DUTY.

Section 403a(b)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or"; and

(2) in subparagraph (B), by inserting "or" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(C) the member is assigned to sea duty and elects not to occupy assigned quarters for unaccompanied personnel, unless the member is in a pay grade above E-6."

SEC. 605. EVACUATION ADVANCE PAY.

(a) DESIGNATION OF EVACUATION LOCATION.—Section 1006(c) of title 37, United States Code, is amended by striking out "the President" in the first sentence and inserting in lieu thereof "the Secretary of Defense".

(b) TREATMENT OF HOMESTEAD AIR FORCE BASE EVACUATION.—The advance payments of pay for permanent change of station that were received by members of the uniformed services who were evacuated in August 1992 from Homestead Air Force Base, Florida, because of Hurricane Andrew, shall be treated as having been paid as evacuation advance pay under the authority of section 1006(c) of title 37, United States Code.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF AUTHORITY FOR BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10,

United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995."

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995."

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995."

(d) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of a person described in paragraph (2) who executes an agreement described in paragraph (3) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the accession bonus, monthly stipend, or special pay authorized under the agreement as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendments made by this section taken effect on October 1, 1993.

(2) A person referred to in paragraph (1) is a person described in section 2130a(b) of title 10 United States Code, or section 302d(a)(1) or 302e(b) of title 37, United States Code, who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for an agreement described in paragraph (3) had the amendments made by this section taken effect on October 1, 1993.

(3) An agreement referred to in this subsection is an agreement with the Secretary concerned that is a condition for the payment of an accession bonus and monthly stipend under section 2130a of title 10, United States Code, an accession bonus under section 302d of title 37, United States Code, or incentive special pay under section 302e of title 37, United States Code.

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c of title 37, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out "\$2,000" in the material preceding paragraph (1) and inserting in lieu thereof "\$5,000"; and

(B) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount not to exceed one-half of the bonus may be paid";

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995"; and

(3) by adding at the end the following new subsection:

"(f) The total amount of expenditures under this section may not exceed \$37,024,000 during fiscal year 1994."

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e of title 37, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking out "fifth anniversary" in the second sentence and inserting in lieu thereof "sixth anniversary"; and

(B) by adding at the end the following new paragraph:

"(3) In lieu of the procedures set out in paragraph (2), the Secretary concerned may pay the bonus in monthly installments in such amounts as may be determined by the Secretary. Monthly payments under this paragraph shall begin after the first month of satisfactory service of the person and are payable only for those months in which the person serves satisfactorily. Satisfactory service shall be determined under regulations prescribed by the Secretary of Defense."; and

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(1) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (a), (b), (d), and (e) shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section 308b, 308c, 308h, or 308i of title 37, United States Code, occurring on or after that date.

(g) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of a person described in paragraph (2) who executes a reserve affiliation agreement under section 308e of title 37, United States Code, during the 90-day period beginning on the date of the enactment of this Act, the Secretary of the military department concerned may treat the agreement for purposes of the bonus authorized under such section as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendment made by subsection (c)(2) taken effect on October 1, 1993.

(2) A person referred to in paragraph (1) is a person described in section 308e(a) of title 37, United States Code, who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for a reserve affiliation agreement under such section had the amendment made by subsection (c)(2) taken effect on October 1, 1993.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) ARMY ENLISTMENT BONUS.—Section 308f(c) of title 37, United States Code, is

amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(f) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1995".

(g) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(h) APPLICATION OF CERTAIN AMENDMENTS.—(1) The amendments made by subsections (b) and (c) shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section 308 or 308a of title 37, United States Code, occurring on or after that date.

(2) The amendment made by subsection (d) shall take effect as of September 30, 1993, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code.

(3) The amendment made by subsection (e) shall take effect as of September 30, 1992, and shall apply with respect to an enlistment in the Army described in section 308f of title 37, United States Code, occurring on or after that date.

(i) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of an officer described in paragraph (2) who executes an agreement described in paragraph (3) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the retention bonus or special pay authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendments made by subsections (a) and (g) taken effect on October 1, 1993.

(2) An officer referred to in paragraph (1) is an officer described in section 301b(b) of title 37, United States Code, or in section 613(a)(2) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for an agreement described in paragraph (3) had the amendments made by subsections (a) and (g) taken effect on October 1, 1993.

(3) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code, or special pay under section 613 of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note).

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REIMBURSEMENT OF TEMPORARY LODGING EXPENSES.

(a) PERIODS COVERED.—Subsection (a) of section 404a of title 37, United States Code, is amended—

(1) in the second sentence, by striking out "four days" and inserting in lieu thereof "10 days"; and

(2) in the third sentence, by striking out "two days" and inserting in lieu thereof "five days".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Subsection (d) of such section is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1994.

SEC. 622. PAYMENT OF LOSSES INCURRED OR COLLECTION OF GAINS REALIZED DUE TO FLUCTUATIONS IN FOREIGN CURRENCY IN CONNECTION WITH HOUSING MEMBERS IN PRIVATE HOUSING ABROAD.

(a) PAYMENT OR COLLECTION AUTHORIZED.—Section 405(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses—

"(A) incurred by the member in occupying private housing outside of the United States; and

"(B) authorized or approved under regulations prescribed by the Secretary concerned.

"(2) Nonrecurring expenses for which a member may be reimbursed under paragraph (1) may include losses sustained by the member on the refund of a rental deposit (or other deposit made by the member to secure housing) as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which such housing is located.

"(3) The Secretary concerned shall recoup the full amount of a refunded deposit referred to in paragraph (2) that was paid by the United States, including any gain resulting from a fluctuation in currency values referred to in that paragraph.

"(4) Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a)."

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to nonrecurring expenses and currency fluctuation gains described in section 405(d) of title 37, United States Code, that are incurred by members of the uniformed services on or after October 1, 1993.

Subtitle D—Other Matters

SEC. 631. REVISION OF DEFINITION OF DEPENDENTS FOR PURPOSES OF ALLOWANCES.

(a) EXPANSION OF DEFINITION.—Section 401(a) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) An unmarried person who—

"(A) is placed in the legal custody of the member as a result of an order of a court of competent jurisdiction in the United States (or Puerto Rico or a possession of the United States) for a period of at least 12 consecutive months;

"(B) either—

"(i) has not attained the age of 21;

"(ii) has not attained the age of 23 years and is enrolled in a full time course of study at an institution of higher learning approved by the Secretary concerned; or

"(iii) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this paragraph pursuant to clause (1) or (ii);

"(C) is dependent on the member for over one-half of the person's support;

"(D) resides with the member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such

other circumstances as the Secretary concerned may by regulation prescribe; and

"(E) is not a dependent of a member under any other paragraph."

(b) APPLICATION OF AMENDMENT.—Section 401(a)(4) of title 37, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 632. CLARIFICATION OF ELIGIBILITY FOR TUITION ASSISTANCE.

Section 2007 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Subsection (c)(3) may not be construed to prohibit the Secretary of a military department from exercising any authority that the Secretary may have to pay charges of an educational institution (within the limits set forth in subsection (a)) in the case of—

"(1) a warrant officer on active duty or full-time National Guard duty;

"(2) a commissioned officer on full-time National Guard duty; or

"(3) a commissioned officer on active duty who satisfies the condition in subsection (a)(3) relating to an agreement to remain on active duty."

SEC. 633. SENSE OF CONGRESS REGARDING THE PROVISION OF EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR MEMBERS FROM OUTSIDE THE CONTINENTAL UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure that a member of the Armed Forces whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member will be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(b) DEFINITION.—For purposes of this section, the term "continental United States" means the 48 contiguous States and the District of Columbia.

SEC. 634. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.

(a) FEMALE MEMBERS AND RETIREES OF THE UNIFORMED SERVICES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074c the following new section:

"§ 1074d. Primary and preventive health care services for women

"(a) SERVICES AVAILABLE.—Female members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to primary and preventive health care services for women as part of such medical care.

"(b) DEFINITION.—In this section, the term 'primary and preventive health care services for women' means health care services, including related counseling services, provided to women with respect to the following:

"(1) Papanicolaou tests (pap smear).

"(2) Breast examinations and mammography.

"(3) Comprehensive obstetrical and gynecological care, including care related to pregnancy and the prevention of pregnancy.

"(4) Infertility and sexually transmitted diseases, including prevention.

"(5) Menopause, including hormone replacement therapy and counseling regarding the benefits and risks of hormone replacement therapy.

"(6) Physical or psychological conditions arising out of acts of sexual violence.

"(7) Gynecological cancers."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074c the following new item:

"1074d. Primary and preventive health care services for women."

(b) FEMALE DEPENDENTS.—Section 1077(a) of such title is amended by adding at the end the following new paragraph:

"(13) Primary and preventive health care services for women (as defined in section 1074d(b) of this title)."

SEC. 702. REVISION OF DEFINITION OF DEPENDENTS FOR PURPOSES OF HEALTH BENEFITS.

(a) EXPANSION OF DEFINITION.—Section 1072(2) of title 10, United States Code, is amended—

(1) in subparagraph (G), by striking out "; and" and inserting in lieu thereof a semicolon;

(2) in subparagraph (H), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(I) an unmarried person who—

"(1) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or a Territory or posses-

sion of the United States) for a period of at least 12 consecutive months;

"(ii) either—

"(I) has not attained the age of 21;

"(II) has not attained the age of 23 and is enrolled in a full time course of study at an institution of higher learning approved by the administering Secretary; or

"(III) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph pursuant to subclause (I) or (II);

"(iii) is dependent on the member or former member for over one-half of the person's support;

"(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary may by regulation prescribe; and

"(v) is not a dependent of a member or a former member under any other subparagraph."

(b) APPLICATION OF AMENDMENT.—Section 1072(2)(I) of title 10, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 703. AUTHORIZATION TO EXPAND ENROLLMENT IN THE DEPENDENTS' DENTAL PROGRAM TO CERTAIN MEMBERS RETURNING FROM OVERSEAS ASSIGNMENTS.

(a) AUTHORITY TO EXPAND PROGRAM.—After March 31, 1994, the Secretary of Defense may expand the dependents' dental program established under section 1076a of title 10, United States Code, to permit a member of the uniformed services described in subsection (b) to enroll dependents described in subsection (a) of such section in a dental benefits plan under the program without regard to the length of the uncompleted portion of the member's period of obligated service.

(b) COVERED MEMBERS.—A member referred to in subsection (a) is a member of the uniformed services who is—

(1) on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code); and

(2) reassigned from a permanent duty station where a dental benefits plan under the dependents' dental program is not available to a permanent duty station where such a plan is available.

(c) REPORT ON ADVISABILITY OF EXPANSION.—Not later than February 28, 1994, the Secretary shall submit to Congress a report evaluating the advisability of expanding the enrollment eligibility of members of the uniformed services in the dependents' dental program in the manner authorized in subsection (a). The report shall include an analysis of the cost implications for such an expansion to the Federal Government, beneficiaries under the dependents' dental program, and contractors under the program.

(d) NOTIFICATION OF EXERCISE OF AUTHORITY.—The Secretary shall notify Congress of any decision to expand the enrollment eligibility of dependents in the dependents' dental program as provided in subsection (a) not later than 30 days before such expansion takes effect.

SEC. 704. AUTHORIZATION TO APPLY SECTION 1079 PAYMENT RULES FOR THE SPOUSE AND CHILDREN OF A MEMBER WHO DIES WHILE ON ACTIVE DUTY.

(a) **AUTHORITY TO USE SECTION 1079 PAYMENT RULES.**—In the case of a dependent described in subsection (b) of a member of a uniformed service who died while on active duty for a period of more than 30 days, the administering Secretary may apply the payment provisions set forth in section 1079(b) of title 10, United States Code (in lieu of the payment provisions set forth in section 1086(b) of such title), with respect to health benefits received by the dependent under section 1086 of such title in connection with an illness or medical condition for which the dependent was receiving treatment under chapter 55 of such title at the time of the death of the member.

(b) **ELIGIBLE DEPENDENTS DESCRIBED.**—A dependent referred to in this section is a dependent who—

(1) is the unremarried widow, unremarried widower, or child of a member of a uniformed service who died on or after January 1, 1993, while on active duty for a period of more than 30 days; and

(2) was a covered beneficiary under chapter 55 of title 10, United States Code, at the time of the death of the member by reason of being the spouse or child of the member.

(c) **PERIOD OF APPLICATION OF SPECIAL PAYMENT RULE.**—The special payment rule authorized by subsection (a) for a dependent described in subsection (b) shall expire upon the earlier of—

(1) the end of the one-year period beginning on the date of the death of the member; and

(2) the termination of the illness or condition for which the dependent was receiving treatment under chapter 55 of title 10, United States Code, at the time of the death of the member.

(d) **DEFINITIONS.**—For purposes of this section, the term “administering Secretary” means—

(1) the Secretary of Defense, with respect to the Armed Forces under the jurisdiction of the Secretary;

(2) the Secretary of Transportation, with respect to the Coast Guard when the Coast Guard is not operating as a service in the Navy; and

(3) the Secretary of Health and Human Services with respect to the National Oceanic and Atmospheric Administration and the Public Health Service.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

SEC. 711. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(o)(1) Health care services provided pursuant to this section or section 1086 of this title (or pursuant to any other contract or project under the Civilian Health and Medical Program of the Uniformed Services) may not include services determined under the CHAMPUS Peer Review Organization program to be not medically or psychologically necessary.

“(2) The Secretary of Defense, after consulting with the other administering Secretaries, may adopt or adapt for use under the CHAMPUS Peer Review Organization program, as the Secretary considers appropriate, any of the quality and utilization review requirements and procedures that are used by the Peer Review Organization program under part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.).”

SEC. 712. INCREASED FLEXIBILITY FOR PERSONAL SERVICE CONTRACTS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) **PERSONAL SERVICES CONTRACTS AUTHORIZED.**—(1) Section 1091 of title 10, United States Code, is amended to read as follows:

“§ 1091. Personal services contracts

“(a) **AUTHORITY.**—The Secretary of Defense may enter into personal services contracts to carry out health care responsibilities in medical treatment facilities of the Department of Defense, as determined to be necessary by the Secretary. The authority provided in this subsection is in addition to any other contract authorities of the Secretary, including authorities relating to the management of such facilities and the administration of this chapter.

“(b) **LIMITATION ON AMOUNT OF COMPENSATION.**—In no case may the total amount of compensation paid to an individual in any year under a personal services contract entered into under subsection (a) exceed the amount of annual compensation (excluding the allowances for expenses) specified in section 102 of title 3.

“(c) **PROCEDURES.**—(1) The Secretary shall establish by regulation procedures for entering into personal services contracts with individuals under subsection (a). At a minimum, such procedures shall assure—

“(A) the provision of adequate notice of contract opportunities to individuals residing in the area of the medical treatment facility involved; and

“(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

“(2) Upon the establishment of the procedures under paragraph (1), the Secretary may exempt contracts covered by this section from the competitive contracting requirements specified in section 2304 of this title or any other similar requirements of law.

“(d) **EXCEPTIONS.**—The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under subsection (a).”

(2) The item relating to section 1091 in the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended to read as follows:

“1091. Personal services contracts.”

(b) **REPORT REQUIRED.**—Not later than 30 days after the end of the 180-day period beginning on the date on which the Secretary of Defense first uses the authority provided under section 1091 of title 10, United States Code (as amended by subsection (a)(1)), the Secretary shall submit to Congress a report specifying—

(1) the compensation, by medical specialty, provided by the Secretary to individuals agreeing to enter into a personal services contract under such section during that period;

(2) the extent to which the amounts of such compensation exceed the amounts previously provided by the Secretary for individuals in such medical specialties;

(3) the total number and medical specialties of individuals serving in military medical treatment facilities during that period pursuant to such a contract; and

(4) the number of such individuals (and their medical specialties) who are receiving compensation under such a contract in an amount in excess of the maximum amount

authorized under such section, as such section was in effect on the day before the date of the enactment of this Act.

SEC. 713. EXPANSION OF THE PROGRAM FOR THE COLLECTION OF HEALTH CARE COSTS FROM THIRD-PARTY PAYERS.

(a) **COLLECTION CHANGES.**—Subsection (g) of section 1095 of title 10, United States Code, is amended—

(1) by inserting after “collected under this section from a third party payer” the following: “or under any other provision of law from any other payer”; and

(2) by inserting before the period the following: “and shall not be taken into consideration in establishing the operating budget of the facility”.

(b) **DEFINITIONS.**—Subsection (h) of such section is amended—

(1) in paragraph (2), by inserting after “includes” the following: “a preferred provider organization and”; and

(2) by adding at the end the following new paragraph:

“(3) The term ‘health care services’ includes products provided or purchased through a facility of the uniformed services.”

(c) **REPORT ON COLLECTIONS.**—Subsection (g) of such section (as amended by subsection (a)) is further amended—

(1) by inserting “(1)” after “(g)”; and

(2) by adding at the end the following new paragraph:

“(2) Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report specifying for each facility of the uniformed services the amount credited to the facility under this subsection during the preceding fiscal year.”

SEC. 714. ALTERNATIVE RESOURCE ALLOCATION METHOD FOR MEDICAL FACILITIES OF THE UNIFORMED SERVICES.

(a) **INCLUSION OF CAPITATION METHOD.**—Section 1101 of title 10, United States Code is amended—

(1) in subsection (a)—

(A) by striking out “DRGs” in the subsection heading and inserting in lieu thereof “CAPITATION OR DRG METHOD”; and

(B) by inserting “capitation or” before “diagnosis-related groups”;

(2) in subsection (b), by striking out “Diagnosis-related groups” and inserting in lieu thereof “Capitation or diagnosis-related groups”; and

(3) in subsection (c)—

(A) by striking out “shall” both places it appears and inserting in lieu thereof “may”; and

(B) by adding at the end the following new paragraph:

“(4) An appropriate method for calculating or estimating the annual per capita costs of providing comprehensive health care services to members of the uniformed services on active duty and covered beneficiaries.”

(b) **CLERICAL AMENDMENTS.**—(1) The heading of such section is amended to read as follows:

“§ 1101. Resource allocation methods: capitation or diagnosis-related groups”.

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

“1101. Resource allocation methods: capitation or diagnosis-related groups.”

SEC. 715. FEDERAL PREEMPTION REGARDING CONTRACTS FOR MEDICAL AND DENTAL CARE.

(a) **PREEMPTION.**—Section 1103 of title 10, United States Code, is amended to read as follows:

“§ 1103. Contracts for medical and dental care: State and local preemption

“(a) OCCURRENCE OF PREEMPTION.—A law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery or financing methods shall not apply to any contract entered into pursuant to this chapter by the Secretary of Defense or the administering Secretaries to the extent that the Secretary of Defense or the administering Secretaries determine that—

“(1) the State or local law or regulation is inconsistent with a specific provision of the contract or a regulation promulgated by the Secretary of Defense or the administering Secretaries pursuant to this chapter; or

“(2) the preemption of the State or local law or regulation is necessary to implement or administer the provisions of the contract or to achieve any other important Federal interest.

“(b) EFFECT OF PREEMPTION.—In the case of the preemption under subsection (a) of a State or local law or regulation regarding financial solvency, the Secretary of Defense or the administering Secretaries shall require an independent audit of the prime contractor of each contract that is entered into pursuant to this chapter and covered by the preemption. The audit shall be performed by the Defense Contract Audit Agency.

“(c) STATE DEFINED.—In this section, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each Territory and possession of the United States.”

(b) APPLICATION OF AMENDMENT.—Section 1103 of title 10, United States Code, as amended by subsection (a), shall apply with respect to any contract entered into under chapter 55 of such title before, on, or after the date of the enactment of this Act.

SEC. 716. SPECIALIZED TREATMENT FACILITY PROGRAM AUTHORITY AND ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.

(a) AUTHORITY.—(1) Section 1105 of title 10, United States Code, is amended to read as follows:

“§ 1105. Specialized treatment facility program

“(a) PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a specialized treatment facility program pursuant to regulations prescribed by the Secretary of Defense. The Secretary shall consult with the other administering Secretaries in prescribing regulations for the program and in conducting the program.

“(b) FACILITIES AUTHORIZED TO BE USED.—Under the specialized treatment facility program, the Secretary may designate health care facilities of the uniformed services and civilian health care facilities as specialized treatment facilities.

“(c) WAIVER OF NONEMERGENCY HEALTH CARE RESTRICTION.—Under the specialized treatment facility program, the Secretary may waive, with regard to the provision of a particular service, the 40-mile radius restriction set forth in section 1079(a)(7) of this title if the Secretary determines that the use of a different geographical area restriction will result in a more cost-effective provision of the service.

“(d) CIVILIAN FACILITY SERVICE AREA.—For purposes of the specialized treatment facility program, the service area of a civilian health care facility designated pursuant to subsection (b) shall be comparable in size to the service areas of facilities of the uniformed services.

“(e) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—A covered beneficiary who resides within the service area of a specialized treatment facility designated under the specialized treatment facility program may be required to obtain a nonavailability of health care statement in the case of a specialized service offered by the facility in order for the covered beneficiary to receive the service outside of the program.

“(f) PAYMENT OF COSTS RELATED TO CARE IN SPECIALIZED TREATMENT FACILITIES.—(1) Subject to paragraph (2), in connection with the treatment of a covered beneficiary under the specialized treatment facility program, the Secretary may provide the following benefits:

“(A) Full or partial reimbursement of a member of the uniformed services for the reasonable expenses incurred by the member in transporting a covered beneficiary to or from a health care facility of the uniformed services or a civilian health care facility at which specialized health care services are provided pursuant to this chapter.

“(B) Full or partial reimbursement of a person (including a member of the uniformed services) for the reasonable expenses of transportation, temporary lodging, and meals (not to exceed a per diem rate determined in accordance with implementing regulations) incurred by such person in accompanying a covered beneficiary as a nonmedical attendant to a health care facility referred to in subparagraph (A).

“(C) In-kind transportation, lodging, or meals instead of reimbursements under subparagraph (A) or (B) for transportation, lodging, or meals, respectively.

“(2) The Secretary may make reimbursements for or provide transportation, lodging, and meals under paragraph (1) in the case of a covered beneficiary only if the total cost to the Department of Defense of doing so and of providing the health care in such case is less than the cost to the Department of providing the health care to the covered beneficiary by other means authorized under this chapter.

“(g) COVERED BENEFICIARY DEFINED.—In this section, the term ‘covered beneficiary’ means a person covered under section 1079 or 1086 of this title.

“(h) EXPIRATION OF PROGRAM.—The Secretary may not carry out the specialized treatment facility program authorized by this section after September 30, 1995.”

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking out the item relating to section 1105 and inserting in lieu thereof the following:

“1105. Specialized treatment facility program.”

(b) CLARIFICATION OF DETERMINATION TO ISSUE NONAVAILABILITY OF HEALTH CARE STATEMENTS.—(1) Section 1080 of title 10, United States Code is amended—

(A) by inserting “(a) ELECTION.—” before “A dependent”; and

(B) by adding at the end the following new subsection:

“(b) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—In determining whether to issue a nonavailability of health care statement for a dependent described in subsection (a), the commanding officer of a facility of the uniformed services may consider the availability of health care services for the dependent pursuant to any contract or agreement entered into under this chapter for the provision of health care services.”

(2) Section 1086(e) of such title is amended by adding at the end the following new sentence: “In addition, section 1080(b) of this title shall apply in making the determina-

tion whether to issue a nonavailability of health care statement for a person covered by this section.”

(c) CONFORMING AMENDMENT.—Section 1079(a)(7) of title 10, United States Code, is amended by striking out “except that—” and all that follows through the semicolon at the end of subparagraph (B) and inserting in lieu thereof the following: “except that those services may be provided in any case in which another insurance plan or program provides primary coverage for those services”;

SEC. 717. DELAY OF TERMINATION AUTHORITY REGARDING STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TERMINATION AUTHORITY.—Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out “December 31, 1993” in the first sentence and inserting in lieu thereof “December 31, 1996”.

(b) EVALUATION OF DOD-USTF PARTICIPATION AGREEMENTS.—(1) The Comptroller General of the United States and the Director of the Congressional Budget Office shall jointly prepare a report evaluating the participation agreements entered into between Uniformed Services Treatment Facilities and the Secretary of Defense under the authority of section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587).

(2) The report required under this subsection shall include an evaluation of the following:

(A) The cost-effectiveness of the agreements compared to other components of the military health care delivery system, including the Civilian Health and Medical Program of the Uniformed Services.

(B) The impact of the agreements, during the four-year term of the agreements, on the budget and expenditures of the Department of Defense for health care programs.

(C) The cost and other implications of terminating the agreements before their expiration.

(D) The health care services available through the Uniformed Services Treatment Facilities under the agreements compared to the health care services available through other components of the military health care delivery system.

(E) The beneficiary cost-sharing requirements of the Uniformed Services Treatment Facilities under the agreements compared to the beneficiary cost-sharing requirements of other components of the military health care delivery system.

(3) The report required under this subsection shall be submitted to Congress not later than six months after the date of the enactment of this Act.

(4) For purposes of this subsection:

(A) The term “Uniformed Services Treatment Facilities” means those facilities described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

(B) The term “Civilian Health and Medical Program of the Uniformed Services” has the meaning given that term in section 1072(4) of title 10, United States Code.

SEC. 718. MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL FOR THE UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TIME FOR OPERATION OF MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.—Subsection (c) of section 718 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) is amended—

(1) by striking out the first sentence; and
 (2) by inserting before the second sentence the following:

"(1) TIME FOR OPERATION.—Not later than the date of the enactment of this Act, the Secretary of Defense shall begin operation of a managed-care delivery and reimbursement model that will continue to utilize the Uniformed Services Treatment Facilities in the military health services system."

(b) COPAYMENTS, EVALUATION, AND DEFINITION.—Such subsection is further amended by adding at the end the following new paragraphs:

"(2) COPAYMENTS.—A Uniformed Services Treatment Facility for which there exists a managed-care plan developed as part of the model required by this subsection may impose reasonable charges for inpatient and outpatient care provided to all categories of beneficiaries enrolled in the plan. The schedule and application of such charges shall be in accordance with the terms and conditions specified in the plan.

"(3) EVALUATION OF PERFORMANCE UNDER THE MODEL.—(A) The Secretary of Defense shall utilize a federally funded research and development center to conduct an independent evaluation of the performance of each Uniformed Services Treatment Facility operating under a managed-care plan developed as part of the model required by this subsection. The evaluation shall include an assessment of the efficiency of the Uniformed Services Treatment Facility in providing health care under the plan. The assessment shall be made in the same manner as provided in section 712(a) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1073 note) for expansion of the CHAMPUS reform initiative.

"(B) Not later than December 31, 1995, the center conducting the evaluation and assessment shall submit to the Secretary of Defense and to Congress a report on the results of the evaluation and assessment. The report shall include such recommendations regarding the managed-care delivery and reimbursement model under this subsection as the entity considers to be appropriate.

"(4) DEFINITION.—For purposes of this subsection, the term 'Uniformed Services Treatment Facility' means a facility described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a))."

SEC. 719. FLEXIBLE DEADLINE FOR CONTINUATION OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.

Section 713(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1073 note) is amended by striking out "not later than August 1, 1993," and inserting in lieu thereof "as soon as practicable after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994."

SEC. 720. CLARIFICATION OF CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) IN GENERAL.—Subsection (a) of section 712 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1073 note) is amended—

(1) by inserting "(1)" after "CONDITION.—";
 (2) in the second sentence, by inserting after "cost-effectiveness of the initiative" the following: "(while assuring that the combined cost of care in military treatment facilities and under the Civilian Health and Medical Program of the Uniformed Services will not be increased as a result of the expansion)"; and

(3) by adding at the end the following new paragraph:

"(2) To the extent any revision of the CHAMPUS reform initiative is necessary in order to make the certification required by this subsection, the Secretary shall assure that enrolled covered beneficiaries may obtain health care services with reduced out-of-pocket costs, as compared to standard CHAMPUS."

(b) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The terms 'Civilian Health and Medical Program of the Uniformed Services' and 'CHAMPUS' have the meaning given the term 'Civilian Health and Medical Program of the Uniformed Services' in section 1072(4) of title 10, United States Code."

SEC. 721. REPORT REGARDING DEMONSTRATION PROGRAMS FOR THE SALE OF PHARMACEUTICALS.

Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1079 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) ADDITIONAL REPORT REGARDING PROGRAMS.—Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report containing—

"(1) an evaluation of the feasibility and advisability of increasing the size of those areas determined by the Secretary under subsection (c)(2) to be adversely affected by the closure of a health care facility of the uniformed services in order to increase the number of persons described in such subsection who will be eligible to participate in the demonstration project for pharmaceuticals by mail or in the retail pharmacy network under this section;

"(2) an evaluation of the feasibility and advisability of expanding the demonstration project and the retail pharmacy network under this section to include all covered beneficiaries under chapter 55 of title 10, United States Code, including those persons currently excluded from participation in the Civilian Health and Medical Program of the Uniformed Services by operation of section 1086(d)(1) of such title;

"(3) an estimation of the costs that would be incurred, and any savings that would be achieved by improving efficiencies of operation, as a result of undertaking the increase or expansion described in paragraph (1) or (2); and

"(4) such recommendations as the Secretary considers to be appropriate."

Subtitle C—Other Matters

SEC. 731. USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

(a) USE OF MODEL.—The Secretary of Defense shall prescribe and implement a health benefit option (and accompanying cost-sharing requirements) for covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code, that is modeled on health maintenance organization plans offered in the private sector and other similar Government health insurance programs. The Secretary shall include, to the maximum extent practicable, the health benefit option required under this subsection as one of the options available to covered beneficiaries in all managed health care initiatives undertaken by the Secretary after the date of the enactment of this Act.

(b) ELEMENTS OF OPTION.—The Secretary shall offer covered beneficiaries who enroll in the health benefit option required under subsection (a) reduced out-of-pocket costs

and a benefit structure that is as uniform as possible throughout the United States. The Secretary shall allow enrollees to seek health care outside of the option, except that the Secretary may prescribe higher out-of-pocket costs than are provided under section 1079 or 1086 of title 10, United States Code, for enrollees who obtain health care outside of the option.

(c) GOVERNMENT COSTS.—The health benefit option required under subsection (a) shall be administered so that the costs incurred by the Secretary under each managed health care initiative that includes the option are no greater than the costs that would otherwise be incurred to provide health care to the covered beneficiaries who enroll in the option.

(d) COVERED BENEFICIARY DEFINED.—For purposes of this section, the term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

(e) REGULATIONS.—Not later than February 1, 1994, the Secretary shall prescribe final regulations to implement the health benefit option required by subsection (a).

SEC. 732. CLARIFICATION OF AUTHORITY FOR GRADUATE STUDENT PROGRAM OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) DISTINCTION BETWEEN MEDICAL AND GRADUATE STUDENTS.—Section 2114 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Students" in the first sentence and inserting in lieu thereof "Medical students";

(2) in subsection (b), by striking out "Students" both places it appears and inserting in lieu thereof "Medical students";

(3) in subsection (d)—
 (A) by striking out "member of the program" in the first sentence and inserting in lieu thereof "medical student"; and

(B) by striking out "any such member" in the second sentence both places it appears and inserting in lieu thereof "any such student"; and

(4) by adding at the end the following new subsection:

"(g) The Secretary of Defense shall establish such selection procedures, service obligations, and other requirements as the Secretary considers appropriate for graduate students (other than medical students) in a postdoctoral, postgraduate, or technological institute established pursuant to section 2113(h) of this title."

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to students attending the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act.

SEC. 733. AUTHORITY FOR THE ARMED FORCES INSTITUTE OF PATHOLOGY TO OBTAIN ADDITIONAL DISTINGUISHED PATHOLOGISTS AND SCIENTISTS.

Section 176(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense, on a case-by-case basis, may waive the limitation on the number of distinguished pathologists or scientists with whom agreements may be entered into under this subsection if the Secretary determines that such waiver is in the best interest of the Department of Defense."

SEC. 734. AUTHORIZATION FOR AUTOMATED MEDICAL RECORD CAPABILITY TO BE INCLUDED IN MEDICAL INFORMATION SYSTEM.

(a) AUTOMATED MEDICAL RECORD CAPABILITY.—In carrying out the acquisition of the

Department of Defense medical information system referred to in section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3900), the Secretary of Defense may permit an automated medical record capability to be included in the system. The Secretary may make such modifications to existing contracts, and include such specifications in future contracts, as the Secretary considers necessary to include such a capability in the system.

(b) **PLAN.**—The Secretary of Defense shall develop a plan to test the use of automated medical records at one or more military medical treatment facilities. Not later than January 15, 1994, the Secretary shall submit the plan to the Committees on Armed Services of the Senate and House of Representatives.

(c) **DEFINITIONS.**—For purposes of this section:

(1) The term "medical information system" means a computer-based information system that—

(A) receives data normally recorded concerning patients;

(B) creates and maintains from such data a computerized medical record for each patient; and

(C) provides access to data for patient care, hospital administration, research, and medical care resource planning.

(2) The term "automated medical record" means a computer-based information system that—

(A) is available at the time and place of interaction between a patient and a health care provider;

(B) receives, stores, and provides access to relevant patient and other medical information in a single, logical patient record that is appropriately organized for clinical decision-making; and

(C) maintains patient confidentiality in conformance with all applicable laws and regulations.

SEC. 735. REPORT ON THE PROVISION OF PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.

(a) **REPORT REQUIRED.**—The Secretary of Defense shall prepare a report evaluating the provision of primary and preventive health care services through military medical treatment facilities and the Civilian Health and Medical Program of the Uniformed Services to female members of the uniformed services and female covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code.

(b) **CONTENTS.**—The report required by subsection (a) shall contain the following:

(1) A description of the number and types of health care providers who are providing health care services in military medical treatment facilities or through the Civilian Health and Medical Program of the Uniformed Services to female members and female covered beneficiaries.

(2) A description of the health care programs implemented (or planned) by the administering Secretaries to assess the health needs of women or to meet the special health needs of women.

(3) A description of the demographics of the population of female members and female covered beneficiaries and the leading categories of morbidity and mortality among such members and beneficiaries.

(4) A description of any actions, including the use of special pays and incentives, undertaken by the Secretary during fiscal year 1993—

(A) to ensure the retention of health care providers who are providing health care serv-

ices to female members and female covered beneficiaries;

(B) to recruit additional health care providers to provide such health care services; and

(C) to replace departing health care providers who provided such health care services.

(5) A description of any existing or proposed programs to encourage specialization of health care providers in fields related to primary and preventive health care services for women.

(6) An assessment of any difficulties experienced by military medical treatment facilities or health care providers under the Civilian Health and Medical Program of the Uniformed Services in furnishing primary and preventive health care services for women and a description of the actions taken by the Secretary to resolve such difficulties.

(7) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to female members of the uniformed services and female covered beneficiaries.

(c) **STUDY OF THE NEEDS OF FEMALE MEMBERS AND FEMALE COVERED BENEFICIARIES FOR HEALTH CARE SERVICES.**—(1) As part of the report required by subsection (a), the Secretary shall conduct a study to determine the needs of female members of the uniformed services and female covered beneficiaries for health care services, including primary and preventive health care services for women.

(2) The study shall examine the health care needs of current female members and female covered beneficiaries and anticipated future female members and female covered beneficiaries, taking into consideration the anticipated size and composition of the Armed Forces in the year 2000 and the demographics of the entire United States.

(d) **SUBMISSION AND REVISION.**—The Secretary shall submit to Congress the report required by subsection (a) not later than October 1, 1994. The Secretary shall revise and resubmit the report to Congress not later than October 1, 1999.

(e) **DEFINITIONS.**—For purposes of this section:

(1) The term "primary and preventive health care services for women" has the meaning given that term in section 1074d(b) of title 10, United States Code, as added by section 701(a).

(2) The term "covered beneficiary" has the meaning given that term in section 1072(5) of such title.

SEC. 736. INDEPENDENT STUDY OF CONDUCT OF MEDICAL STUDY BY ARCTIC AEROMEDICAL LABORATORY, LADD AIR FORCE BASE, ALASKA.

(a) **REQUIREMENT FOR STUDY.**—The Secretary of Defense shall provide, in accordance with this section, for an independent study of the conduct of a series of medical studies performed during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory, Ladd Air Force Base, Alaska. The series of medical studies referred to in the preceding sentence was designed to study thyroid activity in men exposed to cold and involved the administration of a radioactive isotope (Iodine 131) to certain Alaska Natives.

(b) **CONDUCT OF REQUIRED STUDY.**—The independent study required by subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization. The study shall, at a minimum, include the consideration of the following matters:

(1) Whether the series of medical studies referred to in subsection (a) was conducted

in accordance with generally accepted guidelines for the use of human participants in medical experimentation.

(2) Whether Iodine 131 dosages in the series of medical studies were administered in accordance with radiation exposure standards generally accepted as of 1957 and with radiation exposure standards generally accepted as of 1993.

(3) The guidelines that should have been followed in the conduct of the series of medical studies, including guidelines regarding notification of participants about any possible risks.

(4) Whether subsequent studies of the participants should have been provided for and conducted to determine whether any participants suffered long term ill effects of the administration of Iodine 131 and, in the case of such ill effects, needed medical care for such effects.

(c) **DIRECT OR INDIRECT DOD INVOLVEMENT.**—The Secretary may provide for the conduct of the independent study required by subsection (a) either—

(1) by entering into an agreement with an independent organization referred to in subsection (b) to conduct the study; or

(2) by transferring to the Secretary of the Interior, the Secretary of Health and Human Services, or the head of another department or agency of the Federal Government the funds necessary to carry out the study in accordance with subsection (b).

(d) **REPORT.**—The Secretary of Defense or the head of the department or agency of the Federal Government who provides for carrying out the independent study required by subsection (a), as the case may be, shall submit to Congress a report on the results of the study, including the matters referred to in subsection (b).

SEC. 737. AVAILABILITY OF REPORT REGARDING THE CHAMPUS CHIROPRACTIC DEMONSTRATION.

(a) **AVAILABILITY OF REPORT.**—Subject to subsection (b), the Secretary of Defense shall make available to interested persons upon request the report prepared by the Secretary evaluating the chiropractic demonstration that was conducted under the Civilian Health and Medical Program of the Uniformed Services and completed on March 31, 1992. The Secretary shall include with the report all data and analyses related to the demonstration.

(b) **CHARGES.**—The cost of making the report and related information available under subsection (a) shall be borne by the recipients at the discretion of the Secretary.

SEC. 738. SENSE OF CONGRESS REGARDING THE PROVISION OF ADEQUATE MEDICAL CARE TO COVERED BENEFICIARIES UNDER THE MILITARY MEDICAL SYSTEM.

(a) **SENSE OF CONGRESS.**—In order to provide covered beneficiaries under chapter 55 of title 10, United States Code, especially retired military personnel, with greater access to health care in medical facilities of the uniformed services, it is the sense of Congress that the Secretary of Defense should encourage the increased use in such facilities of physicians, dentists, or other health care professionals who are members of the reserve components of the Armed Forces and who are performing active duty, full-time National Guard duty, or inactive-duty training, if service in such facilities is consistent with the other military training requirements of these members.

(b) **DEFINITIONS.**—For purposes of this section:

(1) The term "retired military personnel" means persons who are eligible for health

care in medical facilities of the uniformed services under section 1074(b) of title 10, United States Code.

(2) The terms "active duty", "full-time National Guard duty", and "inactive-duty training" have the meanings given such terms in section 101(d) of such title.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Defense Technology and Industrial Base, Reinvestment and Conversion

SEC. 801. INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) Subchapter IV of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2525. Industrial Preparedness Manufacturing Technology Program

"The Secretary of Defense shall establish an Industrial Preparedness Manufacturing Technology program to enhance the capability of industry to meet the manufacturing needs of the Department of Defense."

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following:

"2525. Industrial Preparedness Manufacturing Technology Program."

(b) FUNDING.—Of the amounts authorized to be appropriated under section 201(d), \$112,500,000 shall be available for the Industrial Preparedness Manufacturing Technology Program under section 2525 of title 10, United States Code, as added by subsection (a).

SEC. 802. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, through the Director of Defense Research and Engineering, shall establish a University Research Initiative Support Program.

(b) PURPOSE.—Under the program, the Director shall award grants and contracts to eligible institutions of higher education to support the conduct of research and development relevant to requirements of the Department of Defense.

(c) ELIGIBILITY.—An institution of higher education is eligible for a grant or contract under the program if the institution has received less than a total of \$2,000,000 in grants and contracts from the Department of Defense in the two fiscal years before the fiscal year in which the institution submits a proposal for such grant or contract.

(d) COMPETITION REQUIRED.—The Director shall use competitive procedures in awarding grants and contracts under the program.

(e) SELECTION PROCESS.—In awarding grants and contracts under the program, the Director shall use a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10, United States Code. Such selection process shall require that each person selected to participate in such a merit-based selection process be a member of the faculty or staff of an institution of higher education that is a member of the National Association of State Universities and Land Grant Colleges or the American Association of State Colleges and Universities.

(f) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Director shall prescribe regulations for carrying out the program.

(g) FUNDING.—Of the amounts authorized to be appropriated under section 201, \$20,000,000 shall be available for the University Research Initiative Support Program.

SEC. 803. OPERATING COMMITTEE OF THE CRITICAL TECHNOLOGIES INSTITUTE.

Section 822(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686(c)) is amended to read as follows: "(c) OPERATING COMMITTEE.—(1) The Institute shall have an Operating Committee composed of six members as follows:

"(A) The Director of the Office of Science and Technology Policy, who shall chair the committee.

"(B) The Director of the National Institutes of Health.

"(C) The Under Secretary of Commerce for Technology.

"(D) The Director of the Advanced Research Projects Agency.

"(E) The Director of the National Science Foundation.

"(F) The Under Secretary of Energy having responsibility for science and technology matters.

"(2) The Operating Committee shall meet not less than four times each year."

Subtitle B—Acquisition Assistance Programs

SEC. 811. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) SCOPE OF REFERENCE TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Subparagraph (B) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(B) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986;"

(b) DEFINITION OF MINORITY INSTITUTION.—Subparagraph (C) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(C) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1)))."

(c) AWARD ELIGIBILITY.—Section 2323(f)(2) of title 10, United States Code, is amended to read as follows:

"(2) The Secretary of Defense shall prescribe regulations that prohibit awarding a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1))."

(d) IMPLEMENTING REGULATIONS.—(1) The Secretary of Defense shall propose amendments to the Department of Defense Supplement to the Federal Acquisition Regulation that address the matters described in subsection (g) and subsection (h)(2) of section 2323 of title 10, United States Code.

(2) Not later than 15 days after the date of the enactment of this Act, the Secretary shall publish such proposed amendments in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). The Secretary shall provide a period of at least 60 days for public comment on the proposed amendments.

(3) The Secretary shall publish the final regulations not later than 120 days after the date of the enactment of this Act.

(e) INFORMATION ON PROGRESS IN PROVIDING INFRASTRUCTURE ASSISTANCE REQUIRED IN ANNUAL REPORT.—Section 2323(1)(3) of title 10, United States Code, is amended by adding at the end the following:

"(D) A detailed description of the infrastructure assistance provided under sub-

section (c) during the preceding fiscal year and of the plans for providing such assistance during the fiscal year in which the report is submitted."

(f) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, \$15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

SEC. 812. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) PROCUREMENT TECHNICAL ASSISTANCE PROGRAM FUNDING.—Of the amount authorized to be appropriated in section 301(5), \$12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amount made available pursuant to subsection (a), \$600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 813. PILOT MENTOR-PROTEGE PROGRAM FUNDING AND IMPROVEMENTS.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title I of this Act, \$50,000,000 shall be available for conducting the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note).

(b) REGULATIONS.—(1) The fifth sentence of section 831(k) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows: "The Department of Defense policy regarding the pilot Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation."

(2) The Secretary of Defense shall ensure that, within 30 days after the date of the enactment of this Act, the Department of Defense policy regarding the pilot Mentor-Protege Program, as in effect on September 30, 1993, is incorporated into the Department of Defense Supplement to the Federal Acquisition Regulation as an appendix. Revisions to such policy (or any successor policy) shall be published and maintained in such supplement as an appendix.

(c) EXTENSION OF PROGRAM ADMISSIONS.—Section 831(j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

Subtitle C—Provisions to Revise and Consolidate Certain Defense Acquisition Laws

SEC. 821. REPEAL AND AMENDMENT OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY LAWS APPLICABLE TO DEPARTMENT OF DEFENSE GENERALLY.

(a) REPEALS.—The following provisions of law are repealed:

(1) Chapter 135 of title 10, United States Code (relating to encouragement of aviation).

(2) Section 2317 of title 10, United States Code (relating to encouragement of competition and cost savings).

(3) Section 2362 of title 10, United States Code (relating to testing requirements for wheeled or tracked vehicles).

(4) Section 2389 of title 10, United States Code (relating to purchases from the Commodity Credit Corporation and price adjustments for contracts for procurement of milk).

(5) Sections 2436 and 2437 of title 10, United States Code (relating to defense enterprise programs).

(6) Section 821 of Public Law 101-189 (103 Stat. 1503) (relating to certificate of independent price determination in certain Department of Defense contract solicitations).

(b) DELETION OF EXPIRING REPORT REQUIREMENT.—Effective February 1, 1994, section 2361 of title 10, United States Code, is amended by striking out subsection (c).

SEC. 822. EXTENSION TO DEPARTMENT OF DEFENSE GENERALLY OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

(a) INDUSTRIAL MOBILIZATION.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new sections:

“§ 2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations

“(a) ORDERING AUTHORITY.—In time of war or when war is imminent, the President, through the Secretary of Defense, may order from any person or organized manufacturing industry necessary products or materials of the type usually produced or capable of being produced by that person or industry.

“(b) COMPLIANCE WITH ORDER REQUIRED.—A person or industry with whom an order is placed under subsection (a), or the responsible head thereof, shall comply with that order and give it precedence over all orders not placed under that subsection.

“(c) SEIZURE OF MANUFACTURING PLANTS UPON NONCOMPLIANCE.—In time of war or when war is imminent, the President, through the Secretary of Defense, may take immediate possession of any plant that is equipped to manufacture, or that in the opinion of the Secretary of Defense is capable of being readily transformed into a plant for manufacturing, arms or ammunition, parts thereof, or necessary supplies for the armed forces if the person or industry owning or operating the plant, or the responsible head thereof, refuses—

“(1) to give precedence to the order as prescribed in subsection (b);

“(2) to manufacture the kind, quantity, or quality of arms or ammunition, parts thereof, or necessary supplies, as ordered by the Secretary; or

“(3) to furnish them at a reasonable price as determined by the Secretary.

“(d) USE OF SEIZED PLANT.—The President, through the Secretary of Defense, may manufacture products that are needed in time of war or when war is imminent, in any plant that is seized under subsection (c).

“(e) COMPENSATION REQUIRED.—Each person or industry from whom products or materials are ordered under subsection (a) is entitled to fair and just compensation. Each person or industry whose plant is seized under subsection (c) is entitled to a fair and just rental.

“(f) CRIMINAL PENALTY.—Whoever fails to comply with this section shall be imprisoned

for not more than three years and fined under title 18.

“§ 2539. Industrial mobilization: plants; lists

“(a) LIST OF PLANTS EQUIPPED TO MANUFACTURE ARMS OR AMMUNITION.—The Secretary of Defense may maintain a list of all privately owned plants in the United States, and the territories, Commonwealths, and possessions of the United States, that are equipped to manufacture for the armed forces arms or ammunition, or parts thereof, and may obtain complete information of the kinds of those products manufactured or capable of being manufactured by each of those plants, and of the equipment and capacity of each of those plants.

“(b) LIST OF PLANTS CONVERTIBLE INTO AMMUNITION FACTORIES.—The Secretary of Defense may maintain a list of privately owned plants in the United States, and the territories, Commonwealths, and possessions of the United States, that are capable of being readily transformed into factories for the manufacture of ammunition for the armed forces and that have a capacity sufficient to warrant conversion into ammunition plants in time of war or when war is imminent, and may obtain complete information as to the equipment of each of those plants.

“(c) CONVERSION PLANS.—The Secretary of Defense may prepare comprehensive plans for converting each plant listed pursuant to subsection (b) into a factory for the manufacture of ammunition or parts thereof.

“§ 2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness

“The President may appoint a nonpartisan Board on Mobilization of Industries Essential for Military Preparedness, and may provide necessary clerical assistance, to organize and coordinate operations under sections 2538 and 2539 of this title.”

(2) Sections 4501, 4502, 9501, and 9502 of title 10, United States Code, are repealed.

(b) AVAILABILITY OF SAMPLES, DRAWINGS, INFORMATION, EQUIPMENT, MATERIALS, AND CERTAIN SERVICES.—(1) Subchapter V of chapter 148 of title 10, United States Code, is further amended by adding at the end the following:

“§ 2541. Availability of samples, drawings, information, equipment, materials, and certain services

“(a) AUTHORITY.—The Secretary of Defense and the secretaries of the military departments, under regulations prescribed by the Secretary of Defense and when determined by the Secretary of Defense or the Secretary concerned to be in the interest of national defense, may each—

“(1) sell, lend, or give samples, drawings, and manufacturing or other information (subject to the rights of third parties) to any person or entity;

“(2) sell or lend government equipment or materials to any person or entity—

“(A) for use in independent research and development programs, subject to the condition that the equipment or material be used exclusively for such research and development; or

“(B) for use in demonstrations to a friendly foreign government; and

“(3) make available to any person or entity, at an appropriate fee, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items.

“(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a)(3) are

confidential and may not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

“(c) FEES.—Fees for services made available under subsection (a)(3) shall be established in the regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

“(d) USE OF FEES.—Fees received for services made available under subsection (a)(3) may be credited to the appropriations or other funds of the activity making such services available.”

(2) Section 2314 of title 10, United States Code, is amended by inserting “or sale” after “procurement”.

(3) Sections 4506, 4507, 4508, 9506, and 9507 of title 10, United States Code, are repealed.

(c) PROCUREMENT FOR EXPERIMENTAL PURPOSES.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2373. Procurement for experimental purposes

“(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may each buy ordnance, signal, and chemical activity supplies, including parts and accessories, and designs thereof, that the Secretary of Defense or the Secretary concerned considers necessary for experimental or test purposes in the development of the best supplies that are needed for the national defense.

“(b) PROCEDURES.—Purchases under this section may be made inside or outside the United States and by contract or otherwise. Chapter 137 of this title applies when such purchases are made in quantity.”

(2) Sections 4504 and 9504 of title 10, United States Code, are repealed.

(d) ACCEPTANCE OF GRATUITOUS SERVICES OF CERTAIN RESERVE OFFICERS.—(1) Chapter 11 of title 10, United States Code, is amended by inserting after section 278 the following new section:

“§ 279. Authority to accept certain gratuitous services of officers

“Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

“(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

“(2) in consultation upon matters relating to the armed forces.”

(2) Sections 4541 and 9541 of title 10, United States Code, are repealed.

SEC. 823. REPEAL OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

The following provisions of subtitles B and D of title 10, United States Code, are repealed:

(1) Sections 4505 and 9505 (relating to procurement of production equipment).

(2) Sections 4531 and 9531 (relating to procurement authorization).

(3) Section 4533 (relating to Army rations).

(4) Sections 4534 and 9534 (relating to subsistence supplies, contract stipulations, and place of delivery on inspection).

(5) Sections 4535 and 9535 (relating to purchase of exceptional subsistence supplies without advertising).

(6) Sections 4537 and 9537 (relating to assistance of United States mapping agencies with military surveys and maps).

(7) Sections 4538 and 9538 (relating to exchange and reclamation of unserviceable ammunition).

SEC. 824. CONSOLIDATION, REPEAL, AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE NAVY.

(a) **REPEALS.**—The following provisions of subtitle C of title 10, United States Code, are repealed:

(1) Section 7201 (relating to research and development, procurement, and construction of guided missiles).

(2) Section 7210 (relating to purchase of patents, patent applications, and licenses).

(3) Section 7213 (relating to relief of contractors and their employees from losses by enemy action).

(4) Section 7230 (relating to sale of degaussing equipment).

(5) Section 7296 (relating to availability of appropriations for other purposes).

(6) Section 7298 (relating to conversion of combatants and auxiliaries).

(7) Section 7301 (relating to estimates required for bids on construction).

(8) Section 7310 (relating to constructing combatant vessels).

(9) Chapter 635 (relating to naval aircraft).

(10) Section 7366 (relating to limitation on appropriations for naval salvage facilities).

(b) **REVISION AND STREAMLINING OF CERTAIN PROVISIONS RELATING TO NAVAL VESSELS.**—Chapter 633 of such title is amended by striking out sections 7304, 7305, 7306, 7307, 7308, and 7309 and inserting in lieu thereof the following:

“§ 7304. Examination of vessels; striking of vessels from Naval Vessel Register

“(a) **BOARDS OF OFFICERS TO EXAMINE NAVAL VESSELS.**—The Secretary of the Navy shall designate boards of naval officers to examine naval vessels, including unfinished vessels, for the purpose of making a recommendation to the Secretary as to which vessels, if any, should be stricken from the Naval Vessel Register. Each vessel shall be examined at least once every three years if practicable.

“(b) **ACTIONS BY BOARD.**—A board designated under subsection (a) shall submit to the Secretary in writing its recommendations as to which vessels, if any, among those it examined should be stricken from the Naval Vessel Register.

“(c) **ACTION BY SECRETARY.**—If the Secretary concurs with a recommendation by a board that a vessel should be stricken from the Naval Vessel Register, the Secretary shall strike the name of that vessel from the Naval Vessel Register.

“§ 7305. Vessels stricken from Naval Vessel Register: sale

“(a) **APPRAISAL OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.**—The Secretary of the Navy shall appraise each vessel stricken from the Naval Vessel Register under section 7304 of this title.

“(b) **AUTHORITY TO SELL VESSEL.**—If the Secretary considers that the sale of the vessel is in the national interest, the Secretary may sell the vessel. Any such sale shall be in accordance with regulations prescribed by the Secretary for the purposes of this section.

“(c) **PROCEDURES FOR SALE.**—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law

may be sold under this section. In such a case, the Secretary may sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after the vessel is publicly advertised for sale for a period of not less than 30 days.

“(2) If the Secretary determines that the bid prices for a vessel received after advertising under paragraph (1) are not acceptable and that re-advertising will serve no useful purpose, the Secretary may sell the vessel by negotiation to the highest acceptable bidder if—

“(A) each responsible bidder has been notified of intent to negotiate and has been given a reasonable opportunity to negotiate; and

“(B) the negotiated price is—

“(i) higher than the highest rejected price of any responsible bidder; or

“(ii) reasonable and in the national interest.

“(d) **APPLICABILITY.**—This section does not apply to a vessel the disposal of which is authorized by the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), if it is to be disposed of under that Act.

“§ 7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise

“(a) **AUTHORITY TO MAKE TRANSFER.**—Subject to subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register, or any captured vessel, to—

“(1) any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof;

“(2) the District of Columbia; or

“(3) any not-for-profit or nonprofit entity.

“(b) **VESSEL TO BE MAINTAINED IN CONDITION SATISFACTORY TO SECRETARY.**—An agreement for the transfer of a vessel under subsection (a) shall include a requirement that the transferee will maintain the vessel in a condition satisfactory to the Secretary.

“(c) **TRANSFERS TO BE AT NO COST TO UNITED STATES.**—Any transfer of a vessel under this section shall be made at no cost to the United States.

“(d) **NOTICE TO CONGRESS.**—(1) No transfer under this section takes effect unless—

“(A) notice of the proposal to make the transfer is sent to Congress; and

“(B) 60 days of continuous session of Congress have expired following the date on which such notice is sent to Congress.

“(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

“§ 7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes

“(a) **AUTHORITY.**—The Secretary of the Navy may use for experimental purposes any vessel stricken from the Naval Vessel Register.

“(b) **STRIPPING VESSEL.**—(1) Before using a vessel for an experimental purpose pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel as is practicable.

“(2) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to appropriations available for the procurement of scrapping services needed for such stripping. Amounts

received which are in excess of amounts needed for procuring such services shall be deposited into the general fund of the Treasury.

“§ 7307. Disposals to foreign nations

“(a) **LARGER OR NEWER VESSELS.**—A naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) unless the disposition of that vessel is approved by law enacted after August 5, 1974. A lease or loan of such a vessel under such a law may be made only in accordance with the provisions of chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 et seq.) or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.).

“(b) **OTHER VESSELS.**—(1) A naval vessel not subject to subsection (a) may be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) in accordance with applicable provisions of law, but only after—

“(A) the Secretary of the Navy notifies the Committees on Armed Services of the Senate and House of Representatives in writing of the proposed disposition; and

“(B) 30 days of continuous session of Congress have expired following the date on which such notice is sent to those committees.

“(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

“§ 7308. Chief of Naval Operations: certification required for disposal of combatant vessels

“Notwithstanding any other provision of law, no combatant vessel of the Navy may be sold, transferred, or otherwise disposed of unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States.

“§ 7309. Construction of vessels in foreign shipyards: prohibition

“(a) **PROHIBITION.**—Except as provided in subsection (b), no vessel to be constructed for any of the armed forces, and no major component of the hull or superstructure of any such vessel, may be constructed in a foreign shipyard.

“(b) **PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.**—(1) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

“(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.

“(c) **EXCEPTION FOR INFLATABLE BOATS.**—An inflatable boat or a rigid inflatable boat, as defined by the Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).

“§ 7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions

“(a) **VESSELS WITH HOMEPORT IN UNITED STATES.**—A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) the homeport of which is in the United States may not be overhauled, repaired, or

maintained in a shipyard outside the United States, other than in the case of voyage repairs.

"(b) VESSEL CHANGING HOMEPORTS.—In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months."

SEC. 825. ADDITIONAL AUTHORITY TO CONTRACT FOR FUEL STORAGE AND MANAGEMENT.

(a) REVISION OF AUTHORITY.—Section 2388 of title 10, United States Code, is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) AUTHORITY TO CONTRACT.—The Secretary of Defense and the Secretary of a military department may each contract for storage facilities for, or the storage, handling, or distribution of, liquid fuels and natural gas.

"(b) PERIOD OF CONTRACT.—The period of a contract entered into under subsection (a) may not exceed 5 years. However, the contract may provide options for the Secretary to renew the contract for additional periods of not more than 5 years each, but not for more than a total of 20 years.";

(2) in subsection (c), by inserting **"OPTION TO PURCHASE FACILITY.**—" after "(c)".

(b) SECTION HEADING AMENDMENT.—The heading of section 2388 of such title is amended to read as follows:

"§ 2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution".

SEC. 826. ADDITIONAL AUTHORITY RELATING TO THE ACQUISITION OF PETROLEUM AND NATURAL GAS.

(a) ACQUISITION, SALE, AND EXCHANGE OF NATURAL GAS.—Section 2404 of title 10, United States Code, is amended—

(1) in subsection (a)—
(A) in the matter above paragraph (1), by inserting **"or natural gas"** after **"petroleum"**;

(B) in paragraph (1)—
(i) by inserting **"or natural gas market conditions, as the case may be,"** after **"petroleum market conditions"**; and
(ii) by inserting **"or acquisition of natural gas, respectively,"** after **"acquisition of petroleum"**; and

(C) in paragraph (2), by inserting **"or natural gas, as the case may be,"** after **"petroleum"**; and
(2) in subsection (b), by inserting **"or natural gas"** in the second sentence after **"petroleum"**.

(b) EXPANSION OF EXCHANGE AUTHORITY.—Subsection (c) of such section is amended to read as follows:

"(c) EXCHANGE AUTHORITY.—The Secretary of Defense may acquire petroleum, petroleum-related services, natural gas, or natural gas-related services by exchange of petroleum, petroleum-related services, natural gas, or natural gas-related services."

(c) SALE OF PETROLEUM AND NATURAL GAS.—Such section is further amended—

(1) by redesignating subsection (d) as subsection (e); and
(2) by inserting after subsection (c) the following new subsection (d):

"(d) AUTHORITY TO SELL.—The Secretary of Defense may sell petroleum or natural gas of the Department of Defense if the Secretary determines that the sale would be in the pub-

lic interest. The proceeds of such a sale shall be credited to appropriations of the Department of Defense for the acquisition of petroleum, petroleum-related services, natural gas, or natural gas-related services. Amounts so credited shall be available for obligation for the same period as the appropriations to which the amounts are credited."

(d) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) SUBSECTION CAPTIONS.—Section 2404 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting **"WAIVER AUTHORITY.**—" after **"(a)"**;

(B) in subsection (b), by inserting **"SCOPE OF WAIVER.**—" after **"(b)"**; and

(C) in subsection (e), as redesignated by subsection (c)(1), by inserting **"PETROLEUM DEFINED.**—" after **"(e)"**.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2404. Acquisition of petroleum and natural gas: authority to waive contract procedures; acquisition by exchange; sales authority".

SEC. 827. AMENDMENT OF RESEARCH AUTHORITIES.

(a) AUTHORITY TO CONDUCT BASIC, ADVANCED, AND APPLIED RESEARCH.—Section 2358 of title 10, United States Code, is amended to read as follows:

"§ 2358. Research projects"

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may engage in basic, advanced, and applied research and development projects that—

"(1) are necessary to the responsibilities of such Secretary's department in the field of basic, advanced, and applied research and development; and
"(2) either—

"(A) relate to weapons systems and other military needs; or
"(B) are of potential interest to such department.

"(b) AUTHORIZED MEANS.—The Secretary of Defense or the Secretary of a military department may perform research and development projects—

"(1) by contract, cooperative agreement, or other transaction with, or by grant to, educational or research institutions, private businesses, or other agencies of the United States;

"(2) by using employees and consultants of the Department of Defense; or

"(3) through one or more of the military departments.

"(c) REQUIREMENT OF POTENTIAL MILITARY INTEREST.—Funds appropriated to the Department of Defense or to a military department may not be used to finance any research project or study unless the project or study is, in the opinion of the Secretary of Defense or the Secretary of that military department, respectively, of potential interest to the Department of Defense or to such military department, respectively."

(b) AUTHORITY RELATED TO ADVANCED RESEARCH PROJECTS.—

(1) REPEAL OF REDUNDANT AUTHORITY.—Section 2371 of such title is amended—

(A) by striking out subsection (a);

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (a), (b), (c), (d), (e), and (f), respectively;

(C) in subsection (a), as redesignated by subparagraph (B)—

(i) in paragraph (1), by striking out **"subsection (a)"** and inserting in lieu thereof **"section 2358 of this title"**; and
(ii) in paragraph (2), by striking out **"subsection (e)"** and inserting in lieu thereof **"subsection (d)"**;

(D) in subsection (d), as redesignated by subparagraph (B), by striking out **"subsection (a)"** and inserting in lieu thereof **"section 2358 of this title"**; and

(E) in subsection (e), as redesignated by subparagraph (B)—

(i) in paragraph (4), by striking out **"subsection (b)"** and inserting in lieu thereof **"subsection (a)"**; and

(ii) in paragraph (5), by striking out **"subsection (e)"** and inserting in lieu thereof **"subsection (d)"**.

(2) CONSISTENCY OF TERMINOLOGY.—Such section, as amended by paragraph (1), is further amended—

(A) in subsection (c)(1), by inserting **"and development"** after **"research"** both places it appears;

(B) in subsections (d) and (e)(3), by striking out **"advanced research"** and inserting in lieu thereof **"research and development"**; and

(C) in subsection (e)(1), by striking out **"advanced research is"** and inserting in lieu thereof **"research and development are"**.

(c) REDUNDANT AND OBSOLETE AUTHORITY FOR THE ARMY AND THE AIR FORCE.—Sections 4503 and 9503 of title 10, United States Code, are repealed.

SEC. 828. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO ACQUISITION LAWS.

(a) AMENDMENTS TO TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of title 10, United States Code, listed in the following paragraphs is amended by striking out the items relating to the sections listed in such paragraphs:

(1) Chapter 137: section 2317.
(2) Chapter 139: section 2362.
(3) Chapter 141: section 2389.
(4) Chapter 144: sections 2436 and 2437.
(5) Chapter 433: sections 4531, 4533, 4534, 4535, 4537, 4538, and 4541.
(6) Chapter 631: sections 7201, 7210, 7213, and 7230.

(7) Chapter 633: sections 7296, 7298, and 7301.
(8) Chapter 637: section 7366.
(9) Chapter 933: sections 9531, 9534, 9535, 9537, 9538, and 9541.

(b) AMENDMENTS TO TABLES OF CHAPTERS.—(1) The tables of chapters at the beginning of subtitle A, and part IV of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 135.

(2) The tables of chapters at the beginning of subtitle B, and part IV of subtitle B, of such title are amended by striking out the item relating to chapter 431.

(3) The tables of chapters at the beginning of subtitle C, and part IV of subtitle C, of such title are amended by striking out the item relating to chapter 635.

(c) ADDITIONAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 11 of title 10, United States Code, is amended by inserting after the item relating to section 278 the following new item:

"279. Authority to accept certain gratuitous services of officers."

(2) The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

"2373. Procurement for experimental purposes."

(3) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2388 and inserting in lieu thereof the following:

"2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution."

(4) The table of sections at the beginning of chapter 141 of title 10, United States Code, is

amended by striking out the item relating to section 2404 and inserting in lieu thereof the following:

"2404. Acquisition of petroleum and natural gas: authority to waive contract procedures; acquisition by exchange; sales authority."

(5) The table of sections at the beginning of subchapter V of chapter 148 of such title is amended by adding at the end the following new items:

"2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations.

"2539. Industrial mobilization: plants; lists.

"2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness.

"2541. Availability of samples, drawings, information, equipment, materials, and certain services."

(6) Chapter 431 of such title is amended by striking out the chapter heading and the table of sections.

(7) The table of sections at the beginning of chapter 633 of such title is amended by striking out the items relating to sections 7304, 7305, 7306, 7307, 7308, 7309, and 7310 and inserting in lieu thereof the following:

"7304. Examination of vessels; striking of vessels from Naval Vessel Register.

"7305. Vessels stricken from Naval Vessel Register: sale.

"7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise.

"7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes.

"7307. Disposals to foreign nations.

"7308. Chief of Naval Operations: certification required for disposal of combatant vessels.

"7309. Construction of vessels in foreign shipyards: prohibition.

"7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions."

(8)(A) Chapter 931 of such title is amended—

(i) by striking out the table of sections for subchapter I;

(ii) by striking out the headings for subchapters I and II;

(iii) by striking out the table of subchapters; and

(iv) by amending the chapter heading to read as follows:

"CHAPTER 931—CIVIL RESERVE AIR FLEET"

(B) The tables of chapters at the beginning of subtitle D, and part IV of subtitle D, of such title are amended by striking out the item relating to chapter 931 and inserting in lieu thereof the following:

"931. Civil Reserve Air Fleet 9511".

(d) CROSS-REFERENCE AMENDMENTS.—(1) Section 505(a)(2)(B)(i) of the National Security Act of 1947 (50 U.S.C. 415(a)(2)(B)(i)) is amended by striking out "section 7307(b)(1)" and inserting in lieu thereof "section 7307(a)".

(2) Section 2366(d) of title 10, United States Code, is amended by striking out "to the defense committees of Congress (as defined in section 2362(e)(3) of this title)" and inserting in lieu thereof "to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives."

Subtitle D—Defense Acquisition Pilot Programs

SEC. 831. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 832. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication."

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively; and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition and Technology, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support, should usually be completed within 6 to 36 months, and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent specific authorization is provided for any defense acquisition program designated for participation in the Defense Acquisition Pilot Program, as required by section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), in a law authorizing appropriations for such program

enacted after the date of the enactment of this Act, and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for such defense acquisition program such sums as are necessary to carry out the next phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) ENCOURAGEMENT OF EXCELLENCE.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition work force of the Department of Defense and should provide an enhanced system of incentives, in accordance with the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510) and other applicable law, for the encouragement of excellence in the work force of a program participating in the Defense Acquisition Pilot Program.

(b) INCENTIVES.—The Secretary of Defense may consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION; PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's per-

formance prepared by the program manager responsible for the contract.

Subtitle E—Other Matters

SEC. 841. REIMBURSEMENT OF INDIRECT COSTS OF INSTITUTIONS OF HIGHER EDUCATION UNDER DEPARTMENT OF DEFENSE CONTRACTS.

(a) PROHIBITION.—The Secretary of Defense may not by regulation place a limitation on the amount that the Department of Defense may reimburse an institution of higher education for allowable indirect costs incurred by the institution for work performed for the Department of Defense under a Department of Defense contract unless that same limitation is applied uniformly to all other organizations performing similar work for the Department of Defense under Department of Defense contracts.

(b) WAIVER.—The Secretary of Defense may waive the application of the prohibition in subsection (a) in the case of a particular institution of higher education if the governing body of the institution requests the waiver in order to simplify the overall management by that institution of cost reimbursements by the Department of Defense for contracts awarded by the Department to the institution.

(c) DEFINITIONS.—In this section:

(1) The term "allowable indirect costs" means costs that are generally considered allowable as indirect costs under regulations that establish the cost reimbursement principles applicable to an institution of higher education for purposes of Department of Defense contracts.

(2) The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 842. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO ENTITIES CONTROLLED BY A FOREIGN GOVERNMENT.

(a) TERMINOLOGY AMENDMENT.—Subsection (a) of section 2536 of title 10, United States Code, is amended—

(1) by striking out "a company owned by"; and

(2) by striking out "that company" and inserting in lieu thereof "that entity".

(b) EXCLUSION FROM DEFINITION OF ENTITY CONTROLLED BY FOREIGN GOVERNMENT.—Subsection (c)(1) of such section is amended by adding at the end the following: "Such term does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992."

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2536. Award of certain contracts to entities controlled by a foreign government: prohibition".

(2) The item relating to such section in the table of sections at the beginning of subchapter V of chapter 148 of such title is amended to read as follows:

"2536. Award of certain contracts to entities controlled by a foreign government: prohibition."

SEC. 843. REPORTS BY DEFENSE CONTRACTORS OF DEALINGS WITH TERRORIST COUNTRIES.

(a) REPORT REQUIREMENT.—(1) Whenever the Secretary of Defense proposes to enter into a contract with any person for an amount in excess of \$5,000,000 for the provision of goods or services to the Department

of Defense, the Secretary shall require that person—

(A) before entering into the contract, to report to the Secretary each commercial transaction which that person has conducted with the government of any terrorist country during the preceding three years or the period since the effective date of this section, whichever is shorter; and

(B) to report to the Secretary each such commercial transaction which that person conducts during the course of the contract (but not after the date specified in subsection (h)) with the government of any terrorist country.

(2) The requirement contained in paragraph (1)(B) shall be included in the contract with the Department of Defense.

(b) REGULATIONS.—The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this section.

(c) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense shall submit to the Congress each year by December 1 a report setting forth those persons conducting commercial transactions with terrorist countries that are included in the reports made pursuant to subsection (a) during the preceding fiscal year, the terrorist countries with which those transactions were conducted, and the nature of those transactions. The version of the report made available for public release shall exclude information exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(d) LIABILITY.—This section shall not be interpreted as imposing any liability on a person for failure to comply with the reporting requirement of subsection (a) if the failure to comply is caused solely by an act or omission of a third party.

(e) PERSON DEFINED.—For purposes of this section, the term "person" means a corporate or other business entity proposing to enter or entering into a contract covered by this section. The term does not include an affiliate or subsidiary of the entity.

(f) TERRORIST COUNTRY DEFINED.—A country shall be considered to be a terrorist country for purposes of a contract covered by this section if the Secretary of State has determined pursuant to law, as of the date that is 60 days before the date on which the contract is signed, that the government of that country is a government that has repeatedly provided support for acts of international terrorism.

(g) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act, or after the expiration of the 30-day period beginning on the date of publication in the Federal Register of the final regulations referred to in subsection (b), whichever is earlier.

(h) TERMINATION.—This section expires on September 30, 1996.

SEC. 844. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations prescribed pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a

contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department;

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) **MONITORING SYSTEM REQUIRED.**—The Secretary of Defense shall ensure that, not later than one year after the date of the enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations prescribed pursuant to subsection (a).

(d) **TERMINATION.**—This section shall cease to be effective one year after the date on which final regulations prescribed pursuant to subsection (a) take effect.

SEC. 845. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) **AUTHORITY.**—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out prototype projects that are directly relevant to weapons or weapon systems proposed to be acquired or developed by the Department of Defense.

(b) **EXERCISE OF AUTHORITY.**—(1) Subsections (c)(2) and (c)(3) of such section 2371, as redesignated by section 827(b)(1)(B), shall not apply to projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, use competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) **PERIOD OF AUTHORITY.**—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

SEC. 846. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) **IN GENERAL.**—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

“§2681. Use of test and evaluation installations by commercial entities

“(a) **CONTRACT AUTHORITY.**—The Secretary of Defense may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation.

“(b) **TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.**—A contract entered into under subsection (a) shall contain a provision that the Secretary of Defense may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the Secretary of Defense certifies in writing that the test or evaluation activity is or would be detrimental—

- “(1) to the public health and safety;
- “(2) to property (either public or private);

or

“(3) to any national security interest or foreign policy interest of the United States.

“(c) **CONTRACT PRICE.**—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the Department of Defense for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract. In addition, the contract may include a provision that requires the commercial entity to reimburse the Department of Defense for such indirect costs related to the use of the installation as the Secretary of Defense considers to be appropriate. The Secretary may delegate to the commander of the Major Range and Test Facility Installation the authority to determine the appropriateness of the amount of indirect costs included in such a contract provision.

“(d) **RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.**—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

“(e) **REGULATIONS AND LIMITATIONS.**—The Secretary of Defense shall prescribe regulations to carry out this section.

“(f) **DEFINITIONS.**—In this section:

“(1) The term ‘Major Range and Test Facility Installation’ means a test and evaluation installation under the jurisdiction of the Department of Defense and designated as a Major Range and Test Facility Installation by the Secretary.

“(2) The term ‘direct costs’ includes the cost of—

“(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during test or evaluation activities or maintained for a particular commercial entity; and

“(B) construction specifically performed for a commercial entity to conduct test and evaluation activities.

“(g) **TERMINATION OF AUTHORITY.**—The authority provided to the Secretary of Defense by subsection (a) shall terminate on September 30, 1998.

“(h) **REPORT.**—Not later than January 1, 1998, the Secretary of Defense shall submit to Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

“2681. Use of test and evaluation installations by commercial entities.”

SEC. 847. CONTRACT BUNDLING.

(a) **STUDY REQUIRED.**—The Comptroller General shall conduct a study regarding the impact of contract bundling on the participation of small business concerns (including small business concerns owned and controlled by socially and economically disadvantaged individuals) in procurement by the Department of Defense.

(b) **PURPOSES OF STUDY.**—In addition to such other matters as the Comptroller General considers appropriate, the study required by subsection (a) shall—

(1) catalog the benefits and adverse effects of contract bundling on Department of Defense contracting activities;

(2) catalog the benefits and adverse effects of contract bundling on small business concerns seeking to sell goods or services to the Department of Defense;

(3) catalog and assess the adequacy of the policy guidance applicable to procurement personnel of the Department of Defense regarding the bundling of contract requirements;

(4) review and analyze the data compiled pursuant to subsection (c) regarding the extent to which procuring activities of the Department of Defense have been bundling their requirements for the procurement of goods and services (including construction);

(5) review and assess the adequacy of the statements submitted by procuring activities of the Department of Defense pursuant to section 15(a) of the Small Business Act (15 U.S.C. 644(a)) regarding bundling of contract requirements; and

(6) assess whether small business specialists of the Department of Defense or procurement center representatives of the Small Business Administration have adequate policy guidance and effective authority to make an independent assessment regarding proposed bundling of contract requirements.

(c) **DATA ON CONTRACT BUNDLING.**—

(1) **DATA TO BE COMPILED.**—For purposes of conducting the study required by subsection (a), the Secretary of Defense shall compile and furnish to the Comptroller General data regarding contracts awarded during fiscal years 1988, 1992, and 1993 that reflect the bundling of the types of contract requirements that were previously solicited and awarded as separate contract actions. With respect to such bundled contracts, the Secretary shall seek to furnish data regarding—

(A) the number and dollar value of such contract awards and the types of goods or services (including construction) that were procured;

(B) the number and estimated dollar value of requirements previously procured through separate contract actions which were included in each of the contract actions identified under subparagraph (A);

(C) any justifications (including estimates of cost savings) for the bundled contract actions identified under subparagraph (A); and

(D) the extent of participation by small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals under subcontracting plans pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(2) SUBMISSION TO THE COMPTROLLER GENERAL.—The Secretary of Defense shall furnish the data described in paragraph (1) to the Comptroller General not later than February 1, 1994.

(d) REPORT.—Not later than April 1, 1994, the Comptroller General shall submit to the Committees on Armed Services and Small Business of the Senate and House of Representatives a report containing the results of the study required by subsection (a). The report shall include recommendations for appropriate changes to statutes, regulations, policy, or practices that would ameliorate any identified adverse effects of contract bundling on the participation of small business concerns in procurements by the Department of Defense.

(e) DEFINITION.—For the purposes of this section, the terms "contract bundling" and "bundling of contract requirements" means the practice of consolidating two or more procurement requirements of the type that were previously solicited and awarded as separate smaller contracts into a single large contract solicitation likely to be unsuitable for award to a small business concern due to—

- (1) the diversity and size of the elements of performance specified;
- (2) the aggregate dollar value of the anticipated award;
- (3) the geographical dispersion of the contract performance sites; or
- (4) any combination of the factors described in paragraphs (1), (2), and (3).

SEC. 848. PROHIBITION ON COMPETITION BETWEEN DEPARTMENT OF DEFENSE AND SMALL BUSINESSES FOR CERTAIN MAINTENANCE CONTRACTS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new section:

"§ 2304a. Contracts; prohibition on competition between Department of Defense and small businesses and certain other entities

"(a) EXCLUSION.—In any case in which the Secretary of Defense plans to use competitive procedures for a procurement, if the procurement is to be conducted as described in subsection (b), then the Secretary shall exclude the Department of Defense from competing in the procurement.

"(b) PROCUREMENT DESCRIPTION.—The requirement to exclude the Department of Defense under subsection (a) applies in the case of a procurement to be conducted by excluding from competition entities in the private sector other than—

"(1) small business concerns in furtherance of section 8 or 15 of the Small Business Act (15 U.S.C. 637 or 644); or

"(2) entities described in subsection (a)(1) of section 2323 of this title in furtherance of the goal specified in that subsection."

(3) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2304 the following new item:

"2304a. Contracts; prohibition on competition between Department of Defense and small businesses and certain other entities."

(b) EFFECTIVE DATE.—Section 2304a of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

SEC. 849. BUY AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated pursuant to this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act.

(b) PROHIBITION OF CONTRACTS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a 'Made in America' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) BUY AMERICAN ACT WAIVER RESCIS-SIONS.—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(d) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 850. CLARIFICATION TO SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM ACT.

The Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) in section 732, by striking out the second sentence; and

(2) in section 717, by adding at the end the following new subsection:

"(f) SIZE STANDARDS.—

"(1) IN GENERAL.—Any numerical size standard that is assigned to a standard industrial classification code (or a subdivision of such a code) for any of the designated industry groups described in subsections (b), (c), and (d) of this section and that was in effect on September 30, 1988, shall remain in effect for the duration of the Program (as specified in section 711(c)).

"(2) ENGINEERING SERVICES OTHER THAN ARCHITECTURAL AND ENGINEERING SERVICES.—The limitation imposed by paragraph (1) does not preclude modification to the numerical size standard assigned to those subdivisions of standard industrial classification code 8711 that are not subject to the Program, including—

"(A) engineering services—military and aerospace equipment and military weapons;

"(B) engineering services—marine engineering and naval architecture; or

"(C) any successor to a subdivision described in subparagraph (A) or (B)."

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

SEC. 901. ENHANCED POSITION FOR COMPTROLLER OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating sections 135, 136, 138, 139, 140, and 141 as sections 137, 138, 139, 140, 141, and 142, respectively; and

(2) by transferring section 137 (relating to the Comptroller) so as to appear after section 134a, redesignating that section as section 135, and amending that section by adding at the end the following new subsection:

"(d) The Comptroller takes precedence in the Department of Defense after the Under Secretary of Defense for Policy."

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Policy the following:

"Comptroller of the Department of Defense."

(c) CONFORMING AMENDMENT.—Subsection (d) of section 138 of title 10, United States Code, as redesignated by subsection (a), is amended by inserting "and Comptroller" after "Under Secretaries of Defense".

SEC. 902. ADDITIONAL RESPONSIBILITIES OF THE COMPTROLLER.

(a) CHIEF FINANCIAL OFFICER.—(1) Section 135 of title 10, United States Code, as redesignated and amended by section 901, is further amended in subsection (b)—

(A) by inserting after "(b)" the following: "The Comptroller is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31."; and

(B) by inserting "additional" after "shall perform such".

(2) Section 5315 of title 5, United States Code, is amended by striking out the following:

"Chief Financial Officer, Department of Defense."

(b) CONGRESSIONAL INFORMATION RESPONSIBILITIES.—Such section is further amended by adding after subsection (d), as added by section 901(a)(2), the following new subsection:

"(e) The Comptroller shall ensure that the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each informed, in a timely manner, regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Comptroller."

SEC. 903. NEW POSITION OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135, as transferred and redesignated by section 901(a), the following new section:

"§ 136. Under Secretary of Defense for Personnel and Readiness

"(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange,

commissary, and nonappropriated fund activities, personnel requirements for weapons support, National Guard and reserve components, and health affairs.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Comptroller."

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Comptroller of the Department of Defense, as added by section 901(b), the following:

"Under Secretary of Defense for Personnel and Readiness."

(c) OFFSETTING REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—(1) Subsection (a) of section 138 of title 10, United States Code, as redesignated by section 901(a), is amended by striking out "eleven" and inserting in lieu thereof "ten".

(2) Section 5315 of title 5, United States Code, is amended by striking out "Assistant Secretaries of Defense (11)" and inserting in lieu thereof "Assistant Secretaries of Defense (10)".

SEC. 904. REDESIGNATION OF POSITIONS OF UNDER SECRETARY AND DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

(a) REDESIGNATIONS.—The office of Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Under Secretary of Defense for Acquisition and Technology. The office of Deputy Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Deputy Under Secretary of Defense for Acquisition and Technology.

(b) USD CHARTER AMENDMENTS.—(1) Section 133 of title 10, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§ 133. Under Secretary of Defense for Acquisition and Technology".

(c) DUSD CHARTER AMENDMENTS.—(1) Section 133a of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" in subsections (a) and (b) and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§ 133a. Deputy Under Secretary of Defense for Acquisition and Technology".

(d) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) The following sections of title 10, United States Code, are amended by striking out "Under Secretary of Defense for Acquisition" each place such term appears (including section headings) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology": sections 134(c), 137(b) (as redesignated by section 901(a)), 139 (as redesignated by section 901(a)), 171(a)(3), 179(a), 1702, 1703, 1707(a), 1722, 1735(c), 1737(c), 1741(b), 1746(a), 1761(b)(4), 1762(a), 1763, 2304(f), 2308(b), 2325(b), 2329, 2350a, 2369, 2399(b)(3), 2435(b)(2)(B), 2438(c), 2523(a), and 2534(b)(2).

(2) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 of such title is amended to read as follows:

"1702. Under Secretary of Defense for Acquisition and Technology: authorities and responsibilities."

(3) Section 171(a)(8) of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(e) CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5313 of title 5, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) Section 5314 of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(f) REFERENCES IN OTHER LAWS.—Any reference to the Under Secretary of Defense for Acquisition or the Deputy Under Secretary of Defense for Acquisition in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense for Acquisition and Technology or the Deputy Under Secretary of Defense for Acquisition and Technology, respectively.

SEC. 905. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.

Section 138(b) of title 10, United States Code, as redesignated by section 901(a)(1), is amended by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense."

SEC. 906. FURTHER CONFORMING AMENDMENTS TO CHAPTER 4 OF TITLE 10, UNITED STATES CODE.

(a) COMPOSITION OF OSD.—Subsection (b) of section 131 of title 10, United States Code, is amended to read as follows:

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretary of Defense for Acquisition and Technology.

"(3) The Under Secretary of Defense for Policy.

"(4) The Comptroller.

"(5) The Under Secretary of Defense for Personnel and Readiness.

"(6) The Director of Defense Research and Engineering.

"(7) The Assistant Secretaries of Defense.

"(8) The Director of Operational Test and Evaluation.

"(9) The General Counsel of the Department of Defense.

"(10) The Inspector General of the Department of Defense.

"(11) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office."

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"Sec.

"131. Office of the Secretary of Defense.

"132. Deputy Secretary of Defense.

"133. Under Secretary of Defense for Acquisition and Technology.

"133a. Deputy Under Secretary of Defense for Acquisition and Technology.

"134. Under Secretary of Defense for Policy.

"134a. Deputy Under Secretary of Defense for Policy.

"135. Comptroller.

"136. Under Secretary of Defense for Personnel and Readiness.

"137. Director of Defense Research and Engineering.

"138. Assistant Secretaries of Defense.

"139. Director of Operational Test and Evaluation.

"140. General Counsel.

"141. Inspector General.

"142. Assistant to the Secretary of Defense for Atomic Energy."

SEC. 907. DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Subsection (c) of section 139 of title 10, United States Code, as redesignated by section 901(a)(1), is amended—

(1) by striking out the first sentence;

(2) by striking out "Director of Defense Research and Engineering" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(3) by striking out "research and development" and inserting in lieu thereof "acquisition".

Subtitle B—Professional Military Education

SEC. 921. CONGRESSIONAL FINDINGS CONCERNING PROFESSIONAL MILITARY EDUCATION SCHOOLS.

The Congress finds that—

(1) the primary mission of the professional military education schools of the Army, Navy, Air Force, and Marine Corps is to provide military officers with expertise in their particular warfare specialties and a broad and deep understanding of the major elements of their own service;

(2) the primary mission of the joint professional military education schools is to provide military officers with expertise in the integrated employment of land, sea, and air forces, including matters relating to national security strategy, national military strategy, strategic planning and contingency planning, and command and control of combat operations under unified command; and

(3) there is a continuing need to maintain professional military education schools for the Armed Forces and separate joint professional military education schools.

SEC. 922. AUTHORITY FOR AWARD BY NATIONAL DEFENSE UNIVERSITY OF CERTAIN MASTER OF SCIENCE DEGREES.

(a) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2163. National Defense University: masters of science in national security strategy and in national resource strategy

"(a) NATIONAL WAR COLLEGE DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the National War College, may confer the degree of master of science of national security strategy upon graduates of the National War College who fulfill the requirements for the degree.

"(b) ICAF DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the Industrial College of the Armed Forces, may confer the degree of master of science of national resource strategy upon graduates of the Industrial College of the Armed Forces who fulfill the requirements for the degree.

"(c) REGULATIONS.—The authority provided by subsections (a) and (b) shall be exercised under regulations prescribed by the Secretary of Defense."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2163. National Defense University: masters of science in national security strategy and in national resource strategy."

SEC. 923. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) IN GENERAL.—(1) Section 1595 of title 10, United States Code, is amended to read as follows:

“§ 1595. Civilian faculty members at certain Department of Defense schools: employment and compensation

“(a) AUTHORITY OF SECRETARY.—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the institutions specified in subsection (c) as the Secretary considers necessary.

“(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

“(c) COVERED INSTITUTIONS.—This section applies with respect to the following institutions of the Department of Defense:

“(1) The National Defense University.

“(2) The Foreign Language Center of the Defense Language Institute.

“(3) The George C. Marshall European Center for Security Studies.

“(d) APPLICATION TO FACULTY MEMBERS AT NDU.—(1) In the case of the National Defense University, this section applies with respect to persons selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after February 27, 1990.

“(2) For purposes of this section, the National Defense University includes the National War College, the Armed Forces Staff College, the Institute for National Strategic Study, and the Industrial College of the Armed Forces.

“(e) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT GEORGE C. MARSHALL CENTER.—In the case of the George C. Marshall European Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.”

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

“1595. Civilian faculty members at certain Department of Defense schools: employment and compensation.”

(b) CONFORMING AMENDMENT.—Section 5102(c)(10) of title 5, United States Code, as amended by section 533(c), is amended by inserting “(and, in the case of the George C. Marshall European Center for Security Studies, the Director and the Deputy Director)” after “professional military education school”.

Subtitle C—Joint Officer Personnel Policy

SEC. 931. REVISION OF GOLDWATER-NICHOLS REQUIREMENT OF SERVICE IN A JOINT DUTY ASSIGNMENT BEFORE PROMOTION TO GENERAL OR FLAG GRADE.

(a) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by inserting after section 619 the following new section:

“§ 619a. Eligibility for consideration for promotion: joint duty assignment required before promotion to general or flag grade; exceptions

“(a) GENERAL RULE.—An officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may not be appointed to the grade of brigadier general or rear admiral (lower half) unless the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title).

“(b) EXCEPTIONS.—Subject to subsection (c), the Secretary of Defense may waive subsection (a) in the following circumstances:

“(1) When necessary for the good of the service.

“(2) In the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

“(3) In the case of—

“(A) a medical officer, dental officer, veterinary officer, medical service officer, nurse, or biomedical science officer;

“(B) a chaplain; or

“(C) a judge advocate.

“(4) In the case of an officer selected by a promotion board for appointment to the grade of brigadier general or rear admiral (lower half) while serving in a joint duty assignment if—

“(A) at least 180 days of that joint duty assignment have been completed on the date of the convening of that selection board; and

“(B) the officer's total consecutive service in joint duty assignments within that immediate organization is not less than two years.

“(5) In the case of an officer who served in a joint duty assignment that began before January 1, 1987, if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.

“(c) WAIVER TO BE INDIVIDUAL.—A waiver may be granted under subsection (b) only on a case-by-case basis in the case of an individual officer.

“(d) SPECIAL RULE FOR GOOD-OF-THE-SERVICE WAIVER.—In the case of a waiver under subsection (b)(1), the Secretary shall provide that the first duty assignment as a general or flag officer of the officer for whom the waiver is granted shall be in a joint duty assignment.

“(e) LIMITATION ON DELEGATION OF WAIVER AUTHORITY.—The authority of the Secretary of Defense to grant a waiver under subsection (b) (other than under paragraph (1) of that subsection) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (b)(2) those categories of officers for which selection for promotion to brigadier general or, in the case of the Navy, rear admiral (lower half) is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

“(g) TRANSITION WAIVER AUTHORITIES.—(1)(A) Until January 1, 1999, the Secretary of Defense may waive subsection (a) in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.

“(B) Of the total number of appointments to the grades of brigadier general and rear admiral (lower half) for officers on the active-duty lists of the Army, Navy, Air Force, and Marine Corps during each of the years 1995 through 1999, the number in any such year that are made using a waiver under subsection (A) may not exceed the applicable

percentage of such total determined as follows:

Year:	Applicable Percentage:
1995	20
1996	15
1997	10
1998	5.

“(C) The provisions of subsections (c) and (e) apply to waivers under this paragraph in the same manner as to waivers under subsection (b).

“(2) Until January 1, 1999, the Secretary of Defense may waive subsection (d) in the case of an officer granted a waiver of subsection (a) under the authority of subsection (b)(1).

“(3)(A) An officer described in subparagraph (B) may not be appointed to the grade of lieutenant general or vice admiral until the officer completes a full tour of duty in a joint duty assignment.

“(B) Subparagraph (A) applies to an officer—

“(1) who is promoted after January 1, 1994, to the grade of brigadier general or rear admiral (lower half) and who receives a waiver of subsection (a) under the authority of paragraph (1) of this subsection; or

“(11) who receives a waiver of subsection (d) under the authority of paragraph (2) of this subsection.

“(h) SPECIAL TRANSITION RULES FOR NUCLEAR PROPULSION OFFICERS.—(1) Until January 1, 1997, an officer of the Navy designated as a qualified nuclear propulsion officer may be appointed to the grade of rear admiral (lower half) without regard to subsection (a). An officer so appointed may not be appointed to the grade of rear admiral until the officer completes a full tour of duty in a joint duty assignment.

“(2) Not later than March 1 of each year from 1994 through 1997, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation during the preceding calendar year of the transition plan developed by the Secretary pursuant to section 1305(b) of Public Law 100-180 (10 U.S.C. 619a note) with respect to service by qualified nuclear propulsion officers in joint duty assignments.”

(b) CONFORMING REPEAL.—Section 619 of title 10, United States Code, is amended by striking out subsection (e).

(c) CLERICAL AMENDMENTS.—(1) The heading of section 619 is amended to read as follows:

“§ 619. Eligibility for consideration for promotion: time-in-grade and other requirements.

(2) The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking out the item relating to section 619 and inserting in lieu thereof the following new items:

“619. Eligibility for consideration for promotion: time-in-grade and other requirements.

“619a. Eligibility for consideration for promotion: joint duty assignment required before promotion to general or flag grade; exceptions.”

(d) REPORT ON PLANS FOR COMPLIANCE WITH SECTION 619a.—Not later than February 1, 1994, the Secretary of Defense shall certify to Congress that the Army, Navy, Air Force, and Marine Corps have each developed and implemented a plan for their officer personnel assignment and promotion policies so as to ensure compliance with the requirements of section 619a of title 10, United States

Code, as added by subsection (a). Each such plan should particularly ensure that by January 1, 1999, the service covered by the plan shall have enough officers who have completed a full tour of duty in a joint duty assignment so as to permit the orderly promotion of officers to brigadier general or, in the case of the Navy, rear admiral (lower half) pursuant to the requirements of chapter 38 of title 10, United States Code.

(e) ADDITIONAL INFORMATION TO BE INCLUDED IN THE NEXT FIVE ANNUAL JOINT OFFICER POLICY REPORTS.—The Secretary of Defense shall include as part of the information submitted to Congress pursuant to section 667 of title 10, United States Code, for each of the next five years after the date of the enactment of this Act the following:

(1) The degree of progress made toward meeting the requirements of section 619a of title 10, United States Code.

(2) The compliance achieved with each of the plans developed pursuant to subsection (d).

(f) EXTENSION OF TRANSITION PLAN FOR NUCLEAR PROPULSION OFFICERS.—(1) Section 1305(b) of Public Law 101-180 (10 U.S.C. 619a note) is amended by striking out "January 1, 1994" each place it appears and inserting in lieu thereof "January 1, 1997".

(2) The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall revise the transition plan developed pursuant to section 1305(b) of Public Law 101-180 to take account of the amendments made by subsection (a) and by paragraph (1) of this subsection. The Secretary shall include with the next report of the Secretary after the date of the enactment of this Act under section 619a(h)(2) of title 10, United States Code, as added by subsection (a), a report on the actions of the Secretary in revising such transition plan.

(3) Such section is further amended by striking out "nuclear propulsion" in paragraph (1)(B) and inserting in lieu thereof "nuclear propulsion".

SEC. 932. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—(1) An officer described in paragraph (2) may (subject to paragraph (3)) be given credit for service in a joint duty assignment pursuant to the provisions of section 933 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2476; 10 U.S.C. 664 note), notwithstanding the expiration (under subsection (e) of that section) of authority to give such credit under that section.

(2) Paragraph (1) applies—
(A) in the case of an officer who was recommended for such credit under subsection (a)(3) of that section before the expiration (under subsection (e) of that section) of authority to give such credit, but for whom such credit either was denied or was granted as credit for less than a full tour of duty in a joint duty assignment; and

(B) in the case of an officer who did not submit a timely request for consideration for such credit.

(3)(A) In the case of an officer described in paragraph (2)(A), joint duty credit may be granted by reason of this subsection only if the Secretary determines that the decision not to give the credit or not to give greater credit, as the case may be, to that officer was incorrect.

(B) In the case of an officer described in paragraph (2)(B), joint duty credit may be granted by reason of this subsection only if the Secretary determines that the officer's

ability to submit a timely request was impaired by involvement of the officer in an operational assignment and, as a result of the failure to submit such a timely request, the officer was not recommended for such credit.

(b) DURATION OF AUTHORITY.—Subsection (a) expires at the end of the 90-day period beginning on the date of the enactment of this Act.

(c) CLARIFICATION OF INTENDED RELATIONSHIP BETWEEN CREDIT AND PROMOTIONS.—(1) Section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2476; 10 U.S.C. 644 note) is amended by striking out "chapter 38 of" and inserting in lieu thereof "any provision of".

(2) Any joint duty service credit given to an officer under section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 before the date of the enactment of this Act may be applied to any provision of title 10, United States Code.

SEC. 933. FLEXIBILITY FOR REQUIRED POST-EDUCATION JOINT DUTY ASSIGNMENT.

(a) IN GENERAL.—Subsection (d) of section 663 of title 10, United States Code, is amended to read as follows:

"(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer's next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).

"(2)(A) The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a joint professional military education school who do not have the joint specialty shall receive assignments to a joint duty assignment as their next duty assignment after such graduation or, to the extent authorized in subparagraph (B), as their second duty assignment after such graduation.

"(B) The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the joint duty assignment requirement in subparagraph (A) to be assigned to a joint duty assignment as their second (rather than first) assignment after such graduation from a joint professional military education school."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 941. ARMY RESERVE COMMAND.

Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1620; 10 U.S.C. 3074 note) is amended—

(1) in subsection (a), by striking out "shall be a major subordinate command of Forces Command" and inserting in lieu thereof "shall be a separate command of the Army commanded by the Chief, Army Reserve";

(2) in subsection (b)(2), by striking out "Commander-in-Chief, Forces Command" and inserting in lieu thereof "Commander-in-Chief, United States Atlantic Command"; and

(3) by striking out subsections (c) through (e).

SEC. 942. FLEXIBILITY IN ADMINISTERING REQUIREMENT FOR ANNUAL FOUR PERCENT REDUCTION IN NUMBER OF PERSONNEL ASSIGNED TO HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

Section 906(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1622) is amended by adding at the end the following: "If the number by which the number of such personnel is reduced during any of fiscal years 1991, 1992, 1993, or 1994 is greater than the number required under the preceding sentence, the excess number from that fiscal year may be applied by the Secretary toward the required reduction during a subsequent fiscal year (so that the total reduction under this section need not exceed the number equal to five times the required reduction number specified under the preceding sentence)."

SEC. 943. REPORT ON DEPARTMENT OF DEFENSE BOTTOM UP REVIEW.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit, in classified and unclassified forms, to the Committees on Armed Services of the Senate and House of Representatives a report on aspects of the comprehensive review of Department of Defense activities ordered by the Secretary of Defense and identified as the "Bottom Up Review" (hereinafter in this section referred to as the "Review") that were not included in the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review". The report shall include the following information:

(1) A presentation of the process, structure, and scope of the Review, including all programs and policies examined by the Review.

(2) The various force structure, strategy, budgetary, and programmatic options considered as part of the Review.

(3) A description of any threat assessment or defense planning scenario used in conducting the Review.

(4) The criteria used in the development, review, and selection of the alternative strategy, force structure, programmatic, budgetary, and other options considered in the Review.

(5) A detailed description and break out of the resource savings and costs resulting from the recommendations stated in the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review".

(6) Presentation of changes as a result of the Review in each of the following:

(A) The National Security Strategy of the United States, as described in the January 1993 report entitled "National Security Strategy of the United States", issued by former President Bush.

(B) The National Military Strategy of the United States, as described in the January 1993 report entitled, "Annual Report to the President and the Congress" from former Secretary of Defense Cheney.

(C) The military force structure and active and reserve personnel end strength, as described in the January 1993 report entitled "Annual Report to the President and the Congress" from former Secretary of Defense Cheney.

(D) The roles and functions of the military departments and the roles and functions of the unified commands as set out in the Unified Command Plan.

(E) Cost, schedule, and inventory objectives for major defense acquisition programs (as defined in section 2430 of title 10, United States Code) altered as a result of the Review.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than

the date on which the budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code.

SEC. 944. REPEAL OF TERMINATION OF REQUIREMENT FOR A DIRECTOR OF EXPEDITIONARY WARFARE IN THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.

Subsection (e) of section 5038 of title 10, United States Code, is repealed.

SEC. 945. CINC INITIATIVE FUND.

Of the amounts authorized to be appropriated pursuant to section 301 for Defense-wide activities, \$30,000,000 shall be made available for the CINC Initiative Fund.

Subtitle E—Commission on Roles and Missions of the Armed Forces

SEC. 951. FINDINGS.

Congress makes the following findings:

(1) The current allocation of roles and missions among the Armed Forces evolved from the practice during World War II to meet the Cold War threat and may no longer be appropriate for the post-Cold War era.

(2) Many analysts believe that a realignment of those roles and mission is essential for the efficiency and effectiveness of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

(3) The existing process of a triennial review of roles and missions by the Chairman of the Joint Chiefs of Staff pursuant to provisions of law enacted by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 has not produced the comprehensive review envisioned by Congress.

(4) It is difficult for any organization, and may be particularly difficult for the Department of Defense, to reform itself without the benefit and authority provided by external perspectives and analysis.

SEC. 952. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is hereby established a commission to be known as the Commission on Roles and Missions of the Armed Forces (hereinafter in this subtitle referred to as the "Commission").

(b) **COMPOSITION AND QUALIFICATIONS.**—(1) The Commission shall be composed of seven members. Members of the Commission shall be appointed by the Secretary of Defense.

(2) The Commission shall be appointed from among private United States citizens with appropriate and diverse military, organizational, and management experiences and historical perspectives.

(3) The Secretary shall designate one of the members as chairman of the Commission.

(c) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **INITIAL ORGANIZATIONAL REQUIREMENTS.**—(1) The Secretary shall make all appointments to the Commission within 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 30 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

SEC. 953. DUTIES OF COMMISSION.

(a) **IN GENERAL.**—The Commission shall—

(1) review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions;

(2) evaluate and report on alternative allocations of those roles, missions, and functions; and

(3) make recommendations for changes in the current definition and distribution of those roles, missions, and functions.

(b) **REVIEW OF POTENTIAL MILITARY OPERATIONS.**—The Commission shall review the types of military operations that may be required in the post-Cold War era, taking into account the requirements for success in various types of operations. As part of such review, the Commission shall take into consideration the official strategic planning of the Department of Defense. The types of operations to be considered by the Commission as part of such review shall include the following:

(1) Defense of the United States.

(2) Warfare against other national military forces.

(3) Participation in peacekeeping, peace enforcement, and other nontraditional activities.

(4) Action against nuclear, chemical, and biological weapons capabilities in hostile hands.

(5) Support of law enforcement.

(6) Other types of operations as specified by the chairman of the Commission.

(c) **COMMISSION TO DEFINE BROAD MISSION AREAS AND KEY SUPPORT REQUIREMENTS.**—As a result of the review under subsection (b), the Commission shall define broad mission areas and key support requirements for the United States military establishment as a whole.

(d) **DEVELOPMENT OF CONCEPTUAL FRAMEWORK FOR ORGANIZATIONAL ALLOCATIONS.**—The Commission shall develop a conceptual framework for the review of the organizational allocation among the Armed Forces of military roles, missions, and functions. In developing that framework, the Commission shall consider—

(1) static efficiency (such as duplicative overhead and economies of scale);

(2) dynamic effectiveness (including the benefits of competition and the effect on innovation);

(3) interoperability, responsiveness, and other aspects of military effectiveness in the field;

(4) gaps in mission coverage and so-called orphan missions that are inadequately served by existing organizational entities;

(5) division of responsibility on the battle-field;

(6) exploitation of new technology and operational concepts;

(7) the degree of disruption that a change in roles and missions would entail; and

(8) the experience of other nations.

(e) **RECOMMENDATIONS CONCERNING MILITARY ROLES AND MISSIONS.**—Based upon the conceptual framework developed under subsection (d) to evaluate possible changes to the existing allocation among the Armed Forces of military roles, missions, and functions, the Commission shall recommend—

(1) the functions for which each military department should organize, train, and equip forces;

(2) the missions of combatant commands; and

(3) the roles that Congress should assign to the various military elements of the Department of Defense.

(f) **RECOMMENDATIONS CONCERNING CIVILIAN ELEMENTS OF DEPARTMENT OF DEFENSE.**—The Commission may address the roles, missions, and functions of civilian portions of the Department of Defense and other national security agencies to the extent that changes in these areas are collateral to changes considered in military roles, missions, and functions.

(g) **RECOMMENDATIONS CONCERNING PROCESS FOR FUTURE CHANGES.**—The Commission shall also recommend a process for continuing to adapt the roles, missions, and functions of the Armed Forces to future changes in technology and in the international security environment.

SEC. 954. REPORTS.

(a) **IMPLEMENTATION PLAN.**—Not later than three months after the date on which all members of the Commission have been appointed, the Commission shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth its plan for the work of the Commission. The plan shall be developed following discussions with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the chairmen of those committees.

(b) **COMMISSION REPORT.**—The Commission shall, not later than one year after the date of its first meeting, submit to the committees named in subsection (a) and to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislation that the Commission considers advisable.

(c) **ACTION BY SECRETARY OF DEFENSE.**—The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit comments on the Commission's report to the committees referred to in subsection (b) not later than 90 days following receipt of the report.

SEC. 955. POWERS.

(a) **HEARINGS.**—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) **INFORMATION.**—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 956. COMMISSION PROCEDURES.

(a) **MEETINGS.**—The Commission shall meet at the call of the chairman.

(b) **QUORUM.**—(1) Four members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) **PANELS.**—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) **AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 957. PERSONNEL MATTERS.

(a) **PAY OF MEMBERS.**—Each member of the Commission shall be paid at a rate equal to

the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 958. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) TRAVEL.—To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other convey-

ance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

SEC. 959. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

SEC. 960. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the last day of the sixteenth month that begins after the date of its first meeting, but not earlier than 30 days after the date of the Secretary of Defense's submission of comments on the Commission's report.

TITLE X—ENVIRONMENTAL PROVISIONS

SEC. 1001. ANNUAL ENVIRONMENTAL REPORTS.

(a) REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—Subsection (a) of section 2706 of title 10, United States Code, is amended to read as follows:

“(a) REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on the progress made by the Secretary in carrying out environmental restoration activities at military installations.

“(2) Each such report shall include, with respect to environmental restoration activities for each military installation, the following:

“(A) A statement of the number of sites at which a hazardous substance has been identified.

“(B) A statement of the status of response actions proposed for or initiated at the military installation.

“(C) A statement of the total cost estimated for such response actions.

“(D) A statement of the amount of funds obligated by the Secretary for such response actions, and the progress made in implementing the response actions during the fiscal year preceding the year in which the report is submitted, including an explanation of—

“(i) any cost overruns for such response actions, if the amount of funds obligated for those response actions exceeds the estimated cost for those response actions by the greater of 15 percent of the estimated cost or \$10,000,000; and

“(ii) any deviation in the schedule (including a milestone schedule specified in an agreement, order, or mandate) for such response actions of more than 180 days.

“(E) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, such response actions during the fiscal year in which the report is submitted.

“(F) A statement of the amount of funds requested for such response actions for the five fiscal years following the fiscal year in which the report is submitted, and the anticipated progress in implementing such response actions for the fiscal year for which the budget is submitted.

“(G) A statement of the total costs incurred for such response actions as of the date of the submission of the report.

“(H) A statement of the estimated cost of completing all environmental restoration activities required with respect to the military installation, including, where relevant, the estimated cost of such activities in each of the five fiscal years following the fiscal year in which the report is submitted.

“(I) A statement of the estimated schedule for completing all environmental restoration activities at the military installation.

(b) REPORT ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.—Subsection (b) of section 2706 of such title is amended to read as follows:

“(b) REPORT ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on the progress made by the Secretary in carrying out environmental compliance activities at military installations.

“(2) Each such report shall include the following:

“(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted, setting forth separately the funding levels and personnel required for the Department of Defense as a whole and for each military installation.

“(B) A statement of the funding levels and full-time personnel requested for such purposes in the budget submitted by the President at the same time as the report, including—

“(i) an explanation of any differences between the funding level and personnel requirements and the funding level and personnel requests in the budget; and

“(ii) a statement setting forth separately the funding levels and full-time personnel requested for the Department of Defense as a whole and for each military installation.

“(C) A projection of the funding levels and the number of full-time personnel that will be required over the five fiscal years following the fiscal year in which the report is submitted for the Department of Defense to comply with applicable environmental laws, setting forth separately such projections for the Department of Defense as a whole and for each military installation.

“(D) An analysis of the effect that compliance with such environmental laws may have on the operations and mission capabilities of the Department of Defense as a whole and of each military installation.

“(E) A statement of the funding levels requested in the budget submitted by the President at the same time as the report for carrying out research, development, testing, and evaluation for environmental purposes or environmental activities of the Department of Defense. The statement shall set forth separately the funding levels requested for the Department of Defense as a whole and for each military department and Defense Agency.

“(F) A description of the number and duties of all current full-time civilian and military personnel who carry out environmental activities (including research) for the Department of Defense, including a description of the organizational structure of such personnel from the Secretary of Defense down to the military installation level.

“(G) A statement of the funding levels and personnel required for the Department of Defense to comply with applicable environmental requirements for military installations located outside the United States during the fiscal year for which the budget is submitted.”

(c) REPORT ON CONTRACTOR REIMBURSEMENT COSTS.—Section 2706 of such title is amended by adding at the end the following new subsection:

“(c) REPORT ON CONTRACTOR REIMBURSEMENT COSTS.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on payments made by the Secretary to defense contractors for the costs of environmental response actions.

“(2) Each such report shall include, for the fiscal year preceding the year in which the report is submitted, the following:

“(A) An estimate of the payments made by the Secretary to any defense contractor (other than a response action contractor) for the costs of environmental response actions at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.

“(B) A statement of the amount and current status of any pending requests by any defense contractor (other than a response action contractor) for payment of the costs of environmental response actions at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.”

(d) DEFINITIONS.—Section 2706 of such title, as amended by subsection (c), is further amended by adding at the end the following new subsection:

“(d) DEFINITIONS.—In this section:

“(1) The term ‘defense contractor’—

“(A) means an entity (other than an entity referred to in subparagraph (B)) that is one of the top 100 entities receiving the largest dollar volume of prime contract awards by the Department of Defense during the fiscal year covered by the report; and

“(B) does not include small business concerns, commercial companies (or segments of commercial companies) providing commercial items to the Department of Defense.

“(2) The term ‘military installation’ has the meaning given such term in section 2687(e) of this title, except that such term does not include a homeport facility for any ship and includes—

“(A) each facility or site owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of Defense;

“(B) each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances; and

“(C) each facility or site at which the Secretary is conducting environmental restoration activities.

“(3) The term ‘response action contractor’ has the meaning given such term in section 119(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(e)(2)).”

(e) TIME OF SUBMISSION OF CERTAIN REPORTS.—(1) A report submitted in 1994 under subsection (a) of section 2706 of title 10, United States Code, as amended by subsection (a), and under subsection (b) of such section, as amended by subsection (b), shall be submitted not later than March 31, 1994.

(2) A report under subsection (c) of section 2706 of such title, as added by subsection (c), shall be submitted for fiscal years beginning with fiscal year 1993. Any such report that is submitted for fiscal year 1993 or fiscal year

1994 shall be submitted not later than February 1, 1995.

SEC. 1002. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY FOR RELEASES OF PETROLEUM AND PETROLEUM DERIVATIVES.

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2687 note) is amended by striking out “hazardous substance or pollutant or contaminant” in subsections (a) and (d) and inserting in lieu thereof “hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative”.

SEC. 1003. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) COMPLIANCE BY NAVY SHIPS WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out “after 5 years” and all that follows and inserting in lieu thereof “as follows:

“(1) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

“(1i) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy.

“(1ii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.”

(b) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface ships owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V to the Convention.

“(2) Not later than 3 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of the Navy shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all ships owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

“(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain ships under certain circumstances, the plan shall include information describing—

“(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

“(B) the technical and operational impediments to achieving such compliance;

“(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

“(D) such other information as the Secretary of the Navy considers relevant and appropriate.

“(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.”

(c) COMPLIANCE MEASURES.—Section 3 of such Act is amended by inserting after subsection (d), as redesignated by subsection (b)(1), the following new subsection:

“(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

“(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V to the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

“(3) Except when necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea, it shall be a violation of this Act for a ship referred to in subsection (b)(1)(A) of this section that is owned or operated by the Department of the Navy:

“(A) With regard to a submersible, to discharge buoyant garbage or garbage that contains more than the minimum amount practicable of plastic.

“(B) With regard to a surface ship, to discharge plastic contaminated by food during the last 3 days before the ship enters port.

“(C) With regard to a surface ship, to discharge plastic, except plastic that is contaminated by food, during the last 20 days before the ship enters port.

“(4) The Secretary of Defense shall publish in the Federal Register:

“(A) Beginning on October 1, 1994, and each year thereafter until October 1, 2000, the amount and nature of the discharges in special areas, not otherwise authorized under Annex V to the Convention, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.

“(B) Beginning on October 1, 1996, and each year thereafter until October 1, 1998, a list of the names of such ships equipped with plastic processors pursuant to section 1003(e) of the National Defense Authorization Act for Fiscal Year 1994.”

(d) WAIVER AUTHORITY.—Section 3 of such Act, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

“(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsection (c) of this section and in subsection 1003(e) of the National Defense Authorization Act for Fiscal Year 1994 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of one year. The President shall submit to the Congress each January a report on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.”

(e) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall

release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships owned or operated by the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a ship owned or operated by the Navy.

(3) Not later than March 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 25 percent of the ships owned or operated by the Navy that require plastics processors to comply with section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (a), (b), and (c) of this section.

(4) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(5) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(6) Not later than December 31, 1998, the Secretary shall complete the installation of plastics processors on board all ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(f) DEFINITION.—Section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)) is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph (9):

"(9) 'submersible' means a submarine, or any other vessel designed to operate under water; and"

SEC. 1004. EXTENSION OF APPLICABILITY PERIOD FOR REIMBURSEMENT FOR CERTAIN LIABILITIES ARISING UNDER HAZARDOUS WASTE CONTRACTS.

Section 2708(b)(1) of title 10, United States Code, is amended by striking out "and 1993" and inserting in lieu thereof "through 1996".

SEC. 1005. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

TITLE XI—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1101. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the

same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed \$2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1102. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Department of Justice.

SEC. 1103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee on conference to accompany the bill H.R. 2401 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for that program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1104. REVISION OF DATE FOR SUBMITTAL OF JOINT REPORT ON SCORING OF BUDGET OUTLAYS.

Section 226(a) of title 10, United States Code, is amended—

(1) by striking out "Not later than" and all that follows through "section 1105 of title 31", and inserting in lieu thereof "Not later than December 15 of each year"; and

(2) in paragraph (1), by striking out "that budget" and inserting in lieu thereof "the budget to be submitted to Congress in the following year pursuant to section 1105 of title 31".

SEC. 1105. COMPTROLLER GENERAL AUDITS OF ACCEPTANCE BY DEPARTMENT OF DEFENSE OF PROPERTY, SERVICES, AND CONTRIBUTIONS.

(a) PROPERTY AND SERVICES FROM FOREIGN COUNTRIES IN CONNECTION WITH CERTAIN AGREEMENTS.—Subsection (d) of section 2350g of title 10, United States Code, is amended to read as follows:

"(d) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall

make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit."

(b) DEFENSE COOPERATION ACCOUNT.—(1) Subsection (1) of section 2608 of such title is amended to read as follows:

"(1) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit."

(2) The heading of such section is amended to read as follows:

"§ 2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account"

(3) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

"2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account."

SEC. 1106. LIMITATION ON TRANSFERRING DEFENSE FUNDS TO OTHER DEPARTMENTS AND AGENCIES.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2214 the following new section:

"§ 2215. Transfer of funds to other departments and agencies: limitation"

"Funds available for military functions of the Department of Defense may not be made available to any other department or agency of the Federal Government pursuant to a provision of law enacted after November 29, 1989, unless, not less than 30 days before such funds are made available to such other department or agency, the Secretary of Defense submits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a certification that making those funds available to such other department or agency is in the national security interest of the United States."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2214 the following new item:

"2215. Transfer of funds to other departments and agencies: limitation."

(b) CONFORMING REPEAL.—Section 1604 of Public Law 101-189 (103 Stat. 1598) is repealed.

SEC. 1107. SENSE OF CONGRESS CONCERNING DEFENSE BUDGET PROCESS.

It is the sense of Congress that any future-years defense plan prepared after the date of the enactment of this Act—

(1) should be based on an objective assessment of United States national security requirements and include funding proposals at a level capable of protecting and promoting the Nation's interests; and

(2) should be based on financial integrity and accountability to ensure a fully funded defense program necessary to maintain a ready and capable force.

SEC. 1108. FUNDING STRUCTURE FOR CONTINGENCY OPERATIONS.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

"§ 127a. Expenses for contingency operations"

"(a) DESIGNATION OF NATIONAL CONTINGENCY OPERATIONS.—The funding procedures

prescribed by this section apply with respect to any operation involving the armed forces that is designated by the Secretary of Defense as a National Contingency Operation. Whenever the Secretary designates an operation as a National Contingency Operation, the Secretary shall promptly transmit notice of that designation in writing to Congress. This section does not provide authority for the President or the Secretary of Defense to carry out an operation, but applies to the Department of Defense mechanisms by which funds are provided for operations that the armed forces are required to carry out under some other authority.

“(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) When an operating unit of the armed forces participating in a National Contingency Operation receives support services from a support unit of the armed forces that operates through the Defense Business Operations Fund (or a successor fund), that operating unit need not reimburse that support unit for the incremental costs incurred by the support unit in providing such support, notwithstanding any other provision of law or Government accounting practice.

“(2) The amounts which but for paragraph (1) would be required to be reimbursed to a support unit shall be recorded as an expense attributable to the operation and shall be accounted for separately.

“(3) The total of the unreimbursed sums for all National Contingency Operations may not exceed \$300,000,000 at any one time.

“(c) FINANCIAL PLAN FOR CONTINGENCY OPERATIONS.—(1) Within two months of the beginning of any National Contingency Operation, the Secretary of Defense shall submit to Congress a financial plan for the operation that sets forth the manner by which the Secretary proposes to obtain funds for the full cost to the United States of the operation.

“(2) The plan shall specify in detail how the Secretary proposes to make the Defense Business Operations Fund (or a successor fund) whole again.

“(d) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs that are directly attributable to the operation and that are otherwise chargeable to accounts available for operation and maintenance or for military personnel. Any costs which are otherwise chargeable to accounts available for procurement may not be considered to be incremental costs for purposes of this section.

“(e) INCREMENTAL PERSONNEL COSTS ACCOUNT.—There is hereby established in the Department of Defense a reserve fund to be known as the ‘National Contingency Operation Personnel Fund’. Amounts in the fund shall be available for incremental military personnel costs attributable to a National Contingency Operation. Amounts in the fund remain available until expended.

“(f) COORDINATION WITH WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct a National Contingency Operation or any other operation.

“(g) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense contingency funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.

“(h) DEFINITION.—In this section, the term ‘National Contingency Operation’ means a military operation that is designated by the Secretary of Defense as an operation the cost of which, when considered with the cost of other ongoing or potential military operations, is expected to have a negative effect on training and readiness.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

“127a. Expenses for contingency operations.”

(b) FIRST YEAR FUNDING.—There is hereby authorized to be appropriated for fiscal year 1994 to the fund established under section 127a(e) of title 10, United States Code, as added by subsection (a), the sum of \$10,000,000.

Subtitle B—Fiscal Year 1993 Authorization Matters

SEC. 1111. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b), totaling \$5,148,730,000 may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1993 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1993 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1993 defense appropriations.

(c) DEFINITIONS.—For the purposes of this subtitle:

(1) FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.—The term “fiscal year 1993 defense appropriations” means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1993 in the Department of Defense Appropriations Act, 1993 (Public Law 102-396).

(2) FISCAL YEAR 1993 DEFENSE AUTHORIZATIONS.—The term “fiscal year 1993 defense authorizations” means amounts authorized to be appropriated for the Department of Defense for fiscal year 1993 in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

SEC. 1112. OBLIGATION OF CERTAIN APPROPRIATIONS.

In obligating amounts for fiscal year 1993 defense appropriations that were provided for specific non-Federal government entities (in the total amount of \$176,450,000) for the University Research Initiatives program under research, development, test, and evaluation for Defense Agencies, the Secretary of Defense shall have the discretion to make the award of any grant or contract from those amounts under that program using merit-based selection procedures.

SEC. 1113. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 for covering the incremental costs arising from Operation Restore Hope, Operation Provide Comfort, and Operation Southern Watch, and deficiencies in funding of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and for repairing flood damage at Camp Pendleton, California, \$1,246,928 as follows:

(1) For Military Personnel:

For the Navy, \$7,100,000.

(2) For Operation and Maintenance:

(A) For the Army, \$149,800,000.

(B) For the Navy, \$46,356,000.

(C) For the Marine Corps, \$122,192,000.

(D) For the Air Force, \$226,400,000.

(E) For the Defense Agencies, \$2,000,000.

(F) For the Naval Reserve, \$237,000.

(G) For Humanitarian Assistance, \$23,000,000.

(H) For Real Property Maintenance, Defense, \$29,098,000.

(I) For the Defense Health Program, \$299,900,000.

(3) For Military Construction:

(A) For the Navy inside the United States, \$3,000,000.

(B) For the Navy for family housing inside the United States, \$4,345,000.

(4) For Working Capital Funds:

For the Defense Business Operations Fund, \$293,500,000.

(b) NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.—There is authorized to be appropriated for fiscal year 1993 from the National Security Education Trust Fund the amount of \$10,000,000.

Subtitle C—Counter-Drug Activities

SEC. 1121. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out “fiscal years 1991, 1992, 1993, and 1994,” and inserting in lieu thereof “fiscal years 1991 through 1995.”

(b) ADDITIONAL TYPE OF SUPPORT AUTHORIZED.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(10) Aerial and ground reconnaissance.”

(c) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1994 under section 301(15) for operation and maintenance with respect to drug interdiction and counter-drug activities, \$40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

SEC. 1122. REQUIREMENT TO ESTABLISH PROCEDURES FOR STATE AND LOCAL GOVERNMENTS TO BUY LAW ENFORCEMENT EQUIPMENT SUITABLE FOR COUNTER-DRUG ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

“§381. Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense

“(a) PROCEDURES.—(1) The Secretary of Defense shall establish procedures in accordance with this subsection under which States and units of local government may purchase law enforcement equipment suitable for counter-drug activities through the Department of Defense. The procedures shall require the following:

“(A) Each State desiring to participate in a procurement of equipment suitable for counter-drug activities through the Department of Defense shall submit to the Department, in such form and manner and at such times as the Secretary prescribes, the following:

“(i) A request for law enforcement equipment.

"(1) Advance payment for such equipment, in an amount determined by the Secretary based on estimated or actual costs of the equipment and administrative costs incurred by the Department.

"(B) A State may include in a request submitted under subparagraph (A) only the type of equipment listed in the catalog produced under subsection (c).

"(C) A request for law enforcement equipment shall consist of an enumeration of the law enforcement equipment that is desired by the State and units of local government within the State. The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for law enforcement equipment from units of local government within the State.

"(D) A State requesting law enforcement equipment shall be responsible for arranging and paying for shipment of the equipment to the State and localities within the State.

"(2) In establishing the procedures, the Secretary of Defense shall coordinate with the General Services Administration and other Federal agencies for purposes of avoiding duplication of effort.

"(b) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—In the case of any purchase made by a State or unit of local government under the procedures established under subsection (a), the Secretary of Defense shall require the State or unit of local government to reimburse the Department of Defense for the administrative costs to the Department of such purchase.

"(c) GSA CATALOG.—The Administrator of General Services, in coordination with the Secretary of Defense, shall produce and maintain a catalog of law enforcement equipment suitable for counter-drug activities for purchase by States and units of local government under the procedures established by the Secretary under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

"(2) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

"(3) The term 'law enforcement equipment suitable for counter-drug activities' has the meaning given such term in regulations prescribed by the Secretary of Defense. In prescribing the meaning of the term, the Secretary may not include any equipment that the Department of Defense does not procure for its own purposes."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"381. Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense."

(b) DEADLINE.—The Secretary of Defense shall establish procedures under section 381(a) of title 10, United States Code, as added by subsection (a), not later than 6 months after the date of the enactment of this Act.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the procedures established pursuant to section 381 of title 10, United States Code, as added by subsection (a). The report shall include, at a minimum, a list of the law enforcement equipment that will be covered under such procedures.

Subtitle D—Matters Relating to Reserve Components

SEC. 1131. REVIEW OF AIR FORCE PLANS TO TRANSFER HEAVY BOMBERS TO RESERVE COMPONENTS UNITS.

(a) REVIEW OF AIR FORCE PLANS.—(1) The Secretary of Defense shall review Air Force plans to transfer certain heavy bomber units from the active component of the Air Force to the reserve components of the Air Force.

(2) In carrying out the review, the Secretary shall consider the following matters:

(A) The compatibility of Air Force plans with the relevant results of the internal review of the Department of Defense (known as the "bottom-up review") being conducted during 1993 by direction of the Secretary of Defense.

(B) The effect that the transfer will have on the immediate availability of substantial numbers of heavy bombers for combat operations.

(C) The levels of full-time and part-time employees that will be necessary at reserve components units in order to provide adequate logistics and maintenance support for intensive and sustained heavy bomber operations.

(D) The requirements for additional military construction funding that will result from the transfer and relocation of heavy bomber operations.

(b) SECRETARY OF DEFENSE PLAN REQUIRED.—(1) The Secretary of Defense, in consultation with the Secretary of the Air Force, shall develop a comprehensive plan for proposed transfers of heavy bomber units from the active component of the Air Force to the reserve components of the Air Force. The plan shall cover the period beginning on the date of the enactment of this Act and ending January 1, 2000.

(2) The plan shall include the following matters:

(A) The unit designation of each active component unit from which heavy bombers are to be transferred.

(B) The unit designation of each reserve component unit to which such heavy bombers are to be transferred.

(C) The proposed date of inactivation of each active component unit transferring heavy bombers.

(D) The proposed date of activation of each reserve component unit receiving heavy bombers.

(E) The requirements at each reserve component unit receiving heavy bombers for additional Armed Forces personnel and civilian personnel, additional facilities for the bomber aircraft, additional military construction funds other than for facilities construction, additional spare parts, and additional logistics, maintenance, and test equipment beyond such resources that become available by reason of the inactivation of the active component unit.

(c) REPORTING REQUIREMENTS.—Not later than March 31, 1994, the Secretary shall submit to the congressional defense committees—

(1) a report on the results of the review required under subsection (a), and

(2) the plan required under subsection (b).

Subtitle E—Awards and Decorations

SEC. 1141. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1129. Purple Heart: members killed or wounded in action by friendly fire."

SEC. 1142. SENSE OF CONGRESS RELATING TO AWARD OF THE NAVY EXPEDITIONARY MEDAL TO NAVY MEMBERS SUPPORTING DOOLITTLE RAID ON TOKYO.

Congress hereby reaffirms the sense of Congress (previously expressed in section 1084 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2517)) that individuals who served in the naval service during April 1942 in Task Force 16, culminating in the air-raid commonly known as the "Doolittle Raid on Tokyo", should be awarded the Navy Expeditionary Medal for such service and urges the President or the Secretary of the Navy, as appropriate, to award such medal to those individuals.

SEC. 1143. AWARD OF GOLD STAR LAPEL BUTTONS TO SURVIVORS OF SERVICE MEMBERS KILLED BY TERRORIST ACTS.

(a) ELIGIBILITY.—Subsection (a) of section 1126 of title 10, United States Code, is amended—

(1) by striking out "of the United States" in the matter preceding paragraph (1);

(2) by striking out "or" at the end of paragraph (1);

(3) in paragraph (2)—

(A) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking out the period at the end and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new paragraph:

"(3) who lost or lose their lives after March 28, 1973, as a result of—

"(A) an international terrorist attack against the United States or a foreign nation

friendly to the United States, recognized as such an attack by the Secretary of Defense; or

"(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force."

(b) DEFINITIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

"(7) The term 'military operations' includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

"(8) The term 'peacekeeping force' includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council."

Subtitle F—Recordkeeping and Reporting Requirements

SEC. 1151. TERMINATION OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS DETERMINED BY SECRETARY OF DEFENSE TO BE UNNECESSARY OR INCOMPATIBLE WITH EFFICIENT MANAGEMENT OF THE DEPARTMENT OF DEFENSE.

(a) TERMINATION OF REPORT REQUIREMENTS.—Unless otherwise provided by a law enacted after the date of the enactment of this Act, each provision of law requiring the submittal to Congress (or any committee of Congress) of any report specified in the list submitted under subsection (b) shall, with respect to that requirement, cease to be effective on October 30, 1995.

(b) PREPARATION OF LIST.—(1) The Secretary of Defense shall submit to Congress a list of each provision of law that, as of the date specified in subsection (c), imposes upon the Secretary of Defense (or any other officer of the Department of Defense) a reporting requirement described in paragraph (2). The list of provisions of law shall include a statement or description of the report required under each such provision of law.

(2) Paragraph (1) applies to a requirement imposed by law to submit to Congress (or specified committees of Congress) a report on a recurring basis, or upon the occurrence of specified events, if the Secretary determines that the continued requirement to submit that report is unnecessary or incompatible with the efficient management of the Department of Defense.

(3) The Secretary shall submit with the list an explanation, for each report specified in the list, of the reasons why the Secretary considers the continued requirement to submit the report to be unnecessary or incompatible with the efficient management of the Department of Defense.

(c) SUBMISSION OF LIST.—The list under subsection (a) shall be submitted not later than April 30, 1994.

(d) SCOPE OF SECTION.—For purposes of this section, the term "report" includes a certification, notification, or other characterization of a communication.

(e) INTERPRETATION OF SECTION.—This section does not require the Secretary of Defense to review each report required of the Department of Defense by law.

SEC. 1152. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) IN GENERAL.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to Congress a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to Congress a report that, with respect to each new special access program of that department or agency, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification, as applicable, of existing programs or technologies that are similar to the technology, or that have a mission similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to Congress a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify Congress of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—

(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, to Congress.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated by a covered department or agency until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—For purposes of this section:

(1) COVERED DEPARTMENT OR AGENCY.—(A) Except as provided in subparagraph (B), the term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program.

(B) Such term does not include—

(i) the Department of Defense (which is required to submit reports on special access programs under section 119 of title 10, United States Code);

(ii) the Department of Energy, with respect to special access programs carried out under the atomic energy defense activities of that department (for which the Secretary of Energy is required to submit reports under section 93 of the Atomic Energy Act of 1954); or

(iii) an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a)).

(2) SPECIAL ACCESS PROGRAM.—The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "secret" or "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

SEC. 1153. IDENTIFICATION OF SERVICE IN VIETNAM IN THE COMPUTERIZED INDEX OF THE NATIONAL PERSONNEL RECORDS CENTER.

(a) ASSISTANCE.—The Secretary of Defense shall provide to the National Personnel Records Center in St. Louis, Missouri, such information and technical assistance as the Secretary considers to be appropriate to assist the Center in establishing an indicator in the computerized index of the Center that will facilitate searches for, and the selection of, military records of military personnel

based upon service in a theater of operations during the Vietnam conflict.

(b) **REPORT ON IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing a plan to establish the indicator described in subsection (a). The Secretary shall prepare the report in consultation with the Secretary of Veterans Affairs and the Archivist of the United States.

(c) **VIETNAM CONFLICT DEFINED.**—For purposes of this section, the term "Vietnam conflict" has the meaning given that term in section 1035(g)(2) of title 10, United States Code.

SEC. 1154. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

(a) **REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress named in subsection (c) a joint report on manpower required to implement export controls on certain weapons transfers.

(b) **CONTENT OF REPORT.**—The report shall include the following matters:

(1) A statement of the role of the Department of Defense, and a statement of the role of the Department of Energy, in implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(2) A discussion of the number and skills of personnel currently available in the Department of Defense and in the Department of Energy to perform the respective roles of those departments.

(3) An assessment of the adequacy of the number and skills of those personnel for the effective performance of those roles.

(4) For each of fiscal years 1988, 1989, 1990, 1991, 1992, 1993, and 1994, the total number of Department of Defense and Department of Energy full-time employees and military personnel who, in the implementation of export controls on goods and technology related to nuclear, chemical, and biological weapons, carry out the following activities of such department:

(A) Review of private sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technical review.

(5) For each fiscal year referred to in paragraph (4), the grades of the personnel referred to in that paragraph and the special knowledge, experience, and expertise of those personnel that enable them to carry out the activities referred to in that paragraph.

(6) An assessment of the adequacy of the staffing in each of the categories specified in subparagraphs (A) through (E) of paragraph (4).

(7) Recommendations concerning measures, including any legislation necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(8) All Department of Defense activities undertaken during fiscal years 1989, 1990, 1991, 1992, and 1993 in fulfillment of the responsibilities of the Department of Defense under section 602(c) of the Nuclear Non-Pro-

liferation Act of 1978 (Public Law 96-280; 22 U.S.C. 3282(c)) with respect to nuclear weapons proliferation threats and the role of the department in addressing such threats.

(c) **SUBMISSION OF REPORT.**—The committees to which the report is to be submitted are—

(1) the Committee on Armed Services and the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

(d) **FORM OF REPORT.**—The report shall be submitted in unclassified form but may also be submitted in classified form if the Secretary of Defense and the Secretary of Energy consider it necessary to include classified information in order to satisfy fully the requirements of this section.

SEC. 1155. REPORT ON FOOD SUPPLY AND DISTRIBUTION PRACTICES OF THE DEPARTMENT OF DEFENSE.

(a) **FINDINGS.**—The Congress makes the following findings:

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency, purchases more than 90 percent of the food supplied to military end-users, including dining halls, hospitals, and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four depots of the Defense Logistics Agency, and perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private sector end-users, including independent restaurants, hospitals, and hotels, obtain food through direct delivery from commercial distributors of food.

(4) In a comprehensive inventory reduction plan issued in May 1990, the Secretary of Defense concluded that there was no benefit to using the food supply system of the Department of Defense in circumstances in which the food requirements of the Department could be met through the use of commercial distributors of food.

(5) In a report published in June 1993, the General Accounting Office determined that the Department of Defense could achieve substantial cost savings by expanding the use of commercial distributors of food and related commercial practices in the food supply system of the Department.

(b) **REVIEW.**—The Secretary of Defense shall conduct a review of the food supply and distribution practices of the Department of Defense. The review shall include the following:

(1) An evaluation of the feasibility of, and the economic advantages and disadvantages of, the expanded use of full-line commercial distributors of food to deliver food directly to military end-users.

(2) An evaluation of the potential for the expanded use of such commercial distributors to reduce the need for the storage of food (except for war reserve stocks and items bound for overseas) directly by the Department of Defense and to eliminate the requirement for Defense Subsistence Offices and certain warehouse activities at military installations.

(3) A comparison of the cost of using the Department of Defense food supply and distribution system to meet the Department of Defense food requirements with the cost of using commercial distributors of food to meet such requirements.

(4) A consideration of any obstacles that would hinder the ability of the Department of Defense to procure commercial food items and to institute commercial practices with respect to food supply and distribution.

(c) **REPORT.**—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on the findings, conclusions, and recommendations of the Secretary as a result of the review conducted under subsection (b).

Subtitle G—Congressional Findings, Policies, Recommendations, and Commemorations

SEC. 1161. SENSE OF CONGRESS REGARDING JUSTIFICATION FOR CONTINUING THE EXTREMELY LOW FREQUENCY (ELF) COMMUNICATION SYSTEM.

(a) **FINDINGS.**—The Congress makes the following findings:

(1) There is a need to re-evaluate all defense spending in light of the changed circumstances of the post-Cold War era and budget and fiscal constraints.

(2) The Extremely Low Frequency Communications System (ELF System) was originally designed to play a role in the strategic deterrence mission against the former Soviet Union.

(3) The threat of nuclear war has greatly diminished since the collapse of the Soviet Union.

(4) The ELF System is increasingly in use for communications with attack submarines in addition to ballistic missile submarines.

(5) There have been questions raised about the effects of ELF operations on human health and the environment and ongoing studies of those effects are due to be concluded during 1994.

(b) **EVALUATION AND REPORT BY SECRETARY OF DEFENSE.**—The Secretary of Defense shall submit to the congressional defense committees, before consideration by Congress of the fiscal year 1995 defense budget, a report containing the results of an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and the benefits and costs of any alternatives to that system. The report shall be based upon an evaluation conducted by the Secretary after the date of the enactment of this Act.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the bases at which the Extremely Low Frequency Communication System is located, having been considered for closure or realignment in the 1993 base closure process, should again be considered for closure or realignment in the round of military base closures to take place in 1995.

SEC. 1162. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF NAVAL OCEANOGRAPHIC SURVEY AND RESEARCH IN THE POST-COLD WAR PERIOD.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Oceanographic research and survey work is a critical element to the ability of the Navy to conduct successful operations in littoral waters of the world.

(2) Over the five-year period of fiscal years 1989 through 1993, the Navy experienced a significant diminution in its oceanographic research and survey capability due to budget reductions that resulted in (A) a reduction in the level of effort for Navy oceanographic research and survey activities by almost 50 percent, and (B) a reduction from 12 to 7 in the number of Navy ships dedicated to oceanographic survey and research activities.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) reductions in the funding, activities, and capability of the Navy to conduct oceanographic survey and research work, in addition to the reductions referred to in subsection (a)(2), would further reduce the level of oceanographic survey and research work of the Navy and should be avoided; and

(2) funding for oceanographic survey and research activities of the Navy should be maintained at levels sufficient to ensure that the Navy can exploit every opportunity to survey and research littoral waters critical to the operational needs of the Navy.

SEC. 1163. SENSE OF CONGRESS REGARDING UNITED STATES POLICY ON PLUTONIUM.

(a) FINDING.—The Congress finds that reprocessing spent nuclear fuel referred to in subsection (c) to recover plutonium may pose serious environmental hazards and increase the risk of proliferation of weapons-usable plutonium.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take action to encourage the reduction or cessation of the reprocessing of spent nuclear fuel referred to in subsection (c) to recover plutonium until the environmental and proliferation concerns related to such reprocessing are resolved.

(c) COVERED SPENT NUCLEAR FUEL.—The spent nuclear fuel referred to in subsections (a) and (b) is spent nuclear fuel used in a commercial nuclear power reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

SEC. 1164. SENSE OF SENATE ON ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2, 1990, through February 28, 1991, and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act should be granted entry into the United States under the Immigration and Nationality Act unless the President certifies to Congress before such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes.

SEC. 1165. U.S.S. INDIANAPOLIS MEMORIAL, INDIANAPOLIS, INDIANA.

(a) FINDINGS.—Congress makes the following findings:

(1) On July 30, 1945, during the closing days of World War II, the U.S.S. Indianapolis (CA-35) was sunk as a result of a torpedo attack on that ship.

(2) The memorial to the U.S.S. Indianapolis (CA-35) to be located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, will honor the personal sacrifice of the 1,197 servicemen who were aboard the U.S.S. Indianapolis (CA-35) on that day, 881 of whom died as one of the greatest single combat losses suffered by the United States Navy in World War II.

(3) The memorial will pay fitting tribute to that gallant ship and her final crew and will forever commemorate the place of the U.S.S. Indianapolis in United States Navy history as the last major ship lost in World War II.

(4) The memorial to the U.S.S. Indianapolis symbolizes the devoted service of the United States Navy and Marine Corps personnel, particularly those who lost their lives at sea in the Pacific Theater during World War II, whose dedication and sacrifice in the cause of liberty and freedom were instrumental in the triumph of the United States and its allies in that war.

(5) The citizens of the United States have a continuing obligation to educate future generations about the military and other historic endeavors of the United States.

(b) RECOGNITION AS A NATIONAL MEMORIAL.—The memorial to the U.S.S. Indianapolis (CA-35) in Indianapolis, Indiana, is hereby recognized as the national memorial to the U.S.S. Indianapolis (CA-35) and to the final crew of that historic warship.

Subtitle H—Other Matters

SEC. 1171. PROCEDURES FOR HANDLING WAR BOOTY.

(a) IN GENERAL.—(1) Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2579. War booty: procedures for handling and retaining battlefield objects

“(a) POLICY.—The United States recognizes that battlefield souvenirs have traditionally provided military personnel with a valued memento of service in a national cause. At the same time, it is the policy and tradition of the United States that the desire for souvenirs in a combat theater not blemish the conduct of combat operations or result in the mistreatment of enemy personnel, the dishonoring of the dead, distraction from the conduct of operations, or other unbecoming activities.

“(b) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the handling of battlefield objects that are consistent with the policies expressed in subsection (a) and the requirements of this section.

“(2) When forces of the United States are operating in a theater of operations, enemy material captured or found abandoned shall be turned over to appropriate United States or allied military personnel except as otherwise provided in such regulations. A member of the armed forces (or other person under the authority of the armed forces in a theater of operations) may not (except in accordance with such regulations) take from a theater of operations as a souvenir an object formerly in the possession of the enemy.

“(3) Such regulations shall provide that a member of the armed forces who wishes to retain as a souvenir an object covered by paragraph (2) may so request at the time the object is turned over pursuant to paragraph (2).

“(4) Such regulations shall provide for an officer to be designated to review requests under paragraph (3). If the officer determines that the object may be appropriately retained as a war souvenir, the object shall be turned over to the member who requested the right to retain it.

“(5) Such regulations shall provide for captured weaponry to be retained as souvenirs, as follows:

“(A) The only weapons that may be retained are those in categories to be agreed upon jointly by the Secretary of Defense and the Secretary of the Treasury.

“(B) Before a weapon is turned over to a member, the weapon shall be rendered unserviceable.

“(C) A charge may be assessed in connection with each weapon in an amount sufficient to cover the full cost of rendering the weapon unserviceable.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2579. War booty: procedures for handling and retaining battlefield objects.”

(b) INITIAL REGULATIONS.—The initial regulations required by section 2579 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 270 days after the date of enactment of this Act. Such regulations shall specifically address

the following, consistent with section 2579 of title 10, United States Code, as added by subsection (a):

(1) The general procedures for collection and disposition of weapons and other enemy material.

(2) The criteria and procedures for evaluation and disposition of enemy material for intelligence, testing, or other military purposes.

(3) The criteria and procedures for determining when retention of enemy material by an individual or a unit in the theater of operations may be appropriate.

(4) The criteria and procedures for disposition of enemy material to a unit or other Department of Defense entity as a souvenir.

(5) The criteria and procedures for disposition of enemy material to an individual as an individual souvenir.

(6) The criteria and procedures for determining when demilitarization or the rendering unserviceable of firearms is appropriate.

(7) The criteria and procedures necessary to ensure that servicemembers who have obtained battlefield souvenirs in a manner consistent with military customs, traditions, and regulations have a reasonable opportunity to obtain possession of such souvenirs, consistent with the needs of the service.

SEC. 1172. BASING FOR C-130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C-130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

SEC. 1173. TRANSPORTATION OF CARGOES BY WATER.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2361 the following new section:

“§ 2631a. Contingency planning: sealift and related intermodal transportation requirements

“(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

“(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2361 the following new item:

“2631a. Contingency planning: sealift and related intermodal transportation requirements.”

SEC. 1174. MODIFICATION OF AUTHORITY TO CONDUCT NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM.

(a) LOCATION OF PROGRAM.—Subsection (c) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 32 U.S.C. 501 note) is amended to read as follows:

"(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the pilot program in such States as the Secretary considers to be appropriate."

(b) DEFINITION OF STATE.—Subsection (1) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia."

(c) PROGRAM AGREEMENTS.—Subsection (d)(3) of such section is amended by striking out "reimburse" and inserting in lieu thereof "provide funds to".

SEC. 1175. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

SEC. 1176. ELIGIBILITY OF FORMER PRISONERS OF WAR FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY FOR BURIAL.—Former prisoners of war described in subsection (b) are eligible for burial in Arlington National Cemetery, Arlington, Virginia.

(b) ELIGIBLE FORMER POWS.—A former prisoner of war referred to in subsection (a) is a former prisoner of war—

(1) who dies on or after the date of the enactment of this Act; and

(2) who, while a prisoner of war, served honorably in the active military, naval, or air service, as determined under regulations prescribed by the Secretary of military department concerned.

(c) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery a former prisoner of war who is eligible to be buried in that cemetery under another provision of law.

(d) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of the Army. Those regulations may prescribe a minimum period of internment as a prisoner of war for purposes of eligibility under this section for burial in Arlington National Cemetery.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

(2) The term "active military, naval, or air service" has the meaning given such term in section 101(24) of such title.

SEC. 1177. REDESIGNATION OF HANFORD ARID LANDS ECOLOGY RESERVE.

(a) REDESIGNATION.—The Hanford Arid Lands Ecology Reserve in Richland, Washington, is redesignated as the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the ecology reserve referred to in subsection (a) is deemed to be a reference to the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

SEC. 1178. AVIATION LEADERSHIP PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The training in the United States of pilots from the air forces of friendly foreign nations furthers the interests of the United States, promotes closer relations with such nations, and advances the national security.

(2) Many friendly foreign nations cannot afford to reimburse the United States for the cost of such training.

(3) It is in the interest of the United States that the Secretary of the Air Force establish a program to train in the United States pilots from the air forces of friendly, less developed foreign nations.

(b) ESTABLISHMENT OF PROGRAM.—Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following new chapter:

"CHAPTER 905—AVIATION LEADERSHIP PROGRAM

"Sec.

"9381. Establishment of program.

"9382. Supplies and clothing.

"9383. Allowances.

"§ 9381. Establishment of program

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may establish and maintain an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, less-developed foreign nations. Training under this chapter shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

"§ 9382. Supplies and clothing

"(a) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this chapter—

"(1) transportation incident to the training;

"(2) supplies and equipment to be used during the training;

"(3) flight clothing and other special clothing required for the training; and

"(4) billeting, food, and health services.

"(b) The Secretary of the Air Force may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this chapter.

"§ 9383. Allowances

"The Secretary of the Air Force may pay to a person receiving training under this chapter a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances."

(c) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle D of title 10, United States Code, and at the beginning of part III of such subtitle are each amended by inserting after the item relating to chapter 903 the following new item:

"905. Aviation Leadership Program ... 9381".

SEC. 1179. ADMINISTRATIVE IMPROVEMENTS IN THE GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

(a) TERMS OF OFFICE OF FOUNDATION MEMBERS.—Section 1404(c)(1) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4703(c)(1)) is amended—

(1) by striking out ", and" at the end of subparagraph (A) and inserting in lieu thereof a semicolon;

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) notwithstanding the term limitation provided for under this paragraph, a member appointed under subsection (b) may continue to serve under such appointment until the successor to the member is appointed."

(b) LEASE AUTHORITY.—Section 1411(a)(7) of such Act (20 U.S.C. 4710(a)(7)) is amended by striking out "the District of Columbia" and inserting in lieu thereof "the Washington, District of Columbia, metropolitan area".

SEC. 1180. TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) LIMITATIONS.—The transfer authorized by section (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1181. TRANSFER OF OBSOLETE HEAVY CRUISER U.S.S. SALEM.

(a) TRANSFER WITHOUT REGARD TO NOTICE AND WAIT REQUIREMENTS.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy, upon making the determinations described in subsection (b) of this section, may transfer the obsolete heavy cruiser U.S.S. Salem (CA-139) to the United States Naval Shipbuilding Museum, Quincy, Massachusetts.

(b) DETERMINATIONS REQUIRED.—The transfer referred to in subsection (a) may be made only if the Secretary of the Navy determines—

(1) by appropriate tests, including tests administered by the Environmental Protection Agency, that the U.S.S. Salem is in environmentally safe condition;

(2) that the museum referred to in subsection (a) has adequate financial resources to maintain the cruiser in a condition satisfactory to the Secretary; and

(3) the U.S.S. Salem is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—(1) In exercising the authority provided in subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of the conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States.

(2) The Secretary may require such additional terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1182. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (1)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2305(b)(4)(A) is amended by re-aligning clauses (i) and (ii) so that they are indented two ems from the left margin.

(6) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(7) Section 2469 is amended by striking out "prior to any such change".

(8)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(1) In subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(i) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds."

(9) Section 2491 is amended—

(A) in paragraph (2), by striking out "non-military application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(10) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(11) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" in the second sentence and all that follows through the period and inserting in lieu thereof "for the uniformed services."

(12) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) SUBSECTION HEADINGS.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "CONDITION FOR USE OF AUTHORITY.—" after "(b)";

(C) in subsection (c), by inserting "PENALTY FOR NONCOMPLIANCE.—" after "(c)";

(D) in subsection (d), by inserting "LIMITATIONS ON DISCLOSURE OF INFORMATION.—" after "(d)";

(E) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(F) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "USE OF PROGRAMS.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) PROGRAM REQUIREMENTS.—(1)".

(c) AMENDMENTS TO PUBLIC LAW 102-484.—Public Law 102-484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "section 101(47) of title 10," and inserting in lieu thereof "section 101(47) of title 10"; and

(B) by striking out "section 101 of title 10," and inserting in lieu thereof "section 101 of title 10".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "structure and" and inserting in lieu thereof "structure, and".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) DEFINITION.—" and inserting in lieu thereof "(d) DEFINITION.—"

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) CROSS REFERENCE AMENDMENTS IN OTHER LAWS.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101-533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

(e) REORGANIZATION OF TITLE 10 PROVISION.—Section 1401a(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) PRE-AUGUST 1, 1986 MEMBERS.—

"(A) GENERAL RULE.—The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986, by the percent (adjusted to the nearest one-tenth of 1 percent) by which—

"(i) the price index for the base quarter of that year, exceeds

"(ii) the base index.

"(B) SPECIAL RULES FOR FISCAL YEARS 1994 THROUGH 1998.—

"(i) FISCAL YEAR 1994.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1993, the initial month for which such in-

crease is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be March 1994.

"(ii) FISCAL YEARS 1995 THROUGH 1998.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1 of 1994, 1995, 1996, or 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be September of the following year.

"(C) INAPPLICABILITY TO DISABILITY RETIREES.—Subparagraph (B) does not apply with respect to the retired pay of a member retired under chapter 61 of this title."; and

(2) by striking out paragraph (6).

(f) EXTENSION OF AUTHORITY FOR PAYMENTS FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.—Section 554 of Public Law 102-190 (105 Stat. 1371) is amended—

(1) in subsection (a)—

(A) by inserting "and who submits a request for such payment to the Secretary not later than September 30, 1993" in the first sentence after "prisoner of war"; and

(B) by inserting "or fiscal year 1994" in the second sentence after "fiscal year 1993"; and

(2) in subsection (d), by striking out "not later than September 30, 1993" and inserting in lieu thereof "not later than September 30, 1994".

(g) CORRECTIONS OF AMENDMENTS MADE BY PUBLIC LAW 102-484.—Title 10, United States Code, is amended as follows:

(1) Section 2031(a)(1) is amended by striking out "Not more than 200 units may be established by all of the military departments each year, and the" in the second sentence and inserting in lieu thereof "The".

(2) Section 2513(c)(2)(B)(ii) is amended by striking out "two" and inserting in lieu thereof "one";

(h) COORDINATION WITH OTHER PROVISIONS OF ACT.—For purposes of applying the amendments made by provisions of this Act other than this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1183. SECURITY CLEARANCES FOR CIVILIAN EMPLOYEES.

(a) REVIEW OF SECURITY CLEARANCE PROCEDURES.—(1) The Secretary of Defense shall conduct a review of the procedural safeguards available to Department of Defense civilian employees who are facing denial or revocation of security clearances.

(2) Such review shall specifically consider—

(A) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to Department of Defense contractor employees;

(B) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to similarly situated employees in those Government agencies that provide greater rights than the Department of Defense; and

(C) whether there should be a difference between the rights provided to both Department of Defense civilian and contractor employees with respect to security clearances and the rights provided with respect to sensitive compartmented information and special access programs.

(b) REPORT.—The Secretary shall submit to Congress a report on the results of the review required by subsection (a) not later than March 1, 1994.

(c) REGULATIONS.—The Secretary shall revise the regulations governing security

clearance procedures for Department of Defense civilian employees not later than May 15, 1994.

SEC. 1184. VIDEOTAPING OF INVESTIGATIVE INTERVIEWS.

Of the amounts authorized to be appropriated pursuant to section 301 of this Act, \$2,500,000 shall be available for use in connection with videotaping of interviews conducted in the course of Department of Defense investigations.

SEC. 1185. INVESTIGATIONS OF DEATHS OF MEMBERS OF THE ARMED FORCES FROM SELF-INFLICTED CAUSES.

(a) **SECRETARY OF DEFENSE TO REVIEW DEATH INVESTIGATION PROCEDURES.**—(1) The Secretary of Defense shall review the procedures of the military departments for investigating deaths of members of the Armed Forces that may have resulted from self-inflicted causes. The Secretary shall complete the review not later than June 30, 1994.

(2) Not later than July 15, 1994, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of such review. The report may include any recommendations for legislation that the Secretary considers appropriate.

(3) Not later than October 1, 1994, the Secretary shall prescribe regulations governing the investigation of deaths of members of the Armed Forces that may have resulted from self-inflicted causes. The regulations shall include a date by which the Secretaries of the military departments are required to implement the regulations.

(b) **INSPECTOR GENERAL TO REVIEW CERTAIN DEATH INVESTIGATIONS.**—(1) Upon a request that meets the requirements of paragraph (3), the Inspector General of the Department of Defense shall review each investigation conducted by a Department of Defense investigative organization of the death of a member of the Armed Forces who, while serving on active duty during the period described in paragraph (2), died from a cause determined to be self-inflicted.

(2) The period referred to in paragraph (1) is the period that—

(A) begins on January 1, 1982; and

(B) ends on the date specified in the regulations prescribed under subsection (a)(3) as the deadline for the implementation of such regulations by the Secretaries of the military departments.

(3) Any of the family members of a member of the Armed Forces referred to in paragraph (1) may request a review under paragraph (1). The request must be received by the Secretary of the military department concerned not later than one year after the date referred to in paragraph (2)(B) and shall contain or describe specific evidence of a material deficiency in the previous investigation.

(4) If the Inspector General determines that a previous investigation of a death was deficient in a material respect, the Inspector General shall conduct any additional investigation that the Inspector General considers necessary to determine the cause of that death.

(5) The Inspector General shall submit to the Secretary of the military department concerned a report on the results of each review conducted under paragraph (1) and each additional investigation conducted under paragraph (4) as a result of that review.

(6) The Secretary of the military department concerned, consistent with other applicable law, shall take such corrective actions with regard to matters contained in the report as the Secretary considers appropriate.

(7) To the same extent that fatality reports may be furnished to family members under

section 1072 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2508; 10 U.S.C. 113 note), the Inspector General, after consultation with the Secretary of the military department concerned, shall provide a copy of the Inspector General's report on the review of a death investigation to each of the family members who requested the review.

(c) **DEFINITIONS.**—In this section:

(1) The term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code.

(2) The term "family members" has the meaning given such term in section 1072(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2510; 10 U.S.C. 133 note).

(d) **APPLICABILITY TO COAST GUARD.**—The Secretary of Transportation shall implement with respect to the Coast Guard the requirements that are imposed by this section on the Secretary of Defense and the Inspector General of the Department of Defense.

SEC. 1186. EXPORT LOAN GUARANTEES.

(a) **AUTHORITY TO PROVIDE LOAN GUARANTEES.**—Subject to subsection (b) and subject to the availability of appropriations for this purpose, the President may carry out a program to issue guarantees during fiscal year 1994 against the risk of nonpayment arising out of loan financing of the sale of defense articles and defense services to any member nation of the North Atlantic Treaty Organization (other than the United States), Israel, Australia, Japan, or the Republic of Korea. The aggregate amount guaranteed under this section in such fiscal year may not exceed \$1,000,000,000.

(b) **CERTIFICATION OF INTENT TO USE AUTHORITY.**—The President may not issue guarantees under the loan guarantee program unless, not later than the end of the 180-day period beginning on the date of the enactment of this Act, the President certifies to Congress that—

(1) the President intends to issue loan guarantees under the loan guarantee program;

(2) the exercise of the authority provided under the program is consistent with the objectives of the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

(3) the exercise of the authority provided under the program is consistent with the policy of the United States regarding conventional arms sales and nonproliferation goals.

(c) **PROHIBITION ON USE OF CERTAIN FUNDS.**—None of the funds authorized to be appropriated in this Act and made available for defense conversion, reinvestment, and transition assistance programs (as defined in section 1302(c)) may be used to finance the subsidy cost of loan guarantees issued under this section.

(d) **TERMS AND CONDITIONS.**—(1) In issuing guarantees under the loan guarantee program for medium- and long-term loans for sales of defense articles or defense services, the President may not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(2) The issuance of loan guarantees for exports under the loan guarantee program shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

(e) **SUBSIDY COST AND FUNDING.**—(1) There is authorized to be appropriated for fiscal

year 1994, \$25,000,000 for the subsidy cost of the loan guarantees issued under this section.

(2) Funds authorized to be available for the Export-Import Bank of the United States may not be used for the execution of the loan guarantee program.

(f) **EXECUTIVE AGENCY.**—The Department of Defense shall be the executive agency responsible for administration of the loan guarantee program unless the President, in consultation with Congress, designates another department or agency to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as are necessary with other departments or agencies to process the applications and otherwise to implement the loan guarantee program.

(g) **FEES CHARGED AND COLLECTED.**—A fee shall be charged for each guarantee issued under the loan guarantee program. All fees collected in connection with guarantees issued under the program under this section shall be available to offset the cost of guarantee obligations under the program. All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(h) **NATIONAL SECURITY COUNCIL REVIEW PROCESS.**—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (d)(2), the National Security Council shall review each proposed sale for which a guarantee is proposed to be issued under the loan guarantee program to determine whether the sale is in accord with United States security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

(i) **DEFINITIONS.**—For purposes of this section, the terms "defense article", "defense service", and "defense articles and defense services" have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1202. FINDINGS ON COOPERATIVE THREAT REDUCTION.

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched ballistic missiles and launchers for such missiles, and (iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and

components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

SEC. 1203. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) **AUTHORIZED PROGRAMS.**—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Programs to assist in the environmental restoration of former military sites and installations when such restoration is necessary to the demilitarization or conversion programs authorized in paragraph (5).

(7) Programs to provide housing for former military personnel of the former Soviet Union released from military service in connection with the dismantlement of strategic nuclear weapons, when provision of such housing is necessary for dismantlement of strategic nuclear weapons and when no other funds are available for such housing.

(8) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 5901 et seq.).

(c) **UNITED STATES PARTICIPATION.**—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) **RESTRICTIONS.**—Assistance authorized by subsection (a) may not be provided to any independent state of the former Soviet Union for any year unless the President certifies to Congress for that year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this title, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 590(b)), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

SEC. 1204. DEMILITARIZATION ENTERPRISE FUND.

(a) **DESIGNATION OF FUND.**—The President is authorized to designate a Demilitarization Enterprise Fund for the purposes of this section. The President may designate as the Demilitarization Enterprise Fund any organization that satisfies the requirements of subsection (e).

(b) **PURPOSE OF FUND.**—The purpose of the Demilitarization Enterprise Fund is to receive grants pursuant to this section and to use the grant proceeds to provide financial support under programs described in subsection (b)(5) for demilitarization of industries and conversion of military technologies and capabilities into civilian activities.

(c) **GRANT AUTHORITY.**—The President may make one or more grants to the Demilitarization Enterprise Fund.

(d) **RISK CAPITAL FUNDING OF DEMILITARIZATION.**—The Demilitarization Enterprise Fund shall use the proceeds of grants received under this section to provide financial support in accordance with subsection (b) through transactions as follows:

(1) Making loans.

(2) Making grants.

(3) Providing collateral for loan guaranties by the Export-Import Bank of the United States.

(4) Taking equity positions.

(5) Providing venture capital in joint ventures with United States industry.

(6) Providing risk capital through any other form of transaction that the President considers appropriate for supporting programs described in subsection (b)(5).

(e) **ELIGIBLE ORGANIZATION.**—An organization is eligible for designation as the Demilitarization Enterprise Fund if the organization—

(1) is a private, nonprofit organization;

(2) is governed by a board of directors consisting of private citizens of the United States; and

(3) provides assurances acceptable to the President that it will use grants received under this section to provide financial support in accordance with this section.

(f) **OPERATIONAL PROVISIONS.**—The following provisions of section 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179; 22 U.S.C. 5421) shall apply with respect to the Demilitarization Enterprise Fund in the same manner as such provisions apply to Enterprise Funds designated pursuant to subsection (d) of such section:

(1) Subsection (d)(5), relating to the private character of Enterprise Funds.

(2) Subsection (h), relating to retention of interest earned in interest bearing accounts.

(3) Subsection (i), relating to use of United States private venture capital.

(4) Subsection (k), relating to support from Executive agencies.

(5) Subsection (l), relating to limitation on payments to Fund personnel.

(6) Subsections (m) and (n), relating to audits.

(7) Subsection (o), relating to record keeping requirements.

(8) Subsection (p), relating to annual reports.

In addition, returns on investments of the Demilitarization Enterprise Fund and other payments to the Fund may be reinvested in projects of the Fund.

(g) **EXPERIENCE OF OTHER ENTERPRISE FUNDS.**—To the maximum extent practicable, the Board of Directors of the Demilitarization Enterprise Fund should adopt for that Fund practices and procedures that have been developed by Enterprise Funds for which funding has been made available pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179; 22 U.S.C. 5421).

(h) **CONSULTATION REQUIREMENT.**—In the implementation of this section, the Secretary of State and the Administrator of the Agency for International Development shall be consulted to ensure that the Articles of Incorporation of the Fund (including provisions specifying the responsibilities of the Board of Directors of the Fund), the terms of United States Government grant agreements with the Fund, and United States Government oversight of the Fund are, to the maximum extent practicable, consistent with the Articles of Incorporation of, the terms of grant agreements with, and the oversight of the Enterprise Funds established pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) and comparable provisions of law.

(i) **INITIAL IMPLEMENTATION.**—The Board of Directors of the Demilitarization Enterprise Fund shall publish the first annual report of the Fund not later than January 31, 1995.

(j) **TERMINATION OF DESIGNATION.**—A designation of an organization as the Demilitarization Enterprise Fund under subsection (a) shall be temporary. When making the designation, the President shall provide for the eventual termination of the designation.

SEC. 1205. FUNDING FOR FISCAL YEAR 1994.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds authorized to be appropriated under section 301(21) shall be available for cooperative threat reduction with states of the former Soviet Union under this title.

(b) **LIMITATIONS.**—(1) Not more than \$15,000,000 of the funds referred to in subsection (a) may be made available for programs authorized in subsection (b)(6) of section 1203.

(2) Not more than \$20,000,000 of such funds may be made available for programs authorized in subsection (b)(7) of section 1203.

(3) Not more than \$40,000,000 of such funds may be made available for grants to the Demilitarization Enterprise Fund designated pursuant to section 1204 and for related administrative expenses.

(c) **AUTHORIZATION OF EXTENSION OF AVAILABILITY OF PRIOR YEAR FUNDS.**—To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1928), and

in section 108 of Public Law 102-229 (105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

SEC. 1206. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds for programs under section 1203, the President shall transmit to the appropriate congressional committees as defined in section 1208 a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

(b) REPORTS ON DEMILITARIZATION OR CONVERSION PROJECTS.—Any report under subsection (a) that covers proposed demilitarization or conversion project under paragraph (5) or (6) of section 1203(b) shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of non-military activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;

(4) the extent to which military activities and production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1207. SEMIANNUAL REPORT.

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under this title. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation, if any, of each department and agency of the United States Government in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the private sector of the United States has participated in the activities for which amounts were obligated and expended under this title.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under this title, including, with respect to proposed demilitarization or conversion projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

SEC. 1208. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

SEC. 1209. AUTHORIZATION FOR ADDITIONAL FISCAL YEAR 1993 ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1993 for "Operation and Maintenance, Defense Agencies" the additional sum of \$979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) AUTHORIZATION OF TRANSFER OF FUNDS.—The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from the account "Operation and Maintenance, Defense Agencies" for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) ADMINISTRATIVE PROVISIONS.—(1) Amounts transferred under subsection (b) shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) COORDINATION OF PROGRAMS.—The President shall coordinate the programs described in subsection (b) with those authorized in the other provisions of this title and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-51) so as to optimize the contribution such programs make to the national interests of the United States.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 1301. SHORT TITLE.

This title may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993".

SEC. 1302. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1994.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1994, the sum of \$2,553,315,000 shall be available from the sources specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs.

(b) SOURCES OF FUNDS.—The amount set forth in subsection (a) shall be derived from the following sources in amounts as follows:

(1) \$147,000,000 of the amounts authorized to be appropriated pursuant to section 108 to carry out subtitle D.

(2) \$2,071,315,000 of the amounts authorized to be appropriated pursuant to title II.

(3) \$335,000,000 of the amounts authorized to be appropriated pursuant to title III.

(c) DEFINITION.—For purposes of this section, the term "defense conversion, reinvestment, and transition assistance programs" includes the following programs and activities of the Department of Defense:

(1) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2658) and the amendments made by that Act.

(2) The programs and activities authorized by this title and the amendments made by this title.

SEC. 1303. REPORTS ON DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—During each of the fiscal years 1994, 1995, and 1996, the Secretary of Defense shall prepare a report that assesses the effectiveness of all defense conversion, reinvestment, and transition assistance programs (as defined in section 1302) during the preceding fiscal year.

(b) CONTENTS OF REPORT.—To the maximum extent practicable, each report required under subsection (a) shall include an assessment of each of the following:

(1) The status of the obligation of appropriated funds for each defense conversion, reinvestment, and transition assistance program.

(2) With respect to each component of the dual-use partnership program element specified in paragraphs (1) through (10) of section 1311(b)—

(A) the extent to which the component meets the objectives set forth in section 2501 of title 10, United States Code;

(B) the technology benefits of the component to the national technology and industrial base;

(C) any evidence of commercialization of technologies developed under the component;

(D) the extent to which the investments under the component have affected levels of employment;

(E) the number of defense firms participating in cooperative agreements or other arrangements under the component;

(F) the extent to which matching fund requirements of the component were met by cash contributions by the non-Federal Government participants;

(G) the extent to which defense technology reinvestment projects under the component have met milestones and financial and technical requirements;

(H) the extent to which the component is integrated with technology programs conducted by other Federal agencies; and

(I) the number of proposals under the component that were received from small business concerns and the number of awards made to small business concerns.

(3) With respect to each personnel assistance program conducted under subtitle C of this title, title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2701), and the amendments made by that subtitle or title—

(A) the extent to which the program meets the objectives set forth in section 2501(b) of title 10, United States Code;

(B) the number of individuals eligible for transition assistance under the program;

(C) the number of individuals directly receiving transition assistance under the program and the projected number of individuals who will directly receive transition assistance;

(D) in the case of a job training program, an estimate of the number of individuals who have secured permanent employment as a result of participation in the program; and

(E) the extent to which the transition assistance activities under the program duplicated other transition assistance provided or administered outside the Department of Defense.

(c) **SUBMISSION OF REPORT.**—The report required under subsection (a) for a particular fiscal year shall be submitted to Congress at the same time that the Secretary of Defense submits the annual report required under section 113(c) of title 10, United States Code, for that fiscal year.

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

SEC. 1311. FUNDING OF DEFENSE DUAL-USE PARTNERSHIPS PROGRAM FOR FISCAL YEAR 1994.

(a) **FUNDS AVAILABLE.**—Of the amount authorized to be appropriated under section 201 for Defense-wide activities and specified in section 1302(b) as a source of funds for defense conversion, reinvestment, and transition assistance programs, \$624,000,000 shall be available for activities described in the dual-use partnerships program element of the budget of the Department of Defense for fiscal year 1994.

(b) **ALLOCATION OF FUNDS.**—The funds made available under subsection (a) shall be allocated as follows:

(1) \$250,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code.

(2) \$75,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title.

(3) \$75,000,000 shall be available for defense regional technology alliances under section 2513 of such title.

(4) \$50,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title.

(5) \$30,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title;

(6) \$30,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) not more than \$15,000,000 shall be available for assistance pursuant to subsection (c)(3) of such section; and

(B) not more than \$15,000,000 shall be available for loan guarantees pursuant to subsection (b)(3) of such section.

(7) \$24,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title.

(8) \$10,000,000 shall be available for grants under section 2198 of such title to United States institutions of higher education and other United States not-for-profit organizations to support the management training program in Japanese language and culture.

(9) \$30,000,000 shall be available for the advanced materials synthesis and processing partnership program.

(10) \$50,000,000 shall be available for the agile manufacturing/enterprise integration program.

(c) **AVAILABILITY OF FUNDS FOR FISCAL YEAR 1993 PROJECTS.**—Funds made available under subsection (a) may also be used to make awards to projects of the types de-

scribed in subsection (b) that were solicited in fiscal year 1993.

SEC. 1312. DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION PLANNING.

(a) **ABOLISHMENT OF DEFENSE ECONOMIC ADJUSTMENT CENTER.**—(1) Section 2504 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the item relating to section 2504.

(b) **NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.**—Section 2502 of such title is amended by adding at the end the following new subsection:

“(d) **ALTERNATIVE PERFORMANCE OF RESPONSIBILITIES.**—Notwithstanding subsection (c), the President may assign the responsibilities of the Council to another interagency organization of the Executive branch that includes among its members the officials specified in paragraphs (1) through (4) of subsection (b).”

SEC. 1313. CONGRESSIONAL DEFENSE POLICY CONCERNING DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.

Section 2501(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) Furthering the missions of the Department of Defense through the support of policy objectives and programs relating to the defense reinvestment, diversification, and conversion objectives specified in subsection (b).”

SEC. 1314. EXPANSION OF BUSINESSES ELIGIBLE FOR LOAN GUARANTEES UNDER THE DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

Section 2524 of title 10, United States Code, is amended—

(1) in subsection (b)(3), by striking out “small businesses” and inserting in lieu thereof “small business concerns and medium-sized business concerns”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by adding at the end the following new subsection:

“(g) **DEFINITION.**—In this section, the ‘medium-sized business concern’ means a business concern that is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing a product or service is a small business concern.”

SEC. 1315. CONSISTENCY IN FINANCIAL COMMITMENT REQUIREMENTS OF NON-FEDERAL GOVERNMENT PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) **DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.**—Section 2511(c) of title 10, United States Code, is amended to read as follows:

“(c) **FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.**—(1) The Secretary of Defense shall ensure that the amount of funds provided by the Federal Government to a partnership does not exceed 50 percent of the total cost of partnership activities.

“(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation

Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.”

(b) **COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.**—Section 2512(c)(3) of such title is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

“(B) In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.”

(c) **REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.**—Section 2513(e) of such title is amended by adding at the end the following new paragraph:

“(3) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a regional technology alliance for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of a regional technology alliance. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the regional technology alliance from non-Federal sources.”

(d) **MANUFACTURING EXTENSION PROGRAMS.**—Section 2523(b)(3) of such title is amended—

(1) in subparagraph (A), by striking out the first sentence and inserting in lieu thereof the following: “The Secretary shall ensure that the amount of financial assistance furnished by the Federal Government to a manufacturing extension program under this subsection may not exceed 50 percent of the total cost of the program.”; and

(2) by adding at the end the following new subparagraph:

“(D) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a manufacturing extension program for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program. Any such funds so used may be considered in

calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources."

(e) **DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.**—Section 2524(d) of such title is amended to read as follows:

"(d) **FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.**—(1) The Secretary shall ensure that the amount of funds provided by the Secretary to a program under this section does not exceed 50 percent of the total cost of the program.

"(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a program under this section for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources."

(f) **DEFINITIONS.**—Section 2491 of such title is amended by adding at the end the following new paragraphs:

"(13) The term 'Small Business Innovation Research Program' means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) through (l).

"(14) The term 'Small Business Technology Transfer Program' means the program established under the following provisions of such section:

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) and (n) through (p).

"(15) The term 'significant equity percentage' means—

"(A) a level of contribution and participation sufficient, when compared to the other non-Federal participants in the partnership or other cooperative arrangement involved, to demonstrate a comparable long-term financial commitment to the product or process development involved; and

"(B) any other criteria the Secretary may consider necessary to ensure an appropriate equity mix among the participants."

(g) **APPLICATION OF AMENDMENTS TO EXISTING PROJECTS.**—In the case of a project funded under section 2511, 2512, 2513, 2523, or 2524 of title 10, United States Code, using funds appropriated for a fiscal year beginning before October 1, 1993, the amendments made by this section shall not alter the financial commitment requirements in effect on the day before the date of the enactment of this Act for the non-Federal Government participants in the project.

SEC. 1316. ADDITIONAL CRITERIA FOR THE SELECTION OF REGIONAL TECHNOLOGY ALLIANCES.

Section 2513(h) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraphs:

"(5) The potential for the regional technology alliance to increase industrial competitiveness.

"(6) The potential for the regional technology alliance to meet the needs of small- and medium-sized defense-dependent companies across multiple activity areas including—

"(A) outreach;

"(B) manufacturing education and training;

"(C) technology development;

"(D) technology deployment; and

"(E) business counseling."

SEC. 1317. CONDITIONS ON FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) **BENEFITS TO UNITED STATES ECONOMY.**—In providing for the establishment or financial support of partnerships or other cooperative arrangements under chapter 148 of title 10, United States Code, using funds made available under section 1311(a), the Secretary of Defense shall ensure that the principal economic benefits of such partnerships and other arrangements accrue to the economy of the United States.

(b) **USE OF COMPETITIVE SELECTION PROCEDURES.**—Funds made available under subsection (a) of section 1311 for programs of the type described in subsection (b) of such section shall only be provided to projects selected using competitive procedures pursuant to a solicitation incorporating cost-sharing requirements for the non-Federal Government participants in the projects.

(c) **CONFORMING AMENDMENT.**—Section 2511(e) of title 10, United States Code, is amended by striking out ", except that" and all that follows through "applies".

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1321. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) **FUNDING FOR FISCAL YEAR 1994.**—Of the amount made available pursuant to section 1302(a), \$69,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

(b) **PREPARATION ASSISTANCE.**—The Secretary of Defense may use up to five percent of the amount specified in subsection (a) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under section 2391(b) of title 10, United States Code.

SEC. 1322. ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.

(a) **ASSISTANCE AVAILABLE.**—Not less than 25 percent of the funds made available for fiscal year 1994 to carry out subsection (b) of section 2391 of title 10, United States Code, but not to exceed 50 percent of such funds, shall be used by the Secretary of Defense under paragraphs (1) and (4) of such subsection to make grants, conclude cooperative agreements, and supplement funds available under other Federal programs in order to assist State and local governments in planning and carrying out community adjustments and economic diversification in any community determined by the Secretary—

(1) to be likely to experience a loss of not less than five percent of the total number of

civilian jobs in the community as a result of the realignment or closure of a military installation; or

(2) to be adversely affected by the realignment or closure of more than one military installation.

(b) **AMOUNT OF PLANNING ASSISTANCE.**—In providing assistance on behalf of communities described in subsection (a) under section 2391(b)(1) of title 10, United States Code, the Secretary of Defense shall ensure, to the greatest extent practicable, that the amount of such assistance provided on behalf of each such community for planning community adjustments and economic diversification is not less than \$1,000,000 during fiscal year 1994.

(c) **ADDITIONAL ADJUSTMENT ASSISTANCE.**—In providing adjustment assistance (in addition to the planning assistance provided under subsection (b)) on behalf of communities described in subsection (a), to the maximum extent practicable, favorable consideration shall be given to proposals for economic adjustment implementation assistance of not more than \$5,000,000 to be provided in accordance with established criteria, programs, and procedures governing the provision of such assistance.

SEC. 1323. CONTINUATION OF PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) **CONTINUATION OF PROGRAM.**—Subsection (a) of section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 2391 note) is amended by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1993 and 1994".

(b) **FUNDING FOR FISCAL YEAR 1994.**—Of the amount made available pursuant to section 1302(a) for defense conversion, reinvestment, and transitional assistance programs, not more than \$1,000,000 shall be made available to continue the pilot project required under section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 2391 note) with respect to those projects involving relieving the adverse effects upon a community from a combination of the closure or realignment of a military installation and changes in the mission of a national laboratory.

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1331. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

(a) **EXPANDED COVERAGE OF CERTAIN MEMBERS OF THE ARMED FORCES.**—Subsection (e)(1) of section 1151 of title 10, United States Code is amended by striking out "before the date of the discharge or release" in the first sentence and inserting in lieu thereof "not later than one year after the date of the discharge or release".

(b) **ELIGIBILITY OF MEMBERS NOT EDUCATIONALLY QUALIFIED FOR TEACHER PLACEMENT ASSISTANCE.**—(1) Subsection (c) of such section is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B)(i) for teacher placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within five years after discharge or release from active duty."

(2) Subsection (e) of such section is amended—

(A) in paragraph (1), as amended by subsection (a), by inserting before the period at the end of the first sentence the following: "or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2), not later than one year after the date on which the applicant becomes educationally qualified"; and

(B) by adding at the end the following new paragraph:

"(4)(A) The Secretary shall provide under the program for identifying, during each fiscal year in the period referred to in subsection (c)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently as elementary or secondary school teachers, but who do not satisfy the minimum educational qualification criterion under subsection (c)(1)(B)(i) for teacher placement assistance.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify in accordance with subsection (c)(2) for teacher placement assistance under the program."

(C) EXTENSION OF PERIOD OF REQUIRED SERVICE.—(1) Section 1151 of such title is further amended—

(A) in subsection (f)(2), by striking out "two school years" both places it appears and inserting in lieu thereof "five school years";

(B) in subsection (h)(3)(A), by striking out "two consecutive school years" and inserting in lieu thereof "five consecutive school years";

(C) in subsection (h)(5), by striking out "two years" both places it appears and inserting in lieu thereof "five years"; and

(D) in subsection (i)(1), by striking out "two years" both places it appears and inserting in lieu thereof "five years".

(2) Section 1598(d)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(3) Section 2410(f)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(d) GRANT PAYMENTS.—Subsection (h)(3)(B) of section 1151 of such title is amended by striking out "equal to the lesser of—" and all that follows through "\$50,000." and inserting in lieu thereof the following: "based upon the basic salary paid by the local educational agency to the participant as a teacher or teacher's aide. The rate of payment by the Secretary shall be as follows:

"(i) For the first school year of employment, 50 percent of the basic salary, except that the payment may not exceed \$25,000.

"(ii) For the second school year of employment, 40 percent of the basic salary, except that the payment may not exceed \$10,000.

"(iii) For the third school year of employment, 30 percent of the basic salary, except that the payment may not exceed \$7,500.

"(iv) For the fourth school year of employment, 20 percent of the basic salary, except that the payment may not exceed \$5,000.

"(v) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed \$2,500."

(e) INCREASED FLEXIBILITY IN PROVIDING STIPENDS AND PLACEMENT GRANTS.—Subsection (h) of such section is amended in paragraphs (1) and (2) by striking out "shall"

both places it appears and inserting in lieu thereof "may".

(f) AGREEMENTS WITH STATES.—Subsection (h) of such section is further amended by adding at the end the following new paragraph:

"(7)(A) In addition to the agreements referred to in paragraphs (1) and (2), the Secretary may enter into an agreement directly with a State identified pursuant to subsection (b)(1) to allow the State to arrange the placement of participants in the placement program with local educational agencies identified pursuant to subsection (b)(2) or (b)(3). The Secretary shall consult with the Secretary of Education in entering into agreements with States under this paragraph.

"(B) With respect to an agreement under this paragraph with a State, nothing in this paragraph shall be construed to negate or supersede the authority of any appropriate official or entity of the State to approve those portions of the agreement that are not under the jurisdiction of the chief executive officer of the State.

"(C) The Secretary may reserve up to 10 percent of the funds made available to carry out the placement program for a fiscal year for the placement of participants through agreements entered into under this paragraph. Paragraphs (3) through (6) shall apply with respect to any placement made through such an agreement."

(g) CLARIFICATION OF STIPEND EXCEPTION.—Subsection (g) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) A member who is separated under the special separation benefits program under section 1174a of this title, receives voluntary separation payments under section 1175 of this title, or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1293 note) shall not be paid a stipend under paragraph (1)."

(h) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (c) and (d) shall not apply with respect to—

(1) persons selected by the Secretary of Defense before the date of the enactment of this Act to participate in the teacher and teacher's aide placement programs established pursuant to sections 1151, 1598, and 2410j of title 10, United States Code; or

(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.

SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS.

(a) PLACEMENT PROGRAM WITH LAW ENFORCEMENT AGENCIES.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1152. Assistance to separated members to obtain employment with law enforcement agencies

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment as law enforcement officers with State and local law enforcement agencies upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces may apply to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993; and

"(B) has a military occupational specialty, training, or experience related to law enforcement (such as service as a member of the military police) or satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into agreements with State and local law enforcement agencies to assist eligible members selected under subsection (c) to obtain suitable employment as law enforcement officers with these agencies. Under such an agreement, a law enforcement agency shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the law enforcement agency involved an amount based upon the basic salary paid by the law enforcement agency to the participant as a law enforcement officer. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed \$25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed \$10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed \$7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed \$5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed \$2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the law enforcement agency before the end of the five years of required employment service, the agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a law enforcement agency if the Secretary determines that the

law enforcement agency terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with State and local law enforcement agencies. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including police, corrections, probation, parole, and judicial officers."

(b) PLACEMENT PROGRAM WITH HEALTH CARE PROVIDERS.—Chapter 58 of title 10, United States Code, is amended by adding after section 1152, as added by subsection (a), the following new section:

"§ 1153. Assistance to separated members to obtain employment with health care providers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment with health care providers upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993;

"(B) has received an associate degree, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) has a military occupational specialty, training, or experience related to health care, is likely to be able to obtain such training in a short period of time (as determined by the Secretary), or satisfies such other criteria for selection as the Secretary may prescribe.

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B) for placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within five years after discharge or release from active duty.

"(3) A member who is discharged or released from service under other than honor-

able conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (b)(2), not later than one year after the date on which the applicant becomes educationally qualified. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(3)(A) The Secretary shall provide under the program for identifying, during each fiscal year in the period referred to in subsection (b)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently in employment positions with health care providers, but who do not satisfy the minimum educational qualification criterion under subsection (b)(1)(B) for placement assistance.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify in accordance with subsection (b)(2) for placement assistance under the program.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into an agreement with a health care provider to assist eligible members selected under subsection (c) to obtain suitable employment with the health care provider. Under such an agreement, a health care provider shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the health care provider involved an amount based upon the basic salary paid by the health care provider to the participant. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed \$25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed \$10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed \$7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed \$5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed \$2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a health care provider if the Secretary determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with health care providers. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section, the term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands."

(c) PRESEPARATION COUNSELING.—Section 1142(b)(4) of title 10, United States Code, is amended by striking out "program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides." and inserting in lieu thereof "programs established under sections 1151, 1152, and 1153 of this title."

(d) STUDY ON EXPANSION OF THE LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE THE BORDER PATROL.—(1) The Secretary of Defense, in consultation with the Commissioner of the Immigration and Naturalization Service, shall conduct a study regarding the feasibility of expanding the law enforcement placement program established under section 1152 of title 10, United States Code, as added by subsection (a), to include the placement of members of the Armed Forces who are discharged or released from active duty with the Border Patrol of the Immigration and Naturalization Service.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"1152. Assistance to separated members to obtain employment with law enforcement agencies.

"1153. Assistance to separated members to obtain employment with health care providers."

SEC. 1333. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE EDUCATION AND TRAINING IN ENVIRONMENTAL RESTORATION TO DISLOCATED DEFENSE WORKERS AND YOUNG ADULTS.

(a) GRANT PROGRAM AUTHORIZED.—(1) The Secretary of Defense may establish a program to provide demonstration grants to institutions of higher education to assist such institutions in providing education and training in environmental restoration and hazardous waste management to eligible dislocated defense workers and young adults described in subsection (d). The Secretary shall award the grants pursuant to a merit-based selection process.

(2) A grant provided under this subsection may cover a period of not more than three

fiscal years, except that the payments under the grant for the second and third fiscal year shall be subject to the approval of the Secretary and to the availability of appropriations to carry out this section in that fiscal year.

(b) APPLICATION.—To be eligible for a grant under subsection (a), an institution of higher education shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require. The application shall include the following:

(1) An assurance by the institution of higher education that it will use the grant to supplement and not supplant non-Federal funds that would otherwise be available for the education and training activities funded by the grant.

(2) A proposal by the institution of higher education to provide expertise, training, and education in hazardous materials and waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities.

(c) USE OF GRANT FUNDS.—(1) An institution of higher education receiving a grant under subsection (a) shall use the grant to establish a consortium consisting of the institution and one or more of each of the entities described in paragraph (2) for the purpose of establishing and conducting a program to provide education and training in environmental restoration and waste management to eligible individuals described in subsection (d). To the extent practicable, the Secretary shall authorize the consortium to use a military installation closed or selected to be closed under a base closure law in providing on-site basic skills training to participants in the program.

(2) The entities referred to in paragraph (1) are the following:

- (A) Appropriate State and local agencies.
- (B) Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512)).
- (C) Community-based organizations (as defined in section 4(5) of such Act (29 U.S.C. 1503(5))).
- (D) Businesses.
- (E) Organized labor.
- (F) Other appropriate educational institutions.

(d) ELIGIBLE INDIVIDUALS.—A program established or conducted using funds provided under subsection (a) may provide education and training in environmental restoration and waste management to—

(1) individuals who have been terminated or laid off from employment (or have received notice of termination or lay off) as a consequence of reductions in expenditures by the United States for defense, the cancellation, termination, or completion of a defense contract, or the closure or realignment of a military installation under a base closure law, as determined in accordance with regulations prescribed by the Secretary; or

(2) individuals who have attained the age of 16 but not the age of 25.

(e) ELEMENTS OF EDUCATION AND TRAINING PROGRAM.—In establishing or conducting an education and training program using funds provided under subsection (a), the institution of higher education shall meet the following requirements:

(1) The institution of higher education shall establish and provide a work-based learning system consisting of education and training in environmental restoration—

(A) which may include basic educational courses, on-site basic skills training, and

mentor assistance to individuals described in subsection (d) who are participating in the program; and

(B) which may lead to the awarding of a certificate or degree at the institution of higher education.

(2) The institution of higher education shall undertake outreach and recruitment efforts to encourage participation by eligible individuals in the education and training program.

(3) The institution of higher education shall select participants for the education and training program from among eligible individuals described in paragraph (1) or (2) of subsection (d).

(4) To the extent practicable, in the selection of young adults described in subsection (d)(2) to participate in the education and training program, the institution of higher education shall give priority to those young adults who—

(A) have not attended and are otherwise unlikely to be able to attend an institution of higher education; or

(B) have, or are members of families who have, received a total family income that, in relation to family size, is not in excess of the higher of—

(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

(ii) 70 percent of the lower living standard income level.

(5) To the extent practicable, the institution of higher education shall select instructors for the education and training program from institutions of higher education, appropriate community programs, and industry and labor.

(6) To the extent practicable, the institution of higher education shall consult with appropriate Federal, State, and local agencies carrying out environmental restoration programs for the purpose of achieving coordination between such programs and the education and training program conducted by the consortium.

(f) SELECTION OF GRANT RECIPIENTS.—To the extent practicable, the Secretary shall provide grants to institutions of higher education under subsection (a) in a manner which will equitably distribute such grants among the various regions of the United States.

(g) LIMITATION ON AMOUNT OF GRANT TO A SINGLE RECIPIENT.—The amount of a grant under subsection (a) that may be made to a single institution of higher education in a fiscal year may not exceed 1/3 of the amount made available to provide grants under such subsection for that fiscal year.

(h) REPORTING REQUIREMENTS.—(1) The Secretary may provide a grant to an institution of higher education under subsection (a) only if the institution agrees to submit to the Secretary, in each fiscal year in which the Secretary makes payments under the grant to the institution, a report containing—

(A) a description and evaluation of the education and training program established by the consortium formed by the institution under subsection (c); and

(B) such other information as the Secretary may reasonably require.

(2) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the President and Congress an interim report containing—

(A) a compilation of the information contained in the reports received by the Sec-

retary from each institution of higher education under paragraph (1); and

(B) an evaluation of the effectiveness of the demonstration grant program authorized by this section.

(3) Not later than January 1, 1997, the Secretary shall submit to the President and Congress a final report containing—

(A) a compilation of the information described in the interim report; and

(B) a final evaluation of the effectiveness of the demonstration grant program authorized by this section, including a recommendation as to the feasibility of continuing the program.

(i) DEFINITIONS.—For purposes of this section:

(1) BASE CLOSURE LAW.—The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) ENVIRONMENTAL RESTORATION.—The term "environmental restoration" means actions taken consistent with a permanent remedy to prevent or minimize the release of hazardous substances into the environment so that such substances do not migrate to cause substantial danger to present or future public health or welfare or the environment.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(j) CONFORMING REPEAL.—Section 4452 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 2701 note) is repealed.

SEC. 1334. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

(a) AUTHORITY.—The Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may establish a scholarship program in order to enable eligible individuals described in subsection (d) to undertake the educational training or activities relating to environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup described in subsection (b) at the institutions of higher education described in subsection (c).

(b) EDUCATIONAL TRAINING OR ACTIVITIES.—(1) The program established under subsection (a) shall be limited to educational training or activities related to—

- (A) site remediation;
- (B) site characterization;
- (C) hazardous waste management;
- (D) hazardous waste reduction;
- (E) recycling;
- (F) process and materials engineering;
- (G) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(H) environmental engineering with respect to the construction of facilities to address the items described in subparagraphs (A) through (G).

(2) The program established under subsection (a) shall be limited to educational training or activities designed to enable individuals to achieve specialization in the following fields:

- (A) Earth sciences.
- (B) Chemistry.
- (C) Chemical Engineering.
- (D) Environmental engineering.
- (E) Statistics.
- (F) Toxicology.
- (G) Industrial hygiene.
- (H) Health physics.

(I) Environmental project management.

(c) **ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION.**—Scholarship funds awarded under this section shall be used by individuals awarded scholarships to enable such individuals to attend institutions of higher education associated with hazardous substance research centers to enable such individuals to undertake a program of educational training or activities described in subsection (b) that leads to an undergraduate degree, a graduate degree, or a degree or certificate that is supplemental to an academic degree.

(d) **ELIGIBLE INDIVIDUALS.**—Individuals eligible for scholarships under the program established under subsection (a) are the following:

(1) Any member of the Armed Forces who—

- (A) was on active duty or full-time National Guard duty on September 30, 1990;
- (B) during the 5-year period beginning on that date—

(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title; and

(C) is not entitled to retired or retainer pay incident to that separation.

(2) Any civilian employee of the Department of Energy or the Department of Defense (other than an employee referred to in paragraph (3)) who—

(A) is terminated or laid off from such employment during the five-year period beginning on September 30, 1990, as a result of reductions in defense-related spending (as determined by the appropriate Secretary); and

(B) is not entitled to retired or retainer pay incident to that termination or lay off.

(3) Any civilian employee of the Department of Defense whose employment at a military installation approved for closure or realignment under a base closure law is terminated as a result of such closure or realignment.

(e) **AWARD OF SCHOLARSHIP.**—(1)(A) The Secretary of Defense shall award scholarships under this section to such eligible individuals as the Secretary determines appropriate pursuant to regulations or policies promulgated by the Secretary.

(B) In awarding a scholarship under this section, the Secretary shall—

(i) take into consideration the extent to which the qualifications and experience of the individual applying for the scholarship prepared such individual for the educational training or activities to be undertaken; and

(ii) award a scholarship only to an eligible individual who has been accepted for enrollment in the institution of higher education described in subsection (c) and providing the educational training or activities for which the scholarship assistance is sought.

(2) The Secretary of Defense shall determine the amount of the scholarships award-

ed under this section, except that the amount of scholarship assistance awarded to any individual under this section may not exceed—

(A) \$10,000 in any 12-month period; and

(B) a total of \$20,000.

(f) **APPLICATION; PERIOD FOR SUBMISSION.**—

(1) Each individual desiring a scholarship under this section shall submit an application to the Secretary of Defense in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(2) A member of the Armed Forces described in subsection (d)(1) who desires to apply for a scholarship under this section shall submit an application under this subsection not later than 180 days after the date of the separation of the member. In the case of members described in subsection (d)(1) who were separated before the date of the enactment of this Act, the Secretary shall accept applications from these members submitted during the 180-day period beginning on the date of the enactment of this Act.

(3) A civilian employee described in paragraph (2) or (3) of subsection (d) who desires to apply for a scholarship under this section, but who receives no prior notice of such termination or lay off, may submit an application under this subsection at any time after such termination or lay off. A civilian employee described in paragraph (1) or (2) of subsection (d) who receives a notice of termination or lay off shall submit an application not later than 180 days before the effective date of the termination or lay off. In the case of employees described in such paragraphs who were terminated or laid off before the date of the enactment of this Act, the Secretary shall accept applications from these employees submitted during the 180-day period beginning on the date of the enactment of this Act.

(g) **REPAYMENT.**—(1) Any individual receiving scholarship assistance from the Secretary of Defense under this section shall enter into an agreement with the Secretary under which the individual agrees to pay to the United States the total amount of the scholarship assistance provided to the individual by the Secretary under this section, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational training or activities for which such assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or such individual's estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of scholarship assistance provided to an individual under this section, for purposes of repayment under this subsection, shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(h) **COORDINATION OF BENEFITS.**—Any scholarship assistance provided to an individual under this section shall be taken into account in determining the eligibility of the individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.)

(i) **REPORT TO CONGRESS.**—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall submit to the Congress a report describing the activities undertaken under the program authorized by subsection (a) and containing recommendations for future activities under the program.

(j) **FUNDING.**—(1) To carry out the scholarship program authorized by subsection (a), the Secretary of Defense may use the unobligated balance of funds made available pursuant to section 4451(k) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2701 note) for fiscal year 1993 for environmental scholarship and fellowship programs for the Department of Defense.

(2) The cost of carrying out the program authorized by subsection (a) may not exceed \$8,000,000 in any fiscal year.

(k) **DEFINITIONS.**—For purposes of this section:

(1) The term "base closure law" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 1335. TRAINING AND EMPLOYMENT OF DEPARTMENT OF DEFENSE EMPLOYEES TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) **TRAINING PROGRAM.**—The Secretary of Defense may establish a program to provide such training to eligible civilian employees of the Department of Defense as the Secretary considers to be necessary to qualify such employees to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed.

(b) **EMPLOYMENT OF GRADUATES.**—In the case of eligible civilian employees of the Department of Defense who successfully complete the training program established pursuant to subsection (a), the Secretary may—

(1) employ such employees to carry out environmental assessment, remediation, and restoration activities at military installations referred to in subsection (a); or

(2) require, as a condition of a contract for the private performance of such activities at

such an installation, the contractor to be engaged in carrying out such activities to employ such employees.

(c) **ELIGIBLE EMPLOYEES.**—Eligibility for selection to participate in the training program under subsection (a) shall be limited to those civilian employees of the Department of Defense whose employment would be terminated by reason of the closure of a military installation if not for the selection of the employees to participate in the training program.

(d) **PRIORITY IN TRAINING AND EMPLOYMENT.**—The Secretary shall give priority in providing training and employment under this section to eligible civilian employees employed at a military installation the closure of which will directly result in the termination of the employment of at least 1,000 civilian employees of the Department of Defense.

(e) **EFFECT ON OTHER ENVIRONMENTAL REQUIREMENTS.**—Nothing in this section shall be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations closed or to be closed.

SEC. 1336. REVISION TO IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

Section 141(s) of the Job Training Partnership Act (29 U.S.C. 1551(s)) is amended to read as follows:

"(s)(1) Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

"(2) The property described in this paragraph is both real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department."

SEC. 1337. DEMONSTRATION PROGRAM FOR THE TRAINING OF RECENTLY DISCHARGED VETERANS FOR EMPLOYMENT IN CONSTRUCTION AND IN HAZARDOUS WASTE REMEDIATION.

(a) **ESTABLISHMENT.**—The Secretary of Defense may establish a demonstration program to promote the training and employment of veterans in the construction and hazardous waste remediation industries. Using funds made available to carry out this section the Secretary shall make grants under the demonstration program to organizations that meet the eligibility criteria specified in subsection (b).

(b) **GRANT ELIGIBILITY CRITERIA.**—An organization is eligible to receive a grant from the Secretary under subsection (a) if it—

(1) demonstrates, to the satisfaction of the Secretary, an ability to recruit and counsel veterans for participation in the demonstration program under this section;

(2) has entered into an agreement with a joint labor-management training fund established consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) to implement and operate a training and employment program for veterans;

(3) agrees under the agreement referred to in paragraph (2) to use grant funds to carry out a program that will provide eligible veterans with training for employment in the construction and hazardous waste remediation industries;

(4) provides such training for an eligible veteran for not more than 18 months;

(5) demonstrates actual experience in providing training for veterans under an agreement referred to in paragraph (2);

(6) agrees to make, along with all subgrantees, a substantial in-kind contribution (as determined by the Secretary of Defense) from non-Federal sources to the demonstration program under this section; and

(7) gives its assurances, to the satisfaction of the Secretary, that full time, permanent jobs will be available for individuals successfully completing the training program, with a special emphasis on jobs with employers in construction and hazardous waste remediation on Department of Defense facilities.

(c) **ELIGIBLE VETERANS.**—An individual is an eligible veteran for the purposes of this section if the individual—

(1)(A) served in the active military, naval, or air service for a period of at least two years;

(B) was discharged or released from active duty because of a service-connected disability; or

(C) is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more; and

(2) was discharged or released on or after August 2, 1990, under conditions other than dishonorable.

(d) **PREFERENCE.**—In carrying out the demonstration program under this section, the Secretary shall ensure that a preference is given to eligible veterans who had a primary or secondary occupational specialty in the Armed Forces that (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) is not readily transferable to the civilian work force.

(e) **HAZARDOUS WASTE OPERATIONS TRAINING GOAL.**—It is the sense of Congress that at least 20 percent of the total number of veterans completing training under the demonstration program under this section should complete the training required—

(1) for certification under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (29 U.S.C. 655 note); and

(2) under any other Federal law which requires certification for employees engaged in hazardous waste remediation operations.

(f) **USE OF FUNDS.**—Funds made available to carry out this section may only be used for tuition and stipends to cover the living and travel expenses of participants, except that the Secretary may provide that not more than a total of four percent of all the funds made available under this section may be used for administrative expenses of grantees and subgrantees.

(g) **LIMITATION ON TUITION CHARGED.**—The amount of tuition charged eligible veterans participating in a training program funded under the demonstration program may not exceed the amount of tuition charged to non-veterans participating in programs substantially similar to that training program.

(h) **LIMITATION ON EXPENDITURES PER PARTICIPANT.**—Of the funds made available to carry out this section—

(1) not more than \$1,000 may be expended with respect to each veteran participating in the construction phase of the demonstration program; and

(2) not more than an additional \$1,000 may be expended with respect to each veteran participating in the hazardous waste remediation phase of the demonstration program,

except that the Secretary may authorize an additional \$300 for the training of a veteran participating in such phase if the Secretary determines that such additional amount is necessary because of the type of training needed for the particular kind of hazardous waste remediation involved.

(1) **REPORTS.**—(1) Not later than November 1, 1994, the Secretary shall submit to Congress an interim report describing the manner in which the demonstration program under this section is being carried out, including a detailed description of the number of grants made, the number of veterans involved, the kinds of training received, and any job placements that have occurred or that are anticipated.

(2) Not later than December 31, 1995, the Secretary shall submit to Congress a final report containing a description of the results of the demonstration program with a detailed description of the number of grants made, the number of veterans involved, the number of veterans who completed the program, the number of veterans who were placed in jobs, the number of veterans who failed to complete the program along with the reasons for such failure, and any recommendations the Secretary considers to be appropriate.

(j) **DEFINITIONS.**—For purposes of this section, the terms "veteran", "service-connected", "active duty", and "active military, naval, or air service" have the meanings given such terms in paragraphs (2), (16), (21), and (24), respectively, of section 101 of title 38, United States Code.

(k) **TERMINATION.**—Not later than October 1, 1994, the Secretary shall obligate, in accordance with the provisions of this section, the funds made available to carry out the demonstration program under this section.

SEC. 1338. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.

(a) **AUTHORIZATION FOR FISCAL YEAR 1994.**—Section 4495(a)(1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102-484; 106 Stat. 2768; 10 U.S.C. 1143 note) is amended by inserting after the first sentence the following: "Of the amounts made available pursuant to section 1302(a) of the National Defense Authorization Act for Fiscal Year 1994, \$25,000,000 shall be made available for the purpose of making payments to employers under this subtitle."

(b) **TIME PERIOD FOR APPLICATION AND INITIATION OF TRAINING.**—Section 4496 of such Act (106 Stat. 2769) is amended—

(1) in paragraph (1), by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996"; and

(2) in paragraph (2), by striking out "March 31, 1996" and inserting in lieu thereof "March 31, 1997".

(c) **PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.**—Section 4489 of such Act (106 Stat. 2764) is amended in the first sentence by inserting "or any other institution offering a program of job training, as approved by the Secretary of Veterans Affairs," after "United States Code."

SEC. 1339. AMENDMENTS TO DEFENSE DIVERSIFICATION PROGRAM UNDER JOB TRAINING PARTNERSHIP ACT.

(a) **EXPANDED ELIGIBILITY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.**—Section 325A(b)(2)(B)(ii) of the Job Training Partnership Act (29 U.S.C. 1662d-1(b)(2)(B)(ii)) is amended—

(1) in subclause (I), by striking out "and" after the semicolon;

(2) in subclause (II), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subclauses:

“(III) section 2687 of title 10, United States Code; and

“(IV) any other similar law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.”

(b) DEMONSTRATION PROJECTS.—Section 325A(k)(1) of the Job Training Partnership Act (29 U.S.C. 1662d-1(k)(1)) is amended—

(1) in subparagraph (B), by striking out “and” after the semicolon;

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

“(D) projects involving teams of transition assistance specialists from Federal, State, and local agencies to provide onsite services, including assisting affected communities in short-term and long-term planning and assisting affected individuals through counseling and referrals to appropriate services, at the site of such reductions or closures within 60 days of the announcement of such reductions or closures;

“(E) projects to assist in establishing transition assistance centers at the installations where large dislocations occur to provide comprehensive services to individuals affected by such dislocations;

“(F) projects involving the joint efforts of Federal agencies, such as the Department of Labor, the Department of Defense, the Department of Commerce, and the Small Business Administration, to assist communities affected by such reductions or closures in developing integrated community planning processes to facilitate the retraining of affected individuals and the conversion of installations to commercial uses;

“(G) projects to develop new information and data systems to assist individuals and communities affected by such reductions or closures, including the development of data bases with the capability to provide an affected individual with a civilian economy skills profile which takes into account the skills acquired while working on defense-related matters; and

“(H) projects to assist small and medium-sized firms affected by such reductions or closures in the formation of learning consortia, which will promote joint efforts for staff training, human resource development, product development, and the marketing of products.”

(c) STAFF TRAINING, ADMINISTRATION, AND COORDINATION.—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1) is amended—

(1) by redesignating subsection (l) as subsection (o); and

(2) by adding the following new subsections after subsection (k):

“(l) STAFF TRAINING AND TECHNICAL ASSISTANCE.—In carrying out the grant program established under subsection (a), the Secretary of Defense may provide staff training and technical assistance services to States, communities, businesses, and labor organizations, and other entities involved in providing adjustment assistance to workers.

“(m) ADMINISTRATIVE EXPENSES.—Not more than 2 percent of the funds available to the Secretary of Defense to carry out this section for any fiscal year may be retained by the Secretary of Defense for the administration of activities authorized under this section.

“(n) COORDINATION WITH TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of De-

fense, in consultation with the Secretary of Labor, shall ensure that activities carried out under this section are coordinated with relevant activities carried out pursuant to title IV of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1890).”

Subtitle D—National Shipbuilding Initiative

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the “National Shipbuilding and Shipyard Conversion Act of 1993”.

SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.

(a) ESTABLISHMENT OF PROGRAM.—There shall be a National Shipbuilding Initiative program, to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient, internationally competitive industry.

(b) ADMINISTERING DEPARTMENTS.—The program shall be carried out—

(1) by the Secretary of Defense, with respect to programs under the jurisdiction of the Secretary of Defense; and

(2) by the Secretary of Transportation, with respect to programs under the jurisdiction of the Secretary of Transportation.

(c) PROGRAM ELEMENTS.—The National Shipbuilding Initiative shall consist of the following program elements:

(1) FINANCIAL INCENTIVES PROGRAM.—A financial incentives program to provide loan guarantees to initiate commercial ship construction for domestic and export sales, encourage shipyard modernization, and support increased productivity.

(2) TECHNOLOGY DEVELOPMENT PROGRAM.—A technology development program, to be carried out within the Department of Defense by the Advanced Research Projects Agency, to improve the technology base for advanced shipbuilding technologies and related dual-use technologies through activities including a development program for innovative commercial ship design and production processes and technologies.

(3) NAVY'S AFFORDABILITY THROUGH COMMONALITY PROGRAM.—Enhanced support by the Secretary of Defense for the shipbuilding program of the Department of the Navy known as the Affordability Through Commonality (ATC) program, to include enhanced support (A) for the development of common modules for military and commercial ships, and (B) to foster civil-military integration into the next generation of Naval surface combatants.

(4) NAVY'S MANUFACTURING TECHNOLOGY AND TECHNOLOGY BASE PROGRAMS.—Enhanced support by the Secretary of Defense for, and strengthened funding for, that portion of the Manufacturing Technology program of the Navy, and that portion of the Technology Base program of the Navy, that are in the areas of shipbuilding technologies and ship repair technologies.

SEC. 1353. DEPARTMENT OF DEFENSE PROGRAM MANAGEMENT THROUGH ADVANCED RESEARCH PROJECTS AGENCY.

The Secretary of Defense shall designate the Advanced Research Projects Agency of the Department of Defense as the lead agency of the Department of Defense for activities of the Department of Defense which are part of the National Shipbuilding Initiative program. Those activities shall be carried out as part of defense conversion activities of the Department of Defense.

SEC. 1354. ADVANCED RESEARCH PROJECTS AGENCY FUNCTIONS AND MINIMUM FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.

(a) ARPA FUNCTIONS.—The Secretary of Defense, acting through the Director of the Advanced Research Projects Agency, shall carry out the following functions with respect to the National Shipbuilding Initiative program:

(1) Consultation with the Maritime Administration, the Office of Economic Adjustment, the National Economic Council, the National Shipbuilding Research Project, the Coast Guard, the National Oceanic and Atmospheric Administration, appropriate naval commands and activities, and other appropriate Federal agencies on—

(A) development and transfer to the private sector of dual-use shipbuilding technologies, ship repair technologies, and shipbuilding management technologies;

(B) assessments of potential markets for maritime products; and

(C) recommendation of industrial entities, partnerships, joint ventures, or consortia for short- and long-term manufacturing technology investment strategies.

(2) Funding and program management activities to develop innovative design and production processes and the technologies required to implement those processes.

(3) Facilitation of industry and Government technology development and technology transfer activities (including education and training, market assessments, simulations, hardware models and prototypes, and national and regional industrial base studies).

(4) Integration of promising technology advances made in the Technology Reinvestment Program of the Advanced Research Projects Agency into the National Shipbuilding Initiative to effect full defense conversion potential.

(b) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—

(1) MAXIMUM DEPARTMENT OF DEFENSE SHARE.—The Secretary of Defense shall ensure that the amount of funds provided by the Secretary to a non-Federal government participant does not exceed 50 percent of the total cost of technology development and technology transfer activities.

(2) REGULATIONS.—The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. In prescribing the regulations, the Secretary may determine that a participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be included in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity contribution in the program from non-Federal sources.

SEC. 1355. AUTHORITY FOR SECRETARY OF TRANSPORTATION TO MAKE LOAN GUARANTEES.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

“SEC. 1111. (a) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—The Secretary may guarantee obligations for eligible export vessels—

"(1) in accordance with the terms and conditions of this title applicable to loan guarantees in the case of vessels documented under the laws of the United States; or

"(2) in accordance with such other terms as the Secretary determines to be more favorable than the terms otherwise provided in this title and to be compatible with export credit terms offered by foreign governments for the sale of vessels built in foreign shipyards.

"(b) INTERAGENCY COUNCIL.—

"(1) ESTABLISHMENT; COMPOSITION.—There is hereby established an interagency council for the purposes of this section. The council shall be composed of the Secretary of Transportation, who shall be chairman of the Council, the Secretary of the Treasury, the Secretary of State, the Assistant to the President for Economic Policy, the United States Trade Representative, and the President and Chairman of the United States Export-Import Bank, or their designees.

"(2) PURPOSE OF THE COUNCIL.—The council shall—

"(A) obtain information on shipbuilding loan guarantees, on direct and indirect subsidies, and on other favorable treatment of shipyards provided by foreign governments to shipyards in competition with United States shipyards; and

"(B) provide guidance to the Secretary in establishing terms for loan guarantees for eligible export vessels under subsection (a)(2).

"(3) CONSULTATION WITH U.S. SHIPBUILDERS.—The council shall consult regularly with United States shipbuilders to obtain the essential information concerning international shipbuilding competition on which to set terms and conditions for loan guarantees under subsection (a)(2).

"(4) ANNUAL REPORT.—Not later than January 31 of each year (beginning in 1995), the Secretary of Transportation shall submit to Congress a report on the activities of the Secretary under this section during the preceding year. Each report shall include documentation of sources of information or assistance provided by the governments of other nations to shipyards in those nations and a summary of recommendations made to the Secretary during the preceding year regarding applications submitted to the Secretary during that year for loan guarantees under this title for construction of eligible export vessels."

(b) IMPLEMENTATION.—

(1) INITIAL DESIGNATION OF COUNCIL MEMBERS.—Each member of the council established under section 1111(b) of the Merchant Marine Act, 1936, as added by subsection (a), shall name a designee for service on the council not later than 30 days after the date of the enactment of this Act. Each such member shall promptly notify the Secretary of Transportation of that designation.

(2) DESIGNATION OF SENIOR MARAD OFFICIAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall designate a senior official within the Maritime Administration to have the responsibility and authority to carry out the terms and conditions set forth under section 1111 of title XI of the Merchant Marine Act, 1936, as added by subsection (a). The Secretary shall make the designation of that official known through a public announcement in a national periodical.

SEC. 1356. LOAN GUARANTEES FOR EXPORT VESSELS.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended as follows:

(1) ELIGIBLE EXPORT VESSEL DEFINED.—Section 1101 is amended by adding at the end the following new subsection:

"(c) The term 'eligible export vessel' means a vessel constructed, reconstructed, or reconditioned in the United States for use in world-wide trade which will, upon delivery or redelivery, be placed under or continued to be documented under the laws of a country other than the United States."

(2) LIMITATIONS ON GUARANTEE OBLIGATIONS.—Section 1103 is amended—

(A) by amending the first sentence of subsection (f) to read as follows: "The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one time shall not exceed \$12,000,000,000, of which (1) \$850,000,000 shall be limited to obligations pertaining to guarantees of obligations for fishing vessels and fishery facilities made under this title, and (2) \$3,000,000,000 shall be limited to obligations pertaining to guarantees of obligations for eligible export vessels."; and

(B) by adding at the end the following new subsection:

"(g)(1) The Secretary may not issue a commitment to guarantee obligations for an eligible export vessel unless, after considering—

"(A) the status of pending applications for commitments to guarantee obligations for vessels documented under the laws of the United States and operating or to be operated in the domestic or foreign commerce of the United States,

"(B) the economic soundness of the applications referred to in subparagraph (A), and

"(C) the amount of guarantee authority available, the Secretary determines, in the sole discretion of the Secretary, that the issuance of a commitment to guarantee obligations for an eligible export vessel will not result in the denial of an economically sound application to issue a commitment to guarantee obligations for vessels documented under the laws of the United States operating in the domestic or foreign commerce of the United States.

"(2) The Secretary may not issue commitments to guarantee obligations for eligible export vessels under this section after the later of—

"(A) the 5th anniversary of the date on which the Secretary publishes final regulations setting forth the application procedures for the issuance of commitments to guarantee obligations for eligible export vessels,

"(B) the last day of any 5-year period in which funding and guarantee authority for obligations for eligible export vessels have been continuously available, or

"(C) the last date on which those commitments may be issued under any treaty or convention entered into after the date of the enactment of the National Shipbuilding and Shipyard Conversion Act of 1993 that prohibits guarantee of those obligations."

(3) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—Section 1104A is amended—

(A) by amending so much of subsection (a)(1) as precedes the proviso to read as follows:

"(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel (including an eligible export vessel), which is designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, har-

bors, or inland lakes of the United States; (C) in foreign trade as defined in section 905 of this Act for purposes of title V of this Act; or (D) as an ocean thermal energy conversion facility or plantship; (E) with respect to floating drydocks in the construction, reconstruction, reconditioning, or repair of vessels; or (F) with respect to an eligible export vessel, in world-wide trade";

(B) by amending subsection (b)(2)—

(i) by striking "subject to the provisions of paragraph (1) of subsection (c) of this section," and inserting "subject to the provisions of subsection (c)(1) and subsection (i)," and

(ii) by inserting before the semicolon at the end the following: "Provided further, That in the case of an eligible export vessel, such obligations may be in an aggregate principal amount which does not exceed 87½ of the actual cost or depreciated actual cost of the eligible export vessel";

(C) by amending subsection (b)(6) by inserting after "United States Coast Guard" the following: "or, in the case of an eligible export vessel, of the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party";

(D) in subsection (d), by adding at the end the following new paragraph:

"(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this title for the construction, reconstruction, or reconditioning of an eligible export vessel unless—

"(A) the Secretary finds that the construction, reconstruction, or reconditioning of that vessel will aid in the transition of United States shipyards to commercial activities or will preserve shipbuilding assets that would be essential in time of war or national emergency, and

"(B) the owner of the vessel agrees with the Secretary of Transportation that the vessel shall not be transferred to any country designated by the Secretary of Defense as a country whose interests are hostile to the interests of the United States."; and

(E) by adding at the end the following new subsections:

"(1) The Secretary may not, with respect to—

"(1) the general 75 percent or less limitation in subsection (b)(2);

"(2) the 87½ percent or less limitation in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or section 1112(b); or

"(3) the 80 percent or less limitation in the 3rd proviso to such subsection;

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.

"(j)(1) Upon receiving an application for a loan guarantee for an eligible export vessel, the Secretary shall promptly provide to the Secretary of Defense notice of the receipt of the application. During the 30-day period beginning on the date on which the Secretary of Defense receives such notice, the Secretary of Defense may disapprove the loan guarantee based on the assessment of the Secretary of the potential use of the vessel in a manner that may cause harm to United States national security interests. The Secretary of Defense may not disapprove a loan guarantee under this section solely on the basis of the type of vessel to be constructed with the loan guarantee. The authority of the Secretary to disapprove a loan guarantee under this section may not be delegated to

any official other than a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(2) The Secretary of Transportation may not make a loan guarantee disapproved by the Secretary of Defense under paragraph (1)."

(4) **LIMITATION ON AUTHORITY TO ESTABLISH UNIFORM PERCENTAGE LIMITATION.**—Section 1104B is amended by adding at the end of subsection (b) the following flush sentence: "The Secretary may not by rule, regulation, or procedure establish any percentage within the 87½ percent or less limitation in paragraph (2) that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section."

(5) **CONFORMING AMENDMENT.**—Section 1103(a) is amended in the first sentence by striking "upon application by a citizen of the United States."

SEC. 1357. LOAN GUARANTEES FOR SHIPYARD MODERNIZATION AND IMPROVEMENT.

(a) **IN GENERAL.**—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

"SEC. 1112. (a) The Secretary, under section 1103(a) and subject to the terms the Secretary shall prescribe, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for advanced shipbuilding technology and modern shipbuilding technology of a general shipyard facility located in the United States.

"(b) Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under this title, except that guarantees or commitments to guarantee made under this section may be in the aggregate principal amount that does not exceed 87½ percent of the actual cost of the advanced shipbuilding technology or modern shipbuilding technology.

"(c) The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) of making guarantees or commitments to guarantee loans entered into under this section.

"(d) For purposes of this section:

"(1) The term 'advanced shipbuilding technology' includes—

"(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving shipbuilding and related industrial production which advance the state-of-the-art; and

"(B) novel techniques and processes designed to improve shipbuilding quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(2) The term 'modern shipbuilding technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of shipyards.

"(3) The term 'general shipyard facility' means—

"(A) for operations on land—

"(i) any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment or rebuilding of any vessel (as defined in title 1, United States Code) and including graving docks, building ways, ship lifts, wharves, and pier cranes;

"(ii) the land necessary for any structure or appurtenance described in clause (i); and

"(iii) equipment that is for the use in connection with any structure or appurtenance and that is necessary for the performance of any function referred to in subparagraph (A);

"(B) for operations other than on land, any vessel, floating drydock or barge built in the United States and used for, equipped to be used for, or of a type that is normally used for activities referred to in subparagraph (A)(i) of this paragraph."

(b) **CONFORMING AMENDMENT.**—Section 1101(n) of that Act (46 App. U.S.C. 1271(n)) is amended by striking "vessels." and inserting "vessels and general shipyard facilities (as defined in section 1112(d)(3))."

SEC. 1358. ELIGIBLE SHIPYARDS.

To be eligible to receive loan guarantee assistance under title XI of the Merchant Marine Act, 1936, a shipyard must be a private shipyard located in the United States.

SEC. 1359. FUNDING FOR CERTAIN LOAN GUARANTEE COMMITMENTS FOR FISCAL YEAR 1994.

(a) **FUNDING.**—(1) The amount appropriated to the Secretary of Defense pursuant to the authorization of appropriations in section 108 shall be available only for transfer to the Secretary of Transportation and shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under (A) section 1104A(a)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(a)(1)), as amended by section 1356, or section 1111(a)(2) of such Act, as added by section 1355, for vessels of at least 5,000 gross tons that are commercially marketable on the international market (including eligible export vessels), and (B) section 1112 of the Merchant Marine Act, 1936, as added by section 1357.

(2) Of the amount referred to in paragraph (1) that is obligated in any year, not more than 12½ percent may be obligated for costs of new loan guarantee commitments under section 1112 of the Merchant Marine Act, 1936, as added by section 1357.

(3) In making loan guarantee commitments using funds referred to in paragraph (1) for the purpose described in paragraph (2), the Secretary of Transportation shall give priority to applications from shipyards that have engaged in naval vessel construction.

(b) **TRANSFER TO SECRETARY OF TRANSPORTATION.**—Subject to the provisions of appropriations Acts, amounts made available under subsection (a) shall be transferred to the Secretary of Transportation for use as described in that subsection. Any such transfer shall be made not later than 90 days after the date of the enactment of an Act appropriating the funds to be transferred.

(c) **LIMITATIONS ON THE USE OF DEPARTMENT OF DEFENSE FUNDS.**—(1) Funds available to the Secretary of Transportation from the Department of Defense under this section may be obligated only to the extent that an equal amount of funds is available for purposes of this section from non-Department of Defense sources.

(2) Funds available as of the date of the enactment of this Act under loan guarantee programs under title XI of the Merchant Marine Act, 1936, are considered non-Depart-

ment of Defense funds for purposes of paragraph (1).

SEC. 1360. COURT SALE TO ENFORCE PREFERRED MORTGAGE LIENS FOR EXPORT VESSELS.

Section 3132(b) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting "including a preferred mortgage lien on a foreign vessel whose mortgage has been guaranteed under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.)" after "preferred mortgage lien", and

(2) in paragraph (2), by inserting "whose mortgage has not been guaranteed under title XI of that Act" after "foreign vessel".

SEC. 1361. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **AUTHORIZATIONS FOR DEPARTMENT OF TRANSPORTATION.**—There is authorized to be appropriated to the Secretary of Transportation for fiscal year 1994 the sum of \$10,000,000 to pay administrative costs related to new loan guarantee commitments described in subsection (a) of section 1359.

(b) **AVAILABILITY OF AMOUNTS.**—Amounts appropriated under the authority of this section shall remain available until expended.

SEC. 1362. REGULATIONS.

(a) **IN GENERAL.**—Within 90 days after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations as necessary to carry out the Secretary's responsibilities under this title (including the amendments made by this title).

(b) **INTERIM REGULATIONS.**—The Secretary of Transportation may prescribe interim regulations necessary to carry out this title and for accepting applications under title XI of the Merchant Marine Act, 1936, as amended by this title. For that purpose, the Secretary is exempted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All regulations prescribed under this subsection that are not earlier superseded by final rules shall expire 270 days after the date of the enactment of this Act.

SEC. 1363. SHIPYARD CONVERSION AND REUSE STUDIES.

(a) **STUDIES REQUIRED.**—The Secretary of Defense shall make community adjustment and diversification assistance available under section 2391(b) of title 10, United States Code, for the purpose of—

(1) conducting a study regarding the feasibility of converting and reutilizing the Charleston Naval Shipyard, South Carolina, as a facility primarily oriented toward commercial use; and

(2) conducting a study regarding the feasibility of converting and reutilizing the Mare Island Naval Shipyard, California, as a facility primarily oriented toward commercial use.

(b) **FUNDING.**—Of the amount made available pursuant to section 1302(a), \$500,000 shall be available to carry out each of the studies required by subsection (a).

Subtitle E—Other Matters

SEC. 1371. ENCOURAGEMENT OF THE PURCHASE OR LEASE OF VEHICLES PRODUCING ZERO OR VERY LOW EXHAUST EMISSIONS.

From funds authorized to be appropriated in subtitle A of title I and section 301 for the purchase or lease of non-tactical administrative vehicles (such as automobiles, utility trucks, buses, and vans), the Secretary of Defense is encouraged to expend not less than 10 percent of such funds for the purchase or lease of vehicles producing zero or very low exhaust emissions.

SEC. 1372. REVISION TO REQUIREMENTS FOR NOTICE TO CONTRACTORS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

Section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2753; 10 U.S.C. 2501 note) is amended to read as follows:

"SEC. 4471. NOTICE TO CONTRACTORS AND EMPLOYEES UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN MAJOR DEFENSE PROGRAMS.

"(a) NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Each year, in conjunction with the preparation of the budget for the next fiscal year to be submitted to Congress under section 1105 of title 31, United States Code, the Secretary of Defense shall determine which major defense programs (if any) are proposed to be terminated or substantially reduced under the budget. As soon as reasonably practicable after the date on which the budget is submitted to Congress under such section, and not more than 180 days after such date, the Secretary, in accordance with regulations prescribed by the Secretary, shall provide notice of the proposed termination of, or substantial reduction in, each such program—

"(1) directly to each prime contractor under that program; and

"(2) by general notice through publication in the Federal Register.

"(b) NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—Each year, as soon as reasonably practicable after the date of the enactment of an Act appropriating funds for the military functions of the Department of Defense, and not more than 180 days after such date, the Secretary of Defense, in accordance with regulations prescribed by the Secretary—

"(1) shall determine which major defense programs (if any) of the Department of Defense that were not previously identified under subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

"(2) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

"(A) directly to each prime contractor under that program;

"(B) directly to the Secretary of Labor; and

"(C) by general notice through publication in the Federal Register.

"(c) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under subsection (a) or (b) of the termination of, or substantial reduction in, that program, and not more than 45 days after such date, the prime contractor shall—

"(1) provide notice of that termination or substantial reduction to each person that is a first-tier subcontractor for that program under a contract in an amount not less than \$500,000 for the program; and

"(2) require that each such subcontractor—

"(A) provide such notice to each of its subcontractors for the program under a contract in an amount in excess of \$100,000; and

"(B) impose a similar notice and pass through requirement to subcontractors in an amount in excess of \$100,000 at all tiers.

"(d) CONTRACTOR NOTICE TO EMPLOYEES AND STATE DISLOCATED WORKER UNIT.—Not later than two weeks after a defense contractor receives notice under subsection (a)(1) or (b)(1), as the case may be, of the termination

of, or substantial reduction in, a defense program, the contractor shall provide notice of such termination or substantial reduction to—

"(1)(A) each representative of employees whose work is directly related to the defense contract under such program and who are employed by the defense contractor; or

"(B) if there is no such representative at that time, each such employee; and

"(2) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur.

"(e) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a major defense program provided under subsection (d)(1) to an employee of a contractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d-1), except where the employer has specified that the termination of, or substantial reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act (29 U.S.C. 1661c(b)) and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act (29 U.S.C. 1661c(c)).

"(f) WITHDRAWAL OF NOTIFICATION UPON SUFFICIENT FUNDING FOR PROGRAM TO CONTINUE.—

"(1) NOTICE TO PRIME CONTRACTOR.—If the Secretary of Defense provides a notification under subsection (a) for a fiscal year with respect to a major defense program and the Secretary subsequently determines, upon enactment of an Act appropriating funds for the military functions of the Department of Defense for that fiscal year that due to a sufficient level of funding for the program having been provided in that Act there will not be a termination of, or substantial reduction in, that program, then the Secretary shall provide notice of withdrawal of the notification provided under subsection (a) to each prime contractor that received that notice under such subsection. Any such notice of withdrawal shall be provided as soon as reasonably practicable after the date of the enactment of the appropriations Act concerned. In any such case, the Secretary shall at the same time provide general notice of such withdrawal by publication in the Federal Register.

"(2) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under paragraph (1) of the withdrawal of a notification previously provided to the contractor under subsection (a), and not more than 45 days after that date, the prime contractor shall provide notice of such withdrawal to each person that is a first-tier subcontractor for the program under a contract in an amount not less than \$500,000 for the program and shall require that each such subcontractor provide such notice to each subcontractor for the program under a contract in an amount not less than \$100,000 at any tier.

"(3) NOTICE TO EMPLOYEES.—As soon as reasonably practicable after the date on which a prime contractor receives notice of withdrawal under paragraph (1) or a subcontractor receives such a notice under paragraph

(2), and not more than two weeks after that date, the contractor or subcontractor shall provide notice of such withdrawal—

"(A) to each representative of employees whose work is directly related to the defense contract under the program and who are employed by the contractor or subcontractor or, if there is no such representative at that time, each such employee;

"(B) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

"(C) to each grantee under section 325(a) or 325A(a) of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d-1) providing training, adjustment assistance, and employment services to an employee described in this paragraph.

"(4) LOSS OF ELIGIBILITY.—An employee who receives a notice of withdrawal under paragraph (3) shall not be eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d-1) beginning on the date on which the employee receives the notice.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'major defense program' means a program that is carried out to produce or acquire a major system (as defined in section 2302(5) of title 10, United States Code).

"(2) The terms 'substantial reduction' and 'substantially reduced', with respect to a major defense program, mean a reduction of 25 percent or more in the total dollar value of contracts under the program."

SEC. 1373. REGIONAL RETRAINING SERVICES CLEARINGHOUSES.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Labor, in consultation with the Secretary of Defense, may carry out a demonstration project to establish one or more regional retraining services clearinghouses to serve eligible persons described in subsection (b).

(b) PERSONS ELIGIBLE FOR CLEARINGHOUSE SERVICES.—The following persons shall be eligible to receive services through the clearinghouses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(c) INFORMATIONAL ACTIVITIES OF CLEARINGHOUSES.—The clearinghouses shall—

(1) collect educational materials that have been prepared for the purpose of providing information regarding available retraining programs, in particular those programs dealing with critical skills needed in advanced manufacturing and skill areas in which shortages of skilled employees exist;

(2) establish and maintain a data base for the purpose of storing and categorizing such materials based on the different needs of eligible persons; and

(3) furnish such materials, upon request, to educational institutions and other interested persons.

(d) **FUNDING.**—From the unobligated balance of funds made available pursuant to section 4465(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 29 U.S.C. 1662d-1 note) to carry out section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1), not more than \$10,000,000 shall be available to the Secretary of Labor to carry out this section during fiscal year 1994. Funds made available under section 1302 for defense conversion, reinvestment, and transition assistance programs shall not be used to carry out this section.

SEC. 1374. USE OF NAVAL INSTALLATIONS TO PROVIDE EMPLOYMENT TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS.

(a) **DEMONSTRATION PROJECT AUTHORIZED.**—The Secretary of the Navy may conduct a demonstration project to test the feasibility of using Navy facilities to provide employment training to nonviolent offenders in a State penal system prior to their release from incarceration. The demonstration project shall be limited to not more than three military installations under the jurisdiction of the Secretary.

(b) **AGREEMENTS WITH NONPROFIT ORGANIZATIONS.**—The Secretary may enter into a cooperative agreement with one or more private, nonprofit organizations for purposes of providing at the military installations included in the demonstration project the prerelease employment training authorized under subsection (a).

(c) **USE OF FACILITIES.**—Under a cooperative agreement entered into under subsection (b), the Secretary may lease or otherwise make available to a nonprofit organization participating in the demonstration project at a military installation included in the demonstration project any real property or facilities at the installation that the Secretary considers to be appropriate for use to provide the prerelease employment training authorized under subsection (a). Notwithstanding section 2667(b)(4) of title 10, United States Code, the use of such real property or facilities may be permitted with or without reimbursement.

(d) **ACCEPTANCE OF SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept voluntary services provided by persons participating in the prerelease employment training authorized under subsection (a).

(e) **LIABILITY AND INDEMNIFICATION.**—A nonprofit organization participating in the demonstration project shall be liable for any loss or damage to Government property that may result from, or in connection with, the provision of prerelease employment training by the organization under demonstration project. The nonprofit organization also shall hold harmless and indemnify the United States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from or in connection with the demonstration project.

(f) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report evaluating the success of the demonstration project and containing such recommendations with regard to the termination, continuation, or expansion of the demonstration project as the Secretary considers to be appropriate.

TITLE XIV—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Defense Burden Sharing

SEC. 1401. DEFENSE BURDENS AND RESPONSIBILITIES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in constant fiscal year 1985 dollars.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is approximately a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and as a result of the following provisions of law:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which requires a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which provides that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by \$500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to develop a plan to gradually reduce the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed to reduce the costs incurred by the United States in basing military forces overseas in the following ways:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995 one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to share more fully the respon-

sibilities and burdens of providing for mutual security and stability through steps such as the following:

(1) The Republic of Korea has assumed the leadership role regarding ground combat forces for the defense of the Republic of Korea.

(1i) NATO has adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(1ii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(c) **REDUCING UNITED STATES OVERSEAS BASING COSTS.**—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sections 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1)(B), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the United States of all tax liability that, with respect to forces located in that country, is incurred by the Armed Forces of the United States under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces

of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1)(B) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

(d) OBLIGATIONAL LIMITATION.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including construction and improvement of military family housing) that is obligated to conduct overseas basing activities during fiscal year 1994 may not exceed \$16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by \$3,300,000,000), except to the extent provided by the Secretary of Defense under paragraph (3).

(2) For purposes of this subsection, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including construction and improvement of military family housing) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(3) The Secretary of Defense may increase the amount of the limitation under paragraph (1) by such amount or amounts as the Secretary determines to be necessary in the national interest, but not to exceed a total increase of \$582,700,000. The Secretary may not increase the amount of such limitation under the preceding sentence until the Secretary provides notice to Congress of the Secretary's intent to authorize such an increase and a period of 15 days elapses after the day on which such notice is provided.

(e) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

SEC. 1402. BURDEN SHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end a new section 2350j consisting of—

(1) a heading as follows:

"§2350j. Burden sharing contributions by designated countries and regional organizations";

and

(2) a text consisting of the text of section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1465), revised—

(A) in subsection (a)—

(i) by replacing "During fiscal years 1992 and 1993, the Secretary" with "The Secretary";

(ii) by inserting " , after consultation with the Secretary of State," after "Secretary of Defense";

(iii) by deleting "from Japan, Kuwait, and the Republic of Korea"; and

(iv) by inserting "from any country or regional organization designated for purposes of this section by the Secretary of Defense, in consultation with the Secretary of State"; and

(B) in subsection (f)—

(i) by replacing "each quarter of fiscal years 1992 and 1993" with "each fiscal year";

(ii) by replacing "congressional defense committees" with "Congress";

(iii) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)"; and

(iv) by replacing "the preceding quarter" in paragraphs (1) and (2) with "the preceding fiscal year".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350j. Burden sharing contributions by designated countries and regional organizations."

Subtitle B—North Atlantic Treaty Organization

SEC. 1411. FINDINGS, SENSE OF CONGRESS, AND REPORT REQUIREMENT CONCERNING NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security, and freedom of the United States and its NATO allies for more than 40 years.

(2) The national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework.

(3) Recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union.

(4) The military threats which NATO was established to deter have greatly diminished with the end of the Cold War.

(5) The post-Cold War security situation continues to present a wide array of challenges to United States national interests, many of which interests the United States shares with its allies in Europe and Canada.

(6) The international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression.

(7) The United States must share the responsibilities and the burdens of pursuing international security and stability with other nations.

(8) Several of the newly democratic nations of Central and Eastern Europe and the former Soviet Union have expressed interest in seeking membership in NATO.

(9) Many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses.

(10) The United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible.

(11) Military interventions against antagonistic armed forces cannot be conducted safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others' operational procedures.

(12) NATO is currently the only organization with the experience, trained staff, and infrastructure necessary to support military cooperation with the major military allies of the United States.

(13) The NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace.

(14) Justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission, area of responsibility, and procedures to the new security environment.

(15) Justification of future United States support for the alliance and for a United States military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada.

(16) The meeting of the NATO heads of state scheduled for January 1994, presents an excellent opportunity for the President to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization having greatly diminished, and new, more diverse challenges having arisen (including ethno-religious conflict in Central and Eastern Europe and the former Soviet Union and the proliferation of weapons of mass destruction in regions proximate to alliance territory), NATO's mission must be redefined so that it may respond to such challenges to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) NATO should review its consultative mechanisms in order to maximize its ability to marshal political, diplomatic, social, and economic solidarity, buttressed by credible military capability, and to bring the full weight and scope of its cooperative efforts to bear in addressing the new challenges; and

(3) future United States military involvement in, and contributions to, NATO should

be determined in relation to the alliance's success or failure in adapting itself to confronting the challenges of the post-Cold War world.

(c) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the President shall transmit a report to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. The report shall contain recommendations on the following:

(1) The manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members.

(2) The manner in which NATO should continue to adapt its consultative process, including efforts to extend that process to the new democracies of Central and Eastern Europe and the former Soviet Union, so as to enhance its political, diplomatic, social, economic, and military efforts to project stability eastward and maximize its capabilities in crisis prevention and crisis management.

(3) The feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance.

(4) The manner in which NATO should restructure its forces, training and equipment for the new security environment, including with regard to multinational peacekeeping activities.

(5) The desirability of expanding the alliance to include traditionally neutral nations or the new democratic nations of Central and Eastern Europe and the former Soviet Union that wish to join NATO.

(6) The proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in United States military deployments in Europe in the event of the alliance's failure to adopt a new mandate.

(7) The structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee.

(8) The extent to which NATO liaison teams should be assigned to the United Nations and the Conference on Security and Cooperation in Europe so as to facilitate better coordination among these organizations, especially in regard to crisis prevention and crisis management.

(9) The desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy.

(10) The structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent to regional aggression.

(11) The levels of United States, European, and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

SEC. 1412. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.

(a) **BIENNIAL NATO REPORT.**—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 22 U.S.C. 1928 note), is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1) Not later than April 1, 1990, and biennially each year thereafter" and inserting in lieu thereof "Not later than April 1 of each even-numbered year"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

(b) **REPORT ON ALLIED CONTRIBUTIONS.**—Section 1046(e) of the National Defense Au-

thorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "and"; and

(3) by adding at the end the following new paragraph:

"(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations."

(c) **FINDING AND SENSE OF CONGRESS.**—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003(c) of the National Defense Authorization Act, 1985 (Public Law 98-525; 22 U.S.C. 1928 note), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

SEC. 1413. PERMANENT AUTHORITY TO CARRY OUT AWACS MEMORANDA OF UNDERSTANDING.

Section 2350e of title 10, United States Code, is amended by striking out subsection (d).

Subtitle C—Export of Defense Articles

SEC. 1421. EXTENSION OF AUTHORITY FOR CERTAIN FOREIGN GOVERNMENTS TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)(3)) is amended by inserting "or fiscal year 1992" after "fiscal year 1991".

SEC. 1422. REPORT ON EFFECT OF INCREASED USE OF DUAL-USE TECHNOLOGIES ON ABILITY TO CONTROL EXPORTS.

(a) **REPORT REQUIREMENT.**—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing what effect the increased use of dual-use and commercial technologies and items by the Department of Defense could have on the ability of the United States to control adequately the export of sensitive dual-use and military technologies and items to nations to whom the receipt of such technologies is contrary to United States national security interests.

(b) **EFFECT ON DEFENSE PROGRAMS.**—The report required by subsection (a) shall include—

(1) an assessment of the national security implications of any lowering of licensing controls on the export of dual-use items and technology, to include an assessment of the effect such lowering of controls could have on operational United States defense programs and capabilities and planned United States defense programs and capabilities;

(2) a description of the steps the Secretary of Defense intends to take to ensure that any decontrol of dual-use items and technology does not place at risk the technology and defense capability lead that the United States currently enjoys; and

(3) a description of the steps the Department of Defense intends to take to mitigate any possible increase in the proliferation threat resulting from decontrol of dual-use items and technology.

(c) **CONSULTATION.**—The report required by subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

SEC. 1423. EXTENSION OF LANDMINE EXPORT MORATORIUM.

(a) **FINDINGS.**—The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The Department of State estimates that there are more than 10,000,000 landmines in Afghanistan, 9,000,000 in Angola, 4,000,000 in Cambodia, 3,000,000 in Iraqi Kurdistan, and 2,000,000 each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1,000 per hour. These mines, which are being produced by many industrialized countries, were found in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the 10 years from 1983 through 1992, the United States approved 10 licenses for the commercial export of anti-personnel landmines with a total value of \$980,000 and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants."

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems."

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since October 23, 1992, when a one-year moratorium on sales, transfers, and exports by the United States of anti-personnel landmines was enacted into law (in section 1365

of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 22 U.S.C. 2778 note), the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers, and exports of anti-personnel landmines and the Government of France has announced that it has ceased all sales, transfers, and exports of anti-personnel landmines.

(10) On December 2, 1993, 10 years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. A formal request has been made to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(1) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers, and exports of anti-personnel landmines for an additional three years. A moratorium of that duration would extend the prohibition on the sale, transfer, and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

(b) STATEMENT OF POLICY.—

(1) It is the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the manufacture, possession and use, of anti-personnel landmines.

(2) It is the sense of the Congress that—

(A) the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification; and

(B) the United States should—

(1) participate in a United Nations conference to review the Landmine Protocol; and

(2) actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale, transfer, or export of anti-personnel landmines and to further limit the manufacture, possession, and use of anti-personnel landmines.

(c) THREE-YEAR EXTENSION OF LANDMINE MORATORIUM.—Section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 22 U.S.C. 2778 note) is amended by striking out "For a period of one year beginning on the date of the enactment of this Act" and inserting in lieu thereof "During the four-year period beginning on October 23, 1992".

(d) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means any of the following:

(1) Any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person.

(2) Any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

(3) Any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

Subtitle D—Other Matters

SEC. 1431. CODIFICATION OF PROVISION RELATING TO OVERSEAS WORKLOAD PROGRAM.

(a) CODIFICATION.—(1) Chapter 138 of title 10, United States Code, is amended by inserting after section 2348 the following new section:

"§ 2349. Overseas Workload Program

"(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization or of any major non-NATO ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense located outside the United States to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

"(b) SITE OF PERFORMANCE.—A contract awarded to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

"(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

"(1) could adversely affect the military preparedness of the armed forces; or

"(2) would violate the terms of an international agreement to which the United States is a party.

"(d) DEFINITION.—In this section, the term 'major non-NATO ally' has the meaning given that term in section 2350a(1)(3) of this title."

(2) The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2348 the following new item:

"2349. Overseas Workload Program."

(b) CONFORMING AMENDMENTS.—(1) Section 1465 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1700) is repealed.

(2) Section 9130 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1935), is amended—

(A) in subsection (b), by striking out "or thereafter,"; and

(B) in subsection (d), by striking out "or thereafter" each place it appears.

SEC. 1432. AMERICAN DIPLOMATIC FACILITIES IN GERMANY.

(a) LIMITATION ON SOURCE OF FUNDS FOR NEW UNITED STATES DIPLOMATIC FACILITIES.—(1) As of January 1, 1995, the United States may not purchase, construct, lease, or otherwise occupy any facility as an embassy, chancery, or consular facility in Germany unless that facility is purchased, constructed, modified, or leased with funds provided by the Government of Germany as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the Status-of-Forces Agreement with the Government of Germany in effect on the date of the enactment of this Act.

(2) The limitation in paragraph (1) does not apply with respect to any facility occupied as of January 1, 1995, by United States diplomatic personnel.

(b) CERTIFICATION.—As of January 1, 1995, the Secretary of State (and any representative of the Secretary of State) may not enter into any legal instrument to purchase, construct, modify, or lease any facility described in subsection (a) until the Secretary of Defense certifies to the appropriate com-

mittees of Congress that the United States has received (or is scheduled to receive) cash payments or offsets-in-kind of a value not less than 50 percent of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the Status-of-Forces Agreement with the Government of Germany in effect on the date of the enactment of this Act.

(c) DEFINITION.—For purposes of this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1433. CONSENT OF CONGRESS TO SERVICE BY RETIRED MEMBERS IN MILITARY FORCES OF NEWLY DEMOCRATIC NATIONS.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONSENT OF CONGRESS.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired members with newly democratic nations: consent of Congress

"(a) CONSENT OF CONGRESS.—Subject to subsection (b), Congress consents to a retired member of the uniformed services—

"(1) accepting employment by, or holding an office or position in, the military forces of a newly democratic nation; and

"(2) accepting compensation associated with such employment, office, or position.

"(b) APPROVAL REQUIRED.—The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) DETERMINATION OF NEWLY DEMOCRATIC NATIONS.—The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(d) REPORTS TO CONGRESSIONAL COMMITTEES.—The Secretary concerned and the Secretary of State shall notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives of each approval under subsection (b) and each determination under subsection (c).

"(e) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of

dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(f) RETIRED MEMBER DEFINED.—In this section, the term 'retired member' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.

"(g) CIVIL EMPLOYMENT BY FOREIGN GOVERNMENTS.—For a provision of law providing the consent of Congress to civil employment by foreign governments, see section 908 of title 37."

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired members with newly democratic nations: consent of Congress."

(c) CONFORMING CROSS REFERENCE.—Section 908 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting "CONGRESSIONAL CONSENT.—" after "(a)";

(2) in subsection (b), by inserting "APPROVAL REQUIRED.—" after "(b)"; and

(3) by adding at the end the following:

"(c) MILITARY SERVICE IN FOREIGN ARMED FORCES.—For a provision of law providing the consent of Congress to service in the military forces of certain foreign nations, see section 1058 of title 10."

(d) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993.

SEC. 1434. SEMIANNUAL REPORT ON EFFORTS TO SEEK COMPENSATION FROM GOVERNMENT OF PERU FOR DEATH AND WOUNDING OF CERTAIN UNITED STATES SERVICEMEN.

(a) FINDINGS.—The Congress finds that—

(1) the United States Government has not made adequate efforts to seek the payment of compensation by the Government of Peru for the death and injuries to United States military personnel resulting from the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C-130 aircraft operating off the coast of Peru; and

(2) in failing to make such efforts adequately, the United States Government has failed in its obligation to support the servicemen and their families involved in the incident and generally to support members of the Armed Forces carrying out missions on behalf of the United States.

(b) SEMIANNUAL REPORT.—Not later than December 1 and June 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a report on the efforts made by the Government of the United States during the preceding six-month period to seek the payment of fair and equitable compensation by the Government of Peru (1) to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed in the attack described in subsection (a), and (2) to the other crew members who were wounded in the attack and survived.

(c) TERMINATION OF REPORT REQUIREMENT.—The requirement in subsection (b) shall terminate upon certification by the Secretary of Defense to Congress that the Government of Peru has paid fair and equitable compensation as described in subsection (b).

TITLE XV—INTERNATIONAL PEACEKEEPING AND HUMANITARIAN ACTIVITIES

Subtitle A—Assistance Activities

SEC. 1501. GENERAL AUTHORIZATION OF SUPPORT FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZED SUPPORT FOR FISCAL YEAR 1994.—The Secretary of Defense may provide assistance for international peacekeeping activities during fiscal year 1994, in accordance with section 403 of title 10, United States Code, in an amount not to exceed \$300,000,000. Any assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1994 for operation and maintenance or (notwithstanding the second sentence of subsection (b) of that section) from balances in working capital funds.

(b) ADDITIONAL LIMITATIONS.—Subsection (c) of section 403 of title 10, United States Code, is amended—

(1) by striking out "RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS in the subsection heading;

(2) by striking out "and" at the end of paragraphs (1) and (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraphs:

"(4) only if the United States has received written commitments that the United States will be fully and promptly reimbursed by the United Nations or the regional organization involved for outstanding obligations incurred through an arrangement designated under United Nations practices as a 'letter of assist' or a similar arrangement for logistics support, supplies, services, and equipment provided by the Department of Defense on a contract basis to the United Nations or the regional organization involved, and

"(5) only if the Department of Defense will receive any reimbursement to the United States from the United Nations or a regional organization for outstanding obligations incurred through an arrangement designated under United Nations practices as a 'letter of assist' or a similar arrangement for logistics support, supplies, services, and equipment provided by the Department of Defense on a contract basis to the United Nations or the regional organization involved, unless such reimbursement to the Department of Defense is otherwise precluded by law."

(c) EXTENSION OF AUTHORITY.—Subsection (h) of such section is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 1502. REPORT ON MULTINATIONAL PEACEKEEPING AND PEACE ENFORCEMENT.

(a) REPORT REQUIRED.—Not later than April 1, 1994, the President, after seeking the views of the Secretary of State and the Secretary of Defense, shall submit to the committees specified in subsection (c) a report on United States policy on multinational peacekeeping and peace enforcement.

(b) CONTENT OF REPORT.—The report shall contain a comprehensive analysis and discussion of the following matters:

(1) Criteria for participation by the United States in multinational missions through the United Nations, the North Atlantic Treaty Organization, or other regional alliances and international organizations.

(2) Proposals for expanding peacekeeping activities by the North Atlantic Treaty Organization and the North Atlantic Cooperation Council, including multinational operations, multinational training, and multinational doctrine development.

(3) Proposals for establishing regional entities, on an ad hoc basis or a permanent basis, to conduct peacekeeping or peace enforcement operations under a United Nations mandate as an alternative to direct United Nations involvement in such operations.

(4) A summary of progress made by the United States, in consultation with other nations, to develop doctrine for peacekeeping and peace enforcement operations and plans to conduct exercises with other nations for such purposes.

(5) Proposals for criteria for determining whether to commence new peacekeeping missions, including, in the case of any such mission, criteria for determining the threat to international peace to be addressed by the mission, the precise objectives of the mission, the costs of the mission, and the proposed endpoint of the mission.

(6) The principles, criteria, or considerations guiding decisions to place United States forces under foreign command or to decline to put United States forces under foreign command.

(7) Proposals to establish opportunities within the Armed Forces for voluntary assignment to duty in units designated for assignment to multinational peacekeeping and peace enforcement missions.

(8) Proposals to modify the budgetary and financial policies of the United Nations for peacekeeping and peace enforcement missions, including—

(A) proposals regarding the structure and control of budgetary procedures;

(B) proposals regarding United Nations accounting procedures; and

(C) specific proposals—

(i) to establish a revolving capital fund to finance the costs of starting new United Nations operations approved by the Security Council;

(ii) to establish a requirement that United Nations member nations pay one-third of the anticipated first-year costs of a new operation immediately upon Security Council approval of that operation;

(iii) to establish a requirement that United Nations member nations be charged interest penalties on late payment of their assessments for peacekeeping or peace enforcement missions;

(iv) regarding possible sources of international revenue for United Nations peacekeeping and peace enforcement missions;

(v) regarding the need to lower the United States peacekeeping assessment to the same percentage as the United States assessment to the regular United Nations budget; and

(vi) regarding a revision of the current schedule of payments per servicemember assigned to a peacekeeping mission in order to bring payments more in line with costs.

(9) Proposals to establish a small United Nations Rapid Deployment Force under the direction of the United Nations Security Council in order to provide for quick intervention in disputes for the purpose of preventing a larger outbreak of hostilities.

(10) Proposals for reorganization of the United Nations Secretariat to provide improved management of peacekeeping operations, including the establishment of a Department of Peace Operations (DPO) and the transfer of the Operations Division from Field Operations into such a department.

(11) Requirement of congressional approval for participation of United States Armed Forces in multinational peacekeeping and peace enforcement missions, including the applicability of the War Powers Resolution and the United Nations Participation Act.

(12) Proposals that the United States and other United Nations member nations negotiate special agreements under article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the United Nations Security Council for the purposes stated in article 42 of that charter, not only on an ad hoc basis, but also on a permanent on-call basis for rapid deployment under Security Council authorization.

(13) A proposal that member nations of the United Nations commit to keep equipment specified by the Secretary General of the United Nations available for immediate sale, loan, or donation to the United Nations when required.

(14) A proposal that member nations of the United Nations make airlift and sealift capacity available to the United Nations without charge or at lower than commercial rates.

(15) An evaluation of the current capabilities and future needs of the United Nations for improved command, control, communications, and intelligence infrastructure, including facilities, equipment, procedures, training, and personnel, and an analysis of United States capabilities and experience in such matters that could be applied or offered directly to the United Nations.

(16) An evaluation of the potential role of the Military Staff Committee of the United Nations Security Council.

(17) Training requirements for foreign military personnel designated to participate in peacekeeping operations, including an assessment of the nation, nations, or organizations that might best provide such training and at what cost.

(18) Any other information that may be useful to inform Congress on matters relating to United States policy and proposals on peacekeeping and peace enforcement missions.

(c) COMMITTEES TO RECEIVE REPORT.—The committees to which the report under this section are to be submitted are—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1503. MILITARY-TO-MILITARY CONTACT.

(a) CONTINUATION OF CERTAIN MILITARY-TO-MILITARY PROGRAMS.—Of the amounts authorized to be appropriated pursuant to section 301 for Defense-wide activities, \$10,000,000 shall be made available to continue efforts that were initiated by the commander of a United States unified command and approved by the chairman of the Joint Chiefs of Staff for military-to-military contacts and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society.

(b) LIMITATION.—Subsection (a) applies only to activities initiated by September 30, 1993, and only in the case of countries with which those activities had been initiated by that date.

SEC. 1504. HUMANITARIAN AND CIVIC ASSISTANCE.

(a) REGULATIONS.—The regulations required to be prescribed under section 401 of title 10, United States Code, shall be prescribed not later than March 1, 1994. In prescribing such regulations, the Secretary of Defense shall consult with the Secretary of State.

(b) LIMITATION ON USE OF FUNDS.—Section 401(c)(2) of title 10, United States Code, is

amended by inserting before the period the following: “, except that funds appropriated to the Department of Defense for operation and maintenance (other than funds appropriated pursuant to such paragraph) may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such assistance”.

(c) NOTIFICATIONS REGARDING HUMANITARIAN RELIEF.—Any notification provided to the appropriate congressional committees with respect to assistance activities under section 2551 of title 10, United States Code, shall include a detailed description of any items for which transportation is provided that are excess nonlethal supplies of the Department of Defense, including the quantity, acquisition value, and value at the time of the transportation of such items.

(d) REPORT ON HUMANITARIAN ASSISTANCE ACTIVITIES.—(1) The Secretary of Defense shall submit to the appropriate congressional committees a report on the activities planned to be carried out by the Department of Defense during fiscal year 1995 under sections 401, 402, 2547, and 2551 of title 10, United States Code. The report shall include information, developed after consultation with the Secretary of State, on the distribution of excess nonlethal supplies transferred to the Secretary of State during fiscal year 1993 pursuant to section 2547 of that title.

(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1995 to Congress pursuant to section 1105 of title 31, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—The funds authorized to be appropriated by section 301(18) shall be available to carry out humanitarian and civic assistance activities under sections 401, 402, and 2551 of title 10, United States Code.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

Subtitle B—Policies Regarding Specific Countries

SEC. 1511. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions imposed on Serbia and Montenegro, as in effect on the date of the enactment of this Act, that were imposed by or pursuant to the following directives of the executive branch shall (except as provided under subsections (d) and (e)) remain in effect until changed by law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92-5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—No funds appropriated or otherwise made available by law may be obligated or expended on behalf of the government of Serbia or the government of Montenegro.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance from that institution to the government of Serbia or the government of Montenegro, except for basic human needs.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against Serbia and Montenegro that are described in subsection (a) those United States-supported programs, projects, or activities that involve reform of the electoral process, the development of democratic institutions or democratic political parties, or humanitarian assistance (including refugee care and human rights observation).

(e) WAIVER AUTHORITY.—(1) The President may waive or modify the application, in whole or in part, of any sanction described in subsection (a), the prohibition in subsection (b), or the requirement in subsection (c).

(2) Such a waiver or modification may only be effective upon certification by the President to Congress that the President has determined that the waiver or modification is necessary (A) to meet emergency humanitarian needs, or (B) to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

SEC. 1512. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of “a secure environment for humanitarian relief operations,” as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

TITLE XVI—ARMS CONTROL MATTERS**Subtitle A—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction****SEC. 1601. STUDY OF GLOBAL PROLIFERATION OF STRATEGIC AND ADVANCED CONVENTIONAL MILITARY WEAPONS AND RELATED EQUIPMENT AND TECHNOLOGY.**

(a) **STUDY.**—The President shall conduct a study of (1) the factors that contribute to the proliferation of strategic and advanced conventional military weapons and related equipment and technologies, and (2) the policy options that are available to the United States to inhibit such proliferation.

(b) **CONDUCT OF STUDY.**—In carrying out the study the President shall do the following:

(1) Identify those factors contributing to global weapons proliferation which can be most effectively regulated.

(2) Identify and assess policy approaches available to the United States to discourage the transfer of strategic and advanced conventional military weapons and related equipment and technology.

(3) Assess the effectiveness of current multilateral efforts to control the transfer of such military weapons and equipment and such technology.

(4) Identify and examine methods by which the United States could reinforce these multilateral efforts to discourage the transfer of such weapons and equipment and such technology, including placing conditions on assistance provided by the United States to other nations.

(5) Identify the circumstances under which United States national security interests might best be served by a transfer of conventional military weapons and related equipment and technology, and specifically assess whether such circumstances exist when such a transfer is made to an allied country which, with the United States, has mutual national security interests to be served by such a transfer.

(6) Assess the effect on the United States economy and the national technology and industrial base (as defined by section 2491(1) of title 10, United States Code) which might result from potential changes in United States policy controlling the transfer of such military weapons and related equipment and the technology.

(c) **ADVISORY BOARD.**—(1) Within 15 days after the date of the enactment of this Act, the President shall establish an Advisory Board on Arms Proliferation Policy. The advisory board shall be composed of 5 members. The President shall appoint the members from among persons in private life who are noted for their stature and expertise in matters covered by the study required under subsection (a) and shall ensure, in making the appointments, that the advisory board is composed of members from diverse backgrounds. The President shall designate one of the members as chairman of the advisory board.

(2) The President is encouraged—

(A) to obtain the advice of the advisory board regarding the matters studied pursuant to subsection (a) and to consider that advice in carrying out the study; and

(B) to ensure that the advisory board is informed in a timely manner and on a continuing basis of the results of policy reviews carried out under the study by persons outside the board.

(3) The members of the advisory board shall receive no pay for serving on the advisory board. However, the members shall be

allowed travel expenses and per diem in accordance with the regulations referred to in paragraph (6).

(4) Upon request of the chairman of the advisory board, the Secretary of Defense or the head of any other Federal department or agency may detail, without reimbursement for costs, any of the personnel of the department or agency to the advisory board to assist the board in carrying out its duties.

(5) The Secretary of Defense shall designate a federally funded research and development center with expertise in the matters covered by the study required under subsection (a) to provide the advisory board with such support services as the advisory board may need to carry out its duties.

(6) Except as otherwise provided in this section, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations prescribed by the Administrator of General Services pursuant to that Act, shall apply to the advisory board. Subsections (e) and (f) of section 10 of such Act do not apply to the advisory board.

(7) The advisory board shall terminate 30 days after the date on which the President submits the final report of the advisory board to Congress pursuant to subsection (d)(2)(B).

(d) **REPORTS.**—(1) The Advisory Board on Arms Proliferation Policy shall submit to the President, not later than May 15, 1994, a report containing its findings, conclusions, and recommendations on the matters covered by the study carried out pursuant to subsection (a).

(2) The President shall submit to Congress, not later than June 1, 1994—

(A) a report on the study carried out pursuant to subsection (a), including the President's findings and conclusions regarding the matters considered in the study; and

(B) the report of the Advisory Board on Arms Proliferation Policy received under paragraph (1), together with the comments, if any, of the President on that report.

SEC. 1602. EXTENSION OF EXISTING AUTHORITIES.

(a) **EXTENSION TO FISCAL YEAR 1994.**—Section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a) is amended by striking out "fiscal year 1993" in subsections (a), (d)(1), and (e) and inserting in lieu thereof "fiscal year 1994".

(b) **FUNDING.**—Subsection (d)(3) of such section is amended—

(1) by striking out "\$40,000,000" and inserting in lieu thereof "\$25,000,000, including funds used for activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq"; and

(2) by striking out the second sentence.

(c) **REPEAL OF NOTICE-AND-WAIT REQUIREMENT.**—Subsection (d) of such section is further amended by striking out paragraph (4).

SEC. 1603. STUDIES RELATING TO UNITED STATES COUNTERPROLIFERATION POLICY.

(a) **AUTHORIZATION TO CONDUCT STUDIES.**—During fiscal year 1994, the Secretary of Defense may conduct studies and analysis programs in support of counterproliferation policy of the United States.

(b) **COUNTERPROLIFERATION STUDIES.**—Studies and analysis programs under this section may include programs intended to explore defense policy issues that might be involved in efforts to prevent and counter the proliferation of weapons of mass destruction and their delivery systems. Such efforts include—

(1) enhancing United States military capabilities to deter and respond to terrorism,

theft, and proliferation involving weapons of mass destruction;

(2) cooperating in international programs to enhance military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction; and

(3) otherwise contributing to Department of Defense capabilities to deter, identify, monitor, and respond to such terrorism, theft, and proliferation involving weapons of mass destruction.

(c) **DESIGNATION OF COORDINATOR.**—The Under Secretary of Defense for Policy, subject to the supervision and control of the Secretary of Defense, shall coordinate the policy studies and analysis of the Department of Defense on countering proliferation of weapons of mass destruction and their delivery systems.

(d) **FUNDS.**—Funds for programs authorized in this section shall be derived from amounts made available to the Department of Defense for fiscal year 1994 or from balances in working capital accounts of the Department of Defense. The total amount expended for fiscal year 1994 to carry out studies and analysis programs under subsection (a) may not exceed \$6,000,000.

(e) **RESTRICTION.**—None of the funds referred to in subsection (d) shall be available for the purposes stated in this section until 15 days after the date on which the Secretary of Defense submits to the appropriate congressional committees a report setting forth—

(1) a description of all of the activities within the Department of Defense that are being carried out or are to be carried out for the purposes stated in this section;

(2) the plan for coordinating and integrating those activities within the Department of Defense;

(3) the plan for coordinating and integrating those activities with those of other Federal agencies; and

(4) the sources of the funds to be used for such purposes.

(f) **REPORT.**—Not later than April 30 of each year, and not later than October 30 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report on the activities carried out under subsection (a). Each report shall set forth for the six-month period ending on the last day of the month preceding the month in which the report is due the following:

(1) A description of the studies and analysis carried out.

(2) The amounts spent for such studies and analysis.

(3) The organizations that conducted the studies and analysis.

(4) An explanation of the extent to which such studies and analysis contributes to the counterproliferation policy of the United States and United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction.

(5) A description of the measures being taken to ensure that such studies and analysis within the Department of Defense is managed effectively and coordinated comprehensively.

SEC. 1604. SENSE OF CONGRESS REGARDING UNITED STATES CAPABILITIES TO PREVENT AND COUNTER WEAPONS PROLIFERATION.

It is the sense of Congress that—

(1) the United States should have the ability to counter effectively potential threats to United States interests that arise from the proliferation of such weapons;

(2) the Department of Defense, the Department of State, the Department of Energy,

the Arms Control and Disarmament Agency, and the intelligence community have important roles, as well as unique capabilities and expertise, in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons, including capabilities and expertise regarding—

(A) detection and monitoring of proliferation of weapons of mass destruction;

(B) development of effective export control regimes;

(C) interdiction and destruction of weapons of mass destruction and related weapons material; and

(D) carrying out international monitoring and inspection regimes that relate to proliferation of such weapons and material;

(3) the Department of Defense, the Department of Energy, and the intelligence community have unique capabilities and expertise that contribute directly to the ability of the United States to implement United States policy to counter effectively the threats that arise from the proliferation of weapons of mass destruction, including capabilities and expertise regarding—

(A) responses to terrorism, theft, or accidents involving weapons of mass destruction;

(B) conduct of intrusive international inspections for verification of arms control treaties;

(C) direct and discrete counterproliferation actions that require use of force; and

(D) development and deployment of active military countermeasures and protective measures against threats resulting from arms proliferation, including defenses against ballistic missile attacks; and

(4) the United States should continue to maintain and improve its capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 1605. JOINT COMMITTEE FOR REVIEW OF PROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) There is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of State.

(C) The Secretary of Energy.

(D) The Director of Central Intelligence.

(E) The Director of the United States Arms Control and Disarmament Agency.

(F) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joint Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition and Technology the performance of the duties of the Chairman of the committee.

(5) The members of the committee shall first meet not later than 30 days after the date of the enactment of this Act. Upon designation of working level officials and representatives, the members of the committee shall jointly notify the appropriate committees of Congress that the committee has been constituted. The notification shall identify the representatives designated pur-

suant to paragraph (3) and the working level officials of the committee.

(b) PURPOSES OF THE COMMITTEE.—The purposes of the committee are as follows:

(1) To optimize funding for, and ensure the development and deployment of—

(A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States nonproliferation policy; and

(B) disabling technologies in support of such policy.

(2) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

(c) DUTIES.—The committee shall—

(1) identify and review existing and proposed capabilities (including counterproliferation capabilities) and technologies for support of United States nonproliferation policy with regard to—

(A) intelligence;

(B) battlefield surveillance;

(C) passive defenses;

(D) active defenses;

(E) counterforce capabilities;

(F) inspection support; and

(G) support of export control programs;

(2) as part of the review pursuant to paragraph (1), review all directed energy and laser programs for detecting, characterizing, or interdicting weapons of mass destruction, their delivery platforms, or other orbiting platforms with a view to the elimination of redundancy and the optimization of funding for the systems not eliminated;

(3) review the programs (including the crisis management program) developed by the Department of State to counter terrorism involving weapons of mass destruction and their delivery systems;

(4) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies to support fully the nonproliferation policy of the United States;

(5) identify deficiencies in existing capabilities and technologies;

(6) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(7) in carrying out the other duties of the committee, ensure that all types of counterproliferation actions are considered.

(d) ACCESS TO INFORMATION.—The committee shall have access to information on all programs, projects, and activities of the Department of Defense, the Department of State, the Department of Energy, the intelligence community, and the Arms Control and Disarmament Agency that are pertinent to the purposes and duties of the committee.

(e) BUDGET RECOMMENDATIONS.—The committee may submit to the officials referred to in subsection (a) any recommendation regarding existing or planned budgets as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States nonproliferation policy.

(f) TERMINATION OF COMMITTEE.—The committee shall cease to exist six months after the date on which the report of the Secretary of Defense under section 1605 is submitted to Congress.

SEC. 1606. REPORT ON NONPROLIFERATION AND COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary of Defense shall submit

to Congress a report on the findings of the committee on nonproliferation activities established by section 1604.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A complete list, by program, of the existing, planned, and proposed capabilities and technologies reviewed by the committee, including all directed energy and laser programs reviewed pursuant to section 1604(c)(2).

(2) A complete description of the requirements and priorities established by the committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the committee for meeting requirements prescribed by the committee and eliminating deficiencies identified by the committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant to section 1604(e) and a full discussion of the actions taken on such recommendations, including the actions taken to implement the recommendations.

(5) A discussion of the existing and planned capabilities of the Department of Defense—

(A) to detect and monitor clandestine programs for the acquisition or production of weapons of mass destruction;

(B) to respond to terrorism or accidents involving such weapons and thefts of materials related to any weapon of mass destruction; and

(C) to assist in the interdiction and destruction of weapons of mass destruction, related weapons materials, and advanced conventional weapons.

(6) A description of—

(A) the extent to which the Secretary of Defense has incorporated nonproliferation and counterproliferation missions into the overall missions of the unified combatant commands; and

(B) how the special operations command established pursuant to section 167(a) of title 10, United States Code, might support the commanders of the other unified combatant commands and the commanders of the specified combatant commands in the performance of such overall missions.

(c) FORMS OF REPORT.—The report shall be submitted in both unclassified and classified forms, as appropriate.

SEC. 1607. DEFINITIONS.

For purposes of this subtitle:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

Subtitle B—International Nonproliferation Activities

SEC. 1611. NUCLEAR NONPROLIFERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has been seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons is now a leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that "proliferation of all weapons of mass destruction constitutes a threat to international peace and security" and committed to taking appropriate action to prevent proliferation from occurring.

(4) Aside from the five declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) The IAEA is a valuable international institution to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by financial constraints.

(6) The Nuclear Non-Proliferation Treaty codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995.

(7) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continued strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(b) **COMPREHENSIVE NUCLEAR NON-PROLIFERATION POLICY.**—In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it should be the policy of the United States to pursue a comprehensive policy to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world, with the following additional objectives:

(1) Successful conclusion of all pending nuclear arms control and disarmament agreements with all the republics of the former Soviet Union and their secure implementation.

(2) Full participation by all the republics of the former Soviet Union in all multilateral nuclear nonproliferation efforts and acceptance of IAEA safeguards on all their nuclear facilities.

(3) Strengthening of United States and international support to the IAEA so that the IAEA has the technical, financial, and political resources to verify that countries are complying with their nonproliferation commitments.

(4) Strengthening of nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(5) Reduction in incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(6) Support for the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 conference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(7) Reaching agreement with the Russian Federation to end the production of new types of nuclear warheads.

(8) Pursuing, once the START I treaty and the START II treaty are ratified by all parties, a multilateral agreement to significantly reduce the strategic nuclear arsenals of the United States and the Russian Federation to below the levels of the START II treaty, with lower levels for the United Kingdom, France, and the People's Republic of China.

(9) Reaching immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and working to achieve worldwide agreements to—

(A) end in the shortest possible time the production of weapons-usable fissile material;

(B) place existing stockpiles of such materials under bilateral or international controls; and

(C) require countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthening IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguard reforms.

(11) Conclusion of a multilateral comprehensive nuclear test ban treaty.

(c) **REQUIREMENTS FOR IMPLEMENTATION OF POLICY.**—(1) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report, in unclassified form, with a classified appendix if necessary, on the actions the United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this section.

(2) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report in unclassified form, with a classified appendix if necessary, which—

(A) addresses the implications of the adoption by the United States of a policy of non-first-use of nuclear weapons;

(B) addresses the implications of an agreement with the other nuclear weapons states to adopt such a policy; and

(C) addresses the implications of a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapons states this zero option for tactical nuclear weapons.

(d) **DEFINITIONS.**—For purposes of this section:

(1) The term "IAEA" means the International Atomic Energy Agency.

(2) The term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the IAEA, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(3) The term "non-nuclear weapon state" means any country that is not a nuclear weapon state.

(4) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(5) The term "nuclear weapon state" means any country that is a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons,

signed at Washington, London, and Moscow on July 1, 1968.

(6) The term "weapons-usable fissile materials" means highly enriched uranium and separated or reprocessed plutonium.

(7) The term "policy of no first use of nuclear weapons" means a commitment not to initiate the use of nuclear weapons.

(8) The term "START II treaty" means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

SEC. 1612. CONDITION ON ASSISTANCE TO RUSSIA FOR CONSTRUCTION OF PLUTONIUM STORAGE FACILITY.

(a) **LIMITATION.**—Until a certification under subsection (b) is made, no funds may be obligated or expended by the United States for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons.

(b) **CERTIFICATION OF RUSSIA'S COMMITMENT TO HALT CHEMICAL SEPARATION OF WEAPON-GRADE PLUTONIUM.**—The prohibition in subsection (a) shall cease to apply upon a certification by the President to Congress that Russia—

(1) is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

(2) is taking all practical steps to halt such separation at the earliest possible date.

(c) **SENSE OF CONGRESS ON PLUTONIUM POLICY.**—It is the sense of Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will (1) cease all production and separation of weapon-grade plutonium, and (2) halt chemical separation of plutonium produced in civil nuclear power reactors.

(d) **REPORT.**—Not later than June 1, 1994, the President shall submit to Congress a report on the status of efforts by the United States to secure the commitments and achieve the objective described in subsections (b) and (c). The President shall include in the report a discussion of the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.

SEC. 1613. NORTH KOREA AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

(a) **FINDINGS.**—The Congress finds the following:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, to which 156 states are party, is the cornerstone of the international nuclear nonproliferation regime.

(2) Any nonnuclear weapon state that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons is obligated to accept International Atomic Energy Agency safeguards on all source or special fissionable material that is within its territory, under its jurisdiction, or carried out under its control anywhere.

(3) The International Atomic Energy Agency is permitted to conduct inspections in a nonnuclear weapon state that is a party to the Treaty at any site, whether or not declared by that state, to ensure that all source or special fissionable material in that state is under safeguards.

(4) North Korea acceded to the Treaty on the Non-Proliferation of Nuclear Weapons as

a nonnuclear weapons state in December 1985.

(5) North Korea, after acceding to that treaty, refused until 1992 to accept International Atomic Energy Agency safeguards as required under the treaty.

(6) Inspections of North Korea's nuclear materials by the International Atomic Energy Agency suggested discrepancies in North Korea's declarations regarding special nuclear materials.

(7) North Korea has not given a scientifically satisfactory explanation for those discrepancies.

(8) North Korea refused to provide International Atomic Energy Agency inspectors with full access to two sites for the purposes of verifying its compliance with the Treaty on the Non-Proliferation of Nuclear Weapons.

(9) When called upon by the International Atomic Energy Agency to provide such full access as required by the Treaty, North Korea announced its intention to withdraw from the Treaty, effective after the required three months notice.

(10) After intensive negotiations with the United States, North Korea agreed to suspend its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and begin consultations with the International Atomic Energy Agency on providing access to its suspect sites.

(11) In an attempt to persuade North Korea to abandon its nuclear weapons program, the United States has offered to discuss with North Korea specific incentives that could be provided for North Korea once (A) outstanding inspection issues between North Korea and the International Atomic Energy Agency are resolved, and (B) progress is made in bilateral talks between North Korea and South Korea.

(b) CONGRESSIONAL STATEMENTS.—The Congress—

(1) notes that the continued refusal of North Korea nearly eight years after ratification of the Treaty on the Non-Proliferation of Nuclear Weapons to fully accept International Atomic Energy Agency safeguards raises serious questions regarding a possible North Korean nuclear weapons program;

(2) notes that possession by North Korea of nuclear weapons (A) would threaten peace and stability in Asia, (B) would jeopardize the existing nuclear non-proliferation regime, and (C) would undermine the goal of the United States to extend the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 review conference;

(3) urges continued pressure from the President, United States allies, and the United Nations Security Council on North Korea to adhere to the Treaty and provide full access to the International Atomic Energy Agency in the shortest time possible;

(4) urges the President, United States allies, and the United Nations Security Council to press for continued talks between North Korea and South Korea on denuclearization of the Korean peninsula;

(5) urges that no trade, financial, or other economic benefits be provided to North Korea by the United States or United States allies until North Korea has (A) provided full access to the International Atomic Energy Agency, (B) satisfactorily explained any discrepancies in its declarations of bomb-grade material, and (C) fully demonstrated that it does not have or seek a nuclear weapons capability; and

(6) calls on the President and the international community to take steps to

strengthen the international nuclear non-proliferation regime.

SEC. 1614. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR), which restricts the transfer of missiles or equipment or technology that could contribute to the design, development, or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from, and interchangeable with, space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1738), has explicitly supported the policy described in paragraph (4) through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has been successful in dissuading other countries from pursuing space launch vehicle programs in part by offering to cooperate with those countries in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) STRICT INTERPRETATION OF MTCR.—The Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(1) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(2) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of the diversion of such technology to military purposes.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government and the governments of other nations adhering to the Missile Technology Control Regime should be recognized by the international community for—

(1) the success of those governments in restricting the export of space launch vehicle technology and of missile technology; and

(2) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(d) DEFINITION.—For purposes of this section, the term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany,

France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

TITLE XVII—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

SEC. 1701. CONDUCT OF THE CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.

(a) GENERAL.—The Secretary of Defense shall carry out the chemical and biological defense program of the United States in accordance with the provisions of this section.

(b) MANAGEMENT AND OVERSIGHT.—In carrying out his responsibilities under this section, the Secretary of Defense shall do the following:

(1) Assign responsibility for overall coordination and integration of the chemical and biological warfare defense program and the chemical and biological medical defense program to a single office within the Office of the Secretary of Defense.

(2) Take those actions necessary to ensure close and continuous coordination between (A) the chemical and biological warfare defense program, and (B) the chemical and biological medical defense program.

(3) Exercise oversight over the chemical and biological defense program through the Defense Acquisition Board process.

(c) COORDINATION OF THE PROGRAM.—The Secretary of Defense shall designate the Army as executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation, and acquisition, requirements of the military departments for chemical and biological warfare defense programs of the Department of Defense.

(d) FUNDING.—(1) The budget for the Department of Defense for each fiscal year after fiscal year 1994 shall reflect a coordinated and integrated chemical and biological defense program for the military departments.

(2) Funding requests for the program shall be set forth in the budget of the Department of Defense for each fiscal year as a separate account, with a single program element for each of the categories of research, development, test, and evaluation, acquisition, and military construction. Amounts for military construction projects may be set forth in the annual military construction budget. Funds for military construction for the program in the military construction budget shall be set forth separately from other funds for military construction projects. Funding requests for the program may not be included in the budget accounts of the military departments.

(3) All funding requirements for the chemical and biological defense program shall be reviewed by the Secretary of the Army as executive agent pursuant to subsection (c).

(e) MANAGEMENT REVIEW AND REPORT.—(1) The Secretary of Defense shall conduct a review of the management structure of the Department of Defense chemical and biological warfare defense program, including—

(A) research, development, test, and evaluation;

(B) procurement;

(C) doctrine development;

(D) policy;

(E) training;

(F) development of requirements;

(G) readiness; and

(H) risk assessment.

(2) Not later than May 1, 1994, the Secretary shall submit to Congress a report that describes the details of measures being taken to improve joint coordination and oversight of the program and ensure a coherent and effective approach to its management.

SEC. 1702. CONSOLIDATION OF CHEMICAL AND BIOLOGICAL DEFENSE TRAINING ACTIVITIES.

The Secretary of Defense shall consolidate all chemical and biological warfare defense training activities of the Department of Defense at the United States Army Chemical School.

SEC. 1703. ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

(a) **REPORT REQUIRED.**—The Secretary of Defense shall include in the annual report of the Secretary under section 113(c) of title 10, United States Code, a report on chemical and biological warfare defense. The report shall assess—

(1) the overall readiness of the Armed Forces to fight in a chemical-biological warfare environment and shall describe steps taken and planned to be taken to improve such readiness; and

(2) requirements for the chemical and biological warfare defense program, including requirements for training, detection, and protective equipment, for medical prophylaxis, and for treatment of casualties resulting from use of chemical or biological weapons.

(b) **MATTERS TO BE INCLUDED.**—The report shall include information on the following:

(1) The quantities, characteristics, and capabilities of fielded chemical and biological defense equipment to meet wartime and peacetime requirements for support of the Armed Forces, including individual protective items.

(2) The status of research and development programs, and acquisition programs, for required improvements in chemical and biological defense equipment and medical treatment, including an assessment of the ability of the Department of Defense and the industrial base to meet those requirements.

(3) Measures taken to ensure the integration of requirements for chemical and biological defense equipment and material among the Armed Forces.

(4) The status of nuclear, biological, and chemical (NBC) warfare defense training and readiness among the Armed Forces and measures being taken to include realistic nuclear, biological, and chemical warfare simulations in war games, battle simulations, and training exercises.

(5) Measures taken to improve overall management and coordination of the chemical and biological defense program.

(6) Problems encountered in the chemical and biological warfare defense program during the past year and recommended solutions to those problems for which additional resources or actions by the Congress are required.

(7) A description of the chemical warfare defense preparations that have been and are being undertaken by the Department of Defense to address needs which may arise under article X of the Chemical Weapons Convention.

(8) A summary of other preparations undertaken by the Department of Defense and the On-Site Inspection Agency to prepare for and to assist in the implementation of the convention, including activities such as training for inspectors, preparation of defense installations for inspections under the convention using the Defense Treaty Inspection Readiness Program, provision of chemical weapons detection equipment, and assistance in the safe transportation, storage, and destruction of chemical weapons in other signatory nations to the convention.

SEC. 1704. SENSE OF CONGRESS CONCERNING FEDERAL EMERGENCY PLANNING FOR RESPONSE TO TERRORIST THREATS.

It is the sense of Congress that the President should strengthen Federal interagency emergency planning by the Federal Emergency Management Agency and other appropriate Federal, State, and local agencies for development of a capability for early detection and warning of and response to—

(1) potential terrorist use of chemical or biological agents or weapons; and

(2) emergencies or natural disasters involving industrial chemicals or the widespread outbreak of disease.

SEC. 1705. AGREEMENTS TO PROVIDE SUPPORT TO VACCINATION PROGRAMS OF DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) **AGREEMENTS AUTHORIZED.**—The Secretary of Defense may enter into agreements with the Secretary of Health and Human Services to provide support for vaccination programs of the Secretary of Health and Human Services in the United States through use of the excess peacetime biological weapons defense capability of the Department of Defense.

(b) **REPORT.**—Not later than February 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of providing Department of Defense support for vaccination programs under subsection (a) and shall identify resource requirements that are not within the Department's capability.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1994".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	\$42,650,000
Alaska	Fort Wainwright	\$740,000
	Fort Richardson	\$10,000,000
Arizona	Fort Huachuca	\$8,850,000
California	Fort Irwin	\$5,900,000
Colorado	Fort Carson	\$4,050,000
	Fitzsimons Medical Center	\$4,400,000
Georgia	Fort Benning	\$37,650,000
	Fort Stewart	\$20,300,000
	Fort Gillem	\$2,600,000
Hawaii	Schofield Barracks	\$18,600,000
Kansas	Fort Riley	\$14,642,000
Kentucky	Fort Campbell	\$40,300,000
	Fort Knox	\$41,350,000
Maryland	Aberdeen Proving Ground	\$21,700,000
Missouri	Fort Leonard Wood	\$1,000,000
Nevada	Hawthorne Army Ammunition Plant	\$11,700,000
New Jersey	Fort Monmouth	\$7,500,000
	Picatinny Arsenal	\$10,500,000
New Mexico	White Sands Missile Range	\$6,200,000
New York	Fort Drum	\$2,950,000
	United States Military Academy, West Point	\$13,800,000
North Carolina	Fort Bragg	\$118,690,000
Oklahoma	Fort Sill	\$27,000,000
Pennsylvania	Tobyhanna Army Depot	\$750,000
South Carolina	Fort Jackson	\$2,700,000
Texas	Fort Bliss	\$29,600,000
	Fort Hood	\$56,500,000
	Fort Sam Houston	\$5,651,000
Utah	Dugway Proving Ground	\$16,500,000
	Tooele Army Depot	\$1,500,000
Virginia	Fort Belvoir	\$8,860,000
	Fort Lee	\$32,600,000
	Fort Myer	\$6,800,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Washington	Fort Lewis	\$14,200,000
CONUS Various	Classified Locations	\$1,852,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section

2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the location out-

side the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Kwajalein Atoll	Kwajalein	\$21,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units

(including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
California	Fort Irwin	220 units	\$25,000,000
Hawaii	Schofield Barracks	348 units	\$52,000,000
Maryland	Fort Meade	275 units	\$26,000,000
Nevada	Hawthorne Army Ammunition Plant	Demolition	\$500,000
New York	U.S. Military Academy, West Point	100 units	\$15,000,000
North Carolina	Fort Bragg	224 units	\$18,000,000
Wisconsin	Fort McCoy	16 units	\$2,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$11,805,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed \$77,630,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,378,919,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$650,585,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$21,200,000.

(3) For the construction of the Chemical Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2586), \$95,300,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$109,441,000.

(6) For military family housing functions: (A) For construction and acquisition of military family housing and facilities, \$228,885,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,110,108,000 of which not more than \$268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, \$151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 CONSTRUCTION PROJECT.—(1) The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2587) is amended by striking out the item relating to Tooele Army Depot, Utah.

(2) Section 2105(a) of such Act (106 Stat. 2588) is amended—

(A) by striking out "\$2,127,397,000" and inserting in lieu thereof "\$2,118,197,000"; and

(B) in paragraph (1), by striking out "\$338,860,000" and inserting in lieu thereof "\$329,660,000".

(b) FISCAL YEAR 1992 CONSTRUCTION PROJECTS.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1508) is amended—

(A) under the heading "NEW YORK", by striking out the item relating to Seneca Army Depot; and

(B) under the heading "VIRGINIA", by striking out the item relating to Vint Hill Farms Station.

(2) Section 2105(a) of such Act (105 Stat. 1511) is amended—

(A) by striking out "\$2,576,674,000" and inserting in lieu thereof "\$2,571,974,000"; and

(B) in paragraph (1), by striking out "\$718,829,000" and inserting in lieu thereof "\$714,129,000".

SEC. 2106. CONSTRUCTION OF CHEMICAL MUNITIONS DISPOSAL FACILITIES.

(a) LIMITATION ON CONSTRUCTION.—None of the amounts appropriated pursuant to the authorization of appropriations in section 2104(a) may be obligated for the construction of a new chemical munitions disposal facility at Anniston Army Depot, Alabama, until the Secretary of Defense submits a certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the Johnston Atoll Chemical Agent Disposal System has operated successfully for a period of six months, has met all required environmental and safety standards, and has proven to be operationally effective; and

(2) if the Secretary of the Army awards a construction contract for the chemical munitions disposal facility at Anniston Army Depot, Alabama, the Secretary of the Army will schedule the award of a construction contract for a chemical munitions disposal facility at another non-low-volume chemical weapons storage site in the continental United States during the same 12-month period in

which the construction contract for the facility at the Anniston Army Depot is awarded.

TITLE XXII—NAVY
SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section

2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Barstow Marine Corps Logistics Base	\$8,690,000
	Camp Pendleton Marine Corps Air Station	\$3,850,000
	Camp Pendleton Marine Corps Base	\$11,130,000
	Fallbrook Naval Weapons Station Annex	\$4,630,000
	Lemoore Naval Air Station	\$1,930,000
	San Diego Naval Hospital	\$2,700,000
	San Diego Fleet Industrial Supply Center	\$2,270,000
	San Diego Marine Corps Recruit Depot	\$1,130,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	\$7,900,000
Connecticut	New London Naval Submarine Base	\$40,940,000
	Washington, Commandant, Naval District	\$3,110,000
District of Columbia	Naval Research Laboratory	\$2,380,000
	Jacksonville Naval Air Station	\$14,420,000
Florida	Mayport Naval Station	\$3,260,000
	Pensacola Naval Air Station	\$6,420,000
Georgia	Albany Marine Corps Logistics Base	\$940,000
	Kings Bay Naval Submarine Base	\$10,920,000
	Kings Bay Trident Training Facility	\$3,870,000
Hawaii	Barbers Point Naval Air Station	\$2,700,000
	Honolulu, Naval Communications and Telecommunications Area Master Station, Eastern Pacific.	\$9,120,000
	Pearl Harbor Naval Inactive Ship Maintenance Facility	\$2,620,000
	Pearl Harbor Naval Submarine Base	\$54,140,000
	Pearl Harbor Public Works Center	\$27,540,000
	Pearl Harbor, Commander, Oceanographic System Pacific, Berthing Pier.	\$16,780,000
Indiana	Crane Naval Surface Warfare Center	\$9,600,000
Maine	Kittery Portsmouth Naval Shipyard	\$4,780,000
Maryland	Bethesda National Naval Medical Center	\$3,090,000
	Indian Head, Naval Surface Warfare Center	\$3,400,000
	Patuxent River Naval Air Warfare Center	\$9,300,000
Mississippi	Gulfport Naval Construction Battalion Center	\$4,400,000
Nevada	Fallon Naval Air Station	\$1,600,000
New Jersey	Earle Naval Weapons Station	\$2,580,000
North Carolina	Camp Lejeune Marine Corps Base	\$41,290,000
	Camp Lejeune Naval Hospital	\$2,370,000
	Cherry Point Marine Corps Air Station	\$7,500,000
Pennsylvania	Philadelphia Aviation Supply Office	\$1,900,000
	Philadelphia Naval Inactive Ship Maintenance Facility	\$8,660,000
	Philadelphia Naval Shipyard	\$13,500,000
Rhode Island	Newport Naval Education and Training Center	\$11,300,000
South Carolina	Beaufort Marine Corps Air Station	\$10,900,000
	Charleston Naval Weapons Station	\$580,000
Tennessee	Memphis Naval Air Station	\$1,450,000
Texas	Corpus Christi Naval Air Station	\$1,670,000
Virginia	Chesapeake, Marine Corps Security Battalion	\$5,380,000
	Craney Island Fleet and Industrial Supply Center Annex	\$11,740,000
	Norfolk, Commander, Operational Test and Evaluation Force	\$8,100,000
	Norfolk Naval Air Station	\$12,270,000
	Norfolk Public Works Center	\$5,330,000
	Oceana Naval Air Station	\$7,100,000
	Portsmouth, Norfolk Naval Shipyard	\$13,420,000
	Quantico, Combat Development Command	\$7,450,000
	Wallops Island, Naval Surface Warfare Center Detachment	\$10,170,000
	Bangor Naval Submarine Base	\$3,100,000
Washington	Everett Naval Station	\$34,000,000
	Keyport, Naval Undersea Warfare Center Division	\$8,980,000
Various Locations	Wastewater Collection and Treatment Facilities	\$3,260,000
	Land Acquisition	\$540,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section

2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations

and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	\$2,460,000
	Anderson Air Force Base Naval Air Facility	\$7,310,000
	Naval Station	\$14,520,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
	Fleet/Industrial Supply Center	\$21,200,000
	Public Works Center	\$7,230,000
Italy	Naples Naval Support Activity	\$11,740,000
	Sigonella Naval Air Station	\$3,460,000
Spain	Rota Naval Station	\$2,670,000
Various Locations	Host Nation Infrastructure Support	\$2,960,000
	Land Acquisition	\$800,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units

(including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	San Diego Navy Public Works Center	318 units	\$36,571,000
District of Columbia	Washington Navy Public Works Center ...	188 units	\$21,556,000
Florida	Pensacola Navy Public Works Center	Housing Self Help/Warehouse	\$300,000
Georgia	Kings Bay Naval Submarine Base	Housing Office/Self Help/Warehouse	\$790,000
Maine	Brunswick Naval Air Station	Mobile Home Spaces	\$490,000
Virginia	Norfolk, Naval Public Works Center/ Naval Amphibious Base Little Creek. Oceana Naval Air Station	392 units	\$50,674,000
		Community Center	\$860,000
Washington	Bangor Naval Submarine Base	290 units	\$27,438,000
	Whidbey Island, Naval Air Station	106 units	\$10,000,000
United Kingdom	London Naval Activities Support	81 units	\$15,470,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$22,924,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of \$183,135,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,858,505,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$514,100,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$74,350,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$64,373,000.

(5) For military family housing functions:
(A) For construction and acquisition of military family housing and facilities, \$370,208,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$819,974,000, of which not more than \$113,308,000 may be obli-

gated or expended for the leasing of military family housing units worldwide.

(6) For the construction of the large anechoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2590), \$10,000,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2589) is amended by striking out the items relating to the following installations:

(A) Mare Island Naval Shipyard, California.

(B) Miramar Naval Air Station, California.

(C) Cecil Field, Naval Air Station, Florida.

(D) Memphis, Naval Air Station, Tennessee.

(2) Section 2204(a) of such Act (106 Stat. 2592) is amended—

(A) by striking out “\$1,450,529,000” and inserting in lieu thereof “\$1,411,616,000”;

(B) in paragraph (1), by striking out “\$312,557,000” and inserting in lieu thereof “\$274,897,000”; and

(C) in paragraph (5)(B), by striking out “\$661,246,000” and inserting in lieu thereof “\$659,993,000”.

(b) FISCAL YEAR 1992 CONSTRUCTION PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1514) is amended—

(A) under the heading “ALASKA”, by striking out the item relating to Adak, Naval Security Group Activity;

(B) under the heading “CALIFORNIA”—

(i) by striking out the item relating to Concord, Naval Weapons Station; and
(ii) by striking out the item relating to Vallejo, Mare Island Naval Shipyard;

(C) under the heading “DISTRICT OF COLUMBIA”, in the item relating to Commandant Naval District Washington, by striking out “\$5,570,000” and inserting in lieu thereof “\$3,520,000”;

(D) under the heading “FLORIDA”—

(i) in the item relating to Orlando, Naval Training Center, by striking out “\$21,430,000” and inserting in lieu thereof “\$13,450,000”; and

(ii) by striking out the item relating to Pensacola, Naval Supply Center;

(E) under the heading “GEORGIA”, in the item relating to Kings Bay, Naval Submarine Base, by striking out “\$9,780,000” and inserting in lieu thereof “\$580,000”;

(F) under the heading “MARYLAND”, in the item relating to Annapolis, Naval Radio Transmitting Facility, by striking out “\$5,220,000” and inserting in lieu thereof “\$2,820,000”;

(G) under the heading “SOUTH CAROLINA”, by striking out the item relating to Charleston, Fleet and Mine Warfare Training Center;

(H) under the heading “VIRGINIA”, by striking out the item relating to Norfolk, Naval Station; and

(I) under the heading “WASHINGTON”, in the item relating to Whidbey Island, Naval Air Station, by striking out “\$6,800,000” and inserting in lieu thereof “\$3,451,000”.

(2) Section 2205(a) of such Act (105 Stat. 1518) is amended—

(A) by striking out “\$1,832,149,000” and inserting in lieu thereof “\$1,759,990,000”; and

(B) in paragraph (1), by striking out “\$739,859,000” and inserting in lieu thereof “\$667,700,000”.

(c) FISCAL YEAR 1991 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) Section

2201(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1763) is amended—

(A) under the heading "ALASKA", in the item relating to Amchitka, Fleet Surveillance Support Command, by striking out "\$31,000,000" and inserting in lieu thereof "\$25,344,000";

(B) under the heading "CALIFORNIA", by striking out the item relating to Point Mugu, Pacific Missile Test Center;

(C) under the heading "FLORIDA", in the item relating to Key West Naval Air Station, by striking out "\$7,030,000" and inserting in lieu thereof "\$4,020,000"; and

(D) under the heading "VIRGINIA", by striking out the item relating to Oceana, Naval Air Station.

(2) Section 2202(a) of such Act (104 Stat. 1767) is amended by striking out the item relating to Long Beach, Naval Station, California.

(3) Section 2205(a) of such Act (104 Stat. 1767), as amended by section 2209(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1520), is amended—

(A) by striking out "\$1,954,513,000" and inserting in lieu thereof "\$1,915,179,000";

(B) in paragraph (1), by striking out "\$900,092,000" and inserting in lieu thereof "\$885,686,000"; and

(C) in paragraph (7)(A), by striking out "\$174,827,000" and inserting in lieu thereof "\$149,899,000".

(d) FISCAL YEAR 1990 CONSTRUCTION AND FAMILY HOUSING PROJECTS; DEFENSE ACCESS ROADS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1621) is amended under the heading "NEW YORK", in the item relating to New York, Naval Station, by striking out "\$25,640,000" and inserting in lieu thereof "\$20,978,000".

(2) Section 2202(a) of such Act (103 Stat. 1626) is amended by striking out the item relating to El Toro, Marine Corps Air Station, California.

(3) Section 2204(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1627), as amended by section 2209(b)(3) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521), is amended—

(A) by striking out "\$1,939,375,000" and inserting in lieu thereof "\$1,917,613,000";

(B) in paragraph (1), by striking out "\$892,561,000" and inserting in lieu thereof "\$883,237,000";

(C) in paragraph (5), by striking out "\$5,810,000" and inserting in lieu thereof "\$2,810,000"; and

(D) in paragraph (6)(A), by striking out "\$191,290,000" and inserting in lieu thereof "\$177,190,000".

(e) FISCAL YEAR 1989 PROJECT.—(1) Section 2202(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2098), is amended in the item relating to Naval Station, Long Beach, California, by striking out "\$26,110,000" and inserting in lieu thereof "\$17,038,000".

(2) Section 2205(a) of such Act (102 Stat. 2099), as amended by section 2206(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2593), is amended—

(A) by striking out "\$2,361,555,000" and inserting in lieu thereof "\$2,352,483,000";

(B) in paragraph (6)(A), by striking out "\$250,770,000" and inserting in lieu thereof "\$241,698,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex	\$4,680,000
	Maxwell Air Force Base	\$16,170,000
Alaska	Eielson Air Force Base	\$13,300,000
	Elmendorf Air Force Base	\$33,305,000
	Cape Roman Air Force Station	\$3,350,000
	Fort Richardson	\$5,500,000
Arizona	Davis Monthan Air Force Base	\$6,150,000
	Luke Air Force Base	\$12,750,000
	Navajo Army Depot	\$7,250,000
	Little Rock Air Force Base	\$4,500,000
Arkansas	Beale Air Force Base	\$3,150,000
	Edwards Air Force Base	\$11,300,000
	McClellan Air Force Base	\$10,200,000
	Travis Air Force Base	\$19,140,000
California	Vandenberg Air Force Base	\$20,728,000
	Buckley Air National Guard Base	\$39,000,000
	Cheyenne Mountain Air Force Base	\$4,450,000
	Peterson Air Force Base	\$21,030,000
Colorado	United States Air Force Academy	\$11,680,000
	Dover Air Force Base	\$7,760,000
	Bolling Air Force Base	\$2,000,000
	Cape Canaveral Air Force Station	\$19,200,000
Delaware	Eglin Air Force Base	\$12,050,000
	Eglin Auxiliary Field No. 9	\$7,829,000
	Patrick Air Force Base	\$3,850,000
	Tyndall Air Force Base	\$2,600,000
District of Columbia	Moody Air Force Base	\$13,700,000
	Robins Air Force Base	\$43,370,000
Florida	Hickam Air Force Base	\$13,800,000
	Kaena Point	\$7,350,000
Georgia	Scott Air Force Base	\$7,450,000
	McConnell Air Force Base	\$1,900,000
Hawaii	Barksdale Air Force Base	\$13,860,000
	Andrews Air Force Base	\$17,990,000
Illinois	Columbus Air Force Base	\$2,900,000
	Keesler Air Force Base	\$8,710,000
Kansas	Whiteman Air Force Base	\$36,388,000
	Malmstrom Air Force Base	\$7,700,000
Louisiana	Offutt Air Force Base	\$11,000,000
	Nellis Air Force Base	\$10,100,000
Maryland	Cannon Air Force Base	\$11,915,000
	Holloman Air Force Base	\$11,100,000
Mississippi	Kirtland Air Force Base	\$35,061,000
	Pope Air Force Base	\$8,600,000
Missouri	Seymour Johnson Air Force Base	\$5,380,000
	Grand Forks Air Force Base	\$16,050,000
Montana	Minot Air Force Base	\$10,500,000
Nebraska		
Nevada		
New Mexico		
North Carolina		
North Dakota		

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Ohio	Wright-Patterson Air Force Base	\$44,680,000
Oklahoma	Altus Air Force Base	\$7,710,000
	Tinker Air Force Base	\$20,749,000
	Vance Air Force Base	\$11,000,000
South Carolina	Charleston Air Force Base	\$1,100,000
	Shaw Air Force Base	\$5,870,000
South Dakota	Ellsworth Air Force Base	\$6,830,000
Tennessee	Arnold Air Force Base	\$1,500,000
Texas	Brooks Air Force Base	\$8,400,000
	Dyess Air Force Base	\$15,590,000
	Goodfellow Air Force Base	\$3,700,000
	Kelly Air Force Base	\$27,481,000
	Lackland Air Force Base	\$30,093,000
	Laughlin Air Force Base	\$8,650,000
	Randolph Air Force Base	\$5,300,000
	Reese Air Force Base	\$900,000
	Sheppard Air Force Base	\$18,030,000
Utah	Hill Air Force Base	\$14,580,000
Virginia	Langley Air Force Base	\$12,450,000
Washington	Fairchild Air Force Base	\$3,500,000
	McChord Air Force Base	\$10,900,000
Wyoming	F. E. Warren Air Force Base	\$12,640,000
Various Locations	Classified	\$8,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section

2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the instal-

lations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Antigua Island	Antigua Air Station	\$1,000,000
Ascension Island	Ascension Auxiliary Air Field	\$3,400,000
Germany	Ramstein Air Base	\$3,100,000
Greenland	Thule Air Base	\$5,492,000
Indian Ocean	Diego Garcia Air Base	\$2,260,000
Turkey	Incirlik Air Base	\$2,400,000
United Kingdom	RAF Mildenhall	\$4,800,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may construct or acquire family housing

units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	55 units	\$4,080,000
Arkansas	Little Rock Air Force Base	Housing office/maintenance facility	\$980,000
California	Vandenberg Air Force Base	166 units	\$21,907,000
Florida	Patrick Air Force Base	155 units	\$15,388,000
	Tyndall Air Force Base	Infrastructure	\$5,732,000
Georgia	Robins Air Force Base	117 units	\$7,424,000
Louisiana	Barksdale Air Force Base	118 units	\$8,578,000
Massachusetts	Hanscom Air Force Base	48 units	\$5,135,000
Montana	Malmstrom Air Force Base	Housing office	\$581,000
Texas	Dyess Air Force Base	Housing maintenance facility	\$281,000
	Lackland Air Force Base	111 units	\$8,770,000
Virginia	Langley Air Force Base	Housing office	\$452,000
Washington	Fairchild Air Force Base	1 unit	\$184,000
Wyoming	F. E. Warren Air Force Base	104 units	\$10,572,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$11,901,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$75,070,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,040,031,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$877,539,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$22,452,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$6,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$63,180,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2594) for the construction of the climatic test chamber at Eglin Air Force Base, Florida, \$37,000,000.

(7) For phase II of the relocation and construction of up to 1,068 family housing units at Scott Air Force Base, Illinois, authorized by section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2596), \$10,000,000.

(8) For military family housing functions: (A) For construction and acquisition of military family housing and facilities, \$177,035,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$638,831,000 of which not more than \$118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595) is amended by striking out the item relating to March Air Force Base, California.

(2) Section 2303 of such Act (106 Stat. 2596) is amended by striking out "\$150,000,000" and inserting in lieu thereof "\$139,649,000".

(3) Section 2304(a) of such Act (106 Stat. 2596) is amended—

(A) by striking out "\$2,062,707,000" and inserting in lieu thereof "\$2,014,005,000"; and

(B) in paragraph (5)(A), by striking out "\$283,786,000" and inserting in lieu thereof "\$235,084,000".

(b) FISCAL YEAR 1992 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended—

(A) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(B) under the heading "NEW YORK"—

(i) in the item relating to Griffiss Air Force Base, by striking out "\$2,700,000" and inserting in lieu thereof "\$1,200,000"; and

(ii) in the item relating to Plattsburgh Air Force Base, by striking out "\$9,040,000" and inserting in lieu thereof "\$960,000".

(2) Section 2303 of such Act (105 Stat. 1525) is amended by striking out "\$141,236,000" and inserting in lieu thereof "\$134,836,000".

(3) Section 2305(a) of such Act (105 Stat. 1525), as amended by section 2308(a)(2) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2598), is amended—

(A) by striking out "\$2,054,713,000" and inserting in lieu thereof "\$2,033,833,000";

(B) in paragraph (1), by striking out "\$744,380,000" and inserting in lieu thereof "\$729,900,000"; and

(C) in paragraph (8)(A), by striking out "\$161,538,000" and inserting in lieu thereof "\$155,138,000".

(c) FISCAL YEAR 1991 CONSTRUCTION PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended—

(A) under the heading "CALIFORNIA", by striking out the item relating to March Air Force Base;

(B) under the heading "FLORIDA"—

(i) by striking out the item relating to Avon Park Range; and

(ii) in the item relating to Homestead Air Force Base, by striking out "\$7,900,000" and inserting in lieu thereof "\$2,400,000";

(C) under the heading "IDAHO", by striking out the item relating to Mountain Home Air Force Base;

(D) under the heading "MAINE", by striking out the item relating to Bangor Air National Guard Base; and

(E) under the heading "NEW YORK", by striking out the item relating to Griffiss Air Force Base.

(2) Section 2304(a) of such Act (104 Stat. 1773), as amended by section 2308(b)(3) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2598) and section 2310(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1527), is amended—

(A) by striking out "\$1,905,075,000" and inserting in lieu thereof "\$1,891,005,000"; and

(B) in paragraph (1), by striking out "\$724,855,000" and inserting in lieu thereof "\$710,785,000".

(d) FISCAL YEAR 1990 CONSTRUCTION PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1630) is amended—

(A) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(B) under the heading "OHIO", in the item relating to Newark Air Force Base, by striking out "\$2,980,000" and inserting in lieu thereof "\$2,300,000".

(2) Section 2304(a) of such Act (103 Stat. 1636), as amended by section 2310(b)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1528) and section 2306(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1774) is amended—

(A) by striking out "the total amount" and all that follows through "as follows:" and inserting in lieu thereof "the total amount of \$2,057,118,000, as follows:"; and

(B) in paragraph (1), by striking out "section 2301(a)" and all that follows through the period and inserting in lieu thereof "section 2301(a), \$809,316,000".

SEC. 2306. RELOCATION OF AIR FORCE ACTIVITIES FROM SIERRA ARMY DEPOT, CALIFORNIA, TO BEALE AIR FORCE BASE, CALIFORNIA.

(a) STUDENT DORMITORY.—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, \$3,650,000."; and

(2) by striking out "Beale Air Force Base, \$6,300,000." and inserting in lieu thereof the following: "Beale Air Force Base, \$9,950,000".

(b) MUNITION MAINTENANCE FACILITY.—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, \$2,700,000."; and

(2) by striking out "Beale Air Force Base, \$2,250,000." and inserting in lieu thereof the following: "Beale Air Force Base, \$4,950,000".

SEC. 2307. COMBAT ARMS TRAINING AND MAINTENANCE FACILITY RELOCATION FROM WHEELER AIR FORCE BASE, HAWAII, TO UNITED STATES ARMY SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1770) is amended in the matter under the heading "HAWAII"—

(1) by striking out "Wheeler Air Force Base, \$3,500,000." and inserting in lieu thereof the following: "Wheeler Air Force Base, \$2,100,000."; and

(2) by inserting after the item relating to Hickam Air Force Base the following new item:

"United States Army Schofield Barracks Open Range, \$1,400,000".

SEC. 2308. AUTHORITY TO TRANSFER FUNDS AS PART OF THE IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) TRANSFER AUTHORITY.—The Secretary of the Air Force may transfer to the Flood Control District of Maricopa County, Arizona (in this section referred to as the "District"), funds appropriated for fiscal years beginning after September 30, 1993, for a project, authorized in section 2301(a), to widen and make other improvements to Dysart Channel. Such improvements may include the construction of necessary detention basins and other features that are needed to prevent flooding of Luke Air Force Base, Arizona.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the District only for the purpose of conducting the project described in such subsection.

(c) CONDITIONS ON TRANSFER.—Funds may not be transferred pursuant to subsection (a) until after the date on which the Secretary and the District enter into an agreement that addresses cost sharing for the widening and other improvements to be made to Dysart Channel and such other matters associated with the project as the Secretary considers to be appropriate.

(d) LIMITATION ON AIR FORCE COST SHARE.—The Air Force share of the costs of the project described in subsection (a) may not exceed the lesser of—

(1) 50 percent of the total project cost; or

(2) \$6,000,000.

(e) CONSIDERATION.—As consideration for the financial assistance provided pursuant to subsection (a), the District shall convey to the United States all right, title, and interest of the District in and to the real property, if any, acquired by the District in widening Dysart Channel and making the other improvements, such as detention basins as referred to in subsection (a).

SEC. 2309. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL CONSTRUCTION FOR LACKLAND AIR FORCE BASE, TEXAS.

(a) **TRANSFER AUTHORITY.**—Subject to subsection (b), the Secretary of the Air Force may transfer to the Lackland Independent School District, Texas, not more than \$8,000,000 of the funds appropriated by the Military Construction Appropriations Act, 1993 (Public Law 102-380; 106 Stat. 1366), pursuant to the authorization of appropriations in section 2304(a)(1) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2596) for military construction relating to Lackland Air Force Base, Texas, as authorized in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993.

(b) **USE OF FUNDS.**—All funds transferred pursuant to subsection (a) shall be used by the Lackland Independent School District to pay for the design and construction of a new secondary school, the renovation of an elementary school, and the design and construction of a new kindergarten and special education facility.

SEC. 2310. TRANSFER OF FUNDS FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) **TRANSFER REQUIRED.**—The Secretary of the Air Force shall transfer to the County of St. Clair, Illinois (in this section referred to as the "County"), all funds made available for the construction of military family housing at Scott Air Force Base, Illinois, as authorized in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595).

(b) **USE OF FUNDS.**—All funds transferred pursuant to subsection (a) shall be used by the County for the construction, at a location acceptable to the Secretary, of a family housing complex to replace the Cardinal Creek Housing Complex at Scott Air Force Base.

SEC. 2311. INCREASE IN AUTHORIZED UNIT COST FOR CERTAIN FAMILY HOUSING, RANDOLPH AIR FORCE BASE, TEXAS.

Section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991

Defense Agencies: Inside the United States

(Public Law 101-189; 103 Stat. 1635) is amended in the item relating to Randolph Air Force Base, Texas, by striking out "\$78,000" and inserting in lieu thereof "\$95,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1) and, in the case of the project described in section 2403(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, Fairbanks, Alaska	\$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California	\$630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii	\$2,250,000
	Defense Construction Supply Center, Columbia, Ohio	\$3,100,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	\$1,700,000
	Defense General Supply Center, Richmond, Virginia	\$17,000,000
	Fort Belvoir, Virginia	\$5,200,000
Defense Medical Facility Office	Cannon Air Force Base, New Mexico	\$13,600,000
	Edwards Air Force Base, California	\$1,700,000
	Ellsworth Air Force Base, South Dakota	\$1,400,000
	Fairchild Air Force Base, Washington	\$8,250,000
	Fort Detrick, Maryland	\$4,300,000
	Fort Eustis, Virginia	\$3,650,000
	Fort Sam Houston, Texas	\$4,800,000
	Grand Forks Air Force Base, North Dakota	\$860,000
	Marine Corps Air Station, Yuma, Arizona	\$6,000,000
	Naval Education Training Center, Rhode Island	\$4,000,000
Offutt Air Force Base, Nebraska	\$1,100,000	
National Security Agency	Fort Meade, Maryland	\$58,630,000
Office Secretary of Defense	CONUS Classified	\$5,600,000
Section 6 Schools	Camp Lejeune, North Carolina	\$1,793,000
	Fort Bragg, North Carolina	\$8,838,000
	Fort Campbell, Kentucky	\$13,182,000
	Fort Knox, Kentucky	\$7,707,000
	Fort McClellan, Alabama	\$2,798,000
	Fort Polk, Louisiana	\$4,950,000
	Quantico Marine Corps Base, Virginia	\$422,000
Robins Air Force Base, Georgia	\$3,160,000	
Special Operations Force	Eglin Auxiliary Field No. 9, Florida	\$19,582,000
	Fort Campbell, Kentucky	\$6,950,000
	Fort Bragg, North Carolina	\$38,450,000
	Little Creek Naval Amphibious Base, Virginia	\$7,500,000
	Olmstead Field, Pennsylvania	\$1,300,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section

2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations

and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Diego Garcia	\$9,558,000
Office Secretary of Defense	Classified location	\$10,755,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$3,268,394,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$266,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$20,313,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4035), \$50,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1640), \$20,000,000.

(5) For military construction projects at Walter Reed Institute of Research, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$15,000,000.

(6) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$37,000,000.

(7) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$35,000,000.

(8) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$5,000,000.

(9) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$21,658,000.

(10) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$12,200,000.

(11) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, \$42,405,000.

(12) For energy conservation projects authorized by section 2402, \$50,000,000.

(13) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base

Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), \$12,830,000.

(14) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note):

(A) For military installations approved for closure or realignment in 1991, \$1,526,310,000.

(B) For military installations approved for closure or realignment in 1993, \$1,144,000,000.

(15) For military family housing functions (including functions described in section 2833 of title 10, United States Code), \$27,496,000, of which not more than \$22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) \$17,720,000 (the balance of the amount authorized under section 2401(a) for the construction of a supercomputer facility at Fort Meade, Maryland).

SEC. 2404. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) **FISCAL YEAR 1992 CONSTRUCTION PROJECTS.**—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1528) is amended by striking out the following items:

(1) Under the heading "DEFENSE LOGISTICS AGENCY", the item relating to Dayton Defense Electronics Supply Station, Ohio.

(2) Under the heading "DEFENSE MEDICAL FACILITIES OFFICE", the items relating to—

(A) Homestead Air Force Base, Florida; and

(B) Dallas Naval Air Station, Texas.

(b) **CONFORMING AMENDMENTS.**—Section 2404 of such Act (105 Stat. 1531) is amended—

(1) in subsection (a)—

(A) by striking out "\$1,680,940,000" and inserting in lieu thereof "\$1,665,440,000"; and

(B) by striking out "\$434,500,000" in paragraph (1) and inserting in lieu thereof "\$419,000,000"; and

(2) in subsection (c)—

(A) by inserting "and" in paragraph (1) after the semicolon;

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of \$140,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$283,483,000; and

(B) for the Army Reserve, \$101,433,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$25,013,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$236,341,000; and

(B) for the Air Force Reserve, \$73,927,000.

SEC. 2602. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) **FISCAL YEAR 1993 AUTHORIZATIONS.**—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) is amended—

(1) in paragraph (2), by striking out "\$17,200,000" and inserting in lieu thereof "\$10,700,000"; and

(2) in paragraph (3)(B), by striking out "\$36,580,000" and inserting in lieu thereof "\$34,880,000".

(b) **FISCAL YEAR 1992 AUTHORIZATION.**—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1534) is amended by striking out "\$56,900,000" and inserting in lieu thereof "\$31,800,000".

(c) **FISCAL YEAR 1991 AUTHORIZATIONS.**—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1781) is amended—

(1) in paragraph (2), by striking out "\$80,307,000" and inserting in lieu thereof "\$78,667,000";

(2) in paragraph (3)(A), as amended by section 2602(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), by striking out "\$176,290,000" and inserting in lieu thereof "\$171,090,000"; and

(3) in paragraph (3)(B), as amended by section 2602(a)(3) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535) and section 2602(c) of the Military Construction Authorization Act for Fiscal Year 1993

(division B of Public Law 102-484; 106 Stat. 2602), by striking out "(B)" and all that follows through the period and inserting in lieu thereof "(B) for the Air Force Reserve, \$32,350,000".

(d) FISCAL YEAR 1990 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645) is amended—

(1) in paragraph (2), by striking out "\$56,600,000" and inserting in lieu thereof "\$54,250,000"; and

(2) in paragraph (3)(A), as amended by section 2602(b)(1) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), by striking out "\$195,628,000" and inserting in lieu thereof "\$195,088,000".

SEC. 2603. UNITED STATES ARMY RESERVE COMMAND HEADQUARTERS FACILITY.

(a) PROJECT AUTHORIZED.—Using amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(B), and other amounts appropriated pursuant to authorizations enacted after this Act for this project, the Secretary of the Army may construct at Fort McPherson, Georgia, a headquarters facility for the United States Army Reserve Command and may contract for architectural and engineering services and construction design services in connection with such construction project.

(b) LIMITATION ON TOTAL COST OF PROJECT.—The cost of the construction project authorized by subsection (a) may not exceed \$36,400,000.

(c) MULTIYEAR CONTRACT AUTHORIZED.—In order to carry out the construction project

authorized in subsection (a), the Secretary may enter into a multiyear contract in advance of appropriations therefor.

(d) FUNDING.—Of the amount authorized to be appropriated pursuant to section 2601(1)(B), \$15,000,000 shall be available to carry out the project authorized by subsection (a).

SEC. 2604. LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.

Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total amount of all projects carried out under section 2601(1)(B) may not exceed the total amount authorized to be appropriated under such section and \$21,400,000 (the balance of the amount authorized for the construction of a command headquarters facility at Fort McPherson, Georgia).

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

- (1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510, 104 Stat. 1782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Falcon Air Force Base	Satellite Control Certification Facility	\$1,450,000
Missouri	Fort Leonard Wood	Child Development Center	\$3,050,000
Virginia	Fort Myer	Child Development Center	\$2,150,000

[Title XXVII—Expiration and Extension]

Navy: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Connecticut	New London Naval Submarine Base	Thames River Dredging	\$5,300,000

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Clear Air Force Station	Alter Dormitory (Phase II)	\$5,000,000
	King Salmon Airport	Vehicle Refuel Maintenance Shop	\$2,500,000
California	Sierra Army Depot	Dormitory	\$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	\$4,550,000
	United States Air Force Academy	Consolidated Education & Training Facility	\$15,000,000
Hawaii	Hickam Air Force Base	Dormitory	\$6,100,000
	Wheeler Air Force Base	Combat Arms Training & Maintenance Facility	\$1,400,000

Air Force: Extension of 1991 Project Authorizations—Continued

State	Installation or location	Project	Amount
Oklahoma	Tinker Air Force Base	AWACS Aircraft Fire Protection	\$2,750,000
Texas	Dyess Air Force Base	Corrosion Control Facility	\$4,100,000
Utah	Hill Air Force Base	Depot Warehouse	\$16,000,000

Defense Agencies: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	\$9,500,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645), authorizations for the projects set forth in

the table in subsection (b), as provided in section 2301 of that Act (103 Stat. 1631) and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-

484; 106 Stat. 2604), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation	Project	Amount
Colorado	Lowry Air Force Base	Computer operations facility	\$15,500,000
		Logistics support facility	\$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 1993; and
- (2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MILITARY FAMILY HOUSING LEASING PROGRAMS.

(a) LEASES IN UNITED STATES, PUERTO RICO, OR GUAM.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) At the beginning of each fiscal year, the Secretary concerned shall adjust the maximum lease amount provided for under paragraphs (2) and (3) for the previous fiscal year by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.”

(b) LEASES IN FOREIGN COUNTRIES.—Subsection (e) of such section is amended—

(1) in the first sentence of paragraph (1), by striking out “as adjusted for foreign currency fluctuation from October 1, 1987.” and inserting in lieu thereof “, except that 300 units may be leased in foreign countries for not more than \$25,000 per unit per year.”;

(2) in the second sentence of paragraph (1), by striking out “That maximum lease amount” and inserting in lieu thereof “These maximum lease amounts”; and

(3) by redesignating paragraph (2) as paragraph (4); and

(4) by inserting after paragraph (1) the following new paragraphs:

“(2) In addition to the 300 units of family housing referred to in paragraph (1) for which the maximum lease amount is \$25,000 per unit per year, the Secretary of the Navy may lease not more than 2,000 units of family housing in Italy subject to that maximum lease amount.

“(3) The Secretary concerned shall adjust the maximum lease amounts provided for under paragraphs (1) and (2) for the previous fiscal year—

“(A) for foreign currency fluctuations from October 1, 1987; and

“(B) at the beginning of each fiscal year, by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.”

SEC. 2802. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

(a) AVAILABILITY OF PROCEEDS FOR CERTAIN CONSTRUCTION PROJECTS.—Subsection (b) of section 2483 of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following new paragraph:

“(2) Subject to the availability of appropriations for this purpose, proceeds credited under paragraph (1) may be used to carry out military construction projects under the energy performance plan developed by the Secretary of Defense under section 2865(a) of this title, including minor military construction projects authorized under section

2805 of this title that are designed to increase energy conservation.”

(b) NOTIFICATION REGARDING PROJECTS.—Such section is further amended by adding at the end the following new subsection:

“(c) Before carrying out a military construction project described in subsection (b) using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of the project, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress.”

SEC. 2803. AUTHORITY FOR MILITARY DEPARTMENTS TO PARTICIPATE IN WATER CONSERVATION PROGRAMS.

(a) AUTHORITY.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2866. Water conservation at military installations

“(a) WATER CONSERVATION ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by a utility for the management of water demand or for water conservation.

“(2) The Secretary of Defense may authorize a military installation to accept a financial incentive (including an agreement to reduce the amount of a future water bill), goods, or services generally available from a utility, for the purpose of adopting technologies and practices that—

"(A) relate to the management of water demand or to water conservation; and

"(B) as determined by the Secretary, are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into an agreement with a utility to design and implement a cost-effective program that provides incentives for the management of water demand and for water conservation and that addresses the requirements and circumstances of the installation. Activities under the program may include the provision of water management services, the alteration of a facility, and the installation and maintenance by the utility of a water-saving device or technology.

"(4)(A) If an agreement under paragraph (3) provides for a utility to pay in advance the financing costs for the design or implementation of a program referred to in that paragraph and for such advance payment to be repaid by the United States, the cost of such advance payment may be recovered by the utility under terms that are not less favorable than the terms applicable to the most favored customer of the utility.

"(B) Subject to the availability of appropriations, a repayment of an advance payment under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to a water-saving device or technology installed at a military installation pursuant to the agreement shall vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

"(b) USE OF WATER COST SAVINGS.—Water cost savings realized under this section shall be used as provided in section 2865(b)(2) of this title.

"(c) WATER CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for water conservation, not previously authorized, using funds appropriated or otherwise made available to the Secretary for water conservation.

"(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services and Appropriations of the Senate and House of Representatives of that decision. Such project may be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2866. Water conservation at military installations."

SEC. 2804. CLARIFICATION OF ENERGY CONSERVATION MEASURES FOR THE DEPARTMENT OF DEFENSE.

(a) ENERGY EFFICIENT MAINTENANCE.—Subsection (a) of section 2865 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ", including energy efficient maintenance," after "conservation measures"; and

(2) by adding at the end the following new paragraph:

"(4) In paragraph (3), the term 'energy efficient maintenance' includes—

"(A) the repair by replacement of equipment or systems, such as lighting, heating,

or cooling equipment or systems or industrial processes, with technology that—

"(i) will achieve the most cost-effective energy savings over the life-cycle of the equipment or system being repaired; and

"(ii) will meet the same end needs as the equipment or system being repaired; and

"(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in reduced costs through energy savings."

(b) USE OF SAVINGS AND USE OF PROCEEDS FROM ELECTRICITY SALES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "The Secretary shall provide that two-thirds" and inserting in lieu thereof "Two-thirds"; and

(B) by striking out "for any fiscal year beginning after fiscal year 1990"; and

(2) in paragraph (2), by striking out "(2) The amount" and all that follows through "the Secretary of Defense," and inserting in lieu thereof the following:

"(2) The Secretary shall provide that the amount that remains available for obligation under paragraph (1) and section 2866(b) of this title, and the funds made available under section 2483(b)(2) of this title, shall be used as follows:

"(A) One-half of the amount shall be used for the implementation of additional energy conservation measures and for water conservation activities at such buildings, facilities, or installations of the Department of Defense as may be designated (in accordance with regulations prescribed by the Secretary of Defense) by the head of the department, agency, or instrumentality that realized the savings referred to in paragraph (1) or in section 2866(b) of this title."

(c) COVERED UTILITIES.—Subsection (d)(1) of such section is amended by adding before the period the following: "or by any utility for water conservation activities".

SEC. 2805. AUTHORITY TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) ACQUISITION AUTHORITY.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2813. Acquisition of existing facilities in lieu of authorized construction

"(a) ACQUISITION AUTHORITY.—Using funds appropriated for a military construction project authorized by law for a military installation, the Secretary of the military department concerned may acquire an existing facility (including the real property on which the facility is located) at or near the military installation instead of carrying out the authorized military construction project if the Secretary determines that—

"(1) the acquisition of the facility satisfies the requirements of the military department concerned for the authorized military construction project; and

"(2) it is in the best interests of the United States to acquire the facility instead of carrying out the authorized military construction project.

"(b) MODIFICATION OR CONVERSION OF ACQUIRED FACILITY.—(1) As part of the acquisition of an existing facility under subsection (a), the Secretary of the military department concerned may carry out such modifications, repairs, or conversions of the facility as the Secretary considers to be necessary so that the facility satisfies the requirements for which the military construction project was authorized.

"(2) The costs of anticipated modifications, repairs, or conversions under paragraph (1)

are required to remain within the authorized amount of the military construction project. The Secretary concerned shall consider such costs in determining whether the acquisition of an existing facility is—

"(A) more cost effective than carrying out the authorized military construction project; and

"(B) in the best interests of the United States.

"(c) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the acquisition of a facility under subsection (a) until the end of the 30-day period beginning on the date the Secretary concerned transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a written notification of the determination to acquire an existing facility instead of carrying out the authorized military construction project. The notification shall include the reasons for acquiring the facility."

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2813. Acquisition of existing facilities in lieu of authorized construction."

(b) APPLICABILITY OF SECTION.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to military construction projects authorized on or after the date of the enactment of this Act.

SEC. 2806. CLARIFICATION OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS.

Section 2834(b) of title 10, United States Code, is amended to read as follows:

"(b) The maximum lease amounts specified in section 2828(e)(1) of this title for the rental of family housing in foreign countries shall not apply to housing made available to the Department of Defense under this section. To the extent that the lease amount for units of housing made available under this subsection exceeds such maximum lease amounts, such units shall not be counted in applying the limitation contained in such section on the number of units of family housing for which the Secretary concerned may waive such maximum lease amounts."

SEC. 2807. EXTENSION OF AUTHORITY TO LEASE REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Section 2680(d) of title 10, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995."

(b) EXTENSION OF REPORTING REQUIREMENT.—Section 2863(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2680 note) is amended by striking out "March 1, 1993, and March 1, 1994," and inserting in lieu thereof "March 1 of each of the years 1994, 1995, and 1996."

Subtitle B—Land Transactions Generally
SEC. 2811. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Broward County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—The County shall provide the United States with consideration for

the real property conveyed under subsection (a) that is equal to at least the fair market value of the property conveyed. The County shall provide consideration by one of the following methods, to be selected by the Secretary:

(1) Constructing (or paying the costs of constructing) at a location selected by the Secretary within Broward County, Florida, a suitable facility to replace the improvements conveyed under subsection (a).

(2) Paying to the United States an amount equal to the fair market value of the real property conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONSTRUCTION.—If the County constructs (or pays the costs of constructing) a replacement facility under subsection (b)(1), the County shall pay to the United States the amount, if any, by which the fair market value of the property conveyed under subsection (a) exceeds the fair market value of the replacement facility.

(d) REPLACEMENT FACILITY.—If the County pays the fair market value of the real property under subsection (b)(2) as consideration for the conveyance authorized under subsection (a), the Secretary shall use the amount paid by the County to construct a suitable facility to replace the improvements conveyed under subsection (a).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit in the account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) any amount paid to the United States under this section that is not used for the purpose of constructing a replacement facility under subsection (d).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the improvements, if any, constructed under subsection (b)(1). Such determination shall be final.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2812. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property included on the real property inventory of Naval Air Station Oceana in Virginia Beach, Virginia, and consisting of approximately 3.5 acres. As part of the conveyance of such parcel, the Secretary shall grant the City an easement on such additional acreage as may be necessary to provide adequate ingress and egress to the parcel.

(b) CONSIDERATION.—As consideration for the conveyance and easement under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed and the fair market value of the easement to be granted. The Secretary shall determine the fair market value of the property and easement, and such determination shall be final.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be

subject to the condition that the City may use the property conveyed only for the following purposes:

(1) The maintenance, repair, storage, and berthing of erosion control and beach replenishment equipment and materiel, including a dredge.

(2) The berthing of police boats.

(3) The provision of operational and administrative personnel space related to the purposes specified in paragraphs (1) and (2).

(d) REVERSION.—All right, title, and interest of the City in and to the property conveyed under subsection (a) (including any improvements thereon) and the easement granted under such subsection shall revert to the United States, and the United States shall have the right of immediate reentry on the property, if the Secretary determines—

(1) at any time, that the property conveyed under subsection (a) is not being used for the purposes specified in subsection (c); or

(2) at the end of the 10-year period beginning on the date of the conveyance, that no significant improvements associated with the purposes specified in subsection (c) have been constructed on the property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) and the easement to be granted under such subsection shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance and easement under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2813. LAND CONVEYANCE, CRANEY ISLAND FUEL DEPOT, NAVAL SUPPLY CENTER, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the City of Portsmouth, Virginia, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 135.7 acres, including improvements thereon, comprising a portion of the Craney Island Fuel Depot, Naval Supply Center, Norfolk, Virginia. However, the parcel of real property to be conveyed under this section shall not include sites 3 and 12, as defined in Item 6 of the General Lease No. LO-267 N62470-89-RP-00156 between the City and the United States, dated December 15, 1992.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "City" means the City of Portsmouth, Virginia.

(2) The term "Craney Island parcel" means the real property described in subsection (a) that is required to be conveyed under this section.

(3) The term "sites 3 and 12" means the parcels specifically excluded by subsection (a) from the conveyance.

(c) CONDITIONS OF CONVEYANCE.—(1) The City shall accept conveyance of the Craney Island parcel under subsection (a) as a potentially responsible party with respect to such parcel pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental law or regulation with respect to—

(A) the Craney Island parcel; or
(B) sites 3 and 12.

(d) CONSIDERATION.—As consideration for the conveyance of the Craney Island parcel under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the Craney Island parcel. Using normal and customary procedures for determining the fair market value of real property, the Secretary shall determine the fair market value of the Craney Island parcel in consultation with the City Manager of the City. Such determination shall be final.

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit amounts received as consideration for the conveyance under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the Craney Island parcel and sites 3 and 12 shall be determined by a survey satisfactory to the Secretary and the City Manager of the City. The cost of each survey shall be borne by the City.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of the Craney Island parcel as the Secretary considers appropriate to protect the interests of the United States and are agreed to by the City.

SEC. 2814. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Peck Iron and Metal Company, Inc. (in this section referred to as "Peck"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.45 acres, including improvements thereon, located in Portsmouth, Virginia, that, on the date of the enactment of this Act, is leased to Peck pursuant to Department of the Navy lease N62470-91-RP-00261, effective August 1, 1991.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Peck shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) DEPOSIT OF PROCEEDS.—The Secretary shall deposit in the special account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) the amount received from Peck under subsection (b).

(d) CONDITIONS OF CONVEYANCE.—(1) The conveyance authorized by subsection (a) shall be subject to the condition that Peck accept conveyance of the property as a potentially responsible party with respect to the property pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental law or regulation with respect to the property conveyed under subsection (a).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Peck.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2815. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Middletown, Iowa (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 127 acres at the Iowa Army Ammunition Plant, Iowa.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine the fair market value of the property, and such determination shall be final.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2816. LAND CONVEYANCE, RADAR BOMB SCORING SITE, CONRAD, MONTANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Conrad, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 42 acres located in Conrad, Montana, which has served as the location of a support complex, recreational facilities, and family housing for the Radar Bomb Scoring Site, Conrad, Montana, together with any improvements thereon.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with subsection (b) all right, title, and interest in and to the property conveyed pursuant to such subsection, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2817. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Railway shall pay to the United States an amount equal to the fair market value of the conveyed property, as determined by the Secretary.

(c) USE AND DEPOSIT OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2818. LAND CONVEYANCE, FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) CONVEYANCE AUTHORIZED.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may convey all right, title, and interest of the United States in and to the property to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana and held to be exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to main-

tain the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions in connection with the conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of the enactment of this Act.

SEC. 2819. LAND ACQUISITION, NAVY LARGE CAVIATION CHANNEL, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including improvements thereon, consisting of approximately 88 acres and located on President's Island, Memphis, Tennessee, the site of the Navy Large Cavitation Channel.

(b) COST OF ACQUISITION.—In acquiring the real property authorized to be acquired under subsection (a), the Secretary shall pay no more than the fair market value of the property, as determined by an appraisal satisfactory to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) SOURCE OF FUNDS FOR ACQUISITION.—Funds for the acquisition of the real property authorized to be acquired under subsection (a) shall be available to the Secretary as provided in section 264.

SEC. 2820. RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release the reversionary interest of the United States in and to approximately 6.89 acres of real property, including improvements thereon, containing the Old Spanish Trail Armory in Harris County, Texas. The United States acquired the reversionary interest by virtue of a quitclaim deed dated June 18, 1936.

(b) CONDITION.—The Secretary may effectuate the release authorized in subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in

subsection (a), a parcel of real property that—

(1) is at least equal in value to the real property referred to in subsection (a), and

(2) beginning on the date on which the State first obtains the new parcel of real property, is subject to the same restrictions and covenants with respect to the United States as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) **LEGAL DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary.

SEC. 2821. GRANT OF EASEMENT, WEST LOCH BRANCH, NAVAL MAGAZINE LUALUALEI, HAWAII.

(a) **IN GENERAL.**—The Secretary of the Navy may grant to the City and County of Honolulu, Hawaii (in this section referred to as "Honolulu"), an easement on a parcel of real property consisting of not more than approximately 70 acres and located at West Loch Branch, Naval Magazine Lualualei, Hawaii. The purpose of the easement is to permit Honolulu to carry out drainage activities on such real property, and for other public purposes (as determined by the Secretary).

(b) **CONSIDERATION.**—(1) As consideration for the grant of an easement to Honolulu under subsection (a), Honolulu shall pay to the United States an amount equal to the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from Honolulu, in lieu of payment under paragraph (1), such improvements (including road, fencing, property security, and other improvements) to West Loch Branch, Naval Magazine Lualualei, Hawaii, as the Secretary determines to be equal in fair market value to the easement granted under subsection (a).

(c) **USE OF PROCEEDS.**—The Secretary shall utilize any funds paid to the United States under subsection (b)(1) for the construction of improvements referred to in subsection (b)(2).

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by Honolulu.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. REVIEW OF PROPOSED LAND EXCHANGE, FORT SHERIDAN, ILLINOIS, AND ARLINGTON COUNTY, VIRGINIA.

(a) **REVIEW REQUIRED.**—The Secretary of Defense shall review a proposed exchange of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, located at Fort Sheridan, Illinois, for a parcel of real property, consisting of approximately 7.1 acres, located in Arlington County, Virginia, and commonly known as the "Twin Bridges" parcel. The review shall include an evaluation of the use of the "Twin Bridges" parcel for the location of the National Museum of the United States Army, which is proposed to be constructed and operated on the parcel using only donated funds.

(b) **REPORT.**—Not later than September 24, 1993, the Secretary shall submit to Congress a report describing the results of the review required under subsection (a).

Subtitle C—Changes to Existing Land Transaction Authority

SEC. 2831. MODIFICATION OF LAND CONVEYANCE, NEW LONDON, CONNECTICUT.

(a) **CONVEYANCE WITHOUT CONSIDERATION.**—Subsection (a) of section 2841 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1557) is amended by inserting after "convey" the following: ", without consideration."

(b) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (b), by striking out paragraph (4);

(2) by striking out subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2832. MODIFICATION OF TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) **CONSIDERATION.**—Subsection (b) of section 2846 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2623) is amended by striking out "aggregate" and all that follows through "subsection (a)(2)" and inserting in lieu thereof "lesser of the cost of expanding the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in accordance with subsection (c)(1), or \$3,000,000".

(b) **USE OF FUNDS.**—Subsection (c) of such section is amended—

(1) by striking out paragraph (2);

(2) in paragraph (1)—

(A) by striking out "(A)";

(B) by striking out "subparagraph (B)" and inserting in lieu thereof "paragraph (2)"; and

(C) by redesignating subparagraph (B) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(c) **LEASEBACK OF FACILITIES.**—Such section is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) **LEASEBACK OF FACILITIES.**—The Secretary may lease from the Institute, at fair market rental value, the facilities referred to in subsection (a)(2) after the sale of such facilities referred to in that subsection. The term of such lease may not exceed 2 years."

SEC. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) **EXPANSION OF LEASE AUTHORITY.**—Paragraph (1) of subsection (b) of section 2834 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2614) is amended by striking out "not more than 195 acres of real property" and all that follows through the period and inserting in lieu thereof "those portions of the Naval Supply Center, Oakland, California, that the Secretary determines to be available for lease."

(b) **CONSIDERATION.**—Paragraph (2) of such subsection is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) be for nominal consideration."

(c) **CONFORMING AMENDMENTS.**—Such subsection is further amended—

(1) in paragraph (2)(B), by striking out "shall";

(2) by striking out paragraphs (3), (4), and (5); and

(3) by redesignating paragraph (6) as paragraph (3).

SEC. 2834. EXPANSION OF LAND TRANSACTION AUTHORITY INVOLVING HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1790) is amended by adding at the end the following new paragraph:

"(3) In lieu of entering into a lease under paragraph (1), the Secretary may convey the property described in such paragraph to the City (or a local reuse organization approved by the City) for such consideration and under such terms as the Secretary considers appropriate."

Subtitle D—Land Transactions Involving Utilities

SEC. 2841. CONVEYANCE OF NATURAL GAS DISTRIBUTION SYSTEM, FORT BELVOIR, VIRGINIA.

(a) **AUTHORITY TO CONVEY.**—(1) The Secretary of the Army may convey to the Washington Gas Company, Virginia (in this section referred to as "Washington Gas Company"), all right, title, and interest of the United States in and to the natural gas distribution system described in paragraph (2).

(2) The natural distribution gas system referred to in paragraph (1) is the natural gas distribution system located at Fort Belvoir, Virginia, consisting of approximately 15.6 miles of natural gas distribution lines and the equipment, fixtures, structures, and other improvements owned and utilized by the Federal Government at Fort Belvoir in order to provide natural gas to and distribute natural gas at Fort Belvoir. The natural gas distribution system does not include any real property.

(b) **RELATED EASEMENTS.**—The Secretary may grant to Washington Gas Company the following easements relating to the conveyance of the natural gas distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to provide access to the natural gas distribution system for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the natural gas distribution system.

(c) **REQUIREMENT RELATING TO CONVEYANCE.**—The Secretary may not carry out the conveyance of the natural gas distribution system authorized in subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) **CONDITIONS.**—The conveyance of the natural gas distribution system authorized by subsection (a) is subject to the following conditions:

(1) That Washington Gas Company provide natural gas to and distribute natural gas at Fort Belvoir at a rate that is no less favorable than the rate Washington Gas Company would charge a public or private consumer of natural gas similar to Fort Belvoir for the provision and distribution of natural gas.

(2) That Washington Gas Company maintain, repair, conduct safety inspections, and conduct leak test surveys required for the natural gas distribution system.

(3) That Washington Gas Company, at no cost to the Federal Government, expand and

upgrade the natural gas distribution system as necessary to meet the increasing needs of Fort Belvoir for natural gas that will result from conversion, to the extent anticipated by the Secretary at the time of conveyance, of oil-burning utilities at Fort Belvoir to natural gas-burning utilities.

(4) That Washington Gas Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing natural gas to Fort Belvoir through the natural gas distribution system.

(5) That Washington Gas Company not commence any expansion of the natural gas distribution system without approval of such expansion by the commander of Fort Belvoir.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Washington Gas Company in accordance with subsection (d) is at least equal to the fair market value of the natural gas distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Washington Gas Company is not complying with the conditions set forth in subsection (d), all right, title, and interest of Washington Gas Company in and to the natural gas distribution system conveyed pursuant to subsection (a), including improvements thereto and any modifications made to the system by Washington Gas Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate possession, including the right to operate the system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment, fixtures, structures, and improvements to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Washington Gas Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. CONVEYANCE OF WATER DISTRIBUTION SYSTEM, FORT LEE, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the American Water Company, Virginia (in this section referred to as "American Water Company"), all right, title, and interest of the United States in and to the water distribution system described in paragraph (2).

(2) The water distribution system described in paragraph (1) is the water distribution system located at Fort Lee, Virginia, consisting of approximately 7 miles of transmission lines, 85 miles of distribution and service lines, fire hydrants, elevated storage tanks, pumping stations, and other improvements, owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Lee. The water distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to American Water Company the following easements relating to the conveyance of the water distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and American Water Company jointly

determine are necessary in order to provide for access by American Water Company to the water distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and American Water Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized by subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the water distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That American Water Company provide water to and distribute water at Fort Lee at a rate that is no less favorable than the rate American Water Company would charge a public or private consumer of water similar to Fort Lee for the provision and distribution of water.

(2) That American Water Company maintain, repair, and conduct safety inspections of the water distribution system.

(3) That American Water Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing water at Fort Lee through the water distribution system.

(4) That American Water Company not commence any expansion of the water distribution system without approval of such expansion by the commander of Fort Lee.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by American Water Company in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that American Water Company is not complying with the conditions specified in subsection (d), all right, title, and interest of American Water Company in and to the water distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by American Water Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the immediate right of possession, including the right to operate the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the water distribution system to be conveyed pursuant to subsection (a), including any easements granted with respect to such system under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by American Water Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. CONVEYANCE OF WASTE WATER TREATMENT FACILITY, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon, located at Fort Pickett, Virginia.

(b) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town design and carry out such expansion or improvement of the waste water treatment facility as the Secretary and the Town jointly determine necessary in order to ensure operation of the facility in compliance with all applicable Federal and State environmental laws (including any permit or license requirements).

(2) That the Town operate the waste water treatment facility in compliance with such laws.

(3) That the Town provide disposal services, waste water treatment services, and other related services to Fort Pickett at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Fort Pickett for the provision of such services.

(4) That the Town reserve 75 percent of the operating capacity of the waste water treatment facility for use by the Army in the event that such use is necessitated by a realignment or change in the operations of Fort Pickett.

(5) That the Town accept liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for any environmental restoration or remediation required at the facility by reason of the provision of waste water treatment services at the facility to entities other than the Army.

(c) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (b) is at least equal to the fair market value of the waste water treatment facility conveyed pursuant to subsection (a).

(d) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (b), all right, title, and interest of the Town in and to the real property (including the waste water treatment system) conveyed under subsection (a), including any improvements thereto and any modifications made to the system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the waste water treatment system.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(f) ENVIRONMENTAL COMPLIANCE.—(1) The Town shall be responsible for compliance with all applicable environmental laws and regulations, including any permit or license requirements, relating to the real property (and any facilities thereon) conveyed under subsection (a). The Town shall also be responsible for executing and constructing environmental improvements to the plant as required by applicable law.

(2) The Secretary, subject to the availability of appropriated funds for this purpose,

and the Town shall share future environmental compliance costs based on a pro rata share of reserved plant capacity, as determined by the Secretary.

(3) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the real property conveyed under this section before carrying out the conveyance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. CONVEYANCE OF WATER DISTRIBUTION SYSTEM AND RESERVOIR, STEWART ARMY SUBPOST, NEW YORK.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of New Windsor, New York (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at the Stewart Army Subpost, New York:

(A) A parcel of real property consisting of approximately 7 acres, including a reservoir and improvements thereon, the site of the Stewart Army Subpost water distribution system.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are owned and utilized by the Federal Government in order to provide water to and distribute water at Stewart Army Subpost.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of such subsection for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not carry out the conveyance of the water distribution system authorized in subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(2) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(d) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town provide water to and distribute water at Stewart Army Subpost at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Stewart Army Subpost for the provision and distribution of water.

(2) That the Town operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(3) That the Town not commence any expansion of the water distribution system without approval of such expansion by the commander of Stewart Army Subpost.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (d), all right, title, and interest of the Town in and to the property (including the water distribution system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the water distribution system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence, shall be borne by the Town.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) and the easements granted under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. CONVEYANCE OF ELECTRIC POWER DISTRIBUTION SYSTEM, NAVAL AIR STATION, ALAMEDA, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Navy may convey to the Bureau of Electricity of the City of Alameda, California (in this section referred to as the "Bureau"), all right, title, and interest of the United States in and to the electric power distribution system described in paragraph (2). The actual conveyance of the system shall be subject to negotiation by and approval of the Secretary.

(2) The electric power distribution system referred to in paragraph (1) is the electric power distribution system located at the Naval Air Station, Alameda, California, including such utility easements and right of ways as the Secretary and the Bureau consider to be necessary or appropriate to provide for ingress to and egress from the electric power distribution system.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electric power distribution system authorized by subsection (a) unless the Bureau agrees to accept the system in its existing condition at the time of the conveyance.

(c) CONDITIONS.—The conveyance of the electric power distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That the Bureau provide electric power to the Naval Air Station at a rate that is no less favorable than the rate the Bureau would charge a public or private consumer of electricity similar to the Naval Air Station

for the provision and distribution of electricity.

(2) That the Bureau comply with all applicable environmental laws and regulations, including any permit or license requirements, in providing and distributing electricity at the Naval Air Station through the electric power distribution system.

(3) That the Bureau not commence any expansion of the electric power distribution system without the approval of the expansion by the Secretary.

(4) That the Bureau assume the responsibility for ownership, operation, maintenance, repair, and safety inspections for the electric power distribution system.

(d) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Navy of the actions taken by the Bureau in accordance with subsection (c) is at least equal to the fair market value of the electric power distribution system conveyed pursuant to subsection (a).

(e) REVERSION.—If the Secretary determines at any time that the Bureau is not complying with the conditions specified in subsection (c), all right, title, and interest of the Bureau in and to the electric power distribution system conveyed pursuant to subsection (a), including any improvements or modifications to the system, shall revert to the United States and the United States shall have the right of immediate access to the system, including the right to operate the system.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the electric power distribution system to be conveyed pursuant to subsection (a), including any easements granted as part of the conveyance, shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by the Bureau.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement as part of the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Jersey Central Power and Light Company, New Jersey (in this section referred to as "Jersey Central"), all right, title, and interest of the United States in and to the electricity distribution system described in paragraph (2).

(2) The electricity distribution system referred to in paragraph (1) is the electricity distribution system located at Fort Dix, New Jersey, consisting of approximately 145.6 miles of electricity distribution lines, as well as electricity poles, transformers, electricity substations, and other electricity distribution improvements owned and utilized by the Federal Government in order to provide electricity to and distribute electricity at Fort Dix. The electricity distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Jersey Central the following easements relating to the conveyance of the electricity distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Jersey Central jointly determine are necessary in order to provide for the access by Jersey Central to the electricity distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Jersey Central jointly determine are necessary in order to satisfy the requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the electricity distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electricity distribution system authorized by subsection (a) unless Jersey Central agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the electricity distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That Jersey Central provide electricity to and distribute electricity at Fort Dix at a rate that is no less favorable than the rate Jersey Central would charge a public or private consumer of electricity similar to Fort Dix for the provision and distribution of electricity.

(2) That Jersey Central carry out safety upgrades to permit the distribution system to carry electricity at up to 13,800 volts.

(3) That Jersey Central improve the electricity distribution system by installing additional lightning protection devices in such a manner as to permit the installation of air conditioning in family housing units.

(4) That Jersey Central maintain and repair, and conduct safety inspections and power factor surveys, of the electricity distribution system.

(5) That Jersey Central comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing electricity at Fort Dix through the electricity distribution system.

(6) That Jersey Central not commence any expansion of the electricity distribution system without approval of such expansion by the commander of Fort Dix.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Jersey Central in accordance with subsection (d) is at least equal to the fair market value of the electricity distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Jersey Central is not complying with the conditions specified in subsection (d), all right, title, and interest of Jersey Central in and to the electrical distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by Jersey Central after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right to operate the electricity distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the electricity distribution system to be conveyed pursuant to subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Jersey Central.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the

grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. LEASE AND JOINT USE OF CERTAIN REAL PROPERTY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to Tri-Cities Municipal Water District, a special governmental district of the State of California (in the section referred to as the "District"), such interests in real property located on, under, and within the northern portion of the Marine Corps Base, Camp Pendleton, California, as the Secretary determines to be necessary for the District to develop, operate, and maintain water extraction and distribution facilities for the mutual benefit of the District and Camp Pendleton. The lease may be for a period of up to 50 years, or such additional period as the Secretary determines to be in the interests of the United States.

(b) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the District shall—

(1) construct, operate, and maintain such improvements as are necessary to fully develop the potential of the lower San Mateo Water Basin for sustained yield and storage of imported water for the joint benefit of the District and Camp Pendleton;

(2) assume operating and maintenance responsibilities for the existing water extraction, storage, distribution, and related infrastructure within the northern portion of Camp Pendleton; and

(3) pay to the United States, in the form of cash or additional services, an amount equal to the amount, if any, by which the fair market value of the real property interests leased under subsection (a) exceeds the fair market value of the services provided under paragraphs (1) and (2).

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall establish a system of accounts to establish the relative costs and benefits accruing to the District and the United States under the lease under subsection (a) and to ensure that the United States receives at least fair market value for such lease, as determined by an independent appraisal acceptable to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. CONVEYANCE OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LAND-OWNERS.

(a) EXERCISE OF AUTHORITY BY ADMINISTRATOR OF GSA.—Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out "Secretary of the Air Force" and inserting in lieu thereof "Administrator of General Services";

(2) in subsection (c), by striking out "Secretary" and inserting in lieu thereof "Administrator";

(3) in subsection (e)—

(A) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Secretary of the Air Force"; and

(B) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Administrator"; and

(4) in subsection (f), by striking out "Secretary" and inserting in lieu thereof "Administrator".

(b) ELIGIBLE LANDS.—Subsection (a)(2) of such section is amended by striking out sub-

paragraph (D) and inserting in lieu thereof the following new subparagraph:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners."

(c) DISPOSITION.—Subsection (b) of such section is amended to read as follows:

"(b)(1)(A) Whenever the interest of the United States in a tract of real property or easement referred to in subsection (a) is available for disposition under this section, the Administrator shall transmit a notice of the availability of the real property or easement to each person described in subsection (a)(2)(D)(i) who owns lands adjacent to that real property or easement.

"(B) The Administrator shall convey, for fair market value, the interest of the United States in a tract of land referred to in subsection (a), or in any easement in connection with such a tract of land, to any person or persons described in subsection (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest.

"(2)(A) In the case of a tract of real property referred to in subsection (a) that is surrounded by adjacent lands that are owned separately by two or more owners, the Administrator shall dispose of that tract of real property in accordance with this paragraph. In disposing of the real property, the Administrator shall satisfy the requirements specified in paragraph (1) regarding notice to owners, sale at fair market value, and the determination of the qualifications of the purchaser.

"(B) The Administrator shall dispose of such a tract of real property through a sealed bid competitive sale. The Administrator shall afford an opportunity to compete to acquire the interest of the United States in the real property to all of the persons described in subsection (a)(2)(D)(i) who own lands adjacent to that real property. The Administrator shall restrict to these persons the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to subparagraph (D), the Administrator shall convey the interest of the United States in the tract of real property to the highest bidder.

"(D) If all of the bids received by the Administrator in the sealed bid competitive sale of the tract of real property are less than the fair market value of the real property, the Administrator shall dispose of the real property in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)."

SEC. 2852. PROHIBITION ON USE OF FUNDS FOR PLANNING AND DESIGN OF DEPARTMENT OF DEFENSE VACCINE PRODUCTION FACILITY.

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1994 may be obligated for architectural and engineering services or for construction design in connection with the Department of Defense vaccine production facility.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the congressional defense committees a report containing a complete explanation of the necessity for constructing within the United States a Department of Defense facility for the production of vaccine for the Department of Defense.

SEC. 2853. GRANT RELATING TO ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL, FORT BELVOIR, VIRGINIA.

(a) **GRANT AUTHORIZED.**—The Secretary of the Army may make a grant to the Fairfax County School Board, Virginia, in order to assist the School Board in constructing a public elementary school facility, to be owned and operated by the School Board, in the vicinity of Fort Belvoir, Virginia.

(b) **CAPACITY REQUIREMENT.**—The school facility constructed with the grant made under subsection (a) shall be sufficient (as determined by the Secretary) to accommodate the dependents of members of the Armed Forces assigned to duty at Fort Belvoir and the dependents of employees of the Department of Defense employed at Fort Belvoir.

(c) **MAXIMUM AMOUNT OF GRANT.**—The amount of the grant under this section may not exceed \$8,000,000.

(d) **REQUIREMENTS RELATING TO CONSTRUCTION OF SCHOOL.**—(1) The Fairfax County School Board shall establish the design and function specifications applicable to the elementary school facility constructed with the grant made under this section.

(2) The Fairfax County School Board shall be responsible for soliciting bids and awarding contracts for the construction of the school facility and shall undertake responsibility for the timely construction of the school facility under such contracts.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require any additional terms and conditions in connection with the grant authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 percent of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available."

SEC. 2855. FLOOD CONTROL PROJECT FOR COYOTE AND BERRYESSA CREEKS, CALIFORNIA.

(a) **COYOTE AND BERRYESSA CREEKS, SANTA CLARA COUNTY, CALIFORNIA.**—The Secretary of the Army is directed to construct a flood control project for Coyote and Berryessa Creeks in Santa Clara County, California, using amounts appropriated for civil works activities of the Corps of Engineers for fiscal year 1994.

(b) **MAXIMUM COST REQUIREMENT.**—Section 902 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4183) shall not apply with respect to the project described in subsection (a).

SEC. 2856. RESTRICTIONS ON LAND TRANSFERS RELATING TO THE PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

The Secretary of Defense (or the Secretary of the Army as the designee of the Secretary of Defense) may not transfer any parcel of real property (or any improvement thereon) located at the Presidio of San Francisco,

California, from the jurisdiction and control of the Department of the Army to the jurisdiction and control of the Department of the Interior unless and until—

(1) the Secretary of the Army determines that the parcel proposed for transfer is excess to the needs of the Army; and

(2) the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report describing the terms and conditions—

(A) under which transfers of real property at the Presidio will take place; and

(B) under which the Army will continue to use facilities at the Presidio after such transfers.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Subtitle A—Base Closure Community Assistance

SEC. 2901. FINDINGS.

Congress makes the following findings:

(1) The closure and realignment of military installations within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A military installation is a significant source of employment for many communities, and the closure or realignment of an installation may cause economic hardship for such communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as a result of the closure or realignment of a military installation.

(4) It is in the interest of the United States that the Federal Government assist communities that experience adverse economic circumstances as a result of the closure of military installations by working with such communities to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner or of otherwise revitalizing such communities and the economies of such communities.

(5) The Federal Government may best identify and implement such means by requiring that the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization and redevelopment of such an installation, designate for each installation to be closed an individual in such department or agency who shall provide information and assistance to the transition coordinator for the installation designated under section 2915 on the assistance, programs, or other activities of such department or agency with respect to the closure or reutilization and redevelopment of the installation.

(6) The Federal Government may also provide such assistance by accelerating environmental restoration at military installations to be closed, and by closing such installations, in a manner that best ensures the beneficial reutilization and redevelopment of such installations by such communities.

(7) The Federal Government may best contribute to such reutilization and redevelopment by making available real and personal property at military installations to be closed to communities affected by such closures on a timely basis, and, if appropriate, at less than fair market value.

SEC. 2902. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) **CLOSURES UNDER 1988 ACT.**—(1) Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(A) in paragraph (2)(E), by striking out "paragraphs (3) and (4)" and inserting in lieu thereof "paragraphs (3) through (6)";

(B) by redesignating paragraph (4) as paragraph (7); and

(C) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph (3):

"(3)(A) Not later than 6 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary, in consultation with the redevelopment authority with respect to each military installation to be closed under this title after such date of enactment, shall—

"(i) inventory the personal property located at the installation; and

"(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

"(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

"(i) the local government in whose jurisdiction the installation is wholly located; or

"(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

"(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (i) with respect to an installation referred to in that clause until the earlier of—

"(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

"(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

"(III) twenty-four months after the date referred to in subparagraph (A); or

"(IV) ninety days before the date of the closure of the installation.

"(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this title as follows:

"(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

"(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this title to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(E) This paragraph shall not apply to any related personal property located at an installation to be closed under this title if the property—

"(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

"(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

"(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

"(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

"(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

"(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States."

(2) Section 204(b)(7)(A)(ii) of such Act, as redesignated by paragraph (1)(B), is amended by striking out "paragraph (3)" and inserting in lieu thereof "paragraphs (3) through (6)".

(b) CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in paragraph (2)(A), by inserting "and paragraphs (3), (4), (5), and (6)" after "Subject to subparagraph (C)"; and

(2) by adding at the end the following:

"(3)(A) Not later than 6 months after the date of approval of the closure of a military installation under this part, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

"(i) inventory the personal property located at the installation; and

"(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

"(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

"(i) the local government in whose jurisdiction the installation is wholly located; or

"(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

"(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (ii) with respect to an installation referred to in that clause until the earlier of—

"(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

"(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

"(III) twenty-four months after the date of approval of the closure of the installation; or

"(IV) ninety days before the date of the closure of the installation.

"(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this part as follows:

"(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

"(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this part to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(E) This paragraph shall not apply to any personal property located at an installation to be closed under this part if the property—

"(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

"(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

"(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

"(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

"(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

"(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States."

(c) APPLICABILITY.—For the purposes of section 2905(b)(3) of the Defense Base Closure and Realignment Act of 1990, as added by subsection (b), the date of approval of closure of any installation approved for closure before the date of the enactment of this Act shall be deemed to be the date of the enactment of this Act.

SEC. 2903. AUTHORITY TO TRANSFER PROPERTY AT CLOSED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

(a) AUTHORITY UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as amended by section 2902(a), is further amended by adding after paragraph (3), as so added, the following:

"(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this title to the redevelopment authority with respect to the installation.

"(B)(i)(I) Except as provided in clause (ii), the transfer of property under subparagraph (A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

"(II) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this

paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (1) or (2)).

"(ii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this title will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iii) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer personal property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States."

(b) AUTHORITY UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2902(b), is further amended by adding at the end the following:

"(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this part to the redevelopment authority with respect to the installation.

"(B)(i)(I) Except as provided in clause (ii), the transfer of property under subparagraph (A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the

estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

"(II) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (1) or (2)).

"(ii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this part will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iii) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States."

(c) CONSIDERATION OF ECONOMIC NEEDS.—In order to maximize the local and regional benefit from the reutilization and redevelopment of military installations that are closed, or approved for closure, pursuant to the operation of a base closure law, the Secretary of Defense shall consider locally and regionally delineated economic development needs and priorities into the process by which the Secretary disposes of real property and personal property as part of the closure of a military installation under a base clo-

sure law. In determining such needs and priorities, the Secretary shall take into account the redevelopment plan developed for the military installation involved. The Secretary shall ensure that the needs of the homeless in the communities affected by the closure of such installations are taken into consideration in the redevelopment plan with respect to such installations.

(d) COOPERATION.—The Secretary of Defense shall cooperate with the State in which a military installation referred to in subsection (c) is located, with the redevelopment authority with respect to the installation, and with local governments and other interested persons in communities located near the installation in implementing the entire process of disposal of the real property and personal property at the installation.

SEC. 2904. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) DETERMINATIONS UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as amended by section 2903(a), is further amended by adding after paragraph (4), as so added, the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed under this title after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, or will accept transfer of any portion of such installation, are made not later than 6 months after such date of enactment.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation."

(b) DETERMINATIONS UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2903(b), is further amended by adding at the end the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation."

(c) APPLICABILITY.—The Secretary of Defense shall make the determinations re-

quired under section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990, as added by subsection (b), in the case of installations approved for closure under such Act before the date of the enactment of this Act, not later than 6 months after the date of the enactment of this Act.

SEC. 2905. AVAILABILITY OF PROPERTY FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as amended by section 2904(a), is further amended by adding after paragraph (5), as so added, the following:

"(6)(A) Except as provided in this paragraph, nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to military installations closed under this title.

"(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this title, the Secretary shall—

"(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

"(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

"(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

"(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

"(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

"(ii) notify the Secretary of Defense of the buildings and property that are so identified;

"(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

"(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

"(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

"(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

"(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

"(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human

Services in accordance with section 501(e)(2) of such Act; and

“(iii) the Secretary of Health and Human Services—

“(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

“(II) approves the application under section 501(e) of such Act.

“(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

“(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

“(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

“(III) In the case of building and property for which such application is so received, if the Secretary of Health and Human Services rejects the application under section 501(e) of such Act.

“(i) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

“(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

“(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

“(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

“(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

“(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not be available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

“(ii) If a redevelopment authority does not express an interest in the use of building or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.”

(b) AVAILABILITY OF PROPERTY UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2904(b), is further amended by adding at the end the following:

“(6)(A) Except as provided in this paragraph, nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to military installations closed under this part.

“(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this part, the Secretary shall—

“(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

“(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

“(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

“(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

“(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

“(ii) notify the Secretary of Defense of the buildings and property that are so identified;

“(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

“(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

“(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

“(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

“(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

“(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act; and

“(iii) the Secretary of Health and Human Services—

“(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

“(II) approves the application under section 501(e) of such Act.

“(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

“(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

“(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

“(III) In the case of building and property for which such application is so received, if the Secretary of Health and Human Services rejects the application under section 501(e) of such Act.

“(i) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

“(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

“(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

“(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

“(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

“(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not be available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

“(ii) If a redevelopment authority does not express an interest in the use of building or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.”

SEC. 2906. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—Subsection (f) of section 2667 of title 10, United States Code, is amended to read as follows:

“(f)(1) Notwithstanding subsection (a)(3), pending the final disposition of real property and personal property located at a military installation to be closed or realigned under a base closure law, the Secretary of the military department concerned may lease the property to any individual or entity under this subsection if the Secretary determines that such a lease would facilitate State or local economic adjustment efforts.

“(2) Notwithstanding subsection (b)(4), the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease interest if the Secretary concerned determines that—

“(A) a public interest will be served as a result of the lease; and

“(B) the fair market value of the lease is (i) unobtainable, or (ii) not compatible with such public benefit.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental condition of the property proposed for leasing is such that the lease of the property is advisable. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph."

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'base closure law' means each of the following:

"(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(3) Section 2687 of this title."

SEC. 2907. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as amended by section 2902(a)(1)(B), is further amended by adding at the end the following:

"(8)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government."

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2905(b) of this Act, is further amended by adding at the end the following:

"(7)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days

before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government."

SEC. 2908. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS PAYING THE COST OF ENVIRONMENTAL RESTORATION ACTIVITIES ON THE PROPERTY.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this title that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42

U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994."

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this part that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42

U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994."

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe any regulations necessary to carry out subsection (d) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (e) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by subsection (b).

SEC. 2909. SENSE OF CONGRESS ON AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense take all actions that the Secretary determines practicable to make available the military equipment referred to in subsection (b) to communities suffering significant adverse economic circumstances as a result of the closure of military installations.

(b) COVERED EQUIPMENT.—The equipment referred to in subsection (a) is surplus military equipment that—

(1) is scheduled for retirement or disposal as a result of reductions in the size of the Armed Forces or the closure or realignment of a military installation under a base closure law;

(2) is important (as determined by the Secretary) to the economic development efforts of the communities referred to in subsection (a); and

(3) has no other military uses (as so determined).

SEC. 2910. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The identification by the Secretary of Defense required under section 120(h)(4)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)(A)), and the concurrence required under section 120(h)(4)(B) of such Act, shall be made not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation concerned of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date specified in section 120(h)(4)(C)(iii) of such Act.

SEC. 2911. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

Not later than 12 months after the date of the submittal to the Secretary of Defense of a redevelopment plan for an installation approved for closure under a base closure law, the Secretary of Defense shall, to the extent practicable, complete any environmental impact analyses required with respect to the installation, and with respect to the redevelopment plan, if any, for the installation, pursuant to the base closure law under which

the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 2912. PREFERENCE FOR LOCAL AND SMALL BUSINESSES.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities as part of the closure or realignment of a military installation under a base closure law, the Secretary of Defense shall give preference, to the greatest extent practicable, to qualified businesses located in the vicinity of the installation and to small business concerns and small disadvantaged business concerns. Contracts for which this preference shall be given shall include contracts to carry out activities for the environmental restoration and mitigation at military installations to be closed or realigned.

(b) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern meeting the requirements of section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "small disadvantaged business concern" means the business concerns referred to in section 637(d)(1) of such Act (15 U.S.C. 637(d)(1)).

(3) The term "base closure law" includes section 2687 of title 10, United States Code.

SEC. 2913. CONSIDERATION OF APPLICATIONS OF AFFECTED STATES AND COMMUNITIES FOR ASSISTANCE.

Section 2391(b) of title 10, United States Code, is amended by adding at the end the following:

"(6) To the extent practicable, the Secretary of Defense shall inform a State or local government applying for assistance under this subsection of the approval or rejection by the Secretary of the application for such assistance as follows:

"(A) Before the end of the 7-day period beginning on the date on which the Secretary receives the application, in the case of an application for a planning grant.

"(B) Before the end of the 30-day period beginning on such date, in the case of an application for assistance to carry out a community adjustments and economic diversifications program.

"(7)(A) In attempting to complete consideration of applications within the time period specified in paragraph (6), the Secretary of Defense shall give priority to those applications requesting assistance for a community described in subsection (f)(1).

"(B) If an application under paragraph (6) is rejected by the Secretary, the Secretary shall promptly inform the State or local government of the reasons for the rejection of the application."

SEC. 2914. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2700) may be utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

SEC. 2915. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for

each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for an installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of the installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for the closure of the installation that take into account the goals set forth in the redevelopment plan for the installation;

(5) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to the transferability of property at the installation under section 204(b)(5) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as added by section 2904(a) of this Act, and under section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by section 2904(b) of this Act, as the case may be;

(7) assist the local redevelopment authority with respect to the installation in identifying real property or personal property at the installation that may have significant potential for reuse or redevelopment in accordance with the redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of assistance under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying property located at the installation that may be leased in a manner consistent with the redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real property or personal property at the installation that may be utilized to meet the needs of the homeless by consulting with the Secretary of Housing and Urban Development and the local lead agency of the homeless, if any, referred to in section 210(b) of

the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

SEC. 2916. SENSE OF CONGRESS ON SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

It is the sense of Congress that the Secretary of Defense conduct seminars for each community in which is located military a installation to be closed under a base closure law. Any such seminar shall—

(1) be conducted within 6 months after the date of approval of closure of the installation concerned;

(2) address the various Federal programs for the reuse and redevelopment of installation; and

(3) provide information about employment assistance (including employment assistance under Federal programs) available to members of such communities.

SEC. 2917. FEASIBILITY STUDY ON ASSISTING LOCAL COMMUNITIES AFFECTED BY THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) **STUDY.**—The Secretary of Defense shall conduct a study to determine the feasibility of assisting local communities recovering from the adverse economic impact of the closure or major realignment of a military installation under a base closure law by reserving for grants to the communities under section 2391(b) of title 10, United States Code, an amount equal to not less than 10 percent of the total projected savings to be realized by the Department of Defense in the first 10 years after the closure or major realignment of the installation as a result of the closure or realignment.

(b) **REPORT.**—Not later than March 1, 1994, the Secretary shall submit to Congress a report containing the results of the study required by this subsection. The report shall include—

(1) an estimate of the amount of the projected savings described in subsection (a) to be realized by the Department of Defense as a result of each base closure or major realignment approved before the date of the enactment of this Act; and

(2) a recommendation regarding the funding sources within the budget for the Department of Defense from which amounts for the grants described in subsection (a) could be derived.

SEC. 2918. DEFINITIONS.

(a) **SUBTITLE A OF TITLE XXIX.**—In this subtitle:

(1) The term "base closure law" means the following:

(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(3) The term "redevelopment authority", in the case of an installation to be closed under a base closure law, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

(4) The term "redevelopment plan", in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.

(b) **BASE CLOSURE ACT 1988.**—Section 209 of Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(10) The term 'redevelopment authority', in the case of an installation to be closed under this title, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

"(11) The term 'redevelopment plan' in the case of an installation to be closed under this title, means a plan that—

"(A) is agreed to by the redevelopment authority with respect to the installation; and

"(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse or redevelopment as a result of the closure of the installation."

(c) **BASE CLOSURE ACT 1990.**—Section 2910 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(8) The term 'date of approval', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.

"(9) The term 'redevelopment authority', in the case of an installation to be closed under this part, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

"(10) The term 'redevelopment plan' in the case of an installation to be closed under this part, means a plan that—

"(A) is agreed to by the local redevelopment authority with respect to the installation; and

"(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation."

Subtitle B—Other Matters

SEC. 2921. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.

(a) **BASE CLOSURES UNDER 1988 ACT.**—Section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(7) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under this title shall be deposited directly into the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)."

(b) **BASE CLOSURES UNDER 1990 ACT.**—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note)."; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note)."

(c) **TECHNICAL CORRECTION.**—Paragraphs (2) and (3) of section 2906(c) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) are each amended by striking out "after the termination of the Commission" and inserting in lieu thereof "after the termination of the authority of the Secretary to carry out a closure or realignment under this part".

SEC. 2922. LIMITATION ON EXPENDITURE OF FUNDS FROM THE DEFENSE BASE CLOSURE ACCOUNT 1990 FOR MILITARY CONSTRUCTION IN SUPPORT OF TRANSFERS OF FUNCTIONS.

(a) **LIMITATION.**—If the Secretary of Defense recommends to the Defense Base Closure and Realignment Commission pursuant to section 2903(c) of the 1990 base closure Act that an installation be closed or realigned, the Secretary identifies in documents submitted to the Commission one or more installations to which a function performed at the recommended installation would be transferred, and the recommended installation is closed or realigned pursuant to such Act, then, except as provided in subsection (b), funds in the Defense Base Closure Account 1990 may not be used for military construction in support of the transfer of that function to any installation other than an installation so identified in such documents.

(b) **EXCEPTION.**—The limitation in subsection (a) ceases to be applicable to military construction in support of the transfer of a function to an installation on the 60th day following the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a notification of the proposed transfer that—

(1) identifies the installation to which the function is to be transferred; and

(2) includes the justification for the transfer to such installation.

(c) **DEFINITIONS.**—In this section:

(1) The term "1990 base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "Defense Base Closure Account 1990" means the account established under section 2906 of the 1990 base closure Act.

SEC. 2923. MODIFICATION OF REQUIREMENT FOR REPORTS ON ACTIVITIES UNDER THE DEFENSE BASE CLOSURE ACCOUNT 1990.

Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

- (1) by inserting "(A)" after "(1)"; and
- (2) by adding at the end the following:

"(B) The report for a fiscal year shall include the following:

 - "(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.
 - "(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.
 - "(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.
 - "(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—
 - "(I) any failure to carry out military construction projects that were so proposed; and
 - "(II) any expenditures for military construction projects that were not so proposed."

SEC. 2924. RESIDUAL VALUE OF OVERSEAS INSTALLATIONS BEING CLOSED.

(a) ANNUAL REPORTS.—Section 1304(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 113 note) is amended—

- (1) in paragraph (1), by inserting "by installation" after "basing plan";
- (2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) both—

 - "(A) the status of negotiations, if any, between the United States and the host government as to (i) United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and (ii) any claims of the host government for damages or restoration of the installation; and
 - "(B) the representative of the United States in any such negotiations;"
- (3) by redesignating paragraph (6) as paragraph (7); and
- (4) by striking out paragraph (5) and inserting in lieu thereof the following new paragraphs (5) and (6):

"(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in constant dollars based on the date of completion of the improvements;

"(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and"

(b) OMB REVIEW OF PROPOSED SETTLEMENTS.—Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(g) OMB REVIEW OF PROPOSED SETTLEMENTS.—The Secretary of Defense may not enter into an agreement of settlement with a host country regarding the release to the host country of improvements made by the United States to facilities at an installation located in the host country until 30 days after the date on which the Secretary submits the proposed settlement to the Director of the Office of Management and Budget. The Director shall evaluate the overall equity of the proposed settlement. In evaluating the proposed settlement, the Director shall consider such factors as the extent of the United States capital investment in the improvements being released to the host country, the depreciation of the improvements, the condition of the improvements, and any applicable requirements for environmental remediation or restoration at the installation."

SEC. 2925. SENSE OF CONGRESS ON DEVELOPMENT OF BASE CLOSURE CRITERIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense consider, in developing in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note) amended criteria, whether such criteria should include the direct costs of such closures and realignments to other Federal departments and agencies.

(b) REPORT ON AMENDMENT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any amended criteria developed by the Secretary under section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 after the date of the enactment of this Act. Such report shall include a discussion of the amended criteria and include a justification for any decision not to propose a criterion regarding the direct costs of base closures and realignments to other Federal agencies and departments.

(2) The Secretary shall submit the report upon publication of the amended criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990.

SEC. 2926. INFORMATION RELATING TO RECOMMENDATIONS FOR THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) SUBMITTAL OF REPORT TO COMMISSION.—Subsection (c)(1) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "March 15, 1995," and inserting in lieu thereof "March 1, 1995."

(b) SUMMARY OF SELECTION PROCESS AND JUSTIFICATION OF RECOMMENDATIONS.—Subsection (c)(2) of such section is amended by adding at the end the following: "The Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days after the date of the transmittal to the congressional defense committees and the Commission of the list referred to in paragraph (1)."

(c) SUBMITTAL OF INFORMATION TO CONGRESS.—Subsection (c)(6) of such section is amended to read as follows:

"(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be submitted to the Senate and the House or Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 24 hours after the submission of the information to the Commission."

(d) PUBLICATION OF INFORMATION ON CHANGES RECOMMENDED BY COMMISSION.—Subsection (d)(1)(2)(C)(iii) of such section is amended by striking out "30 days" and inserting in lieu thereof "45 days".

SEC. 2927. PUBLIC PURPOSE EXTENSIONS.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended—

- (1) in subsection (o) in the first sentence by inserting "or (q)" after "subsection (p)"; and
- (2) by adding at the end the following:

"(q)(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense, in the case of property located at a military installation closed or realigned pursuant to a base closure law, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.

"(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

"(3) No transfer of property may be made under this subsection until the Secretary of Transportation has—

- "(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;
- "(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and
- "(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under subsection (e)(6).

"(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

- "(A) provide that all such property shall be used and maintained in perpetuity for the purpose for which it was conveyed, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and
- "(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

"(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

"(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

"(B) reform, correct, or amend any such instrument by the execution of a corrective, reformatory, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

"(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.

"(6) In this section, the term 'base closure law' means the following:

"(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(C) Section 2687 of title 10, United States Code."

SEC. 2928. EXPANSION OF CONVEYANCE AUTHORITY REGARDING FINANCIAL FACILITIES ON CLOSED MILITARY INSTALLATIONS TO INCLUDE ALL DEPOSITORY INSTITUTIONS.

(a) INCLUSION OF OTHER DEPOSITORY INSTITUTIONS WITH CREDIT UNIONS.—Section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2687 note) is amended—

(1) by striking "credit union" each place it appears and inserting in lieu thereof "depository institution";

(2) in subsection (c), by striking "business"; and

(3) by adding at the end the following new subsection:

"(e) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term 'depository institution' has the meaning given that term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A))."

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY INSTITUTIONS ON MILITARY INSTALLATIONS TO BE CLOSED."

(2) The table of contents in section 2(b) of such Act is amended by striking out the item relating to section 2825 and inserting in lieu thereof the following:

"2825. Disposition of facilities of depository institutions on military installations to be closed."

(c) AMENDMENT FOR STYLISTIC CONSISTENCY.—Subsection (c) of such section 2825 is amended by striking out "plan for the reuse of the installation developed in coordination

with the community in which the facility is located" and inserting in lieu thereof "redevelopment plan with respect to the installation".

SEC. 2929. ELECTRIC POWER ALLOCATION AND ECONOMIC DEVELOPMENT AT CERTAIN MILITARY INSTALLATIONS TO BE CLOSED IN THE STATE OF CALIFORNIA.

For a 10-year period beginning on the date of the enactment of this Act, the electric power allocations provided as of that date by the Western Area Power Administration from the Central Valley Project to military installations in the State of California approved for closure pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) shall be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or selected for closure pursuant to that Act. To the extent power reserved by this section is not disposed of pursuant to this section, it shall be made available on a temporary basis during such period to military installations in the State of California through short-term contracts. Within one year of the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to Congress a report with recommendations regarding the disposition of electric power allocations provided by the Federal Power Marketing Administrations to other military installations closed or approved for closure. The report shall consider the option of using such power to promote economic development at closed military installations.

SEC. 2930. TESTIMONY BEFORE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

(a) OATHS REQUIRED.—Section 2903(d)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath."

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to all public hearings conducted by the Defense Base Closure and Realignment Commission after the date of the enactment of this Act.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of \$3,642,297,000, to be allocated as follows:

(1) For research and development, \$1,129,325,000.

(2) For testing, \$217,326,000.

(3) For stockpile support, \$1,792,280,000.

(4) For program direction, \$177,466,000.

(5) For complex reconfiguration, \$168,500,000.

(6) For stockpile stewardship, \$157,400,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant

projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD-101, general plant projects, various locations, \$16,500,000.

Project GPD-121, general plant projects, various locations, \$7,700,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, \$4,000,000.

Project 94-D-124, hydrogen fluoride supply system, Oak Ridge Y-12 Plant, Oak Ridge, Tennessee, \$5,000,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, \$1,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, \$1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, \$800,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, \$4,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$5,000,000.

Project 93-D-123, complex-21, various locations, \$25,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, \$27,479,000.

Project 92-D-126, replace emergency notification systems, various locations, \$10,500,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, \$30,805,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, \$39,624,000.

Project 88-D-122, facilities capability assurance program, various locations, \$27,100,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$20,000,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, \$3,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of \$118,034,000, to be allocated as follows:

(1) For research and development, \$82,879,000.

(2) For testing, \$19,400,000.

(3) For stockpile support, \$12,136,000.

(4) For program direction, \$3,619,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c)—

(1) reduced by—

(A) \$443,641,000, for use of prior year balances; and

(B) \$50,000,000, for salary reductions; and

(2) increased by \$100,000,000, for contractor employment transition.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for

operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$4,918,878,000, to be allocated as follows:

- (1) For corrective activities, \$2,170,000.
- (2) For environmental restoration, \$1,536,027,000.
- (3) For waste management, \$2,362,106,000.
- (4) For technology development, \$371,150,000.
- (5) For transportation management, \$19,730,000.

(6) For program direction, \$82,427,000.
 (7) For facility transition, \$545,268,000.
 (b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD-171, general plant projects, various locations, \$48,180,000.

Project 94-D-122, underground storage tanks, Rocky Flats, Colorado, \$700,000.

Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, \$600,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, \$2,114,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$9,400,000.

Project 94-D-405, central neutralization facility pipeline extension project, K-25, Oak Ridge, Tennessee, \$1,714,000.

Project 94-D-406, low-level waste disposal facilities, K-25, Oak Ridge, Tennessee, \$6,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$7,000,000.

Project 94-D-408, office facilities—200 East, Richland, Washington, \$1,200,000.

Project 94-D-411, solid waste operation complex, Richland, Washington, \$7,100,000.

Project 94-D-412, 300 area process sewer piping upgrade, Richland, Washington, \$1,100,000.

Project 94-D-414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, \$370,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, \$1,110,000.

Project 94-D-416, solvent storage tanks installation, Savannah River, South Carolina, \$1,500,000.

Project 94-D-451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, \$6,600,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, \$9,600,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$3,500,000.

Project 93-D-175, industrial waste compaction facility, Y-12 Plant, Oak Ridge, Tennessee, \$1,800,000.

Project 93-D-176, Oak Ridge reservation storage facility, K-25 Plant, Oak Ridge, Tennessee, \$6,039,000.

Project 93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-25 Plant, Oak Ridge, Tennessee, \$7,100,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, \$1,000,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, \$6,000,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, \$6,500,000.

Project 93-D-183, multi-tank waste storage facility, Richland, Washington, \$45,660,000.

Project 93-D-184, 325 facility compliance/renovation, Richland, Washington, \$3,500,000.

Project 93-D-185, landlord program safety compliance, Phase II, Richland, Washington, \$1,351,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, \$3,000,000.

Project 93-D-188, new sanitary landfill, Savannah River, Aiken, South Carolina, \$1,020,000.

Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, \$3,900,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, \$300,000.

Project 92-D-173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$10,000,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, \$7,000,000.

Project 92-D-181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, \$5,000,000.

Project 92-D-182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, \$1,450,000.

Project 92-D-183, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, \$7,198,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, \$300,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, \$4,300,000.

Project 92-D-187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, \$10,276,000.

Project 92-D-188, waste management ES&H, and compliance activities, various locations, \$8,568,000.

Project 92-D-403, tank upgrade project, Lawrence Livermore National Laboratory, California, \$3,888,000.

Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington, \$17,700,000.

Project 91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, \$1,500,000.

Project 90-D-172, aging waste transfer line, Richland, Washington, \$5,000,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, \$1,800,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, \$21,700,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, \$11,700,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, \$1,000,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, \$12,974,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, \$40,000,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, \$2,137,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, \$10,260,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$2,169,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$203,826,000, to be allocated as follows:

- (1) For corrective activities, \$600,000.
- (2) For waste management, \$138,781,000.
- (3) For technology development, \$29,850,000.
- (4) For transportation management, \$400,000.
- (5) For program direction, \$9,469,000.
- (6) For facility transition and management, \$24,726,000.

(d) GENERAL REDUCTION IN OPERATING EXPENSES.—The amount authorized to be appropriated for operating expenses pursuant to subsection (a) is the amount authorized to be appropriated in that subsection reduced by \$280,000,000.

(e) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a), (b), and (c) reduced by \$86,600,000. In determining the amount authorized to be appropriated pursuant to subsection (a) for the purposes of this subsection, subsection (d) shall be taken into account.

SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of \$2,182,315,000, to be allocated as follows:

- (1) For nuclear materials support, \$873,123,000.
- (2) For verification and control technology, \$341,941,000.
- (3) For nuclear safeguards and security, \$82,700,000.
- (4) For security investigations, \$49,000,000.
- (5) For security evaluations, \$14,961,000.
- (6) For nuclear safety, \$24,859,000.
- (7) For worker training and adjustment, \$100,000,000.
- (8) For naval reactors, including enrichment materials, \$695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials support and other defense programs necessary for national security programs as follows:

- (1) For materials support:
 - Project GPD-146, general plant projects, various locations, \$23,000,000.

Project 93-D-147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, \$7,720,000.

Project 93-D-148, replace high-level drain lines, Savannah River, South Carolina, \$1,800,000.

Project 93-D-152, environmental modification for production facilities, Savannah River, South Carolina, \$20,000,000.

Project 92-D-140, F&H canyon exhaust upgrades, Savannah River, South Carolina, \$15,000,000.

Project 92-D-142, nuclear material processing training center, Savannah River, South Carolina, \$8,900,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, \$9,600,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, \$26,900,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, \$9,500,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, \$25,950,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, \$3,700,000.

(2) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, \$8,515,000.

(3) For naval reactors development:

Project GPN-101, general plant projects, various locations, \$7,500,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, \$7,000,000.

Project 92-D-200, laboratories facilities upgrades, various locations, \$2,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials support and other defense programs necessary for national security programs as follows:

(1) For materials support, \$65,000,000.

(2) For verification and control technology, \$15,573,000.

(3) For nuclear safeguards and security, \$4,101,000.

(4) For nuclear safety, \$50,000.

(5) For naval reactors, \$46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by—

(1) \$100,000,000, for recovery of overpayment to the Savannah River Pension Fund;

(2) \$409,132,000, for use of prior year balances for materials support and other defense programs; and

(3) \$18,937,000, for salary reductions.

(e) ECONOMIC ADJUSTMENT ASSISTANCE.—Of the amount provided under subsection (a)(7) for worker training and adjustment, \$6,000,000 shall be available for providing economic assistance and development funding for local counties or localities surrounding the property of the Department of Energy defense nuclear facility at the Savannah River Site, South Carolina. To the extent practicable, the amount of assistance to be provided should be distributed as follows:

(1) \$1,000,000 to plan community adjustments and economic diversification.

(2) \$5,000,000 to carry out a community adjustments and economic diversification program.

(f) USE OF TECHNOLOGY TRANSFER FUNDS AT THE SAVANNAH RIVER SITE.—Of amounts authorized to be appropriated in subsection (a)(1) for nuclear materials support, there are hereby authorized to be appropriated \$4,000,000 for technology transfer activities at the Department of Energy defense production facility at the Savannah River Site, South Carolina.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$120,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) \$10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed \$2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, and 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the action and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Federal Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds \$300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds \$2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and plant and capital equipment, \$188,413,000 shall be available for the defense inertial confinement fusion program.

SEC. 3132. PAYMENT OF PENALTY ASSESSED AGAINST HANFORD PROJECT.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, a stipulated civil penalty in the amount of \$100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Hanford Consent Agreement and Compliance Order for Department of Energy Hanford.

SEC. 3133. WATER MANAGEMENT PROGRAMS.

From funds authorized to be appropriated pursuant to section 3102(a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, \$11,300,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3134. TECHNOLOGY TRANSFER.

(a) IN GENERAL.—(1) The Secretary of Energy may use for technology transfer activities described in paragraph (2), and for cooperative research and development agreements and partnerships to carry out such activities, funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 under sections 3101 and 3103.

(2) The activities that may be funded under this paragraph are those activities determined by the Secretary of Energy to facilitate the maintenance and enhancement of critical skills required for research on, and development of, any dual-use critical technology.

(b) APPLICABILITY OF CERTAIN LAWS.—The Secretary of Energy shall conduct the activities funded under subsection (a) in accordance with applicable laws and regulations relating to grants, contracts, and cooperative agreements of the Department of Energy, including the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.),

the National Competitiveness Technology Transfer Act of 1989 (15 U.S.C. 3701 note), and section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123).

(c) DEFINITION.—For purposes of this section, the term "dual-use critical technology" has the meaning given such term by section 3136(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123(b)).

SEC. 3135. TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT ACTIVITIES FOR COMMUNITIES SURROUNDING SAVANNAH RIVER SITE.

(a) PLAN.—(1) The Secretary of Energy shall submit to the Congress a plan for the expenditure of funds in an equitable manner to foster technology transfer to, and economic development activities in, the communities surrounding the Savannah River Site, South Carolina.

(2) The plan required under paragraph (1)—(A) shall be based on a report on the matters referred to in that paragraph that is prepared by the appropriate official of the Department of Energy at the Savannah River Site and submitted to the Secretary; and

(B) shall be submitted to the Congress by the Secretary within 30 days after the date on which the report referred to in subparagraph (A) is submitted to the Secretary.

(b) LIMITATION.—The Secretary of Energy may not, for the purpose of fostering technology transfer to, and economic development activities in, the communities referred to in subsection (a)(1), obligate more than \$5,000,000 of the \$30,000,000 appropriated to the Department of Energy for such purpose pursuant to the authorization of appropriations in section 3102 until 30 days after the date on which the Secretary submits to the Congress the plan required under that subsection.

SEC. 3136. PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) UNITED STATES POLICY.—It shall be the policy of the United States not to conduct research and development which could lead to the production by the United States of a new low-yield nuclear weapon, including a precision low-yield warhead.

(b) LIMITATION.—The Secretary of Energy may not conduct, or provide for the conduct of, research and development which could lead to the production by the United States of a low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(c) EFFECT ON OTHER RESEARCH AND DEVELOPMENT.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, research and development necessary—

(1) to design a testing device that has a yield of less than five kilotons;

(2) to modify an existing weapon for the purpose of addressing safety and reliability concerns; or

(3) to address proliferation concerns.

(d) DEFINITION.—In this section, the term "low-yield nuclear weapon" means a nuclear weapon that has a yield of less than five kilotons.

SEC. 3137. TESTING OF NUCLEAR WEAPONS.

(a) IN GENERAL.—Of the funds authorized to be appropriated under section 3101(a)(2) for the Department of Energy for fiscal year 1994 for weapons testing, \$211,326,000 shall be available for infrastructure maintenance at the Nevada Test Site, and for maintaining the technical capability to resume underground nuclear testing at the Nevada Test Site.

(b) ATMOSPHERIC TESTING OF NUCLEAR WEAPONS.—None of the funds appropriated pursuant to this Act or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.

SEC. 3138. STOCKPILE STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(b) PROGRAM ELEMENTS.—The program shall include the following:

(1) An increased level of effort for advanced computational capabilities to enhance the simulation and modeling capabilities of the United States with respect to the detonation of nuclear weapons.

(2) An increased level of effort for above-ground experimental programs, such as hydrotesting, high-energy lasers, inertial confinement fusion, plasma physics, and materials research.

(3) Support for new facilities construction projects that contribute to the experimental capabilities of the United States, such as an advanced hydrodynamics facility, the National Ignition Facility, and other facilities for above-ground experiments to assess nuclear weapons effects.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for weapons activities, \$157,400,000 shall be available for the stewardship program established under subsection (a).

(d) REPORT.—Each year, at the same time the President submits the budget under section 1105 of title 31, United States Code, the President shall submit to the Congress a report covering the most recently completed calendar year which sets forth—

(1) any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory; and

(2) if such concerns have been raised, the President's evaluation of each concern and a report on what actions are being or will be taken to address that concern.

SEC. 3139. NATIONAL SECURITY PROGRAMS.

Notwithstanding any other provision of law, not more than 95 percent of the funds appropriated to the Department of Energy for national security programs under this title may be obligated for such programs until the Secretary of Energy submits to the congressional defense committees the five-year budget plan with respect to fiscal year 1994 required under section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1681; 42 U.S.C. 7271b).

SEC. 3140. EXPENDED CORE FACILITY DRY CELL.

None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, until shipment of spent naval nuclear fuel from United States naval surface ships and submarines to the Idaho Engineering Laboratory, Idaho, is resumed.

SEC. 3141. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, \$1,000,000 shall be available for the Scholarship and Fellowship Program for Environmental Restoration and Waste Management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274e).

SEC. 3142. HAZARDOUS MATERIALS MANAGEMENT AND HAZARDOUS MATERIALS EMERGENCY RESPONSE TRAINING PROGRAM.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3102, not more than \$10,000,000 shall be available to carry out a hazardous materials management and hazardous materials emergency response training program.

SEC. 3143. WORKER HEALTH AND PROTECTION.

(a) HANFORD HEALTH INFORMATION NETWORK.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3101(a), \$1,750,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834).

(b) PROTECTION OF NUCLEAR WEAPONS FACILITIES WORKERS.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, \$11,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3144. VERIFICATION AND CONTROL TECHNOLOGY.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses for activities relating to verification and control technology, not more than \$334,441,000 may be obligated until the Secretary of Defense submits the report required by section 1606.

SEC. 3145. TRITIUM PRODUCTION REQUIREMENTS.

(a) EVALUATION.—(1) The Secretary of Energy shall evaluate—

(A) a range of contingency options for meeting potential tritium requirements of the United States before 2008; and

(B) long-term options for the production of tritium to meet the tritium requirements of the United States after 2008.

(2) Among the long-term options evaluated under paragraph (1)(B), the Secretary of Energy shall consider—

(A) those technologies and reactors that are evaluated by the Secretary for plutonium disposition and are appropriate for the production of tritium, for the feasibility and cost-effectiveness of using such technologies and reactors for the production of tritium; and

(B) any proposals for the private financing of tritium production facilities or for the commercial production of tritium that the Secretary considers promising.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to the Congress a report on the contingency options evaluated under subsection (a)(1)(A) which

sets forth the Secretary's plan for meeting, through 2008, the requirements of the United States for tritium for national security purposes. The report shall include an assessment of the effect of the closing of the K reactor at the Savannah River Site, South Carolina, on the ability of the Department of Energy to meet such requirements. The report shall be submitted in unclassified form, with a classified appendix if necessary.

(c) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary of Energy shall include an assessment of the capacity of the Department of Energy to produce tritium after 2008 in the Secretary's programmatic environmental impact statement under 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) on the reconfiguration of the Department of Energy nuclear weapons complex. The Secretary shall issue the programmatic environmental impact statement not later than March 1, 1995.

Subtitle D—Other Matters

SEC. 3151. LIMITATIONS ON THE RECEIPT AND STORAGE OF SPENT NUCLEAR FUEL FROM FOREIGN RESEARCH REACTORS.

(a) PURPOSE.—It is the purpose of this section to regulate the receipt and storage of spent nuclear fuel at the Department of Energy defense nuclear facility located at the Savannah River Site, South Carolina (in this section referred to as the "Savannah River Site").

(b) RECEIPT IN EMERGENCY CIRCUMSTANCES.—When the Secretary of Energy determines that emergency circumstances make it necessary to receive spent nuclear fuel, the Secretary shall submit a notification of that determination to the Congress. The Secretary may not receive spent nuclear fuel at the Savannah River Site until the expiration of the 30-day period beginning on the date on which the Congress receives the notification.

(c) LIMITATION ON STORAGE IN NON-EMERGENCY CIRCUMSTANCES.—The Secretary of Energy may not, under other than emergency circumstances, receive and store at the Savannah River Site any spent nuclear fuel in excess of the amount that (as of the date of the enactment of this Act) the Savannah River Site is capable of receiving and storing, until, with respect to the receipt and storage of any such spent nuclear fuel—

(1) the completion of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) the expiration of the 90-day period (as prescribed by regulation pursuant to such Act) beginning on the date of such completion; and

(3) the signing by the Secretary of a record of decision following such completion.

(d) LIMITATIONS ON RECEIPT.—The Secretary of Energy may not, under emergency or non-emergency circumstances, receive spent nuclear fuel if the spent nuclear fuel—

(1) cannot be transferred in an expeditious manner from its port of entry in the United States to a storage facility that is located at a Department of Energy facility and is capable of receiving and storing the spent nuclear fuel; or

(2) will remain on a vessel in the port of entry for a period that exceeds the period necessary to unload the fuel from the vessel pursuant to routine unloading procedures.

(e) CRITERIA FOR PORT OF ENTRY.—The Secretary of Energy shall, if economically feasible and to the maximum extent practicable, provide for the receipt of spent nuclear fuel under this section at a port of

entry in the United States which, as determined by the Secretary and compared to each other port of entry in the United States that is capable of receiving the spent nuclear fuel—

(1) has the lowest human population in the area surrounding the port of entry;

(2) is closest in proximity to the facility which will store the spent nuclear fuel; and

(3) has the most appropriate facilities for, and experience in, receiving spent nuclear fuel.

(f) DEFINITION.—In this section, the term "spent nuclear fuel" means nuclear fuel that—

(1) was originally exported to a foreign country from the United States in the form of highly enriched uranium; and

(2) was used in a research reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

SEC. 3152. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year periods".

SEC. 3153. BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.

(a) ANNUAL ENVIRONMENTAL RESTORATION REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on the activities and projects necessary to carry out the environmental restoration of all Department of Energy defense nuclear facilities.

(2) Reports under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than March 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995 during which the Secretary of Energy conducts, or plans to conduct, environmental restoration activities and projects, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(b) ANNUAL WASTE MANAGEMENT REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on all activities and projects for waste management, transition of operational facilities to safe shutdown status, and technology research and development related to such activities and projects that are necessary for Department of Energy defense nuclear facilities.

(2) Reports required under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than June 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(c) CONTENTS OF REPORTS.—A report required under subsection (a) or (b) shall be based on compliance with all applicable provisions of law, permits, regulations, orders, and agreements, and shall—

(1) provide the estimated total cost of, and the complete schedule for, the activities and projects covered by the report; and

(2) with respect to each such activity and project, contain—

(A) a description of the activity or project;

(B) a description of the problem addressed by the activity or project;

(C) the proposed remediation of the problem, if the remediation is known or decided;

(D) the estimated cost to complete the activity or project, including, where appropriate, the cost for every five-year increment; and

(E) the estimated date for completion of the activity or project, including, where appropriate, progress milestones for every five-year increment.

(d) ANNUAL STATUS AND VARIANCE REPORTS.—(1)(A) The Secretary of Energy shall (in the years and at the time specified in subparagraph (B)) submit to the Congress a status and variance report on environmental restoration and waste management activities and projects at Department of Energy defense nuclear facilities.

(B) A report under subparagraph (A) shall be submitted in 1995 and in each year thereafter during which the Secretary of Energy conducts environmental restoration and waste management activities, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(2) Each status and variance report under paragraph (1) shall contain the following:

(A) Information on each such activity and project for which funds were appropriated for the fiscal year immediately before the fiscal year during which the report is submitted, including the following:

(i) Information on whether or not the activity or project has been completed, and information on the estimated date of completion for activities or projects that have not been completed.

(ii) The total amount of funds expended for the activity or project during such prior fiscal year, including the amount of funds expended from amounts made available as the result of supplemental appropriations or a transfer of funds, and an estimate of the total amount of funds required to complete the activity or project.

(iii) Information on whether the President requested an amount of funds for the activity or project in the budget for the fiscal year during which the report is submitted, and whether such funds were appropriated or transferred.

(iv) An explanation of the reasons for any projected cost variance between actual and estimated expenditures of more than 15 percent or \$10,000,000, or any schedule delay of more than six months, for the activity or project.

(B) For the fiscal year during which the report is submitted, a disaggregation of the funds appropriated for Department of Energy defense environmental restoration and waste management into the activities and projects (including discrete parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(C) For the fiscal year for which the budget is submitted, a disaggregation of the Department of Energy defense environmental restoration and waste management budget request into the activities and projects (including discrete parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(e) COMPLIANCE TRACKING.—In preparing a report under this section, the Secretary of Energy shall provide, with respect to each activity and project identified in the report, information which is sufficient to track the Department of Energy's compliance with rel-

evant Federal and State regulatory milestones.

SEC. 3154. LEASE OF PROPERTY AT DEPARTMENT OF ENERGY WEAPON PRODUCTION FACILITIES.

Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsections:

“(c) The Secretary may lease, upon terms and conditions the Secretary considers appropriate to promote national security or the public interest, acquired real property and related personal property that—

“(1) is located at a facility of the Department of Energy to be closed or reconfigured;

“(2) at the time the lease is entered into, is not needed by the Department of Energy; and

“(3) is under the control of the Department of Energy.

“(d)(1) A lease entered into under subsection (c) may not be for a term of more than 10 years, except that the Secretary may enter into a lease that includes an option to renew for a term of more than 10 years if the Secretary determines that entering into such a lease will promote the national security or be in the public interest.

“(2) A lease entered into under subsection (c) may provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is less than the fair market rental value of the leasehold interest. Services relating to the protection and maintenance of the leased property may constitute all or part of such consideration.

“(e)(1) Before entering into a lease under subsection (c), the Secretary shall consult with the Administrator of the Environmental Protection Agency (with respect to property located on a site on the National Priorities List) or the appropriate State official (with respect to property located on a site that is not listed on the National Priorities List) to determine whether the environmental conditions of the property are such that leasing the property, and the terms and conditions of the lease agreement, are consistent with safety and the protection of public health and the environment.

“(2) Before entering into a lease under subsection (c), the Secretary shall obtain the concurrence of the Administrator of the Environmental Protection Agency or the appropriate State official, as the case may be, in the determination required under paragraph (1). The Secretary may enter into a lease under subsection (c) without obtaining such concurrence if, within 60 days after the Secretary requests the concurrence, the Administrator or appropriate State official, as the case may be, fails to submit to the Secretary a notice of such individual's concurrence with, or rejection of, the determination.

“(f) To the extent provided in advance in appropriations Acts, the Secretary may retain and use money rentals received by the Secretary directly from a lease entered into under subsection (c) in any amount the Secretary considers necessary to cover the administrative expenses of the lease, the maintenance and repair of the leased property, or environmental restoration activities at the facility where the leased property is located. Amounts retained under this subsection shall be retained in a separate fund established in the Treasury for such purpose. The Secretary shall annually submit to the Congress a report on amounts retained and amounts used under this subsection.”

SEC. 3155. AUTHORITY TO TRANSFER CERTAIN DEPARTMENT OF ENERGY PROPERTY.

(a) AUTHORITY TO TRANSFER.—(1) Notwithstanding any other provision of law, the Sec-

retary of Energy may transfer, for consideration, all right, title, and interest of the United States in and to the property referred to in subsection (b) to any person if the Secretary determines that such transfer will mitigate the adverse economic consequences that might otherwise arise from the closure of a Department of Energy facility.

(2) The amount of consideration received by the United States for a transfer under paragraph (1) may be less than the fair market value of the property transferred if the Secretary determines that the receipt of such lesser amount by the United States is in accordance with the purpose of such transfer under this section.

(3) The Secretary may require any additional terms and conditions with respect to a transfer of property under paragraph (1) that the Secretary determines appropriate to protect the interests of the United States.

(b) COVERED PROPERTY.—Property referred to in subsection (a) is the following property of the Department of Energy that is located at a Department of Energy facility to be closed or reconfigured:

(1) The personal property and equipment at the facility that the Secretary determines to be excess to the needs of the Department of Energy.

(2) Any personal property and equipment at the facility (other than the property and equipment referred to in paragraph (1)) the replacement cost of which does not exceed an amount equal to 110 percent of the costs of relocating the property or equipment to another facility of the Department of Energy.

SEC. 3156. IMPROVED CONGRESSIONAL OVERSIGHT OF DEPARTMENT OF ENERGY SPECIAL ACCESS PROGRAMS.

(a) IN GENERAL.—Chapter 9 of the Atomic Energy Act of 1954 (42 U.S.C. 2121 et seq.) is amended by adding at the end the following new section:

“SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.

“(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—

“(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on special access programs of the Department of Energy carried out under the atomic energy defense activities of the Department.

“(2) MATTERS TO BE INCLUDED.—Each such report shall set forth—

“(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

“(B) for each such program in that budget, the following:

“(i) A brief description of the program.

“(ii) A brief discussion of the major milestones established for the program.

“(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

“(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

“(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—

“(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

“(A) notice of the designation of the program as a special access program; and

“(B) justification for such designation.

“(2) MATTERS TO BE INCLUDED.—A report under paragraph (1) with respect to a program shall include—

“(A) the current estimate of the total program cost for the program; and

“(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

“(3) NEW SPECIAL ACCESS PROGRAM DEFINED.—In this subsection, the term ‘new special access program’ means a special access program that has not previously been covered in a notice and justification under this subsection.

“(c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—

“(1) NOTICE TO CONGRESSIONAL COMMITTEES.—Whenever a change in the classification of a special access program of the Department of Energy is planned to be made or whenever classified information concerning a special access program of the Department of Energy is to be declassified and made public, the Secretary of Energy shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

“(2) TIME FOR NOTICE.—Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

“(3) TIME WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Energy, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

“(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Energy as a special access program, the Secretary of Energy shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

“(e) WAIVER AUTHORITY.—

“(1) IN GENERAL.—The Secretary of Energy may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. The Secretary may waive the report-and-wait requirement in subsection (f) if the Secretary determines that compliance with such requirement would adversely affect the national security. Any waiver under this paragraph shall be made on a case-by-case basis.

“(2) LIMITED NOTICE REQUIRED.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall pro-

vide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

“(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

“(1) the congressional defense committees are notified of the program; and

“(2) a period of 30 days elapses after such notification is received.

“(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term ‘congressional defense committees’ means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.”

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 92 the following new item:

“Sec. 93. Congressional oversight of special access programs.”

SEC. 3157. REAUTHORIZATION AND EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074) is amended—

(1) in subparagraph (A)—

(A) by striking out “and” at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

“(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to any community-based organization; and

“(iv) at the Oak Ridge Reservation, Tennessee, to loan personnel in accordance with this section to any community-based organization.”; and

(2) in subparagraph (B)—

(A) by striking out “and the Idaho” and inserting in lieu thereof “, the Idaho”; and

(B) by adding before the period at the end the following: “, the Savannah River Site, and the Oak Ridge Reservation”.

(b) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such Act is amended—

(1) by striking out “or the Idaho” and inserting in lieu thereof “the Idaho”; and

(2) by inserting “the Savannah River Site, South Carolina, or the Oak Ridge Reservation, Tennessee,” before “to any community-based organization”.

(c) DURATION OF PROGRAM.—Subsection (c) of such section is amended—

(1) by striking out “Reservation, and” and inserting in lieu thereof “Reservation.”; and

(2) by inserting after “Idaho National Engineering Laboratory” the following: “, and September 30, 1995, with respect to the Savannah River Site, and to the Oak Ridge Reservation”.

SEC. 3158. MODIFICATION OF PAYMENT PROVISION.

Section 1532(a) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 42 U.S.C. 2391 note) is amended by striking out “1996” and inserting in lieu thereof “1995”.

SEC. 3159. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) GOAL.—Except as provided in subsection (c), a goal of 5 percent of the amount

described in subsection (b) shall be the objective of the Department of Energy in carrying out national security programs of the Department in each of fiscal years 1994 through 2000 for the total combined amount obligated for contracts and subcontracts entered into with—

(1) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under that section), the majority of the earnings of which directly accrue to such individuals;

(2) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986; and

(3) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1))).

(b) AMOUNT.—(1) Except as provided in paragraph (2), the requirements of subsection (a) for any fiscal year apply to the combined total of the funds obligated for contracts entered into by the Department of Energy pursuant to competitive procedures for such fiscal year for purposes of carrying out national security programs of the Department.

(2) In computing the combined total of funds under paragraph (1) for a fiscal year, funds obligated for such fiscal year for contracts for naval reactor programs shall not be included.

(c) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Energy determines that compelling national security considerations require otherwise; and

(2) if the Secretary notifies the Congress of such a determination and the reasons for the determination.

SEC. 3160. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(1) in paragraph (2)(B)—

(A) by inserting “(including a weapon production facility of the Department of Energy)” after “facilities”; and

(B) by inserting “, or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components,” after “research and development”;

(2) in paragraph (2)(C)—

(A) by inserting “(including a weapon production facility of the Department of Energy)” after “facility”; and

(B) by inserting “, or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components,” after “research and development”;

(3) in paragraph (2), by striking out “propulsion program; and” in the matter following subparagraph (C) and inserting in lieu thereof “propulsion program.”;

(4) in paragraph (3), by striking out the period and inserting in lieu thereof “; and”; and

(5) by adding at the end the following new paragraph:

“(4) the term ‘weapon production facility’ of the Department of Energy means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in

the production, maintenance, testing, or dismantlement of a nuclear weapon or its components."

SEC. 3161. CONFLICT OF INTEREST PROVISIONS FOR DEPARTMENT OF ENERGY EMPLOYEES.

(a) REPEAL.—Sections 603, 604, 605, 606, and 607 of the Department of Energy Organization Act (42 U.S.C. 7213 through 7217) are repealed.

(b) WAIVER.—Subsection (c) of section 602 of such Act (42 U.S.C. 7212) is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating paragraphs (1), (2), and (3), as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Secretary may, on a case-by-case basis, waive the requirements of this section for a supervisory employee covered if the Secretary finds that the waiver is in the best interests of the Department. A waiver under this paragraph is effective for that supervisory employee only if that supervisory employee establishes a qualified trust as provided in subparts D and E of 5 Code of Federal Regulations part 2634, as in effect on the date of the enactment of this provision. The provisions of section 2634.403(b)(3) of such part shall not apply to this paragraph.

"(B) A waiver under this paragraph shall be published in the Federal Register and shall contain the basis for the finding required by this paragraph. The waiver shall be for such period as the Secretary shall prescribe and may be renewed by the Secretary."

(c) CONFORMING AMENDMENTS.—(1) Part A of title VI of such Act (42 U.S.C. 7211 et seq.) is amended—

(A) in section 601(c)(1), by striking out "sections 602 through 606" and inserting in lieu thereof "section 602";

(B) in section 601(d)—

(i) by striking out "sections 602(a), 603(a), 605(a), and 606" and inserting in lieu thereof "section 602(a)"; and

(ii) by striking out the third sentence;

(C) in section 602(d), by striking out "pursuant to section 603" and inserting in lieu thereof "to the extent known";

(D) by redesignating section 608 as section 603; and

(E) in section 603, as redesignated by subparagraph (D)—

(i) by striking out subsections (a) and (c);

(ii) by redesignating subsections (b) and (d) as subsections (a) and (b), respectively; and

(iii) in subsection (a), as redesignated by clause (ii), by striking out "section 602, 603, 604, 605, or 606" and inserting in lieu thereof "section 602".

(2) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 603, 604, 605, 606, 607, and 608 and inserting in lieu thereof the following:

"Sec. 603. Sanctions."

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the application of part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 et seq.) to the Department of Energy and its officers and employees. The report shall—

(1) take into consideration the amendments to part A of title VI of such Act made by subsections (a), (b), and (c) of this section;

(2) examine whether the provisions of part A of title VI of such Act are necessary, tak-

ing into consideration other provisions of law regarding conflicts of interest and other statutes and requirements similar to part A that are applicable to other Federal agencies, including offices and bureaus of the Department of the Interior and the Federal Communications Commission;

(3) examine the scope of coverage under the provisions of part A of title VI of such Act for supervisory employees of the Department of Energy, and the definition of the term 'energy concern' under section 601(b) of such Act, taking into consideration changes in responsibilities and duties of the Department of Energy under the Energy Policy Act of 1992 (Public Law 102-486; 106 Stat. 2776) and under other laws enacted after the establishment of the Department, and advise whether such provisions are adequate, overly broad, or too limiting, as applied to the Department;

(4) examine whether the divestiture provisions of part A of title VI of such Act are needed, in addition to other applicable provisions of law and regulations relating to divestiture, to protect the public interest;

(5) identify the provisions of law and regulations referred to in paragraph (4) and explain the manner and extent to which such provisions are adequate for all of the employees covered by part A of title VI of such Act; and

(6) include any recommendations that the Secretary considers appropriate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1994, \$16,560,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. REQUIREMENT FOR TRANSMITTAL TO CONGRESS OF CERTAIN INFORMATION PREPARED BY DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) REQUIREMENT.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) by redesignating section 320 as section 321; and

(2) by inserting after section 319 the following new section 320:

"SEC. 320. TRANSMITTAL OF CERTAIN INFORMATION TO CONGRESS.

"Whenever the Board submits or transmits to the President or the Director of the Office of Management and Budget any legislative recommendation, or any statement or information in preparation of a report to be submitted to the Congress pursuant to section 316(a), the Board shall submit at the same time a copy thereof to the Congress."

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by striking out the item relating to section 320 and inserting in lieu thereof the following:

"Sec. 320. Transmittal of certain information to Congress.

"Sec. 321. Annual authorization of appropriations."

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorizations of Disposals and Use of Funds

SEC. 3301. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess

materials currently contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

Authorized Stockpile Disposals	
Material for disposal	Quantity
Analgesics	53,525 pounds of anhydrous morphine alkaloid
Antimony	32,140 short tons
Diamond Dies, Small	25,473 pieces
Manganese, Electrolytic	14,172 short tons
Mica, Muscovite Block, Stained and Better	1,866,166 pounds
Mica, Muscovite Film, 1st & 2d quality	158,440 pounds
Mica, Muscovite Splittings	12,540,382 pounds
Quinidine	2,471,287 avoirdupois ounces
Quinidine, Non-Stockpile Grade	1,691 avoirdupois ounces
Quinine	2,770,091 avoirdupois ounces
Quinine, Non-Stockpile Grade	475,950 avoirdupois ounces
Rare Earths	504 short dry tons
Vanadium Pentoxide	718 short tons of contained vanadium

(b) CONDITIONS ON DISPOSAL.—The authority of the President under subsection (a) to dispose of materials stored in the National Defense Stockpile may not be used unless and until the Secretary of Defense certifies to Congress that the disposal of such materials will not adversely affect the capability of the stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(b)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

Subject to such limitations as may be provided in appropriations Acts, during fiscal year 1994, the National Defense Stockpile Manager may obligate up to \$67,300,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

SEC. 3303. REVISION OF AUTHORITY TO DISPOSE OF CERTAIN MATERIALS AUTHORIZED FOR DISPOSAL IN FISCAL YEAR 1993.

(a) CHROMITE AND MANGANESE ORES.—During fiscal year 1994, the disposal of chromite and manganese ores of metallurgical grade under the authority of section 3302(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2649; 50 U.S.C. 98d note) may be made only for processing within the United States and the territories and possessions of the United States.

(b) CHROMIUM AND MANGANESE FERRO.—Section 3302(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2651; 50 U.S.C. 98d note) is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1994".

SEC. 3304. CONVERSION OF CHROMIUM ORE TO HIGH PURITY CHROMIUM METAL.

(a) UPGRADE PROGRAM AUTHORIZED.—Subject to subsection (b), the National Defense Stockpile Manager may carry out a program to upgrade to high purity chromium metal any stocks of chromium ore held in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) if the National Defense Stockpile Manager determines that additional quantities of high purity chromium metal are needed in the stockpile.

(b) INCLUSION IN ANNUAL MATERIALS PLAN.—Before entering into any contract in connection with the upgrade program authorized under subsection (a), the National Defense Stockpile Manager shall include a description of the upgrade program in the report containing the annual materials plan for the operation of the National Defense Stockpile required to be submitted to Congress under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(b)) or in a revision of the report made in the manner provided by section 5(a)(2) of such Act (50 U.S.C. 98d(a)(2)).

Subtitle B—Programmatic Changes**SEC. 3311. STOCKPILING PRINCIPLES.**

Section 2(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)) is amended—

(1) in paragraph (2), by striking out “The quantities” and inserting in lieu thereof “Before October 1, 1994, the quantities”; and

(2) by adding at the end the following new paragraph:

“(3) On and after October 1, 1994, the quantities of materials stockpiled under this Act should be sufficient to meet the needs of the United States during a period of a national emergency that would necessitate an expansion of the Armed Forces together with a significant mobilization of the economy of the United States under planning guidance issued by the Secretary of Defense.”

SEC. 3312. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS FOR DEVIATIONS FROM ANNUAL MATERIALS PLAN.

Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by striking out “and a period of 30 days” and all that follows through “more than three days to a day certain.” and inserting in lieu thereof “and a period of 45 days has passed from the date of the receipt of such statement by such committees.”

SEC. 3313. ADDITIONAL AUTHORIZED USES OF THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) EMPLOYEE PAY AND OTHER EXPENSES.—Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraphs:

“(J) Pay of employees of the National Defense Stockpile program.

“(K) Other expenses of the National Defense Stockpile program.”

(b) CONFORMING AMENDMENT.—Section 9(b) of such Act (50 U.S.C. 98h(b)) is amended by striking out paragraph (4).

SEC. 3314. NATIONAL EMERGENCY PLANNING ASSUMPTIONS FOR BIENNIAL REPORT ON STOCKPILE REQUIREMENTS.

Section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(b)) is amended—

(1) in the first sentence, by striking out “, based upon” and all that follows through “three years.” and inserting in lieu thereof a period; and

(2) by inserting after the first sentence the following new sentences: “Before October 1, 1994, such assumptions shall be based upon the total mobilization of the economy of the United States for a sustained conventional global war for a period of not less than three years. On and after October 1, 1994, such assumptions shall be based on an assumed national emergency involving military conflict that necessitates an expansion of the Armed Forces together with a significant mobilization of the economy of the United States.”

TITLE XXXIV—CIVIL DEFENSE**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

There is hereby authorized to be appropriated \$146,391,000 for fiscal year 1994 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

SEC. 3402. MODERNIZATION OF THE CIVIL DEFENSE SYSTEM.

(a) DECLARATION OF POLICY.—Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended to read as follows:

“SEC. 2. DECLARATION OF POLICY.

“The purpose of this Act is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this Act.”

(b) DEFINITION OF HAZARD.—Section 3 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2252) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(2) by inserting before subsection (b), as so redesignated, the following new subsection (a):

“(a) The term ‘hazard’ means an emergency or disaster resulting from—

“(1) a natural disaster; or

“(2) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.”;

(3) in subsection (b), as so redesignated—

(A) by striking out “attack” the first place it appears and inserting in lieu thereof “attack-related disaster”; and

(B) by striking out “atomic” and inserting in lieu thereof “nuclear”;

(4) in subsection (c), as so redesignated, by striking out “and, for the purposes of this Act” and all that follows through “natural disaster;” and inserting in lieu thereof a period; and

(5) by striking out subsection (d), as so redesignated, and inserting in lieu thereof the following new subsection:

“(d) The term ‘civil defense’ means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

“(1) Measures to be undertaken in preparation for anticipated hazards (including the

establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

“(2) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

“(3) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).”

(c) CONFORMING AMENDMENTS TO REFLECT DEFINITION OF HAZARD.—(1) Section 201 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

(A) in subsection (c), by striking out “an attack or natural disaster” and inserting in lieu thereof “a hazard”;

(B) in subsection (d), by striking out “attacks and natural disasters” and inserting in lieu thereof “hazards”; and

(C) in subsection (g)—

(i) by striking out “an attack or natural disaster” the first place it appears and inserting in lieu thereof “a hazard”; and

(ii) by striking out “undergoing an attack or natural disaster” and inserting in lieu thereof “experiencing a hazard”.

(2) Section 205(d)(1) of such Act (50 U.S.C. App. 2286(d)(1)) is amended by striking out “natural disasters” and inserting in lieu thereof “hazards”.

(d) STATE USE OF FUNDS FOR PREPARATION AND RESPONSE.—(1) Section 207 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2289) is amended to read as follows:

“SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

“Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act for civil defense activities and measures related to hazards.”

(2) The item relating to section 207 in the table of contents in the first section of such Act is amended to read as follows:

“Sec. 207. Use of funds to prepare for and respond to hazards.”

(e) REPEAL OF OBSOLETE PROVISIONS.—(1) Title V of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301-2303) is repealed.

(2) The table of contents in the first section of such Act is amended by striking out the items related to title V.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of contents in the first section of the Federal Civil Defense Act of 1950 is amended—

(A) by inserting after the item relating to section 204 the following new item:

“Sec. 205. Contributions for personnel and administrative expenses.”;

and

(B) by inserting after the item relating to section 412 the following new item:

"Sec. 413. Applicability of Reorganization Plan Numbered 1."

(2) Section 3 of such Act (50 U.S.C. App. 2252), as amended by subsection (b) of this section, is further amended—

(A) in each of subsections (b), (e), (f), and (g), as redesignated by subsection (b)(1) of this section, by striking out the semicolon at the end and inserting in lieu thereof a period; and

(B) in subsection (h), as so redesignated, by striking out "and" and inserting in lieu thereof a period.

(3) Section 205 of such Act (50 U.S.C. App. 2286) is amended by striking out "SEC. 205." and inserting in lieu thereof the following:

"SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES."

(g) AMENDMENT FOR STYLISTIC CONSISTENCY.—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is further amended so that the section designation and section heading of each section of such Act shall be in the same form and typeface as the section designation and heading of section 2 of such Act, as amended by subsection (a) of this section.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1994".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1994.

(b) LIMITATIONS.—Expenditures under subsection (a) for administrative expenses may not exceed \$51,742,000, of which not more than—

(1) \$11,000 may be expended for official reception and representation expenses of the Supervisory Board of the Commission;

(2) \$5,000 may be expended for official reception and representation expenses of the Secretary of the Commission; and

(3) \$30,000 may be expended for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Available funds may be used, under the authority of subsection (a), for the purchase of not more than 35 passenger motor vehicles (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama). A vehicle may be purchased under the authority of the preceding sentence only as necessary to replace a passenger motor vehicle of the Commission that is disposed of by the Commission. The purchase price of each vehicle may not exceed \$18,000.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3504. EMPLOYMENT OF COMMISSION EMPLOYEES BY THE GOVERNMENT OF PANAMA.

(a) CONSENT OF CONGRESS.—Subject to subsection (b), the Congress consents to employ-

ees of the Panama Canal Commission who are not citizens of the United States accepting civil employment with agencies and organizations affiliated with the Government of Panama (and compensation for that employment) for which the consent of Congress is required by the 8th clause of section 9 of article I of the Constitution of the United States, relating to acceptance of emolument, office, or title from a foreign State.

(b) CONDITION.—Employees described in subsection (a) may accept employment described in such subsection (and compensation for that employment) only if the employment is approved by the designated agency ethics official of the Panama Canal Commission designated pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App.), and by the Administrator of the Panama Canal Commission.

SEC. 3505. LABOR-MANAGEMENT RELATIONS.

Section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)) is amended—

(1) by paragraph (1), by striking out "and" after the semicolon;

(2) by paragraph (2), by striking out "supervisors." and inserting in lieu thereof "supervisors; and"; and

(3) by adding at the end the following: "(3) any negotiated grievance procedures under section 7121 of title 5, United States Code, including any provisions relating to binding arbitration, shall, with respect to any personnel action to which subchapter II of chapter 75 of such title applies (as determined under section 7512 of such title), be available to the same extent and in the same manner as if employees of the Panama Canal Commission were not excluded from such subchapter under section 7511(b)(8) of such title."

SEC. 3506. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect as of October 1, 1993.

(b) SPECIAL RULE.—Paragraph (3) of section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)), as added by section 3505(3), shall take effect on the date of the enactment of this Act and shall apply with respect to grievances arising on or after such date.

And the Senate agree to the same. That the Senate recede from its amendment to the title of the bill.

From the Committee on Armed Services, for consideration of the entire House bill and the entire Senate amendment, and modifications committed to conference:

RONALD V. DELLUMS,
G. V. MONTGOMERY,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
MARILYN LLOYD,
NORMAN SISISKY,
JOHN M. SPRATT, Jr.,
FRANK MCCLOSKEY,
SOLOMON P. ORTIZ,
GEORGE HOCHBRUECKNER,
GENE TAYLOR,
NEIL ABERCROMBIE,
TOM ANDREWS,
CHET EDWARDS,
ROBERT A. UNDERWOOD,
JANE HARMAN,
FLOYD SPENSE,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
ARTHUR RAVENEL, Jr.,
RONALD K. MACHTLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for con-

sideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

DAN GLICKMAN,
BILL RICHARDSON,
LARRY COMBEST,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 812 and 1316 of the House bill, and sections 1087, 2854, and 2908 of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
STEVE NEAL,
PAUL E. KANJORSKI,
TOM RIDGE,

Provided, Mr. Frank of Massachusetts is appointed in lieu of Mr. Gonzalez and Mr. Bereuter is appointed in lieu of Mr. Ridge solely for the consideration of section 1087 of the Senate amendment:

BARNEY FRANK,
DOUG BEREUTER,

As additional conferees from the Committee on Education and Labor, for consideration of sections 373, 1303, 1331, 1333-1377, 1343, 1344, and 3103 of the House bill and sections 338, 532, 1088, and 2853 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,
PAT WILLIAMS,
TOM PETRI,
BILL GOODLING,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 267, 382, 601, 1109, 1314, 2816, 2822, 2829, 2830, 2839, 3105(b) and (c), 3132, 3137, 3140, and 3201 of the House bill and sections 322, 325, 327, 705, 822, 1088, 2802, 2803, 2833, 2842, 2844, 2913, 3106(c), (d), (j), (l), 3131, 3132, 3133, 3136-3147, 3149, 3150, 3201, and 3202 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
PHILIP R. SHARP,
AL SWIFT,
CARLOS J. MOORHEAD,
MICHAEL G. OXLEY,

Provided, Mr. Billey is appointed in lieu of Mr. Oxley solely for the consideration of sections 267, 601, and 1109 of the House bill, and sections 705 and 3106 of the Senate amendment:

TOM BILLEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Oxley solely for the consideration of sections 1314, 3137, 3140, and 3201 of the House bill, and sections 322, 2802, 2803, 3132, 3136, 3139-3147, 3149, 3150, 3201, and 3202 of the Senate amendment:

MIKE BILIRAKIS,

Provided, Mr. Stearns is appointed in lieu of Mr. Oxley and Mrs. Collins of Illinois is appointed in lieu of Mr. Swift solely for the consideration of section 822 of the Senate amendment:

CLIFF STEARNS,
CARDISS COLLINS,

Provided, Mr. Schaefer is appointed in lieu of Mr. Oxley solely for the consideration of section 3138 of the Senate amendment:

DAN SCHAEFER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 234, 237, 241, 1005, 1008 (relating to funding structure for contingency operations), 1009 (relating to report on humanitarian assistance activities), 1021, 1022, 1034, 1038, 1041, 1043-1045, 1048, 1051-1055, 1105, 1107, 1108, 1201-1203, 1205-1208, 1360, 1501-1510, and 3136 of the House bill, and sections 216, 221, 223, 224, 241-245, 547, 1041, 1042, 1051-1054, 1061, 1067, 1077, 1078, 1083-1085, 1087, 1093, 1094, 1101-1103, and 1105-1107 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
BEN GILMAN,

As additional conferees from the Committee on Government Operations, for consideration of sections 818, 829, 1023, 1050, 2816, 2821, 2822, 2823, 2839, and 3140 of the House bill and sections 825, 2843, 2844, and 2909-2908 of the Senate amendment, and modification committed to conference:

JOHN CONYERS, Jr.,
CARDISS COLLINS,
GLENN ENGLISH,
BILL CLINGER,
AL McCANDLESS,

As additional conferees from the Committee on the Judiciary, for consideration of section 262 of the House bill, and modifications committed to conference:

JACK BROOKS,
MIKE SYNAR,
HOWARD L. BERMAN,
HAMILTON FISH, Jr.,
CARLOS J. MOORHEAD,

As additional conferees from the Committee on the Judiciary, for consideration of section 1022 of the House bill, and modifications committed to conference:

JACK BROOKS,
CHARLES SCHUMER,
JOHN CONYERS, Jr.,
F. JAMES SENSENBRENNER,
Jr.,
HAMILTON FISH, Jr.,

As additional conferees from the Committee on the Judiciary, for consideration of section 1082 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
JOHN BRYANT,
HAMILTON FISH, Jr.,
BILL McCOLLUM,

As additional conferees from the Committee on Merchant Marine and Fisheries, for the consideration of section 1351, 1352, and 1354-1359 of the House bill and sections 654 and 3501-3506 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
BILLY TAUZIN,
WILLIAM O. LIPINSKI,
JACK FIELDS,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 265, 1314, and 3137 of the House bill and sections 328, 2841, 2851, 2915, 3103, and 3135 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
JOLENE UNSOELD,
JACK REED,
JACK FIELDS,

As additional conferees from the Committee on Natural Resources, for consideration of section 2818 of the House bill and sections 2855, 3132, 3139, and 3147 of the Senate amendment, and modifications committed to conference:

GEORGE MILLER,
BRUCE F. VENTO,
DON YOUNG,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 364, 901, 934, 943, and 1408

of the House bill and sections 523, 1064, and 3504 of the Senate amendment, and modifications committed to conference:

WILLIAM (BILL) CLAY,
FRANK McCLOSKEY,
ELEANOR H. NORTON,
JOHN T. MYERS,
CONSTANCE A. MORELLA,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 2816 and 2841 of the House bill and sections 1068, 1087, 2833, 2842, and 2917 of the Senate amendment, and modifications committed to conference:

NORMAN Y. MINETA,
DOUGLAS APPELEGATE,
BOB WISE,
BUD SHUSTER,
BILL CLINGER,

As additional conferees from the Committee on Rules, for consideration of section 1008 (relating to funding structure for contingency operations) of the House bill, and modifications committed to conference:

BUTLER DERRICK,
TONY BEILENSEN,
MARTIN FROST,
GERALD B.H. SOLOMON,
JAMES H. QUILLEN,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 215, 262, 265, 1303, 1304, 1312-1318, and 3105 of the House bill and sections 203, 233, 235, 803, and 3141-3148 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
EDDIE BERNICE JOHNSON,

As additional conferees from the Committee on Small Business, for consideration of section 829 of the House bill, and modifications committed to conference:

JOHN J. LAFALCE,
NEAL SMITH,
JAN MEYERS,

As additional conferees from the Committee on Veterans' Affairs, for consideration of sections 1071 and 1079 of the Senate amendment, and modifications committed to conference:

G.V. MONTGOMERY,
GEORGE E. SANGMEISTER,
BOB STUMP,

Provided, Mr. Slattery is appointed in lieu of Mr. Sangmeister solely for the consideration of section 1079:

JIM SLATTERY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 635, 705, and 1087 of the Senate amendment, and modifications committed to conference:

J.J. PICKLE,

Managers on the Part of the House.

SAM NUNN,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
JOHN GLENN,
RICHARD SHELBY,
ROBERT C. BYRD,
BOB GRAHAM,
CHUCK ROBB,
JOSEPH I. LIEBERMAN,

RICHARD H. BRYAN,
STROM THURMOND,
JOHN WARNER,
BILL COHEN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons, programs of the Department of Energy, and civil defense that have a budget authority implication of \$260.9 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is generally provided in appropriation acts.

In order to relate the conference recommendations to the Budget Resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill for fiscal year 1994 and, in addition, summarizes the implication of the conference action for the budget totals for national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1994
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION					
					FY1994 Request	House	Senate	House +/- Senate	Conference vs. Request	Conference
DIVISION A										
TITLE I										
Aircraft Procurement, Army	1,110.436	1,506.537	1,249.539	1,338.351	1,110.436	1,506.537	1,249.539	256.998	227.915	1,338.351
Missile Procurement, Army	1,043.550	1,084.315	1,083.810	1,081.515	1,043.550	1,084.315	1,083.810	0.505	37.965	1,081.515
Weapons & Tracked Combat Vehicles	874.346	876.997	1,009.679	886.717	1,074.346	1,076.997	1,209.679	-132.682	12.371	1,086.717
Procurement of Ammunition, Army	734.427	665.466	621.049	619.668	734.427	665.466	621.049	44.417	-114.759	619.668
Other Procurement, Army	3,051.281	2,946.362	2,864.575	2,992.077	3,051.281	2,946.362	2,864.575	81.787	-59.204	2,992.077
Chemical Destruction, Army	125.486				433.647					-433.647
Aircraft Procurement, Navy	6,132.604	5,759.827	5,755.166	5,793.157	6,132.604	5,759.827	5,755.166	4.661	-339.447	5,793.157
Weapons Procurement, Navy	3,040.260	2,764.824	3,000.614	2,986.965	3,040.260	2,764.824	3,000.614	-235.790	-53.295	2,986.965
Shipbuilding & Conversion, Navy	4,294.742	4,160.188	4,264.647	4,265.102	4,294.742	4,160.188	4,264.647	-104.459	-29.640	4,265.102
Other Procurement, Navy	2,967.974	2,861.480	2,820.931	2,953.605	2,967.974	2,861.480	2,820.931	40.549	-14.369	2,953.605
Procurement, Marine Corps	483.464	471.021	480.521	483.621	483.464	471.021	480.521	-9.500	0.157	483.621
Aircraft Procurement, Air Force	7,300.965	7,223.502	4,041.664	7,013.938	7,300.965	7,223.502	4,041.664	3,181.838	-287.027	7,013.938
Missile Procurement, Air Force	4,361.050	3,620.871	4,245.404	3,582.743	4,361.050	3,620.871	4,245.404	-624.533	-778.307	3,582.743
Other Procurement, Air Force	7,942.065	7,621.793	7,610.888	7,524.608	7,942.065	7,621.793	7,610.888	10.905	-417.457	7,524.608
Procurement, Defense-Wide	1,730.164	2,177.082	2,044.971	3,050.748	1,730.164	2,177.082	2,044.971	132.111	1,320.584	3,050.748
National Guard & Reserve Equipment		993.275	785.000	990.000		993.275	785.000	208.275	990.000	990.000
Chemical Agents & Munitions Destruction		114.500	442.947	379.561		422.661	442.947	-20.286	379.561	379.561
Inspector General Procurement	0.800	0.800	0.600	0.800						
Defense Health Program	272.762	272.762								
National Sealift Initiative		200.000		147.000		200.000		200.000	147.000	147.000
Total Procurement	45,466.376	45,321.602	42,322.005	46,090.176	45,700.975	45,556.201	42,521.405	3,034.796	588.401	46,289.176
TITLE II										
R,D,T& E Army	5,249.948	5,427.141	5,303.738	5,197.467	5,249.948	5,427.141	5,303.738	123.403	-52.481	5,197.467
R,D,T& E Navy	9,215.604	8,736.970	8,338.931	8,376.737	9,215.604	8,736.970	8,338.931	398.039	-838.867	8,376.737
R,D,T& E Air Force	13,694.984	13,446.635	12,681.597	12,289.211	13,694.984	13,446.635	12,681.597	765.038	-1,405.773	12,289.211
R,D,T& E Defense-Wide	10,174.549	10,029.410	9,510.709	8,787.707	10,174.549	10,029.410	9,510.709	518.701	-1,386.842	8,787.707
Developmental Test & Evaluation	272.592	232.592	252.592	242.592	272.592	232.592	252.592	-20.000	-30.000	242.592
Operational Test & Evaluation	12.650	12.650	12.650	12.650	12.650	12.650	12.650			12.650
FFRDC Reduction			-200.000	-200.000			-200.000	200.000	-200.000	-200.000
Total Research & Development	38,620.327	37,885.398	35,900.217	34,706.364	38,620.327	37,885.398	35,900.217	1,985.181	-3,913.963	34,706.364

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1994

[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION					
					FY1994 Request	House	Senate	House +/- Senate	Conference vs. Request	Conference
TITLE III										
O&M, Army	16,014.394	16,462.610	15,194.036	15,907.246	16,014.394	16,462.610	16,224.236	238.374	-107.148	15,907.246
O&M, Navy	20,192.900	20,102.493	19,081.792	20,076.440	20,192.900	20,102.493	20,324.492	-221.999	-116.460	20,076.440
O&M, Marine Corps	1,818.000	1,990.139	1,790.489	1,860.056	1,818.000	1,990.139	1,911.489	78.650	42.056	1,860.056
O&M, Air Force	19,808.384	19,788.648	18,932.246	19,330.109	19,808.384	19,788.648	20,073.646	-284.998	-478.275	19,330.109
O&M, Defense-Wide	9,587.581	9,076.428	9,523.283	9,235.461	9,587.581	9,076.428	9,523.283	-446.855	-352.120	9,235.461
Office of the Inspector General	126.801	169.001	127.001	161.001	127.601	169.801	127.601	42.200	34.200	161.801
O&M, Army Reserve	1,107.800	1,095.590	1,096.190	1,095.590	1,107.800	1,095.590	1,096.190	-0.600	-12.210	1,095.590
O&M, Navy Reserve	773.800	775.800	782.800	772.706	773.800	775.800	782.800	-7.000	-1.094	772.706
O&M, Marine Corps Reserve	75.100	75.050	83.100	82.950	75.100	75.050	83.100	-8.050	7.850	82.950
O&M, Air Force Reserve	1,354.578	1,354.578	1,356.078	1,346.292	1,354.578	1,354.578	1,356.078	-1.500	-8.286	1,346.292
O&M, Army National Guard	2,218.900	2,223.255	2,216.944	2,216.544	2,218.900	2,223.255	2,216.944	6.311	-2.356	2,216.544
O&M, Air National Guard	2,657.233	2,665.233	2,717.733	2,639.204	2,657.233	2,665.233	2,717.733	-52.500	-18.029	2,639.204
Civilian Youth Opportunities			49.000				49.000		-49.000	
Rifle Practice	2.483	2.483	2.483	2.483	2.483	2.483	2.483			2.483
Court of Military Appeals, Defense	6.055	5.610	6.055	6.055	6.055	5.610	6.055	-0.445		6.055
Drug Interdiction	1,168.200	1,109.439	1,168.200	868.200	1,168.200	1,109.439	1,168.200	-58.761	-300.000	868.200
Summer Olympics			2.000	2.000			2.000	-2.000	2.000	2.000
World Cup USA			12.000	12.000			12.000	-12.000	12.000	12.000
Disaster Relief					15.000	15.000	15.000			15.000
Defense Health Program	9,080.538	9,106.685	9,303.447	9,379.447	9,353.300	9,379.447	9,303.447	76.000	26.147	9,379.447
Environmental Restoration, Defense	2,309.400	2,309.400	2,369.400	1,962.400	2,309.400	2,309.400	2,369.400	-60.000	-347.000	1,962.400
Humanitarian Assistance		58.000	48.000	48.000		58.000	48.000	10.000	48.000	48.000
Global Cooperative Initiatives Fund	448.000				448.000				-448.000	
Videotaping Interrogations		2.500				2.500		2.500		
Former Soviet Union Threat Reduction	400.000	400.000	400.000	400.000	400.000	400.000	400.000			400.000
Overseas Milt. Facilities/NSC Army					10.067	10.067	10.067			10.067
Chemical Destruction, Army	308.161									
Chemical Destruction, Defense		308.161								
Total Operation & Maintenance	89,458.308	89,081.103	86,262.277	87,404.184	89,448.776	89,071.571	89,823.244	-751.673	-2,018.725	87,430.051
Defense Business Operations Fund	1,161.095	1,091.095	1,161.095	1,116.095	-1,874.205	-1,944.205	-1,874.205	-70.000	2,990.300	1,116.095
National Defense Strategic Lift Fund	290.800	290.800	2,669.100	290.800	290.800	290.800	2,669.100	-2,378.300		290.800
National Security Education Trust Fund	24.000		24.000	24.000	24.000		24.000	-24.000		24.000

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1994
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION					
					FY1994 Request	House	Senate	House +/- Senate	Conference vs. Request	Conference
TITLE IV-V-VI-VII										
Total Military Personnel (Sec. 431)		70,671.147	70,711.000	70,183.770	70,083.770	70,671.147	70,711.000	-39.853	100.000	70,183.770
GENERAL PROVISIONS										
Allowance for Proposed Legislation	-1,001.000		0.015		-1,001.000		0.015	-0.015	1,001.000	
National Contingency Operations		10.000		10.000		10.000		10.000	10.000	10.000
Export Loan Guarantees (Function 150)			[25.000]	[25.000]			[25.000]	[-25.000]	[25.000]	[25.000]
DIVISION B										
Military Construction, Army	776.642	875.097	863.944	894.026	776.642	875.097	863.944	11.153	117.384	894.026
Military Construction, Navy	655.123	750.343	660.923	668.323	655.123	750.343	660.923	89.420	13.200	668.323
Military Construction, Air Force	897.178	968.220	1,032.778	1,014.165	906.378	977.420	1,041.978	-64.558	116.987	1,023.365
Milt. Construction, Defense Agencies	1,077.718	642.818	1,031.178	557.758	1,077.718	642.818	1,031.178	-388.360	-519.960	557.758
NATO Infrastructure	240.000	240.000	240.000	140.000	240.000	240.000	240.000		-100.000	140.000
Milt. Construction, Army National Guard	50.865	233.890	277.051	283.483	50.865	233.890	277.051	-43.161	232.618	283.483
Milt. Construction, Air National Guard	142.353	218.114	233.793	236.341	142.353	218.114	233.793	-15.679	93.988	236.341
Military Construction, Army Reserve	82.233	88.433	124.794	101.433	82.233	88.433	124.794	-36.361	19.200	101.433
Military Construction, Naval Reserve	20.591	20.591	25.013	25.013	20.591	20.591	25.013	-4.422	4.422	25.013
Milt. Construction, Air Force Reserve	55.727	84.004	68.427	73.927	55.727	84.004	68.427	15.577	18.200	73.927
Base Realignment & Closure Part I	27.870	127.870	12.830	12.830	27.870	127.870	12.830	115.040	-15.040	12.830
Base Realignment & Closure Part II	1,800.500	2,200.500	1,526.310	1,526.310	1,800.500	2,200.500	1,526.310	674.190	-274.190	1,526.310
Base Realignment & Closure Part III	1,200.000	1,306.000	1,500.000	1,144.000	1,200.000	1,306.000	1,500.000	-194.000	-56.000	1,144.000
Prior Year Deauthorizations			-248.404	-241.977			-248.404	248.404	-241.977	-241.977
Total Military Construction	7,026.800	7,755.880	7,348.637	6,435.632	7,036.000	7,765.080	7,357.837	407.243	-591.168	6,444.832
Family Housing, Army	1,343.886	1,371.386	1,353.986	1,339.405	1,343.474	1,370.974	1,353.574	17.400	-4.481	1,338.993
Family Housing, Navy	1,208.824	1,227.824	1,205.263	1,190.182	1,208.824	1,227.824	1,205.263	22.561	-18.642	1,190.182
Family Housing, Air Force	1,027.147	1,063.208	1,069.147	1,025.866	1,027.147	1,063.208	1,069.147	-5.939	-1.281	1,025.866
Family Housing, Defense Agencies	27.496	27.496	27.496	27.496	27.496	27.496	27.496			27.496
Homeowners Assistance Fund	151.400	151.400	151.400	151.400	151.400	151.400	151.400			151.400
Prior Year Deauthorizations				-104.455					-104.455	104.455
Total Family Housing	3,758.753	3,841.314	3,807.292	3,629.894	3,758.341	3,840.902	3,806.880	34.022	-128.859	3,629.482

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1994
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION					
					FY1994 Request	House	Senate	House +/- Senate	Conference vs. Request	Conference
DIVISION C										
TITLE XXXI- DOE										
Weapons Activities	3,770.965	3,597.965	3,697.582	3,595.198	3,770.965	3,597.965	3,697.582	-99.617	-175.767	3,595.198
Def. Environ. Restoration/ Waste Manage	5,465.877	5,253.377	5,301.232	5,181.855	5,465.877	5,253.377	5,301.232	-47.855	-284.022	5,181.855
Materials Support/Other Defense Program	2,164.185	2,059.185	2,114.185	1,963.755	2,164.185	2,059.185	2,114.185	-55.000	-200.430	1,963.755
Defense Nuclear Waste Disposal	120.000	120.000	120.000	120.000	120.000	120.000	120.000			120.000
New Tritium Production & Plutonium Dest			40.000				40.000	-40.000		
TITLE XXXII										
Defense Nuclear Facilities Safety Board	15.060	15.060	18.000	16.560	15.060	15.060	18.000	-2.940	1.500	16.560
TITLE XXXIII										
Natl Defense Stockpile Transaction Fund			67.300	67.300	-500.000	-500.000	-489.600	-10.400	10.400	-489.600
TITLE XXXIV										
FEMA Civil Defense	146.391	146.391	152.900	146.391	241.490	241.490	247.999	-6.509		241.490
RECAPITULATION										
Department of Defense (Division A)	174,019.906	244,351.145	239,049.709	239,825.389	241,293.443	241,540.912	239,774.776	1,766.136	-1,242.987	240,050.456
Department of Defense (Division B)	10,785.553	11,597.194	11,155.929	10,065.526	10,794.341	11,605.982	11,164.717	441.265	-720.027	10,074.314
Natl Defense Stockpile Transaction Fund			67.300	67.300	-500.000	-500.000	-489.600	-10.400	10.400	-489.600
Trust Funds					321.045	321.045	321.045			321.045
Rocky Mtn Arsenal/Disposal & Lease/WWII					29.000	29.000	29.000			29.000
Offsetting Receipts					-1,035.907	-1,035.907	-1,035.907			-1,035.907
Total DoD Military (051)	184,805.459	255,948.339	250,272.938	249,958.215	250,901.922	251,961.032	249,764.031	2,197.001	-1,952.614	248,949.308
Total Atomic Energy Defense Act. (053)	11,536.087	11,045.587	11,290.999	10,877.368	11,536.087	11,045.587	11,290.999	-245.412	-658.719	10,877.368
Total Other Defense (054)	146.391	146.391	152.900	146.391	1,107.562	1,114.642	1,154.971	-40.329		1,107.562
Total National Defense Function (050)	196,487.937	267,140.317	261,716.837	260,981.974	263,545.571	264,121.261	262,210.001	1,911.260	-2,611.333	260,934.208

Congressional defense committees

The term "congressional defense committees" is often used in this statement of the managers. It means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

Defense budget reductions

The authorizations in this bill for military personnel, operation and maintenance, research and development, military construction, family housing, and the defense activities of the Department of Energy are all lower than those contained in either the House bill or the Senate amendment.

The conferees emphasize that they do not support all the additional reductions they were forced to make in this conference report. Unfortunately, the conferees were required to make these reductions in light of the severe pressure on the defense budget this year, especially with respect to outlays.

The conferees were forced to reduce outlays below the level requested by the President by \$3 billion, despite the fact that the Budget Resolution for fiscal year 1994 approved both the budget authority and outlay levels requested by the President for the national defense function.

A large part of this outlay reduction resulted from a scorekeeping dispute between

the executive and legislative branches. The conferees are disappointed that, despite their repeated efforts to forge a constructive dialogue to resolve this problem, none of the parties responsible for making and enforcing scorekeeping decisions in the executive or legislative branch joined the conferees in this effort.

Arms control compliance

The budget request contained \$305.5 million for arms control-related programs.

The House bill would authorize \$305.5 million.

The Senate amendment would authorize \$268.7 million.

Based on thorough consultations with officials from the Office of the Secretary of Defense, the military services, and the On-Site Inspection Agency (OSIA), the conferees recommend several adjustments to the budget request. The adjustments reflect delays in the anticipated date of entry into force of the Strategic Arms Reduction Treaty (START) and changes in the implementation schedules of other arms control treaties and agreements. The adjustments result in reductions to the budget request of \$10.7 million in procurement, \$2.0 million in research and development, \$0.2 million in military construction, and \$30.1 million in operation and maintenance accounts.

The Department of Defense funds most of the costs of implementing arms control agreements to which the United States is a party. Recently concluded arms control agreements have included the creation of consultative commissions or groups that allow treaties to operate provisionally prior to entry into force. The commissions and groups promote the objectives and implementation of treaty provisions, and discuss and resolve questions or problems that may arise relating to compliance with, questions or problems that may arise relating to compliance with, or possible circumvention, of treaties. Additionally, these commissions and groups can recommend technical changes and amendments to the treaties which could increase the costs of implementing the treaties.

The conferees request that the Department of Defense notify the congressional defense committees 30 days prior to U.S. agreement to any recommendations made by the various commissions and groups that would result in changes to the treaties that would affect the inspection and monitoring provisions, or that would increase the costs of implementation. The advance notification should include information on the effect of the changes and their contribution to U.S. national security.

Table with multiple columns containing numerical data and text, likely a budget or appropriations table. The text is very faint and difficult to read.

FY 1994 DoD Arms Control Budget
(Dollars in Millions)

<u>Account</u>	<u>Program</u>	<u>Request</u>	<u>Conference Change</u>	<u>Conference Recommendation</u>
WPN	Arms control compliance	7.200		7.200
MPAF	MMII/MMIII mods	4.661	-4.661	0.000
OPAF	Spares & repairs	0.039		0.039
OPA	Arms control compliance	10.500	-4.861	5.639
PDA	OSIA	1.200	-1.161	0.039
RDT&E,AF	Arms control implementation	7.107		7.107
RDT&E,DA	Ver tech dem, DNA (603711)	46.350	-2.000	44.350
O&M, Army		36.516	-0.679	35.837
O&M, Navy		36.667	-0.764	35.903
O&M,Air Force		37.887		37.887
O&M, DA	OSIA	114.888	-28.612	86.276
Milcon, DA	OSIA	0.812		0.812
Milcon	Army	1.715	-0.215	1.500
Total		305.542	-42.953	262.589

Management of tactical reconnaissance programs

The conferees are alarmed by the military departments' failed attempts to develop a tactical level reconnaissance capability. These problems are discussed in various other sections of this statement of the managers. Although the Cold War is over, tactical reconnaissance is relatively more important to national security than at any time in history. The proliferation of sophisticated weapons on the international market, reduced budgets and force levels, and the imperative of operating jointly places a premium on having this tactical reconnaissance capability.

Therefore, the conferees believe that it is time for a bold, new approach. The Department of Defense must bring management attention, order, and efficiency to improving tactical reconnaissance capabilities. The conferees direct the Under Secretary of Defense for Acquisition and Technology to create a new acquisition executive position to oversee a single, integrated tactical reconnaissance office (TRO). The conferees envision that the TRO would complement the existing National Reconnaissance Office (NRO), but would focus on aerial reconnaissance missions at the theater-level and below to support the combatant commands.

The conferees believe that the TRO could replace the current disparate activities and incorporate minor elements, as necessary,

from existing program offices, such as the unmanned aerial vehicle (UAV) joint program office (JPO). The conferees believe such an organization should be small and streamlined.

The conferees direct that the TRO manage the consolidated development and procurement efforts for both manned and unmanned tactical airborne reconnaissance, sensor development, and ground station support. The consolidation should reduce overhead and increase commonality. For example, although there are numerous manned and unmanned collection systems (U-2, RC-135, EP-3, ES-3, RC-12, F/A-18D (RC), and short-range and tactical endurance UAVs), the conferees see no reason to maintain or develop entirely separate sensor packages or separate ground stations for each system. The office should work closely with the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, NRO, Defense Support Program Office, Central Imagery Office, and National Security Agency to eliminate gaps and duplication and to ensure that forces can operate jointly.

The conferees also encourage the Under Secretary of Defense for Acquisition and Technology to incorporate streamlined acquisition techniques in managing the TRO. The conferees believe that the TRO could use better procedures for faster, more efficient implementation of engineering changes, waivers, and acceptance testing.

The conferees direct the Secretary of Defense to report to the congressional defense and intelligence committees on a proposed tactical reconnaissance office management plan and organizational charter within 60 days after enactment of this act.

Division A—Department of Defense Authorizations

TITLE I—PROCUREMENT

Overview

The budget request for fiscal year 1994 contained an authorization of \$45,466.4 million for procurement in the Department of Defense. The House bill would authorize \$45,321.6 million. The Senate amendment would authorize \$42,322.0 million. The conferees recommend authorization of \$46,090.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

AIRCRAFT PROCUREMENT, ARMY

Overview

The budget request for fiscal year 1994 contained an authorization of \$1,110.4 million for Aircraft Procurement, Army. The House bill would authorize \$1,506.5 million. The Senate amendment would authorize \$1,249.5 million. The conferees recommend authorization of \$1,081.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Change to Request Quantity	Amount	Authorization Quantity	Amount
AIRCRAFT PROCUREMENT, ARMY													
1	GUARDRAIL COMMON SENSOR (TIARA)		4,885	2	29,885		4,885	2	25,000				4,885
2	TRACTOR HALL C-21A AIRCRAFT												
3	TOTAL PACKAGE FIELDING		278		278		278						278
4	AH-64 ATTACK HELICOPTER (APACHE)		17,570	10	167,570		177,570	10	-10,000	10	150,000	10	167,570
5	UH-60 BLACKHAWK (MYP)	60	233,557	60	233,557	60	233,557					60	233,557
6	UH-60 ADVANCE PROCUREMENT (CY)		174,696		174,696		174,696						174,696
7	HELICOPTER NEW TRAINING ARL AIRCRAFT	50	29,254	50	48,154	50	29,254		18,900		18,900	50	48,154
					42,098		42,098		42,098		42,098		42,098
MODIFICATION OF AIRCRAFT													
8	TRACTOR DEW		10		10		10						10
9	GUARDRAIL MODS (TIARA)		111,534		92,534		111,534		-19,000		-19,000		92,534
10	AH1F MODS		4,266		4,266		4,266						4,266
11	AH-64 MODS		46,392		46,392		46,392				-1,100		45,292
12	CH-47 CARGO HELICOPTER MODS (MYP)		15,367		15,367		15,367						15,367
13	OH-58 MODS		7,685		7,685		7,685						7,685
14	C-20 AIRCRAFT MODS		956		956		956						956
15	C-23 MODS												
16	FLIGHT DATA RECORDER		2,373		2,373		2,373						2,373
17	EXTERNAL FUEL TANKS (UH-1)				5,000				5,000				
18	UH-1 MODS UH-1 SLEP		14,171		14,171		14,171						14,171
19	UH-60A (BLACK HAWK) MODS		46,886		46,886		46,886				-24,586		22,300
20	KIOWA WARRIOR		145,548	36	370,548		145,548	36	225,000	18	112,500	18	258,048
21	EH-60 QUICKFIX MODS		490		490		490						490
22	AIRBORNE AVIONICS		4,780		4,780		4,780						4,780
23	ASE MODS		4,180		4,180		4,180						4,180
24	MODIFICATIONS < \$2.0M		1,530		1,530		1,530						1,530
25	APA SPARES AND REPAIR PARTS		86,251		56,251		86,251		-30,000		-30,000		56,251
26	AIRCRAFT SURVIVABILITY EQUIPMENT		37,559		37,559		37,559						37,559
27	AIRBORNE COMMAND & CONTROL CONSOLES		11,372		11,372		11,372						11,372
28	AVIONICS SUPPORT EQUIPMENT		33,108		33,108		33,108						33,108
29	COMMON GROUND EQUIPMENT		27,566		27,566		27,566						27,566

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/-	Senate	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
30	CONTRACT AUDIT/MGMT APA		20,897										-20,897
31	AVIATION LIFE SUPPORT EQUIPMENT (ALS)		11,692		11,692		11,692						11,692
32	AIR TRAFFIC CONTROL		8,261		8,261		8,261						8,261
33	INDUSTRIAL FACILITIES		7,322		7,322		7,322						7,322
34	LAUNCHER, 2.75 ROCKET		10		10		10						10
35	CLOSED ACCOUNT ADJUSTMENT												
	TOTAL AIRCRAFT PROCUREMENT ARMY		1,110,436		1,506,537		1,249,539		256,998		227,915		1,338,351

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference--- Change to Request		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
MISSILE PROCUREMENT, ARMY													
1	CHAPARRAL SYSTEM SUMMARY												
2	HAWK SYSTEM SUMMARY		2,762		2,762		2,762						2,762
3	OTHER MISSILE SUPPORT												
4	PATRIOT SYSTEM SUMMARY (MYP)		40,611		40,611		40,611						40,611
5	STINGER SYSTEM SUMMARY		8,356		8,356		8,356						8,356
6	AVENGER SYSTEM SUMMARY	144	135,231	144	126,831	144	135,231		-8,400		-8,400	144	126,831
7	AVENGER ADVANCE PROCUREMENT (CY) AVENGER COMPLEMENTARY MISSILE				9,000				9,000				
8	HELLFIRE SYS SUMMARY	1,785	92,535	1,785	85,635	1,785	92,535		-6,900		-13,900	1,785	78,635
9	JAVELIN (AAWS-M) SYSTEM SUMMARY	1,000	207,268	1,000	202,468	1,000	207,268		-4,800			1,000	207,268
10	JAVELIN ADVANCE PROCUREMENT (CY)												
11	TOW 2 SYSTEM SUMMARY		25,282	2,000	75,282		65,282	2,000	10,000		45,000		70,282
12	MLRS SYSTEM SUMMARY		9,801	12,000	74,106		69,801	12,000	4,305	12,000	64,305	12,000	74,106
13	MLRS LAUNCHER	34	216,616	34	199,816	34	178,916		20,900		-20,000	34	196,616
14	MLRS ADVANCE PROCUREMENT (CY)												
15	ARMY TACTICAL MSL SYS (ATACMS) -SYS SU	255	152,559	255	145,559	255	152,559		-7,000		-7,000	255	145,559
16	ATACMS ADVANCE PROCUREMENT (CY)												
17	CONTRACT ADMINISTRATION/AUDIT MPA		22,040								-22,040		
MODIFICATION OF MISSILES													
18	PATRIOT MODS		18,526		18,526		18,526						18,526
19	HAWK MODS												
20	AVENGER MODS		9,318		9,318		9,318						9,318
21	TOW MODS		7,250		7,250		7,250						7,250
22	MLRS MODS		23,197		23,197		23,197						23,197
23	MODIFICATIONS LESS THAN \$2.0M		1,901		1,901		1,901						1,901
24	TRACTOR RIG												
25	MPA SPARES AND REPAIR PARTS		50,610		34,010		50,610		-16,600				50,610
26	AIR DEFENSE TARGETS		14,967		14,967		14,967						14,967
27	ITEMS LESS THAN \$2.0M (MISSILES)		962		962		962						962
28	PRODUCTION BASE SUPPORT		3,758		3,758		3,758						3,758
29	CLOSED ACCOUNT ADJUSTMENTS												
	TOTAL MISSILE PROCUREMENT ARMY		1,043,550		1,084,315		1,083,810		505		37,965		1,081,515

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Change to Request Quantity	Amount	Authorization Quantity	Amount
PROCUREMENT OF W&TCV, ARMY													
TRACKED COMBAT VEHICLES													
1	ABRAMS TRNG DEV MOD		984		984		984						984
2	BRADLEY FIGHTING VEHICLE FAMILY (MYP)		66,100		66,100		66,100						66,100
3	BRADLEY BASE SUSTAINMENT PROGRAM		192,437		192,437		142,437		50,000				192,437
4	BRADLEY FVS TRAINING DEVICES (MOD)		1,920		1,920		1,920						1,920
5	FIELD ARTILLERY AMMUNITION SUPPORT VEH												
6	ABRAMS TANK TRAINING DEVICES		24,585		24,585		24,585						24,585
7	ARMORED GUN SYSTEM (AGS)		8,218		8,218				8,218				8,218
7a	AGS PRIOR YEAR SAVINGS						-4,700		4,700				
8	AGS ADVANCE PROCUREMENT (CY)		7,780		7,780		7,780				-7,780		
9	M1 ABRAMS TANK SERIES (MYP)		26,067		26,067		48,067		-22,000				26,067
MODIFICATION OF TRACKED COMBAT VEHICLES													
10	CARRIER, MOD		5,465		5,465		77,465		-72,000		12,000		17,465
11	BFVS SERIES (MOD)		29,894		29,894		29,894						29,894
12	HOWITZER, MED SP FT 155MM M109A6 (MO		171,526		171,526		171,526						171,526
13	HOWITZER, MED SP FT 155MM M109A5 (MO		15,485		15,485		15,485						15,485
14	FAASV PIP TO FLEET		16,085		16,085		16,085						16,085
15	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)		6,862		6,862		6,862						6,862
16	M1 ABRAMS TANK (MOD)		53,898		62,598		53,898		8,700		8,700		62,598
17	ABRAMS UPGRADE PROGRAM		79,701		96,701		167,701		-71,000		17,000		96,701
18	ABRAMS ADVANCE PROCUREMENT (CY)						17,000		-17,000				
M88A1E1 RECOVERY VEHICLE													
19	MODIFICATIONS LESS THAN \$2.0M (TCV-WTC		520		520		520						520
SUPPORT EQUIPMENT AND FACILITIES													
20	WTCV SPARES AND REPAIR PARTS		34,137		17,337		34,137		-16,800		-16,800		17,337
21	ITEMS LESS THAN \$2.0M (TCV-WTCV)		207		207		207						207
22	PRODUCTION BASE SUPPORT (ICV-WTCV)		23,544		23,544		23,544						23,544
23	REGIONAL MAINTENANCE TRAIN SITES-EQUIP		2,061		2,061		2,061						2,061
24	CONTRACT ADMINISTRATION/AUDIT WTCV		15,749								-15,749		
WEAPONS AND OTHER COMBAT VEHICLES													
25	HOWITZER, LIGHT, TOWED, 105MM, M119		4,290		4,290		4,290						4,290
26	MACHINE GUN, 5.56MM (SAW)	5,854	12,532	5,854	12,532	5,854	12,532					5,854	12,532
27	GRENADE LAUNCHER, AUTO, 40MM, MK19-3	800	20,677	800	20,677	1,800	35,677	-1,000	-15,000	1,000	15,000	1,800	35,677

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference--- Change to Request		--- Conference FY94 --- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
28	LAUNCHER, SMOKE GRENADE												
29	MORTAR, 120MM	226	16,948	226	16,948	226	16,948					226	16,948
30	M16 RIFLE												
31	5.56 CARBINE M4	22,985	11,260	22,985	11,260	22,985	11,260					22,985	11,260
32	PERSONAL DEFENSE WEAPON, 9MM		1,025	38,000	10,525		1,025	38,000	9,500				1,025
33	PDW 9MM SUB COMPACT												
34	SQUAD AUTOMATIC WEAPON (MOD)		4,942		4,942		4,942						4,942
35	M16 RIFLE MODS		2,024		2,024		2,024						2,024
36	MODS LESS THAN \$2.0M (WOCV-WTCV)		2,961		2,961		2,961						2,961
37	WTCV SPARES AND REPAIR PARTS		997		997		997						997
38	ITEMS LESS THAN \$2.0M (WOCV-WTCV)		1,969		1,969		1,969						1,969
39	PRODUCTION BASE SUPPORT (WOCV-WTCV)		5,610		5,610		5,610						5,610
40	INDUSTRIAL PREPAREDNESS		5,886		5,886		5,886						5,886
	BUDGETING FOR CLOSED ACCOUNTS												
	TOTAL W&TCV		874,346		876,997		1,009,679		-132,682		12,371		886,717

Mark-19 grenade launcher

The budget request included \$20.7 million to procure 800 Mark-19 grenade launchers and 3,000 mounts.

The House bill would add \$9.6 million in the National Guard and Reserve equipment procurement account for 700 additional grenade launchers.

The Senate amendment would add \$15.0 million to procure an additional 1,000 grenade launchers. The Senate report (S. Rept. 103-112) expressed concern about the Army

plans for combat, combat support, and combat service support units. The report expressed the belief that the Army should ensure that both active and Reserve components are adequately equipped with the Mark-19 40mm grenade launchers.

The House recedes.

The conferees expect the Army to include funding in the fiscal year 1995 budget request to continue procurement of Mark-19 grenade launchers for the active components as well as the National Guard and Army Reserve.

AMMUNITION, ARMY

Overview

The budget request for fiscal year 1994 contained an authorization of \$734.4 million for Ammunition, Army. The House bill would authorize \$665.5 million. The Senate amendment would authorize \$621.0 million. The conferees recommend authorization of \$619.7 million as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

FISCAL YEAR	HOUSE BILL		SENATE AMENDMENT		CONFERENCE REPORT	
	AMOUNT	UNITS	AMOUNT	UNITS	AMOUNT	UNITS
1994	2,000	2,000	2,000	2,000	2,000	2,000
1995	2,000	2,000	2,000	2,000	2,000	2,000
1996	2,000	2,000	2,000	2,000	2,000	2,000
1997	2,000	2,000	2,000	2,000	2,000	2,000
1998	2,000	2,000	2,000	2,000	2,000	2,000
1999	2,000	2,000	2,000	2,000	2,000	2,000
2000	2,000	2,000	2,000	2,000	2,000	2,000
2001	2,000	2,000	2,000	2,000	2,000	2,000
2002	2,000	2,000	2,000	2,000	2,000	2,000
2003	2,000	2,000	2,000	2,000	2,000	2,000
2004	2,000	2,000	2,000	2,000	2,000	2,000
2005	2,000	2,000	2,000	2,000	2,000	2,000
2006	2,000	2,000	2,000	2,000	2,000	2,000
2007	2,000	2,000	2,000	2,000	2,000	2,000
2008	2,000	2,000	2,000	2,000	2,000	2,000
2009	2,000	2,000	2,000	2,000	2,000	2,000
2010	2,000	2,000	2,000	2,000	2,000	2,000
2011	2,000	2,000	2,000	2,000	2,000	2,000
2012	2,000	2,000	2,000	2,000	2,000	2,000
2013	2,000	2,000	2,000	2,000	2,000	2,000
2014	2,000	2,000	2,000	2,000	2,000	2,000
2015	2,000	2,000	2,000	2,000	2,000	2,000
2016	2,000	2,000	2,000	2,000	2,000	2,000
2017	2,000	2,000	2,000	2,000	2,000	2,000
2018	2,000	2,000	2,000	2,000	2,000	2,000
2019	2,000	2,000	2,000	2,000	2,000	2,000
2020	2,000	2,000	2,000	2,000	2,000	2,000
2021	2,000	2,000	2,000	2,000	2,000	2,000
2022	2,000	2,000	2,000	2,000	2,000	2,000
2023	2,000	2,000	2,000	2,000	2,000	2,000
2024	2,000	2,000	2,000	2,000	2,000	2,000
2025	2,000	2,000	2,000	2,000	2,000	2,000
2026	2,000	2,000	2,000	2,000	2,000	2,000
2027	2,000	2,000	2,000	2,000	2,000	2,000
2028	2,000	2,000	2,000	2,000	2,000	2,000
2029	2,000	2,000	2,000	2,000	2,000	2,000
2030	2,000	2,000	2,000	2,000	2,000	2,000

AMMUNITION, ARMY

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
ARTILLERY FUZES													
	29 FUZE ARTY ELEC TIME M762												
MINES													
	30 MINE, TRAINING, ALL TYPES		2,466		2,466		2,466						2,466
	31 MINE AT/AP M87 (VOLCANO)												
ROCKETS													
	32 ROCKET, LAW, ALL TYPES												
	33 ROCKET, HYDRA 70, ALL TYPES		54,639		54,639		54,639						54,639
OTHER AMMUNITION													
	34 PRIMER PERCUSSION M82												
	35 DEMOLITION MUNITIONS, ALL TYPES		4,627		4,627		4,627						4,627
	36 GRENADES, ALL TYPES		12,177		12,177		12,177						12,177
	37 SIGNALS, ALL TYPES		2,198		2,198		2,198						2,198
	38 SIMULATORS, ALL TYPES		7,358		7,358		7,358						7,358
MISCELLANEOUS													
	39 AMMO COMPONENTS, ALL TYPES		8,146		8,146		8,146						8,146
	40 CAD/PAD ALL TYPES		9,293		9,293		9,293						9,293
	41 ITEMS LESS THAN \$2 MILLION		1,110		1,110		793		317		-317		793
	42 EOD EXPLOSIVE ITEMS		1,312		1,312		1,312						1,312
	43 AMMUNITION PECULIAR EQUIPMENT		4,990		4,990		4,990						4,990
	AT-4 UPGRADE												
	44 FIRST DESTINATION TRANSPORTATION (AMMO)		6,482		6,482		6,482						6,482
	45 NITROGUANIDINE												
PRODUCTION BASE SUPPORT													
	46 PROVISION OF INDUSTRIAL FACILITIES		40,221		40,221		40,221						40,221
	47 COMPONENTS FOR PROVE-OUT		966		966		966						966
	48 LAYAWAY OF INDUSTRIAL FACILITIES		51,532		47,832		51,532		-3,700		-3,524		48,008
	49 PROVING GROUND MODERNIZATION		1,350		1,350		1,350						1,350
	50 MAINTENANCE OF INACTIVE FACILITIES		59,801		54,701		59,801		-5,100		-2,500		57,301
	51 CONVENTIONAL AMMO DEMILITARIZATION		53,339		53,339		53,339						53,339
	52 ARMS INITIATIVE												
999 CLASSIFIED PROGRAMS													
	BUDGETING FOR CLOSED ACCOUNTS												
	GENERAL REDUCTION-CAWCF												
	TRANSFER FROM CAWCF												
	TOTAL AMMUNITION		734,427		665,466		621,049		44,417		-114,759		619,668

Volcano mine system

The House report (H. Rept. 103-200) directed initiation of low rate initial production in fiscal year 1994 of the M87A1 Volcano mine system using \$30.0 million authorized and appropriated for Volcano in fiscal year 1993.

The Senate report (S. Rept. 103-112) contained no similar directive.

The conferees agree with the directive contained in the House report.

Small arms industrial base

The Senate report (S. Rept. 103-112) directed the establishment of a blue ribbon panel to develop a plan for preserving the critical elements of the small arms industrial base.

The House report (H. Rept. 103-200) contained no similar directive.

The conferees endorse the concerns and direction in the Senate report.

The conferees are also concerned about the preservation of the nation's munitions industrial base. For that reason, the conferees are pleased that the Department of Defense is already taking steps to address this issue by establishing a working group of Department of Defense and industry personnel. The conferees anticipate that the group will develop policy and budgetary recommendations for meeting current procurement requirements, preserving surge capability, minimizing peacetime operating costs, and retaining the technical and engineering expertise necessary for future munitions development, production, and support. The recommendations should consider a full range of options, including but not limited to, conversion and reconstitution, international sales, removal of antitrust impediments, and the allocation of both research and production funding between public and private elements of the

Base. Accordingly, the conferees direct the working group to submit its recommendations to the congressional defense committees at the same time it submits the small arms industrial base blue ribbon panel report.

Other Procurement, Army

Overview

The budget request for fiscal year 1994 contained an authorization of \$3,051.3 million for Other Procurement, Army. The House bill would authorize \$2,946.4 million. The Senate amendment would authorize \$2,864.6 million. The conferees recommend authorization of \$2,992.1 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Table with multiple columns and rows, containing numerical data and text labels. The text labels are mostly illegible due to blurriness and low resolution. The table appears to be a detailed budget or authorization table for 'Other Procurement, Army'.

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Authorization Quantity	Authorization Amount	Authorization Quantity	Authorization Amount			Change to Request Quantity	Change to Request Amount	Authorization Quantity	Authorization Amount
OTHER PROCUREMENT, ARMY													
TACTICAL AND SUPPORT VEHICLES													
	1 TACTICAL TRAILERS/DOLLY SETS		4,138		4,138		4,138						4,138
	2 SEMITRAILER, TANK, 5000G												
	3 SEMITRAILER VAN CGO SUPPLY 12T 4WHL M1	39	1,562	39	1,562	39	1,562					39	1,562
	4 HI MOB MULTI-PURP WHLD VEH (HMMV) (MY	5,847	242,737	5,847	242,737	5,847	242,737					5,847	242,737
	5 FAMILY OF MEDIUM TACTICAL VEH (MYP)	256	25,815	256	25,815	256	25,815					256	25,815
	6 HEAVY EQUIPMENT TRANSPORTER SYS												
	7 TRUCK, 10T, 8X8, ABT												
	8 FAMILY OF HEAVY TACTICAL VEHICLES (MYP	945	464,258	945	464,258	945	350,958		113,300		-6,000	945	458,258
	9 MEDIUM TRUCK EXTENDED SVC PGM (ESP)		17,615		17,615		17,615						17,615
	10 MODIFICATION OF IN SVC EQUIP		21,826		12,026		21,826		-9,800		18,000		39,826
	11 ITEMS LESS THAN \$2.0M (TAC VEH)		94		94		94						94
	12 PASSENGER CARRYING VEHICLES	16	951	16	951	16	951					16	951
	13 GENERAL PURPOSE VEHICLES		951		951		951						951
	14 SPECIAL PURPOSE VEHICLES		951		951		951						951
	15 SYSTEM FIELDING SUPPORT PEO		6,572		6,572		6,572						6,572
	16 PROJECT MANAGEMENT SUPPORT		1,588		1,588		1,588						1,588
	17 SYSTEM FIELDING SUPPORT (TACOM)		1,304		1,304		1,304						1,304
	18 DRUG INTERDICTION PROGRAM												
	19 OPA SPARES AND REPAIR PARTS		10,046		9,346		10,046		-700		-4,500		5,546
COMMUNICATIONS AND ELECTRONICS EQUIPMENT													
	20 JCSE EQUIPMENT (USREDCOM)		1,008		1,008		1,008						1,008
	21 DEFENSE SATELLITE COMMUNICATIONS SYSTE		85,088		85,088		85,088						85,088
	22 SAT TERM, ADVANCED MPK UIHF	195	7,940	195	7,940	195	7,940					195	7,940
	23 GMF CONTROL												
	24 NAVSTAR GLOBAL POSITIONING SYSTEM	7,107	42,428	7,107	42,428	7,107	42,428					7,107	42,428
	25 MILSTAR EDM TERMINAL												
	26 GROUND COMMAND POST		12,158		10,158		12,158		-2,000				12,158
	27 MOD OF IN-SVC EQUIP (TAC SAT)		9,873		9,873		9,873						9,873
	28 COMMAND CENTER IMPROVEMENT PROG (CCIP)		3,103		3,103		3,103						3,103
	29 SECURE CONFERENCING PROJECT												
	30 STD THEATER CMD & CONTROL SYS (STACCS)		5,744		5,744		5,744						5,744
	31 WMCSS INFORMATION SYSTEM (WIS)		7,501		7,501		7,501						7,501

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Senate		---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
32	ARMY DATA DISTRIBUTION SYSTEM (ADDS)		21,978		36,978		21,978		15,000		15,000		36,978
33	MOBILE SUBSCRIBER EQUIP (MSE)		45,787		45,787		45,787						45,787
34	SINCGARS FAMILY		352,465		352,465		352,465						352,465
35	SW ASIA COMM INFRASTRUCTURE		1,485		1,485		1,485						1,485
36	EAC COMMUNICATIONS		10,229		9,029		45,429		-36,400		35,200		45,429
37	MOD OF IN-SVC EQUIP (EAC COMM)		18,997		18,997		18,997						18,997
38	C-E CONTINGENCY/FIELDING EQUIP COMMON HARDWARE AND SOFTWARE		10,243		10,243		10,243						10,243
39	TSEC - ARMY KEY MGT SYS (AKMS)												
40	TSEC - INFORMATION SYSTEM SECURITY		59,654		59,654		59,654						59,654
41	TSEC - TEMPEST (COMSEC)												
42	TSEC - TRUNK ENCRYPTION DEVICES (TED)												
43	TSEC/KG-84, DED LOOP ENCRYP DEV												
44	TSEC/KY-99, MINTERM												
45	TSEC - SEC VOICE IMPRV PROG (COMSEC)												
46	TSEC - ITEMS LESS THAN \$2.0M (COMSEC)												
COMM - LONG HAUL COMMUNICATIONS													
47	TERRESTRIAL TRANSMISSION		1,377		1,377		1,377						1,377
48	C-E FACILITIES/PROJECTS		1,442		1,442		1,442						1,442
49	DEFENSE DATA NETWORK (DDN)		5,930		5,930		5,930						5,930
50	ELECTROMAG COMP PROG (EMCP)		486		486		486						486
51	MW TECH CON IMP PROG (MWTICP)		1,310		1,310		1,310						1,310
52	INFORMATION SYSTEMS		26,268		26,268		26,268						26,268
53	DEFENSE MESSAGE SYSTEM (DMS)		8,293		8,293		8,293						8,293
54	LOCAL AREA NETWORK (LAN)		17,467		10,567		17,467		-6,900				17,467
55	PENTAGON TELECOM CTR (PTC)		3,499		3,499		3,499						3,499
56	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		287		287		287						287
57	GENERAL DEFENSE INTELL PROG (TIARA)		40,077		37,577		28,777		8,800		-6,486		33,591
58	ITEMS LESS THAN \$2.0M (INTEL SPT)		3,087		3,087		3,087						3,087
59	ALL SOURCE ANALYSIS SYS (ASAS)		29,578		12,578		29,578		-17,000		-12,578		17,000
60	COMMANDERS TACTICAL TERM (CTT)	9	6,497	9	6,497	9	6,497					9	6,497
61	HF COMINT SYSTEM (TIARA)	1	19,817	1	19,817	1	19,817					1	19,817
62	IMAGERY PROCESSING SYSTEM (IPS)		1,927		1,927		1,927						1,927
63	JOINT STARS (ARMY) (TIARA)		57,917		57,917		57,917						57,917

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference--- Change to Request		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
64	DIGITAL TOPOGRAPHIC SPT SYS (DTSS)		14,179		9,179		14,179		-5,000		-1,900		12,279
65	DRUG INTERDICTION PROGRAM (DIP)												
66	TACT ELEC SURV SYS (TESS) (TIARA)		7,229		7,229		7,229						7,229
67	TROJAN (TIARA)		8,815		8,815		8,815						8,815
68	MOD OF IN-SVC EQUIP (INTELL SPT)		15,824		15,824		15,824						15,824
69	ITEMS LESS THAN \$2.0M (TIARA)												
70	CLOSE COMBAT DECOYS		1,156		1,156		1,156						1,156
71	MOD OF IN-SVC EQUIP (EW)		8,007		8,007		8,007						8,007
72	LESS THAN \$2.0M (EW) CMP GEN		1,211		1,211		1,211						1,211
73	LT SPEC DIV INTERIM SENSOR (LSDIS)		1,914		1,914		1,914						1,914
74	NIGHT VISION DEVICES		91,414		91,414		91,414						91,414
75	PHYSICAL SECURITY SYSTEMS		11,141		11,141		11,141						11,141
76	ARTILLERY ACCURACY EQUIP		16,396		16,396		16,396						16,396
77	MOD OF IN-SVC EQUIP (TAC SURV)		37,792		37,792		37,792						37,792
78	INTEGRATED MET SYS SENSORS (IMETS)		6,452		6,452		6,452						6,452
79	ADV FIELD ARTILLERY TACT DATA (AFATDS)	533	24,892	533	24,892	533	24,892					533	24,892
80	FIRE SUPPORT ADA CONVERSION	300	22,536	300	22,536	300	22,536					300	22,536
81	INTERIM FIRE SPT AUTOMATIC SYSTEM	397	11,487	397	11,487	397	11,487					397	11,487
82	CMBT SVC SUPT CONTROL SYS (CSSCS)	108	12,833	108	12,833	108	12,833				-12,833	108	
83	CORPS/THEATER ADP SVC CTR (CTASC)		6,788		6,788		6,788						6,788
84	FAAD C2		10,800		10,800		10,800						10,800
84A	FAAD-GBS				7,900				7,900		7,900		7,900
85	FORWARD ENTRY DEVICE (FED)		23,157		23,157		23,157						23,157
86	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		1,810		1,810		1,810						1,810
87	LOGTECH		4,790		4,790		4,790						4,790
88	ISYSCON EQUIPMENT		958		958		958						958
89	MANEUVER CONTROL SYSTEM (MCS)												
90	STAMIS TACTICAL COMPUTERS (STACOMP)		43,479		43,479		43,479						43,479
91	AUTOMATED DATA PROCESSING EQUIP		62,784		62,784		62,784						62,784
92	IPC/DP INSTALLATION CONSOLIDATION												
93	RESERVE COMPONENT AUTOMATION SYS (RCAS)		162,398		162,398		162,398						162,398
94	AFRTS		4,386		4,386		4,386						4,386
95	ITEMS LESS THAN \$2.0M (A/V)		5,222		5,222		5,222						5,222
96	CALIBRATION SETS EQUIPMENT		14,682		14,682		14,682						14,682

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Senate		---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
130	SOLDIER ENHANCEMENT		11,529		11,529		11,529						11,529
131	ITEMS LESS THAN \$2.0M (CSS-EQ)		2,092		2,092		2,092						2,092
	XM56 SMOKE GENERATOR SYSTEM												
132	TANK ASSY, FAB COLLAPS, 20,000 GAL POL	458	2,256	458	2,256	458	2,256					458	2,256
133	FUEL SYSTEM SUPPLY POINT, 60000 GALLON												
134	PUMP ASSY LIQ GAS WHL 4 IN OUT 350 GPM	97	1,222	97	1,222	97	1,222					97	1,222
135	INLAND PETROLEUM DISTRIBUTION SYSTEM		3,772		3,772		3,772						3,772
136	FORWARD AREA REFUELING SYS ADV AVIAT												
137	HEMTT AVIATION REFUELING SYSTEM												
138	ITEMS LESS THAN \$2.0M (POL)		6,409		6,409		6,409						6,409
139	WATER PURIF UNIT REV OS 3000 GPH												
140	FWD AREA WTR POINT SUP SYSTEM												
141	TANK FABRIC COLL WTR 3000 GAL (ONION)												
142	WATER QUALITY ANALYSIS SET PURIF												
143	ITEMS LESS THAN \$2.0M (WATER EQ)		3,947		3,947		3,947						3,947
144	COMBAT SUPPORT MEDICAL		19,551		19,551		19,551						19,551
145	MEDICAL SUPPORT EQUIPMENT												
146	TOOL OUTFIT HYDRAULIC REPAIR 3/4 TRL M												
147	ITEMS LESS THAN \$2.0M (MAINT EQ)		7,053		7,053		7,053						7,053
148	COMPACTOR HI-SPEED TAMP SELF PROP (CCE	109	13,383	109	13,383	109	13,383					109	13,383
149	CRUSHING/SCREENING PLANT, 150 TPH												
150	ITEMS LESS THAN \$2.0M (CONST EQUIP)		3,851		3,851		3,851						3,851
151	LOGISTIC SUPPORT VESSEL (LSV)												
152	CAUSEWAY SYSTEMS												
153	RAILWAY CAR, FLAT, 100 TON	80	7,876	80	7,876	80	7,876					80	7,876
154	ITEMS LESS THAN \$2.0M (FLOAT/RAIL)		2,870		2,870		2,870						2,870
155	GENERATORS AND ASSOCIATED EQUIP		35,685		35,685		35,685						35,685
156	FRONT/SIDE LOADER FORKLIFT, CBD, PT												
157	ITEMS LESS THAN \$2.0M (MHE)		5,919		5,919		5,919						5,919
158	COMBAT TRAINING CENTERS SUPPORT		12,975		12,975		12,975						12,975
159	TRAINING DEVICES, NONSYSTEM		79,650		79,650		79,650						79,650
160	SYSTEM FIELDING SUPPORT (OPA-3)		15,168		15,168		15,168						15,168
161	OPA SPARES AND REPAIR PARTS		7,182		7,182		7,182						7,182
162	BASE LEVEL COM'L EQUIPMENT		13,603		13,603		13,603						13,603

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference--- Change to Request		--- Conference FY94 --- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
163	PROD ENHANCING CAPITAL INVEST PROG												
164	QUICK RETURN ON INVESTMENT PROGRAM												
165	ARMS CONTROL COMPLIANCE		10,471		10,471		5,610		4,861		-4,861		5,610
166	COMBINED DEFENSE IMPROVE PROJECT (CDIP)		2,711		2,711		2,711						2,711
167	MODIFICATION OF IN-SVC EQUIPMENT (OPA-		41,072		41,072		41,072						41,072
168	OSD PRODUCTIVITY INVESTMENT FUNDING												
169	PRODUCTION BASE SUPPORT (OTH)		1,908		1,908		1,908						1,908
170	INDUSTRIAL MODERNIZATION INCENTIVE PRO		4,017		4,017		4,017						4,017
171	SPECIAL EQUIPMENT FOR USER TESTING		4,928		4,928		4,928						4,928
172	TRACTOR ACE												
173	OPERATIONAL PROJECT STOCKS												
174	NATURAL GAS UTILIZATION												
175	CLOSED ACCOUNT ADJUSTMENTS												
	RAISE O&M PURCHASE THRESHOLD						-12,000		12,000				
	BUDGETING FOR CLOSED ACCOUNTS												
	TOTAL OTHER PROCUREMENT ARMY		3,051,281		2,946,362		2,864,575		81,787		-59,204		2,992,071

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
AIRCRAFT PROCUREMENT, NAVY													
1	EA-6B/REMG (ELECTRONIC WARFARE) PROWL		77,586		77,586		77,586						77,586
2	EA-6B ADVANCE PROCUREMENT (CY)												
3	AV-8B (V/STOL) HARRIER	4	129,601	2	80,000	4	129,601	-2	-49,601			4	129,601
4	AV-8B ADVANCE PROCUREMENT (CY)		15,000		15,000		15,000						15,000
5	F-14A/D (FIGHTER) TOMCAT												
6	F/A-18C/D (FIGHTER) HORNET (MYP)	36	1,492,734	36	1,492,734	36	1,492,734					36	1,492,734
7	F/A-18 ADVANCE PROCUREMENT (CY)		252,569		113,229				113,229		-139,340		113,229
8	CH/MH-53E (HELICOPTER) SUPER STALLION	12	281,884	12	280,567	12	281,884		-1,317			12	281,884
9	CH/MH-53 ADVANCE PROCUREMENT (CY)		15,000		15,000		15,000						15,000
10	AH-1W (HELICOPTER) SEA COBRA	12	143,274	12	127,174	12	143,274		-16,100			12	143,274
11	SH-60B (ASW HELICOPTER) SEAHAWK	7	189,276	7	189,276	7	189,276					7	189,276
12	SH-60B ADVANCE PROCUREMENT (CY)		27,150		57,150		27,150		30,000				27,150
13	SH-60F (CV ASW HELICOPTER)	8	149,839	8	149,839	8	149,839					8	149,839
14	SH-60F ADVANCE PROCUREMENT (CY)		36,633		36,633		36,633						36,633
15	E-2C (EARLY WARNING) HAWKEYE		27,881		27,881		27,881						27,881
16	C-20												
17	T-45TS (TRAINER) GOSHAWK	12	259,225	12	259,225	12	259,225					12	259,225
18	T-45 ADVANCE PROCUREMENT (CY)		30,756		30,756		30,756						30,756
19	HH-60H (HELICOPTER) CSAR	9	144,146	9	144,146	9	144,146					9	144,146
20	HH-60J (HELICOPTER) COAST GUARD												
MODIFICATION OF AIRCRAFT													
21	A-4 SERIES												
22	A-6 SERIES		19,623		19,623		19,623						19,623
22a	A-6 PRIOR YEAR SAVINGS						-98,700		98,700				
23	EA-6 SERIES		21,858		21,858		21,858						21,858
24	AV-8 SERIES		22,797		22,797		22,797						22,797
25	F-14 SERIES		116,213		116,213		291,213		-175,000		48,787		165,000
26	ADVERSARY		197		197		197						197
27	ES-3 SERIES		10,690		10,690		10,690						10,690
28	OV-10 SERIES												
29	F/A-18 SERIES		48,833		48,833		48,833						48,833
30	H-46 SERIES		74,321		74,321		74,321						74,321
31	H-53 SERIES		37,202		37,202		37,202						37,202

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Senate Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Change to Request Quantity	Amount	Authorization Quantity	Amount
32	SH-60 SERIES		46,064		46,064		46,064						46,064
33	VII-60 SERIES												
34	H-1 SERIES		74,944		74,944		74,944						74,944
35	H-2 SERIES												
36	H-3 SERIES		2,819		2,819		2,819						2,819
37	EP-3 SERIES		34,225		8,768		34,225		-25,457			-34,225	
38	P-3 SERIES		214,304		214,304		131,804		82,500			-96,000	118,304
39	S-3 SERIES		12,910		12,910		12,910						12,910
40	E-2 SERIES		124,003		124,003		124,003						124,003
41	TRAINER A/C SERIES		11,985		11,985		11,985						11,985
42	C-130 SERIES		13,631		13,631		13,631						13,631
43	FEWSG		26,506		26,506		26,506						26,506
44	CARGO/TRANSPORT A/C SERIES		15,010		15,010		15,010						15,010
45	E-6 SERIES		118,461		118,461		118,461						118,461
46	EXECUTIVE HELICOPTERS SERIES		52,293				52,293		-52,293				52,293
47	VARIOUS		94		94		94						94
48	POWER PLANT CHANGES		9,511		9,511		9,511						9,511
49	MISC FLIGHT SAFETY CHANGES		87		87		87						87
50	COMMON ECM EQUIPMENT		65,774		65,774		65,774						65,774
51	COMMON AVIONICS CHANGES		90,228		90,228		90,228						90,228
52	APN SPARES AND REPAIR PARTS		903,187		903,187		903,187						903,187
53	COMMON GROUND EQUIPMENT		452,815		452,815		452,815						452,815
54	AIRCRAFT INDUSTRIAL FACILITIES		37,939		37,939		37,939						37,939
55	WAR CONSUMABLES		18,148		18,148		18,148						18,148
56	OTHER PRODUCTION CHARGES		41,456		41,456		41,456						41,456
57	SPECIAL SUPPORT EQUIPMENT		18,542		18,542		18,542						18,542
58	FIRST DESTINATION TRANSPORTATION		4,711		4,711		4,711						4,711
59	CONTRACT ADMIN/AUDIT APN		118,669									-118,669	
60	CANCELLED ACCOUNT ADJUSTMENTS												
	TOTAL AIRCRAFT PROCUREMENT NAVY		6,132,604		5,759,827		5,755,166		4,661			-339,447	5,791,157

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Senate		---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
WEAPONS PROCUREMENT, NAVY													
1	TRIDENT I		7,603		7,603		7,603						7,603
2	TRIDENT II	24	983,345	24	983,345	24	983,345					24	983,345
3	TRIDENT II ADVANCE PROCUREMENT (CY)		145,251		145,251		170,000		-24,749				145,251
4	MISSILE INDUSTRIAL FACILITIES		2,165		2,165		2,165						2,165
5	TOMAHAWK	216	248,288	216	248,288	216	248,288					216	248,288
6	AMRAAM	44	59,118	44	59,118	44	59,118					44	59,118
7	HARPOON	75	98,369	75	98,369	75	98,369					75	98,369
8	HARM												
9	STANDARD MISSILE	220	215,028	220	215,028	220	215,028					220	215,028
10	RAM	240	58,476	180	43,876	240	58,476	-60	-14,600			240	58,476
11	HELLFIRE	1,931	83,874	1,931	83,874	1,931	83,874					1,931	83,874
12	PENGUIN												
13	TOW IIA												
14	AERIAL TARGETS		114,407		114,407		114,407						114,407
15	DRONES AND DECOYS (ITALD)				10,000				10,000		10,000		10,000
16	OTHER MISSILE SUPPORT		9,834		9,834		9,834						9,834
MODIFICATION OF MISSILES													
17	TOMAHAWK MODS		15,446		15,446		15,446						15,446
18	SPARROW MODS		35,899		15,899		35,899		-20,000				35,899
19	SIDEWINDER MODS		18,228		18,228		18,228						18,228
20	PHOENIX MODS												
21	HARPOON MODS		2,793		2,793		2,793						2,793
22	HARM MODS		96,667		96,667		96,667						96,667
23	STANDARD MISSILES MODS		14,451		8,351		14,451		-6,100		-6,100		8,351
24	WEAPONS INDUSTRIAL FACILITIES		22,067				37,567		-37,567		15,500		37,567
25	FLEET SATELLITE COMMUNICATIONS (MYP)		159,784		159,784		159,784						159,784
26	CONTRACT ADMIN/AUDIT WPN		59,895								-59,895		
27	ORDNANCE SUPPORT EQUIPMENT		6,894		6,894		6,894						6,894
TORPEDOES AND RELATED EQUIPMENT													
28	MK-48 ADCAP TORPEDO (MYP)	108	100,125			108	100,125	-108	-100,125			108	100,125
29	MK-48 ADVANCE PROCUREMENT (CY)												
30	MK-50 ALWT		21,419		21,419		21,419						21,419
30A	MK-50 ALWT ADV PROC CY				18,000						18,000		

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
	TORPEDO INDUSTRIAL BASE												
31	ASW TARGETS		17,587		8,000		17,587		-9,587				17,587
32	ASROC												
33	VERTICAL LAUNCHED ASROC (VLA)	40	22,682	40	22,682	40	22,682					40	22,682
34	VLA ADVANCE PROCUREMENT (CY)												
35	MK-46 TORPEDO MODS		24,099				24,099		-24,099		-24,099		
	MK-46 HYBRID/SLEP										21,299		21,299
36	QUICKSTRIKE MINE		3,543		3,543		3,543						3,543
37	MK-60 CAPTOR MODS												
38	TORPEDO SUPPORT EQUIPMENT		37,627		24,180		37,627		-13,447				37,627
39	ASW RANGE SUPPORT		24,195		24,195		24,195						24,195
40	FIRST DESTINATION TRANSPORTATION		7,074		7,074		7,074						7,074
	OTHER WEAPONS												
41	MK-15 PHALANX CIWS												
42	MK-19 40MM MACHINE GUN												
43	MK-38 25MM GUN MOUNT												
44	SMALL ARMS AND WEAPONS		837		837		837						837
45	CIWS MODS		41,805				41,805		-41,805				41,805
46	5/54 GUN MOUNT MODS		6,033		6,033		6,033						6,033
47	MK-75 76MM GUN MOUNT MODS		2,760		2,760		2,760						2,760
48	MODS UNDER \$2 MILLION		1,391		1,391		1,391						1,391
49	CANCELLED ACCOUNT ADJUSTMENTS												
	OTHER ORDNANCE												
	AIR LAUNCHED ORDNANCE												
50	GENERAL PURPOSE BOMBS		51,124		51,124		51,124						51,124
51	2.75 INCH ROCKETS		13,327		13,327		13,327						13,327
52	MACHINE GUN AMMUNITION		7,355		7,355		7,355						7,355
53	PRACTICE BOMBS		10,862		20,862		10,862		10,000		10,000		20,862
54	GATOR												
	SHIP ORDNANCE												
55	5 INCH/54 GUN AMMUNITION		55,161		55,161		55,161				-14,217		40,944
56	CIWS AMMUNITION		1,711				1,711		-1,711				1,711
57	76MM GUN AMMUNITION		15,583		15,583		15,583				-5,783		9,800
58	OTHER SHIP GUN AMMUNITION		16,862		16,862		16,862						16,862

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
	SHIP GUN AMMUNITION REDUCTION							-20,000	20,000				
	OTHER ORDNANCE												
59	SMALL ARMS & LANDING PARTY AMMUNITION		11,468		11,468		11,468						11,468
60	PYROTECHNIC AND DEMOLITION		13,400		13,400		13,400						13,400
61	DEMILITARIZATION		6,712		6,712		6,712						6,712
62	WPN SPARES AND REPAIR PARTS		67,636		67,636		67,636						67,636
	TOTAL WEAPONS PROCUREMENT NAVY		3,040,260		2,764,824		3,000,614		-235,790		-53,295		2,986,965

Torpedoes

The budget request contained: \$24.1 million for procurement of MK-46 torpedo modifications; \$100.1 million for procurement of 108 MK-48 advanced capability (ADCAP) torpedoes; and \$21.4 million to support production engineering efforts for the MK-50 advanced light weight torpedo (ALWT) program and to complete follow-on operational test and evaluation of corrections to problems identified in operational evaluation.

The House bill did not authorize any funds for MK-46 torpedo modifications or MK-48 ADCAP torpedo procurement. The House bill, however, would authorize \$21.4 million to procure 24 MK-50 ALWT torpedoes in fiscal year 1994, and \$18.0 million in advance procurement for torpedoes in fiscal year 1995.

The Senate amendment would authorize the requested amounts. The House recedes.

The Navy has informed the conferees of a program to develop a hybrid MK-46 torpedo that would use components of the MK-48 ADCAP and MK-50 ALWT torpedoes. Such a hybrid torpedo could be better adapted to shallow water missions. The conferees believe that his program would help support the torpedo production industrial base and make better use of the large MK-46 torpedo inventory. The conferees direct the Secretary of the Navy to pursue this hybrid program and recommend a \$21.3 million authorization for this purpose.

ASW targets

The budget request included \$17.6 million for antisubmarine warfare (ASW) targets.

The House bill would authorize only \$8.0 million for this program. The House report (H. Rept. 103-200) suggested that current ASW targets may not be appropriate for shallow water operations and are not compatible with MK-48 or MK-50 torpedoes. The House report also directed the Secretary of the Navy to include ASW targets appropriate for these requirements in future budget requests.

The Senate amendment would authorize the requested funds.

The conferees agree to authorize \$17.6 million for fiscal year 1994, but direct the Secretary of the Navy not to obligate more than \$8.0 million until the Secretary provides a plan to the congressional defense committees detailing how the current ASW target programs can be expanded to include supporting MK-48 and MK-50 torpedoes and shallow water ASW training operations.

Torpedo support equipment

The budget request included \$37.6 million for torpedo support equipment.

The House bill would provide \$24.2 million, a reduction linked to the House recommendations on overall torpedo production.

The Senate amendment would provide the requested amount.

The conferees agree to authorize \$37.6 million for torpedo support equipment. The conferees also agree that the Navy should obligate no more than \$24.2 million until the Secretary of the Navy provides a plan to the congressional defense committees detailing how the current torpedo support equipment programs can be expanded to include supporting:

- The MK-50 torpedo;
- The MK-46 service life extension program (SLEP);
- The MK-46 hybrid SLEP program; and
- The MK-48/ADCAP torpedo programs.

This plan should also describe how the Navy intends to restructure the support equipment program to reflect torpedo inventories that will be much smaller than those which the Navy planned before the end of the Cold War.

SHIPBUILDING AND CONVERSION, NAVY

Overview

The budget request for fiscal year 1994 contained an authorization of \$4,294.7 million for Shipbuilding and Conversion, Navy. The House bill would authorize \$4,160.2 million. The Senate amendment would authorize \$4,264.6 million. The conferees recommend authorization of \$4,265.1 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Item	House Bill	Senate Amendment	Conferees' Recommendation
1. ASW targets	\$8.0	\$17.6	\$17.6
2. Torpedo support equipment	\$24.2	\$37.6	\$37.6
3. Shipbuilding and Conversion, Navy	\$4,160.2	\$4,294.7	\$4,265.1
4. Total	\$4,202.4	\$4,449.9	\$4,420.3

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Senate		---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
SHIPBUILDING & CONVERSION, NAVY													
1	CARRIER REPLACEMENT PROGRAM												
2	SSN-21												
3	SUBMARINE INDUSTRIAL BASE												
4	CVN REFUELING OVERHAULS		31,127		31,127		31,127						31,127
5	CGN REFUELING OVERHAULS												
6	CGN ADVANCE PROCUREMENT (CY)												
7	DDG-51	3	2,642,772	3	2,585,231	3	2,612,772		-27,541			3	2,642,772
8	DDG-51 ADVANCE PROCUREMENT (CY)												
9	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)	1	893,848	1	893,848	1	893,848					1	893,848
10	LHD ADVANCE PROCUREMENT (CY)												
11	LSD-41 (CARGO VARIANT)												
12	LSD ADVANCE PROCUREMENT (CY)												
13	MHC MINE HUNTER COASTAL												
14	MINE WARFARE C2 SHIP	1	124,175	1	124,175	1	124,175					1	124,175
15	AOE												
16	AOE ADVANCE PROCUREMENT (CY)												
17	OCEANOGRAPHIC SHIPS	2	110,049	2	110,049	2	110,049					2	110,049
18	SERVICE CRAFT		27,362		27,362		27,362						27,362
19	LCAC LANDING CRAFT												
20	OUTFITTING		251,330		212,871		251,330		-38,459		-29,545		221,785
21	POST DELIVERY		169,732		169,732		169,732						169,732
22	PRODUCTION DESIGN SUPPORT		38,459				38,459		-38,459				38,459
23	ESCALATION ON PRIOR YEAR PROGRAM												
24	PY AOE/TAGS PROGRAM COMPLETION												
25	FIRST DESTINATION TRANSPORTATION		5,793		5,793		5,793						5,793
26	CONTRACT ADMIN/AUDIT		95										-95
	COST GROWTH												
	UNALLOCATED												
	TOTAL SHIPBUILDING		4,294,742		4,160,188		4,264,647		-104,459		-29,640		4,265,102

Guided missile destroyer (DDG-51)

The budget request included \$2,642.8 million for buying three Arleigh Burke-class destroyers (DDG-51).

The House bill would authorize \$2,546.8 million for this purpose, a \$96.0 million reduction. The House report (H. Rept. 103-200) directed the Navy to use militarized computer equipment, tactical displays, and data terminals currently operating at shore sites for outfitting these ships. To replace these, the House report directed the Navy to purchase commercial, off-the-shelf (COTS) equipment and display emulators.

The Senate amendment would authorize \$2,612.8 million, a \$30.0 million reduction. The Senate report (S. Rept. 102-112) directed the Navy to use refurbished 5"/54 Mark 45 guns from retiring cruisers instead of purchasing new ones.

The conferees agree to provide the requested amount for the DDG-51 program.

The Navy has informed the conferees that the retiring cruisers' 5"/54 Mark 45 guns will not be available soon enough to support the construction schedule of the fiscal year 1994 ships. The Navy intends, however, to use these guns in future destroyer construction.

The Navy has also informed the conferees that shore establishments are already using COTS equipment and display emulators, except in those cases when the militarized equipment is needed for maintenance training, software development, or to provide a battle spare. The conferees believe that the Navy could achieve additional savings, but are concerned that taking precipitous action now could delay the destroyer construction program.

The conferees believe that substantial savings could be realized by utilizing non-militarized equipment at shore activities where there is not a valid need or requirement for militarized equipment. Therefore, the con-

ferrees direct the Secretary of the Navy to develop and implement a plan to use COTS equipment at shore activities to the maximum extent practical. The conferees direct the Navy to provide this plan to the congressional defense committees with the submission of the fiscal year 1995 budget request.

OTHER PROCUREMENT, NAVY

Overview

The budget request for fiscal year 1994 contained an authorization of \$2,968.0 million for Other Procurement, Navy. The House bill would authorize \$2,861.5 million. The Senate amendment would authorize \$2,820.9 million. The conferees recommend authorization of \$2,953.6 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Item	House	Senate	Conferees	Change from House	Change from Senate
1. AIRCRAFT	1,100,000	1,100,000	1,100,000	0	0
2. AIRCRAFT PARTS	1,000,000	1,000,000	1,000,000	0	0
3. AIRCRAFT MAINTENANCE	1,000,000	1,000,000	1,000,000	0	0
4. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
5. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
6. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
7. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
8. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
9. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
10. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
11. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
12. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
13. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
14. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
15. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
16. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
17. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
18. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
19. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
20. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
21. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
22. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
23. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
24. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
25. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
26. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
27. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
28. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
29. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
30. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
31. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
32. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
33. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
34. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
35. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
36. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
37. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
38. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
39. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
40. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
41. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
42. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
43. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
44. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
45. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
46. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
47. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
48. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
49. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
50. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
51. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
52. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
53. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
54. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
55. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
56. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
57. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
58. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
59. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
60. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
61. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
62. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
63. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
64. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
65. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
66. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
67. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
68. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
69. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
70. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
71. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
72. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
73. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
74. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
75. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
76. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
77. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
78. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
79. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
80. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
81. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
82. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
83. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
84. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
85. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
86. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
87. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
88. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
89. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
90. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
91. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
92. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
93. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
94. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
95. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
96. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
97. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
98. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
99. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0
100. AIRCRAFT REPAIRS	1,000,000	1,000,000	1,000,000	0	0

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
OTHER PROCUREMENT, NAVY													
SHIPS SUPPORT EQUIPMENT													
	1 LM-2500 GAS TURBINE		6,975		6,975		6,975						6,975
	2 ALLISON 501K GAS TURBINE		2,082		2,082		2,082						2,082
	3 STEAM PROPULSION IMPROVEMENT		322		322		322						322
	4 OTHER PROPULSION EQUIPMENT		4,581		4,581		4,581						4,581
	5 OTHER GENERATORS		17,180		17,180		17,180						17,180
	6 OTHER PUMPS		5,089		5,089		5,089						5,089
	6A SUBMARINES PUMP RETROFIT KITS				1,000				1,000		1,000		1,000
	7 HIGH PRESSURE AIR COMPRESSORS		4,856		4,856		4,856						4,856
	8 SUBMARINE PROPELLERS												
	9 OTHER PROPELLERS AND SHAFTS		1,851		1,851		1,851						1,851
	10 ELEC SUSPENDED GYRO NAVIGATOR		2,143		2,143		2,143						2,143
	11 OTHER NAVIGATION EQUIPMENT		10,766		10,766		10,766						10,766
	12 UNDERWAY REPLENISHMENT EQUIPMENT		12,999		12,999		12,999						12,999
	13 TYPE 18 PERISCOPES												
	14 PERISCOPES AND ACCESSORIES												
	15 SUBMARINE PERISCOPES & IMAGING EQUIPME		15,115		15,115		15,115						15,115
	16 FIREFIGHTING EQUIPMENT		14,693		14,693		14,693						14,693
	17 COMMAND AND CONTROL SWITCHBOARD		3,518		3,518		3,518						3,518
	18 POLLUTION CONTROL EQUIPMENT		18,383		18,383		18,383						18,383
	19 SUBMARINE SILENCING EQUIPMENT		4,638		4,638		4,638						4,638
	20 SURFACE SHIP SILENCING EQUIPMENT												
	21 SUBMARINE BATTERIES		9,019		9,019		9,019						9,019
	22 STRATEGIC PLATFORM SUPPORT EQUIP		15,179		15,179		15,179						15,179
	23 DSSP EQUIPMENT		3,320		3,320		3,320						3,320
	24 MINESWEEPING EQUIPMENT		13,385		13,385		13,385						13,385
	25 HM&E ITEMS UNDER \$2 MILLION		30,970		30,970		30,970						30,970
	26 SURFACE IMA		6,910		6,910		6,910						6,910
	27 DEGAUSSING EQUIPMENT		906		906		906						906
	28 RADIOLOGICAL CONTROLS		480		480		480						480
	29 MINI/MICROMINI ELECTRONIC REPAIR		1,275		1,275		1,275						1,275
	30 CHEMICAL WARFARE DETECTORS												
	31 SUBMARINE LIFE SUPPORT SYSTEM		955		955		955						955

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Change to Request Quantity	Amount	Quantity	Amount
64	AN/SQR-18 TOWED ARRAY SONAR				10,000				10,000				
64a	TOWED ARRAY SONARS									10,000			10,000
65	SURTASS		9,591		9,591		9,591						9,591
66	ASW OPERATIONS CENTER		6,638		6,638		6,638						6,638
67	CARRIER ASW MODULE		6,551		6,551		6,551						6,551
68	AN/SLQ-32		1,328				1,328			-1,328			1,328
69	AN/SSQ-95												
70	AN/WLR-1		3,684		3,684		3,684						3,684
71	AN/WLR-8												
72	ICAD SYSTEMS		918		918		918						918
73	EW SUPPORT EQUIPMENT		2,884		2,884		2,884						2,884
74	C-3 COUNTERMEASURES		18,172		18,172		18,172						18,172
75	COMBAT DF		7,008		7,008		7,008						7,008
76	OUTBOARD		11,266		11,266		11,266						11,266
77	NAVAL INTELL PROCESSING SYSTEM												
78	AN/WLQ-4		4,867		4,867		4,867						4,867
79	AN/WLQ-4 DEPOT												
80	AN/WLQ-4 IMPROVEMENTS												
81	AN/BLD-1 (INTERFEROMETER)												
82	SUBMARINE SUPPORT EQUIPMENT PROG		9,785		9,785		9,785						9,785
83	NAVY TACTICAL DATA SYSTEM		42,863				42,863			-42,863			42,863
84	TACTICAL FLAG COMMAND CENTER		33,787		33,787		33,787						33,787
85	LINK 16 HARDWARE		24,021		24,021		24,021						24,021
86	MINESWEEPING SYSTEM REPLACEMENT		51,728		51,728		51,728						51,728
87	EMSP (MYP)		45,668		45,668		45,668						45,668
88	NAVSTAR GPS RECEIVERS		6,213		6,213		6,213						6,213
89	HF LINK-11 DATA TERMINALS												
90	ARMED FORCES RADIO AND TV		6,028		6,028		6,028						6,028
91	STRATEGIC PLATFORM SUPPORT EQUIP		45,002		45,002		45,002						45,002
92	OTHER SPAWAR TRAINING EQUIPMENT		5,233		5,233		5,233						5,233
93	OTHER TRAINING EQUIPMENT		13,881		9,000		13,881			-4,881			13,881
94	MATCALS		4,010		4,010		4,010						4,010
95	SHIPBOARD AIR TRAFFIC CONTROL		4,545		4,545		4,545						4,545
96	AUTOMATIC CARRIER LANDING SYSTEM		10,810		10,810		10,810						10,810

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
130	SHORE COMM ITEMS UNDER \$2 MILLION												
131	NAVAL SHORE COMMUNICATIONS		19,207		19,207		19,207						19,207
132	SECURE VOICE SYSTEM		36,923		36,923		36,923						36,923
133	SECURE DATA SYSTEM		5,578		5,578		5,578						5,578
134	KEY MANAGEMENT SYSTEMS		13,113		13,113		13,113						13,113
135	SIGNAL SECURITY		162		162		162						162
136	CRYPTOLOGIC ITEMS UNDER \$2 MILL		2,504		2,504		2,504						2,504
137	CRYPTOLOGIC COMMUNICATIONS EQUIP		1,837		1,837		1,837						1,837
138	CRYPTOLOGIC ITEMS UNDER \$2 MILLION		2,783		2,783		2,783						2,783
139	CRYPTOLOGIC RESERVES EQUIPMENT												
140	CRYPTOLOGIC FIELD TRAINING EQUIP		507		507		507						507
141	SHORE CRYPTOLOGIC SUPPORT SYSTEM												
142	ELECT ENGINEERED MAINTENANCE		4,136		4,136		4,136						4,136
143	OTHER DRUG INTERDICTION SUPPORT												
	AVIATION SUPPORT EQUIPMENT												
144	SONOBUOYS												
145	AN/SSQ-53 (DIFAR)	16,600	14,563	16,600	14,563	16,600	14,563					16,600	14,563
146	AN/SSQ-77 (VLAD)												
147	AN/SSQ-110 (EER)		13,048		13,048		13,048						13,048
148	CARTRIDGES & CART ACTUATED DEVELOP		15,677		15,677		15,677						15,677
149	AIRCRAFT ESCAPE ROCKETS		7,923		7,923		7,923						7,923
150	AIR EXPENDABLE COUNTERMEASURES		39,360		39,360		39,360						39,360
151	MARINE LOCATION MARKERS		3,204		3,204		3,204						3,204
152	DEFENSE NUCLEAR AGENCY MATERIAL		477		477		477						477
153	JATOS		6,699		6,699		6,699						6,699
154	WEAPONS RANGE SUPPORT EQUIPMENT		46,200		46,200		46,200						46,200
155	EXPEDITIONARY AIRFIELDS		2,345		2,345		8,045		-5,700				2,345
156	AIRCRAFT REARMING EQUIPMENT		6,323		6,323		6,323						6,323
157	CATAPULTS & ARRESTING GEAR		2,676		2,676		2,676						2,676
158	METEOROLOGICAL EQUIPMENT		14,718		14,718		14,718						14,718
159	OTHER PHOTOGRAPHIC EQUIPMENT		1,006		1,006		1,006						1,006
160	AVIATION LIFE SUPPORT		5,668		5,668		5,668						5,668
161	AIRBORNE MINE COUNTERMEASURES		7,105		7,105		7,105						7,105
162	LAMPS MK III SHIPBOARD EQUIPMENT		4,606		4,606		4,606						4,606

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
163	REWSON PHOTOGRAPHIC EQUIPMENT		1,664		1,664		1,664						1,664
164	JSIPS-N		3,507		3,507		3,507				-3,507		
165	STOCK SURVEILLANCE EQUIPMENT		1,290		1,290		1,290						1,290
166	OTHER AVIATION SUPPORT EQUIPMENT		9,656		9,656		9,656						9,656
ORDNANCE SUPPORT EQUIPMENT													
167	GUN FIRE CONTROL EQUIPMENT		8,307		8,307		8,307						8,307
168	MK-92 FIRE CONTROL SYSTEM		698		698		698						698
169	HARPOON SUPPORT EQUIPMENT		3,357		3,357		3,357						3,357
170	TERRIER SUPPORT EQUIPMENT												
171	TARTAR SUPPORT EQUIPMENT		21,872		21,872		21,872						21,872
172	POINT DEFENSE SUPPORT EQUIPMENT		78,934		69,500		78,934		-9,434				78,934
173	AIRBORNE ECM/ECCM		1,145		1,145		1,145						1,145
174	AEGIS SUPPORT EQUIPMENT		29,589		29,589		29,589						29,589
175	SURFACE TOMAHAWK SUPPORT EQUIPMENT		51,736		51,736		51,736						51,736
176	SUBMARINE TOMAHAWK SUPPORT EQUIP		6,144		6,144		6,144						6,144
177	VERTICAL LAUNCH SYSTEMS		5,097		5,097		5,097						5,097
178	STRATEGIC PLATFORM SUPPORT EQUIP		6,384		6,384		6,384						6,384
179	STRATEGIC MISSILE SYSTEMS EQUIP		69,970		69,970		69,970						69,970
180	MK-117 FIRE CONTROL SYSTEM		14,472		14,472		14,472						14,472
181	SUBMARINE ASW SUPPORT EQUIPMENT		5,979		5,979		5,979						5,979
182	SURFACE ASW SUPPORT EQUIPMENT		13,660		13,660		13,660						13,660
183	ASW RANGE SUPPORT EQUIPMENT		7,631		7,631		7,631						7,631
184	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		5,193		5,193		5,193						5,193
185	UNMANNED SEABORNE TARGET												
186	ANTI-SHIP MISSILE DECOY SYSTEM												
187	CALIBRATION EQUIPMENT		1,741		1,741		1,741						1,741
188	STOCK SURVEILLANCE EQUIPMENT		1,714		1,714		1,714						1,714
189	OTHER ORDNANCE TRAINING EQUIPMENT		654		654		654						654
190	FLEET MINE SUPPORT EQUIPMENT		9,484		9,484		9,484						9,484
191	MINE NEUTRALIZATION DEVICES		4,026		4,026		4,026						4,026
192	DEFENSE NUCLEAR AGENCY MATERIAL		798		798		798						798
193	SHIP EXPENDABLE COUNTERMEASURE		11,431		11,431		11,431						11,431
CIVIL ENGINEERING SUPPORT EQUIPMENT													
194	PASSENGER CARRYING VEHICLES	414	5,420	414	5,420	414	5,420					414	5,420

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
195	SPECIAL PURPOSE VEHICLES		13,735		13,735		13,735						13,735
196	GENERAL PURPOSE TRUCKS		12,746		12,746		12,746						12,746
197	TRAILERS/TRUCK TRACTORS		3,003		3,003		3,003						3,003
198	EARTH MOVING EQUIPMENT		4,313		4,313		4,313						4,313
199	CONSTRUCTION & MAINTENANCE EQUIP		6,014		6,014		6,014						6,014
200	FIRE FIGHTING EQUIPMENT		3,194		3,194		3,194						3,194
201	WEIGHT HANDLING EQUIPMENT		1,427		1,427		1,427						1,427
202	AMPHIBIOUS EQUIPMENT		2,639		2,639		2,639						2,639
203	COMBAT CONSTRUCTION SUPPORT EQUIP		2,039		2,039		2,039						2,039
204	MOBILE UTILITIES SUPPORT EQUIPMENT		2,133		2,133		2,133						2,133
205	COLLATERAL EQUIPMENT		1,816		1,816		1,816						1,816
206	OCEAN CONSTRUCTION EQUIPMENT		923		923		923						923
207	FLEET MOORINGS		2,550		2,550		2,550						2,550
208	POLLUTION CONTROL EQUIPMENT		13,009		13,009		13,009						13,009
209	OTHER CIVIL ENG SUPPORT EQUIPMENT		1,079		1,079		1,079						1,079
210	NATURAL GAS UTILIZATION EQUIPMENT												
	SUPPLY SUPPORT EQUIPMENT												
211	FORKLIFT TRUCKS		13,972		13,972		13,972						13,972
212	OTHER MATERIALS HANDLING EQUIPMENT		3,542		3,542		3,542						3,542
213	AUTOMATED MATERIALS HANDLING SYS												
214	OTHER SUPPLY SUPPORT EQUIPMENT		6,441		6,441		6,441						6,441
215	FIRST DESTINATION TRANSPORTATION		8,710		8,710		8,710						8,710
216	SPECIAL PURPOSE SUPPLY SYSTEMS		66,403		66,403		66,403						66,403
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT												
217	SURFACE SONAR TRAINERS												
218	SUBMARINE SONAR TRAINERS												
219	SURFACE COMBAT SYSTEM TRAINERS		689		689		689						689
220	SUBMARINE COMBAT SYSTEM TRAINERS												
221	SHIP SYSTEM TRAINERS												
222	TRAINING SUPPORT EQUIPMENT		1,678		1,678		1,678						1,678
223	TRAINING DEVICE MODIFICATIONS		32,960		32,960		32,960						32,960
224	COMMAND SUPPORT EQUIPMENT		10,865		10,865		10,865						10,865
225	EDUCATION SUPPORT EQUIPMENT		6,848		6,848		6,848						6,848
226	MEDICAL SUPPORT EQUIPMENT		6,153		6,153		6,153						6,153

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Senate		---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
227	CONTRACT ADMIN/AUDIT OPN		59,843								-59,843		
228	INTELLIGENCE SUPPORT EQUIPMENT		44,639		44,639		41,639		3,000		-4,284		40,355
229	ITEMS UNDER \$2 MILLION												
230	OPERATING FORCES SUPPORT EQUIPMENT		9,495		9,495		9,495						9,495
231	ANTARCTICA SUPPORT EQUIPMENT												
232	NAVAL RESERVE SUPPORT EQUIPMENT		828		828		828						828
233	ENVIRONMENTAL SUPPORT EQUIPMENT		12,741		12,741		12,741						12,741
234	PHYSICAL SECURITY EQUIPMENT		12,264		12,264		12,264						12,264
235	COMPUTER ACQUISITION PROGRAM		38,181		38,181		38,181						38,181
236	PRODUCTIVITY INVESTMENT (PIF)												
237	PROD ENHANCE INCENTIVE FUND (PEIF)												
238	CANCELLED ACCOUNT ADJUSTMENTS												
SPARES AND REPAIR PARTS													
239	OPN REPLENISHMENT SPARES		387,461		387,461		387,461						387,461
	FLEET MODERNIZATION PROGRAM												
	BASE CLOSURE SAVINGS								-62,000		62,000		
	RAISE O&M PURCHASE THRESHOLD								-25,000		25,000		
	TOTAL OTHER PROCUREMENT NAVY		2,967,974		2,861,480		2,820,931		40,549		-14,369		2,953,605

AN/BQG-5

Neither the budget request nor the Senate amendment included any funds for AN/BQG-5 wide aperture array (WAA) systems.

The House bill would authorize \$50.0 million for the AN/BQG-5 program, including \$20.0 million for the completion and installation of a second system and \$30.0 million for procurement and installation of a third system. The House report (H. Rept. 103-200) expressed support for the Navy's initiatives to address antisubmarine warfare (ASW) in the shallow water environment. The report also cited the AN/BQG-5 WAA system being installed on the U.S.S. *Augusta* (SSN-710) as a system that could provide quicker detection, localization, and targeting information in shallow water.

The conferees agree to authorize the funding contained in the House bill. The conferees support the Navy's initiatives in shallow water ASW. The conferees understand that the AN/BQG-5 is a stand-alone subsystem of the AN/BSY-2 combat system on *Seawolf* submarines. Upon completion of the *Seawolf* program, and with this authorization, the Navy will have bought and installed six AN/BQG-5 WAA systems. The conferees believe that six AN/BQG-5 systems are sufficient to meet near-term shallow water ASW concerns. The conferees will consider Navy

requests for additional systems if the Navy requests them in future budget requests.

Towed array sonars

The budget request did not contain funds for surface ship towed array sonars or for including full spectrum processing capability in surface ships for conducting shallow water antisubmarine warfare (ASW).

The House bill would add \$10.0 million for this purpose. The House report (H. Rept. 103-200) expressed concern that the Navy is not trying to determine the effectiveness of current surface ship towed arrays in improving shallow water ASW and target classification for those ships not equipped with the AN/SQQ-89 surface ASW combat system.

The Senate bill contained no similar funding.

The Senate recesses.

The conferees are concerned that Navy evaluations of current surface ship towed arrays and full spectrum processing for improving shallow water ASW capability in shallow water operations lack focus. Therefore, the conferees direct the Secretary of the Navy to conduct an at-sea evaluation of the potential ASW and target classification improvements that would be achieved by using current surface towed arrays with full spectrum processors already in the Navy's inventory.

Minesweeping system replacement

The budget request contained \$51.7 million for minesweeping system replacement. The House bill and the Senate amendment would approve the requested amount.

The conferees have been concerned about the Navy's mine countermeasures capability for a long time. The conferees believe that the AN/SQQ-32 mine hunting sonar is a critical element in the Navy's mine warfare capabilities. In view of its importance, the conferees believe that expeditious procurement of the last eight systems to satisfy the inventory objectives would reduce program risk.

PROCUREMENT, MARINE CORPS

Overview

The budget request for fiscal year 1994 contained an authorization of \$483.5 million for Procurement, Marine Corps. The House bill would authorize \$471.0 million. The Senate amendment would authorize \$480.5 million. The conferees recommend authorization of \$483.6 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Request Quantity	Authorization Amount	Authorization Quantity	Authorization Amount			Change to Request Quantity	Change to Request Amount	Authorization Quantity	Authorization Amount
PROCUREMENT, MARINE CORPS											
	1 5.56 MM, ALL TYPES		1,248		1,248						1,248
	2 7.62 MM, ALL TYPES										
	3 LINEAR CHARGES, ALL TYPES		229		229						229
	4 .50 CALIBER		782		782						782
	5 40 MM, ALL TYPES		4,252		4,252						4,252
	6 60 MM ILLUM M721										
	7 60 MM SMOKE WP										
	8 60 MM HE M888										
	9 81 MM HE	2	17,417	2	17,417						17,417
	10 81 MM TP M879										
	11 81MM ILLUMINATION (M853)										
	12 120MM HEAT MP-T M830										
	13 120MM APFSDS-T M829E1										
	14 120MM TPCSDS-T M865		2,650		2,650						2,650
	15 120 MM TP-T M831		4,371		4,371						4,371
	16 155MM HE ADAM										
	17 155MM M864 PROJ BASI BURNER										
	18 FUZE, ET, XM762	34	13,982	34	13,982						13,982
	19 FUZE, ET, XM767		4,291		4,291						4,291
	20 83 MM ROCKET HEAA (SMAW)										
	21 LIGHT ANTI-ARMOR WEAPON										
	22 CTG 25MM, ALL TYPES		782		782						782
	23 25MM HEI-T										
	24 25MM, TP-T, M793										
	25 CTG 25MM APDST										
	26 9 MM ALL TYPES		2,180		2,180						2,180
	27 MINES, ALL TYPES		3,908		3,908						3,908
	28 GRENADES, ALL TYPES										
	29 ROCKETS, ALL TYPES		10,341		10,341						10,341
	30 AMMO MODERNIZATION		7,800		7,800						7,800
	31 AMMO DEMILITARIZATION		7,217		7,217						7,217
	32 ITEMS LESS THAN \$2 MIL		3,572		3,572						3,572
	33 AAV7A1 PIP		15,139		2,539		2,539		-12,600		2,539

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference--- Change to Request		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
34	LAV PIP		6,914		6,914		6,914						6,914
35	LIGHT ARMORED VEHICLE	21	65,525	21	65,525	21	65,525					21	65,525
36	MODIFICATION KITS (TRKD VEH)		963		963		963						963
37	ITEMS UNDER \$2M (TRKD VEH)												
38	MULTI-LAUNCH ROCKET SYS (MLRS)												
39	MOD KITS (ARTILLERY)		2,001		2,001		2,001						2,001
40	ITEMS UNDER \$2M (ALL OTHER)												
41	MACHINE GUN, 50 CAL M2												
42	M60E3 PIP												
43	MK-19 40MM MACHINE GUN												
44	HAWK MOD		2,100		2,100		2,100						2,100
45	PEDESTAL MOUNTED STINGER (PMS) (MYP)	24	19,201	24	19,201	24	19,201					24	19,201
46	PMS ADVANCE PROCUREMENT (CY)												
47	TOW												
48	MODIFICATION KITS		97		97		97						97
49	ITEMS LESS THAN \$2 MILLION												
50	MANPACK RADIOS AND EQUIP												
51	GPS	1,453	14,597	1,453	14,597	1,453	14,597					1,453	14,597
52	VEHICLE MTD RADIOS & EQUIP (MYP)		97		97		97						97
53	AN/GRC-XXXX												
54	TSC-96 PIP FLEET SATCOM TERMINAL	5	1,722	5	1,722	5	1,722					5	1,722
55	UNIT LEVEL CIRCUIT SWITCH (ULCS)		11,956		11,956		11,956						11,956
56	TACT COMM CENTER EQUIP		2,914		2,914		2,914						2,914
57	JOINT TACT INFO DIST SYS (CL 1)		1,743		1,743		1,743						1,743
58	CONTRACT ADMIN/AUDIT		9,843								-9,843		
59	OSCILLOSCOPE												
60	SIGNAL GENERATOR												
61	ELECTRONIC TEST EQUIP (TEL)		4,805		4,805		4,805						4,805
62	SINGLE CHAN GRD & AIR RADIO		46,122		56,122		46,122		10,000		10,000		56,122
63	MODIFICATION KITS (TEL)		3,599		3,599		3,599						3,599
64	ITEMS LESS THAN \$2M (TEL)		3,079		3,079		3,079						3,079
65	POS LOCATING RPTG SYSTEM (PLRS)		3,268		3,268		3,268						3,268
66	TACTICAL AIR OPER MODULE (TAOM)		2,454		2,454		2,454						2,454
67	ADVANCED TACT AIR COMMAND CENTER	1	9,619	1	9,619	1	9,619					1	9,619

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Change to Request Quantity	Amount	Quantity	Amount
68	MARINE TACTICAL C2		2,767		2,767		2,767						2,767
69	MULTI-SERV ADF FIELD ART TACT DATA SYS	214	9,609	214	9,609	214	9,609						214 9,609
70	METEOROLOGICAL SYSTEMS												
71	INTELLIGENCE SUPPORT EQUIPMENT		21,636		21,636		21,636						21,636
72	MOD KITS (INTEL)		5,173		5,173		5,173						5,173
73	ITEMS LESS THAN \$2M (INTELL)		2,698		2,698		2,698						2,698
74	ELECTRONIC TMDE REPAIR FACILITY		652		652		652						652
75	MECH TEST TMDE		859		859		859						859
76	NIGHT VISION EQUIPMENT		12,392		12,392		24,992		-12,600		12,600		24,992
77	ADP EQUIPMENT		14,504		14,504		14,504						14,504
78	TEST CALIB & MAINT SPI		931		931		931						931
79	MODIFICATION KITS (NONTEL)		2,447		2,447		2,447						2,447
80	ITEMS LESS THAN \$2M (NONTEL)												
81	COMMERCIAL PASSENGER VEHICLES	96	1,732	96	1,732	96	1,732					96	1,732
82	COMMERCIAL CARGO VEHICLES		8,304		8,304		8,304						8,304
83	5/4T TRUCK HMMV (MYP)												
84	LOGISTICS VEHICLE SYSTEM	81	12,070	81	12,070	81	12,070					81	12,070
85	TRAILERS		1,298		1,298		1,298						1,298
86	MODIFICATION KITS		4,160		4,160		4,160						4,160
87	ITEMS LESS THAN \$2 MIL												
88	ENVIRONMENTAL CONTROL EQUIP ASSORT		2,023		2,023		2,023						2,023
89	ARMORED COMBAT EXCAVATOR (ACE)												
90	TACTICAL FUEL SYSTEM (TFS) EQUIP		1,135		1,135		1,135						1,135
91	TOPOGRAPHIC/SURVEY EQUIPMENT												
92	BRIDGES, ALL TYPES												
93	POWER EQUIPMENT ASSORTED		2,406		2,406		2,406						2,406
94	AUTOMATIC BUILDING MACHINES												
95	COMMAND SUPPORT EQUIPMENT		1,793		1,793		1,793						1,793
96	AMPHIBIOUS RAID EQUIPMENT		1,803		1,803		1,803						1,803
97	PRODUCTIVITY INVESTMENT												
98	PHYSICAL SECURITY EQUIPMENT		703		703		703						703
99	GARRISON MOBILE ENGR EQUIP		2,697		2,697		2,697						2,697
100	TELEPHONE SYSTEM		358		358		358						358
101	WAREHOUSE MODERNIZATION		2,242		2,242		2,242						2,242

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
102	MATERIAL HANDLING EQUIP		3,180		3,180		3,180						3,180
103	FIRST DESTINATION TRANSPORTATION		3,222		3,222		3,222						3,222
104	LIGHTWEIGHT DECONTAMINATION SYSTEM												
105	FIELD MEDICAL EQUIPMENT		3,454		3,454		3,454						3,454
106	TRAINING DEVICES		11,018		11,018		21,018		-10,000				11,018
107	SHELTER FAMILY												
108	CONTAINER FAMILY		2,957		2,957		2,957						2,957
109	MODIFICATION KITS		97		97		97						97
110	CHEMICAL AGENT MONITOR	221	1,256	221	1,256	221	1,256					221	1,256
111	ITEMS LESS THAN \$2 MIL												
112	INDUSTRIAL/DEPOT MAINTENANCE EQUIPMENT												
113	DRUG INTERDICTION												
114	MC SPARES AND REPAIR PARTS		29,108		29,108		29,108						29,108
	RAISE O&M PURCHASE THRESHOLD						-3,100		3,100				
	TOTAL PROCUREMENT MARINE CORPS		483,464		471,021		480,521		-9,500			157	483,621

AIRCRAFT PROCUREMENT, AIR FORCE

Overview

The budget request for fiscal year 1994 contained an authorization of \$7,301.0 million for

Aircraft Procurement, Air Force. The House bill would authorize \$7,223.5 million. The Senate amendment would authorize \$4,041.7 million. The conferees recommend authorization of \$7,013.9 million, as delineated in

the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Item	House	Senate	Conferees	Change from House	Change from Senate	Change from Conferees
10-1-101	150,000	150,000	150,000	0	0	0
10-1-102	300,000	300,000	300,000	0	0	0
10-1-103	5,000	5,000	5,000	0	0	0
10-1-104	10,000	10,000	10,000	0	0	0
10-1-105	20,000	20,000	20,000	0	0	0
10-1-106	30,000	30,000	30,000	0	0	0
10-1-107	40,000	40,000	40,000	0	0	0
10-1-108	50,000	50,000	50,000	0	0	0
10-1-109	60,000	60,000	60,000	0	0	0
10-1-110	70,000	70,000	70,000	0	0	0
10-1-111	80,000	80,000	80,000	0	0	0
10-1-112	90,000	90,000	90,000	0	0	0
10-1-113	100,000	100,000	100,000	0	0	0
10-1-114	110,000	110,000	110,000	0	0	0
10-1-115	120,000	120,000	120,000	0	0	0
10-1-116	130,000	130,000	130,000	0	0	0
10-1-117	140,000	140,000	140,000	0	0	0
10-1-118	150,000	150,000	150,000	0	0	0
10-1-119	160,000	160,000	160,000	0	0	0
10-1-120	170,000	170,000	170,000	0	0	0
10-1-121	180,000	180,000	180,000	0	0	0
10-1-122	190,000	190,000	190,000	0	0	0
10-1-123	200,000	200,000	200,000	0	0	0
10-1-124	210,000	210,000	210,000	0	0	0
10-1-125	220,000	220,000	220,000	0	0	0
10-1-126	230,000	230,000	230,000	0	0	0
10-1-127	240,000	240,000	240,000	0	0	0
10-1-128	250,000	250,000	250,000	0	0	0
10-1-129	260,000	260,000	260,000	0	0	0
10-1-130	270,000	270,000	270,000	0	0	0
10-1-131	280,000	280,000	280,000	0	0	0
10-1-132	290,000	290,000	290,000	0	0	0
10-1-133	300,000	300,000	300,000	0	0	0
10-1-134	310,000	310,000	310,000	0	0	0
10-1-135	320,000	320,000	320,000	0	0	0
10-1-136	330,000	330,000	330,000	0	0	0
10-1-137	340,000	340,000	340,000	0	0	0
10-1-138	350,000	350,000	350,000	0	0	0
10-1-139	360,000	360,000	360,000	0	0	0
10-1-140	370,000	370,000	370,000	0	0	0
10-1-141	380,000	380,000	380,000	0	0	0
10-1-142	390,000	390,000	390,000	0	0	0
10-1-143	400,000	400,000	400,000	0	0	0
10-1-144	410,000	410,000	410,000	0	0	0
10-1-145	420,000	420,000	420,000	0	0	0
10-1-146	430,000	430,000	430,000	0	0	0
10-1-147	440,000	440,000	440,000	0	0	0
10-1-148	450,000	450,000	450,000	0	0	0
10-1-149	460,000	460,000	460,000	0	0	0
10-1-150	470,000	470,000	470,000	0	0	0
10-1-151	480,000	480,000	480,000	0	0	0
10-1-152	490,000	490,000	490,000	0	0	0
10-1-153	500,000	500,000	500,000	0	0	0
10-1-154	510,000	510,000	510,000	0	0	0
10-1-155	520,000	520,000	520,000	0	0	0
10-1-156	530,000	530,000	530,000	0	0	0
10-1-157	540,000	540,000	540,000	0	0	0
10-1-158	550,000	550,000	550,000	0	0	0
10-1-159	560,000	560,000	560,000	0	0	0
10-1-160	570,000	570,000	570,000	0	0	0
10-1-161	580,000	580,000	580,000	0	0	0
10-1-162	590,000	590,000	590,000	0	0	0
10-1-163	600,000	600,000	600,000	0	0	0
10-1-164	610,000	610,000	610,000	0	0	0
10-1-165	620,000	620,000	620,000	0	0	0
10-1-166	630,000	630,000	630,000	0	0	0
10-1-167	640,000	640,000	640,000	0	0	0
10-1-168	650,000	650,000	650,000	0	0	0
10-1-169	660,000	660,000	660,000	0	0	0
10-1-170	670,000	670,000	670,000	0	0	0
10-1-171	680,000	680,000	680,000	0	0	0
10-1-172	690,000	690,000	690,000	0	0	0
10-1-173	700,000	700,000	700,000	0	0	0
10-1-174	710,000	710,000	710,000	0	0	0
10-1-175	720,000	720,000	720,000	0	0	0
10-1-176	730,000	730,000	730,000	0	0	0
10-1-177	740,000	740,000	740,000	0	0	0
10-1-178	750,000	750,000	750,000	0	0	0
10-1-179	760,000	760,000	760,000	0	0	0
10-1-180	770,000	770,000	770,000	0	0	0
10-1-181	780,000	780,000	780,000	0	0	0
10-1-182	790,000	790,000	790,000	0	0	0
10-1-183	800,000	800,000	800,000	0	0	0
10-1-184	810,000	810,000	810,000	0	0	0
10-1-185	820,000	820,000	820,000	0	0	0
10-1-186	830,000	830,000	830,000	0	0	0
10-1-187	840,000	840,000	840,000	0	0	0
10-1-188	850,000	850,000	850,000	0	0	0
10-1-189	860,000	860,000	860,000	0	0	0
10-1-190	870,000	870,000	870,000	0	0	0
10-1-191	880,000	880,000	880,000	0	0	0
10-1-192	890,000	890,000	890,000	0	0	0
10-1-193	900,000	900,000	900,000	0	0	0
10-1-194	910,000	910,000	910,000	0	0	0
10-1-195	920,000	920,000	920,000	0	0	0
10-1-196	930,000	930,000	930,000	0	0	0
10-1-197	940,000	940,000	940,000	0	0	0
10-1-198	950,000	950,000	950,000	0	0	0
10-1-199	960,000	960,000	960,000	0	0	0
10-1-200	970,000	970,000	970,000	0	0	0
10-1-201	980,000	980,000	980,000	0	0	0
10-1-202	990,000	990,000	990,000	0	0	0
10-1-203	1,000,000	1,000,000	1,000,000	0	0	0
10-1-204	1,010,000	1,010,000	1,010,000	0	0	0
10-1-205	1,020,000	1,020,000	1,020,000	0	0	0
10-1-206	1,030,000	1,030,000	1,030,000	0	0	0
10-1-207	1,040,000	1,040,000	1,040,000	0	0	0
10-1-208	1,050,000	1,050,000	1,050,000	0	0	0
10-1-209	1,060,000	1,060,000	1,060,000	0	0	0
10-1-210	1,070,000	1,070,000	1,070,000	0	0	0
10-1-211	1,080,000	1,080,000	1,080,000	0	0	0
10-1-212	1,090,000	1,090,000	1,090,000	0	0	0
10-1-213	1,100,000	1,100,000	1,100,000	0	0	0
10-1-214	1,110,000	1,110,000	1,110,000	0	0	0
10-1-215	1,120,000	1,120,000	1,120,000	0	0	0
10-1-216	1,130,000	1,130,000	1,130,000	0	0	0
10-1-217	1,140,000	1,140,000	1,140,000	0	0	0
10-1-218	1,150,000	1,150,000	1,150,000	0	0	0
10-1-219	1,160,000	1,160,000	1,160,000	0	0	0
10-1-220	1,170,000	1,170,000	1,170,000	0	0	0
10-1-221	1,180,000	1,180,000	1,180,000	0	0	0
10-1-222	1,190,000	1,190,000	1,190,000	0	0	0
10-1-223	1,200,000	1,200,000	1,200,000	0	0	0
10-1-224	1,210,000	1,210,000	1,210,000	0	0	0
10-1-225	1,220,000	1,220,000	1,220,000	0	0	0
10-1-226	1,230,000	1,230,000	1,230,000	0	0	0
10-1-227	1,240,000	1,240,000	1,240,000	0	0	0
10-1-228	1,250,000	1,250,000	1,250,000	0	0	0
10-1-229	1,260,000	1,260,000	1,260,000	0	0	0
10-1-230	1,270,000	1,270,000	1,270,000	0	0	0
10-1-231	1,280,000	1,280,000	1,280,000	0	0	0
10-1-232	1,290,000	1,290,000	1,290,000	0	0	0
10-1-233	1,300,000	1,300,000	1,300,000	0	0	0
10-1-234	1,310,000	1,310,000	1,310,000	0	0	0
10-1-235	1,320,000	1,320,000	1,320,000	0	0	0
10-1-236	1,330,000	1,330,000	1,330,000	0	0	0
10-1-237	1,340,000	1,340,000	1,340,000	0	0	0
10-1-238	1,350,000	1,350,000	1,350,000	0	0	0
10-1-239	1,360,000	1,360,000	1,360,000	0	0	0
10-1-240	1,370,000	1,370,000	1,370,000	0	0	0
10-1-241	1,380,000	1,380,000	1,380,000	0	0	0
10-1-242	1,390,000	1,390,000	1,390,000	0	0	0
10-1-243	1,400,000	1,400,000	1,400,000	0	0	0
10-1-244	1,410,000	1,410,000	1,410,000	0	0	0

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P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Authorization		Authorization				Change to Request	Authorization		
				Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
30	F-111		19,078		19,078		19,078						19,078
31	T/AT-37		3,447		3,447		3,447						3,447
32	C-5		31,132		31,132		31,132						31,132
33	C-9		8,493		8,493		8,493						8,493
34	C-17A		16,472				16,472		-16,472		-16,472		
35	C-21		283		283		283						283
36	C-STOL		91		91		91						91
37	C-137		3,464		3,464		3,464						3,464
38	C-141		29,195		29,195		29,195						29,195
39	T-38		12,900		12,900		12,900						12,900
40	T-41 AIRCRAFT		183		183		183						183
41	T-43		269		269		269						269
42	KC-10A (ATCA)		36,661		36,661		36,661						36,661
43	C-12		278		278		278						278
44	C-18		182		182		182						182
45	C-20 MODS		92		92		92						92
46	VC-25A MOD		564		564		564						564
47	C-130		141,085		141,085		141,085						141,085
48	C-135		46,643		206,643		12,843		193,800		14,200		60,843
48a	RC-135 PRIOR YEAR SAVINGS						-100,900		100,900				
49	E-3		4,641		4,641		4,641						4,641
50	E-4		31,489		31,489		31,489						31,489
51	H-1		96		96		96						96
52	H-60		29,552		19,552		29,552		-10,000				29,552
53	OTHER AIRCRAFT		83,984		83,984		83,984						83,984
	COMPASS CALL MISSION SIMULATORS (CCMS)				22,000				22,000		8,000		8,000
54	CLASSIFIED PROJECTS		37,647		37,647		37,647				-9,400		28,247
55	APAF SPARES AND REPAIR PARTS		556,077		556,077		496,077		60,000				556,077
56	COMMON AGE		193,535		193,535		193,535						193,535
57	INDUSTRIAL RESPONSIVENESS		25,106		25,106		25,106						25,106
58	WAR CONSUMABLES		31,906		31,906		31,906						31,906
59	OTHER PRODUCTION CHARGES		670,242		642,786		643,742		-956		-63,056		607,186
60	COMMON ECM EQUIPMENT		24,533		24,533		24,533						24,533
	TOTAL AIRCRAFT PROCUREMENT AIR FORCE		7,300,965		7,223,502		4,041,664		3,181,838		-287,027		7,013,938

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
MISSILE PROCUREMENT, AIR FORCE													
1	PEACEKEEPER (M-X)												
2	MISSILE REPLACEMENT EQ-BALLISTIC		27,111		27,111		27,111						27,111
3	CONTRACT ADMIN/AUDIT		91,536								-91,536		
4	HAVE NAP												
5	TRI-SERVICE ATTACK MISSILE		195,860		195,860		195,860				-35,000		160,860
6	ADVANCED CRUISE MISSILE		59,367		19,367		5,000		14,367		-54,367		5,000
7	ACM ADVANCE PROCUREMENT (CY)												
8	HAVE FLAG	[]	[]										
9	AMRAAM	749	501,629	749	501,629	749	501,629					749	501,629
10	AGM-130 POWERED GBU-15	102	73,881	102	73,881	102	73,881					102	73,881
11	AGM-65D MAVERICK												
12	AGM-88A HARM												
13	MQM107 SUBSCALE DRONE	60	26,314	60	26,314	60	26,314					60	26,314
14	TARGET DRONES												
15	QF-4 FULL SCALE AERIAL DRONE		4,653		4,653		4,653						4,653
16	INDUSTRIAL FACILITIES		6,312		6,312		6,312						6,312
17	MISSILE REPLACEMENT EQ-OTHER		21,359		21,359		21,359						21,359
18	CLASSIFIED PROGRAM	[]	[]										
MODIFICATION OF INSERVICE MISSILES													
19	HAVE NAP												
20	AIR LAUNCH CRUISE MISSILE												
21	PEACEKEEPER (M-X)		165		165		165						165
22	AIM-9 SIDEWINDER		4,716		4,716		4,716						4,716
23	MM II/III MODIFICATIONS		38,103		38,103		38,103				-4,661		33,442
24	AGM-65D MAVERICK		421		421		421						421
25	AGM-88A HARM		74,004		74,004		74,004						74,004
26	MODIFICATIONS UNDER \$2.0M		223		223		223						223
27	ADVANCED CRUISE MISSILE MODS												
28	MPAF SPARES AND REPAIR PARTS		54,177		54,177		54,177						54,177
29	SPACEBORNE EQUIP (COMSEC)		205		205		205						205
30	GLOBAL POSITIONING (MYP)	4	116,370	4	116,370	4	116,370					4	116,370
31	GPS ADVANCE PROCUREMENT (CY)		55,935		55,935		55,935						55,935
32	SPACE SHUTTLE OPERATIONS		74,852		74,852		74,852						74,852

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Authorization Quantity	Authorization Amount	Authorization Quantity	Authorization Amount			Change to Request Quantity	Change to Request Amount	Authorization Quantity	Authorization Amount
33	SHUTTLE ADVANCE PROCUREMENT (CY)												
34	SPACE BOOSTERS (MYP)		470,585		470,585		445,585		25,000				470,585
35	MEDIUM LAUNCH VEHICLE	2	134,407	2	134,407	2	114,907		19,500		-2,100	2	132,307
36	MLV ADVANCE PROCUREMENT (CY)		11,004		11,004		11,004						11,004
37	DEF METEOROLOGICAL SAT PROG (MYP)		29,384		29,384		6,984		22,400				29,384
38	DEFENSE SUPPORT PROGRAM (MYP)	1	265,734								-1	-265,734	
39	DSP ADVANCE PROCUREMENT (CY)		193,409				691,900		-691,900				-193,409
	MISSILE WARNING & SURVEILLANCE												
40	DEFENSE SATELLITE COMM SYSTEM (MYP)		32,440		32,440		20,440		12,000		-7,000		25,440
41	IONDS (MYP)	6	31,727	6	31,727	6	31,727					6	31,727
42	IONDS ADVANCE PROCUREMENT (CY)		10,109		10,109		10,109						10,109
43	SPECIAL UPDATE PROGRAMS		141,126		141,126		141,126						141,126
44	SPECIAL PROGRAMS		1,613,932		1,464,432		1,490,332		-25,900		-124,500		1,489,432
999	CLASSIFIED PROGRAMS												
	TOTAL MISSILE PROCUREMENT AIR FORCE		4,361,050		3,620,871		4,245,404		-624,533		-778,307		3,582,743

Advanced cruise missile (ACM)

The budget request contained \$59.4 million for the advanced cruise missile (ACM).

Relying on the availability of unobligated prior year funds, the House bill would provide \$19.4 million, while the Senate amendment would provide \$5.0 million.

The conferees agree to authorize \$5.0 million for the ACM program, and direct the use of unobligated prior year funds for the balance of the request, including the use of such funds for ACM weapons system support requirements.

Defense meteorological satellite program

The Senate report (S. Rept. 103-112) stated that it is not necessary or affordable to maintain separate civil and military weather satellite systems. If a merger of the two systems is not achieved, the Department of Defense should reduce its constellation size from two satellites to one and terminate the long-planned block 6 upgrade. Accordingly, the Senate amendment would reduce the budget request for weather satellite and space booster procurement by \$47.4 million to defer the planned launch of a DOD weather satellite in fiscal year 1994.

The House bill and report (H. Rept. 103-200) took no similar action.

The Senate recedes.

The conferees agree that the nation's two weather satellite programs should be consolidated. The President has now formally recommended legislation to Congress requir-

ing this merger. The conferees are encouraged that the Department and the National Oceanic and Atmospheric Administration (NOAA) have made progress in resolving requirements, management, and funding issues. The conferees note also that the President's Science Advisor, building on the DOD-NOAA efforts, intends to produce a consolidation plan.

The conferees also agree that requested block 6 modernization funds should be used for joint system research and development. The conferees urge the Science Advisor to consider the merits of: (1) halting the procurement of additional NOAA satellites; (2) modifying, as necessary, two DOD satellites instead, which would roughly even out the inventories of the two systems; and (3) using the savings from the planned procurement to achieve improved capabilities in a merged system. The conferees believe that significant funds can be saved even as capabilities are improved, because total constellation size and ground infrastructure can be reduced.

The conferees believe that decisions on management of the merged system should be primarily based on cost and effectiveness. Constellation planning should be based on U.S. military, civil, and commercial interests, first and foremost; where these coincide with those of current or potential international partners, the conferees encourage wider cooperation.

Defense satellite communications system

The budget request included \$32.4 million for defense satellite communications system (DSCS) procurement and \$134.4 million for medium launch vehicle (MLV) procurement.

The Senate amendment would reduce the amounts requested for these two programs by \$12.0 million and \$19.4 million, respectively, to defer the launch of a DSCS satellite and to take advantage of prior year savings identified by the General Accounting Office.

The House bill would take no similar action.

The conferees direct the Air Force to defer the launch of a DSCS satellite and agree to reduce the requested amount for DSCS by \$7.0 million. The conferees further agree to restore all but \$2.1 million of the requested amount for the MLV.

OTHER PROCUREMENT, AIR FORCE

Overview

The budget request for fiscal year 1994 contained an authorization of \$7,942.1 million for Other Procurement, Air Force. The House bill would authorize \$7,621.8 million. The Senate amendment would authorize \$7,610.9 million. The conferees recommend authorization of \$7,524.6 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Table with multiple columns and rows, containing numerical data and text labels. The text labels are mostly illegible but appear to be item descriptions. The numerical values are arranged in columns, likely representing budget amounts in millions of dollars. The table is organized into sections, with some rows highlighted in bold.

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Change to Request Quantity	Amount	Quantity	Amount
64	CAP VEHICLES		800		825		800			25		25	825
65	ITEMS LESS THAN \$2,000,000		11,756		11,756		11,756						11,756
66	TRUCK PHONE LINE CONSTRUCTION												
67	TRUCK TANK FUEL R-11	154	17,620	154	17,620	154	17,620					154	17,620
68	ITEMS LESS THAN \$2,000,000		14,743		14,743		14,743						14,743
69	TRUCK CRASH P-19												
70	TRUCK CRASH P-23	2	1,011	2	1,011	2	1,011					2	1,011
71	TRUCK WATER P-26 (P-18)	18	2,912	18	2,912	18	2,912					18	2,912
72	HEAVY RESCUE VEHICLE	13	2,162	13	2,162	13	2,162					13	2,162
73	TRUCK PUMPER P-24	15	2,330	15	2,330	15	2,330					15	2,330
74	TRUCK PUMPER P-22	26	3,490	26	3,490	26	3,490					26	3,490
75	ITEMS LESS THAN \$2,000,000		777		777		777						777
76	TRUCK F/L 4000 LB GED/DED 144 INCH												
77	TRUCK, F/L 6000 LB												
78	TRUCK, F/L 10,000 LB	140	7,129	140	7,129	140	7,129					140	7,129
79	60K A/C LOADER	19	27,601	19	27,601	19	27,601					19	27,601
80	50K CONTAINER HANDLER	10	3,047	10	3,047	10	3,047					10	3,047
81	ITEMS LESS THAN \$2,000,000		2,722		2,722		2,722						2,722
82	LOADER, SCOOP												
83	RUNWAY SNOW REMOV AND CLEANING EQUIP												
84	WELL DRILLING SYSTEM	4	3,528	4	3,528	4	3,528					4	3,528
85	OPAF SPARES AND REPAIR PARTS		286		286		286						286
86	MODIFICATIONS		550		550		550						550
87	ITEMS LESS THAN \$2,000,000		7,618		7,618		7,618						7,618
88	CANCELLED ACCOUNT ADJUSTMENT												
ELECTRONICS AND TELECOMMUNICATIONS EQUIP													
89	COMSEC EQUIPMENT		23,513		23,513		23,513						23,513
90	SPARES AND REPAIR PARTS OPAF		1,628		1,628		1,628						1,628
91	MODIFICATIONS (COMSEC)		953		953		953						953
92	INTELLIGENCE DATA HANDLING SYS		11,170		11,170		11,170						11,170
93	INTELLIGENCE TRAINING EQUIPMENT		31		31		31						31
94	INTELLIGENCE COMM EQUIP		10,790		10,790		10,790						10,790
95	ITEMS LESS THAN \$2,000,000		344		344		344						344
96	AIR TRAFFIC CTRL/LAND SYS (ATCAL5)		13,455		13,455		13,455						13,455

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
97	TACTICAL AIR CONTROL SYS IMPROVE		55,931		55,931		55,931						55,931
98	WEATHER OBSERV/FORCAST		47,650		48,650		47,650		1,000		1,000		48,650
99	DEFENSE SUPPORT PROGRAM		38,563								-38,563		
100	STRATEGIC COMMAND AND CONTROL		57,399		57,399		57,399						57,399
101	CHEYENNE MOUNTAIN COMPLEX		29,265		29,265		29,265						29,265
102	BMEWS MODERNIZATION												
103	NAVSTAR GPS		5,264		5,264		5,264				-664		4,600
104	DEFENSE METEOROLOGICAL SAT PROG		16,595		16,595		16,595						16,595
105	MARS/USAF-FAA RADAR UPGRADE												
106	TAC SIGINT SUPPORT		4,544		4,544		4,544						4,544
107	DIST ERLY WARNING RDR/NORTH WARNING												
108	DRUG INTERDICTION PROGRAM												
109	IMAGERY TRANS		4,971		4,971		4,971				-4,700		271
110	TACTICAL WARNING SYSTEMS SUPPORT												
111	NORTH ATLANTIC DEFENSE C3												
112	AUTOMATIC DATA PROCESSING EQUIP		64,178		64,178		64,178						64,178
113	ADP OPERATIONS CONSOLIDATION		67,943		67,943		67,943						67,943
114	COMMAND & CONTROL SUPPORT												
115	WMCCS/WIS ADPE		21,954		21,954		21,954				-3,360		18,594
116	MOBILITY COMMAND AND CONTROL		42,768		42,768		42,768						42,768
117	AIR FORCE PHYSICAL SECURITY SYSTEM		32,395		32,395		32,395						32,395
118	RANGE IMPROVEMENTS		35,053		35,053		35,053						35,053
119	C3 COUNTERMEASURES		9,985		9,985		9,985						9,985
120	BASE LEVEL DATA AUTO PROGRAM		32,948		32,948		32,948						32,948
121	AIR FORCE SATELLITE CONTROL NETWORK		32,505		32,505		32,505						32,505
122	AFMC CALS												
123	CONSTANT WATCH		5,228		5,228		5,228						5,228
124	CONSOLIDATED SPACE OPS CENTER												
125	EASTERN/WESTERN RANGE I&M		117,311		117,311		117,311						117,311
126	INFORMATION TRANSMISSION SYSTEMS												
127	TELEPHONE EXCHANGE		89,677		89,677		89,677						89,677
128	JOINT TACTICAL COMM PROGRAM												
129	USTRANSCOM												
130	USCENTCOM		1,951		1,951		1,951						1,951

P-1 LINE	ITEM	FY1994 Request		House FY1994 Authorization		Senate FY1994 Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Change to Request Quantity	Amount	Quantity	Amount
131	AUTOMATED TELECOMMUNICATIONS PRG		10,195		10,195		10,195						10,195
132	MILSATCOM		85,338		85,338		85,338						85,338
133	SATELLITE TERMINALS		10,686		10,686		10,686						10,686
134	WIDEBAND SYSTEMS UPGRADE		2,032		2,032		2,032						2,032
135	MINIMUM ESSENTIAL EMER COMM NET		1,948		1,948		1,948						1,948
136	TACTICAL C-E EQUIPMENT		60,879		60,879		60,879						60,879
137	RADIO EQUIPMENT												
138	TV EQUIPMENT (AFRTV)		5,292		5,292		5,292						5,292
139	CCTV/AUDIOVISUAL EQUIPMENT		3,552		3,552		3,552						3,552
140	BASE COMM INFRASTRUCTURE		1,054		1,054		1,054						1,054
141	OPAF SPARES AND REPAIR PARTS		26,202		26,202		26,202						26,202
142	CAP COM & ELECT		194		600		294		306		406		600
143	ITEMS LESS THAN \$2,000,000		12,653		12,653		12,653						12,653
144	COMM ELECT MODS		15,838		15,838		15,838						15,838
145	ANTIJAM VOICE		9,914		9,914		9,914						9,914
146	SPACE MODS		25,807		25,807		25,807						25,807
OTHER BASE MAINTENANCE AND SUPPORT EQUIP													
147	BASE/ALC CALIBRATION PACKAGE		9,821		9,821		9,821						9,821
148	NEWARK AFB CALIBRATION PACKAGE		1,571		1,571		1,571						1,571
149	ITEMS LESS THAN \$2,000,000		11,350		11,350		11,350						11,350
150	NIGHT VISION GOGGLES		928		928		928						928
151	BREATHING APPARATUS TWO HOUR		5,074		5,074		5,074						5,074
152	CHEMICAL/BIOLOGICAL DEF PROG		7,117		7,117		7,117				-7,117		
153	ITEMS LESS THAN \$2,000,000		4,855		4,855		4,855						4,855
154	BASE MECHANIZATION EQUIPMENT		11,346		11,346		11,346						11,346
155	AIR TERMINAL MECHANIZATION EQUIP		6,733		6,733		6,733						6,733
156	ITEMS LESS THAN \$2,000,000		4,320		4,320		4,320						4,320
157	GENERATORS-MOBILE ELECTRIC		7,827		7,827		7,827						7,827
158	FLOODLIGHTS SET TYPE NF2D												
159	ITEMS LESS THAN \$2,000,000		3,545		3,545		3,545						3,545
160	BASE PROCURED EQUIPMENT		19,047		19,047		19,047						19,047
161	NATURAL GAS UTILIZATION EQUIPMENT												
162	MEDICAL/DENTAL EQUIPMENT		9,720		9,720		9,720						9,720
163	ENVIRONMENT PROJECIS		39,219		39,219		39,219						39,219

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
164	AIR BASE OPERABILITY		12,847		12,847		12,847						12,847
165	PALLET AIR CARGO	7,830	6,655	7,830	6,655	7,830	6,655					7,830	6,655
166	NET ASSEMBLY, 108"X88"		1,949		1,949		1,949						1,949
167	PHOTOGRAPHIC EQUIPMENT		6,571		6,571		6,571						6,571
168	TACTICAL SHELTER		2,504		2,504		2,504						2,504
169	PRODUCTIVITY ENHANCEMENT		13,924		13,924		13,924						13,924
170	PRODUCTIVITY INVESTMENTS		11,953		11,953		11,953						11,953
171	MOBILITY EQUIPMENT		4,581		4,581		4,581						4,581
172	WARTIME HOST NATION SUPPORT		1,292		1,292		1,292						1,292
173	OPAF SPARES AND REPAIR PARTS		198		198		198						198
174	ITEMS LESS THAN \$2,000,000		17,413		17,413		17,413						17,413
175	INTELLIGENCE PRODUCTION ACTIVITY		51,367		51,367		52,567		-1,200		-6,070		45,297
176	TECH SURV COUNTERMEASURES EQ		2,705		2,705		2,705						2,705
177	SR YR GROUND STATIONS		55,654		40,552		55,654		-15,102		-15,000		40,654
178	SELECTED ACTIVITIES		5,741,033		5,589,733		5,625,033		-35,300		-192,500		5,548,533
179	SPECIAL UPDATE PROGRAM		159,111		159,111		159,111						159,111
180	CONTRACT ADMINISTRATION/AUDIT		144,596								-144,596		
181	INDUSTRIAL PREPAREDNESS		1,352		1,352		1,352						1,352
182	MODIFICATIONS		2,027		2,027		2,027						2,027
183	FIRST DESTINATION TRANSPORTATION		14,278		14,278		14,278						14,278
	RAISE Q&M PURCHASE THRESHOLD						-27,000		27,000				
	TOTAL OTHER PROCUREMENT AIR FORCE		7,942,065		7,621,793		7,610,888		10,905		-417,457		7,524,608

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
PROCUREMENT, DEFENSEWIDE													
1	C-20F AIRCRAFT												
2	MOTOR VEHICLES												
3	MAJOR EQUIPMENT, OSD/WHIS		62,420		62,420		21,120		41,300		-18,300		44,120
4	REMOTELY PILOTED VEHICLES		69,300		69,300		89,300		-20,000		20,000		89,300
5	CORPORATE INFORMATION MANAGEMENT SUPERCOMPUTERS		20,160		20,160		20,160						20,160
6	CONTRACT ADMINISTRATION/AUDIT OSD		6,158								-6,158		
6A	AIRBORNE RECON				38,900				38,900				
	SIGINT AIRCRAFT										161,225		161,225
	IMAGERY GROUND STATIONS										8,200		8,200
6B	SPACE BASED SURVEILLANCE				497,706				497,706		801,900		801,900
7	CLASSIFIED EQUIPMENT NSA		[]		[]		[]				[-30,300]		[]
8	CONTRACT ADMINISTRATION/AUDIT NSA		7,413								-7,413		
9	VEHICLES DNA	25	481	25	481	25	481					25	481
10	OTHER CAPITAL EQUIPMENT DNA	10	3,650	10	3,650	10	3,650					10	3,650
11	CONTRACT ADMINISTRATION/AUDIT DNA		67								-67		
12	MMCCS ADP SYSTEMS		8,725		8,725		8,725						8,725
13	INFORMATION SERVICES TRANSFER		20		20		20						20
14	CONTRACT ADMINISTRATION/AUDIT DISA		1,368								-1,368		
15	ITEMS LESS THAN \$2 MILLION DISA		44,162		44,162		44,162						44,162
16	DRUG INTERDICTION SUPPORT												
17	INDUSTRIAL/DEPOT MAINTENANCE EQUIP DIS												
18	INTEL & COMMUNICATIONS EQUIPMENT DIA		[]		[]		[]				[10,154]		[]
19	CONTRACT ADMINISTRATION/AUDIT DIA		760								-760		
20	DEFENSE SUPPORT ACTIVITIES DLA		3,377		3,377		6,177		-2,800		2,800		6,177
20A	CONTRACT ADMINISTRATION/AUDIT DLA				7,100				7,100				
21	COMMUNICATION EQUIPMENT DMA		5,925		5,925		5,925						5,925
22	ADP EQUIPMENT DMA		2,475		2,475		2,475						2,475
23	VECTOR PRODUCT EQUIPMENT		2,750		2,750		2,750						2,750
24	DEVELOPMENT TEST FACILITY		17,500		17,500				17,500		-7,500		10,000
25	MC & G MAINFRAME UPGRADE		2,200		2,200		2,200						2,200
26	VEHICLES DMA		365		365		365						365
27	CONTRACT ADMINISTRATION/AUDIT DMA		666								-666		

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Senate		---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
28	OTHER CAPITAL EQUIPMENT DMA		18,788		18,788		18,788						18,788
29	GEODESY AND GEOPHYSICAL EQUIPMENT												
30	DEFENSE HYDROGRAPHIC EQUIPMENT		3,725		3,725		3,725						3,725
31	VEHICLES DIS		3,164		3,164		3,164						3,164
32	OTHER CAPITAL EQUIPMENT DIS		1,919		1,919		1,919						1,919
33	CONTRACT ADMINISTRATION/AUDIT DIS		104									-104	
34	ITEMS LESS THAN \$2 MILLION USUHS												
35	ITEMS LESS THAN \$2 MILLION DCAA						4,300		-4,300				
36	MAJOR EQUIPMENT , DSPO		170,368		170,368		170,368						170,368
37	MAJOR EQUIPMENT (DSPO)		186,233		156,233		186,233		-30,000		-20,000		166,233
38	CONTRACT ADMINISTRATION/AUDIT DSPO		3,300								-3,300		
39	MAJOR EQUIPMENT, OJCS		50,270		50,270		50,270						50,270
40	CONTRACT ADMINISTRATION/AUDIT OJCS		412									-412	
41	VEHICLES OSIA	4	106	4	106	4	106			-4	-106		
42	OTHER CAPITAL EQUIPMENT OSIA		935		935		935					-896	39
43	CONTRACT ADMINISTRATION/AUDIT OSIA		120									-120	
44	PATRIOT		120,719		120,719		120,719						120,719
45	MAJOR EQUIPMENT, CIO		[]		[]		[]					[-3,000]	[]
	COALITION COMMUNICATIONS EQUIPMENT FUN						20,000			-20,000			
	CLASSIFIED PROGRAM C3I						336,176		-336,176		226,176		226,176
	HIGH PERFORMANCE COMPUTING						122,819		-122,819		122,819		122,819
	MENTOR-PROTEGE PROGRAM						50,000		-50,000		50,000		50,000
	UNDISTRIBUTED												
999	CLASSIFIED PROGRAMS		459,385		426,685		360,285		66,400		-23,146		436,239
	SPECIAL OPERATIONS COMMAND												
46	MC-130H COMBAT TALON II		23,699		23,699		23,699						23,699
47	AC-130U GUNSHIP ACQUISITION		27,489		27,489		27,489						27,489
48	C-130 MODIFICATIONS		63,819		63,819		63,819						63,819
49	HH-53 MODIFICATIONS		13,725		13,725		13,725						13,725
50	MH-47/MH-60 MODIFICATIONS		7,603		7,603		7,603						7,603
51	MH-60 MODIFICATIONS												
52	OTHER AIRCRAFT MODIFICATIONS												
53	AIRCRAFT SUPPORT		30,227		30,227		30,227				4,500		34,727
54	PC,CYCLONE CLASS		13,369		13,369		13,369						13,369

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		--- Conference FY94 --- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Change to Quantity	Amount	Quantity	Amount
55	SUBMARINE CONVERSION		366		366		366						366
56	MK V PATROL BOAT		9,044		9,044		9,044						9,044
57	SOF PYRO/DEMO		12,568		12,568		12,568				4,400		16,968
58	SOF PLATFORM GUN AMMUNITION		19,032		19,032		19,032				6,600		25,632
59	SOF INDIV WEAPONS AMMUNITION		12,597		12,597		12,597						12,597
60	CONTRACT ADMIN & AUDIT ACTIVITIES SOF		13,720								-13,720		
61	COMM EQUIPMENT & ELECTRONICS		40,075		40,075		40,075				15,000		55,075
62	SOF INTELLIGENCE SYSTEMS		26,665		26,665		26,665						26,665
63	SOF SMALL ARMS & WEAPONS		2,188		2,188		2,188				1,000		3,188
64	SPECIAL WARFARE EQUIPMENT		17,743		17,743		17,743						17,743
65	MISCELLANEOUS EQUIPMENT		4,232		4,232		4,232						4,232
66	SOF PLANNING AND REHEARSAL SYS (SOFPAR		10,491		10,491		10,491						10,491
67	CLASSIFIED PROGRAMS		95,654		95,654		95,654						95,654
68	PSYOP EQUIPMENT		6,368		6,368		6,368						6,368
	RAISE O&M PURCHASE THRESHOLD								-49,300	49,300			
	DEFENSE CONVERSION												
	TOTAL PROCUREMENT DEFENSE-WIDE		1,730,164		2,177,082		2,044,971		132,111		1,320,584		3,050,748

Development test facility

The budget request included \$17.5 million to procure a development test facility for the Defense Mapping Agency (DMA).

The House bill approved the requested amount.

The Senate amendment denied the requested amount because this facility would duplicate capabilities in private industry. Therefore, it would be incompatible with the Administration's policy to rely on the private sector where possible.

The conferees agree to reduce the requested amount by \$7.5 million without prejudice. The conferees are persuaded that it is necessary for DMA to bring the planning work in-house rather than continue to try to contract it out. The conferees understand, however, that the effort is now expected to cost less than originally forecast.

Landsat Earth Resources Satellite

Last year, the Department of Defense assumed responsibility for acquiring and operating the space segment of the Landsat earth resources system, while the National Aeronautics and Space Administration (NASA) assumed responsibility for the ground segment.

The defense budget request included substantial funds to continue development of an adjunct payload on the next Landsat satellite. This sensor, known as the high resolution multispectral imager (HRMSI), will pro-

vide improved resolution and a tasking capability. While this sensor is useful for defense missions, it is also valuable to the civil and commercial sectors.

The NASA budget request included funds for advanced technology that NASA planned to apply to developing the software and hardware needed to process and exploit the data from the HRMSI sensor. Reductions in the NASA budget have eliminated this option, and the recently enacted NASA appropriations bill contained no funding for this program.

The conferees are very concerned about this situation. There is no point in acquiring a satellite sensor that cannot be used. Moreover, the conferees will not permit the defense budget to subsidize another joint program with NASA when NASA does not meet its assigned fiscal responsibilities. The conferees, therefore, direct the Administration to decide which federal agency will fund HRMSI data processing, and include funds for HRMSI data processing in the President's budget request for either NASA or the Department of Defense. If no budget request for HRMSI data processing is received for fiscal year 1995, the conferees agree to terminate future funding for the HRMSI sensor.

Special operations forces procurement

The budget request contained \$450.7 million for procurement for the U.S. Special Operations Command.

The House bill and Senate amendment would authorize \$436.954 million for this purpose.

The conferees recommend an authorization of \$468.454 million for procurement for the U.S. Special Operations Command. The conferees recommend the following additions to the amount authorized by the House bill and the Senate amendment: \$1.0 to procure modified M4 carbines; \$4.4 million to procure selectable lightweight attack munitions; \$6.6 million to procure 25mm enhanced high-explosive incendiary rounds for the AC-130U gunship; \$4.5 million to procure interim contract support for several C-130 modification programs; and \$15.0 to procure team-level communications equipment.

PROCUREMENT, NATIONAL GUARD AND RESERVE EQUIPMENT

Overview

The budget request for fiscal year 1994 contained no funds for Procurement, National Guard and Reserve Equipment. The House bill would authorize \$993.3 million. The Senate amendment would authorize \$785.0 million. The conferees recommend authorization of \$990.0 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Item	House Bill	Senate Amendment	Conferees' Recommendation
1. Acquisition of M16/M18/M19/M20/M21/M22/M23/M24/M25/M26/M27/M28/M29/M30/M31/M32/M33/M34/M35/M36/M37/M38/M39/M40/M41/M42/M43/M44/M45/M46/M47/M48/M49/M50/M51/M52/M53/M54/M55/M56/M57/M58/M59/M60/M61/M62/M63/M64/M65/M66/M67/M68/M69/M70/M71/M72/M73/M74/M75/M76/M77/M78/M79/M80/M81/M82/M83/M84/M85/M86/M87/M88/M89/M90/M91/M92/M93/M94/M95/M96/M97/M98/M99/M100	\$1,000,000,000	\$785,000,000	\$990,000,000
2. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
3. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
4. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
5. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
6. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
7. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
8. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
9. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
10. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
11. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
12. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
13. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
14. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
15. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
16. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
17. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
18. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
19. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
20. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
21. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
22. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
23. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
24. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/M116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M163/M164/M165/M166/M167/M168/M169/M170/M171/M172/M173/M174/M175/M176/M177/M178/M179/M180/M181/M182/M183/M184/M185/M186/M187/M188/M189/M190/M191/M192/M193/M194/M195/M196/M197/M198/M199/M200	\$1,000,000,000	\$785,000,000	\$990,000,000
25. Acquisition of M107/M108/M109/M110/M111/M112/M113/M114/M115/S116/M117/M118/M119/M120/M121/M122/M123/M124/M125/M126/M127/M128/M129/M130/M131/M132/M133/M134/M135/M136/M137/M138/M139/M140/M141/M142/M143/M144/M145/M146/M147/M148/M149/M150/M151/M152/M153/M154/M155/M156/M157/M158/M159/M160/M161/M162/M16			

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Senate		---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
15	P-3 UPGRADES												
16	MIUW VANS												
	PORTABLE COMMUNICATION EQUIP				9,300				9,300		10,000		10,000
	C-9 MODS				25,000				25,000				
17	FFG-7 DISPLAY SYS												
18	DRUG INTERDICTION												
MARINE CORPS RESERVE													
19	MISCELLANEOUS EQUIPMENT				26,000				26,000		5,000		5,000
	COMMUNICATIONS ELECTRONICS MCR						10,000		-10,000				
	CONSTRUCTION/TRANSPORTATION EQUIP MCR						10,000		-10,000		5,000		5,000
20	C-20 AIRCRAFT												
21	KC-130T AIRCRAFT MODS				24,500				24,500		10,000		10,000
22	AH-1W COBRA AIRCRAFT												
23	NIGHT VISION DEVICES										5,000		5,000
	SINCGARS RADIOS										5,000		5,000
	FIREARMS TRAINING SYSTEM												
24	COMM EQUIPMENT				15,000				15,000		5,000		5,000
AIR FORCE RESERVE													
25	MISCELLANEOUS EQUIPMENT				30,000				30,000		25,000		25,000
	COMMUNICATIONS ELECTRONICS AFR						25,000		-25,000				
	MEDICAL EQUIPMENT AF RES						25,000		-25,000				
26	C-130 AIRCRAFT			8	200,000			8	200,000	8	225,000	8	225,000
	C-130 SIMULATOR												
	FIREARMS TRAINING SYSTEM												
27	MH-60G HELO												
28	DRUG INTERDICTION												
NATIONAL GUARD EQUIPMENT													
ARMY NATIONAL GUARD													
29	MISCELLANEOUS EQUIPMENT				30,000				30,000		5,000		5,000
	CONSTRUCTION/TRANSPORTATION EQUIP ARNG						35,000		-35,000		10,000		10,000
	MEDICAL EQUIPMENT ARMY NG/UH-60Q HELO						25,000		-25,000		25,000		25,000
	HET TRUCKS												
30	UH-60 HELICOPTERS												
31	CH-47 MODS				9,400				9,400				

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 ---		--- Senate FY1994 ---		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Quantity	Amount	Quantity	Amount
	CH-47 SIMULATOR												
	CH-47 FADEC UPGRADE											10,000	10,000
32	M915/916 TRUCKS												
33	5 TON TRUCKS												
34	MEDIUM TACTICAL TRUCKS (SLEP)				50,000				50,000		50,000		50,000
35	M113 ARMORED PERSONNEL CARRIER												
36	C-23 AIRCRAFT												
37	C-23 SIMULATOR												
38	M-9 ACE				50,000				50,000		50,000		50,000
	FAASV				50,000				50,000				
39	EXTERNAL FUEL TANKS												
40	C-26 AIRCRAFT												
41	C-212 AIRCRAFT												
42	P-180												
43	MLRS LAUNCHERS												
44	MLRS BN SPT EQUIPMENT												
45	NIGHT VISION DEVICES				25,000				25,000		25,000		25,000
45A	NIGHT VISION DRIVERS VIEWERS				10,000				10,000		10,000		10,000
46	COMMUNICATIONS ELECTRONICS ARMY NG				25,000		25,000				10,000		10,000
47	TCT UPGRADE												
48	SQ TRAINING DEVICES												
	IFTE				10,000				10,000				
49	FIREARMS TRNG EQPT												
	CHEM/BIO EQUIPMENT				10,000				10,000				
	GRENADE LAUNCHER M19-3			350	4,800			350	4,800				
50	ELECTRONIC TANDEM NETWORK				475				475				
	LOG SUPPORT EQUIPMENT				5,000				5,000				
	MATERIAL HANDLING EQUIPMENT				5,000				5,000		5,000		5,000
51	SINCGARS RADIOS										10,000		10,000
	UPGRADE CIVIL ENGINEERING EQUIPMENT												
	AUTOMATIC BUILDING MACHINES												
52	AH-1 MODS												
	AN/PSG-7 DIGITAL DATA SET												
	MOVING TARGET SIMULATOR				5,000				5,000				

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Senate		---Conference---		--- Conference FY94 --- Authorization		
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	
AIR NATIONAL GUARD														
53	TACTICAL AIRLIFT AIRCRAFT					8	250,000		-250,000		8	225,000	8	225,000
	KC-135 RADAR UPGRADE				15,000				15,000			15,000		15,000
54	C-26 AIRCRAFT													
55	MH-60G HELICOPTERS													
56	F-16 MODIFICATIONS				12,000				12,000					
57	F-15 MSIP				30,000				30,000			15,000		15,000
58	F-15/F-16 ENGINE UPGRADES				35,000				35,000					
59	F-15 ALE-40													
	LOCASS													
	APX-109													
60	MCE/TASCI				5,000				5,000					
61	DRUG INTERDICTION													
	COMMUNICATIONS ELECTRONICS ANG						35,000		-35,000					
62	TAC AIR CONTROL IMPROVEMENTS													
	RESERVE COMPONENT SIMULATION EQUIPMENT										75,000			75,000
	TACS ARMS DECOYS				20,000				20,000					
	FIREARMS TRAINING EQUIPMENT													
	COMM EQUIPMENT				23,000				23,000					
	MISC EQUIPMENT				30,000				30,000			5,000		5,000
	AIRCRAFT REPLACEMENT & MODERNIZATION											50,000		50,000
	TOTAL GUARD AND RESERVE PROCUREMENT				993,275		785,000		208,275			990,000		990,000

National Guard and Reserve equipment

The budget request included no procurement funds in the National Guard and Reserve equipment account. The request for various procurement accounts included \$1,555.7 million which was designated for the Reserve components.

The House bill would authorize \$993.3 million specifically for National Guard and Reserve equipment procurement.

The Senate amendment would authorize \$785.0 million for these purposes. The Senate report (S. Rept. 103-112) expressed the belief that the end of the Cold War provides an opportunity for the armed forces to make a greater contribution in addressing critical domestic problems. The Senate amendment would provide additional funds for broad categories, including medical equipment, aviation and aeromedical equipment, construction and transportation equipment, and elec-

tronic and communications equipment. The Senate report would direct the Chief of the National Guard Bureau and the head of each service reserve component to survey field units to identify the equipment they need to support domestic missions.

The conferees agree to provide \$990.0 million for National Guard and Reserve equipment procurement. The conferees agree to provide some of the funds in the broad, generic categories as recommended by the Senate. The conferees direct the Department of Defense to survey the requirements described in the Senate report and to provide a report to the congressional defense committees on the results of that survey before April 15, 1994.

The conferees expect the Secretary of Defense to review these reports to determine whether there may be higher priorities for the funds than the ways they are allocated

in this statement of managers. The conferees expect the Secretary to seek a reprogramming of these funds if he believes that there is a more productive way to spend the funds for modernizing the National Guard and Reserves.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

Overview

The budget request for fiscal year 1994 contained an authorization of \$125.5 million for Chemical Agents and Munitions Destruction, Defense. The House bill would authorize \$114.5 million. The Senate amendment would authorize \$442.9 million. The conferees recommend authorization of \$379.6 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Account	House Bill	Senate Amendment	Conferees
Chemical Agents and Munitions Destruction, Defense	\$114.5	\$442.9	\$379.6
1. Chemical Agents and Munitions Destruction, Defense	114.5	442.9	379.6
(1) Chemical Agents and Munitions Destruction, Defense	114.5	442.9	379.6
(2) Chemical Agents and Munitions Destruction, Defense			
(3) Chemical Agents and Munitions Destruction, Defense			
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(93) Chemical Agents and Munitions Destruction, Defense			
(94) Chemical Agents and Munitions Destruction, Defense			
(95) Chemical Agents and Munitions Destruction, Defense			
(96) Chemical Agents and Munitions Destruction, Defense			
(97) Chemical Agents and Munitions Destruction, Defense			
(98) Chemical Agents and Munitions Destruction, Defense			
(99) Chemical Agents and Munitions Destruction, Defense			
(100) Chemical Agents and Munitions Destruction, Defense			

P-1 LINE	ITEM	FY1994 Request		--- House FY1994 --- Authorization		--- Senate FY1994 --- Authorization		House +/- Quantity	Senate Amount	---Conference---		-- Conference FY94 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount			Change to Request Quantity	Amount	Quantity	Amount
CHEM AGENTS & MUNITIONS DESTRUCTION, ARMY													
1	CHEM DEMILITARIZATION - PROC		125,486									-125,486	
2	CHEM DEMILITARIZATION - O&M		308,161									-308,161	
	TOTAL CHEMICAL DESTRUCTION		433,647									-433,647	
CHEM AGENTS & MUNITIONS DESTRUCTION, DEF													
1	CHEM DEMILITARIZATION - RDTE											26,600	26,600
2	CHEM DEMILITARIZATION - PROC				114,500		134,786		-20,286			72,600	72,600
3	CHEM DEMILITARIZATION - O&M				308,161		308,161					280,361	280,361
	TOTAL CHEMICAL DESTRUCTION				422,661		442,947		-20,286			379,561	379,561

Reserve components (sec. 106)

The House bill contained a provision (sec. 107) that would direct the Secretary of the Army to ensure that, of the total number of multiple launch rocket systems acquired with Army procurement funds, one battalion set shall be made available to the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

Chemical demilitarization programs (sec. 107)

The budget request included \$433.6 million for the chemical demilitarization program. Out of the request, \$308.1 million was for Army operation and maintenance (O&M) and \$125.5 million was for Army procurement.

The House bill contained provisions that would authorize \$114.5 million for procurement (sec. 108) and \$308.1 million for operation and maintenance (sec. 301).

The Senate amendment contained a provision (sec. 107) that would authorize \$442.9 million for the chemical demilitarization program.

The House recedes with an amendment that would authorize \$379.6 million for the chemical demilitarization program. The conferees agree that funds for this program should continue to be provided in a separate DOD account as directed by section 1412(f) of Public Law 99-145 and not in the budget accounts of any military department. Therefore, the conferees transfer the funds contained in the fiscal year 1994 Army budget requests for the chemical demilitarization program to a separate DOD account.

The conferees authorize \$26.6 million in research and development funds for the development and testing of equipment to determine its suitability to destroy nonstockpile chemical munitions. In the event additional funds are necessary for research and development of alternative destruction technologies, the conferees will consider a reprogramming request which uses available sources other than those authorized and appropriated for the chemical demilitarization program. The conferees also agree to amend section 151(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 to include oversight as a purpose for which the federal government may provide funds through cooperative agreements with states and local governments.

Denial of multiyear procurement authorization (sec. 109)

The House bill contained a provision (sec. 110) that would deny the Secretary of the Navy authority to enter into a multiyear procurement contract to procure F-18C/D aircraft.

The Senate amendment contained no similar provision.

The Senate recedes.

Procurement of helicopters (sec. 111)

The House bill contained a provision (sec. 111) that would authorize the procurement of 10 AH-64 helicopters, notwithstanding the prohibition contained in section 132(a)(2) of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 101-189). The provision also would authorize the expenditure of up to \$225.0 million to procure 36 OH-58D AHIP Scout aircraft, notwithstanding the prohibition contained in the same provision of law.

The Senate amendment contained no similar provision.

The Senate recedes with regard to AH-64 helicopters.

The Senate also recedes with an amendment to the AHIP Scout aircraft provision.

The conferees agree to authorize \$112.5 million to procure 18 OH-58D AHIP Scout aircraft.

Light utility helicopter modernization (sec. 112)

The Department of the Army's fiscal year 1994 budget request did not contain a plan for a specific modernization or replacement of UH-1 helicopters in spite of congressional direction to do so in the statement of managers (H. Rept. 102-966) accompanying the National Defense Authorization Act for Fiscal Year 1993.

The Senate amendment would provide \$5.0 million in research and development funds for the Army, in conjunction with the National Guard Bureau, to study the most cost-effective and affordable solution to upgrading the UH-1 fleet.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees are disappointed that the Secretary of the Army chose to ignore the fiscal year 1993 congressional direction. Because the conferees have no confidence that the Army will conform with the previous direction, they agree to a provision that would direct the Secretary of the Army to coordinate with the Chief of the National Guard Bureau to conduct a thorough study of light helicopter modernization requirements, including: life cycle costs; capability requirements; and, if required, development of an acquisition strategy—providing for full and open competition—for pursuing a cost-effective modernization program. The conferees direct the Department of the Army to fund this study effort from available resources.

The conferees further direct the Secretary of the Army to submit his recommendations based on this study to the congressional defense committees by April 15, 1994. The provision also would prohibit the obligation of any funds in support of a light helicopter modernization program until 30 days after delivery of the recommendations.

Chemical agent monitor (secs. 113 and 114)

The Senate amendment contained a provision (sec. 113) that would prohibit the obligation of funds appropriated for fiscal year 1993 for the procurement of the improved chemical agent monitor (ICAM). The Senate amendment also contained a provision (sec. 112) that would authorize funds appropriated for fiscal year 1993 for the ICAM to be used for the procurement of M40/42 nuclear, biological, and chemical protective masks.

The House bill contained no similar provisions.

The House recedes.

The conferees agree to authorize the fiscal year 1994 request of \$1.9 million for the ICAM. The conferees remain concerned with the reliability of the chemical agent monitor (CAM). The conferees direct the Secretary of Defense to study the operation effectiveness of the CAM and ICAM and submit a report on his findings to the congressional defense committees no later than April 1, 1994. The Secretary shall inform the congressional defense committees of the official to whom he has delegated the responsibility of preparing the report 30 days after enactment of this act. The report should include, but not be limited, to the following:

(1) An analysis of the chemical agent monitor's operational effectiveness during Operation Desert Shield/Desert Storm;

(2) Its use in support of the U.N. chemical weapons dismantlement operations in Iraq;

(3) Chemical weapons transportation operations conducted by the U.S. Army's Technical Escort Division;

(4) A comparison of the chemical agent monitor's capabilities during operational use with the specifications outlined in the original and amended required operational capabilities document; and,

(5) An evaluation of the ICAM operational testing.

Close tactical trainer quickstart program (sec. 115)

The Senate amendment contained a provision (sec. 114) that would authorize the Department of Defense to reprogram funds to initiate procurement of close tactical trainer simulators in fiscal year 1994, subject to normal reprogramming procedures.

The provision would effectively authorize a new start through reprogramming procedures. The Senate included the provision to permit the Army to begin this program during the fiscal year if the Army could identify offsetting funds. This provision would be required because the budget request did not contain a procurement line item for this program in fiscal year 1994. Normal reprogramming procedures would preclude reprogramming funds in fiscal year 1994, in the absence of a procurement line item in the approved budget.

The House bill contained no similar provision.

The House recedes with an amendment.

Attack submarine programs (sec. 121)

The House bill contained a provision (sec. 122) that would place several requirements on the Department of Defense regarding attack submarine programs. The provision would require the Secretary of Defense to submit to the congressional defense committees: (1) cost estimates for producing SSN-21 and SSN-22 submarines; (2) the cost and operational effectiveness analysis (COEA) for the new attack submarine program; and (3) a report on how the Department intends to spend the \$540.2 million appropriated in fiscal year 1992 for preserving the submarine construction industrial base. The provision would also authorize retroactively the \$540.2 million appropriated for this purpose.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees do not recommend legislative restrictions on research and development funding of the new attack submarine because the Department has already delivered a COEA.

The conferees agree to a provision that would limit the obligation of any of the \$540.2 million for either advance procurement of long lead items for SSN-23, or settlement of claims arising from cancellation of the *Seawolf* program last year. The cancellation affected components of SSN-23 and later *Seawolf*-class ships. If the Navy finds that the Department needs to use some of the \$540.2 million for settling these claims, the provision would allow that action. None of these funds, however, could be used for new work on any additional *Seawolf*-class submarines.

The conferees recognize that the Department has concluded its Bottom-Up Review. The Bottom-Up Review included an analysis of the submarine industrial base that the conferees would rather have had available last year when the *Seawolf* cancellation was proposed. The results of that analysis apparently confirm that protecting the submarine industrial base is very important.

The Bottom-Up Review has concluded that building the next *Seawolf* submarine (SSN-23) is the best way to protect the submarine industrial base while the Department develops the next generation attack submarine.

The conferees reserve judgment on reauthorizing SSN-23 until the Secretary of Defense requests an authorization in a future budget that fully funds SSN-23 and includes appropriate termination and close out activities for the Seawolf program.

Trident II missile (sec. 122)

The House bill contained a provision (sec. 153) that would provide funding for the Trident II (D-5) missile program and would require the Secretary of Defense to study the options for meeting the START II Treaty limits.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Study of Trident missile submarine programs (sec. 123)

The House bill contained a provision (sec. 154) that would require the Secretary of Defense to study the cost-effectiveness of backfitting Trident II missiles into those Trident ballistic missile submarines that now contain Trident I missiles.

The Senate amendment contained no similar provision.

The Senate recedes.

MK-48 ADCAP torpedo (sec. 124)

The budget request included \$100.1 million to procure 108 MK-48 advanced capability (ADCAP) torpedoes. The fiscal year 1994 program would be the last year of a three year multiyear procurement for these weapons.

The House bill would provide only \$28.1 million for this program and would cancel the multiyear procurement.

The Senate amendment authorized the requested amount.

The House recedes. The conferees believe that new production of the MK-48 ADCAP should be terminated at the conclusion of the current multiyear contract. Therefore, the conferees agree to a provision that would terminate the programs.

SSN acoustics (sec. 125)

The budget request included \$27.2 million for attack submarine (SSN) acoustics for fiscal year 1994.

The House bill would not authorize any funds for SSN acoustics. The House report (H. Rept. 1013-200) expressed concern that the Navy does not have a coherent plan for adapting submarine acoustic sensors, including towed arrays, hull-mounted sensors, and active sonar systems, for operations in littoral waters.

The Senate amendment would approve the requested amount.

The conferees agree to provide \$27.2 million, but recommend a provision that would restrict obligation of \$13.0 million of this amount until the Secretary of the Navy develops a submarine acoustics master plan and provides that plan to the congressional defense committees.

Long-term lease authority for certain vessels (sec. 126)

The House bill contained a provision (sec. 123) that would permit the Secretary of the Navy to enter into a long-term lease or charter for a double-hull tanker or oceanographic vessel built with government assistance after enactment of the National Defense Authorization Act for Fiscal Year 1994.

The Senate amendment contained no similar provision.

The Senate recedes.

Long-term lease authority for certain roll-on/roll-off vessels (sec. 127)

The House bill contained a provision (sec. 124) that would permit the Secretary of the

Navy to enter into long-term leases or charters for up to five roll-on/roll-off vessels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree that the lease authority should not be open-ended. Therefore, the conferees recommend a provision that would terminate this authority on June 15, 1995.

The conferees intend that the Navy be able to use these vessels to preposition material and equipment aboard ships. The conferees do not intend that any vessels leased under this provision be used to compete with commercial carriers that transport peacetime DOD cargoes in their regularly scheduled liner service. The conferees use the phrase "related point-to-point service" to refer to the current practice of: (1) transporting equipment and material aboard ship following delivery of any such material; and (2) using these ships in contingencies, exercises, and humanitarian relief operations. The conferees do not construe the phrase "related point-to-point service" to apply to support for prepositioned equipment and material based on land.

F-14 aircraft upgrade program (sec. 128)

The budget request contained \$116.2 million for F-14 aircraft modifications and \$72.0 million for development. Both of these requested amounts support an F-14A/B upgrade plan. The Navy has started retiring the A-6 all-weather, medium attack bomber. The Navy intends to upgrade the F-14 fleet to replace some of the strike capability that will be lost with the A-6 retirement. Under the Navy's plan, different portions of the F-14 fleet of "A," "B," and "D" model aircraft would be provided with different capabilities.

The House bill would add \$78.0 million to the development request. The House report (H. Rept. 103-200) directed the Navy to cancel the F-14A/B upgrade and replace it with a program to modify existing F-14D aircraft. The report directed the Navy to design a modification that would give F-14D aircraft capabilities equivalent to those of the Air Force F-15E Strike Eagle. The House bill would fully fund the request for modifications.

The Senate amendment would fund the F-14 research and development request, but would add \$175.0 million to the modification account. The Senate report (S. Rept. 103-112) directed the Navy to use these funds to begin a modification program to provide F-14 aircraft with an advanced ground attack capability. S0634

The Navy's F-14 strike upgrade plan may have been adequate at the time it was developed. Its aim was to serve as a complement to the A-6, or as an interim bridge to the AFX aircraft. The Navy, however, accelerated plans to retire the A-6 aircraft. The Department has terminated AFX development. Moreover, the so-called joint advanced strike technology (JAST) program is focused on developing technology for use in 2015. Consequently, the Navy probably will not deploy a new strike aircraft before 2015 to 2020. By default, the F-14 will be the Navy's only deep-strike aircraft for many years.

Because of the uncertainty about when a replacement aircraft will be available, the F-14 must have a more robust air-to-ground capability than the Navy plan originally envisioned. The conferees believe that, if power projection from aircraft carriers is to remain viable, the resulting F-14 must provide a capability similar to that provided by the F-15E Strike Eagle.

Accordingly, the conferees agree to provide \$150.0 million for research and development

funding and direct the Secretary of the Navy to initiate a comprehensive upgrade program to provide F-15E-like capabilities for at least 54 F-14D aircraft as the goal configuration of a building block mix. The conferees believe that such a program must result in an F-14 fleet that has the capability to use modern stand-off, air-to-ground weaponry.

The conferees understand the fiscal constraints on converting the entire F-14 fleet to a single configuration. Nevertheless, the conferees believe that using a "building block" approach will allow the Navy to simultaneously upgrade the disparate F-14 configurations and facilitate ultimate conversion to an F/A-14D if funding permits.

The conferees also agree to provide \$165.0 million for long-lead procurement for such items as upgraded engines, self-protection jammers, night vision equipment, and other upgrades which contribute to the transition toward a single, integrated, building block F-14 upgrade program. The conferees direct the Navy to discontinue the F-14A/B upgrade requested in the budget, but expect that the Navy may pursue digital avionics enhancements contained in the original F-14A/B upgrade program as a subset of a building block plan.

The conferees recommend a provision that would restrict obligation of any fiscal year 1994 procurement funds pending delivery of a report to the congressional defense committees on this upgrade program. The Secretary of the Navy would not be able to obligate these funds until 30 days after he provides a report to the congressional defense committees that includes the following information: (1) a description of the F/A-14D (F-15E-like) goal configuration; (2) a schedule for conversion of the current F-14D fleet to the goal configuration; (3) a description of a narrower subset of F-14 configurations which conform to a building block upgrade approach; (4) the total number, by type, of aircraft to be converted; and (5) a funding plan for implementing this upgrade program.

B-2 bomber (sec. 131)

The budget request contained \$626.2 million for B-2 bomber procurement and \$285.1 million for initial spares.

The House bill and the Senate amendment contained provisions (sec. 151 and sec. 122, respectively) that would fully fund the request. Each provision, however, would place certain limitations on the obligation of these funds. The House bill would limit the obligation of all funds until the Secretary of Defense made numerous certifications, 30 days passed, and an act that would authorize obligation of the funds was enacted. The House bill also would prohibit the development of the GATS/GAMS relative targeting system on the B-2.

The Senate amendment also would limit the obligation of all funds pending receipt of the same certifications, plus the satisfaction of two conditions regarding B-2 warranties and contract definitization. The Senate amendment also contained provisions that would limit the B-2 program to 20 operational aircraft and limit the program's total acquisition cost to \$28.968 billion in fiscal year 1981 dollars.

The House recedes with an amendment that would delete the Senate provision that provided for an increase in funds above the program cost cap if certain conditions are met. The conferees, therefore, would restrict the obligation of funds only to contracts or contract modifications, that in the aggregate, limit the government's total B-2 program liability to \$28.968 billion (in constant fiscal year 1981 dollars) while providing for no more than 20 deliverable aircraft and appropriate termination costs. The cost cap expressed in constant fiscal year 1981 dollars is

equivalent to \$44.4 billion in then-year dollars, which is the official Air Force acquisition cost estimate for the planned B-2 program. The conferees expect the Comptroller General to report to the congressional defense committees at regular intervals on the total acquisition costs of the B-2 bomber program through the remainder of the aircraft production program. Therefore, the conferees direct the Secretary of the Air Force to provide the Comptroller General, on a timely basis, such information on B-2 program costs as may be required to conduct an ongoing review of B-2 program costs. The information shall include individual cost breakdowns for research, development, test and evaluation, aircraft procurement, all planned modifications and retrofits, tooling, preplanned product improvements, support equipment, interim contractor support, initial spares, and government liability associated with termination costs and other government costs.

The conferees further agree to allow the Air Force to proceed with a GPS aided targeting system (GATS) for the B-2, consistent with the Secretary of the Air Force's October 5, 1993 letter to the congressional defense committees.

Finally, the conferees agree to release for obligation B-2 bomber procurement funds which were restricted by the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102-190) and the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

B-1B bomber (secs. 132 and 212)

The budget request contained \$213.3 million for procurement and \$93.5 million for research, development, test and evaluation (RDT&E) for the B-1B bomber.

The House bill would provide \$263.4 million for procurement (sec. 152) and \$180.5 million for RDT&E (sec. 223).

The Senate amendment would provide \$177.3 million for procurement (sec. 121) and \$43.5 million for RDT&E (sec. 213).

The conferees recommend \$272.3 million for procurement and \$49.0 million for RDT&E for the B-1B bomber program. In addition, the conferees agree to require the Secretary of the Air Force to develop a plan to test B-1B operational readiness rates.

Out of the procurement funds authorized for the B-1B bomber, up to \$165.0 million shall be available for interim contractor support (ICS), up to \$46.5 million shall be available for deferred logistics support equipment, and up to \$20.0 million shall be available to meet the incremental costs above those costs normally covered by operations and support funds for the required test program. Within available funds, the conferees direct that safety-of-flight modifications be fully funded.

Within the RDT&E funds authorized for the B-1B bomber, the Secretary is directed to test the feasibility of implementing the GATS relative targeting system on the B-1B bomber, with particular emphasis on whether the existing B-1B bomber radar is capable of performing sufficiently precise relative targeting without expensive radar modifications. The congressional defense committees expect to be kept fully informed of the results of such tests.

Out of the RDT&E funds authorized for the B-1B bomber, up to \$7.2 million may be made available to carry out the Air Force's planned fiscal year 1994 electronic countermeasures (ECM) program, together with up to \$31.0 million of unobligated prior year balances. The ECM program should emphasize the exploration of whether existing ECM sys-

tems could be adapted relatively quickly and inexpensively into the B-1 platform to provide, at a minimum, at least the same degree of survivability at medium altitude and above as the B-52 enjoys today.

Within the remaining R&D funds, the conferees recommend that, to the extent possible, those modifications necessary for the early incorporation of the JDAM munition on the B-1 bomber be accorded priority in the allocation of funds.

The conferees further agree to recede from all limitations on the obligation of both procurement and RDT&E funding for the B-1B bomber contained in the Senate amendment.

OPERATIONAL READINESS TEST PLAN

The conferees have attempted to break the longstanding impasse between the House of Representatives and the Senate over the B-1 bomber program. The House conferees recognize the need to more clearly define the cost and effectiveness of proposed fixes, upgrades, and conventional weapons integration for the B-1B. The Senate conferees recognize that the B-1B force constitutes an irreplaceable stock of heavy bomber airframes which must be given improved conventional weapons capability in order to meet possible near-term contingencies. The issues for both sets of conferees are to develop options addressing these issues: "How much improvement?" and "What will it cost?" To begin to address these issues, the conferees direct the Secretary of the Air Force to develop and implement a test plan designed to determine whether the Air Force's planned level of B-1B spares, logistics support equipment, and maintenance manning, once attained, will be adequate to achieve the high operational readiness rates required to support the planned use of the B-1 in future conflicts.

The conferees envision concentrating at one base for one B-1 wing the planned level of spares and maintenance support and equipment to observe whether or not, over a period of at least six months, the planned level of support is adequate to produce the planned Air Force operational readiness rate of 75 percent. This is a test of self-contained, on-base sufficiency. Parts and equipment that would normally be repaired at depots or other off-base sites will be sent for repair, and replacements will be provided consistent with planned lead-times. This is not intended to be, and cannot be, a test of depot-level activity.

There are several potential problems with the conduct of such a test. Currently, a large backlog of unrepaired spare parts has arisen as a result of a shortfall in ICS funds. Some months will be required to substantially reduce that backlog, before which a test of the type envisioned would be imprudent. Even with reduced backlogs, the plan to concentrate the planned level of spare parts and other support at one wing will likely require some drawdown in the stocks at the other bases. This, at a minimum, could further reduce readiness levels at non-test bases and, at worst, affect aircrew proficiency at those bases. Also, some B-1 aircraft are undergoing safety-of-flight modifications which affects airframe availability, and the Air Force has a seven-point "reliability and maintainability" (R&M) upgrade program underway. Thus, the B-1 fleet is not homogeneous and the reliability improvements from the R&M program are not yet realized.

The conferees seek an unbiased test. Therefore, the test conditions must broadly represent the fleetwide capability at maturity. While the Air Force should not hand pick the most reliable fleetwide B-1 airframes and transfer them to the test base,

the test wing should consist of aircraft with standard ECM configuration, required safety-of-flight modifications completed and, to the extent practicable, major R&M upgrades accomplished.

Similarly, flows of parts and replacement items into and out of the test base in accord with normal maintenance actions are permitted; however, the test should be structured to monitor and detect unauthorized support activities. Both the Office of Operational Test and Evaluation and the GAO should monitor the test phase and review and comment upon the results of the test.

The conferees do not intend or envision this test as a "make-or-break" event; rather, they see it as an inexpensive method of acquiring useful information on a range of future capabilities and costs. If the test demonstrates that planned support levels can sustain the Air Force's planned readiness rates, that would be welcome news. Otherwise the collected data should be able to define the readiness rate that the planned level of support can sustain, and projections of how much additional support would be required to achieve the 75 percent operational readiness goal. This would also provide an estimate of the added cost to provide that increment of support. Also, the data should make clear which specific areas are most troublesome and which areas would, if mitigated, produce the largest returns to readiness.

As a separate phase of the test plan, late in the test period, at least one squadron from the test wing would deploy to an austere (i.e., non-bomber) base together with the planned "readiness spares package" appropriate to the size of the test detachment. At the austere base, they will simulate the planned use of the B-1B in a possible future conflict in which early sustained bomber support is crucial.

Recognizing that the considerations outlined above must be carefully evaluated in both the design of and the plan for implementing the test, the conferees provide the Secretary of the Air Force with broad latitude for preparation time, the initiation and duration of the actual test phase, and the test's ground rules. This includes the authority to postpone the test phase if the Secretary judges that the test cannot be conducted or continued without causing unacceptable risk to the readiness or safety of those elements of the B-1 force not included in the test.

Access by Comptroller General to information on heavy bomber programs (sec. 133)

The Senate amendment contained a provision (sec. 123) that would direct the Secretary of Defense to ensure full and prompt access by the General Accounting Office to Air Force information, reports, and data pertaining to heavy bombers.

The House bill contained no similar provision.

The House recedes.

C-17 aircraft program progress payments and reports (sec. 134)

The House bill contained a provision (sec. 134) that would direct the Secretary of Defense to withhold a portion of C-17 progress payments until the Secretary certifies: (1) that C-17 software testing and avionics integration have been completed; and (2) that costs waivers for software noncompliance have been identified and are in accordance with the terms of the existing C-17 contracts.

The Senate amendment contained no similar provision.

The Senate recesses.

Live-fire survivability testing of the C-17 aircraft (sec. 135)

The Senate amendment contained a provision (sec. 127) that would modify the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to permit the Air Force to use any funds authorized and appropriated for the C-17 aircraft to conduct needed live-fire testing of the C-17 aircraft.

The House bill contained no similar provision.

The House recesses.

Intertheater airlift program (sec. 136)

The budget request contained \$2,394.8 million for C-17 aircraft procurement, including: \$2,072.8 million for procuring six aircraft; \$245.5 million for advance procurement of eight aircraft in fiscal year 1995; \$16.5 million for modifications; and \$60.0 million for spare parts.

The budget request also included \$179.8 million for C-17 research and development and \$290.8 million for the strategic sealift program.

The House bill would provide \$1,918.7 million for intertheater airlift procurement, including \$1,673.7 million for procurement and \$245.0 million for advance procurement, and \$179.8 million for airlift development. The House bill contained a provision (sec. 131) that would prohibit obligating any funds for the procurement of airlift aircraft for the Air Force for fiscal year 1994 until 45 days after the Secretary of Defense submitted a report on: (1) recommendations for the aircraft, or mix of aircraft, to be procured for the intertheater airlift mission; and (2) the results of a Defense Acquisition Board review of the intertheater airlift requirements and a cost and operational effectiveness analysis (COEA) of various intertheater airlift alternatives.

The Senate amendment included a provision (sec. 124) that would require the Department to conduct a fundamental reexamination of future U.S. airlift requirements, rather than a simple evaluation of the acquisition aspects of the C-17 program. The provision would preclude obligating fiscal year 1995 procurement funds until this analysis had been conducted. The provision would also link future C-17 production to meeting the specified milestones in a system maturity matrix. This system maturity matrix was developed by the Department to provide Congress with a set of bench marks to use in gauging when the program would be ready for production rates higher than the current four aircraft per year.

The Senate amendment also included a provision (sec. 303) that would amend section 2218 of title 10, United States Code. This provision would change the National Defense Strategic Sealift Fund into the National Defense Strategic Lift Fund. The Senate report (S. Rept. 103-112) expressed the belief that such a fund would enable the Department to shift funds more easily between airlift and sealift as competing, as well as complementary, ways of solving strategic lift deficiencies.

The Senate amendment would approve the C-17 research and development request, but would provide no funds for procuring the C-17 aircraft or spares. The Senate amendment would provide \$2,669.1 million for a national defense strategic lift fund. Within that total, \$290.8 million would be for strategic sealift. The remainder could be used for C-17, other intertheater airlift programs, commercial airlift alternatives to the C-17, or additional strategic sealift.

The House recesses on Senate section 124, with an amendment.

The conferees have heard informally from the Under Secretary of Defense for Acquisition and Technology (USD(AT)) on the results of the COEA required by the National Defense Authorization Act for fiscal year 1993. This analysis has apparently shown that mixes of aircraft, not just a purely C-17 aircraft force, could be an effective, as well as lower cost, alternative. These mixes, which would include fewer than the programmed 120 C-17 aircraft, include other available alternatives such as existing military transports and commercial-derivative aircraft.

The conferees agree to:

(1) Prohibit any obligation of fiscal year 1994 funds until the Secretary of Defense reports on the review of the acquisition program by the Under Secretary of Defense for Acquisition and Technology;

(2) Retain the requirement that the C-17 program achieve certain production and testing milestones;

(3) Authorize up to six C-17 aircraft;

(4) Initiate a non-developmental airlift alternative to the C-17;

(5) Provide \$2,318.0 million for intertheater airlift procurement, consisting of:

(a) \$1,918.0 million for buying four C-17 aircraft, including \$1,730.0 million for procurement and \$188.0 million for advance procurement of six C-17 in fiscal year 1995;

(b) \$100.0 million only for procurement of non-developmental intertheater airlift alternatives; and

(c) \$300.0 million in an "undersigned" category, which may be used for C-17, or for the non-developmental alternative.

(6) Require the Department to conduct a thorough review of airlift requirements before obligating any funds in fiscal year 1995.

Considering the significant trouble and delays in the C-17 program, the conferees agree that simply authorizing the procurement of six C-17s in fiscal year 1994 with no fences would not be prudent.

The conferees agree to reserve judgment on the total number of C-17 aircraft that the Department of Defense should buy. The Under Secretary of Defense for Acquisition and Technology intends to continue the C-17 program on a probationary basis. He intends to make a final decision about the program no later than November 1995. The conferees reserve the right to modify C-17 milestones and legislative fences based on the program's performance between now and that time.

The conferees direct the Department of Defense to begin immediately to implement one or more of the airlift alternatives identified. The conferees direct the Air Force to initiate the non-developmental airlift alternative with: (1) \$100.0 million, if the undersigned \$300.0 million is used to buy six C-17s; or (2) \$400.0 million, if the Secretary chooses to buy only four C-17s or if the C-17 cannot meet the legislative requirements to produce more than four aircraft.

The conferees direct the Department of Defense to plan the fiscal year 1994 C-17 procurement effort to support either: (1) buying six C-17 aircraft, with \$100.0 million for non-developmental alternatives; or (2) buying four C-17 aircraft, with \$400.0 million available for the alternatives. The Department would be prohibited from shifting the \$300.0 million to either C-17 or non-developmental aircraft until 30 days after the Secretary provides the required report of the USD(AT) reviews, and a plan for the intended use of the funds. The conferees recommend no such

restrictions on spending the \$100.0 million for the non-developmental alternatives.

The conferees are concerned that the Department may be ready to reduce unilaterally the operational requirements for the C-17 program. Section 134 of the National Defense Authorization Act for Fiscal Year 1993 required the Joint Requirements Oversight Council to review the adequacy of these C-17 requirements. The conferees anticipate receiving the results of that review.

Meanwhile, the conferees are concerned that the Department may be shifting the contract requirements to meet the aircraft the contractor is able to build, rather than building the aircraft needed to meet the requirements upon which the program was justified and originally contracted. The conferees expect the Secretary's forthcoming report on the C-17 acquisition program to describe thoroughly the: (1) reasons for any changes in the contracts requirements the Secretary intends to make; and (2) the terms of consideration that the government will require of the contractor for overrunning costs or underrunning these requirements.

The conferees are concerned about another area of performance. There have been rumors that the Department may be relaxing or elating reliability and maintainability (R&M) thresholds. The conferees understand that the projected ability of the C-17 aircraft to sustain wartime utilization rates above 15 hours per day is critical to the decision of whether the C-17 makes sense. The conferees strongly believe that the Department must not relax these R&M thresholds in any reformation of the current C-17 contracts.

The conferees understand that there may be sizable contractor claims arising from the C-17 development and procurement program. The conferees believe that the Secretary's forthcoming report must include a full accounting of any of the pending contract claims, proposed settlement terms, and mechanisms by which future performance can be gauged and guaranteed. The conferees believe that this information should be available before the Air Force commits to any more aircraft.

The Senate recesses on Senate section 303. The conferees reserve judgment on consolidating the strategic airlift and sealift programs at a later date. The conferees note that the Department argued against having the additional flexibility that a strategic lift fund would provide. The conferees were sympathetic to giving the Department more flexibility to manage these programs, but will be guided by this appeal in dealing with issues in other areas.

The conferees also direct the General Accounting Office (GAO) to continue to report on the cost, schedule, and performance of the C-17 program. It would also be helpful if Congress could have the GAO assessment of whether: (1) the overall goals for lift have been correctly set, (2) the original C-17 justification remains valid, and (3) the C-17 justification remains valid, and (3) the C-17 can still achieve original program requirements, given increases in program cost and technical problems.

Use of F-16 aircraft advance procurement funds for program termination costs (sec. 137)

The House bill included a provision (sec. 133) that would set aside \$70.8 million for program termination costs for the F-16 program. The provision also would prohibit spending any fiscal year 1994 funds for F-16 advance procurement.

The Senate amendment contained no similar provision.

The Senate recesses.

Tactical signals intelligence aircraft (sec. 138)

The budget request contained \$34.2 million for modernizing the Navy's EP-3 Aries II signals intelligence (SIGINT) aircraft, and \$46.6 million for modernizing Air Force C-135 aircraft. Out of the total for C-135 modifications, \$33.8 million was requested for the RC-135 "Rivet Joint" SIGINT aircraft. The request also included \$7.8 million for EP-3 research and development within tactical cryptologic activities (TCP).

Last year, the conferees expressed concern about the SIGINT aircraft programs in the statement of managers (H. Rept. 102-966) accompanying the National Defense Authorization Act for Fiscal Year 1993. The conferees observed apparent duplication of efforts in the Navy and Air Force SIGINT programs. The conferees directed the Department of Defense to study this issue and choose between the RC-135 and EP-3 aircraft. The conferees directed the Department to consider all airborne and satellite SIGINT collection systems in determining the required numbers of RC-135 or EP-3 systems. Accordingly, the conferees restricted the obligation of any fiscal year 1993 funds provided for RC-135 re-engining and EP-3 upgrades pending the outcome of that analysis.

The Department submitted the required report shortly before the House bill and the Senate amendment passed. Neither body had sufficient time to review the analysis in sufficient detail before taking action on the pending authorization request.

The House bill contained a provision (sec. 212) that would deny \$25.4 million of the EP-3 modernization effort and deny \$5.0 million of the TCP activities funding for EP-3. The House bill also contained a provision (sec. 132) that would provide \$93.2 million to procure two additional RC-135 aircraft and would remove the fiscal year 1993 restriction against re-engining RC-135 aircraft.

The Senate amendment contained a provision (sec. 132) that would remove, with certain limitations, the prior year restrictions on EP-3 and RC-135 modernization. The Senate amendment would fully fund EP-3 modernization but deny the Department's \$33.8 million in funding requested for the RC-135. The Senate amendment also would shift \$100.9 million of unobligated fiscal year 1993 funds intended for C-135 series re-engining to other programs.

The conferees believe that the Department's tradeoff study lacks substance and credibility. The Department failed to choose between systems. The report asserted that the current number of EP-3 and RC-135 platforms are required for world-wide SIGINT coverage. Nevertheless, it proposed to modernize only the less capable and less expensive EP-3. The RC-135 would be frozen in its current configuration, referred to as baseline 6. In the opinion of the conferees, this funding gambit presumed that Congress would add RC-135 modernization funding.

The conferees are unhappy with the unresponsive nature of the Department's tactical SIGINT aircraft request and plan. Additionally, the conferees do not intend to be used in a game to fund programs which the Department may believe are congressional "sacred cows."

The conferees have learned of a further complication to this issue. The next generation SIGINT sensor suite, an airborne reconnaissance support program (ARSP) SIGINT upgrade program, is focused totally on U-2 aircraft integration. One of the central benefits of this new program is modular, or scalable architecture. The conferees fail to understand why this upgrade is targeted for the

most stringent technical application, the smaller, power-limited U-2. Moreover, each of the services has been planning expensive, separate, and uncoordinated upgrade efforts for their individual SIGINT systems. The conferees are shocked that, in some cases, the services were unaware of even the existence of this ARSP SIGINT upgrade program. In the opinion of the conferees, following all of the separate paths would make the collective capability upgrades prohibitively expensive. Targeting the development of a common architecture on the U-2 platform unnecessarily delays the effort and perpetuates the proliferation of upgrade programs.

The conferees believe that a single, scalable, open architecture system which is adaptable to all tactical SIGINT platforms would dramatically improve capability, interoperability and competitive procurement opportunities. This approach could also significantly reduce modernization funding requirements. The conferees are also convinced that early demonstration of the ARSP SIGINT upgrade program architecture would lead to an operational capability years ahead of what might be possible by delaying until U-2 integration is practical.

Therefore, the conferees direct the Secretary of Defense to demonstrate expeditiously the ARSP upgrade program on a dedicated, non-developmental aircraft. The Secretary is also directed to consolidate this effort under the new Tactical Reconnaissance office (TRO) as described elsewhere in this statement of the managers. In addition, the conferees believe that the TRO should exercise configuration control over all future tactical airborne SIGINT upgrade activities in order to promote maximum commonality and to minimize duplication. To this end, the TRO should also control funding for future improvements in existing SIGINT platforms such as the U-2, RC-135, EP-3, ES-3, Senior Scout, RC-12, and the various unmanned aerial vehicles.

Accordingly, the House recedes on sections 132 and 212 of the House bill, and the Senate recedes on section 132 of the Senate amendment. The conferees agree to authorize the \$34.2 million requested for EP-3 modernization, the \$33.8 million requested for RC-135 modernization, and the \$93.2 million the House bill would provide for additional RC-135 aircraft. This funding would be authorized in a single Defense Agencies procurement account controlled by the TRO.

The conferees recommend a provision that would: (1) remove the prior year restriction on EP-3 upgrades; (2) limit EP-3 upgrades to those associated with the conversion-in-lieu-of-procurement (CILOP) program; and (3) limit RC-135 upgrades to those necessary to bring aircraft into the baseline 6 configuration.

The conferees will not decide on upgrades to existing SIGINT platforms, beyond those identified above, until the Department of Defense provides a report to the congressional defense and intelligence committees. The report should include a recommendation on the feasibility of, and methods for, using ARSP SIGINT upgrade program technology in platforms other than the U-2. The conferees further authorize the TRO to use up to \$93.2 million to acquire either an existing government-owned commercial derivative aircraft or a readily available commercial aircraft. The conferees are aware that aircraft such as the Army's homing overlay experiment aircraft (a B-767) or an EC-135 would be suitable for testing the ARSP upgrade program. The conferees agree to deny the \$5.0 million requested within TCP funding for the EP-3.

Finally, the conferees recommend a provision discussed elsewhere in this statement of the managers under "C-135 Aircraft Program", that would reiterate the fiscal year 1993 restriction on RC-135 re-engining, and direct the Department to use unobligated fiscal year 1993 C-135 series aircraft re-engining funds for KC-135 re-engining.

C-135 aircraft program (sec. 139)

Out of the funds Congress appropriated in fiscal year 1993 for C-135 aircraft modifications, the Air Force intended to apply \$100.9 million for RC-135 re-engining. Section 141 of the National Defense Authorization Act for Fiscal Year 1993 restricted the use of these funds.

The budget request contained \$46.6 million for modification of Air Force C-135 series aircraft. Out of this total, \$33.8 million was for various modifications for RC-135 "Rivet Joint" signals intelligence aircraft.

The House bill would approve \$33.8 million for RC-135 modifications. The House bill also contained a provision (sec. 132) that would: (1) provide \$93.2 million to procure two additional RC-135 aircraft; (2) remove the fiscal year 1993 restriction on re-engining RC-135 aircraft; and (3) add \$160.0 million for eight KC-135 re-engining kits.

The Senate amendment contained a provision (sec. 132) that would deny the \$33.8 million requested for RC-135 modifications. The Senate amendment contained another provision (sec. 1013) that would authorize the Secretary of the Air Force to shift the \$100.9 million that the Air Force intended to use for RC-135 modifications to other, higher priority programs.

The conferees agree to a provision that would authorize the Air Force to use the \$100.9 million of unobligated fiscal year 1993 funds, along with \$48.0 million of fiscal year 1994 funds, to purchase and install six KC-135E re-engining kits.

ALQ-135 jammer device (sec. 151)

The Senate amendment contained a provision (sec. 131) that would amend section 182(b)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to change the criteria for full rate production of jammer devices. Section 182(b)(2) requires performance more stringent than required in normal operational testing. The Senate provision would require jammers to meet the same operational testing standards that major acquisition programs must meet before they can proceed to full rate production.

The House bill contained no similar provision.

The House recedes.

Global positioning system (sec. 152)

The Senate amendment included a provision (sec. 133) that would:

(1) prohibit, after the year 2000, any further obligation or expenditure of funds to modify or procure any aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a GPS receiver;

(2) require the Secretary of Defense to provide up to \$5.0 million from funds authorized and appropriated for the GPS satellite system and receiver programs to the National Academy of Sciences and the National Academy of Public Administration to study a variety of management and funding issues; and

(3) require the Secretary of Defense, in coordination with the Director of Central Intelligence, to report to Congress on potential threats to the United States and its allies from hostile exploitation of the GPS system, and possible countermeasures to such threats.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree to reduce the amount available for the study from up to \$5.0 million to up to \$3.0 million. In addition, the conferees direct the Secretary to sign a contract with the academies within 60 days after the enactment of this act.

The conferees are aware that the President's Science Advisor has started to review the GPS system as part of a larger examination of airline profitability. The conferees urge the Science Advisor to broaden this review because the future of the GPS system has major implications for administration policy on defense conversion, economic competitiveness, information highways, intelligent vehicle highway systems, and infrastructure investment.

Ring laser gyro navigation systems (sec. 153)

The Senate amendment contained a provision (sec. 136) that would prohibit the Navy from awarding a sole source contract for ring laser gyro navigation systems with funds from fiscal years 1992, 1993, and 1994.

The House bill contained no similar provision. The House report (H. Rept. 103-200) included similar direction.

The House recedes with an amendment that would delete the requirement to compete in fiscal year 1992. The conferees understand that the Navy is unable to buy any ring laser gyro navigation system with fiscal year 1992 funds, either sole source or competitively.

Operational support aircraft (sec. 154)

The Senate amendment contained a provision (sec. 137) that would prohibit the Department of defense from obligating procurement funds for operational support aircraft without full and open competition unless the Under Secretary of Defense for Acquisition certifies that procurement without full and open competition is to be made within an exception set forth in section 2304(c) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary of Defense from obligating any funds for operational support aircraft until 60 days after the Secretary submits a study on these aircraft to the congressional defense committees. That study shall include a description of current aircraft inventory, peacetime and wartime missions, and funds in the future years defense program for operational support aircraft.

Administration of chemical demilitarization program (sec. 155)

The House bill contained a provision (sec. 175) that would amend section 173(b)(1) of Public Law 102-484 to allow a period of 90 days for existing chemical demilitarization citizens' advisory commissions to submit appropriate comments to the congressional defense committees on the Department of the Army's report to Congress on alternative technologies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide a 60 day period for citizens' advisory commissions in existence upon enactment of this act to submit appropriate comments to the congressional defense committees. The conferees note that the Army has requested a 60 day extension of the deadline for the submission of its report to Congress, from December 31, 1993 to March 1, 1994. The conferees understand that the

Army's request is based on indications by the National Research Council that it will not be able to submit its recommendations to the Army by November 28, 1993. The conferees concur with the Army's request to extend the deadline for the submission of its report to Congress.

Chemical munitions disposal facilities, Tooele, Utah (sec. 156)

The House bill contained a provision (sec. 171) that would prohibit the obligation of funds appropriated in fiscal year 1993 and 1994 for systemization of the chemical munitions disposal facilities at Tooele Army Depot, Utah. The funds could not be obligated until the Secretary of Defense certifies that: (1) recommendations in the Defense Base Closure and Realignment Commission for the realignment of Tooele Depot will not jeopardize the health, safety, and welfare of the surrounding community; and (2) adequate base support, management, oversight, and security personnel will remain to operate the chemical disposal facility after the realignment. The provision would direct the Secretary of Defense to identify by job title and category all the base support that would remain at the depot after its realignment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit obligation of fiscal years 1993 and 1994 funds pending a certification from the Secretary of Defense that: (1) operation of the chemical disposal facilities at the depot will not jeopardize the health, safety, and environment of the surrounding community; and (2) adequate base support and personnel will remain at the depot to ensure public safety while munitions are stored, or disposal activities are in operation, at the depot.

Authority to convey Los Alamos dry dock (sec. 157)

The House bill included a provision (sec. 172) that would authorize the Secretary of the Navy to transfer all rights, title, and interest in the dry dock designated as Los Alamos (AFDB 7) to the Brownsville Navigation District of Brownsville, Texas.

The Senate amendment contained no similar provision.

The Senate recedes.

Sales authority of certain working-capital funded industrial activities of the Army (sec. 158)

The House bill contained a provision (sec. 173) that would allow the Army's Watervliet Arsenal to enter into commercial contracts for the sale of manufactured articles or services outside the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Space-based missile warning and tracking (sec. 159)

The budget request included \$66.8 million for RDT&E for the defense support program (DSP), \$214.8 for the follow-on early warning system (FEWS), \$252.6 for the Brilliant Eyes (BE), and \$10.0 million for the Cobra Ball missile warning and surveillance systems.

The House bill would combine the requests for DSP, FEWS, and BE into a single line within the Defense Agencies account and reduce the aggregate by \$200.0 million.

The Senate amendment would combine the requests for all the RDT&E programs with the requests for DSP procurement, which totaled \$497.7 million, in a single line within the Air Force missile procurement account.

The House and Senate reports (H. Rept. 103-200 and S. Rept. 103-112) advised the De-

partment of Defense that its plans for the various missile warning and surveillance programs were not affordable. The reports noted that the new Administration had undertaken a major review of these programs and expected the Administration to inform the Congress prior to conference on the results of its review and its recommendations. Unfortunately, the Administration has not met these expectations.

Accordingly, the conferees have decided to preserve options for the Secretary of Defense and Congress as much as possible while enforcing budget discipline. The conferees believe that \$240.0 million can be reduced from the combined procurement and RDT&E request for these programs without compromising acceptable Administration decisions.

The conferees, therefore, agree to authorize \$801.9 million in Defense Agencies procurement. The conferees agree to a provision that would allow the Secretary of Defense to allocate these funds to specific programs for warning and attack assessment. Under this provision, any transfers from this account shall be in addition to the transfer limits established elsewhere in this act. In addition, the provision would permit the Secretary to transfer up to \$250.0 million without submitting a prior-approval reprogramming request in order to maintain program continuity prior to final decisions by the Secretary and Congress. The conferees believe that this transfer authority and amount will sustain ongoing efforts for up to five months into fiscal year 1994. Any additional transfers shall be in accordance with established transfer procedures. The Secretary shall inform the congressional defense committees of the detailed results of his deliberations and his recommended allocations. The conferees intend that the congressional defense committees have the opportunity to review the Secretary's decisions and recommendations carefully before irrevocable decisions are made and implemented. It is also the intent of the conferees that none of the ongoing programs be terminated until 30 days after the Secretary of Defense formally notifies Congress of any termination decision and provides the rationale for the decision.

The conferees note that the Department has invested over \$2.0 billion to date in the FEWS program out of concern over capability shortfalls of DSP. This investment has produced much useful technology that should form the basis for any DSP follow-on effort, be it FEWS or another system.

LEGISLATIVE PROVISIONS NOT ADOPTED

TOW missile program

The House bill included a provision (sec. 112) that would mandate the termination of the TOW missile program.

The Senate amendment contained no similar provision.

The House recedes.

DDG-51 destroyer and fast sealift programs

The House bill contained a provision (sec. 121) that would prohibit the Navy from obligating funds for the DDG-51 guided missile destroyer program until the Navy awarded contracts to convert ships for the strategic sealift program.

The Senate amendment contained no similar provision.

The House recedes. The Navy has recently awarded both conversion and new construction contracts for the strategic sealift program. The conferees are encouraged by the Navy's progress and urge the Navy to continue to emphasize this important program.

Conveyance of observation aircraft

The House bill contained a provision (sec. 174) that would authorize the Secretary of

Defense to convey without cost not more than four light observation aircraft to a non-profit organization in Florida under certain conditions.

The Senate amendment contained no similar provision.

The House recedes.

Modified M113 carriers and AGT-1500 turbine engines

The Senate amendment contained a provision (sec. 111) that would authorize additional funds to modify M113 carriers and to procure additional AGT-1500 turbine engines, subject to the limitation that none of the funds could be obligated in fiscal year 1994.

The House bill contained no similar provision.

The Senate recedes

The conferees agree to authorize an additional \$12.0 million to initiate the remanufacturing of M113 carriers and an additional \$17.0 million for AGT-1500 turbine engines.

The conferees note the need to remanufacture M113s in various configurations. The conferees, however, reserve judgment on the overall scope and affordability of this effort.

The conferees are concerned about preserving the tank industrial base, particularly the engine segment of that industrial base. The conferees direct the Secretary of Defense to establish expeditiously a blue ribbon panel, as described in the Senate report (S. Rept. 103-112). The conferees believe that it is urgent for the panel to develop a master plan for preserving the public and private industrial base for tanks and tank engines. This plan should be submitted to the congressional defense committees by April 30, 1994.

The conferees agree that the additional \$17.0 million should be applied to items which will not be wasted, regardless of the findings of the blue ribbon panel or the results of the ongoing reliability testing of overhauled engines. The conferees direct that the funds be used for long-lead items for new or remanufactured engines, or for spare parts for existing engines. The conferees also direct that none of the funds be used to commit the government to new or depot-over-

hauled engines for the first phase of the M1A2 tank upgrade program until the Army provides a report on the results of the reliability testing of overhauled engines. That report should include the Army's plan for proceeding with either a new or depot-overhauled engine for this phase of the upgrade.

Solid rocket motor upgrade program

The Senate amendment contained a provision (sec. 126) that would permit the Secretary of Defense to implement a "supplemental agreement" described in section 9164 of the Department of Defense Appropriations Act for Fiscal Year 1993 (Public Law 102-396) only in accordance with certain authorities stated in the Senate provision.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree with the substance and purpose of the Senate provision. The conferees, however, have not adopted the provision because the Senate provision is moot. The Secretary of Defense has chosen to implement the supplemental agreement as directed in the Department of Defense Appropriations Act for Fiscal Year 1993.

The conferees believe that it is inappropriate for Congress to intervene in, and direct a detailed settlement of, contract disputes between the executive branch and its contractors and subcontractors, particularly when the dispute is being litigated. The conferees would have preferred that the Secretary be granted the authority to settle the dispute if he judged that to be in the government's interest. The Senate provision would have granted that authority and discretion.

As part of the settlement the Department of Defense entered into on the solid rocket motor upgrade program, the subcontractor's production contract was converted to a fixed-price-incentive type of contract. This action increased the prime contractor's risk, which was mitigated by increasing the prime contract price ceiling. This adjustment, however, was made to the entire contract. Therefore, any cost overrun on any other part of the prime contract could be paid for from

this ceiling adjustment. The conferees believe strongly that this ceiling adjustment should have been restricted to the solid rocket motor subcontract alone.

Sense of Congress on expediting sealift procurement

The Senate amendment included a provision (sec. 134) that would express the sense of Congress that the Secretary of the Navy should award sealift conversion and construction contracts expeditiously.

The House bill contained no similar provision.

The Senate recedes. The Navy has recently awarded four strategic sealift ship contracts. Two contracts are for converting five existing ships to the required configuration. Two other contracts are to build as many as 12 new construction sealift ships.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION (RDT&E)

Overview

The budget request for fiscal year 1994 contained an authorization of \$38,620.3 million for research, development, test and evaluation in the Department of Defense. The House bill would authorize \$37,885.4 million. The Senate amendment would authorize \$35,900.2 million. The conferees recommend authorization of \$34,706.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

RESEARCH AND DEVELOPMENT, ARMY

Overview

The budget request for fiscal year 1994 contained an authorization of \$5,249.9 million for Army research, development, test and evaluation. The House bill would authorize \$5,427.1 million. The Senate amendment would authorize \$5,303.7 million. The conferees recommend authorization of \$5,197.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL ARMY								
1	61101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	10,954		10,954		10,954			10,954
2	61102A	DEFENSE RESEARCH SCIENCES	203,695	4,600	208,295	-15,400	188,295	20,000	-23,695	180,000
3	61104A	ELECTROMECHANICS & HYPERVELOCITY PHYSICS	3,712	5,000	8,712		3,712	5,000	2,288	6,000
4	62104A	TRACTOR ROSE	5,720		5,720		5,720			5,720
5	62105A	MATERIALS TECHNOLOGY	11,288	8,500	19,788	4,000	15,288	4,500	6,000	17,288
6	62120A	ELECTRONIC SURVIVABILITY AND FUZING TECH	28,793	6,000	34,793		28,793	6,000		28,793
7	62122A	TRACTOR HIP	11,921	-3,000	8,921		11,921	-3,000		11,921
8	62123A	TRACTOR FIELD								
9	62211A	AVIATION TECHNOLOGY	34,150		34,150		34,150			34,150
10	62270A	EW TECHNOLOGY	20,962		20,962		20,962			20,962
11	62303A	MISSILE TECHNOLOGY	23,777		23,777		23,777			23,777
12	62307A	LASER WEAPONS TECHNOLOGY	510	5,000	5,510		510	5,000	2,500	3,010
13	62308A	MODELING AND SIMULATION		10,000	10,000	10,000	10,000		10,000	10,000
14	62601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	38,994	15,000	53,994		38,994	15,000		38,994
16	62618A	BALLISTICS TECHNOLOGY	29,547		29,547		29,547			29,547
17	62622A	CHEMICAL, SMOKE & EQUIP DEFEATING TECH	37,766	14,219	51,985		37,766	14,219		37,766
18	62623A	JOINT SERVICE SMALL ARMS PROGRAM	3,397		3,397		3,397			3,397
19	62624A	WEAPONS AND MUNITIONS TECHNOLOGY	34,794	4,000	38,794		34,794	4,000	2,000	36,794
20	62705A	ELECTRONICS AND ELECTRONIC DEVICES	19,400	3,000	22,400		19,400	3,000		19,400
21	62709A	NIGHT VISION TECHNOLOGY	18,941		18,941		18,941			18,941
22	62716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	15,163		15,163		15,163			15,163
23	62720A	ENVIRONMENTAL QUALITY TECHNOLOGY	21,229	43,000	64,229	15,400	36,629	27,600	22,000	43,229
24	62727A	NON-SYSTEM TRAINING DEVICE TECHNOLOGY	4,413		4,413		4,413			4,413
		PROJECT PLOWSHARES				5,000	5,000	-5,000		
25	62782A	COMMAND, CONTROL, COMMUNICATIONS TECH	10,376		10,376		10,376			10,376
25A		AIRBORNE RECONNAISSANCE LOW (ARL)		7,760	7,760			7,760	7,760	7,760
26	62783A	COMPUTER AND SOFTWARE TECHNOLOGY	5,743		5,743		5,743			5,743
27	62784A	MILITARY ENGINEERING TECHNOLOGY	41,183		41,183	-3,000	38,183	3,000	-3,000	38,183
28	62785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	13,319		13,319	-2,000	11,319	2,000	-2,000	11,319
29	62786A	LOGISTICS TECHNOLOGY	28,453		28,453		28,453			28,453
30	62787A	MEDICAL TECHNOLOGY	86,711	50,000	136,711		86,711	50,000		86,711

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
31	62788A	TRACTOR ILOP	1,562		1,562		1,562			1,562
32	62789A	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	2,696		2,696		2,696			2,696
33	62790A	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	63,044		63,044		63,044		-630	62,414
34	62813A	TRACTOR DUMP								
35	63001A	LOGISTICS ADVANCED TECHNOLOGY	12,913		12,913		12,913			12,913
36	63002A	MEDICAL ADVANCED TECHNOLOGY	40,346	2,950	43,296		40,346	2,950	33,400	73,746
37	63003A	AVIATION ADVANCED TECHNOLOGY	53,073		53,073		53,073			53,073
38	63004A	WEAPONS & MUNITIONS ADVANCED TECHNOLOGY	17,291	4,000	21,291		17,291	4,000		17,291
39	63005A	COMBAT VEHICLE AND AUTOMOTIVE ADV TECH	39,093		39,093		39,093			39,093
40	63006A	COMMAND, CONTROL, COMMUNICATIONS AD TECH	16,049		16,049		16,049			16,049
41	63007A	MANPOWER, PERSONNEL & TRAINING ADV TECH	8,064		8,064		8,064			8,064
42	63009A	TRACTOR HIKE	7,355		7,355		7,355			7,355
43	63012A	TRACTOR HOLE	11,779		11,779		11,779			11,779
44	63013A	TRACTOR DIRT	1,888		1,888		1,888			1,888
45	63017A	TRACTOR RED	7,629		7,629		7,629			7,629
46	63020A	TRACTOR ROSE	6,679		6,679		6,679			6,679
47	63102A	MATERIALS AND STRUCTURES ADVANCED TECH								
48	63105A	AIDS RESEARCH	3,410		3,410		3,410			3,410
49	63238A	GLOBAL SURV/AIR DEFENSE/PRECISION STRIKE	29,484		29,484		29,484			29,484
50	63270A	EW TECHNOLOGY	28,533		28,533		28,533			28,533
51	63313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	46,497	-10,500	35,997		46,497	-10,500	-10,500	35,997
52	63322A	TRACTOR CAGE	13,909		13,909		13,909		-3,538	10,371
53	63393A	TRACTOR TRAILER								
54	63606A	LANDMINE WARFARE AND BARRIER ADV TECH	9,995		9,995	10,000	19,995	-10,000		9,995
55	63607A	JOINT SERVICE SMALL ARMS PROGRAM	5,529	2,000	7,529		5,529	2,000		5,529
56	63654A	LINE-OF-SIGHT, ANTITANK (LOSAT)								
57	63710A	NIGHT VISION ADVANCED TECHNOLOGY	38,661		38,661		38,661			38,661
58	63734A	MILITARY ENGINEERING ADVANCED TECH	2,910		2,910		2,910			2,910
59	63742A	ADVANCED ELECTRONIC DEVICES DEVELOPMENT								
60	63759A	CHEMICAL BIO DEFENSE & SMOKE ADV TECH	2,634		2,634		2,634			2,634
61	63772A	ADV TACTICAL COMPUTER SCIENCE & TECH	30,946		30,946	-4,000	26,946	4,000	-4,000	26,946
62	63392A	ANTI-SATELLITE WEAPON (ASAT)								
63	12814A	SPECIAL PROGRAMS	[]		[]		[]			[]
64	33152A	WWMCCS INFO SYSTEM	[]		[]		[]			[]

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
96	63811A	METEOROLOGICAL DATA SYSTEMS								
97	63813A	TRACTOR PULL								
98	64201A	AIRCRAFT AVIONICS	5,061		5,061		5,061			5,061
99	64202A	AIRCRAFT WEAPONS								
100	64220A	ARMED, DEPLOYABLE OH-58D								
101	64223A	COMANCHE	367,080		367,080		367,080			367,080
102	64270A	EW DEVELOPMENT	60,453	24,800	85,253		60,453	24,800	24,500	84,953
103	64315A	TRI-SERVICE STANDOFF ATTACK MISSILE	89,682	-80,000	9,682		89,682	-80,000	-46,282	43,400
104	64321A	ALL SOURCE ANALYSIS SYSTEM	971	9,000	9,971		971	9,000	9,000	9,971
105	64328A	NOT USED								
106	64603A	NUCLEAR MUNITIONS - ENG DEV								
107	64604A	MEDIUM TACTICAL VEHICLES	6,548		6,548		6,548			6,548
108	64609A	SMOKE, OBSCURANT & TARGET DEFEATING SYS	17,118		17,118		17,118			17,118
109	64611A	JAVELIN	44,937		44,937		44,937			44,937
110	64619A	LANDMINE WARFARE	21,322	10,000	31,322		21,322	10,000		21,322
111	64622A	HEAVY TACTICAL VEHICLES	476		476		476			476
112	64630A	ADVANCED TANK CANON								
113	64633A	AIR TRAFFIC CONTROL	5,607		5,607		5,607			5,607
114	64640A	ADVANCED COMMAND AND CONTROL VEHICLE	8,654		8,654		8,654			8,654
115	64642A	LIGHT TACTICAL WHEELED VEHICLES	2,064		2,064		2,064			2,064
116	64645A	ARMORED SYSTEMS MODERNIZATION (ASM)	89,504		89,504		89,504			89,504
117	64649A	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	13,304		13,304		13,304			13,304
118	64710A	NIGHT VISION SYSTEMS - ENG DEV	41,827		41,827		41,827			41,827
119	64713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	28,425		28,425		28,425			28,425
120	64715A	NON-SYSTEM TRAINING DEVICES - ENG DEV	62,669		62,669		62,669			62,669
121	64726A	INTEGRATED METEOROLOGICAL SUPPORT SYS	949		949		949			949
122	64740A	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	38,815	-2,000	36,815		38,815	-2,000		38,815
123	64741A	AIR DEFENSE COMMAND/CONTROL/INTELLIGENCE	15,424		15,424		15,424			15,424
124	64746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,472	9,000	23,472		14,472	9,000	9,000	23,472
125	64766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM	52,547	-15,000	37,547		52,547	-15,000		52,547
126	64767A	TRACTOR JEWEL								
127	64768A	TRACTOR BAT	117,008	20,000	137,008		117,008	20,000	-7,000	110,008
128	64769A	TRACTOR HELM								
129	64770A	JOINT SURV/TARGET ATTACK RADAR SYSTEM	26,260		26,260		26,260			26,260

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
130	64780A	COMBINED ARMS TACTICAL TRAINER (CAT1)	52,988		52,988		52,988			52,988
131	64801A	AVIATION - ENG DEV	5,733	3,300	9,033		5,733	3,300	3,300	9,033
132	64802A	WEAPONS AND MUNITIONS - ENG DEV	15,365	-6,303	9,062		15,365	-6,303		15,365
133	64804A	LOGISTICS AND ENGINEER EQUIPMENT	29,372		29,372		29,372			29,372
134	64805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS	9,244		9,244		9,244			9,244
135	64806A	NBC DEFENSE SYSTEM-ENG DEV	42,898		42,898		42,898			42,898
136	64807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEF	21,128		21,128	-1,559	19,569	1,559	-1,559	19,569
137	64808A	LANDMINE WARFARE/BARRIER - ENG DEV	2,957		2,957		2,957			2,957
138	64812A	CLASSIFIED PROGRAM								
139	64814A	SENSE AND DESTROY ARMAMENT MISSILE	41,011		41,011	57,661	98,672	-57,661	-12,511	28,500
140	64816A	LONGBOW - ENG DLV	277,954		277,954		277,954			277,954
141	64817A	NON-COOPERATIVE TARGET RECOGNITION	34,547	12,000	46,547		34,547	12,000		34,547
142	64818A	ARMY TACTICAL COMMAND & CONTROL SYSTEMS	37,227		37,227		37,227			37,227
143	64820A	RADAR DEVELOPMENT	25,834		25,834		25,834			25,834
144	65710A	JTCB POC, TEST/ASSESS, SMOKE ASSESS, NBC								
145	12830A	CLASSIFIED PROGRAM	[]		[]		[]			[]
146	63831A	CLASSIFIED PROGRAM	[]		[]		[]			[]
147	23726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	46,285		46,285		46,285			46,285
148	23735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	69,972	47,600	117,572		69,972	47,600		69,972
149	23740A	MANEUVER CONTROL SYSTEM	29,702		29,702		29,702			29,702
150	23744A	AIRCRAFT MODIFICATIONS/PIP	19,410		19,410		19,410			19,410
151	23752A	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	6,567		6,567		6,567			6,567
152	23755A	FIELD ARTILLERY AMMUNITION SUPPORT VEH								
153	23801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT	59,782		59,782		59,782		9,000	68,782
154	23802A	OTHER MISSILE PRODUCT IMPROVEMENT PROG	66,438	-5,000	61,438		66,438	-5,000		66,438
155	23806A	TRACTOR RIG	8,314		8,314		8,314			8,314
156	23808A	TRACTOR CARD	7,615		7,615		7,615			7,615
157	28010A	JOINT TACT COMM PROGRAM (TRI-TAC)	16,529		16,529		16,529			16,529
		ARMY VIRTUAL BRIGADE				34,000	34,000	-34,000	15,000	15,000
		UH-1 SLEP EVALUATION				5,000	5,000	-5,000		
		MIA2 ELECTRONICS SOFTWARE UPGRADE		2,000	2,000			2,000		
		HORIZONTAL INTEGRATION		8,000	8,000	24,000	24,000	-16,000	8,000	8,000
		UNDISTRIBUTED				-24,000	-24,000	24,000		
997		TACTICAL CLASSIFIED	41,294	-11,000	30,294		41,294	-11,000	-11,000	30,294

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
158	64716A	TERRAIN INFORMATION - ENG DEV	9,929		9,929		9,929			9,929
159	64778A	POSITIONING SYSTEMS DEVELOPMENT	4,921		4,921		4,921			4,921
160	31359A	SPECIAL ARMY PROGRAM	[]		[]		[]			[]
161	33140A	INFORMATION SYSTEMS SECURITY PROGRAM	7,122		7,122		7,122			7,122
162	33142A	SATCOM GROUND ENVIRONMENT	153,931		153,931		153,931			153,931
163	35127A	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]		[]		[]			[]
164	35889A	INTEL SUPPORT TO OSD COUNTERNARCOTICS								
998		INTEL & COMMUNICATIONS CLASSIFIED	8,658		8,658		8,658			8,658
165	64256A	THREAT SIMULATOR DEVELOPMENT	18,233		18,233		18,233			18,233
166	64258A	TARGET SYSTEMS DEVELOPMENT	18,945		18,945		18,945			18,945
167	64759A	MAJOR T&E INVESTMENT	28,893		28,893	-10,000	18,893	10,000		28,893
168	65103A	RAND ARROYO CENTER	15,492		15,492		15,492			15,492
169	65301A	ARMY KWAJALEIN ATOLL	171,380		171,380	-5,000	166,380	5,000		171,380
170	65502A	SMALL BUSINESS INNOVATIVE RESEARCH								
171	65601A	ARMY TEST RANGES AND FACILITIES	145,415		145,415		145,415			145,415
172	65602A	ARMY TECHNICAL TEST INSTRUMENTATION	25,540		25,540	-10,000	15,540	10,000		25,540
173	65604A	SURVIVABILITY/LETHALITY ANALYSIS	33,179		33,179	19,700	52,879	-19,700		33,179
174	65605A	DOD HIGH ENERGY LASER TEST FACILITY	4,808	20,000	24,808	20,000	24,808		20,000	24,808
175	65702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIV	17,970		17,970		17,970			17,970
176	65706A	MATERIEL SYSTEMS ANALYSIS	19,500		19,500		19,500			19,500
177	65709A	EXPLOITATION OF FOREIGN ITEMS	18,779		18,779		18,779			18,779
178	65710A	JTCB POC, TEST/ASSESS, SMOKE ASSESS, NBC	7,404		7,404		7,404			7,404
179	65712A	SUPPORT OF OPERATIONAL TESTING	58,433		58,433	-5,000	53,433	5,000	-5,000	53,433
180	65801A	PROGRAMWIDE ACTIVITIES	96,011	-10,000	86,011	-10,000	86,011		-10,000	86,011
181	65802A	INTERNATIONAL COOPERATIVE R&D	1,861		1,861		1,861			1,861
182	65803A	TECHNICAL INFORMATION ACTIVITIES	12,007		12,007		12,007			12,007
183	65805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS	13,763		13,763		13,763			13,763
184	65810A	RDT&E SUPPORT FOR NONDEVELOPMENTAL ITEMS	5,881		5,881		5,881			5,881
185	65856A	ENVIRONMENTAL COMPLIANCE	44,014	4,000	48,014		44,014	4,000	4,000	48,014
186	65872A	PRODUCTIVITY INVESTMENTS								
187	65876A	MINOR CONSTRUCTION (RPM) - RDT&E	1,873		1,873		1,873			1,873
188	65878A	MAINTENANCE AND REPAIR (RPM) - RDT&E	61,448		61,448		61,448			61,448
189	65896A	BASE OPERATIONS - RDT&E	274,409		274,409	-5,000	269,409	5,000	-5,000	269,409

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
190	65898A	MANAGEMENT HEADQUARTERS (R&D)	11,951		11,951		11,951			11,951
191	78045A	MANUFACTURING SCIENCE & TECHNOLOGY				20,000	20,000	-20,000		
191A		END ITEM INDUSTRIAL PREPAR ACTIV/MANTECH		50,000	50,000			50,000		
192	91600A	CONTRACT ADMINISTRATION/AUDIT	92,012	-92,012		-92,012			-92,012	
		LASER BURN TREATMENT				2,000	2,000	-2,000		
		UNDISTRIBUTED/OVERHEAD		-1,000	-1,000	-2,000	-2,000	1,000		
		LYME DISEASE		1,000	1,000			1,000		
		TEST AND SIMULATION TECHNOLOGY								
		UNDERGROUND TEST								
		WEAPONS SYSTEMS LETHALITY								
		WEAPONS SYSTEM OPERABILITY								
		CONVENTIONAL ARMS CONTROL TECHNOLOGY								
		CHEMICAL WEAPONS CONVERSION TECHNOLOGY								
		CLOSED ACCOUNT BUDGETING								
		TOTAL RDT&E ARMY	5,249,948	177,193	5,427,141	53,790	5,303,738	123,403	-52,481	5,197,467

Electromechanics and hypervelocity physics

The conferees support the change of the Army's Institute for Advanced Technology (IAT) from a federally funded research and development center (FFRDC) to a university research laboratory. Accordingly, the conferees approve an increase in funding for electromechanics and hypervelocity physics, PE 601104A, from \$3.712 million to \$6.0 million.

Materials technology

The budget request included \$11.288 million for materials technology.

The House bill would authorize \$19.788 million, an increase of \$8.5 million for ductile iron technology.

The Senate amendment would authorize \$15.288 million, an increase of \$4.0 million for Army advanced composite materials research.

The conferees agree to authorize \$17.288 million for materials technology. Out of this amount, \$4.0 million would be for composite materials and \$2.0 million for ductile iron technologies.

Although Congress is interested in ductile iron technology, financial constraints prevent adding more than \$2.0 million for ductile iron research at this time. The conferees urge the Army to consider ductile iron technology as a priority development for the technology base. The Army should consider directing a portion of these funds to the Tank and Automotive Command to facilitate final field testing of the cast ductile iron track components.

Microwave camera

The budget request included \$28.8 million for electronic survivability and fuzing technology in PE 62120A.

The House bill would authorize an additional \$6.0 million for the continuation of microwave camera development.

The Senate amendment contained no similar funding.

The conferees agree to authorize the requested amount and urge the Department of Defense to give priority to completing the microwave camera technology base development within existing funding for RDT&E program elements.

Chemical and biological defense programs

The House bill recommended the transfer of \$1.8 million from the Air Force and \$8.7 million from the Navy to the Army for chemical and biological exploratory and advanced development. The House bill also recommended an additional \$10.0 million in program element 602622A to promote greater international cooperation in research and development for chemical and biological defense.

The Senate amendment would authorize the requested amount.

The House recedes and notes that title XVII of this act directs that funding for the military services' chemical and biological defense programs be integrated in a separate defense account after fiscal year 1994. The conferees transfer funds back to the Air Force and Navy accounts for fiscal year 1994.

High explosive materials

The budget request contained \$34.8 million for weapons and munitions technology (PE 62624A).

The House bill would authorize an additional \$4.0 million for industrial base activity associated with high explosive materials.

The Senate amendment contained no similar funding.

The conferees note that the Army, in its revised modernization plan, made significant

reductions in ammunition production to help achieve overall five year funding reduction targets. This will further degrade the dwindling ammunition industrial base. The conferees agree to authorize an additional \$2.0 million in PE 62624A, for a total of \$36.8 million, to begin investigative activity for a small scale pilot production facility at the Longhorn Army ammunition plant.

Battery technology

The budget request contained \$19.4 million for electronics and electronics devices.

The House bill would add \$3.0 million to continue battery research for the purposes detailed in the House report (H. Rept. 103-200).

The Senate amendment contained no similar funding.

The House recedes. The conferees agree that portable power is vitally important to the soldier in the field and direct the Army to ensure a strong program in battery research, with emphasis on low cost, recycling, and pollution-tolerant battery systems.

Environmental quality technology

The budget request contained \$21.2 million for environmental quality technology in PE 602720A.

The House bill would provide an additional \$43.0 million for a number of programs, including \$10.0 million for expansion of testing at the Jefferson Proving Ground, Indiana.

The Senate amendment added \$15.4 million to the same program element which included funding for the Jefferson Proving Ground (JPG) environmental program.

The conferees agree that there is substantial merit in continuing the effort at JPG. The conferees approve \$10.0 million to continue the Jefferson Proving Ground program to improve and accelerate the state of the art of unexploded ordnance detection and remediation technologies in order to facilitate the rehabilitation of millions of acres of land on military reservations. The conferees also approve an additional \$12.0 million, for a total authorization of \$43.2 million, to continue or begin new work on other programs detailed in the House and Senate reports.

Telemedicine

The House bill would provide an additional \$1.25 million for a telemedicine test bed demonstration by the Army Medical Research Development Command, the Advanced Research Projects Agency, and the Naval Research Laboratory.

The Senate amendment would provide an additional \$10.0 million to the Office of the Secretary of Defense to accelerate the application of computers and communications technologies to the reduction of health care costs.

The conferees agree to provide an additional \$10.5 million in PE 603002A for increased telemedicine research and development activity to include imaging, diagnostics, and electronic connectivity of other military and federal facilities to demonstrate emerging telemedicine capabilities.

Project Plowshares

The Senate amendment would authorize \$5.0 million to demonstrate a prototype training system for disaster preparedness training. The goal of this project—named Project Plowshares—is to develop a computer-based training system for civilian disaster preparedness by using advance modeling and distributed simulation technology.

The House bill contained no similar funding.

The Senate recedes. The conferees commend the Army and the Army's Simulation,

Training, and Instrumentation Command for launching this innovative project. Project Plowshares represents an excellent application of military technology to the civil sector. The project will permit civilian authorities to test their disaster preparedness plans more realistically. The project may also provide a command and control system for use in responding to natural disasters and other emergencies.

The conferees endorse the Army's efforts and strongly recommend that the Department of Defense consider reprogramming funds to support the Project Plowshares program in fiscal year 1994. The conferees recommend most strongly that funding for the program be included in the fiscal year 1995 budget request.

Army tactical exploitation of national capabilities

The budget request included \$67.9 million for the development of tactical exploitation of national capabilities (TENCAP).

The House bill would reduce the request by \$20.0 million to begin phase-out of the electronic processing and dissemination system (EPDS).

The Senate amendment approved the requested amount.

The conferees agree to authorize the amount requested for RDT&E, but reduce the amount requested for operation and maintenance by \$5.0 million for budgetary reasons.

Multiple launch rocket system enhancements

The budget request included \$40.9 million for various product improvements for the multiple launch rocket system (MLRS). Out of this total, \$17.3 million would be used to develop extended range MLRS rockets. The Army intends to begin producing these improved rockets in fiscal year 2000.

The House bill and the Senate amendment would approve the requested amount.

The conferees understand that the Army could accelerate this schedule to begin production in fiscal year 1997 or earlier. The conferees believe that accelerated development and production of extended range rockets would have several benefits. The benefits could include fielding better capabilities and protecting the industrial base. As described elsewhere in this statement of managers, the conferees believe that adapting the brilliant anti-tank (BAT) submunition for extended range MLRS rockets is an attractive option. Therefore, the conferees strongly urge the Army to accelerate extended range MLRS rocket development. The conferees expect the Army to adjust the future years defense program to reflect this acceleration.

Palletized loading system (PLS) flat rack

The National Defense Authorization Act for Fiscal Year 1993 provided funds to the Army to develop, fabricate, and test prototype 3,000-3,500 gallon fuel and water tanks for the palletized loading system (PLS). The conferees understand that the Army plans to expand and complete this effort through the development, fabrication, and testing of a series of PLS flat racks necessary for engineering equipment and a heavy repair vehicle which makes use of the PLS chassis. The conferees support this undertaking and urge the Army to request the reprogramming of funds sufficient to complete this effort.

All source analysis system

The budget request included \$59.7 million for the Army's all source analysis system (ASAS), which is designed to provide timely, accurate situational intelligence and target support to service, component, and joint commanders.

The House bill would deny \$39.0 million in procurement and operation and maintenance funding for the ASAS Block I, and increase research and development for ASAS Block II by \$9.0 million.

The Senate amendment approved the requested amount.

The conferees agree to a \$12.5 million reduction in procurement and a \$10.0 million reduction in operation and maintenance of ASAS Block I. The conferees also authorize an additional \$9.0 million in research and development to accelerate ASAS Block II.

The conferees are pleased that the Army has taken the proper steps to reorient the ASAS program and are encouraged by the Army's plan to accelerate Block II development by rapidly prototyping the WARRIOR baseline system. The conferees believe that, if the Department of Defense and the Army continue to adhere to standard, major weapon system acquisition policies for ASAS, the rapid advances in information processing technology will continue to result in the fielding of outdated equipment. The conferees, therefore, encourage the Army to adopt an evolutionary development strategy to quickly equip the force with the WARRIOR baseline capability and to ensure the system conforms to the workstation standards established by the joint deployable intelligence support system (JDISS) program office. In light of the ASAS program's lower than anticipated costs, as reflected by Army and OSD independent cost estimates, and the need to speed the normal acquisition process, the conferees direct OSD to delegate acquisition authority to the Army by downgrading ASAS to an acquisition category II system.

Sense and destroy armor munition

The Army intends to use the sense and destroy armor munition (SADARM) in both 155mm artillery projectiles and multiple launch rocket system (MLRS) rockets. The budget request contained \$41.0 million or research and development and \$77.7 million for initial SADARM production. The budget request would have begun low rate initial production in the first quarter of fiscal year 1994.

The House bill would approve the research and development request, but would approve only \$42.5 million for procurement. The House report (H. Rept. 103-200) recommended that the Army reprogram procurement funds to cover any additional research and development needs.

The Senate amendment would provide \$98.7 million in research and development to continue SADARM engineering and manufacturing systems development, but would deny SADARM procurement this year.

Serious technical problems have now surfaced in the SADARM testing program. Since 1986, the Army has spent over \$800.0 million developing SADARM. The Army has now indicated that it will have to extend SADARM development by 27 months and spend more than \$98.0 million in fiscal year 1994 to address the technical problems.

The Army cannot assure the conferees that it can resolve these problems. The conferees are disappointed that SADARM has serious technical problems, resulting in poor testing performance. Nevertheless, the conferees are concerned that, without SADARM, the Army will have no modern artillery projectile or submunition with terminal guidance.

The conferees agree to provide \$28.5 million. The conferees are unwilling to support a restructured SADARM program until the Army provides more analysis on this issue. The conferees direct the Secretary of the Army to:

(1) maintain the SADARM program in a standby status;

(2) conduct a detailed analysis to determine whether technical problems with SADARM can be resolved;

(3) reexamine the requirements for SADARM and other terminally guided munitions;

(4) evaluate other programs and technologies to determine whether there are alternatives that could yield terminally guided submunitions for 155mm artillery projectiles and MLRS rockets;

(5) examine alternatives to using artillery projectiles or ballistic rockets (e.g., fiber-optic guided weapons and air-delivered ordnance) for attacking the targets for which SADARM was designed; and

(6) report to the congressional defense committees on the results of these analyses by May 2, 1994.

The Secretary's report should recommend a course of action for fielding terminally guided submunitions, either SADARM or some alternative. The recommendations in this report should reflect funding available in the future years defense program.

Avenger complementary missile

The budget request did not contain funds to continue the ongoing review of complementary missiles for various Army and Marine Corps air defense platforms.

The House bill recommended \$9.0 million in the Army's missile procurement account for this purpose.

The Senate amendment contained no similar recommendation.

The conferees note that Congress provided the Army with \$7.9 million in fiscal year 1993 to review potential complementary missiles to the Stinger on Avenger, Bradley and light armored vehicle-air defense (LAV-AD) vehicles. The evaluation is currently underway, but the Army has reported that the funds available are insufficient to include live-fire tests of candidate missiles against representative threat targets. The conferees understand that the Army has narrowed the field of candidate missiles and believe that live-fire tests of available candidates is an essential part of the evaluation process.

Therefore, the conferees agree to provide \$9.0 million in Army research and development to be used for the purpose of preparing for the conducting live-fire tests of complementary missile candidates. The conferees direct the Secretary of the Army to report the results of these tests to the congressional defense committees not later than June 15, 1994.

Environmental remediation demonstration project

The budget request contained \$44.0 million for environmental compliance (PE 65856A).

The House bill would authorize an additional \$4.0 million in PE 65856A for the Army to participate with a university in a cooperative environmental remediation demonstration project at the Fort Ord, California landfill.

The Senate amendment contained no similar funding.

The Senate recesses.

Remediation technology for the detection, location, classification, and inventory of unexploded ordnance

The conferees continue to support Department of the Army efforts to examine detection and remediation technologies for unexploded ordnance (UXO). Congress established a program last year at Jefferson Proving Ground (JPG), Indiana within the Army's environmental quality technology program,

to research the detection and removal of unexploded ordnance (UXO) in ordnance-contaminated areas. However, only a portion of the funds authorized and appropriated for fiscal year 1993 were used in limited demonstrations of some systems. The conferees are concerned about the lack of progress in the remediation of sites contaminated with buried UXO, the techniques for collecting and archiving data, and the lack of adequate site investigation standards.

The conferees direct the Army to expedite its plan to establish controlled test sites at JPG for the testing of detection and remediation systems and technologies, and to conduct a competition during 1994. The conferees direct the Army to invite all technologies and systems to demonstrate their capabilities at the controlled sites. Upon conclusion of the competition, the best performing system or systems should demonstrate the equipment's capabilities at a field test site at JPG and at four geologically different demonstration sites.

The four demonstration sites should be selected in coordination with the congressional defense committees during 1994, based on the Army's requirements. These four sites should be drawn from active installations, formerly utilized defense sites (FUDS), base realignment and closure (BRAC) sites, and installation remediation program (IRP) sites. Individual demonstration sites for commercial systems should be of sufficient size to demonstrate technical maturity and robustness, preferably 300-500 acres. Sites for testing developmental systems should be appropriate for the system tested.

Upon completion of the JPG competition, the Army should establish guidelines for: detection of UXO; preliminary minimum performance standards for the collection of data and processing of records based on the capabilities and limitations of the best detection systems; and the standards for Department of Defense land use established by the Explosive Safety Board. These guidelines should formalize, to the maximum extent possible, those procedures necessary to investigate contaminated sites and to enable companies to bid on work. Matters such as information to offerors or quoters, evaluation factors for awards, and estimation criteria for costs (e.g., estimating the cost by job, rather than by manhours) should then be promptly modified to permit the use of new systems. The objective of this effort is to identify the systems which offer the best capability to expedite detection of UXO on active installations, IRP, FUDS, or BRAC sites.

Following completion of the testing described above, the controlled test sites at JPG should continue to be used to test and demonstrate new detection systems as they are developed. Because numerous contaminated sites are available at JPG, field sites should also be made available to companies and other entities to demonstrate both new detection and remediation methods and systems.

Exploratory research

It has come to the conferees' attention that the Department of Defense started to transfer a large proportion of its exploratory research from within the Department to universities and industry. The conferees are concerned that, while the intent of this initiative may have merit, the DOD directive, as implemented by the military services, may have severe and unintended consequences on military-unique research and development activities. Specifically, as a result of Office of the Secretary of Defense budget decision 755, the Army is seeking a 12

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33	65856N	STRATEGIC TECHNICAL SUPPORT	3,781		3,781		3,781			3,781
34	11221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	54,295		54,295		54,295			54,295
35	11224N	SSBN SECURITY/SURVIVABILITY PROGRAM	27,835		27,835	22,500	50,335	-22,500	9,000	36,835
36	11226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	16,800		16,800		16,800			16,800
37	11402N	NAVY STRATEGIC COMMUNICATIONS	36,184		36,184		36,184			36,184
38	12427N	NAVAL SPACE SURVEILLANCE	735		735		735			735
39	33152N	WORLD-WIDE MILITARY COMMAND AND CONTROL								
40	63109N	INTEGRATED AIRCRAFT AVIONICS								
41	63207N	AIR/OCEAN TACTICAL APPLICATIONS	16,239		16,239		16,239			16,239
42	63208N	TRAINING SYSTEM AIRCRAFT	32,565		32,565		32,565		-1,626	30,939
43	63216N	AVIATION SURVIVABILITY	13,672	9,100	22,772		13,672	9,100	9,100	22,772
44	63231N	NEXT GENERATION FIGHTER/NATF				50,000	50,000	-50,000		
45	63254N	ASW SYSTEMS DEVELOPMENT	35,238		35,238		35,238			35,238
46	63261N	TACTICAL AIRBORNE RECONNAISSANCE	30,358	-27,217	3,141	-27,200	3,158	-17	-30,358	
46a		TACTICAL AIRBORNE RECON PY SAVINGS				-12,200	-12,200	12,200		
47	63320N	LOW COST ANTI-RADIATION SEEKER								
48	63321N	ADVANCED AIR-TO-AIR MISSILE (AAAM)								
49	63382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	3,750		3,750		3,750			3,750
50	63502N	UNDERSEA WARFARE & MCM DEVELOPMENT	65,660		65,660		65,660		-15,660	50,000
51	63504N	ADVANCED SUBMARINE COMBAT SYSTEMS DEV	20,341		20,341		20,341			20,341
52	63506N	SURFACE SHIP TORPEDO DEFENSE	34,482	7,800	42,282		34,482	7,800		34,482
53	63512N	CARRIER SYSTEMS DEVELOPMENT	11,221		11,221		11,221			11,221
54	63513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	27,824		27,824		27,824			27,824
55	63514N	SHIP COMBAT SURVIVABILITY	17,315	-2,727	14,588		17,315	-2,727		17,315
56	63525N	PILOT FISH	26,884		26,884		26,884			26,884
57	63528N	NON-ACOUSTIC ANTI-SUBMARINE WARFARE	13,999		13,999		13,999			13,999
58	63536N	RETRACT JUNIPER	32,560	-10,000	22,560		32,560	-10,000		32,560
59	63542N	RADIOLOGICAL CONTROL	3,291		3,291		3,291			3,291
60	63553N	SURFACE ASW	21,150		21,150		21,150			21,150
61	63561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	142,068	-7,800	134,268		142,068	-7,800	-7,800	134,268
62	63562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,518		9,518		9,518			9,518
63	63564N	SHIP PRELIM DESIGN & FEASIBILITY STUDIES	58,764		58,764		58,764			58,764
64	63570N	ADVANCED NUCLEAR POWER SYSTEMS	136,651		136,651		136,651			136,651
65	63573N	ADVANCED SURFACE MACHINERY SYSTEMS	92,328	5,000	97,328		92,328	5,000		92,328

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66	63576N	CHALK EAGLE	71,003		71,003		71,003			71,003
67	63582N	COMBAT SYSTEM INTEGRATION	6,842		6,842		6,842			6,842
68	63591N	JOINT ADVANCED SYSTEMS								
69	63601N	MINE DEVELOPMENT								
70	63609N	CONVENTIONAL MUNITIONS	42,632		42,632		42,632			42,632
71	63610N	ADVANCED WARHEAD DEVELOPMENT (MK-50)								
72	63611M	MARINE CORPS ASSAULT VEHICLES	20,554	8,000	28,554	5,900	26,454	2,100	5,900	26,454
73	63612M	MARINE CORPS MINE/COUNTERMEASURES SYS	2,743		2,743		2,743			2,743
74	63634N	ELECTROMAGNETIC EFFECTS PROTECTION DEV	5,104		5,104		5,104			5,104
75	63635M	MARINE CORPS GROUND COMBAT/SUPPORT SYS	27,624	249	27,873		27,624	249		27,624
76	63654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	9,359		9,359		9,359			9,359
77	63691N	MK 48 ADCAP - ADV DEV	27,248		27,248		27,248			27,248
78	63708N	ASW SIGNAL PROCESSING								
79	63709N	ADVANCED MARINE BIOLOGICAL SYSTEM	3,470		3,470		3,470			3,470
80	63711N	FLEET TACTICAL DEVELOPMENT AND EVAL PROG	4,464		4,464		4,464			4,464
81	63713N	OCEAN ENGINEERING TECHNOLOGY DEVELOP	11,783		11,783		11,783			11,783
82	63724N	NAVY ENERGY PROGRAM	4,329		4,329		4,329			4,329
83	63725N	FACILITIES IMPROVEMENT	1,383		1,383		1,383			1,383
84	63726N	MERCHANT SHIP NAVAL AUGMENTATION PROGRAM								
85	63734N	CHALK CORAL	71,969		71,969		71,969			71,969
86	63737N	LINK HAZEL								
87	63740N	LINK LAUREL								
88	63746N	RETRACT MAPLE	124,408		124,408		124,408			124,408
89	63748N	LINK PLUMERIA	40,109		40,109	-3,000	37,109	3,000		40,109
90	63750N	CHALK WILD								
91	63751N	RETRACT ELM	62,997		62,997		62,997			62,997
92	63752N	CHALK POINSETTIA								
93	63755N	SHIP SELF DEFENSE	237,204	35,000	272,204	28,900	266,104	6,100	19,100	256,304
94	63763N	WARFARE SYSTEMS ARCHITECTURE & ENGINEER	7,033		7,033		7,033		-3,516	3,517
95	63785N	COMBAT SYSTEMS OCEANOGRAPHIC PERFORMANCE	19,850		19,850		19,850			19,850
96	63787N	SPECIAL PROCESSES	29,863		29,863		29,863			29,863
97	63795N	GUN WEAPON SYSTEM TECHNOLOGY	17,247	7,500	24,747		17,247	7,500	7,500	24,747
98	64212N	ASW AND OTHER HELO DEVELOPMENT	82,243		82,243		82,243			82,243
99	64214N	AV-8B AIRCRAFT - ENG DEV	18,284		18,284		18,284			18,284

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100	64215N	STANDARDS DEVELOPMENT	13,724		13,724		13,724			13,724
101	64217N	S-3 WEAPON SYSTEM IMPROVEMENT	4,187		4,187		4,187			4,187
102	64218N	AIR/OCEAN EQUIPMENT ENGINEERING	6,028		6,028		6,028		-2,385	3,643
103	64221N	P-3 MODERNIZATION PROGRAM	15,134		15,134		15,134			15,134
104	64233N	AFX	399,218	-399,218		-399,218			-399,218	
		AFX PRIOR YEAR SAVINGS				-125,000	-125,000	125,000		
105	64261N	ACOUSTIC SEARCH SENSORS	31,775		31,775		31,775			31,775
106	64262N	V-22A	82,295		82,295	-72,295	10,000	72,295	-72,295	10,000
107	64264N	AIR CREW SYSTEMS DEVELOPMENT	11,126	3,900	15,026		11,126	3,900	3,850	14,976
108	64265N	AIR LAUNCHED SATURATION SYSTEM (ALSS)								
109	64270N	EW DEVELOPMENT	128,850	3,000	131,850		128,850	3,000		128,850
110	64301N	MK 92 FIRE CONTROL SYSTEM UPGRADE	1,063		1,063		1,063			1,063
111	64307N	AEGIS COMBAT SYSTEM ENGINEERING	103,995		103,995		103,995			103,995
112	64312N	TRI-SERVICE STANDOFF ATTACK MISSILE	75,430	-65,000	10,430		75,430	-65,000		75,430
113	64314N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	15,159		15,159		15,159		-15,159	
114	64354N	AIR-TO-AIR MISSILE SYSTEMS ENGINEERING	7,098		7,098		7,098			7,098
115	64366N	STANDARD MISSILE IMPROVEMENTS	63,022		63,022		63,022			63,022
116	64372N	NEW THREAT UPGRADE	4,662		4,662		4,662			4,662
117	64373N	AIRBORNE MCM	33,155	10,000	43,155		33,155	10,000		33,155
118	64503N	SSN-688 AND TRIDENT MODERNIZATION	56,549	-37,000	19,549		56,549	-37,000	-4,716	51,833
119	64504N	AIR CONTROL	9,993		9,993		9,993			9,993
120	64507N	ENHANCED MODULAR SIGNAL PROCESSOR	13,443		13,443		13,443			13,443
121	64512N	SHIPBOARD AVIATION SYSTEMS	1,404		1,404		1,404			1,404
122	64516N	SHIP SURVIVABILITY	10,292		10,292		10,292			10,292
123	64518N	COMBAT INFORMATION CENTER CONVERSION	11,534		11,534		11,534			11,534
124	64524N	SUBMARINE COMBAT SYSTEM	87,481		87,481		87,481			87,481
125	64558N	NEW DESIGN SSN	240,222		240,222		240,222			240,222
126	64561N	SSN-21 DEVELOPMENTS	76,129		76,129		76,129			76,129
127	64562N	SUBMARINE TACTICAL WARFARE SYSTEM	25,427		25,427		25,427			25,427
128	64567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	47,137		47,137		47,137			47,137
129	64574N	NAVY TACTICAL COMPUTER RESOURCES	17,572		17,572		17,572			17,572
130	64601N	MINE DEVELOPMENT	5,666		5,666		5,666			5,666
131	64602N	NAVAL GUNNERY IMPROVEMENTS								
132	64603N	UNGUIDED CONVENTIONAL AIR-LAUNCHED WPNS	29,972		29,972		29,972			29,972

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133	64610N	MK 50 TORPEDO								
134	64612M	MARINE CORPS MINE COUNTERMEASURES SYSTEM	1,298		1,298		1,298			1,298
135	64618N	JOINT DIRECT ATTACK MUNITION	10,352		10,352		10,352			10,352
136	64654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	6,266		6,266		6,266			6,266
137	64656M	MARINE CORPS ASSAULT VEHICLES - ENG DEV								
138	64707M	PACE/EW (SEW) ARCHITECTURE/ENGINEERING	11,916	-5,000	6,916		11,916	-5,000	-2,000	9,916
139	64710N	NAVY ENERGY PROGRAM	3,137		3,137		3,137			3,137
140	64715N	SURFACE WARFARE TRAINING DEVICES								
141	64719M	MARINE CORPS C3 SYSTEMS	26,223		26,223		26,223			26,223
142	64727N	JOINT STANDOFF WEAPON SYSTEMS	80,503		80,503		80,503			80,503
143	64755N	SHIP SELF DEFENSE	116,760		116,760		116,760			116,760
144	64761N	INTELLIGENCE	345		345		345			345
145	64771N	MEDICAL DEVELOPMENTS	4,030		4,030		4,030			4,030
146	64777M	NAVIGATION/ID SYSTEM	80,047		80,047		80,047			80,047
147	64784N	DISTRIBUTED SURVEILLANCE SYSTEM	135,879	-15,000	120,879		135,879	-15,000	-9,283	126,596
148	65867N	SEW SURVEILLANCE/RECONAISSANCE SUPPORT	17,863		17,863		17,863			17,863
149	24134N	A-6 SQUADRONS								
150	24136N	F/A-18 SQUADRONS	1,485,496		1,485,496		1,485,496		-27,000	1,458,496
151	24152N	E-2 SQUADRONS	48,930		48,930		48,930		-30,000	18,930
152	24163N	FLEET TELECOMMUNICATIONS (TACTICAL)	34,435		34,435		34,435			34,435
153	24229N	TOMAHAWK/TOMAHAWK MISSION PLANNING CTR	47,440		47,440		47,440			47,440
154	24311N	INTEGRATED SURVEILLANCE SYSTEM	71,781		71,781		71,781			71,781
155	24413N	AMPHIBIOUS TACTICAL SUPPORT UNITS	2,823		2,823		2,823			2,823
156	24571N	CONSOLIDATED TRAINING SYSTEMS DEVELOP	37,200		37,200		37,200			37,200
157	25604N	TACTICAL DATA LINKS	39,562		39,562		39,562			39,562
158	25620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,905		24,905		24,905		-5,000	19,905
159	25633N	AVIATION IMPROVEMENTS	74,976		74,976		74,976			74,976
160	25667N	F-14 UPGRADE	71,995	78,000	149,995		71,995	78,000	78,000	149,995
161	25675N	OPERATIONAL REACTOR DEVELOPMENT	57,784		57,784		57,784			57,784
162	26313M	MARINE CORPS COMMUNICATIONS	9,151		9,151		9,151			9,151
163	26623M	MARINE CORPS GROUND COMBAT/SUPPORT ARMS	24,259	-2,000	22,259	5,100	29,359	-7,100		24,259
164	26624M	MARINE CORPS COMBAT SERVICES SUPPORT	9,656	-1,000	8,656		9,656	-1,000	-1,000	8,656
165	26625M	MARINE CORPS INTELLIGENCE/EW SYSTEMS	22,772		22,772		22,772		-3,000	19,772
166	26626M	MARINE CORPS C3 SYSTEMS	36,735	-4,000	32,735		36,735	-4,000		36,735

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		MARK 46 TORPEDO								
167	64231N	TACTICAL COMMAND SYSTEM	30,617		30,617		30,617			30,617
168	64721N	BATTLE GROUP PASSIVE HORIZON EXTENSION	24,735		24,735		24,735			24,735
169	65866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW)	5,819		5,819		5,819		-1,500	4,319
170	33127N	TECHNICAL RECONNAISSANCE & SURVEILLANCE	[]	[-5,000]	[]	[-12,500]	[]	[7,500]	[-9,800]	[]
171	33109N	SATELLITE COMMUNICATIONS	55,782		55,782	-43,000	12,782	43,000	-43,000	12,782
172	33140N	INFORMATION SYSTEMS SECURITY PROGRAM	[]		[]		[]			[]
173	34111N	SPECIAL ACTIVITIES	[]	[-60,000]	[]	[-143,300]	[]	[83,300]	[-62,500]	[]
174	35889N	INTEL SUPPORT TO OSD COUNTERNARCOTICS								
999		INTEL/COMMUNICATIONS CLASSIFIED	628,026	-65,000	563,026	-155,800	472,226	90,800	-72,300	555,726
175	63721N	ENVIRONMENTAL PROTECTION	44,461		44,461		44,461			44,461
176	64256N	THREAT SIMULATOR DEVELOPMENT	29,857		29,857		29,857			29,857
177	64258N	TARGET SYSTEMS DEVELOPMENT	37,474		37,474		37,474			37,474
178	64703N	PERSONNEL, TRAINING, SIMULATION, & HUMAN	1,069		1,069		1,069			1,069
179	64759N	MAJOR T&E INVESTMENT	52,496		52,496	-10,000	42,496	10,000	-5,000	47,496
180	65152N	STUDIES AND ANALYSIS SUPPORT - NAVY	3,856		3,856		3,856			3,856
181	65154N	CENTER FOR NAVAL ANALYSES	43,260	-1,500	41,760		43,260	-1,500		43,260
182	65155N	FLEET TACTICAL DEVELOPMENT AND EVAL	4,456		4,456		4,456			4,456
183	65502N	SMALL BUSINESS INNOVATIVE RESEARCH								
184	65804N	TECHNICAL INFORMATION SERVICES	10,273		10,273		10,273			10,273
185	65853N	MANAGEMENT, TECHNICAL & INTERNL SUPPORT	12,787		12,787	-3,000	9,787	3,000	-1,500	11,287
186	65861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	60,767		60,767	-5,000	55,767	5,000	-5,000	55,767
187	65862N	RDT&E INSTRUMENTATION MODERNIZATION	39,419		39,419		39,419			39,419
188	65863N	RDT&E SHIP AND AIRCRAFT SUPPORT	80,587		80,587	-5,000	75,587	5,000	-5,000	75,587
189	65864N	TEST AND EVALUATION SUPPORT	293,422		293,422	-20,000	273,422	20,000	-15,000	278,422
190	65865N	OPERATIONAL TEST/EVALUATION CAPABILITY	8,329		8,329		8,329			8,329
191	65871M	MARINE CORPS TENCAP	1,314	3,000	4,314		1,314	3,000	3,000	4,314
192	65872N	PRODUCTIVITY INVESTMENTS								
193	65873M	LONG RANGE PLANNING SUPPORT	14,374		14,374	-5,000	9,374	5,000	-8,319	6,055
194	25658N	NAVY SCIENCE ASSISTANCE PROGRAM	6,668		6,668		6,668			6,668
195	35160N	DEFENSE METEOROLOGICAL SATELLITE PROGRAM	11,550		11,550		11,550			11,550
196	78011N	MANUFACTURING SCIENCE & TECHNOLOGY				50,000	50,000	-50,000		
196A		INDUSTRIAL PREPAREDNESS/MANTICII		120,000	120,000			120,000		
197	91600N	CONTRACT ADMINISTRATION/AUDIT	164,360	-164,360		-164,360			164,360	

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198	99999N	FINANCING FOR CANCELLED ACCOUNT ADJUST								
		REENTRY VEHICLE INDUSTRIAL BASE		5,000	5,000			5,000		
		UNDISTRIBUTED/OVERHEAD		-5,000	-5,000			-5,000		
		WEAPONS SYSTEM LETHALITY								
		WEAPONS SYSTEM OPERABILITY								
		GRANTS, SUBSIDIES & CONTRIBUTIONS								
		TOTAL RDT&E NAVY	9,215,604	-478,634	8,736,970	-876,673	8,338,931	398,039	-838,867	8,376,737

Tri-service standoff attack missile

The budget request contained \$89.7 million for the Army, \$75.4 million for the Navy, and a classified amount for the Air Force to continue development of the tri-service standoff attack missile (TSSAM). The budget request also contained \$195.9 million in advance procurement for the Air Force version of the missile.

The House bill would authorize the procurement funds at the requested level. However, the House bill would terminate Army and Navy participation in the TSSAM program. The Army variant of the TSSAM was intended to carry the brilliant antitank (BAT) submunition. The House bill would continue the Army tactical missile system (ATACMS) program and add \$20.0 million to integrate the BAT on ATACMS. The House bill also would increase funding for the Air Force to compensate it for the higher costs it would incur with the termination of Army and Navy participation in the program.

The Senate amendment would authorize the requested amounts.

The conferees agree to direct the Army to terminate its participation in the TSSAM program. The conferees also agree to direct the Navy to continue its participation in the TSSAM program. The conferees note that the BAT program began when the operational scenario envisioned massive, Soviet-style tank armies far behind enemy lines moving relentlessly forward. Today, analysts predict the only comparable scenario might be in the very early hours of a tank assault, much as was the case when Iraq invaded Kuwait. In such a scenario, however, the BAT would have little relevance, since it would be launched only by ground-based launchers which could not arrive in the theater for weeks. The Air Force and Navy do not intend to install the BAT on air-launched versions of TSSAM.

It is unlikely that the Army would be in a theater of operations without the Navy and Air Force. Even after the Army arrives in the theater, BAT on ATACMS may not be the answer. The conferees reserve judgment on how our deployed forces should best engage moving tanks 200 miles behind the front lines. For example, it could well be that the Air Force and Navy should deploy BAT on TSSAM. Their forces may have more of a requirement for BAT to blunt massive armored assaults before other forces have deployed to the theater.

The conferees understand, however, that the BAT could be installed on multiple launch rocket system (MLRS) rockets. Deploying BAT in this fashion would limit the attack distance to less than 50 kilometers. The conferees note that this distance is fully within the engagement range of the average division and the organic intelligence capabilities for ground forces. It also would permit Army forces to attack small numbers of enemy tanks without using the large payload designed for ATACMS.

The conferees believe the Army should carefully assess the BAT/ATACMS/MLRS issue. The conferees reserve judgement on the ultimate future of BAT until they have evaluated a comprehensive Department of Defense analysis of anti-armor munitions on indirect-fire weapon systems.

Molecular design center

The budget request included \$416.9 million for defense research sciences in PE 61153N.

The House bill would authorize an additional \$10.0 million for PE 61153N to initiate a molecular design institute for the purposes detailed in the House report (H. Rept. 103-200).

The Senate amendment contained no similar funding.

The conferees recommend a \$750,000 increase in PE 61153N for a total authorization of \$417.7 million. The conferees urge the Navy to use \$10.0 million of these funds for the initiation of a molecular design institute if available funding in this program element allows. Any such institute shall be initiated on a competitive basis.

Free electron laser

The Senate amendment would authorize \$25.0 million in the Navy technology base (PE 62111N) for a defense-oriented free electron laser program.

The House bill contained no similar funding.

The conferees authorize \$10.0 million in the Navy program element to sustain research on the application of free electron lasers to military missions, such as ship defense. Separately, the conferees have authorized the requested amount of \$19.2 million for the medical free electron laser program.

The conferees note that the Department of Defense appears to have no coherent plans to support a technology base for the military application of high-power lasers. The congressional defense committees are besieged with requests for additional funding for various high-power laser programs for a variety of missions. The conferees direct the Secretary of Defense to develop high-power laser program guidance as part of the defense capability plan mandated under section 2506 of title 10, United States Code, and due to be transmitted to Congress by March 31, 1994.

Replacement of halon gas for fire suppression

The budget request contained \$34.4 million for mission support technology (PE 602233N).

The House bill recommended an additional authorization of \$22.6 million, including \$2.4 million to research, develop, and demonstrate environmentally safe gaseous, non-CFC alternatives to halon gas for fire suppression in military systems and in related industrial and commercial fire suppression applications.

The Senate amendment contained no similar funding.

The conferees agree to authorize an additional \$2.4 million for PE 602233N.

Advanced anti-radiation guided missile

The budget request included no funds for continued development of an advanced anti-radiation guided missile (AARGM) with a dual mode seeker.

The House bill included a provision (sec. 218) that would require obligation of \$10.1 million in fiscal year 1993 funds for continued AARGM development using technology derived from work done with funding provided through the small business innovative research (SBIR) program. The House bill would provide \$12.5 million for this purpose in fiscal year 1994.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that the Marine Corps has an operational requirement for an AARGM-type system. The conferees agree to provide \$9.0 million to support the third phase of AARGM development that will lead to a captive flight demonstration. The conferees intend that the Marine Corps pursue a demonstration program with limited scope. The conferees direct that the Navy's internal RDT&E activities for fiscal year 1994 related to the AARGM program shall be limited to government involvement in development design reviews, test and evaluation, and system performance analysis.

The Marine Corps, which has not funded AARGM development, should seek the other military services participation while this effort proceeds. Congress believes that the Navy and the Air Force may want to participate in developing technology for a dual mode seeker that can support the defense suppression mission. Congress, however, does not intend to provide additional funding for this program without a stronger sign of commitment from the Department of Defense.

Interactive multi-dimensional acoustic trainer (IMAT)

The budget request for manpower, personnel, and training contained \$18.6 million (PE 63707N).

The House bill recommended an additional \$3.8 million in PE 603707N for the exploitation of interactive, computer-assisted training in the interactive multi-dimensional acoustic trainer (IMAT) program.

The Senate amendment contained no similar funding.

The House recedes. The conferees believe that the technology demonstrated in the IMAT program shows great promise for training in the areas of active and passive anti-submarine warfare, mine countermeasures, radar, electronic support measures, crypto-analysis, satellite communications, and other applications. The conferees encourage the Navy to reprogram funds to provide additional support for this innovative training technology in fiscal year 1994. The conferees also encourage the Navy to establish a five-year program that will lead to its adoption for training throughout the service.

Low-low frequency active program

The budget request included \$49.2 million for advanced antisubmarine technology.

The House bill would authorize an additional \$15.0 million to maintain the schedule for critical at-sea tests of a full low-low frequency active (LLFA) array.

The Senate amendment made no similar recommendation.

The House recedes.

As a part of the next annual update of the antisubmarine warfare master plan, the conferees direct the Secretary of the Navy to assess the potential contribution of LLFA technology to antisubmarine warfare operations in littoral waters. The Secretary also should identify a program for LLFA technology development and evaluation as a part of the Navy's overall antisubmarine warfare program.

Expendable acoustic source technology

The budget request included \$49.2 million in program element 0603747N for advanced submarine warfare technology.

The House bill would authorize an additional \$4.0 million to exploit the development of extended echo ranging technology for shallow water antisubmarine operations.

The Senate amendment contained no similar funding.

The Senate recedes.

Non-acoustic antisubmarine warfare

The Department of Defense is pursuing a number of projects that are attempting to yield a better understanding of submarine detection. Most research has historically focused on acoustics. The Department has been exploring various other means of submarine detection. These efforts are consolidated under non-acoustic antisubmarine warfare (NAASW) programs. The budget request included \$14.0 million in program element 603528N and \$25.9 million in program element 603714D for supporting the Navy and Department of Defense NAASW programs, respectively.

The House report (H. Rept. 103-200) directed the Department not to obligate fiscal year 1994 funds in either program until the Under Secretary of Defense for Acquisition had: (1) reviewed both programs; and (2) certified to the Committees on Armed Services of the Senate and the House of Representatives that necessary coordination between the two programs was taking place.

The Senate amendment would approve the budget request.

The conferees understand that the Under Secretary of Defense for Acquisition and Technology has undertaken the review requested by the House report and has taken steps to improve coordination between the two programs. Therefore, the conferees agree that the two programs should proceed without an obligation restriction.

The conferees also have been made aware of another NAASW issue. One of the Navy's NAASW projects is an advanced technology demonstration (ATD) called "ATD-111." The ATD-111 is scheduled for completion in fiscal year 1995.

The conferees note that the Senate Appropriations Committee expressed concern about whether ATD-111 duplicates other, more advanced or more promising technologies in its committee report (S. Rept. 103-153) on the Department of Defense Appropriations bill for Fiscal Year 1994.

The Senate and House conferees did not reach the same conclusion during their respective reviews of the fiscal year 1994 budget request. After learning about this concern, the conferees sought clarification from the Department of the Navy. The Department's response indicates that Congress may have been provided with some erroneous information.

The Navy's position is that there is no related technology, supported by development or procurement funds, which is either more advanced or more promising than the ATD-111 project. Preliminary results from the project's first target trials are impressive. The results also tend to confirm that the project can yield a system that can be shared among operational Navy aircraft, rather than requiring equipment that must be permanently installed.

The conferees are convinced that project ATD-111 has considerable potential and should be continued. Consequently, the conferees agree that the Navy should take immediate action to clarify the conflicting ATD-111 information. If there are other, more advanced or more promising technologies, the conferees need to know about them.

Therefore, the conferees direct the Secretary of the Navy to: (1) search thoroughly for any similar competitive research and development projects; (2) evaluate the relative maturity, capability, and life cycle costs of ATD-111 and any other programs identified in this search; (3) outline an appropriate acquisition strategy that could carry them forward from the development phase; (4) identify additional possible missions these technologies may satisfy; and (5) report the results of these efforts to the congressional defense committees with the submission of the fiscal year 1994 budget request.

Ship main propulsion gas turbine improvements

The budget request included \$92.3 million for advanced surface machinery systems.

The House bill recommended an additional \$5.0 million to permit the Navy to evaluate the potential for long-term improvements to the LM-2500 gas turbine engine.

The Senate amendment contained no similar funding.

The House recedes.

The conferees support the development of the intercooled recuperated (ICR) gas turbine engine to meet future requirements for an advanced, fuel efficient, high-powered gas turbine for naval surface combatants. The conferees also believe that the Navy should evaluate the option of backfitting an improved LM-2500. The conferees understand that this might trim operating costs for existing naval ships, and, in concert with the ICR engine, cut operating costs in new construction ships.

The conferees direct the Navy to provide the congressional defense committees with a complete life cycle cost analysis of proceeding with an LM-2500R development. Should such improvements prove attractive, the conferees recommend that the Navy consider setting up such a program to work in parallel with the development of the ICR gas turbine.

Army/Marine Corps 155mm lightweight howitzer program

The statement of managers (H. Rept. 102-966) accompanying the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) recommended \$13.1 million for the Marine Corps lightweight 155mm howitzer program. The conferees directed that none of those funds be obligated, however, until the Army and Marine Corps established a joint development program and published a joint operational requirement document for the system.

The conferees have learned that the Army and Marine Corps recently signed a memorandum of agreement (MOA) on a 155mm howitzer replacement program. This MOA establishes requirements for the replacement howitzer, identifies a study program, and describes a series of technical evaluations of existing 155mm howitzer prototypes. Having taken these actions, the Army and Marine Corps will be able to establish a joint operational requirements document and a joint development program.

The conferees are also aware that the Army Research Laboratory and XVIII Airborne Corps conducted recent field experiments on towed artillery. These experiments, which applied advanced fire control technologies, show promise for making significant improvements in tactical mobility and the operational effectiveness of towed artillery systems. The conferees believe that the Army and Marine Corps should evaluate such technologies in developing the joint operational requirement for a lightweight 155mm howitzer.

The conferees agree that signing the MOA achieves the result intended by the conferees in restricting fiscal year 1993 funds. The conferees recommend that the Army and Marine Corps implement the program identified in the MOA expeditiously. The conferees also recommend that DOD officials consider including the lightweight 155mm howitzer program as one of the advanced concept and technology demonstrations now being defined in the Office of the Secretary of Defense.

Short-range anti-armor weapon/bunker defeat munition

The budget request included \$21.1 million in Navy research and development for the short-range anti-armor weapons (SRAW) development program for the Marine Corps. The budget request also included \$6.3 million in Army program element 604802A to begin engineering and manufacturing development for the bunker defeat munition (BDM).

The House report (H. Rept. 103-200) would prohibit the obligation of funds for SRAW

and BDM until the Army and Marine Corps establish a joint program to exploit the SRAW design. The House report further directed the Secretary of the Army and the Secretary of the Navy to provide the congressional defense committees a joint report on program plans, schedule, funding requirements, and management structure for a joint program with the fiscal year 1995 budget request.

The Senate report (S. Rept. 103-112) would direct the Secretary of Defense to ensure that the Marine Corps conduct a three-year engineering and manufacturing development (EMD) program for the SRAW antitank weapon. The report also would direct the Marine Corps and Army to pursue a joint program to develop a multipurpose variant of the SRAW warhead.

The conferees agree that the Army should pursue a limited, interim program for a bunker-defeat system. However, the conferees agree that the SRAW and BDM characteristics are too similar to justify maintaining separate programs for the long-term. The conferees believe that the Department of Defense could ultimately field a long-term solution to the problem, perhaps based on the SRAW missile. This system should be capable of defeating bunkers, brick and concrete walls, and light armor targets.

The conferees believe that such a system should take advantage of technology developed in the Army's multipurpose individual munition (MPIM) program. The Marine Corps should integrate the Army multipurpose warhead with its own SRAW missile flight module. The conferees believe that the services should conduct an abbreviated, joint technical demonstration of such a system in fiscal year 1995. A successful demonstration could then lead to a joint EMD effort as early as fiscal year 1996.

Therefore, the conferees direct that the:

(1) Army develop an interim BDM system, with total BDM procurement capped at 30,000 rounds;

(2) Army examine its requirements for short-range, anti-tank weapons and report to the congressional defense committees by February 28, 1994;

(3) Army and Marine Corps initiate a joint program to develop a multipurpose warhead for a SRAW variant using MPIM technology;

(4) Marine Corps fully fund and proceed with the three-year engineering and manufacturing system development for the anti-tank version of the SRAW system; and

(5) Secretary of the Army and the Secretary of the Navy to report jointly to the congressional defense committees by April 15, 1994, on the SRAW/MPIM program's schedule, funding requirements, and management structure.

Ship self-defense

The budget request included \$237.2 million for ship self-defense in program element 63755N.

The House bill would provide an additional \$35.0 million for this program. The House report (H. Rept. 102-200) emphasized the need to manage the ship self-defense and cooperative engagement capability efforts as major defense acquisition programs. The House report also established requirements for the appropriate developmental and operational testing for the ship self-defense systems (SSDS) MK-1 and MK-2, the SLQ-32 electronic countermeasures set, and the rolling airframe missile.

The Senate amendment recommended an additional \$28.9 million. The amount included \$11.0 million to accelerate quick reaction combat capability (QRCC) testing, \$11.7

million for continued development and testing of the NULKA active decoy system, and \$6.2 million for a classified program.

The conferees agree to provide an additional \$19.1 million for ship self-defense. The amount includes \$11.0 million for expediting the Navy's QRCC testing effort, and \$8.1 million for NULKA decoy testing and integration.

The conferees endorse the House report's position on management of the ship self-defense and cooperative engagement capability programs. In a constrained budget environment, the Navy must establish a self-defense baseline for each class of ship and manage the development of the system and its component elements to that baseline. The Navy must maintain stable and realistic funding in both programs. To this end, the conferees direct the Navy to provide a report detailing its long-term plans for ship self-defense which details these plans and answers the questions raised in the House report.

Navy surface fire support

The budget request included \$17.2 million for gun weapons system technology.

The House bill recommended a \$7.5 million increase in this program for the WARSHIPS project to improve Navy surface fire support capabilities.

The Senate amendment would approve the requested amount.

The Senate recedes.

The conferees believe that a number of programs show promise for helping to solve the Navy's fire support requirements: (1) the demonstration of the Army's tactical missile system (ATACMS) fired from a naval ship; (2) the cooperative navy/Defense Nuclear Agency electro-thermal chemical gun technology program; (3) advanced technology gun systems under development by the Army that might be applied to the Navy; and (4) improvements being considered for the Standard and Tomahawk missiles.

These programs set the stage for an advanced Navy surface fire support program which should fulfill the initiative the defense authorizing committees began three years ago. The conferees expect the Navy to pursue aggressively this program for improving the Navy's surface fire support of amphibious operations.

Space and electronic warfare architecture

The budget request included \$12.2 million to expand space and electronic warfare

(SEW) and COPERNICUS studies and technology demonstrations.

The House bill would authorize \$7.2 million, a \$5.0 million reduction to slow excessive concept study developments.

The Senate amendment approved the requested amount.

The conferees agree the Navy and Joint Staff should continue to pursue new solutions to information management shortfalls, and recommend a \$10.2 million authorization for theater mission planning efforts.

Advanced deployable system

The budget request contained \$133.8 million for the Navy's fixed distributed system, of which \$33.3 million would be used to begin the prototype development of an advanced deployable system (ADS). ADS would satisfy the Navy's emerging undersea surveillance challenges for setting up operations quickly in Third World scenarios.

The House bill would authorize \$18.3 million for ADS, a \$15.0 million reduction. The House report (H. Rept. 103-200) recommended the reduction to curtail investments in architecture studies for ADS prototyping until the Navy can evaluate the results of the fixed distributed system-deployable (FSD-D) test.

The Senate amendment would authorize the requested amount.

The conferees agree that it would be prudent to first evaluate the performance of key technologies being used in the shallow water FSD-D tests before adopting an ADS prototype architecture. Therefore, the conferees agree to a \$9.2 million reduction in the budget request to await the results of the sea trials.

Tomahawk cruises missile program

The House report (H. Rept. 103-200) included a request that the Secretary of the Navy provide a report with the submission of the fiscal year 1995 budget dealing with various aspects of the Tomahawk cruise missile program. The House report requests information on the requirements for future production, development, and upgrade programs for the Tomahawk.

The Senate report (S. Rept. 103-113) contained no similar request.

The conferees agree that the Navy should reassess its inventory and upgrade requirements for this important weapon system.

Small arms development

The budget request included \$24.3 million for Marine Corps ground combat/supporting arms systems.

The House bill would transfer \$42.0 million for Marine Corps small arms development programs to the joint service small arms program. The House report (H. Rept. 103-200) expressed the view that small arms development programs within the Department of Defense are needlessly fragmented.

The Senate amendment contained no similar recommendation.

The House recedes.

The conferees agree that small arms development programs are fragmented. The conferees endorse the report request in the House report, which called for an assessment of the overall small arms program, including the effectiveness of the joint service small arms program.

Marine Corps tactical exploitation of national capabilities

The budget request included \$1.3 million for Marine Corps tactical exploitation of national capabilities (TENCAP) initiatives.

The House bill recommended a \$3.0 million increase to enhance the Marine Corps' ability to exploit intelligence information acquired from national reconnaissance systems.

The Senate amendment approved the requested amount.

The Senate recedes. The conferees are also pleased with the Marine Corps intelligence roadmap that responds to congressional concerns. The conferees expect the Marines to adopt innovative measures to ensure that a sufficient number of trained intelligence professionals are assigned to operational and joint commands.

RESEARCH AND DEVELOPMENT, AIR FORCE

Overview

The budget request for fiscal year 1994 contained an authorization of \$13,695.0 million for Air Force research, development, test and evaluation. The House bill would authorize \$13,446.6 million. The Senate amendment would authorize \$12,681.6 million. The conferees recommend authorization of \$12,289.2 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL AF								
1	61101F	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	5,155		5,155		5,155			5,155
2	61102F	DEFENSE RESEARCH SCIENCES	241,317	7,000	248,317	-10,000	231,317	17,000	-25,996	215,321
3	62101F	GEOPHYSICS	30,252	2,000	32,252		30,252	2,000		30,252
4	62102F	MATERIALS	70,805	10,000	80,805		70,805	10,000		70,805
5	62201F	AEROSPACE FLIGHT DYNAMICS	64,238		64,238		64,238			64,238
6	62202F	HUMAN SYSTEMS TECHNOLOGY	51,392	-1,819	49,573		51,392	-1,819	-1,819	49,573
7	62203F	AEROSPACE PROPULSION	78,100	3,000	81,100		78,100	3,000	-11,188	66,912
8	62204F	AEROSPACE AVIONICS	74,835		74,835		74,835			74,835
9	62205F	PERSONNEL, TRAINING AND SIMULATION	28,942		28,942		28,942			28,942
10	62206F	CIVIL ENGINEERING & ENVIRONMENTAL QUAL	7,187		7,187		7,187			7,187
11	62302F	ROCKET PROPULSION AND ASTRONAUTICS TECH	40,031	4,147	44,178	10,000	50,031	-5,853	11,106	51,137
12	62601F	ADVANCED WEAPONS	32,961		32,961	17,000	49,961	-17,000		32,961
13	62602F	CONVENTIONAL MUNITIONS	46,653		46,653		46,653		-11,600	35,053
14	62702F	COMMAND CONTROL AND COMMUNICATIONS GENERAL REDUCTION, FY92 LEVEL	95,957		95,957	-5,000	90,957	5,000	-5,000	90,957
15	62790F	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	140,976		140,976		140,976		-14,466	126,510
16	63106F	LOGISTICS SYSTEMS TECHNOLOGY	14,318		14,318		14,318			14,318
17	63112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	15,825		15,825		15,825			15,825
18	63202F	AEROSPACE PROPULSION SUBSYSTEMS INTEG	28,004		28,004		28,004			28,004
19	63203F	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	49,226		49,226		49,226			49,226
20	63205F	AEROSPACE VEHICLE TECHNOLOGY	13,114		13,114		13,114			13,114
21	63211F	AEROSPACE STRUCTURES	12,641		12,641		12,641			12,641
22	63216F	AEROSPACE PROPULSION AND POWER TECH	36,614		36,614		36,614			36,614
23	63227F	PERSONNEL, TRAINING AND SIMULATION TECH	8,818		8,818		8,818			8,818
24	63231F	CREW SYSTEMS AND PERSONNEL PROTECTION	10,460	2,500	12,960		10,460	2,500	2,500	12,960
25	63238F	GLOBAL SURV/AIR DEFENSE/PRECISION STRIKE	14,999		14,999		14,999			14,999
26	63245F	ADVANCED FIGHTER TECHNOLOGY INTEGRATION	15,613		15,613		15,613			15,613
27	63250F	LINCOLN LABORATORY	22,908		22,908		22,908			22,908
28	63253F	ADVANCED AVIONICS INTEGRATION	30,384		30,384		30,384			30,384
29	63269F	NATIONAL AERO SPACE PLANE TECH PROG	43,259	36,741	80,000	-43,259		80,000	-3,259	40,000
30	63270F	EW TECHNOLOGY	25,689		25,689		25,689			25,689
31	63302F	SPACE AND MISSILE ROCKET PROPULSION	10,027	1,403	11,430		10,027	1,403		10,027
32	63311F	BALLISTIC MISSILE TECHNOLOGY	58,980		58,980		58,980		-28,080	30,900

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
67	12432F	SLBM RADAR WARNING SYSTEM								
68	12433F	NUDET DETECTION SYSTEM (H)								
69	33131F	MIN ESSENTIAL EMERGENCY COMM NETWORK	35,634		35,634		35,634		-25,634	10,000
70	33152F	WORLD-WIDE MILITARY COMMAND AND CONTROL								
71	33601F	MILSTAR (AF TERMINALS)	973,162		973,162		973,162		-50,000	923,162
		MILSTAR PRIOR YEAR SAVINGS				-79,200	-79,200	79,200		
72	33603F	MILSTAR SATELLITE COMMUNICATIONS SYSTEM								
73	33606F	UHF SATELLITE COMMUNICATIONS	11,457		11,457		11,457		-11,457	
74	35124F	SPECIAL APPLICATIONS PROGRAM	[]		[]		[]			[]
75	35145F	ARMS CONTROL IMPLEMENTATION	7,107		7,107		7,107			7,107
76	35172F	COMBINED ADVANCED APPLICATIONS	[]		[]		[]			[]
77	35181F	WESTERN SPACE LAUNCH FACILITY (WSLF)	9,546		9,546		9,546			9,546
78	35182F	EASTERN SPACE LAUNCH FACILITY (ESLF)	41,242		41,242		41,242			41,242
79	35892F	SPECIAL ANALYSIS ACTIVITIES	[]		[]		[]		[-8,300]	[]
80	35905F	IMPROVED SPACE BASED TW/AA	214,794	-214,794		-214,794			-214,794	
81	35906F	NMC - TW/AA SYSTEM	141,841		141,841		141,841			141,841
82	35909F	BALLISTIC MISSILE EARLY WARNING SYSTEM	599		599		599			599
83	35910F	SPACETRACK	45,246		45,246		45,246			45,246
84	35911F	DEFENSE SUPPORT PROGRAM	66,777	-66,777		-66,777			-66,777	
85	35912F	SLBM RADAR WARNING SYSTEM								
86	35913F	NUDET DETECTION SYSTEM	9,359		9,359		9,359			9,359
87	41218F	KC-135S	20,811	-1,900	18,911		20,811	-1,900	-8,985	11,826
996		STRATEGIC CLASSIFIED	297,280		297,280		297,280		-8,300	288,980
88	63107F	TECHNICAL EVALUATION SYSTEM	[]		[]		[]			[]
89	63260F	INTELLIGENCE ADVANCED DEVELOPMENT	6,134		6,134		6,134			6,134
90	63307F	AIR BASE OPERABILITY ADVANCED DEVELOP	3,739		3,739		3,739			3,739
91	63617F	COMMAND, CONTROL, AND COMMUNICATION APPL	9,395		9,395		9,395			9,395
92	63714F	DOD PHYSICAL SECURITY EQUIP - EXTERIOR	2,971		2,971		2,971		-2,471	500
93	63742F	COMBAT IDENTIFICATION TECHNOLOGY	28,759		28,759		28,759			28,759
94	63801F	SPECIAL PROGRAMS	[]		[]		[]			[]
95	64201F	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	6,637		6,637		6,637			6,637
96	64212F	AIRCRAFT EQUIPMENT DEVELOPMENT	1,532		1,532		1,532			1,532
97	64218F	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	863		863		863			863
98	64222F	NUCLEAR WEAPONS SUPPORT	5,475		5,475		5,475			5,475

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
99	64231F	C-17 PROGRAM	179,799	-179,799			179,799	-179,799		179,799
99A		AIRLIFT DEVELOPMENT		179,799	179,799			179,799		
100	64233F	SPECIALIZED UNDERGRADUATE PILOT TRAINING	36,835		36,835	-36,835		36,835	-31,239	5,596
101	64237F	VARIABLE STABILITY IN-FLIGHT SIMULATOR	5,838		5,838		5,838			5,838
102	64239F	F-22 EMD	2,250,997		2,250,997		2,250,997			2,250,997
103	64242F	ADVANCED INTERDICTION AFT (AX)	3,835	-3,835			3,835	-3,835	-3,835	
104	64249F	NIGHT/PRECISION ATTACK	82,210	-82,210			82,210	-82,210	-82,210	
105	64268F	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	102,704		102,704		102,704			102,704
106	64270F	EW DEVELOPMENT	143,433		143,433		143,433		-24,767	118,666
107	64321F	JOINT TACTICAL FUSION PROGRAM	4,221		4,221		4,221			4,221
108	64327F	HARDENED TARGET MUNITIONS								
109	64601F	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	9,874		9,874	-2,000	7,874	2,000	-2,000	7,874
110	64602F	ARMAMENT/ORDNANCE DEVELOPMENT	11,407		11,407		11,407			11,407
111	64604F	SUBMUNITIONS	3,835		3,835		3,835			3,835
112	64607F	WIDE-AREA, ANTI-ARMOR MUNITIONS								
113	64617F	AIR BASE OPERABILITY	11,023		11,023		11,023			11,023
114	64618F	JOINT DIRECT ATTACK MUNITION	87,822		87,822		87,822		-12,400	75,422
115	64703F	AEROMEDICAL/CHEMICAL DEFENSE SYSTEMS	10,260		10,260		10,260			10,260
116	64704F	COMMON SUPPORT EQUIPMENT DEVELOPMENT	4,793		4,793		4,793			4,793
117	64706F	LIFE SUPPORT SYSTEMS	11,024		11,024		11,024			11,024
118	64708F	CIVIL, FIRE, ENVIRONMENTAL, SHELTER ENG	4,524		4,524		4,524			4,524
119	64727F	JOINT STANDOFF WEAPONS SYSTEMS	24,614		24,614		24,614			24,614
120	64733F	SURFACE DEFENSE SUPPRESSION	1,917		1,917		1,917			1,917
121	64740F	COMPUTER RESOURCE TECHNOLOGY TRANSITION	7,137		7,137		7,137			7,137
122	64750F	INTELLIGENCE EQUIPMENT	2,875		2,875		2,875			2,875
123	64754F	JOINT TACTICAL INFORMATION DISTRIBUTION	16,113		16,113		16,113		-4,600	11,513
124	64756F	SIDE LOOKING AIRBORNE RADAR								
125	64770F	JOINT SURV/TARGET ATTACK RADAR SYS	295,228		295,228		295,228			295,228
126	64779F	JINTACCS	4,793		4,793		4,793			4,793
127	27129F	F-111 SQUADRONS	25,679		25,679		25,679			25,679
128	27130F	F-15A/B/C/D SQUADRONS								
129	27131F	A-10 SQUADRONS								
130	27133F	F-16 SQUADRONS	116,947	-4,400	112,547	-5,000	111,947	600	-55,423	61,524
131	27134F	F-15E SQUADRONS	91,497		91,497		91,497		-25,000	66,497

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
132	27136F	MANNFD DESTRUCTIVE SUPPRESSION	20,496		20,496		20,496		-16,100	4,396
133	27137F	CONSTANT HILLP	[]		[]		[]	[]		[]
134	27141F	F-117A SQUADRONS	6,778		6,778		6,778			6,778
135	27160F	TRI-SERVICE STANDOFF ATTACK MISSILE	[]	[60,000]	[]		[]	[60,000]		[]
136	27161F	TACTICAL AIM MISSILES	33,887		33,887		33,887		-33,887	
137	27163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	69,785		69,785		69,785		-2,000	67,785
138	27217F	FOLLOW-ON TACTICAL RECONNAISSANCE SYSTEM	65,338	-47,689	17,649	-65,338		17,649	-65,338	
		FOLLOW-ON TACTICAL RECON SYS PY SAVINGS				-39,700	-39,700	39,700		
139	27247F	AF TENCAP	14,722	-8,000	6,722		14,722	-8,000	-5,000	9,722
140	27248F	SPECIAL EVALUATION PROGRAM	120,711		120,711		120,711			120,711
141	27411F	OVERSEAS AIR WEAPON CONTROL SYSTEM	19,570		19,570		19,570		-5,300	14,270
142	27412F	TACTICAL AIR CONTROL SYSTEMS	28,913		28,913		28,913			28,913
143	27417F	AIRBORNE WARNING AND CONTROL SYSTEM	87,066		87,066		87,066			87,066
144	27419F	TACTICAL AIRBORNE COMMAND & CONTROL SYS								
145	27423F	ADVANCED COMMUNICATIONS SYSTEMS	478		478		478			478
146	27424F	EVALUATION AND ANALYSIS PROGRAM	75,384	-20,000	55,384		75,384	-20,000		75,384
147	27431F	TACTICAL AIR INTEL SYSTEM ACTIVITIES	[]		[]		[]			[]
148	27433F	ADVANCED PROGRAM TECHNOLOGY	148,114		148,114		148,114			148,114
149	27438F	THEATER BATTLE MANAGEMENT (TBM) C4I	12,518		12,518		12,518			12,518
150	27579F	ADVANCED SYSTEMS IMPROVEMENTS	129,164		129,164		129,164			129,164
151	27590F	SEEK EAGLE	15,171		15,171		15,171			15,171
152	27591F	ADVANCED PROGRAM EVALUATION	89,604	-10,000	79,604		89,604	-10,000		89,604
153	28006F	MISSION PLANNING SYSTEMS	24,249		24,249		24,249			24,249
154	28010F	JOINT TACTICAL COMM PROGRAM (TRI-TAC)								
155	28021F	ELECTRONIC COMBAT SUPPORT	[]		[]		[]			[]
156	28042F	HAVE FLAG	[]		[]		[]			[]
157	33605F	SATELLITE COMMUNICATIONS TERMINALS	1,399		1,399		1,399			1,399
158	35137F	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	18,773		18,773		18,773			18,773
159	35142F	APPLIED TECHNOLOGY AND INTEGRATION	[]		[]		[]		[-4,700]	[]
160	35158F	CONSTANT SOURCE	3,245		3,245		3,245			3,245
161	35887F	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	2,004		2,004		2,004			2,004
162	41840F	MAC COMMAND AND CONTROL SYSTEM	11,361		11,361		11,361			11,361
997		TACTICAL CLASSIFIED	295,395	60,000	355,395		295,395	60,000	-4,700	290,695
163	12830F	CLASSIFIED PROGRAM	[]		[]		[]			[]

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
164	31305F	INTELLIGENCE PRODUCTION ACTIVITIES	[]		[]		[]			[]
165	31310F	FOREIGN TECHNOLOGY DIVISION	[]		[]		[]			[]
166	31313F	DEFENSE DISSEMINATION PROGRAM	[]		[]		[]			[]
167	31314F	IR/E-O/DEW PROCESSING & EXPLOITATION	[]		[]		[]			[]
168	31315F	MISSILE & SPACE TECHNICAL COLLECTION	[]		[]	[-4,600]	[]	[4,600]	[-4,561]	[]
169	31317F	SENIOR YEAR OPERATIONS	[]	[-9,838]	[]		[]	[-9,838]	[-9,741]	[]
170	31324F	FOREST GREEN	[]		[]	[8,000]	[]	[-8,000]		[]
171	31339F	INTEL TELECOM & DEF SPECIAL SECURITY SYS	[]		[]		[]			[]
172	31357F	NUDET DETECTION SYSTEM								
173	33110F	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	25,522		25,522		25,522			25,522
174	33126F	LONG-HAUL COMMUNICATIONS (DCS)								
175	33140F	INFORMATION SYSTEMS SECURITY PROGRAM	15,418	1,500	16,918		15,418	1,500	1,150	16,568
176	33144F	ELECTROMAGNETIC COMPATIBILITY ANALYSIS	9,978		9,978		9,978			9,978
177	33401F	COMMUNICATIONS SECURITY (COMSEC)	[]		[]		[]			[]
178	34111F	SPECIAL ACTIVITIES	[]	[49,300]	[]	[-144,700]	[]	[194,000]	[-67,600]	[]
179	35114F	AIR TRAFFIC CONTROL, APPROACH, & LANDING	9,304		9,304		9,304		-9,304	
180	35159F	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[]		[]		[]			[]
181	35164F	NAVSTAR GLOBAL POSITIONING SYS (USER EQ)	16,164		16,164		16,164			16,164
182	35165F	NAVSTAR GLOBAL POSITIONING SYS (SPACE)	38,990		38,990		38,990			38,990
998		INTEL & COMMUNICATIONS CLASSIFIED	2,175,965	39,462	2,215,427	-141,300	2,034,665	180,762	-81,902	2,094,063
183	63402F	SPACE TEST PROGRAM	50,465		50,465		50,465		-5,000	45,465
184	63438F	SATELLITE SYSTEMS SURVIVABILITY	10,732		10,732		10,732		-6,300	4,432
185	64211F	ADVANCED AERIAL TARGET DEVELOPMENT								
186	64227F	TRAINING SYSTEMS DEVELOPMENT	30,015		30,015	15,000	45,015	-15,000	-4,000	26,015
187	64243F	MANPOWER, PERSONNEL AND TRAINING DEVELOP	4,838		4,838		4,838			4,838
188	64256F	THREAT SIMULATOR DEVELOPMENT	34,362	12,600	46,962		34,362	12,600	7,502	41,864
189	64258F	TARGET SYSTEMS DEVELOPMENT	10,154		10,154		10,154			10,154
190	64408F	NATIONAL LAUNCH SYSTEM	53,906		53,906	-53,906		53,906	-53,906	
191	64609F	R&M MATURATION/TECHNOLOGY INSERTION	20,593		20,593		20,593			20,593
192	64707F	WEATHER SYSTEMS - ENG DEV	9,379		9,379		9,379			9,379
193	64735F	RANGE IMPROVEMENT	15,714		15,714		15,714			15,714
194	64747F	ELECTROMAGNETIC RADIATION TEST FACIL								
195	64755F	IMPROVED CAPABILITY FOR DEVELOPMENT TEST								
196	64759F	MAJOR T&E INVLSMENT	55,798		55,798	-10,000	45,798	10,000	-5,000	50,798

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
WEAPONS SYSTEM OPERABILITY WEAPON SAFETY AND OPERATIONAL SUPPORT STRATEGIC ARMS CONTROL TECHNOLOGY OVERHEAD										
TOTAL RDT&E AIR FORCE			13,694,984	-248,349	13,446,635	-1,013,387	12,681,597	765,038	-1,405,773	12,289,211

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Excimer laser program

The budget request contained \$55.415 million for advanced radiation technology (PE 63605F).

The House bill would add: (1) \$20.0 million for excimer lasers to continue the fiscal year 1993 program to examine dual-use applications of excimer lasers, and (2) \$900,000 for high power microwave technology for a total of \$11.6 million.

The Senate amendment contained no similar funding.

The House recedes.

The conferees agree to provide the requested amount and direct that \$11.6 million be used for high power microwave technology RDT&E.

Laser communications

The budget request included \$1.638 million for the laser communications (LASERCOM) advanced technology development project within the \$17.066 million requested for command, control and communications advanced technology development (PE 63789F).

The House bill would authorize a total of \$10.3 million for LASERCOM for an advanced technology demonstration of a lightweight, low powered, very high data rate laser communications capability.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees reluctantly agree to authorize only \$17.066 million for PE 63789F; however, the conferees direct that up to \$1.638 million, the requested amount, be used to complete functional testing and documentation of the laser intersatellite transmission experiment engineering model (LITE EM). The conferees note that approximately \$29.0 million has been invested in this project since 1989. Completion of this program would provide an on-the-shelf technology base that would significantly reduce the risk in developing future operational systems for high data rate laser intersatellite communications.

Tactical airborne reconnaissance

The budget request contained funding for various elements of the follow-on tactical reconnaissance system (FOTRS). FOTRS includes two components: an airborne component called the advanced tactical air reconnaissance system (ATARS); and a ground station component called the joint service image processing system (JSIPS).

The Navy requested \$30.4 million and the Air Force requested \$65.3 million for FOTRS development. The Air Force and the Navy also requested additional JSIPS funding of \$8.2 million in their other procurement accounts and \$3.1 million in their operation and maintenance accounts.

The House bill would transfer all FOTRS funding to a Defense-wide airborne reconnaissance program. The House report (H. Rept. 103-200) supported an Air Force and contractor decision to cancel work on the ATARS program. The House report also specifically denied funds for the Air Force F-16R program.

The Senate amendment would deny all ATARS funding for fiscal year 1994. The Senate report (S. Rept. 103-112) noted that \$53.9 million in fiscal year 1992 ATARS procurement funds remain unobligated. The Senate report directed the Marine Corps to use these funds to field an ATARS alternative on the F/A-18D reconnaissance-capable (RC) aircraft using government-owned hardware available from the ATARS program. The conferees understand that the Department has reprogrammed the fiscal year 1992 funding identified in the Senate report.

The conferees are disappointed that the Air Force is left with little more than boxes of unassembled components to show for the ATARS program efforts. The Navy/Marine Corps team, which has faithfully funded and executed its portion of FOTRS development, has made more progress. The Marine Corps has already successfully flown an ATARS sensor package of the F/A-18D(RC) in a series of flights from the Naval Air Warfare Center, Patuxent River, Maryland.

Elsewhere in this statement of the managers, the conferees have required the Secretary of Defense to organize a new management structure for a tactical reconnaissance office (TRO). The conferees expect that the result of a Navy near-term ATARS program will become a part of this effort.

Accordingly, the conferees agree to provide \$78.1 million in a new Defense Agencies development line under TRO direction. This will support: (1) fielding a near-term ATARS capability, as described below (\$34.0 million); (2) developing an electro-optical long-range oblique photographic sensor (EO-LOROPS) (\$17.1 million); and (3) continuing the second phase of the F/A-18D radar upgrade (RUG) program (\$27.0 million).

The conferees agree that the Navy, under TRO direction, should complete integration, development, and fielding of an ATARS sensor suite. The conferees expect the Navy to base and field this sensor suite on existing, government-owned ATARS hardware by fiscal year 1995. For this purpose, the conferees direct the Secretary of Defense to transfer remaining ATARS hardware and equipment from the Department of the Air Force to the Department of the Navy. The conferees direct that none of the funds made available to the Navy be used to increase the capability of the baseline sensor suite.

The conferees further direct the Secretary of Defense to present a road map for implementation of these sensor suites in the F/A-18D(RC) to the congressional defense and intelligence committees with the submission of the fiscal year 1995 budget request. The conferees expect that this plan will reflect a streamlined acquisition strategy, leading to a near-term fielding of ATARS. Along with this road map, the conferees direct the Secretary of Defense to fully delineate the extent to which EO-LOROPS will be used to support any long-range, next-generation tactical reconnaissance efforts. Accordingly, the conferees further direct that none of the funds provided for EO-LOROPS development in fiscal year 1994 may be obligated until the road map for sensor implementation, containing a fielding plan and a future years defense program commitment for EO-LOROPS, is submitted.

The conferees agree to provide no funding for F-16R integration under the Air Force FOTRS program. However, the conferees fully support the continued development of JSIPS by providing \$19.1 million in a tactical reconnaissance ground station line in the research and development, Defense Agencies account. This amount is derived by shifting \$16.0 million from Air Force FOTRS and \$3.1 million from Navy JSIPS development accounts. Additionally, the conferees direct that \$8.2 million from JSIPS efforts in Air Force and Navy other procurement accounts be moved to a Defense Agencies procurement account for tactical reconnaissance ground stations. For operational reasons, the conferees believe that the O&M accounts should remain with the respective services.

Finally, the conferees direct the Secretary of Defense to continue to redefine a joint program for fielding a long-term ATARS follow-on.

Air Force tactical exploitation of national capabilities

The budget request included \$14.7 million for the Air Force tactical exploitation of national capabilities (TENCAP) program. The funds would accelerate development of prototype TENCAP systems in order to enhance national sensor-to-shooter operational techniques, and provide TENCAP technical support for exercises and contingencies.

The House bill recommended an \$8.0 million reduction to the request because the program lacked specific goals and objectives.

The Senate amendment approved the requested amount.

The conferees were encouraged by the Air Force's willingness to commit to a credible TENCAP program. The conferees, however, are concerned about the Air Force's failure to detail a program based upon clear goals and objectives during the budget review process. Therefore, the conferees recommend a \$9.7 million authorization, a \$5.0 million reduction to the budget request. The conferees are willing to consider a reprogramming action if the Air Force believes it can justify additional funding in fiscal year 1994.

Satellite control network

The Air Force spends approximately \$650 million each year on research, development, test and evaluation (RDT&E), procurement, and operation and maintenance (O&M) of the satellite control network (SCN).

The Senate report (S. Rept. 103-112) concluded that budget pressures will make it difficult to sustain this level of expenditure. Technology exists that could significantly reduce O&M costs and improve effectiveness, and development programs could be accelerated by reducing O&M budgets modestly. The Senate amendment therefore recommended reducing the O&M request for the SCN by \$20.0 million and transferring this amount to RDT&E. Additionally, the Senate amendment recommended a separate line item for these development efforts.

The House bill and report (H. Rept. 103-200) took no similar action.

The Senate recedes in the expectation that RDT&E funding for new development would not be made available.

The conferees urge the Air Force to define better a program of development to achieve cost savings in the satellite control network as soon as possible and to carefully examine whether the SCN O&M budget can support offsetting funding. The conferees further urge the Air Force to ensure that the SCN program office utilize the technical expertise of the Phillips and Rome laboratories in this area.

Test and evaluation

The House report (H. Rept. 103-200) provided obligation and expenditure thresholds for the Air Force test and evaluation request and required notification to the congressional defense committees before the Air Force sought to obligate funds other than those indicated in the fiscal year 1994 budget request.

The Senate report (S. Rept. 103-112) contained no similar direction.

The conferees endorse the House report's direction with the stipulation that the budget baseline and resulting thresholds which require notification to the congressional defense committees be adjusted on a prorated basis, as necessary, to reflect actual fiscal year 1994 authorized and appropriated amounts, whichever is higher, for the program elements.

Astronomy-oriented science center

The conferees understand that competition for the astronomy-oriented science center

funded in the National Defense Authorization Act for Fiscal Year 1993 has been hampered by restrictive interpretations of previously established congressional conditions. Therefore, the conferees agree to clarify that the awarding of the grant shall be contingent upon the availability of matching, non-federal funds which may include essentially

equivalent contributions of funds, in-kind services, equipment, and land (including long-term leases of real estate).

RESEARCH AND DEVELOPMENT, DEFENSE-WIDE Overview

The budget request for fiscal year 1994 contained an authorization of \$10,174.5 million for Defense-wide research, development, test

and evaluation. The House bill would authorize \$10,029.4 million. The Senate amendment would authorize \$9,510.7 million. The conferees recommend authorization of \$8,787.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Account	House	Senate	Conferees	Change from House	Change from Senate
01-0000-0000-0000-0000	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0001	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0002	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0003	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0004	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0005	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0006	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0007	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0008	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0009	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0010	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0011	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0012	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0013	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0014	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0015	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0016	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0017	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0018	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0019	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0020	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0021	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0022	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0023	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0024	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0025	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0026	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0027	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0028	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0029	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0030	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0031	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0032	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0033	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0034	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0035	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0036	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0037	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0038	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0039	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0040	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0041	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0042	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0043	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0044	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0045	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0046	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0047	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0048	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0049	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0050	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0051	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0052	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0053	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0054	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0055	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0056	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0057	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0058	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0059	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0060	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0061	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0062	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0063	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0064	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0065	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0066	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0067	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0068	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0069	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0070	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0071	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0072	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0073	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0074	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0075	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0076	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0077	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0078	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0079	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0080	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0081	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0082	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0083	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0084	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0085	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0086	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0087	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0088	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0089	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0090	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0091	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0092	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0093	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0094	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0095	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0096	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0097	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0098	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0099	1000000000	1000000000	1000000000	0	0
01-0000-0000-0000-0100	1000000000	1000000000	1000000000	0	0

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
33	63217C	OTHER FOLLOW-ON SYSTEMS	354,187	-354,187		-112,579	241,608	-241,608	-354,187	
34	63218C	RESEARCH AND SUPPORT ACTIVITIES								
35	63225D	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEV	16,446		16,446		16,446			16,446
36	63226E	EXPERIMENTAL EVAL MAJOR INNOVATIVE TECH	512,198	100,884	613,082	-36,500	475,698	137,384	16,990	529,188
36A		SPACE LAUNCH TECHNOLOGY		79,880	79,880			79,880	35,000	35,000
36B		NATIONAL GUARD/ARPA PROJECT				17,900	17,900	-17,900		
36C		PROJECT COMPASS				14,700	14,700	-14,700		
36D		FUEL CELL TECHNOLOGY				4,000	4,000	-4,000		
36E		ASTOVL				6,000	6,000	-6,000		
		ADVANCED THEATR AIRCRAFT MANAGEMENT							10,000	10,000
37	63227E	RELOCATABLE TARGET DETECTION TECHNOLOGY								
38	63569E	ADVANCED SUBMARINE TECHNOLOGY	32,556	-32,556			32,556	-32,556		32,556
38A		MARITIME TECHNOLOGY OFFICE		132,556	132,556			132,556	50,000	50,000
39	63570E	DUAL-USE PARTNERSHIPS	324,000	300,000	624,000	291,000	615,000	9,000	300,000	624,000
40	63704D	SPECIAL TECHNICAL SUPPORT	8,841		8,841		8,841			8,841
41	63705D	MANUFACTURING SCIENCE & TECHNOLOGY	147,733	-147,733		23,300	171,033	-171,033	-35,233	112,500
42	63716D	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	97,958	22,000	119,958	102,042	200,000	-80,042	52,042	150,000
43	63718D	MEDICAL RESEARCH				10,500	10,500	-10,500	10,500	10,500
44	63719D	FOCUS HOPE		20,000	20,000	15,000	15,000	5,000	20,000	20,000
45	63720D	ENVIRONMENTAL SPECIAL PROJECT								
46	63721D	DOD ENVIRONMENTAL STUDIES DEVELOPMENT								
47	63736D	COMPUTER AIDED LOGISTICS SUPPORT	10,424		10,424		10,424			10,424
48	63737D	BALANCED TECHNOLOGY INITIATIVE								
49	63738D	COOPERATIVE DOD/VA MEDICAL RESEARCH		30,000	30,000			30,000	20,000	20,000
50	63739E	MANUFACTURING TECHNOLOGY	299,597	95,000	394,597	7,000	306,597	88,000	42,743	342,340
51	63744E	ADVANCED SIMULATION	9,207		9,207		9,207			9,207
52	63745E	SEMICONDUCTOR MANUFACTUR. TECH/SEMATECH	100,000		100,000	-10,000	90,000	10,000	-10,000	90,000
53	63755D	HIGH PERFORMANCE COMPUTING MODERNIZATION	122,819		122,819	-122,819		122,819	-122,819	
54	63756D	CONSOLIDATED DOD SOFTWARE INITIATIVE	9,151	7,500	16,651		9,151	7,500	7,500	16,651
55	63756E	CONSOLIDATED DOD SOFTWARE INITIATIVE								
56	63832D	JOINT WARGAMING SIMULATION MANGNT OFFICE	67,152		67,152	19,000	86,152	-19,000	6,000	73,152
57	64704D	ROCKET MOTOR DEMILITARIZATION PROGRAM	12,267	3,000	15,267		12,267	3,000	3,000	15,267
58	35108K	COMMAND AND CONTROL RESEARCH								
59	116401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOP	17,794	-13,794	4,000		17,794	-13,794	-10,494	7,300

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
60	116402BB	SPECIAL OPERATIONS ADVANCED TECH DEV	9,655		9,655		9,655			9,655
61	116407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT	1,310		1,310		1,310			1,310
62	63214C	DOD/CTC JOINT CALS INITIATIVE SPACE BASED INTERCEPTORS								
63	63215C	LIMITED DEFENSE SYSTEM	1,195,459	-1,195,459		-336,408	859,051	-859,051	-545,459	650,000
65	63218C	RESEARCH AND SUPPORT ACTIVITIES	358,223	-358,223		-89,769	268,454	-268,454	179,777	538,000
66	63711H	VERIFICATION TECHNOLOGY DEMONSTRATION	46,350		46,350		46,350		-2,000	44,350
67	63734J	ISLAND SUN SUPPORT	15,822		15,822		15,822			15,822
68	63741D	ATR DEFENSE INITIATIVE								
69	32016K	NATIONAL MILITARY COMMAND SYS-WIDE SUPP	3,500		3,500		3,500			3,500
70	32019K	WMCCS SYSTEMS ENGINEER	9,253		9,253		9,253			9,253
71	33131K	MIN ESSENTIAL EMERG COMMUN NETWORK	3,285		3,285		3,285			3,285
72	33154J	WMCCS ADP MODERNIZATION	7,000		7,000		7,000			7,000
73	33154K	WMCCS ADP MODERNIZATION								
74	91600J	CONTRACT ADMINISTRATION/AUDIT	436	-436		-436			-436	
74A		BALLISTIC MISSILE DEFENSE ORGANIZATION		2,591,038	2,591,038			2,591,038		
75	63216C	THEATER MISSILE DEFENSES	1,636,304	-1,636,304		-398,137	1,238,167	-1,238,167	-185,312	1,450,992
75a		UNDISTRIBUTED REDUCTION BMDO								
76	63228D	PHYSICAL SECURITY EQUIPMENT	20,676		20,676		20,676			20,676
77	63709D	JOINT ROBOTICS PROGRAM	22,125		22,125		22,125			22,125
78	63710D	CLASSIFIED PROGRAM - C3I	9,912		9,912		9,912			9,912
79	63714D	ADVANCED SENSOR APPLICATIONS PROGRAM	25,920		25,920		25,920			25,920
80	63715D	AIM-9 CONSOLIDATED PROGRAM	9,593		9,593		9,593			9,593
81	63724D	BIOLOGICAL DEFENSE - ADVANCED DEVELOP	26,355		26,355	-26,355		26,355	-14,355	12,000
82	64225C	THEATER MISSILE DEFENSES	50,410	-24,000	26,410		50,410	-24,000	-50,410	
83	64705D	MOBILE OFFSHORE BASE ANALYSIS								
84	64771D	JOINT TACTICAL INFO DISTRIB SYS (JTIDS)	67,053		67,053		67,053		-30,000	37,053
85	21135J	CINC C2 INITIATIVES	1,193		1,193		1,193			1,193
86	21135K	CINC C2 INITIATIVES								
87	28045K	C3 INTEROPERABILITY (JOINT TACTICAL C3)	28,088		28,088		28,088			28,088
88	28298K	MANAGEMENT HQ (JOINT TACTICAL C3 AGENCY)								
89	35141D	JOINT REMOTELY PILOTED VEHICLES PROGRAM	180,112	-180,112		-26,000	154,112	-154,112	-66,700	113,412
89A		LONG-RANGE UAV				[40,000]	[40,000]	[40,000]	[40,000]	[40,000]
		INTERIM RECONNAISSANCE PROGRAM							78,100	78,100

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
90	35815D	GENERAL SUPPORT FOR SO/LIC								
91	91600BB	CONTRACT ADMINISTRATION/AUDIT	4,656	-4,656		-4,656			-4,656	
92	91600K	CONTRACT ADMINISTRATION/AUDIT	1,283	-1,283		-1,283			-1,283	
93	116404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEV	221,305	-9,615	211,690	15,000	236,305	-24,615	-14,800	206,505
94	116405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS	6,686		6,686		6,686			6,686
95	116408BB	SOF OPERATIONAL ENHANCEMENTS	72,167	-52,678	19,489		72,167	-52,678	-52,678	19,489
96	31011G	CRYPTOLOGIC ACTIVITIES	[]	[-40,877]	[]	[45,300]	[]	[-86,177]	[-44,200]	[]
97	31301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[]	[-5,194]	[]	[1,963]	[]	[-7,157]	[-5,000]	[]
98	31308L	MISSILE INTELLIGENCE AGENCY	[]		[]		[]			[]
99	33126K	LONG-HAUL COMMUNICATIONS (DCS)	20,720		20,720		20,720			20,720
100	33127K	SUPPORT OF THE NATIONAL COMMUNIC SYS	3,839		3,839		3,839			3,839
101	33123G	GLOBAL GRID COMMUNICATIONS	[]		[]		[]			[]
102	33140G	INFO SYSTEMS SECURITY PROGRAM	[]		[]		[]			[]
103	33401G	COMMUNICATIONS SECURITY	[]		[]		[]			[]
104	34311D	SELECTED ACTIVITIES								
105	35098L	DEFENSE SUPPORT ACTIVITY	[]		[]		[]			[]
106	35106LC	CONSOLIDATED IMAGERY ACTIVITIES	[]	[-4,300]	[]		[]	[-4,300]		[]
107	35107LC	TACTICAL IMAGERY ACTIVITIES	[]		[]		[]			[]
108	35139B	DMA MAPPING, CHARTING, & GEODESY (MC&G)	66,334	-5,000	61,334		66,334	-5,000	-5,000	61,334
109	35154I	AIRBORNE RECONNAISSANCE SUPPORT PROGRAM	356,303	-20,000	336,303	-207,000	149,303	187,000	-177,000	179,303
109A		AIRBORNE RECONNAISSANCE INITIATIVE		288,518	288,518			288,518		
		TACTICAL RECON GROUND STATIONS							19,100	19,100
110	35157I	LAND REMOTE SENSING SATELLITE SYSTEM	34,506		34,506		34,506			34,506
111	35159B	DEFENSE RECONNAISSANCE SUPPORT ACTIV	11,320		11,320		11,320			11,320
112	35159G	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[]		[]		[]			[]
113	35159I	DEFENSE RECONNAISSANCE SUPPORT ACTIV	81,872	-15,000	66,872		81,872	-15,000		81,872
113A		SPACE BASED SURVEILLANCE CONSOLIDATION		324,163	324,163			324,163		
114	35167G	COMPUTER SECURITY	[]		[]		[]			[]
115	35190D	C3I INTELLIGENCE PROGRAMS	6,754		6,754		6,754			6,754
116	35830K	CENTER FOR INFORMATION MANAGEMENT								
117	35884L	INTELLIGENCE PLANNING & REVIEW ACTIV	[]	[-5,000]	[]	[-10,000]	[]	[5,000]	[-12,500]	[]
118	35885G	TACTICAL CRYPTOLOGIC ACTIVITIES	[]	[-5,000]	[]		[]	[-5,000]	[-5,000]	[]
119	35889D	INTEL SUPPORT TO OSD COUNTERNARCOTICS								
120	35889G	INTEL SUPPORT TO OSD COUNTERNARCOTICS	[]		[]		[]			[]

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
121	35889L	INTEL SUPPORT TO OSD COUNTERNARCOTICS	[]		[]		[]			[]
122	35898L	MANAGEMENT HQ (AUXILIARY FORCES)	[]		[]		[]			[]
123	91600B	CONTRACT ADMINISTRATION/AUDIT	1,357	-1,357		-1,357			-1,357	
124	91600G	CONTRACT ADMINISTRATION/AUDIT	23,451	-23,451		-23,451			-23,451	
125	91600I	CONTRACT ADMINISTRATION/AUDIT	4,825	-4,825		-4,825			-4,825	
126	91600L	CONTRACT ADMINISTRATION/AUDIT	269	-269		-269			-269	
127	116409BB	OTHER FORCE PROGRAMS								
		CLASSIFIED PROGRAMS				10,000	10,000	-10,000		
		ARCH PROJECT				7,200	7,200	-7,200		
999		INTEL & COMMUNICATIONS CLASSIFIED	1,280,732	-60,371	1,220,361	37,263	1,317,995	-97,634	-66,700	1,214,032
128	63705D	MANUFACTURING TECHNOLOGY								
129	63708D	INTEGRATED DIAGNOSTICS	10,441		10,441		10,441			10,441
130	63790D	NATO RESEARCH AND DEVELOPMENT	57,641		57,641		57,641		-14,841	42,800
131	63832D	JOINT SIMULATION DOCTRINE CENTER				6,500	6,500	-6,500	6,500	6,500
		PEACE ENFORCEMENT DOCTRINE DEVELOPMENT				5,000	5,000	-5,000	5,000	5,000
132	65104D	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	37,434		37,434	-10,000	27,434	10,000	-10,000	27,434
133	65114E	BLACK LIGHT	4,875		4,875		4,875			4,875
134	65116D	GENERAL SUPPORT TO C3I								
135	65117D	FOREIGN MATERIAL ACQUISITION/EXPLOIT	336,176	-110,000	226,176	-336,176		226,176	-336,176	
136	65120S	TECHNICAL INFORMATION SERVICE								
137	65136D	FCIMS PROGRAMS								
138	65137D	MANUFACTURING ENGINEERING EDUCATION								
139	65502D	SMALL BUSINESS INNOVATIVE RESEARCH								
140	65502E	SMALL BUSINESS INNOVATIVE RESEARCH								
141	65798S	DEFENSE SUPPORT ACTIVITIES	12,561	3,000	15,561		12,561	3,000		12,561
142	65872D	PRODUCTIVITY INVESTMENTS								
143	65898E	MANAGEMENT HEADQUARTERS (R&D)	24,005		24,005	-5,000	19,005	5,000		24,005
144	35889E	INTEL SUPPORT TO OSD COUNTERNARCOTICS								
145	78011S	INDUSTRIAL PREPAREDNESS/MANTECH		35,000	35,000			35,000		
146	91600D	CONTRACT ADMINISTRATION/AUDIT	18,625	-18,625		-18,625			-18,625	
147	91600E	CONTRACT ADMINISTRATION/AUDIT	27,873	-27,873		-27,873			-27,873	
148	91600S	CONTRACT ADMINISTRATION/AUDIT	235	-235		-235			-235	
148A		REDUCTION IN RDT&E SUPPORT/OVERHEAD		-15,000	-15,000			-15,000		
		COUNTERPROLIFERATION INITIATIVE				28,049	28,049	-28,049		

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		UNDISTRIBUTED								
		ELECTRIC VEHICLE TECHNOLOGY								
		NATURAL GAS VEHICLES								
		YANKEE METHANOL PLANTSHIP								
		COMMERCIAL COMMUNICATIONS								
		ARPA SPACE PROGRAMS								
		SPACE SURVEILLANCE								
		EARTH CONSERVANCY								
		TOTAL RDT&E DEFENSE-WIDE	10,174,549	-145,139	10,029,410	-663,840	9,510,709	518,701	-1,386,842	8,787,707

R-1 Line	PE	Program	Amended FY 1994 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1994 Conference Authorized
		DIRECTOR OF TEST & EVAL DEFENSE								
1	64940D	CENTRAL TEST AND EVALUATION INVESTMENT	115,819	-15,000	100,819	-15,000	100,819		-15,000	100,819
2	65130D	FOREIGN COMPARATIVE TESTING	34,913	-10,000	24,913		34,913	-10,000		34,913
3	65131D	LIVE FIRE TESTING	7,725		7,725		7,725			7,725
4	65804D	DEVELOPMENT TEST AND EVALUATION	114,135	-15,000	99,135	-5,000	109,135	-10,000	-15,000	99,135
		TOTAL DIRECTOR TEST & EVALUATION	272,592	-40,000	232,592	-20,000	252,592	-20,000	-30,000	242,592
		SUBTOTAL RESEARCH & TECH	156,773	-25,000	131,773	-5,000	151,773	-20,000	-15,000	141,773
		SUBTOTAL MILITARY ACQUISITION	115,819	-15,000	100,819	-15,000	100,819		-15,000	100,819
		DIRECTOR OF OPERATIONAL TEST & EVALUATION								
1	65118D	OPERATIONAL TEST AND EVALUATION	12,650		12,650		12,650			12,650
		TOTAL OPERATIONAL TEST	12,650		12,650		12,650			12,650

Department of Defense Dependent Schools Director's Fund for Science, Mathematics, and Engineering

The budget request contained no funds for the DODDS Director's Fund for Science, Mathematics, and Engineering.

The House bill contained no funds for the DODDS Director's Fund.

The Senate amendment contained \$20.0 million for the DODDS Director's Fund in PE 61102D.

The conferees agree that \$20.0 million should be authorized for the DODDS Director's Fund from the funds contained in PE 61103D. The conferees note that this program, which advances science, mathematics, and engineering, is the primary source of funds for the DODDS Director to improve the educational opportunities for the thousands of American children serving overseas with their parents. The conferees direct the Director, Defense Research and Engineering to work closely with the DODDS Director to ensure that these funds are made promptly available to DODDS.

The conferees further direct that DODDS should work closely with the Department of Education to ensure that innovative DODDS initiatives are made available to the education community at the earliest possible date.

Computer-assisted education

The budget request contained no funds for computer-assisted education.

The House bill contained no funds for this program.

The Senate amendment contained \$20.0 million for this program.

The conferees recommend \$20.0 million in PE 611103D for computer-assisted education. The conferees also direct that \$2.0 million of the funds in PE 62601F be used to fund the Air Force outreach program to install computer-assisted mathematics programs in high schools.

The conferees note that the President's February 22, 1993 report entitled "Technology for America's Economic Growth: A New Direction to Build Economic Strength" provides a vision for the use of technology to support the educational challenges of the future. The conferees believe that the computer-assisted education initiative should draw from the experiences and successes of Department of Defense research and development programs. Past developments in the DOD Defense Modeling and Simulation Office have demonstrated that innovative education and training technologies can provide: (1) learning tailored to individual needs; (2) hands on experiences that challenge users to reach for new educational opportunities; and (3) training that is adaptable, cost-effective, and available to everyone, regardless of their location. The Department of Defense, working with the Office of Science and Technology Policy's technology for education and training initiative, should pursue the transfer and tailoring of this research and development to meet the learning needs of all Americans.

The conferees recommend that the computer-assisted education initiative serve as an example of the use of federal and non-federal research and development funds that stimulate education and training technologies. All contracts and grants awarded as a result of this program should be awarded competitively and should include cost sharing with nonfederal sources where possible.

Funding for Technical Support Working Group

The Technical Support Working Group (TSWG) is an interagency organization that

coordinates counter-terrorist research and developments efforts among the Departments of Defense and State and other federal agencies. The TSWG is funded by the two departments and has supported the development of innovative security technologies to counter terrorism.

For fiscal year 1993, \$10.0 million in Department of Defense funds were authorized and appropriated for the TSWG—\$3 million of this amount was designated for cooperative counter-terrorist research projects with NATO and major non-NATO allies. Unfortunately, the budget request for fiscal year 1994 did not sustain this level of funding. It contained only \$6.2 million in DOD funds for the TSWG.

The conferees agree that the budget request for the TSWG is insufficient to both continue current projects and start new ones in fiscal year 1994. Because this problem was not raised in a timely manner, the conferees were unable to recommend additional funds for this important activity. However, the conferees encourage the Department of Defense to reprogram additional funds into the TSWG from lower-priority activities.

Global nuclear non-proliferation seismic monitoring

The budget request included \$25.895 million for development and testing technologies related to global nuclear nonproliferation seismic monitoring.

The House bill would authorize \$48.975 million in the following program elements.

Program element	Requested amount	House authorization
602301E	\$21,486,000	\$35,486,000
601102F	4,409,000	11,409,000
602101F	80,000	2,080,000

The Senate amendment would authorize the requested amounts.

The House recedes.

The conferees support the Department of Defense goal to develop a coordinated plan to provide the advanced seismic and other technologies needed to negotiate and verify a Comprehensive Test Ban Treaty (CTBT). The conferees believe that it is important that Congress be kept informed of DOD and intelligence community (IC) plans to achieve a monitoring capability for a verifiable CTBT. The Secretary of Defense shall submit a report, not later than 120 days after the date of the enactment of this act, describing the Department's plans to develop advanced technologies for the monitoring of a CTBT and the degree to which other U.S. government departments, other nations, and international organizations could share the costs of this effort. The report shall:

(1) address the major technical issues that are obstacles to effective U.S. monitoring of a CTBT;

(2) describe the overall DOD CTBT verification readiness plan for resolving these technical issues, coordinating the efforts within DOD and other departments and agencies, and establishing a timetable to transfer the developed technologies to operational monitoring agencies;

(3) describe the roles of DOD organizations, the military services, other U.S. government agencies and international organizations, as applicable, in carrying out the plan, including their program funding and cost sharing; and

(4) be submitted in an unclassified form and, as necessary, in classified form to the congressional defense committees.

ARPA tactical technology

The House bill included \$162.6 million for tactical technology (PE 62702E), \$18.75 mil-

lion above the requested level for four different projects.

The Senate amendment would authorize the requested amount.

The conferees agree that, of the amount requested, \$1.75 million can be utilized to complete development and conduct an evaluation and test of the advanced landing system. Further, if the Secretary of Defense determines that a post-launch destruct demonstration is warranted, funding for this demonstration can be provided from this program element.

Radar absorbing materials

The budget request included \$7.38 million to develop cost-effective enabling technologies for aircraft and missiles.

The House bill would add \$5.5 million to PE 62702E, tactical technology, for micro-balloon, spray-on, and other related radar-absorbing materials technologies to increase system survivability and reduce costs compared to current radar absorbing materials.

The Senate amendment contained no funding for this program.

The conferees agree to authorize the funding contained in the House bill. They further agree to provide \$5.5 million for radar absorbing materials, as described in the House report (H. Rept. 103-200), from within the funds authorized in PE 62702E, tactical technology.

ARPA materials and electronics technology

The House bill included \$276.2 million for materials and electronics technology (PE 62712E), \$77.7 million above the requested amount.

The Senate amendment included \$235.0 million for this purpose.

The conferees agree to a \$260.0 million authorization for this program element. The conference agreement includes \$22.0 million for continuous fiber metal matrix composite manufacturing; \$15.0 million for electronic packaging materials, cryoassemblies, and dielectrics; \$12.0 million for system optimization investigations; \$2.1 million for infrastructure development; \$5.0 million for photovoltaic research; and \$5.0 million for ceramics, intermetallics and high performance metal alloys called for in the House report (H. Rept. 103-200).

The conferees direct that competitive procedures be utilized for any new projects undertaken under this program element and that cost-sharing be required for dual-use projects that have strong commercial potential.

Fuel cell research

The budget request contained no funds for fuel cell development even though the Department of Defense has several on-going fuel cell research programs.

The House bill contained \$50.0 million for fuel cell research and recommended that a single office within the Advanced Research Projects Agency (ARPA) manage fuel cell development for the Department of Defense.

The Senate amendment contained: (1) \$14.5 million to fund the second year of a competitively awarded, four-year program to develop a two megawatt scale natural gas-fed fuel cell; and (2) \$4.0 million to continue development of a solid polymer fuel cell for unmanned undersea vehicle technology.

The conferees recommend that \$20.0 million be authorized for fuel cell development. The conferees agree that fuel cell management should be centralized within ARPA and that the \$20.0 million should be allocated to programs in accordance with the Senate Report (S. Rept. 103-112) and the House Report (H. Rept. 103-200).

Advanced theater air management

The Department of Defense recently completed the Bottom-Up Review (BUR) of future defense needs which included an evaluation of theater air modernization programs. The conferees are aware that, as a result of the BUR, the Department has decided to terminate the AFX (the Navy follow-on for the A-6), and the multi-role fighter (MRF), the Air Force follow-on for the F-16). Additionally, the BUR recommended continued development of the F-22 for the Air Force and the F/A-18E&F for the Navy; retirement of the Navy's A-6, and in lieu, marginal air-to-ground upgrades for the F-14; and, termination of U.S. procurement of the F-16 for the Air Force. Finally, the BUR recommended development of a joint service plan which would propose an advanced theater air management effort to be called the joint advanced strike technology (JAST) program.

The Department has described the scope of the JAST program to include:

(1) development of a catalogue of common components, such as engines, avionics, and ground test and training equipment that will be required for future aircraft;

(2) development of precision guided munitions and advanced mission planning techniques;

(3) demonstration of advanced aircraft concepts; and,

(4) examination of both manned and unmanned system concepts.

The conferees believe, however, that a viable advanced theater air management program must directly resolve the problem of how to define a theater air capability that will meet military requirements at an affordable cost.

The Department floated a "trial balloon" earlier this year that represented an attempt to combine the two very different operational requirements for the AFX and MRF. This concept, the joint attack fighter (JAF), quickly generated opposition. No one could explain a plausible concept of how a single aircraft could satisfy the disparate capabilities provided by a light-weight single engine fighter with a long range, deep strike interdiction aircraft.

Therefore, the conferees do not support an advanced theater air management concept, such as JAST, which appears to use technology rollover as a means of "treading water" over several more years, and then leads only to a JAF of a different color. By the same token, the conferees would also resist any effort which becomes a "science fair" project that has no hope of yielding any fully integrated aircraft for more than 20 years. In short, the conferees cannot support such efforts. Vague, unchanneled, and ill-defined research planning is essentially "eating our own seed corn."

The conferees are also concerned about the "technology catalogue" approach for other reasons. Historically, tactical aircraft have always been highly optimized designs balancing capability against cost and physical constraints. Therefore, the conferees are concerned over how the Department will know 20 years in advance whether generic components can be incorporated in combat aircraft designs which have historically demanded optimized subsystems. A strong advanced theater air management program should carefully balance any compromises among performance, generic commonality, and cost.

For example, the conferees understand that the Department intends to make engine technology development a central thrust of

its proposed JAST program. This fact gives rise to several questions which demonstrate the concern of the conferees:

(1) How do we judge the quality of a design for a new engine in the absence of at least some idea about what kind of an application we intend for it?

(2) As engines are designed around specific goals of thrust, dynamic performance, and aircraft range, how will we know today what operating conditions we seek in 20 years if we do not know what kind of aircraft we want to build?

(3) If we know now what kind of aircraft we want to build in 20 years, why not set our course now on a specific engine design that will match and support that purpose?

(4) Conversely, if we do not know what kind of an aircraft we will need in 20 years, how can a set of generic engines solve a problem we cannot define now?

(5) Even if we can specify the aircraft which we will need 5-10 years from now, how can we be certain that the airframe will be suited to the output of the generic engine development program we will start before then?

The conferees continue to believe that there are at least two sets of distinct missions that will require different airframe and technology combinations:

(1) a single engine, single seat, "low-end" multi-role aircraft (such as represented by the MRF; the advanced short takeoff vertical landing (ASTOVL) development; and, a conventional takeoff and landing (CTOL) variant of ASTOVL); and,

(2) a multi-engine, dual seat, "high-end" strike aircraft (which satisfies the operational requirements of an AFX, and is highly compatible with F-22 technology).

The conferees therefore expect joint aircraft development to lead to flying prototypes of the classes of aircraft identified as required by the Department. Such a program should provide a clear path by which technology could be developed and matured in an affordable way to meet operational requirements.

The conferees believe that more ground-work is necessary. The Department needs to establish an appropriate management infrastructure to ensure that the concept and goals of an advanced theater air management effort are well-founded.

Accordingly, the conferees provide no funding for the JAST program in fiscal year 1994 but instead provide \$10.0 million to organize an advanced theater air management office. In addition, the conferees agree to authorize \$36.0 million for the Secretary of Defense to continue ASTOVL development. The ASTOVL funding is comprised of \$11.0 million of Navy-requested ASTOVL development which complements \$19.0 million in the ARPA request. The conferees agree to provide an additional \$6.0 million to ARPA for ASTOVL to evaluate the direct lift concept along with the two lift fan efforts being considered. The conferees note, however, that ASTOVL technology, or other advanced concepts, must be embraced by more than one military service for the Congress to support program funding in future years. The budget environment will not permit the luxury of a one-for-one replacement of aircraft for any single military service or mission area.

In conclusion, the conferees direct the Secretary of Defense to work closely with the congressional defense committees and oversee incorporation of the solutions to the concerns raised by this statement of the managers.

Experimental evaluation of major innovative technologies

The budget request included \$512.2 million for PE 632226E.

The House bill would authorize \$613.1 million for the experimental evaluation of major innovative technologies at the Advanced Research Projects Agency (ARPA) (PE 63226E), \$100.9 million above the requested amount.

The Senate amendment would authorize \$518.3 million.

The conferees agree to authorize \$529.188 million. The conference agreement would authorize \$20.0 million for fuel cell technology, \$30.0 million for electric vehicle technology, \$14.7 million for Project Compass, \$54.0 million for advanced simulation technology, \$25.7 million for the advanced short takeoff and vertical landing program, \$5.0 million for gamma-gamma resonance imaging, \$2.0 million for fire protection technology, and \$1.0 million for nuclear waste monitoring. The conferees would not authorize funds for airship technology or SELENE. The conferees direct that competitive procedures be utilized for any new projects undertaken under this program element, and that cost-sharing be required for dual-use projects with strong commercial potential.

Electric and hybrid powered vehicles

The budget request contained no funding for electric vehicle research.

The House bill contained \$50.0 million for electric vehicles in PE 603226E.

The Senate amendment contained no funding for the program.

The conferees note that the executive branch has joined forces with the automotive industry in the so-called "clean car initiative", also known as the "next generation vehicle". The goal of this effort is to have a coordinated cooperative research and development effort that will achieve the automotive technology of the future. The initiative has short, medium, and long-term research objectives and includes participation by Department of Defense R&D facilities and personnel. Moreover, this initiative emphasizes a number of promising future technologies, including hybrid powered vehicles, advanced batteries, and fuel cells.

The conferees also note that the Department of Energy is applying approximately \$25.0 million in fiscal year 1994 funding to electric vehicle research.

The conferees support the Administration's efforts and commend the clean car initiative as an appropriate way to coordinate federal and private efforts to develop future automotive technology, including dual-use technologies and processes that will be advantageous to the military and transferable to civilian industry.

The conferees recommend a \$30.0 million authorization for continued electric and hybrid vehicle research and demonstration. The program should be coordinated with the clean car initiative and focus on advanced battery technology, hybrid powered vehicles, and fuel cells for military application. The Advanced Research Project Agency should implement the program in a partnership with the Army's Tank Automotive Command. The conferees also direct that all funds for this program shall be awarded competitively, and that this dual-use research be conducted on a cost-shared basis wherever possible.

Operational airship demonstration

The House bill recommended \$20.0 million for an operational airship demonstration. The demonstration would prove the feasibility of using an airship to support over-the-

horizon (OTH) engagement of low flying cruise missiles by surface- or land-based surface-to-air weapons systems.

The Senate amendment contained no similar recommendation.

The House recedes.

The conferees recommend that the Navy assess the potential contribution that airships could make to the airborne component of the ship self-defense/cooperative engagement capability. The Navy should assess the role of such airborne platforms as part of its overall system architecture. The conferees direct the Secretary of the Navy to provide this assessment to the congressional defense committees in the 1994 annual report on the ship self-defense/cooperative engagement capability program.

Strategic environmental research and development program

The budget request contained \$97.0 million for the strategic environmental research and development program (SERDP).

The House bill included \$120.0 million for SERDP and directed the SERDP Council to consider funding a series of specific projects.

The Senate amendment included \$200.0 million for the program.

The conferees recommend \$150.0 million for the program. The conferees note that the SERDP Council considers all projects submitted to it on a merit basis. The Council should consider the projects mentioned in the House report (H. Rept. 103-200), if submitted, as it would any other proposal.

Focus Hope

The budget request contained \$5.0 million for Focus Hope in PE 603226E.

The House bill would create a separate funding line for Focus Hope and provide \$20.0 million in funds.

The Senate amendment would create a separate funding line and add \$15.0 million to bring the total funding for Focus Hope to \$20.0 million.

The Senate recedes.

Biological integrated detection systems (BIDS)

The budget request included \$60.0 million to develop systems to detect, identify, warn, and verify a biological attack. Out of the amount requested, \$26.3 million would be for research and development of technologies to perform area and point detection. Of the remaining funds, \$33.0 million would be used for procuring non-developmental strategic stand-off detection systems and 38 commercially mature, non-developmental biological integrated detection systems. This procurement would integrate existing biological measuring instrumentation into M789 shelters mounted on M1097 heavy high mobility multi-purpose wheeled vehicles.

The House bill would authorize the requested amount.

The Senate amendment would not provide funds for this program.

The conferees agree to provide \$12.0 million for research and development of the program and \$15.0 million for procurement of the non-developmental biological integrated detection systems. The conferees direct the Department of Defense to keep the congressional defense committees informed on the program's progress. The conferees direct the Secretary of Defense to ensure that an operational test and evaluation is conducted prior to the procurement of additional systems beyond the fiscal year 1994 request.

ARPA manufacturing technology

The budget request contained \$299.6 million for the Advanced Research Projects Agency (ARPA) manufacturing technology program element (PE 63739E).

The House bill would authorize \$394.6 million, an addition of \$95.0 million above the requested amount for x-ray lithography research.

The Senate amendment included \$306.6 million.

The conferees agree to authorize \$342.3 million for ARPA manufacturing technology. The additional funds are for advanced lithography and environmentally conscious electronics systems manufacturing. The conferees direct that those funds be expended in partnership with industry in areas where there is a strong likelihood that the technology to be developed will be put into practice in American industry and will benefit American industry in global commercial competition.

The conferees direct that competitive procedures be utilized for any new projects undertaken under this program element and that cost-sharing be considered and required where practical for dual-use projects with strong commercial potential.

SEMATECH

The budget request contained \$100.0 million in PE 63745E for the semiconductor manufacturing technology consortium (SEMATECH).

The House bill would authorize \$100.0 million for the Advanced Research Projects Agency's (ARPA) contribution to SEMATECH. The House report (H. Rept. 103-200) mandated that at least 10 percent of that sum be used to explore the use of more environmentally safe materials in semiconductor manufacturing processes. The House report also required the Secretary of Defense to report on SEMATECH's environmental activities with particular emphasis on ozone-depleting substances by March 30, 1994.

The Senate amendment would authorize \$90.0 million for SEMATECH.

The conference agreement includes \$90.0 million for SEMATECH. The conferees agree that at least \$9.0 million should be used for environmentally conscious manufacturing research. Because the semiconductor industry generates only one percent of all ozone-depleting substances released by U.S. industry, the conferees agree that the House-required report should discuss the principal environmental challenges the semiconductor industry faces and SEMATECH's plans for addressing those challenges in partnership with other industry and federal activities. The conferees recognize the importance of input from citizen groups but do not authorize use of SEMATECH funds to pay for citizen group involvement in preparing this report.

Software reuse technology adoption program

The budget request included \$9.151 million for the DOD consolidated software initiative.

The House bill would authorize an additional \$7.5 million in PE 063756D, the DOD consolidated software initiative, for the software reuse technology adoption program.

The Senate amendment would authorize an additional \$7.5 million in PE 060321E computing systems/communications technology, for the software reuse technology adoption program.

The conferees agree to continue support for the Advanced Research Projects Agency (ARPA) reuse technology adoption program and provide \$7.5 million in PE 063756D. The conferees encourage cost-sharing in this program.

Rocket motor demilitarization

The budget request included \$12.267 million in PE 64704D to continue the investigation of disposal methods for the growing surplus of high-energy explosives.

The House bill would authorize \$15.267 million for this program and would include funding for the demilitarization and reclamation of materials by using cryofracture technology at the Army Longhorn Ammunition Facility and at the Nevada Test Site.

The Senate amendment contained no similar funding.

The Senate recedes. The conferees also support a demonstration project at the Sunflower Army Ammunition Plant involving dry machine removal of solid propellant from rocket motors for commercial reuse.

Unmanned aerial vehicle program

The budget request contained \$69.3 million for procurement of remotely piloted vehicles and \$180.1 million for research and development within the unmanned aerial vehicle (UAV) joint program office (JPO).

The House bill would authorize the procurement request. However, the House bill would deny all research and development funding for the JPO. The House report (H. Rept. 103-200) endorsed the Department of Defense's plan to upgrade the short-range UAV with the common automated recovery system (CARS).

The Senate amendment would add \$20.0 million to the procurement request. Out of that total, \$15.0 million would be provided to buy additional spares and replacement part inventories to improve Pioneer UAV readiness. The remaining \$5.0 million would be provided to procure the common automatic recovery system (CARS) as government-furnished equipment to facilitate government integration into the short-range UAV program.

The Senate amendment also would reduce JPO research and development funding by \$26.0 million. This reduction would account for delays within the medium-range UAV program. The Senate amendment would permit the JPO to use up to \$40.0 million to support the Department's so-called "Tier II" effort to field tactical endurance UAV.

The conferees agree to provide the \$20.0 million in additional UAV procurement funds to be obligated as recommended in the Senate report (S. Rept. 103-112).

The conferees have repeatedly expressed concern about the lack of progress the UAV JPO is making. The conferees have also expressed disappointment with the proliferation of unique vehicle programs which have been designed to fill disparate categories of requirements. Both the Senate and the House of Representatives have previously directed the JPO to focus on the expedited fielding of a smaller number of UAV systems, while emphasizing inter-operability and commonality.

The conferees believe that further efforts to develop and field the close-range UAV and the medium-range UAV would be redundant and unaffordable. The conferees reach this conclusion based on several factors: (1) severe fiscal constraints throughout the Department; (2) the emergence of the Tier II tactical endurance UAV program; (3) advances within the development of a short-range UAV system; and (4) recent Air Force and Navy policy decisions which indicate withdrawal of support for the medium-range UAV program.

Therefore, the conferees agree to provide \$113.4 million for research and development, a \$66.7 million reduction from the request. In so doing, the conferees also agree to deny the \$28.8 million requested for close-range UAV development and limit the medium-range UAV funding to \$14.0 million. The conferees expect the Department to use this \$14.0 million to terminate the program.

Further, the conferees direct the Department to use funds provided in this program to begin the Tier II tactical endurance UAV program and to conduct an independent cost estimate of the total Tier II program. The conferees expect the Department will establish an advanced concept technology demonstration (ACTD) to fill the requirement for the long-endurance mission. The conferees direct the Department to move on an expedited basis to sign contracts for the Tier II ACTD within 40 days of enactment of this act. The conferees agree that this program shall be limited to a scope of not more than 10 air vehicles and three ground stations.

The conferees direct the Department to ensure that the ground station support for both the tactical endurance UAV and the short-range UAV programs have a common architecture.

Finally, the conferees believe that the Department needs a totally new management structure for tactical reconnaissance. As discussed elsewhere in this statement of managers, the conferees believe that programs for unmanned reconnaissance, manned reconnaissance, sensor development, ground station support, and for the fielding of these systems should be incorporated within the Office of the Under Secretary of Defense for Acquisition and Technology.

Special operations tactical systems development

The budget request contained \$221.305 million for special operations tactical systems development.

The House bill would reduce the requested amount by \$9.615 million to delete the funds requested for sustainment engineering support.

The Senate amendment would increase the requested amount by \$15.0 million for development of the CV-22 aircraft.

The conferees recommend an authorization of \$206.505 million for special operations tactical systems development. The conferees' recommendation would: (1) restore the funds deleted by the House bill for sustainment engineering support; (2) delete the funds added by the Senate amendment for CV-22 development; (3) add \$200,000 to modify the M4 carbine for special operations forces; and (4) delete \$15.0 million of the amount requested for further development of the JASORS radio. The conferees understand that the Navy has made prior year funds available for continued development of the CV-22 aircraft.

Airborne reconnaissance support program

The budget request included \$356.3 million for the airborne reconnaissance support program (ARSP).

The House bill would reduce the request by \$20.0 million to enforce fiscal discipline in the ARSP sensor development programs.

The Senate amendment would reduce the request by \$207.0 million in order to terminate the advanced airborne reconnaissance system (AARS). This amount includes unobligated prior-year funds.

The conferees agree to authorize \$179.3 million for ARSP. The conferees direct that the AARS program be terminated and that available prior-year funds be used to offset other ARSP requirements in fiscal year 1994. The conferees agree to authorize \$30.0 million to begin development of an unmanned aerial vehicle that satisfies tactical broad-area imagery collection requirements as defined in the deep target surveillance/reconnaissance alternatives study. The conferees would also consider a reprogramming request for additional funds for this effort.

In addition, the conferees endorse the Department of Defense decision to include the

ARSP in a consolidated tactical airborne reconnaissance office.

The conferees understand that the Under Secretary of Defense for Acquisition and Technology is considering terminating an advanced multi-spectral imaging sensor that is being developed for airborne reconnaissance applications.

This program is technically ambitious and would be expensive, but the rewards would also be substantial. Aside from impressive range and coverage improvements, which the Department of Defense and the intelligence community have identified as a key requirement, this system would provide excellent resolution, stereo viewing, and precise geolocation. It would also offer the prospect of major new capabilities through multi-spectral sensing and processing.

The conferees believe it would be premature to terminate this program for several reasons. First, this program appears to be the only DOD development program in multi-spectral imaging and processing designed expressly for military applications. This technology remains largely unexploited, but there are reasons to believe that it could provide remarkable new capabilities. Before the Department terminates this effort, it will need to demonstrate that it has a coherent plan to exploit the potential for multi-spectral sensing.

Second, this program may be terminated because it does not appear to fit with the Department's plans for future collection platforms and their concept of operations. However, it is clear that the Department has yet to define a program for such platforms. The conferees see no point in terminating an ongoing program for a proven collection system in order to use the funds for another effort that has not been defined.

Third, terminating this program would raise fundamental questions about the future of the collection platform on which it would fly. The conferees' experience with the SR-71 serves as a reminder of the pitfalls of failing to keep existing systems up-to-date and capable in the hope of acquiring other capabilities.

Therefore, the conferees direct that no adverse action be taken with respect to the advanced electro-optical imaging program in fiscal year 1994. In addition, the conferees direct the Under Secretary of Defense for Acquisition and Technology, in coordination with the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, to submit a report to the congressional defense committees on these issues by April 1, 1994. The report should include a description and explanation of the Administration's outyear plans and recommendations.

Strategic environmental research and development program (sec. 203)

The Senate amendment contained a provision (sec. 235) that would extend for two years the authority of the executive director of the strategic environmental research and development program (SERDP) to establish pay rates. The provision also would change the SERDP council to reflect a change in the title of two of the SERDP council members.

The House bill contained a provision (sec. 235) that would add the National Oceanic and Atmospheric Administration as a member of the SERDP council.

The House recedes. There is concern about the management structure of the SERDP program as it matures. Section 1801 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), the legislation that created the SERDP, required the appointment of an executive director. In the

statement of managers accompanying the conference report (H. Rept. 101-923), the conferees expressed their desire that the executive director position be established in the Senior Executive Service (SES) as soon as possible. Instead of creating a new SES position for the executive director, the previous Department of Defense leadership gave the SERDP executive director's responsibilities to individuals already serving in SES positions. The executive director's responsibilities were merely added to their normal responsibilities. Although both the individuals who have served as executive director have worked very hard to further the program, it is clear that SERDP requires a full-time executive director devoted exclusively to the program. The conferees urge the Secretary of Defense to create the executive director position in the Senior Executive Service and, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, to appoint someone to that position as soon as possible.

The conferees also urge the SERDP council to prescribe guidelines that will clarify how universities and the private sector, particularly small and medium-sized businesses, can participate in the program through the submission of research proposals. The proposals must meet the identified needs of the Department of Defense or the joint needs of the Departments of Defense and Energy, and be approved through the normal peer review process. Nevertheless, the conferees are aware of many new, innovative suggestions for environmental restoration activities that could benefit DOD and DOE as they clean up contaminated sites.

The funding the conferees recommend for fiscal year 1994, \$150.0 million in research and development, will enable the Department of Defense to continue the programs it began in SERDP phases I and II and to initiate new proposals in all three SERDP research areas in fiscal year 1994. The conferees believe that the Department should focus attention on all three SERDP areas in its SERDP budget request for fiscal year 1995.

Kinetic energy antisatellite program (sec. 211)

The Senate amendment contained a provision (sec. 211) that would make \$10.0 million available in fiscal year 1994 for engineering development of the most critical antisatellite technologies. Funds could not be made available for obligation for this program until the Secretary of Defense submits the report to Congress required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 and certifies that there is a requirement for the program.

The House bill contained no similar provision.

The House recedes.

Space launch modernization (sec. 213)

The budget request included \$53.9 million for the national launch system (NLS) program, \$43.3 million for the national aerospace plane (NASP), \$58.5 million for medium launch vehicles (MLV) RDT&E, \$330.7 million for Titan space launch vehicles RDT&E, and \$4.88 million for single-stage rocket technology (SSRT).

The House bill would authorize the requested amount for NLS; add \$36.7 million for NASP, \$37.0 million for MLV improvements, \$15.0 million for a Centaur upper stage processing facility for Titan, and, in a legislative provision (sec 217), \$75.0 million for SSRT.

The Senate amendment would deny the request for NLS and NASP, reduce the request for Titan by \$24.1 million due to the availability of prior-year funds for upper stage vehicle research, and approve the request for

MLV and SSRT. In addition, the Senate amendment would authorize \$30.0 million for RDT&E on new launch vehicle technology. The Senate amendment included a provision (sec. 214) that would require the Secretary of Defense to develop a space launch roadmap which focuses available resources on a single development or acquisition effort.

The House recedes on MLV and Titan funding and the provision on SSRT. The House recedes with an amendment on the space launch roadmap provision.

The Senate recedes on prior-year upper stage vehicle funding.

The conferees agree that the national aerospace plane should be phased out in an orderly fashion in fiscal year 1994. The conferees conclude that the Department of Defense cannot afford to pursue an X-plane development program at this time. The conferees do believe that the Department, preferably in cooperation with the National Aeronautics and Space Administration, should retain a vigorous level-of-effort technology program in hypersonic vehicles. Accordingly, the conferees agree to authorize \$40.0 million for hypersonic vehicle research. The conferees direct the Secretary of the Air Force to report to the congressional defense committees no later than April 1, 1994, on the allocation of these funds, the funding profile for the balance of the Future Years Defense Program, the goals and objectives of the program, and the relationship between the DOD and NASA programs.

The conferees understand that the President's Science Advisor intends to review national space launch policy and programs again. This review may supersede the recommendations contained in the Department of Defense Bottom Up Review which concluded that the Department could not afford any new launch acquisition programs, despite an acknowledgement of serious deficiencies in space launch capabilities and competitiveness.

To preserve options for the Administration during this planned review, the conferees agree to modify the Senate provision to authorize \$35.0 million for space launch modernization for fiscal year 1994, despite the conclusions of the DOD Bottom-Up Review. This amount includes the \$4.88 million requested for launch technology within the Ballistic Missile Defense Organization. These funds shall be used to keep the various technology and system options open. The funds shall also be used to complete phase one of the single stage rocket technology program and to continue the space transportation main engine effort.

If the Administration decides to pursue any new technology or acquisition programs, they shall be competitively awarded. The conferees also stress the importance of ensuring that small- and medium-sized companies are able to compete in any new programs.

The conferees agree with the Senate position that the Administration must stop trying to keep multiple space launch programs alive despite ever-dwindling resources. The conferees agree that the Administration must focus scarce resources to achieve any success at all.

The conferees recognize the merits in all the major competing technologies, including airbreathing propulsion, single-stage rocket technology, and rugged expendable concepts. The conferees also recognize that there may be opportunities to improve existing systems in terms of cost, reliability, and responsiveness. At the same time, based on unfortunate experience, the conferees are extremely wary

of excessive optimism on costs, schedule, and performance.

The conferees are concerned that the U.S. commercial launch industry is rapidly losing ground to foreign competitors, which in turn is driving up the cost of U.S. government launches. The conferees are also concerned that the existing systems enjoy a near monopoly position for launches of government payloads in their respective weight and volume classes. In addition to offering few incentives for cost control, this situation has resulted in a large excess industrial capacity as the number of actual and planned government satellite launches has declined. In addition, overall, NASA and the Department of Defense have demonstrated a remarkable inability to work together. Across the government, a debilitating culture favors complexity, fragility, and accommodation to unique payload demands. To date, neither the government nor industry has attempted to approach space launch as they do cargo transport by truck, rail, ships, or aircraft. In these areas, standardization, rugged design, performance margins, low cost, and responsiveness are of overriding importance.

These problems are well-known; most, in fact, were addressed by the recent DOD review. The Department concluded, however, that these problems were not pressing enough to warrant a major initiative in the current budget environment.

The conferees fear that this course will lead to an obsolete and ineffective U.S. launch industry over the long term, while national security concerns could preclude significant reliance on foreign systems—despite heavy dependence on foreign sources in other critical defense industries. The conferees expect the Administration to come to grips with these issues and be prepared to present a coherent set of policies and programs to Congress early next year.

It is widely asserted that foreign launch vehicle programs enjoy distinct advantages over U.S. launch systems in terms of cost and responsiveness. The provision would require the Department of Defense to study this issue, in parallel with a National Aeronautics and Space Administration study.

Medical countermeasures against biowarfare threats (sec. 214)

The Senate amendment contained a provision (sec. 215) that would authorize no more than \$108.3 million for fiscal year 1994 for the medical component of the biological defense research program (BDRP). The provision would also extend through fiscal year 1994 the limitations on the BDRP medical component contained in section 251 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The House bill contained no similar provision.

The House recedes with an amendment that would add a new section on medical countermeasures against biowarfare threats to title 10, United States Code. The statutory requirement would allocate funds appropriated in any fiscal year for the BDRP medical component for the product development, research, development, test, or evaluation of medical countermeasures, to not more than 80 percent for near-term validated biowarfare threat agents and to not more than 20 percent for mid-term or far-term validated biowarfare threat agents.

Federally funded research and development centers (sec. 215)

The budget request contained \$1,410 million for federally funded research and development centers (FFRDC). The budget re-

quest, however, did not comply with section 2367 of title 10, United States Code, regarding the identification of funding for FFRDCs.

The House bill contained a provision (sec. 213) that would result in a 10 percent or \$144.5 million reduction from the fiscal year 1993 funding level for FFRDCs.

The Senate amendment contained a provision (sec. 217) that would result in a six percent reduction in the amount requested for FFRDCs for fiscal year 1994; provide funding and personnel ceilings for each FFRDC; establish a pay freeze for FFRDC employees; and provide waiver authority for breaching the proposed ceiling and payfreeze. The Senate amendment would reduce the amount requested for research, development, test and evaluation by \$200.0 million to reflect the lower ceilings and payfreeze.

The conferees recommend a six percent reduction in the requested amount for FFRDC funding. This would establish a \$1,352.6 million ceiling for FFRDC funding, the level recommended by the Senate amendment.

The Senate recedes from its provision that would require fixed personnel ceilings. The conferees agree that the Department of Defense should establish individual FFRDC ceilings and report to Congress not later than 30 days after the enactment of this act. The conferees recommend that the Department, in establishing these ceilings, should not reduce each FFRDC by a common percentage. Rather, each ceiling should be calculated based on the Department's needs. The conferees direct that smaller FFRDCs and FFRDCs involved in studies and analyses be reduced by proportionally smaller amounts than the larger FFRDCs. The conferees also agree to drop the Senate provision that would freeze FFRDC employee wages. The conferees, however, agree to a \$200.0 million general reduction in funding. The difference between this reduction and the total ceiling reduction will allow the Department of Defense a considerable management reserve in establishing individual ceilings. The conferees also recommend waivers to the ceilings established in this act.

Ballistic missile post-launch destruct mechanism (sec. 216)

The House bill contained a provision (sec. 211) that would direct the Secretary of Defense to conduct a demonstration program to develop and test a ballistic missile post-launch destruct mechanism.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to waive the requirement to conduct a demonstration program if he certifies that a demonstration program is not in U.S. national security interests.

High performance computing (sec. 217)

The House bill contained a provision (sec. 215) that would mandate a National Research Council review of the high performance computing and communications (HPCC) program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees direct that an interim report be concluded by July 1, 1994 and a final report by February 1, 1995. To meet those deadlines, the Secretary of Defense should proceed within 30 days of enactment of this act to start the NRC study. The House recedes from its recommendation that 50 percent of the funds in the HPCC program element (PE 62301E) not be obligated until the Secretary of Defense submits the report. The conferees

agree that \$15.0 million dollars of the funds authorized in PE 62301E can be used for applied software engineering.

The conferees authorize \$326.3 million in this program element, \$42.3 million less than the requested amount. The conferees agree that this reduction is made without prejudice and only as a result of the need to meet the Budget Resolution's outlay target.

Superconducting magnetic energy storage (sec. 218)

The House bill contained a provision (sec. 216) that would establish a program office within the Department of the Navy to research superconducting magnetic energy storage (SMES) technology. The provision also would transfer funds from the Defense Nuclear Agency for this purpose and establish an advisory council.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the establishment of an advisory council.

Advanced self protection jammer (ASPJ) program (sec. 219)

The House bill contained a provision (sec. 220) that would permit the Secretary of Defense to obligate fiscal year 1993 and prior research and development and procurement funds for the advanced self protection jammer (ASPJ). These funds would be for material procurement, logistics support, and the integration of existing ASPJ systems into the F-14D aircraft for testing and evaluation.

The Senate amendment contained no similar provision.

The Senate recedes.

Electronic combat systems testing (sec. 220)

The House bill contained a provision (sec. 221) that would prescribe certain testing for electronic combat systems.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on flight tests of certain missiles (sec. 221)

The House bill contained a provision (sec. 222) that would impose limitations on missile launches for test purposes.

The Senate amendment contained no comparable provision.

The Senate recedes with an amendment that would limit, for one year from the date of enactment of this act, any test launches that would release debris within 50 miles of Canyonlands National Park, Utah.

Joint advanced rocket system (sec. 222)

The budget request included \$10.9 million for the advanced rocket system (ARS).

The House bill and the Senate amendment would approve the requested amount.

The House report (H. Rept. 103-200) noted that in the statement of managers (H. Rept. 102-966) accompanying the conference report on the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), the conferees directed the Department of Defense to provide the congressional defense committees with a joint cost and operational effectiveness analysis, a joint hypervelocity rocket technology evaluation, and a joint program consolidation plan for the ARS program. The House report also indicated that the Department did not provide the required documents. The House report would restrict the Department from obligating the fiscal year 1994 funds until 30 days after the Department had provided the requested reports.

The conferees agree to a provision that would restrict obligation of: (1) Navy funds

for the ARS program; and (2) Army funds for the missile and rocket advanced technology program. The Department would not be permitted to obligate more than 75 percent of the authorized amount until 30 days after the Department of Defense submits the specified reports to the congressional defense committees.

Standoff air-to-surface munitions technology demonstration (sec. 223)

The budget request contained \$80.5 million for the Navy and \$24.6 million for the Air Force to support those services' respective portion of joint standoff air-to-surface munitions development.

The House bill and Senate amendment would approve this request.

The conferees continue to support development of the joint standoff weapon (JSOW). The conferees, however, believe the Department of Defense should evaluate interim alternatives that offer accelerated fielding of JSOW-like capability. The conferees have been informed that there may be adaptor kit alternatives which could accomplish this inexpensively.

Accordingly, the conferees agree to authorize up to \$2.0 million each for the Navy and the Air Force from within available funds to conduct a technology demonstration. The conferees agree that the Secretary of the Navy, acting as executive agent, should:

(1) Issue a request for information (RFI) about non-developmental adapter kits for existing unguided munitions (1,000 pound class and below);

(2) Judge the merit in any responses and, if the Secretary finds merit, select a contractor to conduct a technical demonstration; and,

(3) Submit a report to the congressional defense committees detailing the potential integration costs, demonstration results, and applicability of any possible near-term precision guidance capability.

If the Secretary of the Navy determines that further evaluation is not warranted, the Navy and Air Force should apply remaining funds to other requirements in the JSOW program. The Secretary should notify the congressional defense committees of such a decision.

If the Secretary decides to conduct a technical demonstration, the Secretary should develop a program that takes into account: (1) government-furnished equipment, such as transponders, inert munitions, and test ranges and facilities; and (2) contractor-furnished equipment and services, such as appropriate test aircraft, global positioning navigation systems, telemetry integration, range safety plans, and data reduction.

Extremely high frequency communications (sec. 224)

The Senate report (S. Rept. 103-112) directed the Department of Defense to adopt a single waveform standard for extremely high frequency communications. The Senate amendment also would reduce the \$55.8 million request for Navy satellite communications by \$43.0 million due to the availability of prior-year funds.

The House report (H. Rept. 103-200) and House bill did not take similar actions.

The House recedes.

The conferees agree that legislation is required to ensure effective implementation of a single waveform standard. In addition, the conferees direct the Under Secretary of Defense for Acquisition and Technology to address the technical and programmatic issues that must be resolved to achieve a common waveform that satisfies defense-wide require-

ments. In particular, the conferees direct the Under Secretary to formally review the waveform technology performance advantages developed by the Ballistic Missile Defense Organization for propagation through jamming, rain, and atmospheric ionization. The Under Secretary should evaluate the cost-effectiveness of these performance advantages, whether this performance is required for missile defense and other missions, and whether this technology could be incorporated into the Milstar waveform to achieve compatibility with Milstar terminals. The Under Secretary shall report the results of this review to the congressional defense committees by June 1, 1994.

The reduction to the Navy's Milstar terminal program would be taken without prejudice; the conferees intend that the requested amount be provided for the program.

The conferees also agree to reduce the \$973.2 million request for the Milstar satellite system by \$50.0 million due to anticipated budget reductions. The conferees note that the Department of Defense has reprogrammed large sums from this program in the last several years.

Mid-infrared advanced chemical laser (sec. 225)

The House bill contained a provision (sec. 242) that would prohibit the Secretary of Defense from carrying out a test of the mid-infrared advanced chemical laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized in law.

The Senate amendment contained no similar provision.

The Senate recedes.

Ballistic missile defenses (secs. 231-243)

The House bill contained 14 provisions (secs. 231-241 and 243-245) regarding ballistic missile defenses (BMD).

The Senate amendment contained 9 provisions (secs. 216 and 221-228).

The conferees address these various provisions under four general headings: Funding for BMD Programs; Policy Guidance; Programmatic Guidance; and Revisions to the 1991 Missile Defense Act.

FUNDING FOR BMD PROGRAMS

In section 231, the conferees recommend a total of \$2,638,992,000 for research, development, test and evaluation for ballistic missile defense programs managed by the Ballistic Missile Defense Organization (BMDO). Of this amount, \$1,450,992,000 is recommended for programs contained in the theater missile defenses program element, and \$650,000,000 is recommended for the limited defense system program element. The conferees further agree to combine the program elements for "other follow-on systems" and "research and support," into a single program element, entitled "research and support," and to recommend \$538,000,000 for this activity, including the SBIR/SBTT program.

The conferees further agree to provide limited transfer authority among these program elements, and to require the submission of the standard report on the allocation of funds among ballistic missile defense programs, projects, and activities within 60 days after the enactment of this act. None of the funds appropriated for use by the Ballistic Missile Defense Organization may be made available to the Brilliant Eyes program; funding for the Brilliant Pebbles (advanced interceptor technology) program may not exceed \$35.0 million.

The conferees note that, in its recently completed Bottom-Up Review, the Administration has significantly reordered priorities for the ballistic missile defense program to

emphasize protection of forward-deployed U.S. forces in the near-term and to proceed with a more robust theater missile defense program. The limited defense system program would be continued as an aggressive technology development program. The conferees are strongly committed to the top priority assigned to theater missile defense in the BMD program. The conferees are also highly supportive of a strong technology development program to reduce lead-times for deployment of a limited national missile defense system should a significant threat develop. The conferees further note that the level of funding authorized in this act is significantly lower than the annual average funding level for ballistic missile defenses recommended in the Bottom-Up Review. In part, this outcome represents the conferees' judgment that, for fiscal year 1994, other competing programs are of higher priority than additional BMD funding; in part, it reflects the conferees' judgment that the Department of Defense has not yet made the case for the funding levels it recommends in the Bottom-Up Review. Future program plans, timetables for deployment, testing plans, and missile defense architectures are incompletely defined, providing little basis, thus far, for congressional support of higher funding levels. Accordingly, the conferees require detailed reporting on the specific directions that the Administration intends to pursue in support of its broad BMD policy statements over the period covered by the future years defense program.

POLICY GUIDANCE

In section 234, the conferees require reports on the compliance of the current baseline configuration of several theater missile defense systems and components with the current interpretation of the ABM Treaty. The systems to be evaluated include the following:

- The Patriot multimode missile
- The extended range interceptor (ERINT)
- The theater ground-based radar
- The THAAD interceptor missile
- The Brilliant Eyes program

Planned upgrades to the AEGIS/SPY radar system and the SM-2 interceptor missile. The conferees also agree to limit the obligation of funds for each of the programs listed above to not more than 50 percent of the fiscal year 1994 funds allocated for that program to ensure that the information on compliance is available prior to the start of consideration of the fiscal year 1995 defense request.

In sections 235 and 236, respectively, the conferees require the Administration to provide detailed "roadmaps" of its multi-year plans for development and deployment of robust theater missile defenses, and its multi-year development plans for a limited defense system. The conferees are concerned that, within the theater missile defense initiative, duplicative and overlapping programs exist, and more programs are being considered for development and deployment than prospective future funding levels can support. The conferees agree that the threat is here today and that current defense capabilities need to be augmented by improved fielded capabilities, deployable in adequate numbers. Too often, the Department has allowed pursuit of some "better" longer term alternative to delay the development and fielding of quite good—and badly needed—nearer term capabilities. The conferees believe strongly that the Department must make the hard choices necessary to select those programs which will provide the most cost-effective theater missile defense capabilities within realistic

overall budget ceilings. The conferees also encourage the completion of those critical near-term experiments and tests that would confirm the effectiveness of particular technologies for theater missile defense application. The conferees intend to scrutinize the BMDO theater missile defense plan closely to ensure the rapid availability of improved missile defenses to U.S. expeditionary forces.

The conferees are also concerned that the proposed annual funding in the Bottom-Up Review of \$600 million per year for a limited defense system may be insufficiently focused on the development of the specific systems that could comprise a future initial Treaty-compliant development in response to some potential threat. The funding level may also be inadequate to ensure a robust hedge against the need for timely engineering and manufacturing development (EMD) and deployment to counter some future, belatedly-recognized threat to the United States. In this regard, the conferees direct that priority for funding within the limited defense system program shall be placed on those projects aimed at resolving the key system-level technical challenges associated with a limited defense system. The projects should include prototypical ground-based interceptors (GBI), kinetic kill vehicles (KKVs), ground-based radar and space-based sensor technology, and associated battle management/command, control and communications (BM/C3) capabilities necessary to support such a responsive posture. The conferees serve notice that funding requests for the continued technology development of components of a future limited defense system must clearly lead to reduced lead-times for deployment in response to a future threat. The funds cannot simply be expended across a broad array of "technology development" activities.

The conferees further note that, under the former "Strategic Defense Initiative (SDI)", substantial sums were invested in large test facilities, numerous projects and activities which may be of possible national defense utility but which may be unnecessary to the current emphasis on development and deployment of specific missile defense architectures, and countless studies, analyses, and contractor support activities, which should now be largely superfluous and unnecessary. In sum, BMDO has changed its name and has completed the broad outlines of a reorganization from SDI to deployable theater missile defenses. But many more programs, projects, and activities of limited relevance to near-term goals remain. Moreover, BMDO infrastructure and outside support cadres are still too robust for future funding levels. The BMDO needs to further streamline its overhead and slim down its programs, projects, and activities, in order to devote the bulk of its efforts to those missile defense development and deployment activities endorsed by Congress in this act.

In section 242, the conferees urge the Administration to establish meaningful cooperative development programs for the development of improved theater missile defense capabilities with our major allies. The proliferation of ballistic missiles and the anticipated increase in the range, sophistication, and lethality of those missiles and warheads means that most of our allies are now, or soon will be, threatened by potential ballistic missile attacks against their homelands, perhaps including attacks with weapons of mass destruction. Therefore, our major allies should have a common interest with the United States in the development of improved theater missile defenses, including

the so-called "upper tier" defenses against longer-range theater missiles. Because the United States may be hard-pressed to fund adequately from available defense resources all of the worthwhile theater missile defense programs, the Administration needs to pursue diligently the establishment of cooperative programs in this area. The Administration should not merely seek allied financial contributions to ongoing BMDO programs, but shall establish a sharing of research tasks as well. Furthermore, it is in the interest of the United States and our allies to ensure that fielded theater missile defense capabilities are fully interoperable and complementary.

Section 243 would provide for the orderly transfer of far-term missile defense technologies from the management responsibility of BMDO to the military departments and defense agencies. While the Secretary of Defense may retain any of the programs, projects, and activities that he deems to be of overriding importance to the national security under BMDO management, the conferees strongly encourage this transfer. For the past two years, Congress has strongly recommended that follow-on research activities be transferred to the military departments and defense agencies. Only three such projects have been transferred. As a guideline, follow-on research projects should not be retained in, or transferred to, BMDO unless there is a plan to begin deployment-related activities, such as EMD, within the period covered by the future years defense program. Resources for ballistic missile defenses are limited, and the decision has been made to abandon a fixed date for deployment of national missile defenses and to keep limited defense systems at the technology demonstration level. These factors all suggest that "follow-on technologies" are highly unlikely to be developed for deployment in the foreseeable future. Other potential defense missions outside the BMD program for long-term technologies, such as high energy lasers, appear more promising, yet continuation of such programs under BMDO auspices unnecessarily focuses those technology efforts on missile defense missions. To the extent the Secretary elects to retain any of the follow-on systems technologies within BMDO, such activities shall be placed under, and funded from the resources allocated to, the research and support program element.

In section 237, the conferees incorporate separate provisions of the House bill (sec. 240) regarding theater missile defense testing and the Senate amendment (sec. 228) regarding testing of limited defense system components.

PROGRAMMATIC GUIDANCE

Both the House bill and the Senate amendment contained provisions that would offer programmatic direction and guidance on missile defense activities to BMDO.

In section 233, the conferees provide guidance regarding the current competition to provide improved Patriot PAC-3 capabilities. The conferees provide a mechanism to ensure that, in the event the scheduled February 28, 1994, downselect decision by BMDO is delayed, funding will be available to support both competitor teams until such a decision is taken. The conferees, however, urge BMDO to adhere to the current schedule for selection, and direct BMDO to notify the congressional defense committees promptly of any delay, and the reasons for such delay, in the scheduled downselect decision.

The House bill contained a provision (sec. 238) that would direct the Secretary of Defense to pursue a particular "upper tier" theater missile defense configuration. The conferees agree not to adopt the House provision; however, the Secretary is directed to include consideration of this particular configuration in the theater missile defense roadmap required by section 235. The Secretary is also directed to ensure the performance of the required critical tests and evaluations that will demonstrate the potential effectiveness of the several alternatives under consideration for lower tier and upper tier theater ballistic missile defenses.

The House bill contained a provision (sec. 244) related to the Clementine satellite program. The conferees do not believe the program is relevant to the near-term missile defense capabilities that will be emphasized. Accordingly, in section 241, the conferees direct the Secretary to evaluate the merits of the proposed use of the Clementine satellite program. If the Secretary determines that it merits DOD support, the Secretary shall apply funding to and assign programmatic responsibility to a military department of defense agency other than BMDO.

The House bill contained a provision (sec. 241) that would strongly endorse the joint U.S.-Israel ARROW cooperative program and would direct certain funding levels for the program. The Senate amendment contained a provision (sec. 216) that would require the Secretary to conduct a full review of the ARROW program. In section 238, the conferees reiterate their support for the ongoing ARROW program. At the same time, the conferees recognize the importance of careful review and accountability for funds provided and to be provided in support of the joint program. Accordingly, in section 239, the conferees require the Secretary to review the ARROW program and provide the results to the relevant congressional committees.

REVISION TO THE MISSILE DEFENSE ACT OF 1991

In section 232, the conferees make technical and conforming changes to the Missile Defense Act of 1991, as amended, to reflect the changed national missile defense priorities resulting from the Bottom-Up Review and the redesignation of SDIO as BMDO.

Defense women's health research (sec. 251)

The House bill included a provision (sec. 251) that would establish a Defense Women's Health Research Center to serve as the coordinating agent within the Department of Defense for multidisciplinary and multi-institutional research on women's health issues related to service in the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree that the Secretary of Defense may establish a women's health research center at an existing DOD medical center that is best able to carry out the coordinating agent role, both within DOD and with other agencies, including the Department of Health and Human Services, the Department of Veterans' Affairs, and the Indian Health Service. The center should focus its research efforts on matters relating to women's service in the military. It should also ensure that DOD medical centers stay up to date on other agencies' much larger health research efforts affecting women in the military and female dependents of servicemembers, particularly at the National Institutes for Health and the Centers for Disease Control. The center should ensure that women in the military and female

dependents of servicemembers have the opportunity to participate in research studies on women's health issues funded both by the Department of Defense and other federal agencies. The conference agreement would authorize an additional \$20.0 million of fiscal year 1994 defense research funds in PE 63002A for establishment of the center or for medical research relating to women's service in the military at existing DOD medical centers, should the Secretary choose not to establish the center.

The conferees agree that the purpose of this funding is to provide a coordinated effort for medical research within DOD on women's health issues relation to women's service in the military. The Department of Defense must spend this funding for that purpose under a single coordinating agent within DOD. If the Secretary chooses not to establish the center, the conferees agree that the Secretary should submit a report to the Committees on Armed Services of the Senate and House of Representatives before May 1, 1994, reflecting the Department's plan for the use of the \$20.0 million authorized in PE 63002A.

If the Secretary chooses to establish a women's health center, the Secretary shall report to the Committees on Armed Services of the Senate and House of Representatives, 60 days before the establishment of the center, on the competitive process used to establish the center and the planned location of the center.

Inclusion of women and minorities in clinical research projects (sec. 252)

The House bill contained a provision (sec. 253) that would ensure that women and minorities are included in future clinical research projects where appropriate.

The Senate amendment contained no similar provisions.

The Senate recedes.

Nuclear testing (sec. 261)

The Senate amendment contained a provision (sec. 231) that would prohibit the obligation of funds to support the "Mighty Uncle" test or any other test of the effects of nuclear weapons on military systems that is inconsistent with section 507 of the Energy and Water Development Appropriations Act for Fiscal Year 1993 (Public Law 102-377). The provision would allow the Defense Nuclear Agency to retain the funds if appropriated to do other work at the Nevada Test Site to maintain its testing competency.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The provision would prohibit the obligation of funds for preparations for weapons effects tests, including "Mighty Uncle," that are inconsistent with section 507 of the Energy and Water Development Appropriations Act for Fiscal Year 1993. The provision would permit the Defense Nuclear Agency to proceed with tunnel deactivation, environmental cleanup, and other infrastructure activities at the Nevada Test Site associated with maintaining the capability to resume weapons effect testing in the future.

One-year delay in transfer of management responsibility for Navy mine countermeasures program (sec. 262)

The House included a provision (sec. 264) that would amend section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 to change the years of implementation from fiscal years 1994 through 1997 to fiscal years 1995 through 1997.

The Senate amendment included a similar provision (sec. 232), except this provision

would shift implementation to fiscal years 1995 through 1999.

The House recedes.

Semiconductor Technology Council (sec. 263)

The Senate amendment contained a provision (sec. 233) that would amend the statute authorizing federal support of Sematech to create a new advisory committee that would have a broader charter than the original advisory committee.

The House bill contained no similar provision.

The House recedes with an amendment that would ensure that a key purpose of the new committee would be to address the dynamic market forces that influence the direction and focus of public sector investment in semiconductor technology development, and expand industry representation on the committee.

Authority to acquire large cavitation channel, Memphis, Tennessee (sec. 264)

The Senate amendment contained a provision (sec. 234) that would authorize the Secretary of the Navy to acquire title to land on President's Island, Memphis, Tennessee, the site of the Navy large cavitation channel. The provision would make amounts authorized for the Navy pursuant to section 201(2) of the Senate amendment available for this purpose.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Repeal of requirement for study by Office of Technology Assessment (sec. 266)

The House bill contained a provision (sec. 261) that would repeal the requirement for a study by the Office of Technology Assessment.

The Senate amendment contained no similar provision.

The Senate recedes.

Comprehensive independent study of national cryptography policy (sec. 267)

The House bill contained a provision (sec. 262) that would require a study by the National Research Council of the National Academy of Sciences on cryptographic technologies and national cryptography policy.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the study to examine two additional issues.

The conferees intend that the National Research Council study include the effects of cryptographic policy on U.S. law enforcement and national security interests, on the privacy interests of U.S. citizens, and on the commercial interests of U.S. industry. Due to the extensive civilian interest in the application of encryption and computer technology, the conferees strongly recommend that the National Research Council consult with and seek input from the relevant federal agencies, including, but not limited to, the National Institute for Standards and Technology of the Department of Commerce.

Review of assignment of defense research and development categories (sec. 268)

The House bill contained a provision (sec. 263) that would direct the Secretary of Defense to: (1) review the Department's management and assignment of program element numerical categories to its research and development programs; (2) designate an official responsible for monitoring and reviewing such program element numerical categories; and (3) provide a report and certification to the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would include research categories 6.1 and 6.2 within the review.

Grant to support research on exposure to hazardous agents and materials by military personnel who served in the Persian Gulf war (sec. 270)

The House bill contained a provision (sec. 267) that would make a \$1.2 million grant for studying the possible health effects of exposure to low levels of volatile organic chemicals and other substances, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf war.

The Senate amendment contained a provision (sec. 1076) that would acknowledge the possibility that U.S. military personnel who served in Southwest Asia during the Persian Gulf war may have been exposed to combined chemical warfare agents and other hazardous agents and substances. The provision would direct the Secretary of Defense to determine the validity and accuracy of claims that members of the armed forces who served in southwest Asia were exposed to combined chemical warfare agents, biological warfare agents, biological toxins, and other hazardous environmental conditions. The provision would authorize \$2.0 million for the study. The provision also would direct the Secretary of the Army to enter into a contract with a hospital or other existing health care research facility for research into the effects of exposure to chemical, biological, radiological, and other hazardous agents and materials and would provide \$2.0 million for this purpose.

The Senate recedes with an amendment. The conferees agree to authorize \$1.2 million for the research described in the House provision.

The conferees are aware that the Department of Defense has maintained that there is no evidence that Iraqi forces used chemical or biological weapons or agents or that U.S. troops were accidentally exposed to such agents during the Persian Gulf war. The information the Department and U.S. intelligence agencies provided supports this position. The conferees are aware of reports by Czech Republic chemical defense units serving with coalition forces in the Gulf that they detected very small quantities of chemical agents on two separate occasions, but Czech military personnel were not exposed. The Department of Defense has acknowledged the Czech reports and stated that they cannot be discounted. The Department has also stated that the reported detections were not confirmed by U.S. or other allied units. The conferees are unaware of any other reports of chemical or biological weapons use during the Gulf war. Also, there are no substantiated reports in which the exposure of U.S. personnel to chemical warfare agents, biological agents, or biotoxins has been confirmed.

The conferees do not discount the claims by U.S. personnel who served in the Gulf that they are suffering a mystery ailment of unexplained origins, the so-called "Desert Storm syndrome." The conferees are also aware that the Department of Defense and the Department of Veterans Affairs are investigating the potential causes of Desert Storm syndrome.

The conferees do not treat the possible exposure to chemical or biological agents lightly. They believe, however, that the available evidence provides limited credence to the need for a separate \$2.0 million study

called for in the Senate amendment. The conferees are concerned that to focus at this time on the issue of unconfirmed chemical or biological exposure may adversely affect the ability to resolve what appears to be more proximate and plausible potential causes of Desert Storm syndrome for which evidence does exist (exposure to large and continuous quantities of petrochemicals, petrochemical vapors, or other hazardous chemicals, for example). For these reasons, the conferees agree to delete the Senate recommendation for a \$2.0 million study to investigate the possible exposure to hazardous materials.

The conferees look forward to prompt reports by the Departments of Defense and Veterans affairs on their investigations into possible causes of Desert Storm syndrome.

Research on exposure to depleted uranium by military personnel who served in the Persian Gulf war (sec. 271)

The House bill contained \$1.7 million in PE 603002A to initiate a five-year study on the pathology of depleted uranium fragments. The House report (H. Rept. 103-200) would direct the Secretary of the Army to fund the balance of the study in subsequent annual requests for medical research funding.

The Senate amendment contained a provision (sec. 1076(e) and (j)(3)) that would direct the Secretary of the Army to study the effect upon humans of exposure to fragments of depleted uranium from weapons that have been fired. The provision would provide \$1.7 million for this purpose.

The conferees agree to a provision that would direct the Secretary of Defense to make a competitive grant in the amount of \$1.7 million to a medical research institution for the purpose of studying possible short- and long-term effects on the health of personnel who are exposed to depleted uranium on the battlefield, including exposure through ingestion, inhalation, or bodily injury.

Metal casting (sec. 272)

The House bill would authorize \$15.0 million from within the Defense Logistics Agency's MANTECH program for a pilot manufacturing program for the metal casting industry.

The Senate amendment contained a provision (sec. 236) that would urge the Secretary of Defense to provide funding, as a part of the defense conversion program, for development, technology transfer, and training within the metal casting industry.

The House recedes. The conferees note that significant awards have been made under the fiscal year 1993 defense conversion program to the metal casting industry. The conferees urge the Department of Defense to continue to seriously consider proposals from the metal casting industry in fiscal year 1994.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reentry vehicle industrial base

The House bill contained a provision (sec. 203) that would authorize \$5.0 million for the Navy contribution to the reentry vehicle industrial base study described in the House report (H. Rept. 103-200).

The Senate amendment contained no similar provision.

The House recedes. The conferees agree that legislation is not required and direct that, of the amount authorized to be appropriated pursuant to section 201 of this act for the Navy, \$5.0 million be available to implement the U.S. Strategic Command's recommendation to sustain the reentry vehicle industrial base.

Horizontal integration

The budget request did not include any funds for demonstrating digital electronics

devices and their application to solving problems of command and control, battle management, and combat identification. This effort has been called "horizontal integration."

The House bill contained a provision (sec. 204) that would authorize \$8.0 million to undertake horizontal integration and would authorize an additional \$2.0 million to perform a requirements study of the need for upgrading the data processor on the M1A2 tank.

The Senate amendment contained a provision (sec. 1075) that would authorize \$24.0 million for the Army to demonstrate the horizontal integration of its primary combat units.

The conferees agree to delete both provisions.

The conferees strongly support the Army's efforts to electronically integrate its combat forces, but believe that the Army's plan to field this capability is too fainthearted. The Army's plan for fielding this capability in operational units will stretch well into the next century. During the time the Army will take to outfit an integrated corps of combat forces, the electronics industry will introduce at least two new generations of technology. Left alone, the Army will field obsolete electronics. The conferees believe this is unacceptable.

The conferees believe that the Army plan has the wrong focus. Too much of the Army's plan rests with the complete overhaul of a limited number of key systems, such as the AH-64 helicopter, the M-1 tank, and the M-2 fighting vehicle. The pace of modernization will be held back because the Army is using the "horizontal integration" plan as a rationale for block modernization of the underlying weapon systems. The conferees believe the Army should have a modernization program for fielded weapons. The Army, however, should not let the underlying program for upgrading major weapon systems hold back this horizontal integration revolution.

The Army represents that horizontal integration will include all combat and combat support elements. The conferees note, however, that concrete plans extend to only a handful of combat weapon systems, such as tanks, fighting vehicles, and helicopters.

The conferees believe that horizontal integration offers the key to avoiding fratricide by providing affirmative combat identification on the battlefield. The Army is proceeding quickly with a combat identification program, but has not shown how this effort is coordinated with the broader horizontal integration plan.

For these reasons, the conferees direct the Under Secretary of Defense for Acquisition and Technology to undertake a comprehensive reassessment of the horizontal integration initiative. In conjunction with the Army, the Under Secretary should develop a modernization plan with at least the following three goals: (1) to cut in half the time the Army intends to spend on fielding integrated systems; (2) to ensure that all maneuver and maneuver support elements in a division are incorporated in the integration master plan; and (3) to coordinate fully the horizontal integration master plan with the Department's plans for combat identification and fratricide avoidance.

The conferees agree to authorize \$8.0 million for horizontal integration to continue ongoing testing. The conferees, however, agree that they will not authorize funds in future years until the Department completes the comprehensive assessment and submits the results of that assessment to the congressional defense committees.

High performance computer modernization program

The House bill contained a provision (sec. 214) that would require supercomputers acquired by the Department to modernize the capability of the defense laboratories to be of current vintage and reflect the needs of the users and not the needs of the developers of new supercomputers.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that a balance must be struck between the purchase of traditional vector supercomputers and highly parallel supercomputers. On the one hand, many of the high performance computing needs of the Department's scientific and engineering community can be met by supercomputers with proven state of the art algorithms, computer programs, and other diagnostic architectures. On the other hand, it is important to infuse new computing system architectures as rapidly as possible into the Defense Department organizations that rely on modern high performance computers, in order to take advantage of improved computing power, lower cost, and compatibility with advanced systems coming into use in industry. Therefore, the conferees direct the Director, Defense Research and Engineering (DDR&E) to ensure a balance in computer capability, both in technologies and integration into both research and operational centers within the Department of Defense; update the high performance computer modernization plan; and submit it to the congressional defense committees by March 31, 1994. The conferees also direct that, where practical, the Department consider using the high performance computing capability in non-DOD supercomputing centers to take advantage of potential cost savings and a wide range of available computer architectures. Finally, the conferees direct the Secretary of Defense to include the military service academies as participants in the program and expect their needs to be considered in future plan updates.

The conferees agree to authorize the \$122.819 million contained in the budget request for high performance computer modernization. They also transfer these funds from RDT&E to procurement. The conferees direct that these funds may also be available for communications and network services and the operation of high performance computers. The conferees also recommend that either a broad agency announcement or a request for proposal be used to execute individual elements of this program, at the discretion of the Secretary of Defense.

DP-2 vectored thrust technology demonstration project

The House bill contained a provision (sec. 219) that would specify that \$15.0 million of research and development funds appropriated for fiscal year 1993 shall be obligated and expended only for testing of the DP-2 vectored thrust technology demonstration project.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that the statement of managers accompanying the Department of Defense Appropriations Act for Fiscal Year 1993 (H. Rept. 102-1015) specified that, of the funds provided in the tactical technology line for the Advanced Research Projects Agency, not more than \$15.0 million would be available only for the DP-2 vectored thrust technology demonstration project. The conferees also note that in the past the U.S. Special Operations Com-

mand has supported investigation of this technology and its potential for meeting the Command's "mid-lift" requirement. The conferees encourage the Department of Defense to seriously consider this technology.

Continuation of Army breast cancer program

The House bill contained a provision (sec. 252) that would authorize the continuation of the Army breast cancer program.

The Senate amendment contained no similar provision.

The House recedes.

Report on research relating to female members of the uniformed services and female covered beneficiaries

The House bill contained a provision (sec. 254) that would require the Department of Defense to report on women's health research.

The Senate amendment contained no similar provision.

The House recedes.

Lyme disease program

The House bill contained a provision (sec. 268) that would direct the Secretary of Defense to carry out a program for the prevention, detection, and treatment of Lyme disease.

The Senate amendment contained no similar provision.

The House recedes. The conferees agree that statutory language is not required. The conferees, however, direct the Secretary of Defense to conduct a program relating to the prevention, detection, and treatment of Lyme disease through the Environmental Hygiene Agency of the Department of the Army. Information derived from the program that is applicable to the general public shall be provided to the Secretary of Health and Human Services for dissemination to appropriate public health authorities through the Public Health Service.

Funding of \$1.0 million for the program shall be derived from the funds available to the Department of the Army in section 201 of this act. The sum of \$500,000 shall be for one-time start-up costs for equipment, facilities, and software development and \$500,000 shall be for labor and operating expenses.

Joint primary aircraft training system

The budget request contained \$36.8 million for development of specialized undergraduate pilot training. This amount included the joint primary aircraft training system (JPATS) and additional development related to the T-1A multi-engine trainer and the enhanced flight screening (EFS) aircraft.

The Senate amendment contained a provision (sec. 125) that would prohibit the obligation of any funds appropriated for a joint primary aircraft trainer until the Secretary of Defense certified that the system was designed for safe and effective operation by at least 95 percent of both male and female pilot trainees. The Senate amendment would also limit JPATS funding to \$1.6 million because of delays in the program.

The House bill contained no similar provision and would approve the funding request.

The Senate recedes. The conferees agree to defer a decision on the minimum percentages of males and females which JPATS must encompass. The conferees direct the Department not to take any action that would limit the choices of how large a percentage of the male and female population are to be accommodated by JPATS until the Secretary of Defense conducts a study to determine the following:

(1) What is the appropriate population of males and females to us in calculating such percentages?

(2) What percentages of male and female pilot candidates are supported by current training systems (both Navy and Air Force)?

(3) What percentages are supported by the current JPATS designs?

(4) What is the largest change in the physical arrangement of the cockpits that can be incorporated into JPATS competitors without departing from a non-developmental acquisition structure?

(5) What are the maximum population percentages that such a non-developmental JPATS program would support?

(6) What are the life cycle cost implications of departing from a non-developmental program?

(7) What are the life cycle costs of fielding JPATS if the non-developmental acquisition plan is abandoned, to include alternative levels of population coverage above that achievable in a non-developmental JPATS program?

(8) What are the safety considerations in expanding population percentages within the framework of a nondevelopment JPATS program, or in expanding population percentages beyond that point?

The conferees reserve judgment on the JPATS program. The conferees agree that the Department should not make a premature decision on JPATS acquisition that does not balance nondevelopmental cost savings with the most expanded user population possible. Therefore, the conferees direct the Secretary of Defense to report the results of this analysis to the congressional defense committees no later than March 1, 1994.

The conferees believe that it does little good to expand the candidate population for a primary jet trainer, when follow-on training and fleet aircraft cannot safely accommodate the new population. The conferees are concerned about the larger issue of the expansion of universal ejection seat capability. Accordingly, the conferees direct the Secretary of Defense to separately analyze the possible expansion of parameters on ejection seats both currently in use by all U.S. military aircraft and under development for future aircraft. The conferees direct the Secretary to submit the results of this analysis to the congressional defense committees in conjunction with the results of the JPATS study by March 1, 1994.

The conferees agree to provide \$5.6 million for specialized undergraduate pilot training (\$2.4 million as requested for T-1A and EFS, and \$3.2 million for JPATS).

Javelin missile program

The Senate amendment included a provision (sec. 212) that would limit the obligation of research and development funds for the Javelin missile program in fiscal year 1994 to \$34.9 million until the Under Secretary of Defense reviewed the program and certified that its cost problems were under control, conducted a cost-effectiveness analysis, and approved any producibility plan the Army provided.

The House bill contained no similar provision.

The conferees share the Senate report's concerns (S. Rept. 103-112) about the contractor's cost growth problems. The conferees also understand that the Army is contemplating major reductions in Javelin missile procurement quantities which would further increase unit costs. The conferees expect the Army to reassess the Javelin's cost-effectiveness in view of continually escalating costs. The conferees also expect the Army to ensure that system development and production costs are brought under control.

Last year, Congress provided the Army with an additional \$10.0 million to facilitate changes in system design to lower production costs. The Army, however, used these funds to finance cost overruns. The conferees expect the Army to provide the congressional defense committees with an enhanced producibility plan approved by the Army and the contractors when it submits the fiscal year 1995 budget. The conferees expect this report to describe how the Army intends to achieve the cost reductions described in the producibility plan that was presented to Congress last year.

The conferees understand that the Javelin missile system continues to perform well in development tests and understands the Army's strong support for the system. However, the Army and the contractors must understand that they cannot ignore continuing cost growth that is eroding congressional support for the Javelin.

B-1 electronic countermeasures test plan

The Senate amendment contained a provision (sec. 213) that would require the development of a test plan for any new B-1B electronic countermeasures system which the Air Force proposes to acquire as a replacement for the failed ALQ-161 system.

The House bill contained no similar provision.

The Senate recedes.

Interim reconnaissance program

The Senate amendment contained a provision (sec. 237) that would permit the unmanned aerial vehicle joint program office (JPO) to obligate up to \$40.0 million for a long-endurance, unmanned aerial vehicle program to procure, integrate, test and evaluate non-developmental airframes, sensors, communications equipment, mission planning equipment and ground stations.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to provide funding for a long-endurance, unmanned aerial vehicle program with the restructured tactical reconnaissance office described elsewhere in this statement of managers.

Medical laser burn treatment

The Senate amendment contained a provision (sec. 1089) that would direct the Secretary of Defense to carry out a program for medical laser burn treatment.

The House bill contained no similar provision.

The Senate recedes. The conferees agree that statutory language is not required. The conferees, however, direct the Secretary of Defense to continue the medical laser burn treatment program. Information derived from the program that is applicable to the general public shall be provided to the Sec-

retary of Health and Human Services for dissemination to appropriate public health authorities through the Public Health Service.

Funding of \$2.0 million for the program shall be derived from the funds available to the Department of the Army in section 201 of this act.

TITLE III—OPERATION AND MAINTENANCE

The House bill would authorize \$89,055,704,000 for operation and maintenance for the Department of Defense and \$1,405,895,000 for Working Capital Fund accounts in fiscal year 1993.

The Senate amendment would authorize \$86,213,277,000 for operation and maintenance for the Department of Defense and \$3,921,495,000 for Working Capital Fund accounts in fiscal year 1993.

The conferees recommended authorization of \$87,404,184,000 for operation and maintenance for the Department of Defense and \$1,498,195,000 for Working Capital Fund accounts in fiscal year 1993, as reflected in the following tables.

The conferees recommended authorization of all funds for the Defense Health Program, including procurement, under title III. The conferees recommended authorization of all funds for the Chemical Demilitarization Program under Title I.

**OPERATION AND MAINTENANCE
SUMMARY OF FUNDS RECOMMENDED FOR AUTHORIZATION
(DOLLARS IN THOUSANDS)**

ACCOUNT	FY 1994 REQUEST	HOUSE CHANGE	FY 1994 HOUSE AUTHORIZED	SENATE CHANGE	FY 1994 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1994 CONFERENCE AUTHORIZED
O&M, ARMY	16,014,394	393,216	16,407,610	(820,358)	15,194,036	(107,148)	15,907,246
O&M, NAVY	20,192,900	(125,407)	20,067,493	(1,111,108)	19,081,792	(116,460)	20,076,440
O&M, MARINE CORPS	1,818,000	172,139	1,990,139	(27,511)	1,790,489	42,058	1,860,056
O&M, AIR FORCE	19,808,384	70,264	19,878,648	(876,138)	18,932,246	(478,275)	19,330,109
O&M, DEFENSE AGENCIES	9,587,581	(511,153)	9,076,428	(64,298)	9,523,283	(352,120)	9,235,461
O&M, ARMY RESERVE	1,107,800	(12,210)	1,095,590	(11,610)	1,096,190	(12,210)	1,095,590
O&M, NAVY RESERVE	773,800	2,000	775,800	9,000	782,800	(1,094)	772,706
O&M, MARINE CORPS RESERVE	75,100	(50)	75,050	8,000	83,100	7,850	82,950
O&M, AIR FORCE RESERVE	1,354,578	0	1,354,578	1,500	1,356,078	(8,286)	1,346,292
O&M, ARMY NATIONAL GUARD	2,218,900	4,355	2,223,255	(1,956)	2,216,944	(2,356)	2,216,544
O&M, AIR NATIONAL GUARD	2,657,233	8,000	2,665,233	60,500	2,717,733	(18,029)	2,639,204
RIFLE PRACTICE, ARMY	2,483	0	2,483	0	2,483	0	2,483
O&M, INSPECTOR GENERAL	126,801	42,200	169,001	200	127,001	34,200	161,001
COURT OF MILITARY APPEALS	6,055	(445)	5,610	0	6,055	0	6,055
ENVIRONMENTAL RESTORATION	2,309,400	0	2,309,400	60,000	2,369,400	(347,000)	1,962,400
DRUG INTERDICTION	1,168,200	(58,761)	1,109,439	0	1,168,200	(300,000)	868,200
DEFENSE HEALTH PROGRAM	9,353,300	26,147	9,379,447	(49,853)	9,303,447	26,147	9,379,447
FORMER SOVIET UNION THREAT REDUC. (TITLE XII)	400,000	0	400,000	0	400,000	0	400,000
VIDEOTAPING OF INTERROGATIONS	0	2,500	2,500	0	0	0	0
GLOBAL COOPERATIVE INITIATIVES	448,000	(448,000)	0	(448,000)	0	(448,000)	0
CONTINGENCY FUNDING STRUCTURE	0	10,000	10,000	0	0	0	0
SUMMER OLYMPICS	0	0	0	2,000	2,000	2,000	2,000
WORLD CUP USA	0	0	0	12,000	12,000	12,000	12,000
HUMANITARIAN AID	0	58,000	58,000	48,000	48,000	48,000	48,000
TOTAL OPERATION & MAINTENANCE	89,422,909	(367,205)	89,055,704	(3,209,632)	86,213,277	(2,018,725)	87,404,184

WORKING CAPITAL FUNDS

WORKING CAPITAL FUNDS	FY 1994 REQUEST	HOUSE CHANGE	FY 1994 HOUSE AUTHORIZED	SENATE CHANGE	FY 1994 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1994 CONFERENCE AUTHORIZED
DEFENSE BUSINESS OPERATIONS FUND	1,161,095	(70,000)	1,091,095	0	1,161,095	(45,000)	1,116,095
NATIONAL DEFENSE STOCKPILE	0	0	0	67,300	67,300	67,300	67,300
NATIONAL DEFENSE SEALIFT FUND	290,800	0	290,800	2,378,300	2,669,100	0	290,800
NATIONAL SECURITY EDUCATION TRUST FUND	24,000	0	24,000	0	24,000	0	24,000
TOTAL WORKING CAPITAL FUNDS	1,475,895	(70,000)	1,405,895	2,445,600	3,921,495	22,300	1,498,195
TOTAL O&M AND WORKING CAPITAL FUNDS	90,898,804	(437,205)	90,461,599	(764,032)	90,134,772	(1,996,425)	88,902,379

O&M, ARMY

(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ARMY	16,014,394		16,407,610		15,194,036		15,907,246
Inventories		(205,000)				(65,000)	
Pentagon Reservation Maintenance Fund		(5,400)				(5,800)	
Travel		(50,000)				(50,000)	
Automated Data Processing		(75,000)				(35,000)	
DBOF Adjustment		(83,500)				0	
Model Simulation		(15,000)				(5,000)	
Contract Advisory Assistance Services		(10,000)				(10,000)	
Real Property Maintenance		(24,000)		30,000		(24,000)	
Classified Programs		(10,826)		(81,800)		(28,228)	
Reduced Force Structure		(4,700)				0	
Unobligated Balances		(60,000)				0	
Host Nation Contribution Transfer to U.S.							
-- Foreign National Pay		(250,000)				(250,000)	
-- Residual Value		(170,000)				(170,000)	
-- Korea Automatic Data Proces./Ration Cntl.		(15,000)				(15,000)	
-- Korea Foreign Contracting Costs		(5,000)				(5,000)	
Teletraining		17,000				9,000	
DBOF Base Support Test Adjustment		34,642		34,642		34,642	
Depot Maintenance		230,000		125,000		110,000	
Readiness Enhancements/OPTEMPO		500,000				175,000	
Peacekeeping Disaster Relief Transfer		110,000				0	
European Equipment Retrograde		100,000				100,000	
Host Nation Contribution -- U.S. Base							
Operations/Readiness Credit		385,000				435,000	
Military Personnel Strength				(30,000)		(30,000)	
Environmental Policy Institute				1,000		4,000	
Raise O&M Purchase Threshold				11,000		0	
DBOF Transfer				(880,200)		0	
National Defense Stockpile Transfer				(150,000)		0	
Global Cooperative Initiatives Transfer				120,000		0	
Army Education Pilot Program						1,200	
Fuel Pricing						(17,883)	
Ams Control Compliance						(679)	
Civilian Personnel Understrength						(110,400)	
Foreign Currency						(154,000)	
TOTAL		393,216		(820,358)		(107,148)	

November 10, 1993

CONGRESSIONAL RECORD—HOUSE

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O&M, NAVY

(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, NAVY	20,192,900		20,067,493		19,081,792		20,076,440
DBOF Base Support Test Adjustment		(3,057)		(3,078)		(3,078)	
Pentagon Reservation Maintenance Fund		(3,200)				(2,300)	
Naval Inves. Service Executive Compensation		(500)				(500)	
Automated Data Processing		(80,000)				(37,000)	
DBOF Adjustment		(145,000)				0	
Morale, Welfare and Recreation		(17,000)				0	
Model Simulation		(15,000)				(5,000)	
Strategic OPTEMPO		(100,000)				0	
Contract Advisory Assistance Services		(10,000)				(10,000)	
Real Property Maintenance		(12,000)		30,000		(12,000)	
Travel		(10,000)				(10,000)	
Inventories		(372,000)				(72,000)	
Classified Programs		(1,000)		(11,600)		(12,920)	
Bermuda Base Operations		(12,150)				0	
Reduced Force Structure		(30,500)				0	
Unobligated Balances		(15,000)				0	
Host Nation Contribution Transfer to U.S.							
-- Foreign National Pay		(40,000)				(40,000)	
Depot Maintenance		230,000		125,000		110,000	
Readiness Enhancements/OPTEMPO		395,000				175,000	
Peacekeeping Disaster Relief Transfer		100,000				0	
Naval Air Warfare Center, Tarantula Program		1,000				0	
Navy Exchange Command Relocation		10,000				10,000	
Host Nation Contribution--U.S. Base							
Operations/Readiness Credit		5,000				40,000	
Military Personnel Strength				(37,500)		(37,500)	
Arms Control Compliance Costs				(6,100)		(764)	
Raise O&M Purchase Threshold				24,000		0	
Base Closure Savings				(109,130)		(72,000)	
DBOF Transfer				(1,092,700)		0	
National Defense Stockpile Transfer				(150,000)		0	
Global Cooperative Initiatives Transfer				120,000		0	
Fuel Pricing						(101,098)	
LCU Overhaul						2,000	
Foreign Currency						(37,300)	
TOTAL		(125,407)		(1,111,108)		(116,460)	

O&M, MARINE CORPS

(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, MARINE CORPS	1,818,000		1,990,139		1,790,489		1,860,056
DBOF Base Support Test Adjustment		(861)		(911)		(911)	
Reduced Force Structure		(7,000)				0	
MPF/Depot		75,000		31,400		20,000	
Readiness Enhancements/OPTEMPO		65,000				30,000	
Peacekeeping Disaster Relief Transfer		40,000				0	
Military Personnel Strength				10,000		10,000	
Raise O&M Purchase Threshold				3,000		0	
Real Property Maintenance				10,000		0	
DBOF Transfer				(121,000)		0	
Global Cooperative Initiatives Transfer				40,000		0	
Fuel Pricing						(1,133)	
Foreign Currency						(15,900)	
TOTAL		172,139		(27,511)		42,056	

O&M, AIR FORCE

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, AIR FORCE	19,808,384		19,878,648		18,932,246	19,330,109
Travel		(3,000)				(3,000)
Pentagon Reservation Maintenance Fund		(3,800)				(4,100)
B-52 Maintenance		(14,000)				(47,400)
Inventories		(165,000)				(56,000)
DBOF Base Support Test Adjustment		(4,048)		(4,048)		(4,048)
Automated Data Processing		(75,000)				(25,000)
DBOF Adjustment		(249,300)				0
M Accounts		(190,709)				(30,000)
Model Simulation		(15,000)				(5,000)
Contract Advisory Assistance Services		(10,000)				(10,000)
Real Property Maintenance		(24,000)		30,000		(24,000)
Classified Programs		(64,079)		(25,800)		(16,800)
Reduced Force Structure		(11,800)				0
Unobligated Balances		(15,000)				0
Host Nation Contribution Transfer to U.S. -- Foreign National Pay		(100,000)				(100,000)
Depot Maintenance		230,000		50,000		60,000
Readiness Enhancements/OPTEMPO		495,000				120,000
Peacekeeping Disaster Relief Transfer		100,000				0
Host Nation Contribution--U.S. Base Operations/Readiness Credit		190,000				100,000
Military Personnel Strength				(22,500)		(22,500)
Arms Control Compliance Costs				(8,900)		0
Disability Compensation				(32,000)		(32,000)
Civil Air Patrol				769		769
Raise O&M Purchase Threshold				23,000		0
Transfer TAC Airlift				(58,000)		0
Base Closure Savings				(43,759)		(43,759)
Transfer KC-135s/Reserves				(43,500)		0
Sat. Control/CSTC				(20,000)		0
DBOF Transfer				(941,400)		0
National Defense Stockpile Transfer				(200,000)		0
Global Cooperative Initiatives Transfer				420,000		0
Fuel Pricing						(131,737)
Civilian Personnel Understrength						(87,500)
Foreign Currency						(116,200)
TOTAL		70,264		(8/6,138)		(478,275)

O&M, DEFENSE AGENCIES

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE		
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, DEFENSE AGENCIES	9,587,581		9,076,428		9,523,283		9,235,461
DBOF Base Support Test Adjustment		(2,063)		(2,063)		(2,063)	
Defense—Wide Technical Adjustment		(87,300)				0	
Pentagon Reservation Maintenance Fund		(5,600)				(5,800)	
Department of Defense School System		(20,000)				(20,000)	
Automated Data Processing		(85,000)				(27,000)	
DBOF Adjustment		(300,800)				0	
Consultants Advisory Assistance Services		(12,000)				(12,000)	
Classified Programs		(94,790)		(76,160)		(66,278)	
Defense Technology Security Admin. Travel		(500)				(500)	
Office of Economic Adjustment		40,000		5,000		40,000	
Guam Educational Assistance		2,000				2,000	
Service Mbrs. Occupational Conversion & Trng.		25,000				25,000	
Special Operations Reserve Components		22,900				0	
CINC Initiative		5,000				5,000	
Arms Sales Commission		2,000				0	
Reverse DCAA/DCMC DBOF Trans.				(99,000)		(99,000)	
Arms Control Compliance Costs				(17,000)		(28,612)	
Stockpile Operations				(5,100)		(5,100)	
WHS				(675)		(675)	
Civilian Transition Benefits				150,400		0	
Raise O&M Purchase Threshold				49,300		0	
Trans. Nonprolif. Studies/R&D				(31,000)		(31,000)	
Base Closure Savings				(38,000)		(38,000)	
Foreign Currency						(76,600)	
Civilian Personnel Understrength						(33,750)	
SOF Flying Hours						15,000	
Fuel Pricing						(2,742)	
Military to Military Contacts						10,000	
TOTAL		(511,153)		(64,298)		(352,120)	

O&M, ARMY RESERVE
(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ARMY RESERVE	1,107,800		1,095,590		1,096,190		1,095,590
DBOF Base Support Test Adjustment		(12,210)		(12,210)		(12,210)	
Raise O&M Purchase Threshold				600		0	
TOTAL		(12,210)		(11,610)		(12,210)	

O&M, NAVY RESERVE

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE		
	FY 94 REQUEST	CHANGE FROM REQUEST	775,800 AUTHORIZATION	CHANGE FROM REQUEST	782,800 AUTHORIZATION	CHANGE FROM REQUEST	772,706 AUTHORIZATION
O&M, NAVY RESERVE	773,800		775,800		782,800		772,706
Craft of Opportunity Program		2,000				2,000	
Military Personnel Strength				8,000		8,000	
Raise O&M Purchase Threshold				1,000		0	
Base Closure Savings						(4,000)	
Fuel Price Savings						(7,094)	
TOTAL		2,000		9,000		(1,094)	

O&M, MARINE CORPS RESERVE

(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, MARINE CORPS RESERVE	75,100		75,050		83,100		82,950
DBOF Base Support Test Adjustment		(50)				(50)	
Military Personnel Strength				7,900		7,900	
Raise O&M Purchase Threshold				100		0	
TOTAL		(50)		8,000		7,850	

O&M, AIR FORCE RESERVE

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE		
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, AIR FORCE RESERVE	1,354,578		1,354,578		1,356,078		1,346,292
Raise O&M Purchase Threshold				1,500		0	
Fuel Price Savings						(8,286)	
TOTAL			0	1,500		(8,286)	

O&M, ARMY NATIONAL GUARD

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE		
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ARMY NATIONAL GUARD	2,218,900		2,223,255		2,216,944		2,216,544
DBOF Base Support Test Adjustment		4,355		(4,356)		(4,356)	
NG Medical Pilot Program				2,000		2,000	
Raise O&M Purchase Threshold				400		0	
TOTAL		4,355		(1,956)		(2,356)	

O&M, AIR NATIONAL GUARD

(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, AIR NATIONAL GUARD	2,657,233		2,665,233		2,717,733		2,639,204
Classified Programs		8,000				0	
NG Medical Pilot Program				2,000		2,000	
Raise O&M Purchase Threshold				2,500		0	
Transfer TAC Airlift				56,000		0	
Fuel Price Savings						(20,029)	
TOTAL		8,000		60,500		(18,029)	

O&M, RIFLE PRACTICE, ARMY

(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, RIFLE PRACTICE, ARMY	2,483	0	2,483	0	2,483	0	2,483
TOTAL		0		0		0	

O&M, INSPECTOR GENERAL

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE		
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, INSPECTOR GENERAL	126,801		169,001		127,001		161,001
Increase		42,200				34,200	
Raise O&M Purchase Threshold				200		0	
TOTAL		42,200		200		34,200	

O&M, U.S. COURT OF MILITARY APPEALS

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE		
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, U.S. COURT OF MILITARY APPEALS	6,055		5,610		6,055		6,055
Travel, Per Diem, and Administration		(445)		0		0	
TOTAL		(445)		0		0	

O&M, ENVIRONMENTAL RESTORATION

(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ENVIRONMENTAL RESTORATION	2,309,400		2,309,400		2,369,400		1,962,400
DERA		0		60,000		(347,000)	
TOTAL			0		60,000		(347,000)

O&M, DRUG INTERDICTION

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE	
	CHANGE FROM		CHANGE FROM		CHANGE FROM	
	FY 94 REQUEST	REQUEST AUTHORIZATION				
O&M, DRUG INTERDICTION	1,168,200	1,109,439	1,168,200	868,200		
Classified Programs		(89,100)				
Programmatic Deficiencies		(30,000)				
Project 9499 Support to Law Enforcement		35,500				
Classified Programs		24,839				
Program Decreases					(300,000)	
TOTAL		(58,761)	0		(300,000)	

O&M, DEFENSE HEALTH PROGRAM

(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, DEFENSE HEALTH PROGRAM	9,353,300		9,379,447		9,303,447		9,379,447
DBOF Base Support Test Adjustment		(49,853)		(49,853)		(49,853)	
Laboratory Technology Demonstration		1,000				1,000	
Pharmaceutical Benefit Program		75,000				75,000	
TOTAL		26,147		(49,853)		26,147	

O&M, FORMER SOVIET UNION THREAT
REDUCTION (TITLE XII)
(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, FORMER SOVIET UNION THREAT REDUCTION (TITLE XII)	400,000		400,000		400,000		400,000
		0		0		0	
TOTAL		0		0		0	

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O&M, VIDEOTAPING OF INTERROGATIONS

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE	
	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, VIDEOTAPING OF INTERROGATIONS	0	2,500	0	0	0	0
Increase		2,500				
TOTAL		2,500		0		0

O&M, GLOBAL COOPERATIVE INITIATIVES

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE		
	FY 94 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, GLOBAL COOPERATIVE INITIATIVES	448,000		0		0		0
Reduction		(448,000)		(448,000)		(448,000)	
TOTAL		(448,000)		(448,000)		(448,000)	

O&M, CONTINGENCY FUNDING STRUCTURE

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE	
	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, CONTINGENCY FUND. STRUCTURE	0	10,000	0	0	0	0
Increase	10,000		0		0	
TOTAL	10,000		0		0	

O&M, SUMMER OLYMPICS

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE	
	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, SUMMER OLYMPICS	0	0		2,000		2,000
International Athletic Events			2,000		2,000	
TOTAL		0	2,000		2,000	

O&M, WORLD CUP USA							
(\$ IN THOUSANDS)							
	HOUSE BILL		SENATE BILL		CONFERENCE		
	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	
FY 94 REQUEST							
O&M, WORLD CUP USA	0	0		12,000	12,000	12,000	12,000
International Athletic Events							
TOTAL		0		12,000		12,000	

O&M, HUMANITARIAN AID

(\$ IN THOUSANDS)

	FY 94 REQUEST	HOUSE BILL		SENATE BILL		CONFERENCE	
		CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, HUMANITARIAN AID Increase	0	58,000	58,000	48,000	48,000	48,000	48,000
TOTAL		58,000	58,000	48,000	48,000	48,000	48,000

WORKING CAPITAL FUNDS

(\$ IN THOUSANDS)

	HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 94 REQUEST	CHANGE FROM REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
DEFENSE BUSINESS OPERATIONS FUND	1,161,095			1,091,095		1,161,095
Defense Commissary Agency		(70,000)				(45,000)
TOTAL		(70,000)		0		(45,000)
NATIONAL DEFENSE STOCKPILE Increase	0		0	67,300	67,300	67,300
TOTAL		0		67,300	67,300	67,300
NATIONAL DEFENSE SEALIFT FUND Increase	290,800		290,800	2,378,300	2,669,100	290,800
TOTAL		0		2,378,300		
NATIONAL SECURITY EDUC. TRUST FUND	24,000		24,000		24,000	24,000
TOTAL		0		0		0
TOTAL WORKING CAPITAL FUNDS	1,475,895		1,405,895	3,921,495		1,498,195

ITEMS OF SPECIAL INTEREST

Reprogramming to meet training and readiness requirements

The conferees reluctantly made reductions of approximately \$2.0 billion to the budget request for the operations and maintenance (O&M) accounts in order to meet the Budget Resolution's outlay target. This level of reductions brings the authorization for O&M funding in the conference agreement below the levels of both the House bill and the Senate amendment. The conferees encourage the Secretary of Defense to reprogram funds from other areas of the DOD budget to the O&M accounts if these reductions affect training or readiness in the military services.

Test program for Reserve professional military education

The National Defense Authorization Act for Fiscal Year 1993 required the Secretary of the Army to submit a plan for carrying out a test program to improve professional military education (PME) for reserve component officers of the Army. The conferees are very pleased with the reserve PME test plan the Secretary of the Army submitted and have authorized \$1.2 million to implement this plan.

Morale, welfare, and recreation programs at Great Lakes Naval Training Center, Illinois

The Senate report (S. Rept. 103-112) directed the Navy to prepare a plan for the utilization of morale, welfare, and recreation facilities to support Great Lakes Naval Training Center, Illinois.

The House report (H. Rept. 103-200) contained no similar directive.

The conferees share concerns similar to those expressed in the Senate report for military families and personnel. The conferees concur with the request that the Navy devise a plan to address the needs of these personnel.

Portability of benefits for nonappropriated fund employees

The Senate report (S. Rept. 103-112) directed the Secretary of Defense to report on the Department of Defense plans to extend the portability of benefits for nonappropriated fund employees.

The House report (H. Rept. 103-200) contained no similar directive.

The conferees share the concerns expressed in the Senate report about these affected employees. Additionally, the conferees concur that the portability legislation should be expanded to include employees who transfer between other executive branch agencies and branches of government, especially in cases where duties are comparable to those performed in their status as nonappropriated fund employees. Further, the conferees agree that disparities in health programs for nonappropriated fund employees should be reviewed. The conferees concur with the date and purpose of the report, and request that it be submitted to the Armed Services Committees of the Senate and House of Representatives.

Joint commissary and exchange demonstration program

The Senate report (S. Rept. 103-112) directed the Department of Defense to conduct demonstration programs similar to the joint commissary and exchange demonstration program at Carswell Air Force Base, Texas.

The House report contained no similar directive.

The conferees agree that the demonstration programs are an important attempt to meet the needs of the active duty, retired,

and reserve community. The conferees also agree not to designate demonstration program sites, and direct the Secretary of Defense to nominate two demonstration sites by April 15, 1994, in addition to the three sites allowed in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Armed forces retirement homes (sec. 303)

The House bill contained a provision (sec. 303) that would authorize \$61.9 million for the operation of the Armed Forces Retirement Homes in fiscal year 1994.

The Senate amendment contained a similar provision (sec. 304).

The House recedes.

National security education trust fund obligations (sec. 304)

The Senate amendment contained a provision (sec. 305) that would authorize \$24.0 million to be obligated from the National Security Education Trust Fund in fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Transfer from the National Defense Stockpile Transaction Fund (sec. 305)

The House bill contained a provision (sec. 304) that would authorize the Secretary of Defense to transfer not more than \$500.0 million from the National Defense Stockpile Transaction Fund to the operation and maintenance (O&M) accounts during fiscal year 1994.

The Senate amendment contained a provision (sec. 306) that would authorize the Secretary of Defense to transfer \$3,055.0 million from the Defense Business Operations Fund (DBOF) and \$500.0 million from the National Defense Stockpile Transaction Fund to the O&M accounts during fiscal year 1994.

The House recedes with an amendment that would authorize the Secretary of Defense to transfer \$500.0 million from the National Defense Stockpile Transaction Fund to the O&M accounts during fiscal year 1994. The conferees agree not to authorize the transfer of any funds from the Defense Business Operations Fund to the O&M accounts during fiscal year 1994.

Funds for clearing landmines (sec. 306)

The Senate amendment contained a provision (sec. 307) that would authorize not more than \$10.0 million for activities to support the clearing of landmines for humanitarian purposes.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit a report to the congressional defense committees on the Secretary's plans for using the authority provided by the provision.

Prohibition on operation of the Naval Air Station, Bermuda (sec. 311)

The House bill contained a provision (sec. 313) that would prohibit the Secretary of Defense from providing any funds for the operation and maintenance of the Naval Air Station, Bermuda, effective 90 days after enactment of this act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would terminate DOD funding to operate the Naval Air Station, Bermuda, after September 1, 1995. Under this provision, not

later than March 1, 1994, the Secretary of Defense shall submit a report to the Congress with a plan to terminate the operation of the Naval Air Station. After September 1, 1995, the Secretary of Defense may provide support for airfield operations at the Naval Air Station only on a reimbursable basis. The conferees believe that this provision will allow the withdrawal of the Navy from the Naval Air Station in an orderly manner, consistent with our long-standing relationship with a valuable ally.

Limitation on the use of appropriated funds for Department of Defense golf courses (sec. 312)

The House bill included a provision (sec. 314) that would limit the use of appropriated funds for Department of Defense golf courses.

The Senate amendment contained no similar provision.

The Senate recedes.

Prohibition on the use of certain cost comparison studies (sec. 313)

The House bill contained a provision (sec. 315) that would prohibit the Secretary of Defense from entering into a contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted under OMB-Circular A-76.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the Secretary of Defense from entering into a contract prior to April 1, 1994, for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted under OMB-Circular A-76.

Limitation on contracts with certain ship repair companies for ship repair (sec. 314)

The House bill contained a provision (sec. 320) that would prohibit the Secretary of Defense from entering into a contract with the Bahrain Ship Repairing and Engineering Company for the overhaul, repair, or maintenance of naval vessels until the Secretary certified that at least one of three conditions existed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) change the Secretary of Defense to the Secretary of the Navy; (2) limit the prohibition to contracts in excess of \$250,000; (3) clarify that one of the conditions refers to voyage repairs; and (4) describe the ship repair company in general terms.

Requirement of performance in the United States of certain reflagging or repair work (sec. 315)

The House bill contained a provision (sec. 321) that would prohibit the Secretary of Defense from entering into a time charter agreement for the use of certain foreign flag vessels. The provision would preclude the Secretary from chartering a vessel that had been reflagged or repaired in a foreign shipyard within the period beginning two years prior to the date of any such agreement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that reflagging and repair work done for vessels being offered for time charter, in response to a request for proposals, be performed in the United States. The amendment also would allow the Secretary of Defense to waive this requirement if the Secretary determines that such action would be critical for national security.

Prohibition on joint use of Selfridge Air National Guard Base, Michigan, with civil aviation (sec. 316)

The House bill contained a provision (sec. 323) that would prohibit the Secretary of the Air Force from entering into any agreements that would provide or permit civil aircraft to regularly use Selfridge Air National Guard Base, Michigan.

The Senate amendment contained no similar provision.

The Senate recedes.

Location of certain prepositioning facilities (sec. 317)

The House bill contained a provision (sec. 316) that would direct the Secretary of the Army to establish the Army prepositioning maintenance facility at Charleston, South Carolina. The provision also would require the Marine Corps to keep its prepositioning facility at Blount Island, Florida for the next two years. Finally, the provision would require the Secretary of Defense to submit a cost and operational analysis justifying any decision to relocate the Marine Corps facility before undertaking such relocation.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of authority for use of the Defense Business Operations Fund (sec. 331)

The House bill contained a provision (sec. 331) that would preclude the Secretary of Defense from operating the Defense Business Operations Fund (DBOF) after April 15, 1994.

The Senate amendment contained a provision (sec. 311) that would amend section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 to authorize the Secretary of Defense to manage the working capital funds and industrial, commercial, and support activities of DOD through the DBOF through December 31, 1994.

The House recedes. The conferees note that, under the conference agreement, the Secretary of Defense is precluded from adding new programs or activities to the DBOF.

The conferees remain concerned about the significant and continuing problems in the implementation of the DBOF. The conferees expect the senior leadership of the Department of Defense to move vigorously and aggressively to address these problems in the coming months.

The conferees have denied the proposed transfer of \$3.1 billion from the DBOF to the operation and maintenance accounts included in the fiscal year 1994 budget request, and have authorized \$3.1 billion in new budget authority in place of the transfer. To the extent that the cash balance in the DBOF exceeds the operating requirements of the Fund during fiscal year 1994, these funds should be transferred to address shortfalls in training and readiness programs; unfinanced requirements such as the fiscal year 1994 locality pay raise for federal civilian employees; and the reversal of the current DBOF advance billing procedures. The conferees note that the transfer of cash balances out of the DBOF can only be accomplished through reprogramming procedures, unless otherwise provided by law.

Implementation of the Defense Business Operations Fund (sec. 332)

The House bill contained a provision (sec. 333) that would require the Secretary of Defense to replace the Defense Business Operations Fund (DBOF) with a Competitive Business Operations Fund and a Regulated Business Operations Fund.

The Senate amendment contained a provision (sec. 312) that would revise the DBOF

implementation milestones contained in section 341 of the National Defense Authorization Act for Fiscal Year 1993. The provision would require the Secretary of Defense to present to the congressional defense committees, not later than 30 days after the enactment of this act, a comprehensive management plan for the DBOF that identifies the actions the Department will take to improve its implementation and operation. In addition, the provision would require the Secretary of Defense to submit a report to the congressional defense committees on the Department's progress in implementing the comprehensive management plan not later than February 1, 1994. This report should describe the progress made in reaching the milestones established in the plan, and explain the failure to meet any of the milestones. Section 312 also would require the Comptroller General of the United States to monitor and evaluate the progress of the Department of Defense in developing and implementing the comprehensive management plan for the DBOF. The Comptroller General would be required to submit a report to the congressional defense committees not later than March 1, 1994, containing: (1) the findings and conclusions of the Comptroller General pursuant to the monitoring and evaluation of the DOD comprehensive management plan for the DBOF; (2) an evaluation of the March 1, 1994 progress report of the Secretary of Defense; and (3) any recommendations for legislative or administrative actions that the Comptroller General considers appropriate.

The House recedes with an amendment. The conferees intend to exercise close oversight of the Department's efforts to improve the DBOF in the coming months. The conferees further request the Comptroller General to carry out reviews of two specific areas of the DBOF, and report the results of these reviews to the congressional defense committees by May 15, 1994.

The first area is the rate-setting process within the business activities included in the DBOF. All businesses in the DBOF are required to set their prices based on the full recovery of costs. The conferees request the General Accounting Office (GAO) to review the rate-setting process within DBOF to determine if the rates for the various business areas are in fact based on the full recovery of costs, and to make recommendations to address any deficiencies found in the current rate-setting process.

The second area is the execution of projects funded through the DBOF capital budget. Currently, investments in equipment, software, minor construction, and other management improvements costing more than \$15,000 are funded through the DBOF capital budget. The conferees request the GAO to review the execution of the projects funded through the capital budget to date. This review should include a comparison of the justification of capital projects presented to Congress and the actual execution of these projects.

The conferees are also concerned with the level and nature of prior year losses that occur within certain DBOF business activities, particularly the causes of these losses and their impact on the establishment of rates.

Beginning with the fiscal year 1995 budget request, the Secretary of Defense should include in the annual DBOF budget documents a clear explanation of the variance between the business plan and actual operating results for each business activity within the DBOF that experiences a gain or loss during

the previous fiscal year. This explanation should include the cause of the gain or loss; remedies taken to address the gain or loss; and actions taken to avoid a similar gain or loss in the future. In each business activity where there is a gain or loss, the Secretary of Defense should indicate the extent to which the gain or loss will be offset by the adjustment of the rates for that business activity in the coming fiscal year. The DBOF budget documents should also include a separate exhibit of business activities experiencing significant gains or losses which will have a major impact on rates or operations in subsequent years.

The conferees reiterate to the Department that the DBOF budget documents must be submitted to Congress in a timely manner as soon as possible after submission of the President's budget request, but in any case not later than March 15 of each year.

Charges for goods and services provided through the Defense Business Operations Fund (sec. 333)

The House bill contained a provision (sec. 332) that would establish a rate-setting board to review the rates established for goods and services provided through the various business activities of the Defense Business Operations Fund (DBOF).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would outline certain costs that should be included and excluded in the charges for goods and services provided through the DBOF. The conferees agree that the Defense Finance and Accounting Service and the Joint Logistics Services Center should continue to be included within the DBOF. The conference agreement also would make certain technical changes to the capital asset subaccount within the DBOF created by section 342 of the National Defense Authorization Act for Fiscal Year 1993.

Limitation on obligations against the Defense Business Operations Fund (sec. 334)

The House bill contained a provision (sec. 334) that would prohibit the Secretary of Defense from incurring obligations against the Defense Business Operations Fund (DBOF) during fiscal year 1994, except for obligations in certain categories of costs, in excess of 65 percent of sales from the DBOF during the fiscal year. This provision would allow the Secretary of Defense to waive this limitation under certain conditions.

The Senate amendment contained no similar provision (sec. 313).

The House recedes with a clarifying amendment.

Department of Defense depot task force (sec. 341)

The House bill contained a provision (sec. 341) that would establish a Department of Defense depot task force that would report to the Congress on several issues relating to depot level maintenance activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the scope of the assessment to be carried out by the depot task force and the task force membership.

Limitation on consolidation of management of depot-level maintenance workload (sec. 342)

The House bill contained a provision (sec. 342) that would prohibit the Secretary of Defense from consolidating the management of the Department's depot-level workload under a single defense-wide entity.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the effect of this provision to fiscal year 1994.

Continuation of certain percentage limitations on the performance of depot-level maintenance (sec. 343)

The House bill contained a provision (sec. 343) that would require the Secretary of Defense to ensure the Department's adherence to the percentage limitations on the performance of depot-level maintenance of material set forth in section 2466 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Sense of Congress on the performance of certain depot-level work by foreign contractors (sec. 344)

The House bill contained a provision (sec. 344) that would prohibit the performance of depot-level maintenance workload by foreign contractors if the Secretary of Defense determines that the work could be performed in the United States on a cost-effective basis and without a significant adverse effect on the readiness of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the Secretary of Defense should not contract for the performance of any depot-level maintenance, on equipment located in the United States, with a person or organization not part of the national technology and industrial base (as defined in section 2491(1) of title 10, United States Code), if the Secretary determines that the work could be performed in the United States on a cost-effective basis and without significant adverse effect on the readiness of the armed forces.

Sense of Congress on the role of depot-level activities of the Department of Defense (sec. 345)

The House bill contained a provision (sec. 345) that would require that, within five years after the initial delivery of a weapon system, not less than 60 percent of the depot-level maintenance of that system must be performed by DOD employees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make a series of findings and express the sense of Congress that the Secretary of Defense should ensure that a sufficient amount of the depot-level maintenance of new weapons systems and equipment is assigned to Department of Defense depots, consistent with the requirements of section 2466 of title 10, United States Code.

Contracts to perform workloads previously performed by depot-level activities of the Department of Defense (sec. 346)

The Senate amendment contained a provision (sec. 335) that would modify section 2469 of title 10, United States Code, as enacted by section 353 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), to clarify that neither the Secretary of Defense nor the secretary of a military department may change the performance of a depot-level maintenance workload, that has a value of \$3.0 million or more and that is being performed by a Department of Defense depot-level activity, to performance by a private contractor unless, prior to selection of the private contractor, the Secretary uses competitive procedures for the selection.

The House bill contained no similar provision.

The House recedes. The conferees concur with the Senate report's (S. Rept. 103-112) direction that the Secretary of Defense should, to the maximum extent possible, compete the depot maintenance workload from those depots that are closing among the remaining DOD depots in order to reduce costs and improve the overall efficiency of DOD depot operations. Such competition between depots should not impede the schedule for closing depots under the base closure process.

Authority to waive certain claims of the United States (sec. 347)

The House bill contained a provision (sec. 347) that would waive claims of the United States against certain government employees who received bonus awards under a productivity gainsharing program at the Naval Aviation Depot, Norfolk, Virginia.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the House provision to include employees who received similar bonus awards at other naval aviation depots. The amendment also would require the Secretary of the Navy to submit a report to the congressional defense committees not later than March 1, 1994, describing how these employees were given bonus payments under their respective productivity gainsharing programs that were subsequently determined to be in excess of the amounts to which they were entitled; the number of employees receiving such excess payments and the total amount of excess payments; and any corrective actions taken to prevent the recurrence of this problem in the future.

Prohibition on operation of commissary stores by active duty members of the armed forces (sec. 351)

The House bill included a provision (sec. 352) that would prohibit the operation of commissary stores by active duty members of the armed forces.

The Senate amendment contained no similar provision.

Modernization of automated data processing capability of the Defense Commissary Agency (sec. 352)

The House bill contained a provision (sec. 353) concerning the modernization of the automated data processing capability of the Defense Commissary Agency.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to take any action, consistent with other applicable law, necessary to expedite the modernization of the automated data processing capability of the Agency, including the use of commercial grocery industry practices and financial management programs.

Operation of Stars and Stripes bookstores overseas by the military exchanges (sec. 353)

The House bill contained a provision (sec. 354) concerning the operation of Stars and Stripes bookstores by the military exchanges.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delay the effective date until October 1, 1994. The conferees recommend that newspapers be funded with adequate appropriated funds similar to that of the radio and television service, and from the sale of newspapers and advertising revenues, which the conferees recommend remain with the newspapers.

Availability of funds for relocation expenses of the Navy Exchange Service Command (sec. 354)

The House bill contained a provision (sec. 355) concerning the availability and amount of funds for the relocation expenses of the Navy Exchange Command (Nexcom).

The Senate contained no similar provision. The Senate recedes with an amendment that would authorize \$10.0 million for relocation expenses or the actual cost of the relocation if less than \$10.0 million.

Emergency and extraordinary expense authority for the Inspector General of the Department of Defense (sec. 361)

The House bill contained a provision (sec. 361) that would authorize the DOD Inspector General to use emergency and extraordinary expense authority up to a maximum of \$400,000 per fiscal year.

The Senate amendment contained no similar provision.

Authority for civilian Army employees to act on reports of survey (sec. 362)

The House bill contained a provision (sec. 362) that would authorize the use of civilian personnel to act on reports of survey within the Department of the Army.

The Senate amendment contained no similar provision.

Extension of guidelines for reductions in civilian positions (sec. 363)

The House bill contained a provision (sec. 363) that would establish in permanent law the guidelines for DOD to report to Congress on the DOD civilian employment master plan. This plan has been required on an annual basis for the last two years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the master plan to include the total number of individuals employed by contractors and subcontractors to perform, under a DOD contract or subcontract, commercial activities as specified under OMB Circular A-76.

Authority to extend mailing privileges (sec. 364)

The House bill contained a provision (sec. 364) that would extend the same mailing privileges to civilian employees that are available to military members assigned overseas during periods of conflict.

The Senate amendment contained no similar provision.

Extension and modification of pilot program to use National Guard personnel in medically underserved communities (sec. 365)

The House bill contained a provision (sec. 365) that would clarify section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) relating to the pilot program for the use of National Guard personnel in medically underserved communities. The provision also would extend the authority to operate this pilot program through fiscal year 1995.

The Senate amendment contained a similar provision (sec. 337), but it would not extend the authority to operate the program through fiscal year 1995.

The Senate recedes with a clarifying amendment.

Amendments to the Armed Forces Retirement Home Act of 1991 (sec. 366)

The House bill contained a provision (sec. 366) that would make several amendments to the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510).

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Modification of restriction on repair of certain vessels the homeport of which is planned for reassignment (sec. 367)

The House bill contained a provision (sec. 369) that would modify the current restriction on the overhaul of vessels homeported overseas to require that repair work on vessels scheduled to be reassigned to overseas homeports be done in U.S. shipyards.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Escorts and flags for civilian employees who die while serving in an armed conflict with the Armed Forces (sec. 368)

The House bill contained a provision (sec. 370) that would authorize escorts and the presentation of flags for civilian employees who died while serving with the Armed Forces in an armed conflict.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Maintenance of Pacific battle monuments (sec. 369)

The House bill contained a provision (sec. 371) that would authorize the Commandant of the Marine Corps to provide necessary maintenance and repairs to Pacific battle monuments.

The Senate amendment contained a similar provision (sec. 332).

The Senate recedes with a technical amendment.

One-year extension of certain programs (sec. 370)

The House bill contained a provision (sec. 374) that would extend three existing provisions in law for one additional year. The first provision is the authority for a demonstration project to use the proceeds from the sales of certain property; the second is the authority for aviation depots and shipyards to engage in defense-related production and services; and the third is the authority of base commanders over contracting for commercial activities.

The Senate amendment contained no similar provision.

The Senate recedes.

Ships stores (sec. 371)

The House bill contained a provision (sec. 375) concerning the transfer of all ships' stores from operation as an activity funded by direct appropriations to operation by the Navy Exchange Command.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the effective date of transfer to October 1, 1994.

Promotion of civilian marksmanship (sec. 372)

The Senate amendment contained a provision (sec. 336) that would clarify section 4308(c) of title 10, United States Code, to permit certain funds, generated through the sales of arms, ammunition, and other items under the Army's Civilian Marksmanship Program, to remain available for obligation until expended.

The House bill contained no similar provision.

The House recedes.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 373)

The Senate amendment contained a provision (sec. 338) that would authorize \$58.0 million in fiscal year 1994 for payments to local school districts which are impacted by military dependents.

The House bill contained no similar amendment.

The House recedes.

Budget information on Department of Defense recruiting expenditures (sec. 374)

The Senate amendment contained a provision (sec. 340) that would require the Secretary of Defense to include certain information on recruiting expenditures in the budget justification documents submitted to Congress each year with the submission of the federal budget.

The House bill contained no similar amendment.

The House recedes.

Revision of authorities of National Security Education Trust Fund (sec. 375)

The Senate amendment contained a provision (sec. 341) that would permit the National Security Education Trust Fund to receive gifts to augment the principal in the Fund, and repeal the requirement for a specific authorization for future obligations from the Fund.

The House bill contained no similar amendment.

The House recedes.

The conferees fully support the continued existence and operation of the National Security Education Trust Fund. The conferees do not agree that the Trust Fund principal should be reduced. The conferees note that the Administration has assigned the Secretary of Defense management of this program who, in turn, has delegated responsibility to the Under Secretary of Defense for Policy. This action was taken in recognition of the fact that this program serves a wide variety of national security needs and not just intelligence. The Office of Management and Budget also has scored this program as a defense function. The Secretary of Defense has expressed strong support for the program.

Annual assessment of force readiness (sec. 376)

The Senate amendment contained a provision (sec. 329) that would direct the Chairman of the Joint Chiefs of Staff to provide the Congress with an annual assessment of the readiness and capability of U.S. military forces by March 1 each year for the next three years.

The House bill contained no similar amendment.

The House recedes.

Reports on transfers of certain funds (sec. 377)

The House bill contained a provision (sec. 311) that would prohibit the Secretary of Defense from transferring funds from air operations, ship operations, land forces, and combat operations accounts to any other account prior to notifying Congress.

The Senate amendment contained no similar amendment.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report to the congressional defense committees twice each year during fiscal years 1994, 1995, and 1996 on any transfer of funds out of the operating forces budget activity in the operation and maintenance accounts.

Report on replacement sites for Army Reserve facility in Marcus Hook, Pennsylvania (sec. 378)

The House bill contained a provision (sec. 319) that would prohibit the obligation of funds for the upgrade, repair, or other construction at the Army Reserve Facility in Marcus Hook, Pennsylvania, until 30 days after the Secretary of the Army submits a report evaluating the suitability of alternative sites to replace that facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree to require the Secretary of the Army to submit the report not later than March 1, 1994. The conferees also agree not to restrict the use of any funds to operate or maintain the Marcus Hook Army facility pending completion of this report.

LEGISLATIVE PROVISIONS NOT ADOPTED

Extension of limitation on the use of certain funds for Pentagon reservation

The House bill contained a provision (sec. 312) that would preclude the use of operation and maintenance funds for the renovation of the Pentagon.

The Senate amendment contained no similar provision.

The House recedes.

Use of funds for Navy depot backlog

The House bill contained a provision (sec. 317) that would direct the Secretary of the Navy to use additional funds provided for the reduction of depot-level maintenance backlogs only for that purpose.

The Senate amendment contained no similar provision.

The House recedes.

One-year prohibition on reduction of force structure for reserve component special operations forces

The House bill contained a provision (sec. 322) that would prohibit the Secretary of Defense, during fiscal year 1994, from reducing the force structure of special operations reserve components below their force structure as of September 30, 1993.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on use of government facilities for certain master ship repair agreements

The House bill contained a provision (sec. 324) that would restrict awarding contracts for ship repair activities. Only those contractors holding a master ship repair agreement would be eligible to include use of government-owned facilities in bidding for ship repair work.

The Senate amendment contained no similar provision.

The House recedes.

Modification of limitation on the performance of depot-level maintenance of materiel

The House bill contained a provision (sec. 345) that would amend section 2466 of title 10, United States Code, and extend the percentage limitations on depot maintenance workload to be carried out in government depots to commodity groups.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on use of funds for Trident submarine force

The House bill contained a provision (sec. 318) that would reduce the amount requested for operation and support of the Trident submarine program by \$100 million.

The Senate amendment contained no similar provision.

The House recedes.

Expansion and clarification of commissary and exchange benefits

The House bill included a provision (sec. 351) concerning the expansion and clarification of commissary and exchange benefits.

The Senate amendment contained no similar provision.

The House recedes.

Required payment date under Prompt Payment Act for procurement of baked goods

The House bill contained a provision (sec. 367) that would require prompt payment for procurement of baked goods in the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Prompt Payment Act (31 U.S.C. 3901, et seq.) establishes the policy that timely performance of a government contract in accordance with its terms and conditions entitles the contractor to timely payment. Payment terms specified in government contracts, including those of the Department of Defense, are expected to reflect the payment terms prevailing in the commercial marketplace.

The conferees direct the Director of the Defense Commissary Agency (DeCA) to determine the prevailing commercial payment terms for bakery products purchased by the DeCA pursuant to 10 U.S.C. 2486(b)(6). The conferees direct the Director to consult with the American Bakers Association and other appropriate trade associations representing producers and vendors of bakery products with respect to the design and content of the survey.

Based upon the survey results, the DeCA Director shall prepare a report which includes: (a) the survey results; (b) the survey methodology, including a copy of the survey instrument; and (c) a determination of the prevailing commercial payment terms for bakery products or an explanation why such a determination cannot be made. The report shall be furnished to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives by May 1, 1994.

The conferees expect the DeCA to adopt the commercial payment terms as its contractual payment terms for bakery products as soon as practicable after June 30, 1994, but not later than October 1, 1994, unless the DeCA Director finds, as a result of the survey, that there is no prevailing payment terms for bakery products.

To maintain uniform implementation of the Prompt Payment Act on a government-wide basis, the conferees urge the Secretary of Defense to propose to the Director of the Office of Management and Budget an appropriate amendment to OMB Circular A-125 (Prompt Payment) and initiate a regulatory action to effect a corresponding amendment to the government-wide Federal Acquisition Regulation.

Provision of facilities and services of the Department of Defense to certain education entities

The House bill contained a provision (sec. 368) that would authorize the Secretary of Defense to make DOD facilities and the services of members of the armed forces and DOD civilian employees available to four educational entities on a reimbursable or non-reimbursable basis.

The Senate amendment contained no similar provision.

The House recedes. The conferees urge the military services and local unit commanders

to work with educational entities, like those mentioned in the House provision, to further the entities' goals where such assistance does not detract from the overall performance of the unit's military mission. These efforts should be carried out under Department of Defense Directive 5410.18, entitled "Community Relations", as well as under the appropriate implementing directives of the military departments.

Exclusive use of aircraft carrier for full-time training

The House bill contained a provision (sec. 372) that would express the sense of Congress that the Navy's aviation training requirements can be adequately achieved in a safe and cost-effective manner only if an aircraft carrier is used exclusively and on a full-time basis to meet such requirements. This provision would also require the Secretary of the Navy to use the U.S.S. *Forrestal* or another aircraft carrier exclusively and on a full-time basis to meet the aviation training requirements of the Navy.

The Senate amendment contained no similar provision.

The House recedes. The conferees understand that the Department of Defense has decided to designate the U.S.S. *John F. Kennedy* as a reserve/training carrier. The conferees endorse the Navy's strong concern that the Navy's aviation training requirements should be carried out in a safe and cost-effective manner. The conferees recognize the value in operating the carrier designated to perform the aviation training mission in an established homeport where this training has been conducted for more than three decades. The Naval Air Station, Pensacola, is the historical birthplace of Naval aviation and has a long-established training mission. Therefore, the conferees recommend that the aviation training facilities located at the Naval Air Station utilized to the maximum extent possible. The conferees urge the Secretary of the Navy to consider stationing the U.S.S. *John F. Kennedy* at the Naval Air Station, Pensacola upon its return to service from its present overhaul.

Report on educational arrangements for children residing on military installations in the United States

The House bill contained a provision (sec. 373) that would require the Secretary of Defense to submit to Congress a report on educational arrangements the Secretary of Defense has made for children residing on military installations in the United States. The report would contain the Secretary's assessment and recommendations regarding the justification of the continuing need for section 6 school facilities. The report also would review the adequacy of Department of Education Impact Aid funding for military-impacted school districts.

The House report (H. Rept. 103-200) also directed the Secretary of Defense to report on several issues concerning the education of military dependents by the Department of Defense, and directed the General Accounting Office to review the Department of Defense Dependents School System.

The Senate amendment contained no similar provision.

The House recedes. The conferees agree not to require the Secretary of Defense to report on this area. However, the conferees direct the General Accounting Office to review the arrangements for educating Department of Defense military dependents, as outlined in the House report. Until this review is completed, the conferees are not prepared to make any changes in the current arrangements for educating military dependents.

Funding national defense strategic lift requirements

The National Defense Authorization Act for Fiscal Year 1993 created the National Defense Sealift Fund. The Department of Defense had requested this initiative to help it manage the trade-offs it will face as the recommendations of the mobility requirements study (MRS) are implemented. The Senate amendment included a provision (sec. 303) that would consolidate funding and management of strategic airlift and strategic sealift in a strategic lift fund. The Senate report (S. Rept. 103-120) stated that having these funds in one account would permit the Department to choose more easily among the lift improvement options, including buying or modifying aircraft (for example, C-17s, commercial freighter aircraft, and C-141 service life extensions), or accelerating the timetable for meeting sealift requirements.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that a decision to change the strategic sealift and airlift programs' management structure should not be made at this time. The conferees believe that the Department should have more time to make additional improvements in executing both programs.

Repeal of an exception to a limitation on the performance of depot-level maintenance of materiel

The Senate amendment contained a provision (sec. 331) that would delete the requirement, in section 2466 of title 10, United States Code, that specific percentages of the Army's aviation depot-level workload be performed by DOD employees during fiscal years 1993-1995.

The House bill contained no similar provision.

The Senate recedes.

Purchase of items not exceeding \$100,000

The Senate amendment contained a provision (sec. 333) that would authorize the Secretary of Defense to increase the threshold on purchase made with operation and maintenance funds from \$15,000 to \$100,000.

The House bill contained no similar provision.

The Senate recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

End strengths for active forces (secs. 401, 403, and 404)

The House bill contained a provision (sec. 401) that would authorize the active duty end strengths for each of the military services in the budget request.

The Senate amendment contained a similar provision (sec. 401) except for the active duty end strengths authorized for the Marine Corps and Air Force, and the separate authorization of officer strength levels.

The House recedes with an amendment.

The amendment would: (1) adopt the Senate provision's strength levels for the Marine Corps and the House provision's levels for the Air Force; (2) provide that the active duty strength of the Army may not be reduced below 555,000 before April 30, 1994, and thereafter only if the Secretary of Defense submits a report on the Bottom-Up Review and the President certifies to the Committees on Armed Services of the Senate and House of Representatives the adequacy of Army forces to carry out the missions assigned to them under the Bottom-Up Review

scenario and, at the same time, fulfill assigned peacekeeping and humanitarian missions; (3) provide that the active duty strength of the Army may not be reduced below 540,000 in fiscal year 1994; and (4) require the Secretary of Defense to submit a report on the personnel management actions programmed to be carried out in order to reach the military force strength levels assumed as of the end of fiscal year 1999 in the Bottom-Up Review for all the services.

The conferees are concerned about the future end strength of the Army and the Army's ability to support the spectrum of contingency operations upon which the Bottom-Up Review was premised. The Defense Department has not made public the number of active duty personnel who will eventually make up the post-Cold War Army. In the absence of that and related information, the conferees are not convinced that the end strength of the Army can be reduced below the levels authorized for fiscal year 1994 if the Army is to continue its various peacekeeping missions and maintain its capability to respond to two major regional contingencies nearly simultaneously. The conferees expect the Department of Defense to address this matter analytically to ensure that the Army can successfully execute the missions assigned to it under the Bottom-Up Review scenario as well as its peacekeeping and humanitarian missions.

The conferees expect the Department of Defense to maintain an active duty end strength for the Marine Corps in fiscal year 1994 of 177,000 as authorized. This level is consistent with Marine Corps force structure analysis and testimony provided to the Committee on Armed Services of the Senate and House of Representatives which indicate that this is the appropriate level for the Marine Corps to sustain its operational commitments without placing undue strain on Marine Corps personnel and their families.

The conferees expect the Committees on Armed Services of the Senate and House of Representatives to carefully review subsequent authorization requests and future year defense programs of the military services to ensure that active and reserve forces and strength levels adequately support all of the missions assigned to them under the Bottom-Up Review plan. In this regard, the Department of Defense should be prepared to present detailed justification in hearings next year for the forces and strength levels that it recommends. The conferees would be reluctant to approve further reductions in the absence of such justification.

The following table summarizes the conference agreement with respect to active duty end strengths:

ACTIVE DUTY END STRENGTHS

(By fiscal year)

	1993 authorization	1994 request	1994 recommendation
ARMY			
Total	598,900	540,000	540,000
Officer	88,855		84,414
NAVY			
Total	535,800	480,800	480,800
Officer	67,455		62,747
MARINE CORPS			
Total	181,900	174,100	177,000
Officer	18,440		17,851
AIR FORCE			
Total	449,900	425,700	425,700
Officer	84,970		80,876
Total			
Total	1,766,500	1,620,600	1,623,500
Officer	259,720		245,888

Temporary variation of end strength limitations for Marine Corps majors and lieutenant colonels (sec. 402)

The Senate amendment contained a provision (sec. 402) that would authorize the Secretary of the Navy to allow the Marine Corps to exceed the grade ceilings prescribed for its major and lieutenant colonel grades by section 523 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would provide the revised grade limitations shown below for fiscal years 1994 and 1995.

Fiscal year:	Major	Lieutenant colonel
1994	3,023	1,578
1995	3,157	1,634

The revised limits would accommodate a plan the Marine Corps prepared to have sufficient numbers of officers in the major and lieutenant colonel grades to satisfy joint and external assignment demands, and joint professional military education requirements, consistent with the intent of the Goldwater-Nichols Defense Reorganization Act of 1986 and the Defense Acquisition Workforce Improvement Act of 1990.

The conferees expect that the Department of Defense will address the adequacy of the existing grade tables as part of the report on officer personnel management systems required by section 502 of the National Defense Authorization Act for Fiscal Year 1993. The conferees intend to consider permanent adjustments to the grade tables after the report has been received.

On a related matter, the Senate conferees were recently approached by the Marine Corps and the Navy concerning the difficulties they have experienced in providing officers to fill general and flag officer joint staff positions because of the grade ceilings on the number of general and flag officers they are authorized to have on active duty. The Senate conferees would consider providing relief in this area if the Marine Corps and the Navy can analytically define the problem and recommend a responsible solution. In this regard, the Senate conferees expect the Assistant Secretary of the Navy for Manpower and Reserve Affairs, in consultation with the Assistant Secretary of Defense for Personnel and Readiness, to provide to the Committees on Armed Services of the Senate and House of Representatives an analysis of this matter along with appropriate recommendations.

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the end strengths for the Selected Reserve for each of the military services contained in the budget request.

The Senate amendment contained a similar provision (sec. 411) except for the end strengths that would be authorized for the Marine Corps Reserve, the Naval Reserve, the Coast Guard Reserve, and the Air National Guard.

The House recedes with an amendment. The amendment would authorize end strengths for the Selected Reserve as shown in the following table:

	1993 authorization	1994 request	1994 recommendation
Army National Guard	422,725	410,000	410,000
Army Reserve	279,615	260,000	260,000

(By fiscal year)

	1993 authorization	1994 request	1994 recommendation
Naval Reserve	133,675	113,400	118,000
Marine Corps Reserve	42,315	36,900	42,200
Air National Guard	119,300	117,700	117,700
Air Force Reserve	82,300	81,500	81,500
Coast Guard Reserve	15,150	8,000	10,000
Total	1,095,080	1,027,500	1,039,400

End strengths for reserves on active duty in support of the reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the full-time active duty end strengths for each of the reserve components contained in the budget request.

The Senate amendment contained a similar provision (sec. 412) except for the Marine Corps Reserve, the Naval Reserve, and the Air National Guard.

The House recedes with an amendment that would authorize end strengths for full-time support for fiscal year 1994 as shown below:

(By fiscal year)

	1993 authorization	1994 request	1994 recommendation
Army National Guard	24,736	24,180	24,180
Army Reserve	12,637	12,542	12,542
Naval Reserve	21,490	19,369	19,718
Marine Corps Reserve	2,285	2,119	2,285
Air National Guard	9,106	9,389	9,389
Air Force Reserve	636	648	648
Total	70,890	68,247	68,762

Increase in number of members in certain grades authorized to be on active duty in support of the reserves (sec. 413)

The House bill contained a provision (sec. 413) that would permanently increase the number of full-time support personnel on active duty in pay grades E-8, E-9, O-5, and O-6 in support of the Air Force reserve components.

The Senate amendment contained a provision (sec. 413) that would authorize an increase during fiscal year 1994 in these grade ceilings.

The Senate recedes.

Force structure allowance for Army National Guard (sec. 414)

The House bill contained a provision (sec. 414) that would recommend a force structure allowance of not less than 420,000 for the Army National Guard during fiscal year 1994. This provision would place a floor on the number and types of units and organizations and the number of authorized personnel spaces allocated to those units and organizations in the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

Personnel level for Navy Craft of Opportunity Program (COOP) (sec. 415)

The House bill contained a provision (sec. 415) that would require the Secretary of the Navy during fiscal year 1994 and thereafter to maintain the personnel authorizations assigned to the Craft of Opportunity mission at not less than the level in effect on September 30, 1991.

The Senate amendment contained no similar provision.

The Senate recedes.

Authorization of appropriations for military personnel (sec. 431)

The House bill contained a provision (sec. 431) that would limit the amount authorized to be appropriated for military personnel for

fiscal year 1994 to \$70,671,147,000—an increase of \$587,377,000 above the budget request.

The Senate amendment contained a similar provision (sec. 431) that would limit the amount to \$70,711,000,000.

The House recedes with an amendment that would limit the amount authorized to be appropriated for military personnel for fiscal year 1994 to \$70,183,770,000.

TITLE V—MILITARY PERSONNEL POLICY LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Years of service for eligibility for separation pay for regular officers involuntarily discharged (sec. 501)

The House bill contained a provision (sec. 501) that would amend section 1174 of title 10, United States Code, to require a minimum of six years of service for entitlement to separation pay for all regular officers upon selection for involuntary discharge.

The Senate amendment contained a similar provision (sec. 632).

The Senate recedes.

Expansion of eligibility for voluntary separation incentive and special separation benefits programs (sec. 502)

The House bill contained a provision (sec. 502) that would expand eligibility for the voluntary separation incentive (VSI) and the special separation bonus (SSB) to personnel with more than six years of active service before the date of enactment of this act, instead of December 5, 1991, as prescribed in current law.

The Senate amendment contained a similar provision (sec. 633) that would expand eligibility for both programs to servicemembers who complete the required period of active duty without regard to the date on which that period of active duty is completed.

The House recedes with a technical amendment.

Members eligible for involuntary separation benefits (sec. 503)

The House bill contained a provision (sec. 503) that would modify the definition of "involuntary separation" to extend eligibility for the package of involuntary separation benefits in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to individuals on active duty or full-time National Guard duty as of September 30, 1991, rather than September 30, 1990, as provided in current law.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the involuntary separation benefits to individuals on active duty or full-time National Guard duty on or after September 30, 1990.

Determination of service for warrant officer retirement sanctuary (sec. 505)

The House bill contained a provision (sec. 532) that would amend the Warrant Officer Management Act, established by section 1112 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), to provide the same tenure protection to warrant officers that is afforded under current law to enlisted members and officers who have completed 18 but less than 20 years of active duty for retirement eligibility purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Officers ineligible for consideration by early retirement boards (sec. 506)

The House bill contained a provision (sec. 505) that would amend section 638 of title 10,

United States Code, to clarify officer eligibility criteria for selective early retirement boards.

The Senate amendment contained no similar provision.

The Senate recedes.

Remedy for ineffective counseling of officers discharged following selection by early discharge boards (sec. 507)

The House bill contained a provision (sec. 506) that would require the secretaries of the military departments to establish procedures to review individual applications from officers selected for early discharge by board action to ensure that the officer were properly counseled that discharge was a potential result of being included in the population of those officers being considered by the board. If the secretary concerned determines that ineffective counseling occurred, the secretary would provide the member the option of participating in the voluntary separation incentive (VSI), special separation benefit (SSB), or early retirement program, if otherwise eligible.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the review mandated by this provision to be carried out by the Board for the Correction of Military Records of the military department concerned. Any such review must be completed within 60 days following receipt by the service secretary of an application for review.

Two-year extension of authority for temporary promotions of certain Navy lieutenants (sec. 508)

The House bill contained a provision (sec. 504) that would extend to September 30, 1995, the current law which authorizes the "spot promotion" of certain Navy lieutenants who possess skills for which a critical shortage exists and who are serving in positions designated to be held by lieutenant commanders.

The Senate amendment contained no similar provision (sec. 504).

The Senate recedes.

Award of constructive service credit for advanced education in a health profession upon original appointment as an officer (sec. 509)

The House bill contained a provision (sec. 731) that would amend title 10, United States Code, to authorize the award of year-for-year constructive service credit for advanced health professional degrees.

The Senate amendment contained a similar provision (sec. 501).

The House recedes with a technical amendment.

Original appointment as regular officers of certain reserve officers in health professions (sec. 510)

The Senate amendment contained a provision (sec. 502) that would exempt reserve officers in the health professions from the requirement in section 532 of title 10, United States Code, that an officer must be able to complete 20 years of active commissioned service by age 55 in order to be appointed as a regular officer. This provision would be consistent with an existing, similar exemption for physicians and dentists.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to prescribe in regulations those medical skills in which reserve officers can be appointed as regular officers without regard to

their being able to complete 20 years of active commissioned service by age 55.

Exception for health care providers to requirement for 12 weeks of basic training before assignment outside United States (sec. 511)

The Senate amendment contained a provision (sec. 514) that would authorize the exemption of certain reserve personnel with specialized skills and training, such as health care professionals, from the requirement for 12 weeks of basic training before assignment outside the United States in a time of war or national emergency.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense and, when appropriate, the Secretary of Transportation, to prescribe regulations that would allow certain members in the medical professions of the armed forces to complete a period of basic training shorter than 12 weeks before assignment outside the United States.

Number of full-time reserve personnel who may be assigned to ROTC duty (sec. 512)

The House bill contained a provision (sec. 512) that would increase the number of active National Guard and Reserve (AGR) personnel who may be assigned to duty with a unit of the Reserve Officer Training Corps (ROTC) to not more than 275 at any time.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of mandated reduction in Army Reserve component full-time Manning end strength (sec. 513)

The House bill contained a provision (sec. 513) that would, in light of the new active component advisor program, repeal the full-time support reductions required by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) in fiscal years 1994-1998.

The Senate amendment contained no similar provision.

The Senate recedes.

Two-year extension of certain reserve officer management authorities (sec. 514)

The House bill contained a provision (sec. 514) that would extend to September 30, 1995, the current authorizations for certain reserve officer management programs.

The Senate amendment contained a similar provision (sec. 512).

The House recedes with a technical amendment.

Active component support for reserve training (sec. 515)

The House bill contained a provision (sec. 515) that would direct the Secretary of the Army to establish one or more active cadre divisions during fiscal year 1995 to function as reserve component training divisions. These divisions would be a part of the active Army force structure, under an active duty commander, but could include Army National Guard and Army Reserve personnel as well.

The House bill would further require the Secretary of the Army to submit an implementation plan during fiscal year 1994, including the Secretary's recommendations for any statutory changes that the Secretary considers necessary to fulfill this requirement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the name of the training units and clarify the intent of the conferees

that the primary mission of these active component units would be to provide training support to reserve units.

Test program for reserve combat maneuver unit integration (sec. 516)

The House bill contained a provision (sec. 516) that would direct the Secretary of the Army to prepare a plan for a test program to determine the feasibility and advisability of applying the "roundout" and "roundup" models to active and reserve component unit integration at the battalion level.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees agree that the provision would provide the Secretary of the Army latitude to include a number of alternative organizational alignments in the test program. The conferees expect, however, that for the roundout portion of the test program, one of the alternatives would require that: 1) two of the three brigades of an Army division be restructured to include two active battalions and one National Guard battalion; 2) the third brigade of the division be restructured with a mix of active and National Guard companies in each battalion; and 3) National Guard personnel be integrated into the brigade and division headquarters and other division elements.

For the roundup portion of the test program, the conferees expect that one of the alternatives would require that each of the brigades of an active Army division be augmented with an additional (fourth) National Guard armor or infantry battalion.

Revisions to the pilot program for active component support of the reserves (sec. 517)

The House bill contained a provision (sec. 517) that would clarify that the active component advisers assigned under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) may be commissioned or warrant officers, or enlisted personnel. The provision would direct the Secretary of the Army to include, in the previously directed report containing the Secretary's evaluation of the program, a proposal for any statutory changes the Secretary considers necessary to implement the program on a permanent basis. The provision would also require the Secretary of the Army to include in the annual Army posture statement a report comparing the promotion rates of officers serving as active component advisers with the promotion rates of all Army officers in the same pay grade and competitive category.

The Senate amendment contained no similar provision.

The Senate recedes.

Educational assistance for graduate programs for members of the Selected Reserve (sec. 518)

The House bill contained a provision (sec. 521) that would permit Selected Reserve participants in the Montgomery G.I. Bill to pursue graduate-level course work, subject to the availability of appropriations.

The Senate amendment contained no similar provision.

The Senate recedes.

Frequency of physical examinations for members of the Ready Reserve (sec. 519)

The Senate amendment contained a provision (sec. 516) that would amend section 1004(a)(1) of title 10, United States Code, by changing the requirement that each member of the Ready Reserve who is not on active duty be given a medical examination from every four years to every five years. There is

no statutory requirement for periodic medical examination for members of the active components, and this provision would conform the reserve statute with standard practice for members serving on active duty.

The House bill contained no similar provision.

The House recedes. The conferees emphasize that this provision should not be misconstrued in any way to alter the provision contained in section 1117 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), which requires that: 1) each member of the Army National Guard undergo a medical and dental screening on an annual basis; and 2) each member of the Army National Guard over the age of 40 undergo a full physical examination not less than every two years.

Revision of certain deadlines under Army Guard combat reform initiative (sec. 520)

The House bill contained a provision (sec. 518) that would modify title XI of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) which prescribed a comprehensive package of initiatives to improve the combat readiness of the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

Annual report on implementation of Army National Guard reform initiative (sec. 521)

The House bill contained a provision (sec. 519) that would require the Secretary of the Army to include the Army posture statement each year a report on Army compliance with the provisions of the Army National Guard combat reform initiative (title XI of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484)), and related legislative provisions enacted as a consequence of lessons learned in the Persian Gulf war.

The Senate amendment contained no similar provision.

The Senate recedes.

FFRDC study of state and federal missions of the National Guard (sec. 522)

The House bill contained a provision (sec. 520) that would require a federally funded research and development center to study the state and federal missions of the National Guard and the manpower, weapons, equipment, and facilities requirements that derive from those missions.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Consistency of treatment of National Guard technicians and other members of the National Guard (sec. 523)

The Senate amendment contained a provision (sec. 513) that would amend section 709 of title 32, United States Code, by providing that the qualifications prescribed for federal recognition of an enlisted member of the National Guard may not differ between members solely on the basis of employment as a National Guard technician. In addition, the provision would repeal military education provisions included in Public Laws 100-456 and 101-189.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Army to recognize credit on a technician's military record for completion of certain education and training courses granted under previous law for a period determined

by the Secretary. Such a period may not terminate before such technician's next military promotion.

National Guard management initiatives (sec. 524)

The Senate amendment contained a provision (sec. 515) that would amend titles 10 and 32, United States Code, to eliminate unnecessary restrictions on personnel procedures, and to provide greater flexibility in the training, management, and mobilization of the National Guard.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the portion of the Senate provision regarding physical examinations for members of the National Guard called into federal service, and make technical corrections.

Military service academy provisions (secs. 531-536 and 603)

The House bill contained two provisions regarding management of the military service academies (secs. 603 and 951). Section 603 would limit the pay rate for non-prior service students at the military service academy preparatory schools to the same monthly rate as provided for cadets and midshipmen. Section 951 would prohibit the proposed transfer of the Naval Academy Preparatory School from its current location in Rhode Island to Annapolis in fiscal year 1994.

The Senate amendment contained three provisions (secs. 521, 522, and 523) regarding the management of the military service academies. Section 521 would clarify the procedures for nominating candidates for admission to the military service academies. Section 522 would conform section 702(a) of title 10, United States Code, regarding graduation leave, to eliminate reference to commissioning in the regular component as a precondition for granting graduation leave. Section 523 would authorize the military service academies greater flexibility in hiring civilian faculty and establish uniform procedures for the reporting of hazing. The Senate report (S. Rept. 103-112) directs the Assistant Secretary of Defense for Personnel and Readiness to implement a test program to determine the cost effectiveness of using private preparatory schools as an alternative to service-operated preparatory schools.

The conference agreement would: (1) adopt both House provisions; (2) adopt the three Senate provisions with an amendment on the civilian faculty hiring provision that would extend to the Air Force Academy and the U.S. Military Academy the same flexibility for hiring civilian faculty that exists for the Naval Academy, and require a report from the Department of Defense on the appropriate guidelines for reporting violations of regulations; and (3) adopt the Senate report directive as a legislative requirement with a provision that would exempt the students who graduate from the private preparatory schools and enter the military service academies from counting against the strength ceilings of the military service academies, and require that the test give priority to the goal of providing sufficient opportunities for minorities, women, and prior enlisted personnel. The conferees do not intend that the enrollment of the military academy preparatory schools be negatively affected during the period of the test.

The conferees note for the record a June 15, 1993, final report issued by The American Council of Education (ACE) on its Service Academy Preparatory School Project. The conferees expect the Department of Defense

to examine the entire ACE report and its recommendations carefully, and to take appropriate corrective action.

Provisions affecting the assignment of women in the military (secs. 541-543)

The House bill contained three provisions (secs. 541, 542, and 543) concerning the assignment of women in the military services. These sections would: (1) repeal the remaining combat exclusion law that prohibits the permanent assignment of women to vessels engaged in combat missions (sec. 541); (2) require the Secretary of Defense to prescribe gender-neutral occupational performance standards (sec. 542); and (3) require the Secretary of Defense to submit a report to Congress 90 days prior to implementing any change to directives or regulations affecting the policy restricting the assignment of women to units or positions whose mission requires routine engagement in ground combat.

The Senate amendment contained a provision (sec. 541) that would: (1) repeal the remaining combat exclusion law (like the House provision) but, at the same time, specifically authorize the Secretary of Defense to regulate the kinds of duties to which women in the military may be assigned and the military authority which they may exercise; and (2) require a two-step notification process in which the Secretary of Defense would be required to transmit to the Committees on Armed Services of the Senate and House of Representatives proposed and final regulations implementing any policy with regard to the assignment of women in the military services.

The conferees: (1) adopt the House provision with regard to the repeal of the remaining combat exclusion law which currently prohibits the permanent assignment of women to vessels engaged in combat missions; (2) adopt, with a technical amendment, the House provision with regard to the requirement for the Secretary of Defense to prescribe gender-neutral occupational performance standards; and (3) adopt a compromise between the House and Senate provisions with regard to reporting and notification requirements.

The compromise adopted by the conferees would require the Secretary of Defense to: (1) notify the Committees on Armed Services of the Senate and House of Representatives 90 days before any changes are made to policies on the assignment of women to ground combat roles; and (2) notify the Committees on Armed Services of the Senate and House of Representatives 30 days prior to opening any type of combatant unit, class of combatant vessel, or type of combat platform not previously open to women.

Responsibilities of military law enforcement officials at scenes of domestic violence (sec. 551)

The House bill contained a provision (sec. 551) that would require military law enforcement officials to apprehend or detain persons at the scene of apparent domestic violence upon reasonable belief that an offense was committed involving physical injury or use of a deadly weapon or dangerous instrument.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require military law enforcement officials at the scene of domestic violence to take immediate action to reduce the potential for further violence and promptly report the matter, within 24 hours, to the appropriate commander and family advocacy representatives. The conference agreement also would require a multidisciplinary family ad-

vocacy committee to promptly review the family situation and make recommendations to the commander.

The conferees remain concerned about the impact of domestic violence on military personnel and their families, as well as unit morale, good order, and discipline. The conferees urge the Department of Defense to issue promptly the regulations required by the conference agreement. The Department's progress in implementing and sustaining the policies required by the conference agreement will be a matter of significant concern during oversight hearings that will be conducted by the Committees on Armed Services of the Senate and the House of Representatives.

Improved procedures for notification of victims and witnesses of the status of prisoners in military correctional facilities (sec. 552)

The House bill contained a provision (sec. 552) that would require the Secretary of Defense to improve the procedures for notifying victims and witnesses of the status of offenders confined in military correctional facilities. The provision would require the procedures to be consistent, to the maximum extent practicable, with those of the Federal Bureau of Prisons.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Study of stalking by persons subject to the UCMJ (sec. 553)

The House bill contained a provision (sec. 553) that would require the Department of Defense to study the issue of stalking by persons subject to the Uniform Code of Military Justice.

The Senate amendment contained no similar provision.

The Senate recedes.

Transitional compensation for dependents of members of the armed forces separated for dependent abuse (sec. 554)

The House bill contained a provision (sec. 554) that would authorize the Secretary of a military department to provide transitional compensation to dependents of a member of the armed forces who is separated from active duty as a result of a court-martial or administrative proceeding for dependent abuse.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Clarification of eligibility for benefits for dependent victims of abuse by members of the armed forces pending loss of retired pay (sec. 555)

The Senate amendment contained a provision (sec. 654) that would amend 10 U.S.C. 1408, which authorizes benefits for dependents who have been abused by servicemembers who are losing the right to retired pay. The Senate amendment would make it clear that the dependent victim's eligibility to receive such benefits would begin when the convening authority approves a sentence that would terminate the servicemember's eligibility to receive retired pay.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Extension through fiscal year 1999 of certain force drawdown transition authorities relating to personnel management and benefits (sec. 561)

The Senate amendment contained a provision (sec. 532) that would extend through fis-

cal year 1998 certain temporary authorities which provide tools to the military services for managing personnel reductions, and which provide a safety net of benefits for separating military personnel during the defense drawdown.

The House bill contained no similar provision.

The House recedes with an amendment that would extend these transition authorities through 1999. The conferees believe that by providing the Department of Defense with these authorities for the foreseeable length of the drawdown, they will encourage DOD to develop and implement coherent, integrated, long-term drawdown plans that will minimize the uncertainties and personnel turbulence associated with such a drawdown. In section 404 of the conference report, the conferees direct the Secretary of Defense to submit a long-range plan for using the transition authorities to reduce the active-duty force levels to those assumed in the Bottom-Up Review.

The House recedes with a further amendment that would make permanent the rate of basic pay applicable to certain members with over 24 years of service.

Retention in active status of enlisted reserves with between 18 and 20 years of service (sec. 562)

The Senate amendment contained a provision (sec. 533(a)) that would provide a sanctuary for reserve enlisted members in an active status with greater than 18 but less than 20 years of service.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority to order early reserve retirees to active duty (sec. 563)

The Senate amendment contained a provision (sec. 533(b)) that would amend section 688(a) of title 10, United States Code, to provide the authority to order early reserve retirees to active duty.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Applicability to Coast Guard Reserve of certain reserve component transition initiatives (sec. 564)

The House bill contained a provision (sec. 522) that would extend eligibility for transition initiatives to members of the Coast Guard Reserve for the force reduction transition period.

The Senate amendment contained a similar provision (sec. 634).

The House recedes with a technical amendment.

Policy concerning homosexuality in the armed forces (sec. 571)

During the 103rd Congress, the Committees on Armed Services of the Senate and the House of Representatives each examined Department of Defense policies concerning homosexuality in the armed forces. The Department of Defense also reviewed its policies. On July 19, 1993, the President announced his approval of recommendations from the Secretary of Defense and the Joint Chiefs of Staff concerning the service of homosexuals in the armed forces. On July 27, 1993, the Senate Armed Services Committee approved legislation setting forth a statutory policy on homosexuality in the armed forces. An identical provision was approved by the House Armed Services Committee on July 30, 1993. This provision, which was set

forth in the House bill (sec. 574) and the Senate amendment (sec. 546), is set forth in this section.

Change in timing of required drug and alcohol testing and evaluation of applicants for appointment as a cadet or midshipman and for ROTC graduates (sec. 572)

The House bill contained a provision (sec. 571) that would defer, until the applicant has met the other requirements for admission or commissioning, but not otherwise modify, the required testing for drug and alcohol use for prospective entrants to the service academies and for members of the Senior Reserve Officers' Training Corps (ROTC) who are being examined as part of the pre-commissioning evaluation.

The Senate amendment contained no similar provision.

The Senate recesses.

Reimbursement requirements for advanced education assistance (sec. 573)

The House bill contained a provision (sec. 572) that would amend section 2005 of title 10, United States Code, to require the secretaries of the military departments to establish procedures to advise members of advanced education debts and to conduct investigations to determine if advanced education debts should be collected. The section would also authorize the secretaries of the military departments to waive the requirement to collect advanced education debts.

The Senate amendment contained a provision (sec. 544) that would authorize the secretary of a military department to amend an agreement entered into by a member who received advanced educational assistance and reduce, at any time, the period of active duty service the member agreed to serve in conjunction with the receipt of educational assistance when it is determined to be in the best interest of the United States. This provision would also provide that any computation of reimbursement to the United States would be based on the reduced active duty service obligation.

The Senate recesses with a technical amendment.

Recognition of powers of attorney (sec. 574)

The House bill contained a provision (sec. 573) that would ensure the effectiveness of powers of attorney notarized by persons authorized to act as notaries public under 10 U.S.C. 1044a.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

Foreign language proficiency test program (Sec. 575)

The House bill contained a provision (sec. 575) that would require the Secretary of Defense to develop and carry out a test program for improving foreign language proficiency in the Department of Defense. The test program would focus on evaluating changes in the management of the foreign language proficiency program recommended in a June 1993 report by the Department of Defense Inspector General and the Sixth Quadrennial Review of Military Compensation. The test program would include an evaluation of adjustments in compensation, including foreign language proficiency pay for active and reserve component personnel, larger enlistment and reenlistment bonuses, and special duty assignment pay.

The Senate amendment contained no similar provision.

The Senate recesses with a technical amendment.

Clarification of punitive UCMJ article regarding drunken driving (sec. 576)

The House bill contained a provision (sec. 562) that would clarify the statutory standard for breath and alcohol measurements under Article 111 of the Uniform Code of Military Justice (10 U.S.C. 911) which proscribes drunken driving.

The Senate amendment contained a similar provision (sec. 543).

The Senate recesses.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification to Selected Reserve call-up authority

The House bill contained a provision (sec. 511) that would amend section 673b of title 10, United States Code, to provide a permanent increase in the existing Selected Reserve call-up authority from 90 to 180 days for both the initial and an additional period of service.

The Senate amendment contained a provision (sec. 511) that would authorize the President to delegate to the Secretary of Defense limited authority to call up units and members of the Selected Reserve under section 673b of title 10, United States Code. No more than 25,000 members of the Selected Reserve could be on active duty at any one time under this authority.

The Senate provision would require written notification to Congress within 24 hours of the exercise of this authority, setting forth the circumstances requiring the call-up and the anticipated use of called-up reservists or units.

The conferees agree to delete both provisions. The conferees generally support making the reserves more accessible in the expectation of increased reliance on them. However, the conferees are reluctant to expand the existing call-up authorities before exploring in hearings the implications of any such changes for the reserve components and employer support for reserve components.

Improved right of appeal in court-martial cases

The House bill contained a provision (sec. 561) that would amend Article 69 of the Uniform Code of Military Justice (10 U.S.C. 869) to provide that an individual whose case is reviewed by the Judge Advocate General of the military department concerned under Article 69 may petition the Court of Military Review (CMR) for that service to review the case under Article 66 (10 U.S.C. 866).

Under Article 66, every court-martial in which the sentence extends to death, dismissal, dishonorable or bad-conduct discharge, or confinement for one year or more is subject to mandatory review by a Court of Military Review unless the accused waives appeal. The CMR is a formal appellate tribunal within each military department composed of senior attorneys. Other cases (e.g., those involving a lesser sentence) may be reviewed by the Judge Advocate General concerned. The Judge Advocate General has the discretion to submit any of those other cases to the CMR.

The Senate amendment contained no similar provisions.

The House recesses. The conferees agree that the Secretary of Defense should review the relationship between review under Article 69 by the Judge Advocate General and appeal to a CMR under Article 66. The Secretary should provide the results of that review to the congressional defense committees not later than May 1, 1994.

At a minimum, the review should address the following issues: (1) whether the distinction in Article 69 between general courts-martial (which are subject to mandatory re-

view by the Judge Advocate General) and other courts-martial (which are subject to review only upon request) remains valid, particularly in view of the fact that the sentences imposed in some general courts-martial may be less severe than the sentences imposed in some special courts-martial; (2) what standards should defense counsel apply in determining whether to submit an appeal under Article 69; (3) what standard should the Judge Advocates General apply in determining whether a case reviewed under Article 69 should be submitted to a CMR for formal appellate review; and (4) whether the accused should be given the right to petition a CMR for review of decisions by the Judge Advocate General under Article 69.

Reduction in the maximum number of years for a military member to be maintained on the temporary disability retired list

The Senate amendment contained a provision (sec. 542) that would reduce from five to three the maximum number of years a service member may be retained on the temporary disability retired list before a final determination is made.

The House bill contained no similar provision.

The Senate recesses. The conferees agree that proper management of the list is essential, but believe that reducing the maximum number of years from five to three may disadvantage certain disabled members, including those undergoing cancer treatment.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Military pay raise for fiscal year 1994 (sec. 601)

The House bill contained a provision (sec. 601) that would authorize a 2.2 percent increase in basic pay, basic allowance for quarters, and basic allowance for subsistence for military personnel.

The Senate amendment contained a similar provision (sec. 601).

The House recesses.

Variable housing allowance (VHA) for certain members who are required to pay child support and who are assigned to sea duty (sec. 604)

The House bill contained a provision (sec. 602) that would permit members above paygrade E-6 who are assigned to sea duty and are entitled to a basic allowance for quarters (BAQ) at the "with dependent" rate solely by reason of child support payments to be entitled to a variable housing allowance (VHA) at the "without dependents" rate.

The Senate amendment contained no similar provision.

The Senate recesses.

Evacuation advance pay (sec. 605)

The House bill contained a provision (sec. 604) that would amend section 1006 of title 37, United States Code, to authorize the President to designate in advance or retroactively a place for which advance of pay will be made in connection with the ordered evacuation of members or dependents of members.

The Senate amendment contained a provision (sec. 622) that would designate permanent change of station pay advances to servicemembers evacuated in August 1992 from Homestead Air Force Base, Florida, because of Hurricane Andrew, as evacuation advance pay.

The House recesses with an amendment that would preserve the designation of pay advances to Hurricane Andrew victims as evacuation advance pay and amend section

1006 of title 37, United States Code, to provide the Secretary of Defense with the authority to designate places within the United States as evacuation sites warranting payment of advance pay.

Extension of authority for bonuses and special pays for nurse officer candidates, registered nurses, and nurse anesthetists (sec. 611)

The House bill contained a provision (sec. 611) that would make permanent the authority for bonuses and special pays for nurse officer candidates, registered nurses, and nurse anesthetists.

The Senate amendment contained a provision (sec. 612 (a)-(c)) that would extend the authority for these bonuses and pays until September 30, 1995.

The House recedes with a technical amendment.

Expansion and modification of certain bonuses for reserve forces (sec. 612)

The House bill contained two provisions (sec. 612 and 613(f)) that would extend certain expiring authorities to September 30, 1995, increase the Selected Reserve enlistment bonus from \$2,000 to an amount not to exceed \$5,000, and change the requirement to "pay one half of the bonus upon completion of the initial active duty for training" to "an amount not to exceed one half of the bonus may be paid." The provision would further specify that the total amount of expenditures that may be incurred to provide bonuses under this section may not exceed \$37,024,000 for fiscal year 1994, the amount contained in the budget request for the Selected Reserve enlistment bonus program.

The Senate amendment contained a provision (sec. 611) that would amend Selected Reserve enlistment bonus and affiliation bonus authorities to provide greater flexibility in the method of payment of the bonuses.

The Senate recedes with a technical amendment.

Extension of authorities relating to payment of other bonuses, and special pays (sec. 613)

The House bill contained a provision (sec. 613) that would extend the authorities for a variety of bonuses and special pays. The current authorities expired on September 30, 1993.

The Senate amendment contained a similar provision (sec. 612 (d)-(k)) that would extend the authorities for a variety of bonuses, special pays, and educational loan repayments.

The Senate recedes with an amendment that would combine the provisions of the House bill and the Senate amendment.

Reimbursement of temporary lodging expenses (sec. 621)

The Senate amendment contained a provision (sec. 621) that would expand the current temporary lodging expense reimbursement authority from four to ten days for moves to or within the United States, and from two to five days for moves from a stateside location to one outside the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would make April 1, 1994 the effective date of the provision.

Payment of losses incurred or collection of gains realized due to fluctuations in foreign currency in connection with housing members in private housing abroad (sec. 622)

The House bill contained a provision (sec. 622) that would amend section 405(d) of title 37, United States Code, to authorize service secretaries to pay or collect funds for non-recurring expenses incurred by

servicemembers as a result of the fluctuation of U.S. and foreign currencies while occupying private housing outside the United States.

The Senate amendment contained a similar provision (sec. 652).

The House recedes.

Revision of definition of dependents for purposes of allowances (sec. 631)

The House bill contained a provision (sec. 631) that would revise the definition of the term "dependent" for purposes of allowances (37 U.S.C. 401(a)) to include certain minors in the legal custody of a member of former member of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Clarification of eligibility for tuition assistance (sec. 632)

The House bill contained a provision (sec. 632) that would amend section 2007(c) of title 10, United States Code, to make clear that selected reserve officers serving on active duty or full-time National Guard duty, who are otherwise eligible to receive tuition assistance by virtue of their active service and agreement to serve on active duty for two years following completion of the training or education for which tuition assistance was provided, are not precluded from receiving such assistance.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress regarding the provision of excess leave and permissive temporary duty for members from outside the continental United States (sec. 633)

The Senate amendment contained a provision (sec. 655) that would express the sense of the Senate that the Secretary of Defense should ensure that a member whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of separation be eligible to receive the same amount of excess leave or permissive temporary duty as a member who is stationed overseas. The provision would also require a report on other areas of inequitable treatment.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress on this issue and strike the required report.

Special pay for certain disabled members (sec. 634)

The Senate amendment contained a provision (sec. 631) that would authorize an individual who has a service-connected disability rated as total to be paid a special pay not to exceed the monthly amount of veterans disability compensation the person receives.

This provision would take effect unless the Department of Defense submits, by January 1, 1994, to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Permanent authority for former prisoners of war to claim payments because of violations of the Geneva Convention

The Senate amendment contained a provision (sec. 641) that would amend section 6 of

the War Claims Act of 1948 (50 App. U.S.C. 2005), as amended by Public Law 91-289 (84 Stat. 323), by making permanent the authority for former prisoners of war (POWs) to claim payment for violations of the Geneva Convention of August 12, 1949, by their captors. The Senate amendment would also sever the connection between payments to victims of terrorism and POWs.

The House bill contained no similar provision.

The Senate recedes.

Inclusion of victims of terrorism in certain title 37 benefits

The Senate amendment contained a provision (sec. 642) that would authorize the payment of certain benefits authorized under title 37, United States Code, to victims of terrorism and members of the uniformed services held as captives.

The House bill contained no similar provision.

The Senate recedes.

Pay for members of the uniformed services during times of war, hostilities, or national emergency

The Senate amendment contained a provision (sec. 651) that would authorize the Secretary of Defense to issue regulations to limit the direct pay to servicemembers engaged in combat operations overseas during time of war, hostilities, or national emergency declared by the Congress or the President.

The House bill contained no similar provision.

The Senate recedes.

Extension of Operation Desert Shield postponement of certain tax-related acts to other contingency operations

The Senate amendment contained a provision (sec. 653) that would amend section 7508 of title 26, United States Code, by extending Operation Desert Shield postponement of tax obligations and other certain acts to personnel overseas supporting a contingency operation.

The House bill contained no similar provision.

The Senate recedes noting the jurisdiction of the Committee on Ways and Means of the House of Representatives over tax legislation.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Primary and preventive health care services for women (sec. 701)

The House bill contained a provision (sec. 701) that would define the authorized services available to female members, former members, and beneficiaries under chapter 55, title 10, United States Code, to include primary and preventive health care services for women.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the definition of "primary and preventive health care services for women."

Revision of the definition of dependents for purposes of health benefits (sec. 702)

The House bill contained a provision (sec. 702) that would revise the definition of the term "dependent" for purposes of health benefits (10 U.S.C. 1072(2)) to include certain minors in the legal custody of a member or former member of the armed forces.

The Senate amendment contained no similar provision.

The Senate recesses with a technical amendment.

Authorization to expand enrollment in the dependents' dental program to certain members returning from overseas assignments (sec. 703)

The Senate amendment contained a provision (sec. 706) that would require the Secretary of Defense to take appropriate action to allow military personnel returning from an overseas assignment to be eligible to enroll in the dental insurance program authorized by section 701 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

The House bill contained no similar provision.

The House recesses with an amendment that would: (1) permit the Secretary of Defense to expand the dependents' program to permit the enrollment of certain dependents without regard to the length of the uncompleted portion of the member's period of obligated service after March 31, 1994; (2) require a report from the Department of Defense on the advisability of expansion of the benefit; and (3) require a 30-day notification of the exercise of the authority provided.

Authorization to apply section 1079 payment rules for the spouse and children of a member who dies while on active duty (sec. 704)

The conferees became aware of a situation in which a surviving spouse or dependent may unexpectedly incur substantially higher out-of-pocket medical care costs under CHAMPUS when the servicemember dies on active duty. This situation might occur when the spouse or other dependent is involved in ongoing treatment for a medical condition such as pregnancy at the time the servicemember dies.

The conferees agree to a provision that would authorize the secretary concerned to continue to apply the payment provisions under section 1079(b) rather than the payment provisions under section 1086(b) of title 10, United States Code, with respect to the treatment for an illness or medical condition for which the dependent was receiving treatment at the time the servicemember died. The lower cost-sharing requirements would be authorized for the duration of the treatment of the illness or medical condition or one year, whichever is shorter.

The conferees intend to ensure that active duty families do not incur financial hardship for continued medical treatment following the death of the servicemember. The conferees note that the service secretaries may already authorize continued medical care in military hospitals under such circumstances to a secretarial "designee" but may not utilize designee status in order to continue to provide CHAMPUS coverage or to prescribe the continuation of the active duty dependent cost-sharing prescribed under section 1079(b) of title 10, United States Code. The conferees encourage the administering Secretary to use either secretarial designee status or the authority provided in this provision to continue treatment for a pre-existing illness or medical condition at the time of the servicemember's death, depending on which method is most beneficial and cost-effective.

Codification of CHAMPUS peer review organization program procedures (sec. 711)

The House bill contained a provision (sec. 712) that would codify existing procedures for the CHAMPUS peer review organization (PRO) program. In addition, this provision would authorize the Secretary of Defense to adopt any quality or utilization review re-

quirements and procedures in effect for the Medicare peer review organization program and adapt them to the circumstances of the CHAMPUS program.

The Senate amendment contained a similar provision (sec. 702).

The Senate recesses with a technical amendment.

Increased flexibility for personal services contracts in military medical treatment facilities (sec. 712)

The House bill contained a provision (sec. 717) that would amend title 10, United States Code, to expand the current authority to utilize personal services contracts to supplement military and federal civilian employees in military treatment facilities (MTFs). This provision would allow the Secretary of Defense to establish simplified contracting procedures in lieu of the current Federal Acquisition Regulations (FAR) and would increase the maximum pay cap to \$200,000. Finally, this provision would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and House of Representatives after exercising this expanded authority. The report shall specify the number of individuals compensated at the higher level permitted by this provision, the medical specialties involved, and the salaries offered.

The Senate amendment contained no similar provision.

The Senate recesses with a technical amendment. The conferees note that personal services contract personnel are utilized when the military treatment facility needs health care providers who will be subject to the same day-to-day supervision and controls that apply to military personnel and civil service employees. Personal services contract personnel are therefore considered to be employees for purposes of job performance, supervisory authority, quality assurance requirements, tort liability, and other purposes. However, they are exempt from civil service rules and civilian end strength limits. The regulations issued under the new authority should be consistent with these requirements.

Expansion of the program for the collection of health care costs from third-party payers (sec. 713)

The House bill contained a provision (sec. 718) that would strengthen the current authority for the Department of Defense to collect health care costs for services provided in military hospitals from insurance companies and other third party payers. The provision also would clarify congressional intent that collected funds be earmarked for use at the medical facility responsible for collecting the funds, and require the Secretary of Defense to report annually on the level of funds collected at each military treatment facility and the budget request for the operation of that facility.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would modify the reporting requirements.

Alternative resources allocation method for medical facilities of the uniformed services (sec. 714)

The House bill contained a provision (sec. 719) that would revise the current statute that requires the use of diagnosis-related groups (DRGs) to allocate funds to military treatment facilities (MTFs). This provision would allow the Department of Defense to use either the current DRG-based method or institute a capitation-based method to allocate resources to MTFs.

The Senate amendment contained no similar provision.

The Senate recesses.

Federal preemption regarding contracts for medical and dental care (sec. 715)

The House bill contained a provision (sec. 713) that would permit the preemption of state or local government law or regulation for health care contracts to the extent that the Secretary of Defense determines that the state or local government law or regulation is inconsistent with a specific provision in the contract, or that such preemption is necessary to implement or operate the contract or to achieve other important federal interests.

The Senate amendment contained no similar provision.

The Senate recesses.

Specialized treatment facility program authority and issuance of nonavailability of health care statements (sec. 716)

The House bill contained a provision (sec. 711) that would extend until October 1, 1995, and revise the authority provided by sections 711 and 715 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 101-190) concerning the specialized treatment facility (STF) program. This section would allow the designation of civilian STFs with service areas comparable in size to military STFs and authorize payment of transportation and related expenses for travel to STFs when it is determined that such care is cost-effective.

The Senate amendment contained a similar provision (sec. 701).

The House recesses with a technical amendment.

Delay of termination authority regarding status of certain facilities as uniformed services treatment facilities (sec. 717)

The House bill contained a provision (sec. 714) that would extend until December 31, 1995, the designation of ten former Public Health Service hospitals and clinics as uniformed services treatment facilities (USTFs).

The Senate amendment contained a similar provision (sec. 704) that would extend the designation for five years through fiscal year 1998.

The House recesses with an amendment that would: (1) extend the designation until December 31, 1996; and (2) require the Comptroller General and the Director of the Congressional Budget Office to evaluate jointly the participation agreements entered into between the USTFs and the Secretary of Defense and to report the results of that evaluation to Congress not later than six months after the date of enactment of this act.

The conferees expect the Department of Defense to develop and implement a plan to introduce competitive managed care into the areas now served by the USTFs to stimulate competition among health care provider organizations for the cost-effective provision of quality health care services. The conferees further expect that future programs be incorporated under the umbrella of national health care reform and its attendant emphasis on competition. The Department should provide periodic progress reports to the Committees on Armed Services of the Senate and House of Representatives on the implementation of such a plan.

Managed-care delivery and reimbursement model for the uniformed services treatment facilities (sec. 718)

The House bill contained a provision (sec. 715) that would direct the Secretary of Defense to begin operation of the managed-care

delivery and reimbursement model in the uniformed services treatment facilities not later than October 1, 1993. In addition, this section would authorize the imposition of reasonable charges for inpatient and outpatient care under the managed-care model.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) delay the October 1, 1993, effective date until the date of enactment of this act; (2) require an independent evaluation by a federally funded research and development center of the performance of each uniformed services treatment facility under the managed care delivery and reimbursement model; and (3) require a report to be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than December 31, 1995. The conferees expect this independent review and cost analysis to be similar to that done by the RAND Corporation in connection with the expansion of the CHAMPUS reform initiative.

Flexible deadline for continuation of CHAMPUS reform initiative in Hawaii and California (sec. 719)

The Senate amendment contained a provision (sec. 703) that would amend section 713(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 101-484) to provide flexibility with regard to the August 1, 1993, date for the delivery of CHAMPUS services under the new CHAMPUS reform initiative contract for California and Hawaii.

The House bill contained no similar provision.

The House recedes with an amendment that would permit the new contract to begin as soon as practicable after the date of enactment of this act.

Clarification of conditions on expansion of CHAMPUS reform initiative to other locations (sec. 720)

The House bill contained a provision (sec. 716) that would clarify that the cost-effectiveness criterion prescribed by section 712 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) for certification of the expansion of the CHAMPUS reform initiative (CRI) should be determined based on the combined cost of care in military treatment facilities and under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and not on a single baseline such as standard CHAMPUS. This provision would further require that the Secretary of Defense ensure that, under any revision to CRI necessary to achieve certification, enrolled beneficiaries should obtain health care services at reduced out-of-pocket cost relative to standard CHAMPUS.

The Senate amendment contained no similar provision.

The Senate recedes.

Report regarding demonstration programs for the sale of pharmaceuticals (sec. 721)

The House bill contained a provision (sec. 736) that would amend section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to direct the Secretary of Defense to report to the Committees on Armed Services of the Senate and House of Representatives on the feasibility and advisability of increasing the size of the geographic areas determined to be adversely affected by the closure of health care facilities of the uniformed services in order to expand the number of persons eligible to participate in the demonstration projects for pharmaceuticals by mail or retail pharmacy

networks. This provision would also direct the Secretary to evaluate the feasibility and advisability of expanding participation eligibility to all non-active duty beneficiaries currently eligible to receive medical care under chapter 55 of title 10, United States Code. This report would be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than January 1, 1994.

The Senate amendment contained no similar provision.

The Senate recedes.

Use of health maintenance organization model as an option for military health care (sec. 731)

The House bill contained a provision (sec. 720) that would direct the Secretary of Defense to prescribe and implement, not later than December 15, 1993, a health benefit option and cost-sharing requirements modelled on health maintenance organization (HMO) plans in the private sector and other government health insurance programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to prescribe and implement the health benefit option and cost-sharing requirements by February 1, 1994.

Clarification of authority for graduate student program of the Uniformed Services University of the Health Sciences (sec. 732)

The House bill contained a provision (sec. 732) that would clarify the authority of the Uniformed Services University of the Health Sciences (USUHS) to operate a graduate student program for individuals who function as teaching and research assistants. This section would clarify that the commissioned status and service obligation requirements for students at USUHS contained in title 10, United States Code, apply only to medical students, not graduate students.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority for the Armed Forces Institute of Pathology to obtain additional distinguished pathologists and scientists (sec. 733)

The House bill contained a provision (sec. 733) that would authorize the Secretary of Defense to waive, on a case-by-case basis, the current statutory limitation on the number of distinguished pathologists and scientists and allow the Armed Forces Institute of Pathology (AFIP) to enter into additional agreements for the services of distinguished pathologists and scientists.

The Senate amendment contained no similar provision.

The Senate recedes.

Authorization for automated medical record capability to be included in medical information system (sec. 734)

The House bill contained a provision (sec. 721) that would permit the Secretary of Defense to include an automated medical record capability in the Department's acquisition of the composite health care system (CHCS), as prescribed by section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661). This provision would further direct the Secretary of Defense to develop a plan to test the use of an automated medical records capability at one or more military medical treatment facilities.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on the provision of primary and preventive health care services for women (sec. 735)

The House bill contained a provision (sec. 734) that would require the Secretary of Defense to submit a report to Congress evaluating the health care services provided to eligible women through military treatment facilities and CHAMPUS, and to assess the projected health care needs for women in the year 2000.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would refine the content of the report and establish October 1, 1994, as the due date for the report.

Independent study of former Arctic Medical Study (sec. 736)

The Senate amendment contained a provision (sec. 708) that would require the Department of Defense to conduct an independent study of an arctic medical study conducted during the 1950s using Native Americans as subjects.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the Secretary of Defense to identify the source of the funds necessary for the study.

Availability of report regarding the CHAMPUS chiropractic demonstration (sec. 737)

The House bill contained a provision (sec. 735) that would express the sense of Congress that the Secretary of Defense should: (1) expedite the analysis of data derived from the Department of Defense two-year demonstration project to test the participation of chiropractors under CHAMPUS; (2) submit findings and recommendations to Congress not later than October 1, 1993; (3) make all data resulting from the demonstration project available to Congress, including the General Accounting Office; and (4) immediately proceed with the staff work required to implement the recommendations contained in the DOD analysis of the demonstration project.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the House provision and instead require the Secretary of Defense to make available to interested persons the report prepared by the Secretary evaluating the chiropractic demonstration.

Sense of Congress regarding the provision of adequate medical care to covered beneficiaries under the military medical system (sec. 738)

The Senate amendment contained a provision (sec. 707) that would direct the Secretary of Defense to encourage increased use of physicians, dentists, and other health care professionals in the reserve components of the military services to provide care to retired military personnel.

The House bill contained no similar provision.

The House recedes with an amendment that would encourage the use of reserve component physicians, dentists, and other health care professionals to provide services to all authorized beneficiaries, especially retired military personnel.

LEGISLATIVE PROVISION NOT ADOPTED

Exclusion of experienced military physicians from Medicare definition of new physician

The Senate amendment contained a provision (sec. 705) that would amend title 18 of the Social Security Act by exempting physicians and health care practitioners who have

served more than four years in any branch of the uniformed services from treatment as a "new physician or practitioner" under Medicare payment, upon leaving the service.

The House bill contained no similar provision.

The Senate recedes noting that section 13515 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) precludes the need for additional legislation.

TITLE VIII—ACQUISITION POLICY LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Manufacturing technology and industrial preparedness (sec. 801)

The budget request contained \$147.7 million for manufacturing technology and industrial preparedness in PE 63705D.

The House bill contained no funding in PE 63705D, but contained \$35.0 million for manufacturing technology for the Defense Logistics Agency, \$50.0 million for Army manufacturing technology, \$120.0 million for Navy manufacturing technology, and \$110.0 million for Air Force manufacturing technology.

The Senate amendment contained \$171.0 million for manufacturing technology in PE 63705D, \$20.0 million for Army manufacturing technology, \$50.0 million for Navy manufacturing technology, and \$60.0 million for Air Force manufacturing technology. The Senate amendment also contained a provision (sec. 801) that would provide a legislative framework for DOD manufacturing technologies and industrial preparedness programs, including requiring cost sharing and competition for dual use manufacturing technology programs.

The conferees note that the Department of Defense did not request any funds for manufacturing technology and industrial preparedness in the military departments. The conferees also note that this lack of funding is not difficult to understand in light of the fact that, in recent years, the service manufacturing technology programs have become almost totally earmarked for projects that are added by Congress with no competition, no cost sharing, and little or no review by the authorizing committees or the services.

In light of this difficult situation, the conferees recommend a \$112.5 million authorization, which includes \$3.0 million for the Navy Ramp program, for manufacturing and industrial preparedness to be distributed as directed by the Director, Defense Research and Engineering. The conferees concur with the Department of Defense that these funds should be consolidated within the Office of the Secretary of Defense. The conferees specifically deny authorization of any funds for the military departments' manufacturing technology and industrial preparedness programs. The conferees further direct that the funds authorized for manufacturing technology and industrial preparedness be utilized for manufacturing technology programs and centers already in existence. The conferees explicitly deny authorization for the initiation of any new manufacturing technology or industrial preparedness programs.

The conferees also direct the Director, Defense Research and Engineering to obtain cost sharing arrangements wherever possible for those on-going manufacturing technology programs that are to be funded.

The conferees agree that manufacturing technology programs should be awarded on the basis of competition. Manufacturing technology programs that have dual-use potential should be cost-shared. The conferees will closely monitor all contracts and grants

awarded under the manufacturing technology program to ensure this policy is implemented by the Department of Defense. The conferees also agree to jointly sponsor legislation next year to require that contracts and grants be awarded on the basis of merit-based competitive procedures and to prohibit the legislative earmarking of the award of contracts and grants using funds authorized and appropriated for the Department of Defense.

University research (sec. 802)

The budget request contained \$242.6 million for university research in PE 61103D.

The House bill would increase university research by \$32.0 million.

The Senate amendment would reduce university research by \$42.6 million and create a new program entitled university research support program with a \$42.6 million funding level. The Senate amendment contains a provision (sec. 802) that would reserve the funds in the university research support program for institutions that have received less than \$1.0 million in federal grants in the last three fiscal years. The provision also would require all university grants to be awarded on the basis of merit-based competition.

The conferees agree that the university research program should be funded at \$222.6 million. This includes \$20.0 million for the Department of Defense Dependent Schools Director's Fund for Science, Mathematics, and Engineering and \$20.0 million for the computer-assisted education program. The conferees also agree to establish the university research support program and recommend a \$20.0 million funding level for grants to institutions that received less than \$2.0 million in federal grants in the last two fiscal years. The conferees agree to require the competitive awarding of these funds.

In addition, the conferees agree to authorize: \$20.0 million for the defense experimental program to stimulate competitive research (DEPCOR); \$5.0 million for adaptive optics research; and \$7.0 million for magnetic materials microscopy.

Critical Technologies Institute (sec. 803)

The Senate amendment contained a provision (sec. 803) that would adjust the size and composition of the Critical Technologies Institute operating committee. The Administration had requested a smaller, streamlined committee.

The House bill contained no similar provision.

The House recedes with an amendment that would raise Department of Commerce representation to the Under Secretary level and include the Director of the National Science Foundation on the operating committee.

Historically black colleges and universities (sec. 811)

The House bill contained a provision (sec. 802) that would authorize funding for historically black colleges and universities and would require certain reports on the progress of the program.

The Senate amendment contained a provision (sec. 811) that would authorize funding, restate in law the definition of a minority institution, and create a new program for grants to colleges that have a substantial minority enrollment but which do not qualify as minority institutions.

The Senate recedes with an amendment that would add the definition of minority institution to the House provisions.

Pilot mentor-protégé program (sec. 813)

The Senate amendment contained a provision (sec. 813) that would authorize \$50.0 mil-

lion for the pilot mentor-protégé program. The provision also would: (1) improve public access to the program's policy guidance which provides most of its operating details; (2) expand the potential for equity investment in a protégé firm by its mentor; and (3) extend the existing statutory deadline for any new mentor-protégé program developmental assistance agreements by one year to avoid a lapse in the program if the National Defense Authorization Act for Fiscal Year 1995 is not enacted before September 30, 1994.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the expansion of equity investment by a mentor. The conferees authorize \$50.0 million dollars for the mentor-protégé program.

Provisions to revise and consolidate certain acquisition laws (secs. 821-828)

The House bill contained provisions (sec. 811-816 and 819) that would revise and consolidate certain acquisition laws as recommended by the Advisory Panel on Streamlining and Codifying the Acquisition Laws. The House bill contained two other provisions (secs. 817 and 818) that would revise Department of Defense policies concerning the acquisition of commercial products. The provisions also would establish a simplified acquisition threshold for certain laws applicable to the Department of Defense to streamline procurements under \$100,000.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment. The conferees agree that action on the recommendations of the Administration's National Performance Review, should receive priority attention by the Congress. The federal government's acquisition policies, including those applicable to the Department of Defense, too often impede the degree of commercial-government integration that is crucial to a solid industrial and technology base capable of meeting national security requirements.

The conference agreement would substantially adopt the revisions and consolidations in sections 811-816 and 819 of the House bill. The provisions in sections 817 and 818 of the House bill, dealing with commercial product acquisitions and the simplified acquisition threshold, address issues that have government-wide implications. They are more appropriately considered in the context of a comprehensive acquisition reform effort.

Defense acquisition pilot programs (secs. 831-839)

The Senate amendment contained provisions (secs. 831-39) that would facilitate the Department of Defense's use of the acquisition pilot program authority established in section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991. The Senate amendment also would establish congressional policies concerning the objectives to be achieved by the defense acquisition pilot programs.

The House bill contained no similar provisions.

The House recedes.

Indirect costs of higher education institutions (sec. 841)

The Senate amendment contained a provision (sec. 821) that would allow institutions of higher education to be reimbursed in a manner similar to other defense contractors when performing contracts for the Department of Defense.

The House bill contained no similar provisions.

The House recedes with an amendment that would prohibit the Secretary of Defense from imposing a limit on reimbursement of allowable indirect costs to institutions of higher education unless a similar limitation is imposed on other defense contractors performing similar contracts.

Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government (sec. 824)

The Senate amendment contained two provisions (secs. 822 and 823) that would exclude those organizations or corporations that are owned, but not controlled, by foreign governments from the prohibitions in sections 835 and 836 of the National Defense Authorization act for Fiscal Year 1993.

The House bill contained no similar provisions.

The Senate recedes on section 822.

The House recedes on section 823 with an amendment that would not change the definition of the term "entity controlled by a foreign government" as the Senate provision proposes. The amendment would specify, however, that the term "entity controlled by a foreign government" does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992. The conferees note that the term "corporation" is intended to include a corporation's subsidiaries, divisions, and groups, whenever they become part of the corporation, as long as they are covered by the same industrial security arrangement with the Department of Defense as the corporation.

The General Accounting Office (GAO) is reviewing the effectiveness of the industrial security arrangements between the Department and foreign-owned defense contractors. The Armed Services Committees of the Senate and House of Representatives will consider the results of the GAO review in 1994 and determine whether any additional legislation in this area is necessary.

Reports by defense contractors of dealings with terrorist countries (sec. 843)

The House bill contained a provision (sec. 831) that would require the Secretary of Defense to acquire certain information from persons entering into contracts with the Department for an amount in excess of \$500,000. The information would concern commercial transactions which the contractor had conducted with any terrorist country.

The Senate amendment contained a similar but broader provision (sec. 824).

The Senate recedes with an amendment that would describe more specifically the information that would be acquired from defense contractors and the conditions under which that information would be provided.

Department of Defense purchases through other agencies (sec. 844)

The Senate amendment contained a provision (sec. 825) that would require the Secretary of Defense to issue regulations governing the exercise of the Department's authority under the Economy act (31 U.S.C. 1535) to purchase goods and services under contracts administered by another agency.

The House bill contained no similar provision.

The House recedes with a technical amendment. The conferees recognize that proper use of this authority can benefit the government. The conferees agree that revising existing regulations is appropriate to ensure

that this authority is exercised in a reasonable manner.

ARPA authority for pilot projects (sec. 845)

The Senate amendment contained a provision (sec. 826) that would allow the Advanced Research Projects Agency (AARP) to use cooperative agreements in the execution of certain pilot projects and demonstrations.

The House bill contained no similar provision.

The House recedes.

Pricing policies for ranges and test facilities (sec. 846)

The House bill contained a provision (sec. 824) that would allow the commander of certain Air Force facilities to use flexible pricing when negotiating prices for civilian use of the facilities.

The Senate amendment contained a similar provision (sec. 827) that would extend this policy to all Department of Defense ranges and test facilities.

The House recedes with a technical amendment.

Reports on contract bundling (sec. 847)

The House bill contained a provision (sec. 821) that would require the Secretary of Defense and the General Accounting Office (GAO) concurrently to study and report on the extent of so-called contract bundling in defense procurement and assess its impact on the participation of small business concerns and disadvantaged small business concerns.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the respective data collection, assessment, and reporting requirements the provision would impose on the Secretary of Defense and the Comptroller General. Because the provision would require the Department to submit data to the GAO by February 1, 1994, the conference agreement would not require the Department to collect any new data. The requested information would be compiled from the extensive contract data the Department already collects. Similarly, the conference agreement would require GAO only to compile existing information. Despite the limited time afforded, the conferees fully expect the reports to assess the adequacy of: (a) the information being collected concerning the bundling of contract requirements; (b) the regulations or other policy guidance to procurement officials regarding when contract requirements may be consolidated or bundled; and (c) the policy guidance and authority accorded to various small business advocates within the federal procurement system.

Prohibition on competition between defense activities and small businesses for certain maintenance contracts (sec. 848)

The House bill contained a provision (sec. 822) that would clarify existing law by prohibiting DOD activities from competing against small businesses on set-aside contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

Buy American provisions (sec. 849)

The House bill contained four provisions (secs. 825, 826, 827, and 828) that would address the Buy American Act and related issues.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would: (1) specify that no funds authorized pursuant to this Act may be expended

by a Department of Defense entity unless the entity, in expending the funds, complies with the Buy American Act; (2) require the Secretary of Defense to determine whether a person who has been convicted of affixing a false "Made in America" label to a product should be debarred from contracting with the Defense Department; and (3) require the Secretary of Defense to rescind a blanket waiver of the Buy American Act for a foreign country which the Secretary has determined has violated the terms of a reciprocal defense procurement agreement with the United States.

Clarification of the Small Business Competitiveness Demonstration Program Act (sec. 850)

The House bill contained a provision (sec. 829) that would clarify the Small Business Competitiveness Demonstration Program Act of 1988 (Title VII of Public Law 100-656) to make explicit that firms providing engineering services for military and aerospace equipment, and firms providing marine engineering services, were not covered by the Demonstration Program Act. The provision would also clarify that the small business size standards applicable to firms providing such engineering services could be modified.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend the Small Business Competitiveness Demonstration Program Act to make explicit that only engineering services meeting the definition of architectural and engineering services found in section 901 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 (3)), and awarded pursuant to the selection procedures required by Title IX of that Act, are covered by the Demonstration Program Act. The other forms of engineering services included in SIC Code 8711 relating to weapons and other military and aerospace equipment as well as marine engineering services and naval architecture are not covered by the Demonstration Program Act. Section 202 of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (Public Law 100-366) included amendments to the Demonstration Program Act that sought to express to the Small Business Administration (SBA) the same consistent congressional intent.

The conferees note that the SBA has issued a comprehensive proposal to increase existing small business size standards for public comment. The SBA excluded any proposal to increase the size standard for any of the subdivisions of SIC Code 8711 on the basis that it was prohibited from doing so by the Demonstration Program Act. The conferees direct the SBA Administrator to promptly modify the published size standard proposals to include those subdivisions of SIC Code 8711 which were not included in the Demonstration Program Act.

LEGISLATIVE PROVISIONS NOT ADOPTED

Clarification of requirement for domestic manufacture of propellers for ships funded under the fast sealift program

The House bill contained a provision (sec. 823) that would require all propeller castings and forgings for ships in the fast sealift program to be poured, finished, and manufactured in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense has the authority to restrict procurements to domestic sources to protect the domestic industrial mobilization base. The

conferees, however, are concerned about reports that the base of domestic suppliers of forgings and castings for Navy ships may be shrinking too rapidly.

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees on the U.S. industrial capacity to pour and finish non-ferrous castings for both fixed pitch (mono-bloc) and controllable-reversible pitch propellers. The report should address the implications of this capacity for U.S. import policy regarding such castings and forgings. The conferees direct the Secretary to submit this report no later than March 1, 1994.

Authority to dispose of equipment whose operation and support costs exceed costs of procuring replacement equipment

The House bill contained a provision (sec. 830) that would authorize the Secretary of the Army to dispose of equipment that is needed but which have operation and support costs that exceed the costs of procuring approved replacement equipment, or are major end items that still have commercial utility.

The Senate amendment contained no similar provision.

The House recedes. Under current DOD policies, revenues from the sale of excess equipment through the DOD property disposal process are used to fund the property disposal process. The conferees believe that returning at least a portion of the proceeds from the property disposal process to the selling service would provide an incentive for inventory managers in the military services to eliminate outdated inventory stocks and equipment. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees no later than March 1, 1994, on the consequences of changing current DOD policies to return revenues from the property disposal process to the selling service.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Enhanced position for Comptroller of Department of Defense (sec. 901)

The House bill contained a provision (sec. 901) that would elevate the Comptroller of the Department of Defense from Executive Schedule IV to level III.

The Senate amendment contained a provision (sec. 902) that would require the Comptroller to inform, in a timely manner, the congressional defense committees regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense and under the supervision of the Comptroller.

The conferees believe that both provisions have merit and have adopted both of them, as well as a provision that would make the Comptroller the chief financial officer of the Department of Defense. Pursuant to the Chief Financial Officers Act (Public Law 101-576), an agency chief financial officer is charged with performing duties that are basically indistinguishable from those the Comptroller of the Department of Defense is required by law to perform.

New position of Under Secretary of Defense for Personnel and Readiness (sec. 903)

The House bill contained a provision (sec. 902) that would create a new position of Under Secretary of Defense for Personnel and Readiness at the Executive Schedule III level and would reduce the authorized number of Assistant Secretaries of Defense from 11 to 10.

The Senate amendment contained no similar provision.

The Senate recedes.

Redesignation of positions of Under Secretary and Deputy Under Secretary of Defense for Acquisition (sec. 904)

The House bill contained a provision (sec. 903) that would change the title of the Under Secretary and Deputy Under Secretary of Defense for Acquisition to the Under Secretary and Deputy Under Secretary of Defense for Acquisition and Technology.

The Senate amendment contained no similar provision.

The Senate recedes.

Assistant Secretary of Defense for Legislative Affairs (sec. 905)

The Senate amendment contained a provision (sec. 901) that would require that one of the Assistant Secretaries of Defense be the Assistant Secretary of Defense for Legislative Affairs.

The House bill contained no similar provision.

The House recedes.

Director of Operational Test and Evaluation (sec. 907)

The House bill contained a provision (sec. 905) that would delete the requirement that the Director of Operational Test and Evaluation (OT&E) report directly, without intervening review or approval, to the Secretary of Defense. The provision also would require the Director of OT&E to consult closely with the Under Secretary of Defense for Acquisition and Technology and all other officers and entities of the Department of Defense responsible for acquisition. The Director and his staff would remain independent of these other officials.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees believe that the OT&E function should be placed under the new Comptroller office as a logical complement to that office's expanded evaluative responsibilities. Accordingly, the conferees direct the Secretary to place the OT&E function in this office. The conferees are willing, however, to review any future legislative proposal to change these organizational arrangements.

Authority for award by National Defense University of certain master of science degrees and congressional findings on professional military education schools (secs. 921 and 922)

The House bill contained a provision (sec. 931) that would authorize the President of the National Defense University to award a master of science degree in national security strategy to graduates of the National War College and master of science degree in national resource strategy to graduates of the Industrial College of the Armed Forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide congressional findings on the primary mission and objectives of the service and joint professional military education schools and the need to maintain separate service and joint schools. Therefore, the conferees direct that no funds appropriated for fiscal year 1994 be obligated for the consolidation of any service professional military education schools under the National Defense University.

The conferees further direct that the regulations the Secretary of Defense prescribes require the National Defense University to satisfy the qualifications of the appropriate

regional education accreditation institution before awarding any master of science degrees.

Civilian faculty for the George C. Marshall European Center for Security Studies (sec. 923)

The House bill contained a provision (sec. 934) that would authorize the Secretary of Defense to hire as many civilians as the Secretary considers necessary as professors, instructors, and lecturers at the George C. Marshall European Center for Security Studies.

The Senate amendment contained a provision (sec. 1064) that would also authorize the Secretary of Defense to hire directors, deans, scholars, and researchers.

The Senate recedes with an amendment that would authorize the Secretary of Defense to hire a director and deputy director for the Marshall Center, as an exception to the normal statutory provisions of title 10, United States Code, relating to faculties for Department of Defense educational institutions. This exception is made in recognition of the Marshall Center's unique status. In the future, the conferees are willing to consider the addition of other positions should the Department justify the need for such positions.

Enhanced flexibility relating to requirements for service in a joint duty assignment (sec. 931)

The House bill contained a provision (sec. 946) that would extend the expiring joint equivalency waiver for an additional four years; require that an officer, who is promoted with such a waiver after January 1, 1994, to general or flag officer, serve in a joint duty assignment as a brigadier general or rear admiral (lower half) (0-7); and grant exceptional authority to the Secretary of Defense, on a case-by-case basis, to postpone such a joint duty assignment until such officer is promoted to major general or rear admiral (upper half) (0-8) if necessary due to a lack of available 0-7 joint billets. The provision would further require the Secretary of Defense to certify to Congress that each military service has developed and implemented a plan to adjust their personnel policies to permit the orderly promotion of officers after the extension expires. The provision also would make the expiring transitional "serving in" waiver authority a permanent waiver, provided an officer serves a minimum of six months before selection by an 0-7 promotion board and completes the required two-year minimum tour in that position.

The Senate amendment contained a provision (sec. 1021) that would extend the expiring waiver authority for nuclear propulsion officers for five additional years; extend the expiring joint equivalency waiver for five additional years; make the expiring "serving in" waiver permanent, provided the officer serves at least six months before the promotion board convenes and serves at least two years in an assignment within that same organization; and modify the "good of the service" waiver authority to allow a delay in a joint duty assignment if an appropriate joint duty billet is not available, but require that a full joint duty tour be served prior to promotion to 0-8.

The conferees are disturbed by the failure of the military services to prepare adequately for the expiration of the transitional joint duty waivers in 1994, especially because the transition waivers, originally provided for two years, have already been extended for a total of eight years. The conferees are forced, however, to recognize the need to provide additional flexibility for service in a

joint duty assignment as a prerequisite for promotion to general or flag officer.

Accordingly, the conferees agree to extend the expiring "joint equivalency" waiver for an additional five years, but impose a ceiling on such waivers of twenty percent of the officers selected for promotion during calendar year 1995, with a reduction of five percent per year thereafter. Officers promoted under this extended waiver authority, however, must serve in a joint duty assignment prior to their selection for appointment to lieutenant general or vice admiral (0-9).

The conferees also provide, as a modification to existing law, that until January 1, 1999, officers granted a "good of the service" waiver for promotion to 0-7 may serve the requisite joint duty assignment as a flag or general officer at any time prior to their selection for appointment to 0-9.

The conferees agree to make the current "serving in" waiver permanent, provided that the officer concerned has served a minimum of six months in a joint duty assignment before the promotion board that selects the officer for promotion to 0-7 convenes. Such an officer would have to serve at least two years in joint duty assignments within that same immediate organization.

Finally, the conferees agree to extend the expiring waiver for nuclear propulsion officers for an additional three years. The conferees urge the nuclear propulsion community to continue building on recent progress toward qualifying enough nuclear propulsion officers in joint duty assignments to fully comply with the statutory joint officer policy requirements. The conferees believe that after January 1, 1997, the "good of the service" waiver will be sufficient to meet the needs of nuclear propulsion officers who will not have served in a joint duty assignment by then, particularly in view of other actions taken in this area.

Joint duty credit for equivalent duty in Operation Desert Shield/Desert Storm (sec. 932)

The House bill contained a provision (sec. 946) that would clarify that joint duty credit for equivalent duty in Operation Desert Shield/Desert Storm shall be considered equivalent to joint duty credit derived through any other means provided by authorities in title 10, United States Code.

The Senate amendment contained a provision (sec. 1022) that would similarly clarify the effect of such joint duty credit. The provision also would provide a 60 day period in which the Secretary of Defense could correct inequities resulting from the decisions on prior requests for such credit as well as consider new requests when the Secretary determines that an officer was unable to submit such a request as a result of an operational assignment.

The House recedes with an amendment that would provide a 90 day period in which the Secretary of Defense may correct such inequities.

Flexibility for required post-education joint duty assignment (sec. 933)

The House bill contained a provision (sec. 947) that would provide additional flexibility in the assignment of officers graduating from joint professional military education (JPME) schools by allowing up to one-half of the required 50 percent of officers to fulfill the post-JPME requirements during a second assignment following graduation.

The Senate amendment contained no similar provision.

The Senate recedes.

Reserve command arrangements (sec. 941)

The House bill contained provisions (secs. 921-924) that would require the secretaries of

the military departments to establish separate reserve commands reporting directly to the service chiefs of staff.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would amend section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) by making the Army Reserve Command a separate Army command that is commanded by the Chief of Army Reserve, substituting the Commander-in-Chief of the United States Atlantic Command (CINCUSA) for the Commander-in-Chief of the Forces Command (CINCFOR), and repealing subsections (c) through (e) of that section.

The conferees believe that the Army Reserve Command should be a permanent and separate command of the Army. Thus, they recommend repealing those provisions of the National Defense Authorization Act for Fiscal Year 1991 inconsistent with the permanent and separate status of the command.

The substitution of CINCUSA for CINCFOR reflects the recent change in the Unified Command Plan (UCP) whereby Forces Command no longer has "specified" combatant command status. Under the UCP change, the United States Atlantic Command, an existing "unified" combatant command with an area of responsibility of the Atlantic Ocean and the Caribbean Sea, was further invested with the combatant command of Forces Command, Air Combat Command, Navy Atlantic Fleet, and Marine Forces Atlantic. It was also given responsibility for planning the land defense of CONUS and for joint training, force packaging, and facilitating deployments.

The House conferees note that the National Defense Authorization Act for Fiscal Year 1991 directed the Army to establish a Reserve Command for a two-year test period. This compromise agreement further provided that the Army Reserve Command would be subordinate to Forces Command, and would be subject to an assessment by an independent commission established by the Secretary of the Army. In October 1992, the commission issued its assessment and unanimously recommended that the Army Reserve Command become a major Army command that would report to the Army Chief of Staff, a structure similar to that of the Air Force Reserve Command. One agreement reached by the conferees this year provides that the existing Army Reserve Command be a separate Army command. The House conferees note that this incremental step presents the Army with an excellent opportunity to implement the commission recommendations in this area.

Flexibility in administering requirement for annual four percent reduction in number of personnel assigned to headquarters and headquarters support activities (sec. 942)

The House bill contained a provision (sec. 945) that would provide the Secretary of Defense with additional flexibility in reducing the number of personnel assigned to headquarters and headquarters support activities by allowing reductions in excess of the mandated four percent realized in any given year to be applied toward reductions for any succeeding year.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on Department of Defense Bottom Up Review (sec. 943)

The House bill contained a provision (sec. 949) that would require the Secretary of De-

fense to submit a report in classified and unclassified forms to the congressional defense committees on the Bottom Up Review.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the reporting date and focus the report only on those issues that were not comprehensively addressed in the October 1993 Report on the Bottom Up Review. The Congress received this report after the House passed its bill.

Organization of the Office of the Chief of Naval Operations (sec. 944)

The Senate amendment contained a provision (sec. 903) that would delete the sunset provision in section 5038 of title 10, United States Code, which created the Director of Expeditionary Warfare position in the Office of the Chief of Naval Operations.

The House bill contained no similar provision.

The House recedes.

Increase in amount for CINC Initiative Fund (sec. 945)

The House bill contained a provision (sec. 1008) that would increase the amount requested for the CINC Initiative fund by \$5.0 million to \$30.0 million.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize \$30.0 million to be appropriated pursuant to Defense-wide activities for the CINC Initiative Fund.

Commission on roles and missions (secs. 951-960)

The House bill contained provisions (title XIV) that would establish a commission on roles and missions of the armed forces. This action stemmed from a dissatisfaction with the scope of the roles and missions reforms recommended by the Chairman of the Joint Chiefs of Staff earlier this year in his triennial report. The provisions would require the President to appoint commission members for five-year terms. The provisions would also establish procedures by which the commission would annually review the implementing actions of the Department of Defense.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would shorten the commission's term, provide for the appointment of its members by the Secretary of Defense, and delete the requirement for the commission to review the actions of the Department of Defense. The conferees expect the commission to provide an adequate basis for further action on roles and missions and believe that it will energize the Department of Defense to address these issues more comprehensively.

LEGISLATIVE PROVISIONS NOT ADOPTED

Student loads at war colleges and command and staff colleges

The House bill contained a provision (sec. 422) that would require the number of students at the senior war colleges and command and staff colleges to remain at the same level as enrolled on October 1, 1992. The intent was to ensure that enrollment at the colleges would not be reduced as the size of the services decreased.

The Senate bill contained no similar provision.

The House recedes.

The conferees agree on the continuing importance of professional military education (PME), especially at this time of great political change in the world. The end of the Cold War has taken away the certainties that

guided American defense policies for more than two generations. If a smaller military is to handle the challenges of the late 20th and early 21st centuries, it must do so with officers educated to the same high standards as those that exist today.

The conferees are encouraged that the budgeted workload for most of the intermediate and senior level PME schools is higher in fiscal year 1994 than in fiscal year 1992. The conferees agree that quality instructional programs at each of the intermediate and senior level PME schools must remain high and enrollments robust.

The conferees request the Secretary of Defense to submit a report to the congressional defense committees by June 1, 1994 projecting student and faculty size over the period of the future years defense program for each intermediate and senior level service and joint PME school.

Redesignation of Armed Forces Staff College

The House bill contained a provision (sec. 932) that would redesignate the "Armed Forces Staff College" at Norfolk, Virginia, as the "Joint Armed Forces Staff College."

The Senate amendment contained no similar provision.

The House recedes.

Location of the new Joint Warfighting Center

The House bill contained a provision (sec. 933) that would require the new Joint Warfighting Center to be located at the Armed Forces Staff College (AFSC) in Norfolk, Virginia.

The Senate amendment contained a provision (sec. 1086) that would require the Center to be located with the Army Training and Doctrine Command At Ft. Monroe, Virginia.

The conferees agree to delete both provisions.

The conferees are aware that the Department of Defense has decided to locate the Center at Ft. Monroe and accept that decision. The conferees note that there are no current Department of Defense plans to upgrade the wargaming capability at the Armed Forces Staff College. The conferees urge that this situation be corrected and that the Department of Defense, particularly the Chairman of the Joint Chiefs of Staff and the Secretary of the Navy, develop plans for a wargaming capability at AFSC comparable to those at the Army, Navy, and Air Force professional military education schools. The conferees expect the Department of Defense budget for fiscal year 1995 to contain a request for funding to upgrade the wargaming capability at AFSC.

The conferees strongly support the establishment of the Joint Warfighting Center and are confident that it will contribute significantly to improving the development of joint doctrine and the capability of the armed forces to plan and execute combat operations as an integrated team. The conferees believe that the joint professional military education schools of the National Defense University—the National War College, the Industrial College of the Armed Forces, and the Armed Forces Staff College (AFSC)—should have a role in the development of joint doctrine. The conferees note that the AFSC is located in the Tidewater area close to the Joint Doctrine Center that will now be a part of the Joint Warfighting Center, as well as service doctrine development centers. Consequently, the conferees direct that the concept for the Joint Warfighting Center should include strong institutional linkage to the schools of the National Defense University in the area of joint doctrine development.

Assignment of reserve forces

The House bill contained a provision (sec. 941) that would amend existing law to delete the requirement for the assignment of reserve forces to the combatant commands.

The Senate amendment contained no similar provision.

The House recedes.

The House conferees believe that the issue raised by section 941 of the House bill transcends the question of who retains the authority to assign reserve component forces. While section 162(a) of title 10, United States Code, provides that the "secretaries of the military departments shall assign all forces under their jurisdiction to the unified and specified combatant commands," the House conferees believe that the ultimate responsibility and concomitant authority over any unit, reserve or active, that has not attained a specified level of combat preparedness should reside with the service secretaries, consistent with their statutory charter to organize, train, and equip forces under their respective military departments.

Moratorium on merger of Space Command and Strategic Command

The House bill contained a provision (sec. 942) that would place a moratorium on the proposed merger of the U.S. Space Command (SPACECOM) and the U.S. Strategic Command (STRATCOM) until December 1, 1994. The provision also would require the General Accounting Office to conduct a cost-benefit analysis of the proposed merger.

The Senate amendment contained no similar provision.

The House recedes.

The House conferees note that the recommendation to consolidate SPACECOM into STRATCOM, contained in the February 1993 Roles and Mission Report, has been under review by the Joint Staff pursuant to the direction of the Secretary of Defense. The preliminary results of this review indicate that any savings realized from a consolidation would be limited to manpower savings and that similar manpower savings may be achievable without actually merging the commands. The House conferees further note that the Chairman of the Joint Chiefs of Staff has stated that he is not convinced that the proposed merger is a good idea.

The House conferees believe that, should the proposal to merge SPACECOM and STRATCOM be reconsidered in the future, the Department should consider assessing: (1) the associated cost savings; (2) complications resulting from vesting a single organization with the separate functional responsibilities; (3) the impact of such a merger on the organization visibility and priority of space-related issues within the Department of Defense; and (4) the impact of a merger on existing United States-Canada defense agreements.

Report on options for organizational structure for imagery collection functions

The House bill contained a provision (sec. 948) that would require the Secretary of Defense, in consultation with the Director of Central Intelligence, to assess alternative organizational options for the execution of imagery management within the intelligence community. The provision would further restrict the elimination, consolidation, or restructuring of the Central Imagery Office until a report on the assessment is submitted to the Armed Services and Intelligence Committees of the Senate and House of Representatives.

The Senate amendment contained no similar provision.

The House recedes.

TITLE X—ENVIRONMENTAL PROVISIONS LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Modification of annual environmental reports (sec. 1001)

The House bill contained a provision (sec. 381) that would amend the annual Department of Defense reporting requirements for environmental restoration programs. The amendment would require the reports to include the amount of funds obligated for each response action for each facility at a military installation in the preceding year and the anticipated costs of, and progress on, response actions in the next fiscal year. In addition, the amendment would require the report to include a projection of both the cost and the time to complete the response actions at each military installation.

The Senate amendment contained a similar provision (sec. 324) but would include a requirement to identify the funding requirements for environmental restoration during each of the five years following the year covered by the report.

The conferees have combined the two provisions so that the annual reporting requirement will include the features in the Senate and House provisions. The conferees agree, however, that the report should be prepared based on the installation as a whole rather than by facility. The conferees urge the Department of Defense and the military services to have for public review more detailed information on the funding requirements and the progress on the individual environmental restoration actions at the installation.

Annual report on reimbursement of contractor environmental response costs for other than response action contractors (sec. 1001(c))

The House bill contained a provision (sec. 383) that would require the Secretary of Defense to submit an annual report on the amount of payments made or expected to be made to defense contractors for environmental response costs at contractor-owned or -operated facilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the reporting requirement to the 100 companies that receive the largest dollar volume of prime contracts awarded by the Department of Defense during the fiscal year covered by the report. The first report would be due in 1995.

Indemnification of transferees of closing defense property (sec. 1002)

The House bill contained a provision (sec. 382) that would amend section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to: (1) include petroleum products in the materials for which indemnification is provided; (2) indemnify transferees for all damages arising from Department of Defense contractor activities, except the activities of response action contractors; and (3) clarify that the existing law would exclude transferees from indemnification where the transferee's own actions resulted in the contamination of the property.

The Senate amendment contained a similar provision (sec. 327) that would include petroleum products and also, would clarify that the indemnification extends to contractors carrying out defense activities and to transferees who control base closure property through leases.

The conferees agree to delete both provisions and to only amend section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to include

petroleum products in the materials for which indemnification is provided. The conferees believe that the provision would prevent transferees who have caused or contributed to the contamination from being indemnified.

Shipboard plastic and solid waste control (sec. 1003)

The Senate amendment contained a provision (sec. 328) that would establish deadlines beyond which Navy surface ships could no longer dispose of plastics at sea (after 1998) or plastic and wastes other than food wastes in special areas (after 2000) and that would establish a deadline (2008) for submarines. The provision would also establish a number of interim deadlines that would keep the Navy on track to meet the disposal deadlines.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the President to exempt the Navy from compliance with the interim deadlines if the President determines that an exemption is in the national interest. The amendment also would exempt the Navy from compliance with the final deadlines in the event of a declaration of war or national emergency. This provision also would require the Navy to comply with Annex V of the Marpol Convention as expeditiously and as cost-effectively as possible.

Extension of applicability period for reimbursement for certain liabilities arising under hazardous waste contracts (sec. 1004)

The Senate amendment contained a provision (sec. 325) that would extend section 2708 of title 10, United States Code, for three additional years through fiscal year 1996. The provision would require owners and operators of hazardous waste facilities that have contracts with the Department of Defense, and that receive DOD hazardous waste, to reimburse the Department for all liabilities, costs, damages, or fines that are assessed against the Department due to the contractor's breach of contract or negligence.

The House bill contained no similar provision.

The House recedes.

Prohibition on the purchase of surety bonds and other guaranties for the Department of Defense (sec. 1005)

The Senate amendment contained a provision (sec. 326) that would prohibit the Department of Defense from purchasing surety bonds or other financial instruments that guarantee its direct performance.

The House bill contained no similar amendment.

The House recedes.

LEGISLATIVE PROVISION NOT ADOPTED

Funding for environmental restoration at military installations to be closed

The House bill contained a provision (sec. 2813) that would amend section 2906 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510 as amended by section 2827 of Public Law 102-190) to allow funds from sources other than the base closure and realignment accounts to be used for environmental restoration of closing bases.

The Senate contained a similar provision (sec. 323).

The conferees agree to delete both provisions because there are adequate funds in the base closure and realignment (BRAC) accounts for fiscal year 1994 to conduct environmental remediation at closing bases. The conferees believe the BRAC accounts should remain the exclusive source of funding for this purpose.

TITLE XI—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Transfer authority (sec. 1101)

The House bill contained a provision (sec. 1001) that would allow the Department of Defense to transfer up to \$2 billion between accounts.

The Senate amendment contained a similar provision (sec. 1001) that would authorize transfer of up to \$1 billion.

The Senate recedes.

Clarification of scope of authorizations (sec. 1102)

The House bill contained a provision (sec. 1002) that would specify that no funds are authorized to be appropriated in this act for the Federal Bureau of Investigation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would specify that no funds are authorized to be appropriated under this act for the Department of Justice.

Classified annex (sec. 1103)

There is a classified annex of legislative provisions to this conference report. The classified annex is incorporated by reference into this act and has the force and effect of law. The classified annex is available to the Senate and House of Representatives during consideration of this conference report, and will be made available to the President at the time of presentation of this legislation.

Revision of date for submittal of joint report on scoring of budget outlays (sec. 1104)

The Senate amendment contained a provision (sec. 1002) that would revise the date for submittal of the outlay report required by section 226 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Comptroller General audits of acceptance by Department of Defense of property, services, and contributions (sec. 1105)

The House bill contained a provision (sec. 1004) that would allow the Comptroller General to conduct audits of the Defense Cooperation Account at his discretion.

The Senate amendment contained a similar provision (sec. 1003).

The House recedes with a technical amendment.

Limitation on transferring defense funds to other departments and agencies (sec. 1106)

The House bill contained a provision (sec. 1006) that would require a certification from the Secretary of Defense before funds made available to the Department of Defense could be transferred to any other department or agency.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress concerning defense budget process (sec. 1107)

The House bill contained a provision (sec. 1007) that would express the sense of Congress concerning the defense budget process.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Funding structure for contingency operations (sec. 1108)

The House bill contained a provision (sec. 1008) that would authorize the Secretary of Defense to designate a military operation as

a national contingency operation. Congress would be notified about the designation, and the operating units which receive support services from a support unit would not have to reimburse the Defense Business Operations Fund (DBOF) for incremental costs of such support in an amount up to \$20.0 million. This amount could be increased by an additional \$20.0 million upon the President's notification to Congress. Reimbursement of amounts above \$40.0 million could be waived only after 30 days had elapsed since the Presidential notification and a joint resolution precluding obligation in excess of \$40.0 million had not been enacted by Congress under expedited procedures, unless the President declared a national emergency. The provision would require Presidential notification of a funding plan within two months of the beginning of a large-scale or long-term national contingency operation. Finally, the provision also would establish a "National Contingency Operation Personnel Fund" and authorize \$10.0 million for the fund for fiscal year 1994.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to designate a military operation as a national contingency operation. This designation would permit operating units not to reimburse support units that operate through the Defense Business Operations Fund. The total unreimbursed funds resulting from such action would be limited to \$300.0 million at any one time. The amendment would require the Secretary of Defense to submit a financial plan to Congress within two months after the beginning of any military operation designated as a national contingency operation. The sum of \$10.0 million would be authorized to be appropriated for a fund, to be known as the National Contingency Operation Personnel Fund, for the incremental military personnel costs attributable to a national contingency operation. The amendment also would define the term "national contingency operation."

The conferees are deeply concerned over the cumulative negative impact the practice of diverting service operation and maintenance funds to finance unbudgeted contingency operations is having on overall military readiness. The conferees urge the Secretary of Defense to take full advantage of the authority provided by this provision to shield, whenever possible, service training and exercise accounts from the fiscal pressures created by the growing scope and number of unbudgeted contingency operations.

The conferees, however, intend this authority to be utilized only to cover the initial incremental costs of a military operation and not as a permanent alternate funding mechanism. The conferees do not want to jeopardize the integrity of the DBOF and want it clearly understood that the DBOF must be reimbursed through reprogrammings, transfers, supplemental appropriations, foreign contributions (as was done in Operation Desert Shield/Desert Storm), or some other funding means.

Authority for obligation of certain unauthorized fiscal year 1993 defense appropriations (sec. 1111)

The Senate amendment contained a provision (sec. 1011) that would authorize the obligation of \$4.3 billion in programs, projects, and activities for which the fiscal year 1993 appropriations exceeded the authorized amounts.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Obligation of certain appropriations (sec. 1112)

The Senate amendment contained a provision (sec. 1012) that would prohibit the obligation of \$805.5 million in programs, projects, and activities for which fiscal year 1993 appropriations exceeded the authorized amounts.

The House bill contained no similar provision.

The House recedes with an amendment that would give the Secretary of Defense the discretion to award contracts for earmarked university research initiative projects using merit-based selection procedures.

Supplemental authorization of appropriations for fiscal year 1993 (sec. 1113)

The Senate amendment contained a provision (sec. 1014) that would authorize supplemental appropriations for fiscal year 1993 for the costs of Operation Restore Hope in Somalia, Operation Southern Watch in Iraq, and other matters.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Support for law enforcement (sec. 1121)

The House bill contained a provision (sec. 1021) that would extend DoD support for law enforcement authorities contained in section 1004 of the National Defense Authorization Act for Fiscal Year 1991 through fiscal year 1995 and authorize \$40.0 million for support of law enforcement agencies for fiscal 1994.

The Senate amendment contained a provision (sec. 1061) that would amend section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 to authorize aerial and ground reconnaissance.

The conferees agree that support for law enforcement authorities should be extended through fiscal year 1995 and authorize \$40.0 million for such support during fiscal year 1994. The conferees further agree to amend section 1004(b) to authorize aerial and ground reconnaissance.

The conferees note that this reconnaissance authority is consistent with previous amendments to section 1004 of the National Defense Authorization Act for Fiscal Year 1991. An amendment to section 1004 by the National Defense Authorization Act for Fiscal Year 1993 has inadvertently prevented the Department from continuing activities within the United States, such as aerial reconnaissance of public lands to detect illicit narcotics production and processing. The conferees do not intend for this provision to expand significantly the Department of Defense's current authority to conduct operations outside the United States. To the extent that this authority is used for operations outside the United States, the conferees expect the Department to notify the appropriate congressional committees, as is currently the practice with respect to the use of authorities contained in sections 1004(b)(3), (4), and (5).

DEMAND REDUCTION ACTIVITIES

The conferees are aware that the Department plans to increase its demand reduction pilot outreach activities pursuant to the authority provided in section 1045 of the National Defense Authorization Act for Fiscal year 1993. The conferees encourage the Secretary to continue to pursue the innovative utilization of material, services, and personnel to carry out demand reduction activities in areas beyond the vicinity of military installations and National Guard facilities.

AIR RECONNAISSANCE LOW (ARL) TRANSFERS
As described elsewhere in this statement of managers, the conferees agree to transfer the procurement and the research and development portions of the ARL program from the counter-drug activities account to the Army. Additionally, the conferees agree to add \$14.0 million to the operation and maintenance funding in the counter-drug activities account for that program.

DRUG CONTROL STRATEGY

On October 20, 1993, after the Senate and House of Representatives had passed their bills, the Director of the Office of National Drug Control Policy (ONDCP) announced an interim national drug control strategy. In response to the interim strategy and the findings of an internal DOD comprehensive review, the Deputy Secretary of Defense issued new guidance for implementation of the national drug control policy on October 28, 1993.

The new guidance refocuses DOD interdiction efforts from the transit zone to the cocaine source nations and reaffirms efforts to support counter-drug law enforcement agencies and demand reduction, including an expansion of the community outreach programs that target "at-risk" youth.

The conferees are particularly encouraged with the planned redirection of counter-drug resources to support domestic law enforcement efforts. DOD support for counter-drug law enforcement, such as found along the southwest border of the United States, should receive priority consideration as the Administration and the Department continue to refine the national drug control policy.

This overall redirection should enable the Department to carry out its counter-drug efforts at far lower cost, thus allowing a reduction in the country-drug budget. Accordingly, the conferees reduce the requested funding for the counter-drug budget by \$300.0 million. The table that follows details the action taken by the conferees.

Drug Interdiction and Counter-Drug Activities (Operation and Maintenance)

[In thousands of dollars]

Fiscal year 1994 drug interdiction and counter-drug activities, O&M request ..	\$1,168,200
Reductions:	
Project 2314 (T) air reconnaissance low (proc,R&D)	49,898
Project 2306 sea-based aerostat (SBA)	25,544
Navy ship OPTEMPO (due to T-AGOS)	27,000
Air Force and Navy OPTEMPO (transit zone)	70,000
Project 4207 Caribbean Basin radar network	5,100
Project 1401 (T) Defense Mapping Agency MC&G Procurement (transit zone)	15,000
Research and development (transit zone)	4,000
Command, control, & communications (transit zone)	10,000
Management support and training (transit zone)	10,000
At the source (other than Peru, Columbia, and Bolivia)	30,000
Project 4130 (T) Nortc AF SPACECOM	1,500

Project 4123 (T) JEWCD support	1,000
Project 4420 AFOSI CD support	1,300
Project 3220 E2C SATCOMMs	2,383
Project 3435 NCIS CD support	500
Project 1358 (T) PERIGREE	491
Project 4000 USAFR (less C-130 upgrade)	9,300
Project 3307 JTF-5 CIVPAY	1,725
Project 3323 (T) CDAT	409
Project 3317 (T) OPUS COMM support program	150
Project 3309 JTF-5 base support	1,424
Project 1308 (T) Portable Navy COMMINT	9,954
Project 1407 (T) Passive coherent location	3,875
National interagency CD inst	5,400
Project 1312 (T) Drug emitter tracking	2,950
Project 4104 (T) NORAD CD support	3,000
Project 1402 CD INFO SYS & TELECOMM R&D	1,000
Project 5202 CD INFO & TELECOMM IMP	1,700
Project 3339 (T) JMIE SPT SYS (JSS) PROG	3,200
Project 1321 (T) ANDVT air terminal	2,750
Project 3358 (T) NAVMARINTCEN CD program	2,400
Project 1363 (T) TESON ..	7,850
Project 1322 (T) LPI RADIO	1,175
Project 4120 (T) LANT deployable radars	8,600
AIRNG OPS OPTEMPO (Title 10)	8,600
AIRNG support	10,646
Project 1318 (T) TAGGANT	2,575
Undistributed reduction	18,699
Total decreases	369,198
Increases:	
ROTHR	10,000
Project 2314 (T) air reconnaissance low (O&M)	14,000
Project 1403 counter-drug R&D	15,000
Demand reduction military departments	10,000
Demand reduction National Guard	8,000
Project 9499—additional support for counter-drug activities (sec. 1004)	12,198
Total increases	69,198
Fiscal Year 1994 drug interdiction and counter-drug activities, O&M budget ...	868,200
<i>Procurement of law enforcement equipment (sec. 1122)</i>	
The House bill contained a provision (sec. 1023) that would require the Secretary of Defense to establish procedures under which states and local governments may purchase law enforcement equipment in conjunction	

with the Department of Defense. The procedures would require advance payment for such equipment and reimbursement of the Department's administrative costs. Additionally, the purchasing states would be responsible for arranging and paying for shipment of the equipment to the localities within the state.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the purchases to law enforcement equipment suitable for counter-drug activities and preclude equipment that the Department of Defense does not procure for its own purposes.

Review of Air Force plans to transfer heavy bombers to reserve component units (sec. 1131)

The Senate amendment contained a provision (sec. 1031) that would require the Secretary of Defense to review current Air Force plans for transferring a portion of the current heavy bomber inventory to Air National Guard and Air Force Reserve units. The provision would require the Secretary to report to the congressional defense committees on the results of his review.

The House bill contained no similar provision.

The House recedes.

Award of the Navy Expeditionary Medal (sec. 1142)

The Senate amendment contained a provision (sec. 1080) that would express the sense of the Senate that the Secretary of the Navy award the Navy Expeditionary Medal to those members who served in Task Force 16 during April 1942, which culminated in the air raid known as the "Doolittle raid on Tokyo".

The House bill contained no similar provision.

The House recedes.

Award of gold star lapel buttons to survivors of servicemembers killed by terrorist acts (sec. 1143)

The House bill contained a provision (sec. 1033) that would amend section 1126 of title 10, United States Code, to authorize the award of the gold star lapel button to survivors of servicemembers who lose or lost their lives after March 28, 1973 in terrorist acts or attacks; or military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.

The Senate amendment contained no similar provision.

The Senate recedes.

Termination of certain Department of Defense reporting requirements (sec. 1151)

The Senate amendment contained a provision (sec. 1091) that would require the Secretary of Defense to submit, no later than April 30, 1994, a list of the reports required of the Department of Defense by law that the Secretary determines are unnecessary or incompatible with efficient management. The provision would specify that, unless reenacted into law, the requirement for any report included on the list would expire on October 30, 1995.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) require the Secretary of Defense to explain the Secretary's reasons for considering a report unnecessary or incompatible with efficient management; and (2) specify that nothing in the section shall be

interpreted to require a review of all reports required of the Department of Defense by law.

Reports relating to certain special access programs and similar programs (sec. 1152)

The House bill contained a provision (sec. 3131) that would improve congressional oversight of Department of Energy special access program carried out under the Department's atomic energy defense activities.

The Senate amendment contained a provision (sec. 1092) that would direct the head of any federal department or agency that carries out a special access program to submit to the appropriate congressional oversight committees, in conjunction with the submission of a budget for the next fiscal year, a report on each special access program carried out in the department or agency.

The House recedes with an amendment that would allow the Department of Defense, the Department of Energy, and the intelligence community to continue to report on special access programs in accordance with existing law.

The conferees intend these provisions to improve and make uniform congressional oversight of special access programs uniform by requiring that comprehensive data on all special access program be reported to Congress. The conferees encourage the heads of the various covered federal departments and agencies to coordinate and follow the Department of Defense's lead in the preparation and submission of these reports in a uniform manner.

Identification of service in Vietnam in the computerized index of the National Personnel Records Center (sec. 1153)

The House bill contained a provision (sec. 1042) that would require the Secretary of Defense to include in the computerized index of the National Personnel Records Center in St. Louis, Missouri, an indicator to allow for searches or selection of military records of military personnel based upon service in the Southeast Asia theater of operations during the Vietnam conflict.

The Senate amendment contained no similar provision.

Recognizing the jurisdictions of the Department of Defense and the National Personnel Records Center, the Senate recedes with an amendment that would require the Secretary to assist the Center to establish an indicator in the computerized index. The amendment would also require the Secretary of Defense to submit to Congress a report, within 180 days after the date of enactment of this act, with a plan to establish the required indicator.

Manpower requirements to implement export controls (sec. 1154)

The Senate amendment contained a provision (sec. 1062) that would require the Secretary of Defense and the Secretary of Energy to submit a joint report to Congress 180 days after enactment of this act. The report would include a statement of the DOD and DOE role in implementing export controls on goods and technology related to nuclear, chemical, and biological weapons. The report would include information on the number of personnel and the skills of currently available personnel to perform these tasks; historical information from previous fiscal years; and recommendations for legislation to eliminate deficiencies and to improve interagency coordination.

The House bill contained no similar provision.

The House recedes.

Report on military food distribution practices (sec. 1155)

The Senate amendment contained a provision (sec. 1081) that would require the Secretary of Defense to conduct a review which evaluates the feasibility of and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users.

The House bill contained no similar provision.

The House recedes.

Extremely low frequency communications system (sec. 1161)

The Senate amendment contained a provision (sec. 1072) that would express the sense of Congress that the Secretary of Defense should evaluate low frequency (ELF) communications system and any alternatives; that the Secretary should convey the results of this evaluation to Congress along with the fiscal year 1995 budget request; and that the ELF system should again be considered in the next round of military base closures.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree to require a report on the evaluation described in the Senate provision and delete the findings relating to funding priorities and the size of the national debt.

Importance of naval oceanography survey and research in the post-Cold War period (sec. 1162)

The Senate amendment included a provision (sec. 1074) that would express the sense of Congress that additional reductions in the level of oceanographic survey and research efforts should be avoided.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding U.S. policy on reprocessing spent fuel (sec. 1163)

The House bill contained a provision (sec. 1047) that would express the sense of Congress that the start-up or continued operation of any plutonium separation plant presents serious environmental hazards and increases the risk of proliferation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the President should urge the reduction or cessation of spent commercial nuclear reactor fuel reprocessing to recover plutonium for reactor fuel until the environmental and proliferation concerns related to such reprocessings have been resolved.

Prevention of entry into the United States of certain former members of the Iraqi armed forces (sec. 1164)

The Senate amendment contained a provision (sec. 1082) that would express the sense of the Senate that certain former members of the Iraqi armed forces should not be admitted into the United States unless the President made certain certifications to Congress.

The House bill contained no similar provision.

The House recedes. The House conferees note that the Senate provision expresses the "sense of the Senate". As such, it is neither binding law nor an attempt to amend existing immigration laws.

Memorial to U.S.S. Indianapolis (sec. 1165)

The House bill contained a provision (sec. 1040) that would designate the memorial to the U.S.S. *Indianapolis* in Indianapolis, Indiana as the national memorial to the U.S.S. *Indianapolis*.

The Senate amendment contained a similar provision (sec. 1066).

The House recedes with a technical amendment.

Procedures for handling war booty (sec. 1171)

The House bill contained a provision (sec. 1031) that would establish standards for the taking of battlefield souvenirs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish standards and procedures governing the taking and disposition of battlefield souvenirs.

Transportation of cargoes by water (sec. 1173)

The Senate amendment contained a provision (sec. 1070) that would require the Department of Defense to consider the transportation and distribution capabilities of privately owned U.S. flag merchant vessels when studying DOD sealift and related intermodal transportation requirements. The provision also would require the Secretary of Defense to certify to the Secretary of Transportation at least annually that the Department of Defense had afforded these operators an opportunity to present information on these capabilities.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees agree that there is no reason for the Secretary of Defense to make such a certification to the Secretary of Transportation.

Modification of authority to conduct National Guard civilian youth opportunities program (sec. 1174)

The House bill contained a provision (sec. 1036) that would clarify that the 10-state limitation on the conduct of the National Guard civilian youth opportunities program, authorized by section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), would not apply to short-term urban youth corps and youth conservation corps programs operated under the auspices of the National Guard. The House provision would clarify that the territories and the Commonwealth of Puerto Rico would be eligible to be included in the program, and that the Department of Defense may advance funds to the states in accordance with usual practices applicable to such assistance programs.

The Senate amendment contained a similar, broader provision (sec. 1063) that would amend the National Guard civilian youth opportunities program to remove the requirement that the program be limited to 10 states. It would also authorize the Department of Defense to use, in fiscal year 1994, funds authorized and appropriated for this program in fiscal year 1993.

The House recedes with an amendment that would delete the authority in the Senate provision to use, in fiscal year 1994, funds authorized and appropriated for this program in fiscal year 1993. The conferees understand that the fiscal year 1993 funds for the program will be fully utilized. In the future, the conferees expect the Department of Defense to seek adequate appropriations in future budgets for the conduct of this program.

Effective date for changes in Servicemen's Group Life Insurance Program (sec. 1175)

The Senate amendment contained a provision (sec. 1079) that would establish that the effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program (SGLI) be based on the date and time according to the time zone im-

mediately west of the International Date Line.

The House bill contained no similar provision.

The House recedes noting that this provision passed the House of Representatives as a separate bill (H.R. 2647) on August 2, 1993.

Burial of remains at Arlington National Cemetery (sec. 1176)

The Senate amendment contained a provision (sec. 1071) that would make eligible for burial in Arlington National Cemetery, Virginia, any former prisoners of war who, having served honorably in active military, naval or air service, die on or after the date of enactment of this act.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Redesignation of Hanford arid lands ecology reserve (sec. 1177)

The House bill contained a provision (sec. 1046) that would change the name of the Hanford Arid Lands Ecology Reserve in Richland, Washington, to the "Fitzner/Eberhardt Arid Lands Ecology Reserve."

The Senate amendment contained no similar provision.

The Senate recedes.

Aviation leadership program (sec. 1178)

The House bill contained a provision (sec. 1049) that would authorize the Secretary of the Air force to establish and maintain an aviation leadership program to provide undergraduate pilot training and necessary related training to selected personnel of the air forces of friendly, less-developed foreign nations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that this program should be carried out under regulations prescribed by the Secretary of Defense.

Administrative improvements in Goldwater Scholarship and Excellence in Education program (sec. 1179)

The Senate amendment contained in a provision (sec. 1065) that would amend the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661; 20 U.S.C. 4703) by deleting the requirement that the Goldwater Scholarship Foundation maintain an office in Washington D.C. and allowing it to maintain its office in the metropolitan Washington, D.C. area. In addition, the provision would permit a member of the Foundation board of trustees to continue to serve as a member of the board until a successor is appointed.

The House bill contained no similar provision.

The House recedes.

Transfer of obsolete destroyer tender Yosemite (sec. 1180)

The Senate amendment contained a provision (sec. 1069) that would permit the Secretary of the Navy to transfer the obsolete destroyer tender Yosemite to a nonprofit organization. This transfer would be made subject to such terms and conditions that the Secretary considers appropriate.

The House bill contained no similar provision.

The House recedes.

Transfer of obsolete heavy cruiser U.S.S. Salem (CA-139) (sec. 1181)

The conferees agree to a provision that would permit the Secretary of the Navy to transfer the obsolete heavy cruiser U.S.S.

Salem (CA-139) to the United States Naval Shipbuilding Museum in Quincy, Massachusetts. The Secretary would be required to determine that: (1) the ship is environmentally safe; (2) the museum has adequate financial resources to maintain the cruiser in a satisfactory condition; and (3) the ship is of no further use to the United States for national security purposes. The Secretary could also require such additional terms and conditions as he deems appropriate.

Technical amendments (sec. 1182)

The Senate amendment contained a provision (sec. 1090) that would codify and clarify certain provisions of law and make certain technical amendments.

The House bill contained no similar provision.

The House recedes with an amendment.

Security clearances for civilian employees (sec. 1183)

The House bill contained a provision (sec. 943) that would require the Department of Defense to provide DOD civilian employees with the same procedural safeguards that are available to employees of defense contractors with respect to revocation or denial of a security clearance. The procedural safeguards provided to employees of DOD contractors are set forth in Executive Order 10865. The Executive Order was issued in 1960 in response to the decision of the Supreme Court in *Greene v. McElroy*, 360 U.S. 474 (1959). The Executive Order does not apply to civilian employees of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to review the procedural safeguards available to DOD civilian employees facing denial or revocation of security clearances. The purpose of the review is to evaluate the procedural rights of DOD civilian employees in view of the fact that certain other federal employees, as well as DOD contractor employees, are afforded a greater degree of procedural protection in such proceedings.

The conference agreement would require the Secretary to address the fundamental procedural rights at issue in security clearance denials and revocations in view of the substantive differences between: (1) the rights provided to DOD civilian employees and DOD contractor employees; (2) the rights provided to DOD civilian employees and similarly situated civilian employees in other government agencies; and (3) the rights provided to both DOD civilian employees and contractor employees with respect to collateral security clearances and with respect to sensitive compartmented information and special access programs.

The conference agreement would require the Secretary to transmit his report to the Congress not later than March 1, 1994. The agreement also would require the Secretary to issue regulations revising security clearance procedures for DOD civilian employees not later than May 15, 1994.

The conferees direct the Secretary to ensure that the review specifically address each of the following procedural safeguards in the context of the denial or revocation of security clearances with respect to civilian employees of the Department of Defense: (1) notice of the reasons for the proposed denial or revocation; (2) an opportunity to respond; (3) the right to a hearing or other appearance before a tribunal; (4) the right to be represented by counsel; (5) the availability of trial-type procedures, such as the opportunity to present and cross-examine witnesses; and (6) the opportunity to appeal any

final decision. If the Secretary determines that DOD civilian employees should not be provided with procedural rights that are as protective as those afforded to DOD contractor employees with respect to any of the foregoing matters, the Secretary's rationale for each such difference should be set forth in the report.

The conferees note that the subject of security clearances within the Department of Defense is undergoing detailed review by the Joint Security Commission established by the Secretary of Defense and the Director of Central Intelligence, which is scheduled to complete its work by February 1, 1994. The conferees agree that the Secretary should obtain the Commission's views on the issues set forth in the conference agreement, but note that the final responsibility for addressing these issues and issuing implementing regulations rests with the Secretary.

Videotaping of investigative interviews (sec. 1184)

The House bill contained a provision (sec. 944) that would require the Secretary of Defense to carry out a program for videotaping subject and witness interviews by military criminal investigating organizations, as determined appropriate by the Secretary. The House bill would make \$2.5 million available for this program from funds authorized for operation and maintenance.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize use of operation and maintenance funds for videotaping investigative interviews. The conferees also direct the Secretary of Defense to prescribe regulations establishing DOD policy on videotaping interviews in connection with both criminal and administrative investigations not later than March 1, 1994.

Investigations on deaths of members of the armed forces from self-inflicted causes (sec. 1185)

The House bill contained a provision (sec. 950) that would require the Department of Defense Inspector General to reinvestigate certain cases where members of the armed forces died from self-inflicted wounds.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to review the military departments' procedures to investigate the deaths of members of the armed forces from self-inflicted causes. The conferees agree that this review could be undertaken as part of the general review of DOD investigative procedures directed by the conference report on the National Defense Authorization Act for Fiscal Year 1993 (H. Rept. 102-966) or as a separate review.

The conference agreement also would establish standards and procedures for the review and reinvestigation by the Department of Defense Inspector General of previous cases where members of the armed forces died from self-inflicted causes. In addition, the conference agreement would require the Secretary of Transportation to establish similar standards and procedures for the Coast Guard.

Defense export loan guarantees (sec. 1186)

The House bill contained a provision (sec. 1360) that would prohibit the use of defense conversion funds to finance (either directly or through the use of loan guarantees) the sale or transfer of any defense articles or services to foreign countries. The provision would authorize the Secretary of Defense to

exempt the sale or transfer of defense articles or services for civilian end-use from this restriction.

The Senate amendment contained a provision (sec. 1052) that would authorize a one-year program of loan guarantees for defense exports to NATO members, Israel, Australia, Japan, and South Korea.

The House recedes with an amendment that would specify that none of the funds authorized in this act for defense conversion, reinvestment, and transition programs may be used to finance the subsidy cost of the loan guarantees issued under this provision. The amendment would also provide that the President may not issue guarantees unless, not later than 180 days after this act is enacted that, he certifies to Congress that: (1) he intends to issue loan guarantees under this section; (2) the exercise of the loan guarantee authority is consistent with the objectives of the Arms Export Control Act; and (3) the exercise of the loan guarantee authority is consistent with the U.S. policy on conventional arms sales and nonproliferation goals.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on Department of Defense counter-drug program

The House bill contained a provision (sec. 1022) that would require the Secretary of Defense to submit to Congress a report evaluating the consistency of the drug interdiction and counter-drug activities undertaken or supported by the Department with the national drug control strategy required to be submitted to Congress in 1994. The provision also would prohibit the expenditure of 25 percent of the Department's counter-drug budget until the Secretary of Defense certified that the Department's counter-drug program was consistent with the revised national drug control strategy.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that this provision is no longer necessary in light of the recent interim national drug control strategy, the Department of Defense's comprehensive review of the DOD counter-drug program, and the new Department of Defense guidance for implementation of the national drug control policy.

The conferees note that the Department's comprehensive review of the DOD counter-drug program recommended a study of the number of CINC's with primary responsibility for counter-drugs, and all counter-drug intelligence functions, with a focus on consolidating intelligence activities and reducing personnel and resources. The conferees agree that recommendation and believe that counter-drug tactics and doctrine should also be evaluated. Accordingly, the conferees request the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commander in Chief, U.S. Atlantic Command, and the Commander in Chief, U.S. Southern Command, to provide the congressional defense committees with a review of counter-drug operational structure, tactics and doctrine, and intelligence functions and centers.

Meeting of Interallied Confederation of Reserve Officers

The House bill contained a provision (sec. 1037) that would express the sense of Congress welcoming the attendees at a meeting of the Interallied Confederation of Reserve Officers.

The Senate amendment contained no similar provision.

The House recedes.

Requirement for transfer of air refueling aircraft to Reserve components of the Air Force

The Senate amendment contained a provision (sec. 1032) that would require that the Secretary of the Air Force to transfer enough KC-135R tanker aircraft from active component squadrons to the Reserve components to modernize two KC-135E squadrons.

The House bill contained no similar provision.

The Senate recedes.

The conferees have finally received the tanker force study required by the statement of managers (H. Rept. 102-966) accompanying the National Defense Authorization Act for Fiscal Year 1993. Although the report was submitted months late, the conferees understand that it was not based on the results of the Bottom-Up Review (BUR). The conferees expect the Department to adjust its tanker force structure in the future years defense program to reflect the BUR results.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Cooperative threat reduction with states of the former Soviet Union (secs. 1201-1209)

The budget request contained \$400.0 million for cooperative threat reduction with states of the former Soviet Union, continuing the programs authorized under the Former Soviet Union Demilitarization Act of 1992 (title XVI of Public Law 102-484) and the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228).

The House bill recommended the amount requested and contained findings (sec. 1202), program authorities (sec. 1203), and notification and reporting requirements (secs. 1205 and 1207) similar to those of the past two years. The House bill also contained a provision (sec. 1206) that would authorize \$979.0 million from fiscal year 1993 defense accounts for assistance to the independent states of the former Soviet Union, the amount provided for such purposes from defense accounts in the Foreign Operations Appropriations Act for Fiscal Year 1994.

The Senate amendment contained provisions (title XI) that, in addition to the provisions in sections 1202, 1203, 1205 and 1207 of the House bill, would authorize programs to house military personnel released from military service in connection with the basic purposes of the title. The Senate amendment contained no provision similar to section 1206 of the House bill.

The conferees agree to combine the provisions of the House bill and the Senate amendment. The conferees are pleased that, for the first time, the budget request included funding for cooperative threat reduction with states of the former Soviet Union. Previously, these programs were established and continued only at congressional initiative.

The conferees believe that the main focus of the programs authorized under this title must be on the dismantling and non-proliferation of weapons of mass destruction. The conferees agree that carefully measured programs for defense conversion, environmental restoration, and housing may be required in specific instances to accomplish these goals. At the same time, the conferees believe strongly that funds authorized under this title for conversion, environmental clean-up, and housing should be utilized only when essential to demilitarization, and only when no funds are available for such programs. In the case of environmental restoration and housing, the conferees insist that

the Administration make every effort to draw upon \$190.0 million appropriated for housing programs in support of troop withdrawals, and the \$285.0 million appropriated to assist environmental restoration in the Foreign Operations Appropriations Act for Fiscal Year 1994.

The conferees agree that prudent U.S. assistance in demilitarizing defense industries in the former Soviet Union is in U.S. national security interests, and have included a provision that would authorize a demilitarization enterprise fund to facilitate such assistance. The conferees request the Administration to make every effort to utilize funds available in the Foreign Operations Appropriations Act for Fiscal Year 1994 and in the Freedom Support Act to assist defense conversion, which is vital to privatization, economic reform, and demilitarization.

The conferees urge the Administration to ensure that all aspects of U.S. assistance to the countries of the former Soviet Union are coordinated so that they are internally consistent, carefully prioritized, and mutually reinforcing. To this end, the conferees enjoin the Administration to coordinate the programs authorized under this title with all other relevant activities of the U.S. government.

TITLE XIII—DEFENSE CONVERSION, RE-INVESTMENT, AND TRANSITION ASSISTANCE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense conversion, reinvestment, and transition assistance programs (sec. 1302)

The House bill contained a provision (sec. 1302) that would summarize the amounts authorized for defense conversion, reinvestment, and transition assistance programs. The House provision would authorize \$2.735 billion for these programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree to authorize \$2.553 billion for defense conversion, reinvestment, and transition assistance programs. The categories in the following table are from the Administration's May 4, 1993 budget presentation in this area.

FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS IN FISCAL YEAR 1994

(In millions of dollars)

DEFENSE TECHNOLOGY CONVERSION & RE-INVESTMENT (FUNDING SOURCE)	Conference
PE 603570E TRP/Dual-Use Partnerships (R&D)	624,000
Shipbuilding Initiative (Procurement & R&D)	197,000
[Other Technology Reinvestment Programs, Subtotal]	[1,397,315]
of which: PE 602301E Computing & Communications (R&D)	326,318
PE 603745E SEMATECH (R&D)	90,000
PE 603226E Major Innovative Technologies (R&D)	54,000
PE 602708E Integrated Command and Control Technology (R&D)	100,000
PE 602712E Materials & Electronics Technology (R&D)	260,000
PE 603739E Electronics Manufacturing/Lithography (R&D)	342,340
PE 601101E Defense Research Sciences (R&D)	79,657
Small Business Innovative Research (SBIR) (R&D)	145,000
Subtotal	2,218,315

¹ Figure represents only that part of SBIR program counted as part of technology reinvestment.

PERSONNEL TRANSITION ASSISTANCE (FUNDING SOURCE)	Conference
Troops to Teachers (O&M)	¹ (10)
Troops to Law Enforcement & Health Care (O&M)	¹ (10)
Environmental Training Grant for Higher Ed Institution (O&M)	¹ (10)
Environmental Clean-up Placement for Veterans (O&M)	¹ (10)
Occupational Conversion & Training (VA) (O&M)	25

PERSONNEL TRANSITION ASSISTANCE (FUNDING SOURCE)	Conference
Separation Pay & Health Benefits (O&M)	100
Transition & Relocation Assistance (O&M)	67
Temporary Early Retirement (PER)	(319)
Environmental Training for DOD Civilians (est.) (O&M)	¹ (8)
Regional Clearing House (O&M)	¹ (10)
Subtotal	192
COMMUNITY ASSISTANCE (FUNDING SOURCE)	
Office of Economic Adjustment (O&M)	70,000
Junior ROTC (O&M)	73,000
Subtotal	143,000
Total authorized	2,553,315
Total (including early retirement and other personnel assistance)	2,930,315

¹ To be supported out of unobligated funds appropriated for defense conversion in FY 1993 to DOD and Department of Labor.

Annual report on defense conversion, reinvestment, and transition assistance programs (sec. 1303)

The House bill contained a provision (sec. 1303) that would require the Secretary of Defense to prepare an annual report assessing the effectiveness of the defense conversion, reinvestment, and transition assistance programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees urge the Secretary of Defense to make maximum use of information generated in the course of complying with this provision to improve the internal administration and effectiveness of conversion programs.

Funding for defense conversion and reinvestment research and development programs (sec. 1311)

The House bill contained a provision (sec. 1311) that would authorize \$624.0 million for specific research and development programs in the defense conversion and reinvestment program.

The Senate amendment contained a similar provision (sec. 204) that would authorize \$615.0 million.

The conference agreement includes a provision that would authorize \$624.0 million as follows:

Program	Millions
Dual-use critical technology partnerships	\$250
Commercial military integration partnerships	75
Regional technology alliances	75
Advanced manufacturing technology partnerships	50
Manufacturing engineering education grants	24
Manufacturing extension	30
Dual-use extension assistance programs	30
Agile manufacturing program	50
Advanced materials partnerships	30
U.S.-Japan management training program	10
Total	624

Repeal and amendment of certain provisions relating to defense technology base, reinvestment, and conversion (sec. 1312)

The House bill contained a provision (sec. 1312) that would repeal certain sections of the defense conversion program in title 10, United States Code, as well as strike references in the law to the National Technology and Industrial Base Council.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the President to assign the duties of the National Technology and Industrial Base Council to another inter-

agency organization in the Executive Branch.

Expansion of objectives of defense technology reinvestment projects (sec. 1313)

The House bill contained a provision (sec. 1313) that would expand the objectives of the technology reinvestment portion of the defense conversion program to include economic security objectives listed in section 2501(b) and (c) of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Defense dual-use assistance extension program (sec. 1314)

The House bill contained a provision (sec. 1314) that would expand the small business loan guarantee program under the defense dual-use assistance extension program (10 U.S.C. 2524) to include medium-sized business concerns. The provision would also amend section 2524 to specify the details of terms and conditions for guarantees under the program.

The Senate bill contained no similar provisions.

The Senate recedes with an amendment. The conferees agree to provide \$30.0 million for the defense dual-use extension program of which up to \$15.0 million may be used to fund the loan guarantee provisions of the program and up to \$15.0 million may be used to support information resource services for small businesses.

The conferees note that the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) authorized \$200.0 million for the various programs under section 2524 of which \$75.0 million was to be for small business assistance programs. However, only \$97.0 million was appropriated for the section 2524 programs and no funds were made available for the loan guarantee program authorized by section 2524.

Among the programs noted in the statement of managers accompanying the conference report (H. Rept. 102-966) was the Small Business Administration's (SBA) defense economic transition assistance loan guarantee program (15 U.S.C. 636(a)(21)), which was added to the Small Business Administration's existing guaranteed loan program in September 1992 as part of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (Public Law 102-366). Also noted was the SBA small business development center program, a national network of university-based business assistance centers, whose charters (15 U.S.C. 648(c)(3)(G)) were amended by Public Law 102-366 to authorize them to furnish small firms with strategic business planning assistance to adjust to the closure or reduction of a DOD facility, or termination of a DOD program on which the firm was a contractor, subcontractor, or supplier.

Consistency in financial commitment requirements of non-federal government participants in technology reinvestment projects (sec. 1315)

The House bill contained a provision (sec. 1315) that would require that the federal cost of partnerships conducted under the technology reinvestment projects not exceed 50 percent of the total. The provision would allow the Secretary of Defense to increase the percentage of the federal cost share to 70 percent in the case of a partnership with small business concerns. Finally, the provision would authorize the use of funds derived by small businesses from the small business innovative research (SBIR) program or the small business technology transfer (STTT)

program to meet non-federal cost share requirements under a partnership.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees do not believe that a change in the cost share ratio in favor of small business is necessary given the extent of small business participation in technology reinvestment projects thus far. The conferees agree to authorize the Secretary of Defense to permit SBIR and SBTB funds to count as part of the small business non-federal cost share.

Additional criteria for the selection of regional technology alliances (sec. 1316)

The House bill contained a provision (sec. 1318) that would create additional criteria for the Secretary of Defense to consider in awarding financial assistance to regional technology alliances.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Conditions on funding of defense technology reinvestment projects (sec. 1317)

The House bill contained a provision (sec. 1314) that would specify focus areas for the Secretary of Defense to use in funding technology reinvestment projects in fiscal year 1994. The provision would also, among other things, require limitations on manufacturing resulting from technology developed in such projects.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that the principal economic benefits resulting from the technology projects in the defense conversion program accrue to the U.S. economy. The provision would also ensure that all technology reinvestment projects are awarded on a competitive, cost-shared basis and allow fiscal year 1994 funds to be used in projects solicited in fiscal year 1993.

Adjustment and diversification assistance for states and local governments from the Office of Economic Adjustment (sec. 1321)

The House bill contained a provision (sec. 1321) that would authorize \$69.0 million for the activities of the Office of Economic Adjustment. The provision also would authorize up to five percent of this amount to assist states and local governments in establishing programs that would qualify for operational assistance under section 4301 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize funds for community adjustment and that would limit, to five percent of the total amount authorized, the amount of funds that could be used for assistance to states in establishing economic diversification programs in response to either base or defense plant closures or reductions.

Assistance for communities adversely affected by catastrophic or multiple base closures or realignments (sec. 1322)

The House bill contained a provision (sec. 1322) that would make available, on a priority basis, funds authorized for Office of Economic Adjustment (OEA) assistance programs by directing that not less than 50 percent of such funds be available for those areas that have sustained more than one base closure or where the total labor force

within the area is estimated to be reduced by more than five percent.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that not less than 25 percent, but not more than 50 percent, of the funds available for assistance pursuant to section 2391, of title 10, United States Code, for fiscal year 1994, be available for these hard hit communities. The conferees expect the Department of Defense to give priority consideration to assisting communities that meet the criteria established in this section.

Continuation of pilot project to improve economic adjustment planning (sec. 1323)

The House bill contained a provision (sec. 1323) that would provide an additional \$1.0 million to supplement ongoing defense conversion pilot planning projects areas where dislocations are occurring from a combination of defense downsizing activities at military installations and national laboratories.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the funding source available to supplement this pilot project.

Personnel adjustment, education and training programs (secs. 1331-1333, 1336-1339 and 1373)

The House bill contained a series of provisions (sec. 1331-1336 and 1344) that would: (1) authorize and require the continuation of the "troops to teachers" program contained in the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 (sections 4441-4444 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484)); (2) require the Secretary of Defense to expand the "troops to teachers" program by assisting members of the armed forces to obtain employment with state and local law enforcement officials and health care providers; (3) require the Secretary of Defense to provide demonstration grants to institutions of higher education to provide education and training to dislocated defense workers and young adults in environmental restoration; (4) require the Secretary of Defense to give priority to the Secretary of Education in the transfer of real and personal property under DOD control; (5) require the Secretary of Defense to establish a demonstration program to promote the training and employment of veterans in construction and hazardous waste remediation industries; (6) authorize \$25.0 million in continued Department of Defense support for the servicemembers occupational conversion and training program being implemented by the Department of Veterans' Affairs; and (7) require the Secretary of Labor, in consultation with the Secretary of Defense, to carry out a demonstration project to establish one or more regional retraining services clearinghouses for certain members of the armed forces, certain DOD civilian employees, and certain defense contractor employees.

The House bill also contained a provision (sec. 1337) that would make certain technical amendments to the Job Training Partnership Act's defense diversification program.

The Senate amendment contained a provision (sec. 531) that would make technical amendments to section 441 of the National Defense Authorization Act of Fiscal Year 1993, which authorizes the "troops to teachers" program.

The Senate recedes with an amendment that would make those programs and projects addressed in sections 1331 through 1336 and 1344 of the House bill discretionary.

The amendment would authorize the Secretary of Defense to enter into agreements with states to allow them to arrange the placement of individuals in placement programs with local educational and law enforcement agencies, and with local health care providers. The amendment also would ensure the eligibility of DOD civilian employees at military installations closed or realigned under previous or future base closure or realignment laws for training, adjustment assistance, and employment services under the defense diversification program.

The conferees agree that these personnel adjustment, education, and training programs are important and deserve Department of Defense support. The discretionary nature of these programs should not be viewed as congressional ambivalence regarding their implementation, but should be taken as intended to provide the Secretary of Defense with the flexibility to manage these programs together with other important programs competing for the Department's resources. The conferees recommend the use of unobligated funds provided by title VIII of the Department of Defense Appropriations Act for Fiscal Year 1993 (Public Law 102-396) to initiate these programs.

Environmental education opportunities program (sec. 1334)

The Senate amendment contained a provision (sec. 1088) that would provide environmental education scholarships to servicemembers and civilian employees of the Departments of Defense and Energy. The servicemembers and employees must have been involuntarily separated, terminated, or laid off as a result of the decline in defense spending or as a result of a closure of a military installation, and ineligible for retirement or retainer pay. The scholarships would be available for undergraduate or graduate programs leading to a degree or a certificate at colleges and universities associated with Environmental Protection Agency hazardous substance research centers.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the funding for this program will be included in defense conversion funds.

Employment of Department of Defense civilian personnel to carry out environmental restoration at military installations to be closed (sec. 1335)

The Senate amendment contained a provision (sec. 2817) that would authorize the Secretary of Defense to provide environmental training to civilian personnel employed at closing installations to carry out cleanup activities at those military installations. If such training is provided, the Secretary would give hiring priority, either directly or through contractors, to those employees who received this training. The employees eligible for retraining are those whose employment would be terminated by the Department of Defense because a military installation is being closed.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees understand that funds are available in federal accounts, other than the Base Closure Account, for the retraining of federal civilian employees for defense conversion. The conferees urge the Secretary of Defense to use Base Closure Account funds as a last resource for these retraining purposes. The conferees believe that there are

situations, such as workers who are already trained in such specialized areas as radiation work, where the overall cost of cleanup could be reduced by providing environmental training to those specially skilled employees. This authority should only be used when cost-effective.

National shipbuilding initiative (secs. 1351-1363)

Section 1031 of the National Defense Act for Fiscal Year 1993 (Public Law 102-484) required the President to submit a plan for revitalizing the U.S. shipbuilding industry. Our shipbuilding industry is unsurpassed in building the finest and most complex naval vessels in the world. With the end of the Cold War, however, the workload supporting the national security effort is dwindling. These shipyards, like many other defense firms, face a new challenge. They must translate their skills from the military to the commercial market.

The House bill contained several provisions (secs. 1351-1359) that would establish a national shipbuilding initiative (NSI) to sustain the U.S. shipbuilding industrial base. The NSI would assist the industry to become internationally competitive in commercial markets. The House provisions would authorize the Department of Defense to transfer \$200.0 million to the Maritime Administration (MarAd). MarAd would use these funds to guarantee loans for commercial ship exports and for shipyard modernization.

The House bill would also provide \$100.0 million for a maritime technology development program (Maritech) to be carried out by the Advanced Research Projects Agency (ARPA). The Maritech funds would be used to improve the technology base for shipbuilding techniques, develop innovative commercial ship designs, and improve production processes.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment.

After passage of the House bill, the President submitted a plan for revitalizing the shipbuilding industry ("Strengthening America's Shipyards: A Plan for Competing in the International Market"). The Administration's program is similar to the House program. It would provide export loan guarantees and would fund a Maritech program. The Administration's program, however, would be implemented differently.

The conferees considered both proposals carefully. The conferees agree to an integrated plan that balances the use of defense resources with domestic and private sector resources. The plan's principal elements are as follows:

a. Research and development.

The conferees agree to provide \$50.0 million for Maritech, to be administered by ARPA. ARPA will be able to obligate these funds on a cost-matching basis, either directly or through "in-kind" contributions. Private and public sector shipyards will be able to participate in the Maritech program.

b. Loan guarantees

(1) *Vessel construction.* The conferees agree to provide \$147.0 million of Department of Defense funds for loan guarantees on a one-time basis. These funds will remain available until the end of fiscal year 1997. Any DOD funds provided for loan guarantees must be matched on a dollar-for-dollar basis with Department of Transportation (DOT) funds. The recommended amount matches the amount proposed by the Administration for the DOT budget in future years plus the unobligated funds available from prior years in the MarAd loan guarantee accounts.

(2) *Shipyard modernization.* Out of the total funds available for loan financing, the conferees agree that a portion should be available to guarantee loans for U.S. shipyard modernization. Not more than 12½ percent of the funds, including matching funds, available per year for loan guarantees may be obligated for shipyard modernization. The Secretary of Transportation shall give priority to applications from shipyards that have engaged in naval ship construction.

(3) *Eligible vessels.* The House recedes from its requirement for a 10,000 gross ton minimum on vessel size. Vessels eligible for export loan guarantees must be at least 5,000 gross tons and commercially marketable on the international market.

(4) *Credit terms.* The policy of this and previous Administrations is to end the widespread practice that a number of foreign countries employ of providing direct and indirect subsidies to support their domestic shipbuilding industries. The conferees understand that, after several years of inconclusive negotiations, the principal shipbuilding nations are close to reaching an agreement to end such practices. The conferees hope that the parties will soon conclude such an agreement. With certain exceptions, the conferees note that the major shipbuilding nations have generally exercised discipline in granting export loan credit terms. The conferees hope that this restraint can be extended to a binding agreement that addresses the entire area of shipbuilding subsidies in whatever form. However, the conferees understand that previous negotiations have proven unrewarding. The provisions recommended by the conferees would give the Secretary of Transportation the authority to grant export loan credit terms in accordance with existing statutory terms. The provisions also would grant the Secretary the flexibility to set export loan credit terms, based on an assessment of foreign government practices that could cause unfair competition for U.S. shipyards. The conferees agree to establish a review council for this purpose.

The conferees understand that the United States Export-Import (Ex-IM) Bank is empowered to take countervailing measures against certain foreign government practice. These practices include subsidies, "soft-loan" financing, and "tied-aid" programs that are outside the scope of this loan guarantee provision. The conferees intend that the EX-IM Bank provide additional assistance to complement the terms and conditions of the national shipbuilding initiative.

(5) *Role of the Secretary of Defense.* The conferees recommend a provision that would require the Secretary of Defense to approve a loan guarantee application for a foreign entity. The conferees agree that the Secretary of Defense shall have a reasonable, but limited time within which to approve or disapprove such applications.

c. Charleston and Mare Island Naval Shipyard.

Finally, the House bill included a provision (sec. 1325) that would direct the Secretary of Defense to study the feasibility of converting and reutilizing Charleston and Mare Island Naval Shipyards as facilities primarily oriented toward commercial uses. The conferees agree to recommend this provision.

Encouragement for the purchase or lease of vehicles producing zero or very low exhaust emissions (sec. 1371)

The House bill contained a provision (sec. 1342) that would encourage the Secretary of Defense to expend not less than 10 percent of

funds available for the purchase of administrative use vehicles on the purchase or lease of zero or low exhaust emission vehicles.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note that the actions described in this provision could serve as a model for other diversification support activities the Secretary of Defense might undertake.

Revision to requirements for notice to contractors upon pending or actual termination of defense programs (sec. 1372)

The House bill contained a provision (sec. 1343) that would clarify the requirements under section 4471 of the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 for notice to contractors and employees upon the proposed or actual termination or substantial reduction in the major defense programs. The provision would require contractors or subcontractors to retain an employee for six months after notification of the intent to terminate the employment of the employee as a result of such notice. Finally, the provision would provide additional remedies for the failure of contractors to comply with the notice requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the employee retention requirements, the coverage of Department of Energy programs, and the special compliance remedies.

The conferees note that section 3161 of the National Defense Authorization Act for Fiscal Year 1993 already encourages the Department of Energy to undertake early notification procedures for employees. These procedures are currently being implemented.

With respect to section 1342(g) of the House bill, the conferees note that the notice requirement contained in Public Law 102-848 is now being incorporated into DOD contract clauses. The conferees fully expect the Department to provide adequate notification to the congressional defense committees if it changes this policy.

Use of naval installations to provide employment training to non-violent offenders in state penal systems (sec. 1374)

The conferees became aware of an initiative between a private non-profit organization which provides assistance to prison inmates, and the Navy at Naval Station, Alameda, California. The initiative would permit non-violent inmates in the California penal system to perform building and grounds maintenance duties at the naval station, on a volunteer basis, as part of an employment training program. No appropriated funds would be used in the training program.

The conferees agree that this is a noteworthy initiative and adopt a provision that would authorize the Secretary of the Navy to conduct a demonstration project to test the feasibility of using Navy facilities to provide employment training for non-violent offenders in a state penal system prior to release from incarceration. The demonstration project would be limited to three Navy installations. The Secretary of the Navy could enter into agreements with private, non-profit organizations to provide necessary training and could lease or otherwise make available such real property the Secretary considers proper to provide the training. The non-profit organization would hold harmless and indemnify the United States for any injury or property damage in connection with the training.

The conferees encourage the Secretary of the Navy to evaluate the demonstration

projects and submit a report with recommendations as to expansion, termination, or continuation of the project.

LEGISLATIVE PROVISIONS NOT ADOPTED

Dissemination of list of conversion, reinvestment, and transition programs

The House bill contained a provision (sec. 1304) that would require the Economic Adjustment Committee to ensure the adequate dissemination of lists of available information on federal defense conversion programs to interested parties.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that mechanisms currently exist in law to achieve the intent of the House provision.

Encouragement of industrial diversification planning for certain defense contractors

The House bill contained a provision (sec. 1341) that would require the Secretary of Defense to include a provision in each major defense contract encouraging industrial diversification by the contractor. The provision would also require the Secretary to sponsor up to five studies on diversification strategies.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that section 4329 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) requires the Secretary of Defense to issue regulations encouraging defense contractors to engage in diversification planning.

Targeting of defense conversion funds

The Senate amendment contained a provision (sec. 804) that would express the sense of Congress that defense conversion programs should serve to relieve distress in areas of the country most adversely affected by defense cutbacks. The provision would also require reports focusing on small business participation in defense conversion programs.

The House bill contained similar provisions (secs. 1322 and 1324) pertaining to community assistance.

The Senate recedes. The conferees note the provisions adopted elsewhere in this conference report that would require the Secretary of Defense to report on small business participation in the defense conversion program and to target community assistance for those communities most seriously affected by base closures and other defense dislocations.

Small business participation

The Senate amendment contained a provision (sec. 805) that would require the Secretary of Defense to establish a goal that at least 15 percent of the total amount appropriated for partnerships in the defense conversion program be expended on partnerships including small businesses.

The House bill contained no similar provision.

The Senate recedes. The conferees note that experience with the technology reinvestment projects in 1993 indicates that small business participation will significantly exceed the 15 percent goal called for in the Senate provision.

Sense of Congress regarding establishment of an Office of Economic Conversion Information

The Senate amendment contained a provision (sec. 1068) that would express the sense of Congress that the President should establish an Office of Economic Conversion Information in the Department of Commerce.

The House bill contained no similar provision.

The Senate recedes. In light of the Administration's decision to set up the office in the Economic Development Administration within the Department of Commerce, the conferees believe that legislation is no longer necessary. The conferees direct the administration to report to Congress no later than June 30, 1994 on the progress and accomplishments of the new office.

Community assistance and technology reinvestment joint efforts

The conferees commend the efforts of the Office of Economic Adjustment (OEA) in the Department of Defense in helping communities plan for the redevelopment and reutilization of former military assets. The conferees believe that there is an important opportunity to capitalize on technology reinvestment efforts by the Advanced Projects Research Agency (APRA). One possible example might be the integration of technology reinvestment projects with overall community assistance efforts undertaken by OEA. Together, OEA and APRA programs represent important allies for those communities especially hard hit by defense spending reductions and military base closures. The conferees look forward to the development of innovative approaches to economic recovery for defense-dependent areas capitalizing on the strengths of the defense reinvestment, conversion and assistance programs operated by these two defense agencies.

TITLE XIV—MATTERS RELATING TO ALLIES AND OTHER NATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense burdens and responsibilities (sec. 1401)

The House bill contained a provision (sec. 1043) that would address the sharing of defense burdens and responsibilities among the United States and its allies. The provision would make certain findings and express the sense of Congress on burdensharing; specify that the President should take certain burdensharing actions; reduce the amount requested for overseas basing activities; and allocate the resulting savings to operation and maintenance and military construction activities at military installations in the United States.

The Senate amendment contained a similar provision (sec. 1054) but it would make smaller reductions in the amount requested for overseas basing activities.

The Senate recedes with an amendment that would delete the U.S. contribution to the NATO Infrastructure program from the section's definition of "overseas basing activities." The amendment would also authorize the Secretary of Defense to exceed the limitation on spending on overseas basing activities by such amount as the Secretary determines to be necessary in the national interest, but not more than by \$582.7 million. The Secretary would not be able to exceed the limitation until the Secretary notified Congress and waited 15 days. The conferees note that, if the Secretary of Defense exercises this authority to exceed the limitation by as much as \$582.7 million, the amount available to be spent on overseas basing activities would reach \$17,498.1 million—the amount contained in the budget request.

Burdensharing contributions from designated countries and regional organizations (sec. 1402)

The House bill contained a provision (sec. 1044) that would expand and make permanent the authority of the Secretary of Defense to accept cash burdensharing contributions

from foreign countries and regional organizations.

The Senate amendment contained a provision (sec. 1051) that would make technical changes to this authority and that would make it permanent.

The Senate recedes with an amendment that would codify this authority in title 10, United States Code, and that would change the quarterly reporting requirement to an annual reporting requirement.

NATO review requirements (sec. 1411)

The Senate amendment contained a provision (sec. 1083-1085) that would require the President, in consultation with the Secretary of Defense and the Secretary of State, to report to Congress on the role NATO should play in the post-Cold War era.

The House bill contained no similar provision.

The House recedes with an amendment that would emphasize the importance of applying the full range of NATO capabilities in political, diplomatic, economic, social, and military efforts towards crisis prevention and management.

Modification of certain report requirements (sec. 1412)

The House bill contained a provision (sec. 1045) that would modify certain report requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Permanent authority to carry out AWACS memoranda of understanding (sec. 1413)

The House bill contained no similar provision.

The House recedes.

Extension of authority for certain foreign governments to receive excess defense articles (sec. 1421)

The House bill contained a provision (sec. 1034) that would make Bahrain eligible to receive excess defense articles.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on effect of increased use of dual-use technologies on ability to control exports (sec. 1422)

The House bill contained a provision (sec. 1056) that would require the Secretary of Defense, in consultation with the Director of Central Intelligence, to submit a report on the effect the increased use of dual-use and commercial technologies by the Department of Defense could have on the ability of the United States to control the export of sensitive dual-use and military technologies and items.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to include in the report an assessment of the national security implications of lowering export licensing controls on dual-use items and technology and its effect on current and planned operational defense programs and capabilities. The amendment also would require the report to describe the steps being taken to ensure that decontrol of dual-use items and technology does not place current U.S. technology and defense capabilities at risk and the steps being taken to ensure that the decontrol of dual-use technologies does not contribute to an increased proliferation threat.

The report also should include an assessment of:

(1) efforts to limit the export of critical components or subcomponents, focusing on

areas where consensus among suppliers is possible and where the impact of denying access seriously degrades a foreign country's ability to achieve its weapons development goals, while having minimal impact on the U.S. economy; and

(2) creation of an economic environment that encourages U.S. business to dominate markets, through the sale of support services and equipment, where control of critical technologies is not possible. Such an approach would ensure U.S. familiarity with technology that it may confront when threats to its security emerge, facilitating development of peacetime, crisis, and wartime countermeasures.

The conferees note that the Administration is revising export control policy on a wide variety of advanced technologies (e.g., computers, telecommunications, space launch vehicles and technology) with potential adverse consequences for U.S. national security. For example, through the use of more capable computers, foreign countries could indigenously produce better military equipment requiring fewer field tests with a resultant loss of U.S. ability to anticipate new weapons developments.

The conferees recognize that no export control regime can realistically prevent the spread of new weapons and technologies. Moreover, the conferees recognize that U.S. businesses should not be excluded from competing in the global computer, telecommunications, and other markets. Many of these areas are the foundation of the U.S. economy, and a strong U.S. economy is essential for maintaining national security.

Therefore, given that the export of high technology products has positive and negative implications, the conferees believe that a prudent but realistic export control regime must be developed and implemented to serve both U.S. economic and national security interests.

Landmine moratorium extension act (sec. 1423)

The Senate amendment contained a provision (sec. 1094) that would extend for three more years the moratorium on landmine exports contained in the National Defense Authorization Act for Fiscal Year 1993.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Codification of provision relating to overseas workload program (sec. 1431)

The House bill contained a provision (sec. 1035) that would codify in title 10, United States Code, the authority for the overseas workload program.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

American diplomatic facilities in Germany (sec. 1432)

The Senate amendment contained a provision (sec. 1078) that would prohibit the purchase, construction, modification, or lease of diplomatic facilities in Germany until the Secretary of Defense certifies that the U.S. government has received or is scheduled to receive from the government of Germany not less than 50 percent of the value of facilities returned by the U.S. government to the government of Germany.

The House bill contained no similar provision.

The House recedes with an amendment that would make the prohibition effective as of January 1, 1995. The conferees are concerned that the United States receive fair

value for the facilities it returns to the government of Germany. The conferees request the Administration to keep the relevant committees of Congress closely informed about the progress of negotiations with the government of Germany of this issue.

Military service of retired personnel with newly democratic nations (sec. 1433)

The Senate amendment contained a provision (sec. 547) that would provide the consent of the Congress for a retired member of the uniformed services to accept employment by, or hold an office or position in, the armed forces of a newly democratic nation and accept compensation associated with such employment, office, or position provided the secretary concerned and the Secretary of State determine the nation is a newly democratic nation and jointly approve the employment or the holding of such office or position. The provision also would provide that the retirement pay and other benefits of the retiree may not be terminated by reason of employment or holding of an office or position consented to pursuant to this provision.

The House bill contained no similar provision.

The House recedes with an amendment that would require the secretary concerned and the Secretary of State to notify the appropriate congressional committees of the determinations and approvals under this provision. The conferees emphasize that this provision does not in any way abrogate the post employment requirements contained in the Ethics in Government Act.

Semiannual report on efforts to seek compensation from Government of Peru for death and wounding of certain U.S. servicemen (sec. 1434)

The House bill contained a provision (sec. 1038) that would direct the Secretary of Defense to report semiannually on efforts to obtain compensation from the Government of Peru for the military personnel wounded and the survivors of the airman killed when the Peruvian Air Force strafed their aircraft.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISION NOT ADOPTED *Findings regarding defense cooperation between the United States and Israel*

The Senate amendment contained a provision (sec. 1053) that would express congressional findings regarding defense cooperation between the United States and Israel.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize the many benefits to the United States resulting from our strategic relationship with Israel. The conferees commend the Administration's commitment to maintaining Israel's qualitative edge over any combination of adversaries. The conferees support the Administration's desire to enhance Israeli-American military and technical cooperation. Despite the peace process, Israel continues to face a difficult threat environment compounded by the proliferation of weapons of mass destruction and their delivery systems.

TITLE XV—INTERNATIONAL PEACE-KEEPING AND HUMANITARIAN ACTIVITIES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

General authorization of support for international peacekeeping activities (sec. 1501)

The Senate amendment contained a provision (sec. 1041) that would extend the termi-

nation date for section 403 of title 10, United States Code, until September 30, 1994. The provision also would authorize the Secretary of Defense to provide assistance for international peacekeeping during fiscal year 1994 in an amount not to exceed \$300.0 million in accordance with that section.

The House bill contained no similar provision.

The House recedes with an amendment that would further limit the availability of Department of Defense funds by requiring that: (1) the United States receive written commitments of full and prompt reimbursements for outstanding obligations incurred through letters of assistance or similar arrangements for logistics support, supplies, services, and equipment provided by the Department on a contract basis to the United Nations or a regional organization; and (2) the Department of Defense receive any reimbursement to the United States from the United Nations or a regional organization for such outstanding obligations unless the reimbursement is precluded by law.

Report on multinational peacekeeping and peace enforcement (sec. 1502)

The Senate amendment contained a provision (sec. 1042) that would require the President, in consultation with the Secretary of State and the Secretary of Defense, to submit a comprehensive report to Congress on U.S. policy on multinational peacekeeping and peace enforcement no later than the date on which the President submits the fiscal year 1995 budget.

The House bill contained no similar provision.

The House recedes with an amendment that would add several policy matters for analysis and discussion in the report and change the report deadline to April 1, 1994.

Military-to-military contact programs (sec. 1503)

The conferees agree to a provision that would provide \$10.0 million for military-to-military contacts and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society. The conferees support this program. This provision would simply serve as a bridge until Congress can take up the broader issue of the permanent level and scope of such contacts. Without this provision, existing activities already endorsed by Congress would have to be brought to an immediate halt. If the Department of Defense finds this authorization insufficient, the conferees are willing to consider a reprogramming to provide additional funding for this program.

Because title XII of this act (Cooperative Threat Reduction with States of the Former Soviet Union) will authorize programs to conduct military-to-military and defense contacts with the independent states of the former Soviet Union, all such military-to-military programs in those states should be carried out with funds authorized in title XII.

Humanitarian and civic assistance (sec. 1504)

The House bill contained a provision (sec. 1005) that would: (1) require the Secretary of Defense to, not later than March 1, 1994, prescribe regulations concerning humanitarian and civic assistance provided in conjunction with military operations; (2) clarify existing law by limiting the obligation of funds, other than funds appropriated for humanitarian and civic assistance, to incidental costs; (3) require that notifications to Congress relating to excess nonlethal supplies of the Department of Defense contain specific information; and (4) authorize \$58.0 million for

humanitarian assistance under sections 401, 402, and 2551 of title 10, United States Code.

The House bill contained another provision (sec. 1010) that would require the Secretary of Defense to include in the Secretary's next annual report a report of the Department's activities in connection with the four provisions in title 10, United States Code, relating to humanitarian assistance activities. The report would cover activities carried out by the date of the report during fiscal year 1994 and planned activities for the remainder of fiscal year 1994 and fiscal year 1995.

The Senate amendment would authorize \$48.0 million for humanitarian assistance.

The Senate recedes with an amendment that would: (1) combine the two House provisions into one section; (2) authorize \$48.0 million for humanitarian assistance for fiscal year 1994; and (3) require the Secretary of Defense to submit a report on the planned activities for fiscal year 1995 under the referenced sections, and, after consultation with the Secretary of State, the State Department's distribution during fiscal year 1993 of excess nonlethal supplies transferred to the Secretary of State pursuant to section 2547 of title 10, United States Code.

Sanctions against Serbia and Montenegro (sec. 1511)

The Senate amendment contained a provision (sec. 1087) that would codify several executive branch directives which impose sanctions against Serbia and Montenegro, prohibit the expenditure of appropriated funds for those countries, and require U.S. representatives to international financial institutions to oppose assistance to those countries. An exception would be provided for the reform of the electoral process and the development of democratic institutions or political parties in the two countries. Finally, the provision would authorize the President to waive these restrictions if he determines and certifies that a waiver would be in the national interest, but the waiver authority would be conditioned upon the territory of Bosnia-Herzegovina being controlled by a government recognized by the United States and not being subject to military action by Serbia and Montenegro or Bosnian Serbian forces.

The House bill contained no similar provision.

The House recedes with an amendment that would add humanitarian assistance to the exceptions and authorize a waiver or modification of the sanctions upon a determination by the President and certification to Congress that a waiver or modification was necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina.

LEGISLATIVE PROVISIONS NOT ADOPTED

U.S. forces under United Nations command

The House bill contained a provision (sec. 1041) that would require the Secretary of Defense to submit a report to Congress whenever U.S. forces, numbering in excess of 100, are assigned to serve under the operational control of a foreign national acting on behalf of the United Nations.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Senate and House of Representatives are planning to review all war powers-related issues and laws. The topic of executive branch reports and notifications related to the use of U.S. forces will be an appropriate subject of those reviews.

Department of Defense food stocks for assistance in Bosnia-Herzegovina and Armenia

The Senate amendment contained a provision (sec. 1093) that would make available 500,000 cases of meals ready-to-eat for distribution as humanitarian relief.

The House bill contained no similar provision.

The Senate recedes. The introduction of a new ration item specifically designed for use in humanitarian relief operations obviates the need for the Senate provision.

TITLE XVI—ARMS CONTROL MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Presidential study of global proliferation (sec. 1601)

The House bill contained a provision (title XV) that would create a National Commission on Arms Control.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the President to study the factors contributing to the proliferation of strategic and advanced conventional military weapons and the policy options available to inhibit such proliferation. In order to assist the President in the conduct of this study, an advisory board, composed of five members appointed by the President, is to be established within 15 days after enactment of this act. The Secretary of Defense or the head of any other federal agency would be permitted to detail personnel to the advisory board to assist it in carrying out its duties. The amendment also would permit a federally funded research and development center designated by the Secretary of Defense to provide support services to the advisory board. The President would be required to submit to Congress a report on his findings and conclusions, together with the advisory board's report, and the President's comments on that report, by June 1, 1994.

Counterproliferation (secs. 1602-1607)

The House bill contained a provision (sec. 1055) that would authorize the Secretary of Defense to support international activities with respect to the nonproliferation of weapons of mass destruction (WMD) and their delivery systems. The provision would require the President to coordinate these activities with those authorized in section 504 of the Freedom Support Act (Public Law 102-511).

The Secretary of Defense would also be authorized to conduct counterproliferation policy studies and analyses. The Secretary would be required to submit a semiannual report on the activities carried out under this section. The House provision would also authorize \$6.0 million in operation and maintenance funds for counterproliferation studies and analyses and \$25.0 million for assistance for international activities.

The Senate amendment contained provisions (secs. 241-245) that would express the sense of Congress that the prevention of the proliferation of WMD is a high priority. Section 243 would establish a joint committee to review U.S. nonproliferation programs. Section 244 would require the joint committee to submit a report to Congress with the findings of the committee in both unclassified and classified form no later than May 1, 1994.

The House recedes with an amendment that would continue through fiscal year 1994, the authority in section 1505 of the National Defense Authorization Act for Fiscal Year 1993. The conference agreement would provide up to \$25.0 million in support for international nonproliferation activities, includ-

ing the On-Site Inspection Agency's (OSIA) support of the United Nations Special Commission on Iraq (UNSCOM). The conference agreement would authorize the Secretary of Defense to spend up to \$6.0 million to conduct counterproliferation studies and analysis in support of U.S. nonproliferation policy. The Secretary of Defense would be required to submit a 30-day advance notification to Congress before providing funds in support of international activities and OSIA support to UNSCOM. The Secretary would have to certify that the activity is in U.S. national security interests and that the provision of assistance does not adversely affect U.S. military preparedness. Funds used to conduct counterproliferation studies and analyses are to be derived from funds available to DOD in fiscal year 1994. The funds could not be obligated, however, until 15 days after the Secretary submits a report to Congress on existing DOD programs regarding such studies and analyses. The Secretary of Defense shall submit a semiannual report to Congress on the studies and analyses carried out, and the amounts spent on such activities.

The conferees further agree to establish a joint review committee which would consist of the Secretary of Defense, Secretary of State, Secretary of Energy, Director of Central Intelligence, Director of the Arms Control and Disarmament Agency, and the Chairman of the Joint Chiefs of Staff. The purpose of the committee would be to identify and review existing and proposed nonproliferation and counterproliferation capabilities and technologies and to review acquisition and technology programs and crisis management efforts to respond to WMD terrorism.

The conferees emphasize that the intent of the reporting requirement in the conference agreement is to obtain a clear and comprehensive explanation of the existing and proposed counterproliferation and nonproliferation programs in the federal departments and agencies represented on the joint review committee. The report should also explain how these programs are to be effectively integrated and coordinated. The conferees further emphasize that the goal of all such programs should be operational capabilities and technologies in the near-, mid-, and far-term that can be fielded in support of counterproliferation and nonproliferation policies. The report should make clear, for example, which programs, if any, are not intended to move beyond the proof-of-concept phase of development. If the joint review committee finds that, as an initial step, it must recommend the funding of numerous proof-of-concept efforts, the report should provide a clear roadmap of intentions to down-select in future years to being the most promising technologies on-line.

The conferees also note that many of the counterproliferation collection programs under consideration assume cooperative arrangements. The conferees believe there is merit in funding such cooperative efforts, but also in maintaining an adequate level of effort for stand-off detection and collection programs in the event that cooperative agreements are not reached.

Nuclear nonproliferation (sec. 1611)

The House bill contained a provision (sec. 1052) that would, among other things, declare U.S. policy objectives to end nuclear proliferation and reduce current nuclear arsenals and supplies of nuclear weapons materials through the successful completion and implementation of nuclear arms control and disarmament agreements with the states of the former Soviet Union and other foreign governments.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees agree that the report required by this provision should be submitted to the Committees on Armed Services of the Senate and House of Representatives, to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

Limitation on funds for plutonium storage in Russia (sec. 1612)

The House bill contained a provision (sec. 1054) that would condition funding for a plutonium storage facility in Russia on certification to Congress by the President that Russia is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel and is taking practical steps to this end. This provision would express the sense of Congress that Russia should cease all production and separation of plutonium, and it would require the President to report on efforts by the United States to achieve the objectives described in this provision.

The Senate amendment contained no similar provision.

The Senate recedes.

North Korea and the Non-Proliferation Treaty (NPT) (sec. 1613)

The House bill contained a provision (sec. 1048) that would express the sense of Congress regarding North Korea and the Treaty on the Non-Proliferation of Nuclear Weapons.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would urge continued talks between North Korea and South Korea on denuclearization of the Korean peninsula.

Proliferation of space launch vehicle technologies (sec. 1614)

The House bill contained a provision (sec. 1053) that would express the sense of Congress about the proliferation of space launch vehicle (SLV) technologies.

The Senate amendment included an identical provision (sec. 1077). This provision is set forth in this section.

The conferees are concerned that loosening the restrictions on space launch vehicle technology within the Missile Technology Control Regime (MTCR) could, over time, result in the proliferation of offensive ballistic missiles that are essentially indistinguishable from space launch vehicles. The conferees would be concerned, for example, if new MTCR members were permitted to retain their space launch vehicle programs and were offered U.S. SLV technology.

The Administration has assured the Congress that it will be consulted on MTCR-related policy issues, MTCR membership, and on the SLV exports. The conferees expect to be included in these consultations, including those in advance of exports in support of foreign SLV programs, and of U.S. plans to approve new members to the MTCR.

TITLE XVII—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Chemical and biological weapons defense (secs. 1701-1705)

The House bill included provisions (title XI) relating to the chemical and biological defense program.

The Senate amendment did not contain similar provisions.

The Senate recedes with amendments.

To meet the potential threat posed by the proliferation of chemical and biological weapons in the post-Cold War world, the conferees believe that the United States must strengthen on-going initiatives in the chemical and biological defense program, as well as in arms control and chemical demilitarization. For the past three years, the conferees have expressed concern about the conduct of the chemical and biological defense program and the readiness of U.S. armed forces. The conferees note improvements in the program, but believe that further improvements in program management are needed and that sustained efforts will be required to further strengthen the program so it can respond to the potential threat.

The conferees are particularly concerned that, in a declining budget environment, the requirements for an effective chemical and biological defense program not be ignored. The conferees believe that a high priority must continue to be placed on the chemical and biological defense program. The program must not be subjected to disproportionate cuts as budgets are reduced, nor should the requirements for effective defenses be ignored.

The conferees have agreed to a series of provisions that would strengthen the chemical and biological program. Section 1701 would direct the Secretary of Defense to fund the chemical and biological defense program after fiscal year 1994 in a separate DOD budget account. The program should reflect a coordinated and integrated chemical and biological defense program for the military departments with the Army in the role of executive agent. It would require assignment of the program to a single office within the Office of the Secretary of Defense. That office would have responsibility for policy coordination and oversight of both the chemical and biological warfare defense and chemical and biological medical defense programs. Additionally, the Department would be required to provide a report on its review of the management structure of the chemical and biological warfare defense program and measures that need to be taken to improve joint coordination, oversight, and ensure coherent and effective management of the program.

The conferees strongly support consolidation of chemical and biological defense training for the Army, Navy, Air Force, and Marine Corps at the Army's Chemical School. This action conforms with the Chairman of the Joint Chief of Staff's Military Training Structure Review and the Secretary of Defense's March 1993 Roles and Missions report.

Section 1703 would require the Secretary of Defense to include a number of matters in the Department's annual report to Congress. Section 1704 would express the sense of Congress that federal interagency planning for response to a chemical or biological emergency be strengthened. Section 1705 would authorize the Secretary of Defense to enter into agreements with the Secretary of Health and Human Services for DOD support to the national vaccination program.

Through the biological defense research program, the Department of Defense has the capability to research and manufacture anti-

dotes to chemical and biological warfare agents. Much of this manufacturing capability lies dormant during peacetime. The conferees believe that the Department should maintain a surge capability to provide vaccines and antidotes for unusual diseases as the U.S. armed forces become more involved overseas. The conferees also believe that the Department should work with other agencies to develop a coordinated capability for the qualification and production of vaccines to respond to both military requirements and emergency civilian requirements. The conferees direct the Secretary to report to the congressional defense committees by February 1, 1994 on the feasibility of providing such support. The Department should incorporate this reporting requirement with the report required elsewhere in this act on a DOD vaccine production facility.

The conferees recommend close cooperation between the United States and its allies on chemical and biological defense matters. They recommend that the Department of Defense consider the use of funds provided under the NATO research and development program for this purpose. Additionally, the conferees recommend that DOD and DOE, in connection with the Joint Review Committee, established in title XVI of this Act, consider conducting a pilot program with current research and development funding using state-of-the-art equipment developed by U.S. industry for chemical weapons agent detection and reconnaissance, on-site chemical weapons inspection and CWC verification, and stockpile and non-stockpile demilitarization.

The conferees emphasize that the United States can contribute to the CWC implementation process by providing DOD assistance in training CWC inspectors and international inspectors for the CWC and monitoring teams.

The conferees also believe that adoption of a verification and inspection regime for the 1972 Biological Weapons Convention (BWC) would strengthen the BWC by raising the economic and political costs to any nation that would seek a biological weapons program. The conferees encourage the Secretary of Defense to sponsor a study on implementation of a verification and inspection regime for the BWC.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The amended budget request for fiscal year 1994 contained \$10,785,553,000 for military construction and family housing.

The House bill would authorize \$11,597,194,000 for military construction and family housing.

The Senate amendment would provide \$11,404,333,000 for this purpose.

The conferees recommend authorization of \$10,060,026,000 for military construction and family housing in fiscal year 1994.

FY 1994 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPRIATIONS RECAPITULATION

(In thousands of dollars)

	Request	House passed	Senate passed	Conference agreement
Army	776,642	875,087	863,944	888,516
Navy	655,123	750,343	660,923	668,323
Air Force	897,178	968,220	1,020,778	1,014,165
Defense agencies	1,077,718	642,818	1,031,178	557,758
NATO infrastructure	240,000	240,000	240,000	140,000
Base realign & closure I	27,870	127,870	12,830	12,830
Base realign & closure II	1,800,500	2,200,500	1,526,310	1,526,310
Base realign & closure III	1,200,000	1,306,000	1,500,000	1,144,000
Army National Guard	50,865	233,890	277,051	283,483
Air national guard	142,353	218,114	245,793	236,341
Army Reserve	82,233	88,433	124,794	101,433
Navy Reserve	20,591	20,591	25,013	25,013
Air Force Reserve	55,727	84,004	68,427	73,927
Prior year deauthorizations	0	0	0	(241,977)
Total military construction	7,026,800	7,755,880	7,597,041	6,430,132
Family housing construction, Army	218,285	220,885	228,385	228,885
Family housing support, Army	1,125,189	1,150,089	1,125,189	1,110,108
Portion applied to debt reduction	412	412	412	412
Family housing construction, Navy	373,769	367,769	370,208	370,208
Family housing support, Navy	835,055	860,055	835,055	819,974
Family housing construction, Air Force	173,235	193,346	215,235	187,035
Family housing support, Air Force	853,912	869,862	853,912	838,831
Family housing construction, defense agencies	159	159	159	159
Family housing support, defense agencies	27,337	27,337	27,337	27,337
Homeowners assistance fund	151,400	151,400	151,400	151,400
Family housing prior year deauthorizations	0	0	0	(104,455)
Total family housing	3,758,753	3,841,314	3,807,292	3,629,894
Total military construction & family housing	10,785,553	11,597,194	11,404,333	10,060,026
Prior year deauthorizations	0	0	(248,404)	0
Total military construction & family housing	10,785,553	11,597,194	11,155,929	10,060,026

Termination of certain military construction authorizations

In light of the recommendations for base closure and realignment forwarded by the President to the Congress on July 2, 1993, the committee recommends the termination of the following military construction authorizations that have not yet been obligated:

Army:

Fiscal year 1992:

	Millions
New York: Seneca Army Depot—Fire Station	1.150
Virginia: Vint Hill Farms—Barracks with Dining Facility	1.700
General Purpose Warehouse	1.850
Subtotal	4.700

Fiscal year 1993: Utah: Toolele Army Depot—Hazardous Material Storage

	9.200
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Total 9.200

Navy

Fiscal year 1989: California: (Family Housing) Long Beach NS—Family Housing (300 units)

	9.072
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Subtotal 9.072

Fiscal year 1990:

New York: NS Staten Island—Child Care Center	2.987
Land Acquisition (part of omnibus line)	1.675

Millions

South Carolina: NS Charleston—Defense Access Roads	3.000
Subtotal	7.662

California: (Family Housing) El Toro MCAS—Family Housing (200 units)

	14.100
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Subtotal 14.100

Subtotal 21.762

Fiscal year 1991:

Alaska: Amchitka FSSC Electronic Inst.	5.656
California: Pt. Magu PMTC—Security Improvements	2.070
Florida: Key West NAS—EOD Mobile Unit Facility	3.010
Virginia: Oceana NAS—Weapons System Training Addition	3.670
Subtotal	14.406

California: (Family Housing) Long Beach NS—Family Housing (300 units)

	24.928
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Subtotal 24.928

Total 39.334

Fiscal Year 1992:

Alaska: Adak NSGA—Classic Wizard Facility Addition	3.600
Bachelor Enlisted Quarters	9.100
California: Concord NWC—Missile Test Cell	1.250
California: NSY Mare Island—Road Realignment	3.570
Computer Operations Center	9.000
District of Columbia: Washington NAVDIST—Hazardous Waste Storage Facility	2.050
Florida: NSC Pensacola—Cold Storage Plant	5.700

Millions

Florida: Orlando NTC—Barracks	7.980
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Georgia: Kings Bay NSB—Trident Training Facility Addition

	9.200
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Maryland: Annapolis NRTF—Antenna Modifications

	2.400
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S. Carolina: FMWTC Charleston—Fire Fighting Trainer Facility

	14.620
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Virginia: Norfolk NS—Fire Alarm System Improvements

	.340
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Washington: Whidbey Island NAS—Flight Area Control & Surveillance Facility

	3.349
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Subtotal 72.159

Fiscal Year 1993:

California: NAS Miramar—Fix Point Aircraft Utilities

	9.700
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NSY Mare Island—Hazardous Material Storage

	8.000
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Florida: NAS Cecil Field—Jet Engine Test Cell

	5.850
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Tennessee: NAS Memphis—Fire and Crash Rescue Station

	1.750
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Subtotal 37.660

California: (Family Housing) MCAS El Toro—Family Housing Improvements (reduce lump sum)

	1.253
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Subtotal 1.253

Total 38.913

Air Force:

Fiscal year 1990:

Florida: Homestead AFB—Add to Transient Dorm	1.950
Alter Dormitories	5.400

	Millions
Ohio: Newark AFB—Child Development Center680
Subtotal	8.030
Fiscal year 1991:	
California: March AFB—Troop Subsistence Warehouse	1.050
Florida: Avon Park Range—Dormitory700
Florida: Homestead AFB—Alter Dormitories	5.500
Idaho: Mt. Home AFB—Squadron Operations	1.350
Maine: Bangor Airport—Squadron Operations970
New York: Griffis AFB—Add/Alter Missile Munitions Facility	2.300
Munitions Igloo	2.200
Subtotal	14.070
Fiscal year 1992:	
Florida: Homestead AFB—Alter Dormitory	4.900
New York: Griffiss AFB—Add to Squadron Operations Facility	1.500
New York: Plattsburgh AFB—Upgrade Electrical Distribution System	7.200
Alter Jet Fuel Storage880
Subtotal	14.480
Florida: (Family Housing) Homestead AFB—Family Housing Improvements (Reduce lump sum)	6.400
Subtotal	6.400
Total	20.880
Fiscal year 1993:	
California: (Family Housing) March AFB—Family Housing (320 units)	38.351
Michigan: K.I. Sawyer AFB—Improve 134 units of family housing	10.351
Subtotal	48.702
Defense agencies:	
Fiscal year 1992:	
Florida: Homestead AFB—Composite Medical Facility, PHI	10.000
Ohio: Defense Electronics Supply Center—Fire and Security Station	2.000
Texas: NAS Dallas—Medical/Dental Clinic	3.500
Total	15.500
Air National Guard:	
Fiscal year 1990: Texas: Dallas NAS—Add/Alter Dining Fac. & Medical Training Fac.540
Subtotal540
Fiscal year 1991: Illinois: O'Hare Airport—Repair Aircraft Ramp	5.200
Subtotal	5.200
Naval Reserve:	
Fiscal year 1990:	
California: NRC Bakersfield—Land Acquisition	1.000

	Millions
Illinois: NAS Glenview—Tactical Air Command Center ..	.600
Michigan: NAF Detroit—Reserve Center Rehabilitation ..	.750
Subtotal	2.350
Fiscal year 1991: Texas: NAS Dallas—GSE Shop	
Subtotal	1.640
Fiscal year 1992: West Virginia: NAR Martinsburg—C-130 Support Facility	
Subtotal	25.100
Fiscal year 1993: Illinois: NAS Glenview—Fuel Farm Modifications	
Subtotal	6.500
Air Force Reserve:	
Fiscal year 1991: Illinois: O'Hare Airport—Security Police Operations Facility	1.080
Subtotal	1.080
Fiscal year 1992: None.	
Fiscal year 1993: Illinois: O'Hare Airport—Aerospace Ground Equipment Shop	1.700
Aerospace Ground Equipment Shop	1.700
Subtotal	1.700
Total	346.432

TITLE XXI—ARMY
FISCAL YEAR 1994

The House bill would authorize \$2,397,883,000 for Army military construction and family housing programs for fiscal year 1994.

The Senate amendment would authorize \$2,369,330,000 for this purpose.

The conferees recommend authorization of \$2,378,919,000 for Army military construction and family housing for fiscal year 1994.

Termination of authority to carry out certain projects (sec. 2105)

The Senate amendment contained a provision (sec. 2105) that would repeal certain military construction authorizations contained in the National Defense Authorization Acts for Fiscal Years 1992/1993 and 1993 (Public Laws 102-190 and 102-484). These projects were no longer needed due to intervening base closure or realignment decisions.

The House bill contained no similar provision.

The House recedes.

Construction of chemical munitions disposal facilities (sec. 2106)

The House bill contained a provision (sec. 2105) that would prohibit the obligation of funds authorized for the construction of a new chemical munitions disposal facility at Anniston Army Depot, Alabama until the Secretary of Defense certifies to Congress that the Johnston Atoll chemical agent disposal system has been fully operational for six months, has met all the required environmental and safety standards, and has proven to be operationally effective. The provision would also require the Secretary of the Army to schedule the award of a construction contract for another chemical munitions disposal facility in the United States during the same 12-month period in which the contract for the Anniston facility is awarded.

The Senate amendment did not contain a similar provision.

The Senate recedes with an amendment.

The Senate recedes with an amendment.

TITLE XXII—NAVY

FISCAL YEAR 1994

The House bill would authorize \$1,978,167,000 for Navy military construction and family housing programs for fiscal year 1994.

The Senate amendment would authorize \$1,866,186,000 for this purpose.

The conferees recommend authorization of \$1,858,505,000 for navy military construction and family housing for fiscal year 1994.

Termination of authority to carry out certain projects (sec. 2205)

The Senate amendment contained a provision (sec. 2205) that would repeal certain military construction authorizations contained in the National Defense Authorization Acts for Fiscal Years 1990/1991, 1992, and 1993 (Public Laws 101-189, 102-190 and 102-484). These projects were no longer needed due to intervening base closure and realignment decisions.

The House bill contained no similar provision.

The House recedes with an amendment that would adjust the list of terminated projects to delete projects that have already been placed under contract or are otherwise required. The amendment also would add projects that are no longer needed because of mission changes unrelated to base closures or realignments.

TITLE XXIII—AIR FORCE

FISCAL YEAR 1994

The House bill would authorize \$2,031,428,000 for Air Force military construction and family housing programs for fiscal year 1994.

The Senate amendment would authorize \$2,101,925,000 for this purpose.

The conferees recommend authorization of \$2,040,031,000 for Air Force military construction and family housing for fiscal year 1994.

Termination of authority to carry out certain projects (sec. 2305)

The Senate amendment contained a provision (sec. 2305) that would repeal certain military construction authorizations contained in the National Defense Authorization Acts for Fiscal Years 1992/1993 and 1993 (Public Laws 102-190 and 102-484). These projects were no longer needed due to intervening base closure or realignment decisions.

The House bill contained no similar provision.

The House recedes with an amendment that would update the list of terminated projects.

Relocation of Air Force activities from Sierra Army Depot, California to Beale Air Force Base, California (sec. 2306)

The House bill contained a provision (sec. 2305) that would amend section 2301(a) of the Military Construction Authorization Act for 1991 (Division B of Public Law 101-510) by striking funding for the Sierra Army Depot and authorizing funding for Beale Air Force Base for construction of a student dormitory and a munitions maintenance facility.

The Senate amendment contained two similar provisions (secs. 2306 and 2307).

The Senate recedes.

Combat arms training and maintenance facility relocation, from Wheeler AFB, Hawaii to Schofield Barracks Open Range, Hawaii (sec. 2307)

The House bill contained a provision (sec. 2306) that would amend section 2301(a) of the Military Construction Authorization Act for 1991 (Division B of Public Law 101-519) by striking the authorization of funds at Wheeler Air Force Base, Hawaii to construct a combat arms training and maintenance facility and authorizing this same project at Schofield Barracks, Hawaii.

The Senate amendment contained a similar provision (sec. 2308).

The Senate recedes.

Financial assistance for improvement of Dysart Channel, Luke Air Force Base, Arizona (sec. 2308)

The House bill contained a provision (sec. 2307) that would authorize the Secretary of the Air Force to transfer up to \$6.0 million to Maricopa County, Arizona, as the service's share of the renovation and improvement of a drainage channel that, among other things, protects Air Force real property on Luke Air Force Base, Arizona.

The Senate amendment contained a similar provision (sec. 2839) that would authorize an identical sum to the Maricopa County Flood District, Arizona.

The House recedes with a clarifying amendment.

Authority to transfer funds for school construction for Lackland Air Force Base, Texas (sec. 2309)

The House bill contained a provision (sec. 2308) that would authorize the Secretary of the Air Force to provide up to \$8.0 million of the amount authorized in section 2304(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to the Lackland Independent School District, Texas, for the design and construction of certain school facilities.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority to transfer funds for family housing, Scott Air Force Base, Illinois (sec. 2310)

The House bill contained a provision (sec. 2309) that would authorize the Secretary of the Air Force to transfer funds to the County of St. Clair, Illinois for construction of up to 1,068 military family housing units at Scott Air Force Base, Illinois pursuant to the authority contained in section 2302 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

The Senate amendment contained a similar provision (sec. 2309).

The House recedes.

Revised authorization for family housing, Randolph Air Force Base, Texas (sec. 2311)

The Senate amendment contained a provision (sec. 2310) that would amend section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189), by authorizing a \$95,000 unit cost for certain family housing at Randolph Air Force Base, Texas.

The House bill contained no similar provision.

The House recedes.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1994

The House bill would authorize \$4,304,684,000 for Defense Agencies military construction and family housing programs for fiscal year 1994. This title includes authorization of funds for base closure and realignment activities.

The Senate amendment would authorize \$4,097,814,000 for this purpose.

The conferees recommend authorization of \$3,268,394,000 for Defense Agencies military construction and family housing for fiscal year 1994.

Energy conservation projects (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects using funds authorized in section 2403(a)(12) of this act.

The Senate amendment contained a similar provision (sec. 2402).

The House recedes.

Termination of authority to carry out certain projects (sec. 2404)

The Senate amendment contained a provision (sec. 2404) that would repeal certain military construction authorizations contained in the National Defense Authorization Act for Fiscal Year 1992/1993 (Public Law 102-190). These projects were no longer needed due to intervening base closure or realignment decisions.

The House bill contained no similar provision.

The House recedes.

TITLE XXV—NATO

FISCAL YEAR 1994

The House bill and the Senate amendment would authorize \$240.0 million for the U.S. contribution to the NATO Infrastructure program for fiscal year 1994.

The conferees recommend a \$140.0 million authorization for this purpose, conforming the authorization to the Military Construction Appropriations Act for Fiscal Year 1994.

TITLE XXVI—GUARD AND RESERVE

FISCAL YEAR 1994

The House bill would authorize \$645,032,000 for military construction and land acquisition for fiscal year 1993 for the National Guard and Reserve components.

The Senate amendment would authorize \$729,078,000 for this purpose.

The conferees recommend authorization of \$720,197,000 for military construction and land acquisition for fiscal year 1994. This authorization would be distributed as follows:

Army National Guard	\$283,483,000
Army Reserve	101,433,000
Naval/Marine Corps Reserve	25,013,000
Air National Guard	236,341,000
Air Force Reserve	73,927,000

Reduction in certain prior year authorizations of appropriations for reserve military construction projects (sec. 2602)

The Senate amendment contained a provision (sec. 2602) that would reduce certain reserve component authorizations for fiscal years 1990, 1991, 1992, and 1993 to adjust for military construction projects, requested for those years, that are no longer required due to intervening base closure or realignment decisions.

The House bill contained no similar provision.

The House recedes with an amendment that would update the list of terminated projects that were no longer needed.

United States Army Reserve Command headquarters facility (sec. 2603)

The conferees agree to a provision that would authorize the construction of a headquarters facility for the U.S. Army Reserve Command at Fort McPherson, Georgia.

TITLE XXVIII—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Military family housing leasing programs (sec. 2801)

The House bill contained a provision (sec. 2802) that would amend section 2828 of title 10, United States Code, to provide annual adjustment to the threshold of high-cost domestic leases based on the Consumer Price Index.

The Senate amendment contained a similar provision (sec. 2801) that would permit 300 Department of Defense overseas leases to be increased above the statutory limit and adjusted to changes in the Consumer Price Index.

The Senate recedes with an amendment that would authorize the Secretary of the Navy to lease up to 2,000 additional units of family housing in Italy subject to the maximum lease amount.

The conferees are concerned about the cost of overseas leases for military family housing and recognize the situation in Italy as an exceptional case. This in no way prejudices whether the Navy's prospective leasing of overseas housing is effective. The conferees intend to reconsider overseas leasing costs as a burdensharing issue.

Sale of electricity from alternate energy and cogeneration production facilities (sec. 2802)

The House bill contained a provision (sec. 2803) that would amend section 2483(b) of title 10, United States Code, to clarify the authority to use proceeds from the sale of electricity from alternate energy and cogeneration production facilities.

The Senate amendment contained a similar provision (sec. 2802).

The House recedes with a technical amendment.

Authority for military departments to participate in water conservation programs (sec. 2803)

The Senate amendment contained a provision (sec. 321) that would allow the Department of Defense to participate in water conservation programs conducted by water utilities.

The House bill contained no similar provision.

The House recedes with a technical amendment that would allow the Department of Defense to participate in water conservation programs sponsored by any type of utility.

Clarification of authority for energy conservation programs at military installations (sec. 2804)

The Senate amendment contained a provision (sec. 322) that would amend section 2865 of title 10, United States Code, to allow funds saved as a result of water conservation activities at military installations to be retained by the military services and used for additional defense purposes.

The House bill contained a similar provision (sec. 2804).

The House recedes with a technical amendment.

In pooling the funds generated by the sale of electricity with those available from conservation savings for use by the heads of departments, agencies, or instrumentalities that have realized conservation savings, the conferees intend that such proceeds from the sale of electricity be available to those who have reaped conservation savings, including, where applicable, those who have generated conservation savings by using cogeneration facilities pursuant to the energy conservation plan.

Authority to acquire existing facilities in lieu of carrying out construction authorized by law (sec. 2805)

The House bill contained a provision (sec. 2805) that would amend title 10, United States Code, by authorizing the secretaries of the military services to acquire existing facilities in lieu of authorized construction projects if the secretary determines that acquisition would be more cost-effective and advantageous to the government.

The Senate amendment contained a similar provision (sec. 2804).

The House recedes with an amendment that would require the service secretary to wait 30 days after congressional notification before entering into a formal agreement for acquisition of such facilities. The Secretary also would be authorized to make necessary modifications or conversions to the acquired facility if the cost of such alterations does not exceed the authorized amount of the project. Such costs would be factored into the overall judgment of whether acquisition in lieu of construction is more advantageous to the government.

Clarification of Department of State housing pool participation (sec. 2806)

The House bill contained a provision (sec. 2806) that would amend subsection 2834(b) of title 10, United States Code, to clarify existing Department of Defense authority to accept housing leased by the Department of State.

The Senate amendment contained a similar provision (sec. 2805).

The Senate recedes.

Extension of authority to lease real property for special operations activities (sec. 2807)

The Senate amendment contained a provision (sec. 2806) that would extend, for two years, the existing authority and associated reporting requirements related to leasing options available to special operations forces that are contained in section 2680 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Broward County, Florida (sec. 2811)

The House bill contained a provision (sec. 2826) that would authorize the Secretary of the Navy to convey approximately 18.45 acres of land and improvements located on Fort Lauderdale-Hollywood International Airport, Florida to Broward County. In exchange, the county would either pay the costs of constructing a suitable replacement facility or pay an amount equal to the fair market value of the parcel which the Navy would use to construct such a facility.

The Senate amendment contained a similar provision (sec. 2840).

The House recedes with an amendment that would provide the Secretary of the Navy with the option of accepting a replacement facility or the payment of the fair market value of the property to be conveyed.

Land conveyance, Naval Air Station, Oceana, Virginia (sec. 2812)

The House bill contained a provision (sec. 2826) that would authorize the Secretary of the Navy to convey, at fair market value, approximately 3.5 acres of real property and appropriate easements at Oceana Naval Air Station, Virginia.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Craney Island Fuel Depot, Naval Supply Center, Virginia (sec. 2813)

The House bill contained a provision (sec. 2829) that would permit the Secretary of the

Navy to convey, at fair market value, approximately 135.7 acres, including improvements, to the City of Portsmouth, Virginia.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the applicability of environmental statutes and the terms of consideration for this conveyance.

Land conveyance, Portsmouth, Virginia (sec. 2814)

The House bill contained a provision (sec. 2830) that would permit the Secretary of the Navy to convey, at fair market value, approximately 1.45 acres of land to the Peck Iron and Metal Company.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the applicability of environmental statutes to this land conveyance.

Land conveyance, Iowa Army Ammunition Plant, Iowa (sec. 2815)

The House bill contained a provision (sec. 2837) that would authorize the Secretary of the Army, to convey, at fair market value, approximately 127 acres of real property and improvements at the Iowa Army Ammunition Plant, Iowa to the city of Middletown, Iowa.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Conveyance of Radar Bomb Scoring Site, Conrad, Montana (sec. 2816)

The Senate amendment contained a provision (sec. 1838) that would authorize the Secretary of the Air Force to convey, without consideration, approximately 42 acres of land and improvements that constitutes the support base for the former Radar Bombing Scoring Site, Conrad Montana. The condition for the conveyance would be that the property be used for housing and recreation purposes.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Charleston, South Carolina (sec. 2817)

The Senate amendment contained no similar provision (sec. 2842) that would authorize the Secretary of the Navy to convey, at no less than fair market value, approximately 10.9 acres of land that comprise a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina to the Division of Public Railways, South Carolina Department of Commerce.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Fort Missoula, Montana (sec. 2818)

The Senate amendment contained no similar provision (sec. 2844) that would authorize the Secretary of the Army to determine whether approximately 11 acres of land and improvements located in Fort Missoula, Missoula County, Montana is excess to the needs of the Department of the Army. If the property is excess, the Secretary may convey the property to the Northern Rockies Heritage Center for historic, cultural, or educational purposes.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the non-profit, tax exempt status of the Northern Rockies Heritage Center, and would clarify the applicability of en-

vironmental statutes to this conveyance. The conferees agree that prior to transferring the parcel identified in this section, the Department of Defense must comply with all other applicable provisions of law.

Release of reversionary interest, Old Spanish Trail Armory, Harris County, Texas (sec. 2820)

The House bill contained a provision (sec. 2827) that would authorize the Secretary of the Army to release the reversionary interests of the United States in and to approximately 6.89 acres of real property containing the Old Spanish trail Armory in Harris County, Texas. The provision would also allow a fair market exchange of real property between the University of Texas and the Texas National Guard Armory Board.

The Senate amendment contained no similar provision.

The Senate recedes.

Land easement, West Loch Branch, Naval Magazine Luaualei, Hawaii (sec. 2821)

The conferees agree to a provision that would authorize the Secretary of the Navy to grant a land easement for drainage and other public purposes to the city or county of Honolulu, Hawaii, on property constituting a portion of West Loch Branch, Naval Magazine Luaualei, Hawaii. In consideration, the grantee would pay the Navy fair market value for this interest.

Land transfer, Fort Sheridan, Illinois and Arlington County, Virginia (sec. 2822)

The Senate amendment contained a provision (sec. 2845) that would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives on the proposed transfer of land located at Fort Sheridan, Illinois for a 7.1 acre parcel of real property located in Arlington, Virginia for the purpose of constructing and operating the National Museum of the United States Army.

The House bill contained no similar provision.

The House recedes.

Modification of land conveyance, New London, Connecticut (sec. 2831)

The House bill contained a provision (sec. 2824) that would amend section 2841(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The original legislation contained a 20 year lease which the Navy terminated prematurely, rendering the original fair market value transfer formula moot. The provision would modify the original legislation and allow the land conveyance to proceed at less than fair market value.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia (sec. 2832)

The Senate amendment contained a provision (sec. 2837) that would modify section 2846 of the National Defense Authorization Act for Fiscal Year 1993 by providing more flexible terms of payment and the authority for the Naval Reserve to lease back the Atlanta Naval Reserve Center once it has been purchased by the Georgia Institute of Technology. The term of the lease is intended to last only until new Naval Reserve facilities are completed.

The House bill contained no similar provision.

The House recedes.

Modification of lease authority, Naval Supply Center, Oakland, California (sec. 2833)

The House bill contained a provision (sec. 2836) that would amend paragraph (1) of sub-

section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484) to revise the amount of land available for lease from 195 acres to those portions of the Naval Supply Center, Oakland, California, that the Secretary of the Navy determines to be available for lease to the City or Port of Oakland for nominal consideration.

The Senate amendment contained no similar provision.

The Senate recedes.

Expansion of land transaction authority involving Hunters Point Naval Shipyard, San Francisco, California (sec. 2834)

The House bill contained a provision (sec. 2835) that would amend section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (Division B of Public Law 101-510) to authorize the Secretary of the Navy to convey property to the City of San Francisco in lieu of entering into a lease.

The Senate amendment contained no similar provision.

The Senate recedes.

Conveyance of natural gas distribution system, Fort Belvoir, Virginia (sec. 2841)

The House bill contained a provision (sec. 2831) that would authorize the Secretary of the Army to convey to the Washington Gas Company, Virginia, at no less than fair market value, the natural gas distribution system on Fort Belvoir, Virginia.

The Senate amendment contained a similar provision (sec. 2831).

The House recedes.

Conveyance of the water distribution system, Fort Lee, Virginia (sec. 2842)

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Army to convey to the local water company, at no less than fair market value, the water service and water distribution system at Fort Lee, Virginia.

The Senate amendment contained a similar provision (sec. 2832).

The House recedes.

Conveyance of waste water treatment facility, Fort Pickett, Virginia (sec. 2843)

The House bill contained a provision (sec. 2833) that would authorize the Secretary of the Army to convey, at not less than fair market value, the waste water treatment facility at Fort Pickett, Virginia to the town of Blackstone, Virginia.

The Senate amendment contained a similar provision (sec. 2833).

The House recedes.

The Fort Pickett water treatment facility is being conveyed at the request of the town of Blackstone, Virginia, and should not be viewed as a precedent for, or encouragement of, transfers of water treatment facilities on a nationwide basis. Any transfers of Department of Defense water treatment facilities should be examined on a case-by-case basis. This is particularly true if transfers of ownership of waste water treatment works are driven by motivations to alter the application of environmental laws and regulations to a particular facility in a manner that is less protective of the environment.

Conveyance of water distribution system and reservoir, Stewart Army Subpost, New York (sec. 2844)

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey, at no less than fair market value, the water distribution system and reservoir at the Stewart Army Subpost, New York to the town of New Windsor, New York.

The Senate amendment contained a similar provision (sec. 2834).

The House recedes.

Transfer of electric power distribution system at Naval Air Station, Alameda, California, to the City of Alameda Bureau of Electricity (sec. 2845)

The House bill contained a provision (sec. 2838) that would authorize the Secretary of the Navy to convey to the Bureau of Electricity of the City of Alameda, California, the electric power distribution system located at the Naval Air Station, Alameda, California.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would bring this provision into conformance with similar utility system conveyances contained elsewhere in this act.

Conveyance of electrical distribution system, Fort Dix, New Jersey (sec. 2846)

The Senate amendment contained a provision (sec. 2836) that would authorize the Secretary of the Army to convey to the local electrical utility company, at no less than fair market value, the electrical distribution system on Fort Dix, New Jersey.

The House bill contained no similar provision.

The House recedes.

Lease of real property, Camp Pendleton, California (sec. 2847)

The House bill contained a provision (sec. 2828) that would provide for the lease of real property, known as the San Mateo Basin, at Camp Pendleton, California, for a period of up to 50 years to the Tri-Cities Municipal Water District. All improvements and operation and maintenance costs, along with cash or additional required services in an amount equal to fair market value, would be provided by the Water District.

The Senate amendment contained a similar provision (sec. 2835).

The Senate recedes.

Disposition of real property at missile sites to adjacent landowner (sec. 2851)

The Senate amendment contained a provision (sec. 2856) that would amend section 9781 of title 10, United States Code, to authorize the Administrator of General Services to convey, for fair market value, excess real property at Air Force missile sites to adjacent land owners.

The House bill contained no similar provision.

The House recedes.

DOD vaccine production facility (sec. 2852)

The Senate amendment contained a provision (sec. 2852) that would prohibit the Department of Defense from obligating funds authorized in fiscal year 1994 for the Department of the Army for either the architectural design or construction of a vaccine production facility. The provision would direct the Secretary of Defense, in consultation with the Secretary of the Army, to submit a report to the Congress on the need for a DOD facility by February 1, 1994.

The House bill contained no similar provision.

The House recedes.

The conferees have concerns about the necessity for a dedicated DOD vaccine production facility. In the event the Department includes funds for a facility in the fiscal year 1995 budget request, the conferees agree that a report to Congress would facilitate the decisionmaking process. The report shall include: a cost-benefit analysis of the alter-

natives for a vaccine production facility, and a comparison of the costs to construct a dedicated DOD facility with the cost of a contracted commercial production and a civilian dual-use facility; and information on the appropriate vaccines necessary to protect the projected U.S. force. The report shall also address the economic feasibility of contracting with U.S. or foreign manufacturers to supply the necessary vaccines and the issue of indemnification. Additionally, the report shall include information on the Defense Department's plans to supply the necessary vaccines in the period between construction and the projected completion and validation of the facility.

Grant relating to elementary school for military dependents, Fort Belvoir, Virginia (sec. 2853)

The Senate amendment contained a provision (sec. 2853) that would authorize the Secretary of the Army to make a direct grant of \$8.0 million to the Fairfax County School Board, Virginia, to support the construction of a replacement public school on Fort Belvoir, Virginia that the local school system operates. The local school system would assume complete facility maintenance responsibility when the construction is completed.

The House bill contained no similar provision.

The House recedes.

Allotment of space in federal buildings to credit unions (sec. 2854)

The Senate bill contained a provision (sec. 2854) concerning allotment of space in federal buildings to credit unions.

The House bill contained no similar provision.

The House recedes.

Flood control project (sec. 2855)

The House bill contained a provision (sec. 2841) that would direct the Secretary of the Army to construct the Coyote and Berryessa Creeks flood control project in Santa Clara, California using funds appropriated to the U.S. Army Corps of Engineers for fiscal year 1994.

The Senate amendment contained no similar provision.

The Senate recedes.

Restrictions on land transactions relating to the Presidio of San Francisco, California (sec. 2856)

The conferees are concerned about a pending transfer of land at the Presidio of San Francisco, California from the Army to the Department of the Interior. Upon completion of this transfer, land now occupied by the Army would become part of the Golden Gate National Park. The conferees agree to a provision that would require, as a condition precedent to the transfer of land to the Department of the Interior, the Secretary of the Army to determine that the property to be transferred is excess to Army needs. In addition, the Secretary of Defense would be required to submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the circumstances under which the property transfer would take place and under which the Army would continue to use facilities at the Presidio.

LEGISLATIVE PROVISIONS NOT ADOPTED

Termination of authority to carry out land acquisition in Muskingum County, Ohio

The House bill contained a provision (sec. 2602) that would amend the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) by repealing a \$5.67 million

authorization for a land acquisition to establish an Army National Guard training area in Muskingum county, Ohio.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct that the land acquisition previously authorized for a maneuver area in Muskingum County, Ohio, be terminated. The conferees further direct that the National Guard Bureau reprogram a portion of the funds previously authorized for that purpose to construct the following projects in the state of Ohio:

	Amount
Camp Perry, ammunition storage bunker	\$246,000
Camp Perry, upgrade fencing/lighting	600,000
Camp Perry, OMS	600,000
Camp Perry, combat pistol range	600,000
Camp Perry, multi-purpose range	600,000
Newton Falls, training equipment site	800,000
Rickenbacker Airport, upgrade fencing/lighting	400,000
<i>Increase in the maximum amount authorized to be obligated for emergency construction</i>	

The House bill contained a provision (sec. 2801) that would amend section 2803(c)(1) of title 10, United States Code, to increase the emergency construction authority from \$30.0 million to \$50.0 million.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe the existing \$30.0 million authority is sufficient to meet emergencies in all situations where the President has not declared a national emergency or in the event of war.

Navy housing investment agreements and housing investment board

The House bill contained a provision (sec. 2807) that would amend chapter 649 of title 10, United States Code, to authorize the department of the Navy to invest in limited partnerships for the purpose of developing privately owned family housing units near military installations. This section would establish a board of Navy and private sector individuals to administer a revolving fund.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that many communities adjacent to military bases have not been able to provide safe, affordable housing for military personnel. This shortage of such housing is chronic at certain locations, necessitating lengthy commutes and lowering morale and efficiency. The Department of Defense has not given the House provision the careful examination it requires.

The conferees believe an initiative of this complexity merits executive branch evaluation and congressional examination through oversight hearings prior to consideration for enactment. The conferees direct the Secretary of Defense to review the House provision and the recent Congressional Budget Office report, *Military Family Housing in the United States*, and provide an analysis of the issues to the Committees on Armed Services of the Senate and the House of Representatives by March 30, 1994.

Should the Department conclude that the ideas contained in the House provision have merit, the conferees expect that this initiative would be developed for the benefit of military personnel of all the Services, and submitted to the Congress as part of the fiscal year 1995 budget request.

Conveyance of surplus real property, Fort Ord, California

The House bill contained a provision (sec. 2839) that would authorize the Secretary of the Army to convey certain parcels of real property located at Fort Ord, California for educational purposes to the Regents of the University of California and the Trustees of the California State University.

The Senate amendment contained no similar provision.

The House recedes.

In agreeing to the provisions relating to base closures in title XXIX of this act, the conferees intend to reduce the complexity of the existing system and allow for innovative reuse programs such as the program proposed by the reuse committee at Fort Ord.

Specifically, the conferees recognize that development without delay is critical to the success of the private-public effort. Because the University of California and the California State University system are public entities, the universities are eligible under section 2903 of this act to receive property at Fort Ord both for educational purposes and to foster economic redevelopment through transfer.

The conferees support the commitment of the Department of Defense, as expressed in a letter from the Deputy Secretary of Defense, to convey certain surplus real property at Fort Ord to the Trustees of the California State University system and the Regents of the University of California. The conferees expect the clean parcels of land to be conveyed by the spring of 1994 and parcels requiring environmental remediation to be conveyed as soon as practical.

Use of Army Corps of Engineers to manage military construction projects in Hawaii

The House bill contained a provision (sec. 2842) that would require that all military construction in Hawaii be designed and constructed through the Army Corps of Engineers.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the current division of military construction and military family housing supervision appears to meet the Department of Defense's needs in the state of Hawaii. The Army Corps of Engineers, reflecting the Army's responsibility as executive agent for military family housing in Hawaii, is responsible for design, construction, maintenance, and repair of all the housing facilities in the state. The Naval Facilities Engineering Command (NAVFAC) provides design, construction, and maintenance services for non-military family housing for the navy. The Army Corps of Engineers and NAVFAC share in providing such services to the Air Force and other agencies.

The conferees believe that the current division of labor is appropriate to the mix of military missions in Hawaii. The conferees encourage the military departments to periodically review these arrangements should the state experience significant force structure changes.

Special rule for military construction on certain lands in the state of Hawaii

The House bill contained a provision (sec. 2843) that would require consultation with, and the written concurrence of, the Governor of the state of Hawaii before military construction could be carried out at an installation located on public lands the Republic of Hawaii ceded to the United States.

The Senate amendment contained no similar provision.

The House recedes.

Evaluation and report on proposals for purchase or lease of certain facilities, Arlington, Virginia

The Senate amendment contained a provision (sec. 2814) that would direct the Secretary of the Navy to evaluate revised lease proposals for buildings the Navy currently occupies in Arlington, Virginia. These proposals were submitted to the Base Closure and Realignment Commission during its deliberations and subsequent recommendation to relocate Navy activities from leased facilities in Arlington to government-owned facilities at other locations.

The House bill contained no similar provision.

The Senate recedes. The conferees understand that during the Commission's deliberations, it received various unsolicited and revocable lease and sale offers for buildings in Northern Virginia that are presently occupied by Navy tenants. The Commission did not have the information or expertise to evaluate property whether these offers provided the best value to the government, or if they met the Navy's requirements.

The conferees believe that any potential to save resources should be explored. Therefore, the conferees direct the Navy, in coordination with the General Services Administration, to carefully scrutinize and refine such offers. The Navy shall submit a report, no later than May 1, 1994, to the Committees on Armed Services of the Senate and the House of Representatives on the potential benefits, if any, to the government of such offers. The conferees believe this recommendation is consistent with the findings and recommendations of the 1993 Base Closure and Realignment Commission.

Land transfer, Woodbridge Research Facility, Virginia

The Senate amendment contained a provision (sec. 2841) that would direct the Secretary of the Army to transfer, without reimbursement, approximately 580 acres of land comprising the Harry Diamond Army Research Laboratory, Woodbridge Research Facility, Virginia to the Secretary of the Interior for incorporation into the Marumsc National Wildlife Refuge, Virginia.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that the Senate provision was in response to a provision in the House-passed Military Construction Appropriations Bill for Fiscal Year 1994 that would have transferred to the Library of Congress, contrary to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) procedures, a portion of the Woodbridge property for a use that was not compatible with the natural setting. The conferees understand that the Library of Congress was provided with an alternative site through special legislation. Therefore, the Senate provision is no longer necessary, and the property at Woodbridge will be disposed of in accordance with the Defense Base Closure and Realignment Act of 1990.

The conferees support the Secretary of the Interior's intention to obtain this property at the earliest possible date and urge the Secretary of the Army to support the transfer.

Report on economic and environmental effects of the transfer of Mine Warfare Center of Excellence

The Senate amendment contained a provision (sec. 2851) that would direct the Secretary of the Navy to submit to the congressional defense committees an environmental

impact statement and an economic assessment of the establishment of the Mine Warfare Center of Excellence at Ingleside, Texas. The amendment would preclude any further movement of activities to Ingleside until the reports were received.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that the Navy's dismal record of mine countermeasure during the Persian Gulf war mandates extraordinary efforts. The conferees also acknowledge that the Mine Warfare Center of Excellence is a worthy endeavor. However, when the Department of Defense is closing installations, it is important that the Navy's plans to establish the Center be both environmentally and economically sound. The conferees are aware that the Navy is conducting a supplemental environmental impact statement on the movement of mine warfare forces to Ingleside and that the Office of the Secretary of Defense is doing a total cost analysis of consolidating mine warfare forces at Ingleside/Corpus Christi. The conferees direct the Secretary of Defense to provide this cost analysis to the congressional defense committees.

Study of effects of Air Force activities on Duck Valley Reservation

The Senate amendment contained a provision (sec. 2855) that would direct the Secretary of the Air Force to study the effects of Air Force operations on the Duck Valley Reservation of the Shoshone-Paiute Tribes in the States of Idaho and Nevada.

The House bill contained no similar provision.

The Senate recedes.

Massachusetts Military Reservation environmental concerns

The conferees understand that there are problems at the Massachusetts Military Reservation, which includes Otis Air National Guard Base, regarding the long-run environmental impact of the Reservation's facilities and activities, both current and planned. The conferees believe that the National Guard should address these issues as expeditiously as possible.

Authorization of projects not appropriated

The conferees did not recommend authorizations for military construction projects that were not funded in the Military Construction Appropriations Act for Fiscal Year 1994. However, the conferees would authorize the following two Reserve component projects which were in the budget request,

authorized and appropriated by both the Senate and the House, but subsequently deleted during the appropriations conference.

Florida: Army National Guard—Eglin AFB—multipurpose range complex	\$3,825,000
New Hampshire: Air National Guard—Pease AFB—upgrade KC-135 hydrant fueling system	5,600,000

The conferees have taken this unusual action because these projects have greater priority than those that received an appropriation, and because of the congressional support these two projects received throughout the legislative process. The conferees agree that both projects are essential to unit operations and readiness. Therefore, the conferees direct the Directors of the Army National Guard and the Air National Guard to submit a reprogramming request for the construction of these projects as soon as possible. Based upon the colloquies during final Senate consideration of the Military Construction Appropriations Act of Fiscal Year 1994, the conferees understand that the reprogramming requests will be considered favorably.

Navy unspecified minor construction

The conferees direct that, within funds authorized for unspecified minor construction, the Marine Corps undertake the following unspecified minor construction projects in fiscal year 1994: (1) \$1.4 million, controlled humidity warehouse, Beaufort Marine Corps Air Station, South Carolina; and (2) \$750,000, emergency off base water supply and \$1.0 million, flood protection, Camp Pendleton Marine Corps Base, California.

The conferees note that two additional projects at Camp Pendleton, relocation of six water wells and replacement of drainage structure, exceed the unspecified minor construction ceiling but encourage the Department of the Navy to budget these projects in the earliest fiscal year possible.

Homestead Air Force Base, Florida

The conferees are aware of the Air Force Reserve's need for a medical training facility at Homestead Air Force Base, Florida. The decision by the 1993 Defense Base Closure and Realignment Commission to retain an Air Force Reserve fighter wing and rescue squadron at Homestead in cantonment areas justifies this military construction requirement.

The conferees direct the Secretary of Defense to fund the medical training facility

(\$2.75 million) within funds authorized in the base realignment and closure III account.

Comiso buyout of leases

The conferees note that the budget request for the Air Force included \$20.2 million for family housing at Comiso Air Base, Italy. The purpose of this request was to buyout the unexpended term of a lease of family housing that was entered into when this ground launched cruise missile (GLCM) base was constructed in the mid-1980s. While the authorizing committees of both the Senate and the House of Representatives recommended support of this request, the conferees deleted this authorization because there was no accompanying appropriation. The conferees recommend that funds authorized to the Air Force for family housing operations be used if this initiative is pursued.

In light of the "dual track" diplomatic strategy that was used to deploy the GLCM force in Europe (i.e., construct bases and deploy the weapons while simultaneously negotiating the theater ban on such weapons), the conferees are dismayed that a U.S. long-term lease associated with any of these bases would not contain a provision for cancellation at the convenience of the government. Had such a provision been included in the lease, the conferees understand that this \$20.2 million liability to pay for housing that is of no use to U.S. forces at Comiso Air Base would have been avoided.

The conferees direct the Secretary of the Air Force to submit a report to the congressional defense committees no later than 180 days after enactment of this act on leases associated with the development and deployment of GLCM forces in Europe. The report should include:

(1) a brief description of each lease supporting each GLCM base with particular reference to the U.S. government's termination rights;

(2) in the case where termination for government convenience was not included, the reason for such omission;

(3) the extent of the U.S. government's participation or prospective liability to pay for the use of facilities that are no longer needed in light of the withdrawal of these forces and, in most cases, the closure of their support bases; and

(4) an assessment of the scope and cost of termination liability for a facility or other lease arrangements associated with the closure of overseas installations. This last issue should be addressed in coordination with the Secretary of the Army.

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
0	ALABAMA	ARMY	ANNISTON ARMY DEPOT	CHEMICAL DEMILITARIZATION FAC (PHASE IV)	110,900	106,033	110,900	95,300
1	ALABAMA	ARMY	FORT RUCKER	ROAD IMPROVEMENTS	0	1,300	1,300	1,300
2	ALABAMA	ARMY	FORT RUCKER	PETROLEUM LAB AND FUEL STORAGE	5,800	5,800	5,800	5,800
3	ALABAMA	ARMY	FORT RUCKER	OPERATIONS FACILITY	1,150	1,150	1,150	1,150
4	ALABAMA	ARMY	FORT RUCKER	SOLDIER SERVICE CENTER	0	14,400	0	14,400
5	ALABAMA	ARMY	FORT RUCKER	WHOLE BARRACKS RENEWAL	20,000	20,000	20,000	20,000
6	ALABAMA	AIR FORCE	GUNTER AFB	HAZARDOUS WASTE ACCUMULATION FACILITY	310	310	310	310
7	ALABAMA	AIR FORCE	GUNTER AFB	EMERGENCY POWER GENERATOR PLANT	1,200	1,200	1,200	1,200
8	ALABAMA	AIR FORCE	GUNTER AFB	SPILL CONTAINMENT CONTROLS	470	470	470	470
9	ALABAMA	AIR FORCE	GUNTER AFB	CHILD DEVELOPMENT CENTER	2,700	2,700	2,700	2,700
10	ALABAMA	AIR FORCE	MAXWELL AFB	UNDERGROUND FUEL STORAGE TANKS	1,700	1,700	1,700	1,700
11	ALABAMA	AIR FORCE	MAXWELL AFB	AIR FORCE QUALITY CENTER	4,650	4,650	4,650	4,650
12	ALABAMA	AIR FORCE	MAXWELL AFB	SPILL CONTAINMENT CONTROLS	970	970	970	970
13	ALABAMA	AIR FORCE	MAXWELL AFB	TAXIWAY/RAMP	3,800	3,800	3,800	3,800
14	ALABAMA	AIR FORCE	MAXWELL AFB	UPGRADE UTILITY SYSTEMS (PHASE I)	5,050	5,050	5,050	5,050
15	ALABAMA	DEFENSE AGENCIES	FORT MCCLELLAN	FT MCCLELLAN ELEM SCHOOL ADDN	2,798	2,798	2,798	2,798
16	ALABAMA	ARMY NATL GUARD	MONTGOMERY	ORGANIZATIONAL MAINT SHOP	0	0	389	389
17	ALABAMA	ARMY NATL GUARD	BIRMINGHAM	AVIATION SUPPORT FACILITY	0	0	4,907	4,907
18	ALABAMA	ARMY NATL GUARD	FORT MCCLELLAN	TRAINING SITE ADDITION	0	0	14,074	0
19	ALABAMA	ARMY NATL GUARD	MOBILE	ORGANIZATIONAL MAINT SHOP	502	502	502	502
20	ALABAMA	ARMY NATL GUARD	CULLMAN	ADD/ALTER COMBINED SUPPORT MAINT. SHOP	0	5,070	5,070	5,070
21	ALABAMA	ARMY NATL GUARD	EGLIN AIR FORCE BASE (FL)	RANGE, MULTIPURPOSE COMPLEX (MPRC)	3,825	3,825	3,825	3,825
22	ALABAMA	ARMY RESERVE	BIRMINGHAM	BATTLE PROJECTION CENTER	4,719	4,719	4,719	4,719
23	ALABAMA	AIR NATL GUARD	DANVELLY FIELD	VEHICLE MAINTENANCE COMPLEX	1,750	1,750	1,750	1,750
24	ALABAMA	AIR NATL GUARD	ABSTON ANG STATION	COMMUNICATIONS & ELECTRONICS TRAINING FAC	693	693	693	693
25	ALABAMA	AIR NATL GUARD	ABSTON ANG STATION	RELOCATE COMMUNICATION UNIT	0	0	7,100	0
26	ALABAMA	AIR NATL GUARD	BIRMINGHAM MAP	ROAD RELOCATION	0	6,200	0	6,200
27	ALABAMA	AIR NATL GUARD	BIRMINGHAM MAP	FUEL CELL DOCK	4,400	4,400	4,400	4,400
28	ALABAMA	AIR NATL GUARD	BIRMINGHAM MAP	AIRCRAFT MAINTENANCE HANGAR	5,500	5,500	5,500	5,500
29	ALASKA	ARMY	FORT WAINWRIGHT	WASTE OIL BURNING POWER PLANT	0	0	740	740
30	ALASKA	ARMY	FORT RICHARDSON	JOINT MOBILITY CENTER	0	0	10,000	10,000

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
31	ALASKA	ARMY	FORT RICHARDSON	ROAD IMPROVEMENT	0	0	770	0
32	ALASKA	AIR FORCE	FORT RICHARDSON	JOINT MOBILITY CENTER	0	0	5,500	5,500
33	ALASKA	AIR FORCE	EIELSON AFB	FIRE TRAINING FACILITY	2,400	2,400	2,400	2,400
34	ALASKA	AIR FORCE	EIELSON AFB	UPGRADE WATER TREATMENT PLANT	0	0	3,750	3,750
35	ALASKA	AIR FORCE	EIELSON AFB	CHILD DEVELOPMENT CENTER	5,400	5,400	5,400	5,400
36	ALASKA	AIR FORCE	EIELSON AFB	UPGRADE WASTE WATER PLANT	0	0	1,750	1,750
37	ALASKA	AIR FORCE	ELMENDORF AFB	ADD TO SANITARY SEWER SYSTEM	5,100	5,100	5,100	5,100
38	ALASKA	AIR FORCE	ELMENDORF AFB	DINING FACILITY	6,800	6,800	6,800	6,800
39	ALASKA	AIR FORCE	ELMENDORF AFB	MUNITIONS MAINTENANCE FACILITY	2,100	2,100	2,100	2,100
40	ALASKA	AIR FORCE	ELMENDORF AFB	HAZARDOUS WASTE STORAGE FACILITY	3,900	3,900	3,900	3,900
41	ALASKA	AIR FORCE	ELMENDORF AFB	CHILD DEVELOPMENT CENTER	5,070	5,070	5,070	5,070
42	ALASKA	AIR FORCE	ELMENDORF AFB	CORROSION CONTROL FACILITY	5,975	5,975	5,975	5,975
43	ALASKA	AIR FORCE	ELMENDORF AFB	RUNWAY REPAIR	0	0	2,500	2,500
44	ALASKA	AIR FORCE	ELMENDORF AFB	MUNITIONS EQUIPMENT FACILITY	1,860	1,860	1,860	1,860
45	ALASKA	AIR FORCE	CAPE ROMANZOV AFS	REPLACE TRAMWAY SYSTEM	3,350	0	3,350	3,350
46	ALASKA	DEFENSE AGENCIES	DEF REUTILIZATION & MKTG OFC FAIRBANKS	RECOVERED STORAGE	6,500	6,500	6,500	6,500
47	ALASKA	DEFENSE AGENCIES	ELMENDORF AIR FORCE BASE	HOSPITAL REPLACEMENT (PHASE II)	135,000	37,000	135,000	37,000
48	ALASKA	ARMY RESERVE	FORT RICHARDSON	ADD/ALT USARC/OMS/DS-GS/AMSA/STORAGE	10,324	10,324	10,324	10,324
49	ALASKA	AIR NATL GUARD	EIELSON AFB	FUEL SYSTEM MAINTENANCE HANGAR	0	0	8,900	8,900
50	ALASKA	AIR NATL GUARD	KULIS ANGB	REPLACE UNDERGROUND STORAGE TANKS	1,100	1,100	1,100	1,100
51	ARIZONA	ARMY	FORT HUACHUCA	BATTALION HEADQUARTERS	4,800	4,800	4,800	4,800
52	ARIZONA	ARMY	FORT HUACHUCA	GENERAL PURPOSE ADMINISTRATIVE FACILITY	4,050	4,050	4,050	4,050
53	ARIZONA	NAVY	MCAS YUMA	BARRACKS	0	0	14,100	0
54	ARIZONA	AIR FORCE	DAVIS-MONTHAN	VEHICLE MAINTENANCE FACILITY	0	5,500	5,500	5,500
55	ARIZONA	AIR FORCE	DAVIS-MONTHAN	AIRCRAFT PARTS STORE	0	1,200	1,200	0
56	ARIZONA	AIR FORCE	DAVIS-MONTHAN AFB	UNDERGROUND FUEL STORAGE TANKS	650	650	650	650
57	ARIZONA	AIR FORCE	NAVAJO ARMY DEPOT	ALTER MINUTEMAN II STORAGE FACILITIES	7,250	7,250	7,250	7,250
58	ARIZONA	AIR FORCE	LUKE AFB	FIRE TRAINING FACILITY	800	800	800	800
59	ARIZONA	AIR FORCE	LUKE AFB	DINING FACILITY	4,700	4,700	4,700	4,700
60	ARIZONA	AIR FORCE	LUKE AFB	FLOOD CONTROL	0	6,000	6,000	6,000
61	ARIZONA	AIR FORCE	LUKE AFB	UNDERGROUND FUEL STORAGE TANKS	1,250	1,250	1,250	1,250

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	N. PASSED	S. PASSED	AGREEMENT
62	ARIZONA	DEFENSE AGENCIES	MARINE CORPS AIR STATION YUMA	MEDICAL CLINICAL	0	6,000	0	6,000
63	ARIZONA	ARMY NATL GUARD	CAMP NAVAJO, BELLEMONT	WATER FILTRATION SYSTEM		1,000	1,000	1,000
64	ARIZONA	ARMY NATL GUARD	MARANA	DORMITORY/DINING FAC.	0	2,919	0	2,919
65	ARIZONA	ARMY NATL GUARD	MARANA	ORGAN. MAINT. SHOP	0	553	553	553
66	ARIZONA	AIR NATL GUARD	TUCSON IAP	ADD TO AND ALTER COMMUNICATIONS FACILITY	700	700	700	700
67	ARIZONA	AIR NATL GUARD	TUCSON IAP	REPLACE UNDERGROUND STORAGE TANKS	440	440	440	440
68	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	ALTER JRTC OPERATIONS CENTER	1,050	1,050	1,050	1,050
69	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	ADAL ENGINE INSP & REPAIR SHOP	1,200	1,200	1,200	1,200
70	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	ADD/ALTER CHILD DEVELOPMENT CTR	2,250	2,250	2,250	2,250
71	ARKANSAS	ARMY NATL GUARD	CAMP ROBINSON	ARMORY	3,205	3,205	3,205	3,205
72	ARKANSAS	ARMY NATL GUARD	CAMP ROBINSON	RANGE, MODIFIED RECORD FIRE	907	0	907	907
73	ARKANSAS	ARMY NATL GUARD	CAMP ROBINSON	TRNG SITE, UTILITIES REMOV	1,275	1,275	1,275	1,275
74	ARKANSAS	ARMY NATL GUARD	CAMP ROBINSON	TRNG SITE, SEWER IMPROV	4,223	4,223	4,223	4,223
75	ARKANSAS	AIR NATL GUARD	FT SMITH MAP	AIRCRAFT CORROSION CONTROL FACILITY	1,100	1,100	1,100	1,100
76	ARKANSAS	AIR NATL GUARD	LITTLE ROCK AFB	AIRCREW TRAINING FACILITY	3,750	3,750	3,750	3,750
77	CALIFORNIA	ARMY	FORT IRVIN	WHOLE BARRACKS RENEWAL	5,900	5,900	5,900	5,900
78	CALIFORNIA	NAVY	BARSTON MARINE CORPS LOGISTICS BASE	INDUSTRIAL WASTE TREATMENT PLANT	8,690	8,690	8,690	8,690
79	CALIFORNIA	NAVY	ALAMEDA NAVAL AIR STATION	CONTROL TOWER COMPLEX	4,700	4,700	0	0
80	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS AIR STATION	STARADAR AIR TRAFFIC CONTROL FACILITY ADDN	3,850	3,850	3,850	3,850
81	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	AUTOMATED FIELD FIRING RANGE	1,340	1,340	1,340	1,340
82	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	SEWAGE FACILITY	7,930	7,930	7,930	7,930
83	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	WATER DISTRIBUTION SYSTEM IMPROVEMENTS	1,380	1,380	1,380	1,380
84	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	ARMORY	480	480	480	480
85	CALIFORNIA	NAVY	EL TORO MARINE CORPS AIR STATION	MAINTENANCE HANGAR ADDITION	1,950	1,950	0	0
86	CALIFORNIA	NAVY	FALLBROOK NAVAL WEAPONS STATION	ANMARM MISSILE MAGAZINES	4,630	4,630	4,630	4,630
87	CALIFORNIA	NAVY	LEMOORE NAVAL AIR STATION	FIRE FIGHTING TRAINING FACILITY	1,930	1,930	1,930	1,930
88	CALIFORNIA	NAVY	OAKLAND NAVAL SUPPLY CENTER	DEMOLITION/REMEDIATION	0	10,000	0	0
89	CALIFORNIA	NAVY	SAN DIEGO FLEET & INDUSTRIAL SUPPLY CENTER	FIRE PROTECTION SYSTEMS	2,270	2,270	2,270	2,270
90	CALIFORNIA	NAVY	SAN DIEGO MARINE CORPS RECRUIT DEPOT	WAREHOUSE	1,130	1,130	1,130	1,130
91	CALIFORNIA	NAVY	SAN DIEGO NAVAL HOSPITAL	CHILD DEVELOPMENT CENTER	2,700	2,700	2,700	2,700
92	CALIFORNIA	NAVY	SAN DIEGO NAVAL TRAINING CENTER	FIRE PROTECTION SYSTEM	700	700	0	0

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
93	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND	CARMORY	3,360	3,360	3,360	3,360
94	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND	CACADEMIC INSTRUCTION BUILDING ADDITION	600	600	600	600
95	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND	CANTI-ARMOR TRACKING RANGE MODERNIZATION	3,940	3,940	3,940	3,940
96	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UPGRADE ELECTRICAL SYSTEM	11,520	11,520	11,520	11,520
97	CALIFORNIA	AIR FORCE	VANDENBERG AFB	HARDWARE STORAGE FACILITY	3,500	3,500	3,500	3,500
98	CALIFORNIA	AIR FORCE	VANDENBERG AFB	SLFI-UPGRADE FIRE PROTECTION SYSTEM	1,600	1,600	1,600	1,600
99	CALIFORNIA	AIR FORCE	VANDENBERG AFB	SLFI-TPQ-18 RADAR FACILITY	2,408	2,408	2,408	2,408
100	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UNDERGROUND FUEL STORAGE TANKS	1,700	1,700	1,700	1,700
101	CALIFORNIA	AIR FORCE	BEALE AIR FORCE BASE	EDUCATIONAL CENTER	0	3,150	0	3,150
102	CALIFORNIA	AIR FORCE	MCCLLELLAN AFB	FIRE PROTECTION ACFT FACILITIES	1,900	1,900	1,900	1,900
103	CALIFORNIA	AIR FORCE	MCCLLELLAN AFB	UPGRADE PARKING APRON	0	6,700	0	6,700
104	CALIFORNIA	AIR FORCE	MCCLLELLAN AFB	INTEGRATED MEDIA CENTER	0	1,600	0	1,600
105	CALIFORNIA	AIR FORCE	EDWARDS AFB	UNDERGROUND FUEL STORAGE TANKS	5,400	5,400	5,400	5,400
106	CALIFORNIA	AIR FORCE	EDWARDS AFB	CHILD DEVELOPMENT CENTER	5,900	5,900	5,900	5,900
107	CALIFORNIA	AIR FORCE	TRAVIS AFB	DORM RENOVATION, PHASE VI	0	5,100	0	5,100
108	CALIFORNIA	AIR FORCE	TRAVIS AFB	UNDERGROUND FUEL STORAGE TANKS	2,840	2,840	2,840	2,840
109	CALIFORNIA	AIR FORCE	TRAVIS AFB	AIRCRAFT GENERAL PURPOSE MAINTENANCE SHOP	11,200	11,200	11,200	11,200
110	CALIFORNIA	DEFENSE AGENCIES	EDWARDS AIR FORCE BASE	LIFE SAFETY UPGRADE	1,700	1,700	1,700	1,700
111	CALIFORNIA	DEFENSE AGENCIES	DEFENSE REUTIL AND MARKTNG OFC MARCDRMO	RELOCATION	630	630	630	630
112	CALIFORNIA	ARMY NATL GUARD	FRESNO	ARMORY/ORGANIZATIONAL MAINT. SHOP	0	8,147	8,147	8,147
113	CALIFORNIA	ARMY NATL GUARD	FRESNO	ONS MODIFICATION	0	0	905	905
114	CALIFORNIA	ARMY NATL GUARD	FORT FUNSTON (SAN FRANCISCO)	VEHICLE STORAGE BUILDING	0	739	0	739
115	CALIFORNIA	ARMY NATL GUARD	VAN NUYS	ARMORY ADDITION	0	0	6,518	6,518
116	CALIFORNIA	ARMY RESERVE	LOS ALAMITOS	LOGISTIC FACILITY	0	0	4,218	0
117	CALIFORNIA	NAVY RESERVE	NAVAL STATION SAN DIEGO	CBU FACILITY	1,000	1,000	1,000	1,000
118	CALIFORNIA	AIR NATL GUARD	FRESNO ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	490	490	490	490
119	CALIFORNIA	AIR NATL GUARD	ONTARIO INTERNATIONAL AIRPORT (ANG)	REPLACE UNDERGROUND FUEL STORAGE TANKS	310	310	310	310
120	CALIFORNIA	AIR FORCE RESERVE	TRAVIS AFB	ALTER RESERVE OPERATIONS AND TRAINING FAC	4,000	4,000	4,000	4,000
121	CALIFORNIA	AIR FORCE RESERVE	TRAVIS AFB	AERIAL PORT TRAINING FACILITY	3,050	3,050	3,050	3,050
122	COLORADO	ARMY	FORT CARSON	RANGE CONTROL FACILITY	4,050	4,050	4,050	4,050
123	COLORADO	ARMY	FITZSIMMONS MEDICAL CENTER	DIAL CENTRAL OFFICE FACILITY	0	4,400	4,400	4,400

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
124	COLORADO	ARMY	FITZSIMMONS MEDICAL CENTER	STEAM AND HOT WATER DISTRIBUTION SYSTEM	0	5,600	0	0
125	COLORADO	AIR FORCE	PETERSON AFB	PRECISION MEASUREMENT EQUIPMENT LABORATORY	2,200	2,200	2,200	2,200
126	COLORADO	AIR FORCE	PETERSON AFB	TEST AND EVALUATION SUPPORT FACILITY	2,430	2,430	2,430	2,430
127	COLORADO	AIR FORCE	PETERSON AFB	ADD TO AND ALTER INTEGRATION SUPPORT FAC	16,400	16,400	16,400	16,400
128	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	ADAL WASTEWATER TREATMENT PLANT	7,100	7,100	7,100	7,100
129	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	ENHANCED FLIGHT SCREENER HANGARS	3,800	3,800	3,800	3,800
130	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	UNDERGROUND FUEL STORAGE TANKS	780	780	780	780
131	COLORADO	AIR FORCE	BUCKLEY ANG BASE	COMMUNICATION DATA PROCESSING FACILITY	39,000	21,500	39,000	39,000
132	COLORADO	AIR FORCE	CHEYENNE MT COMPLEX AFB	UPGRADE ELECTRICAL SERVICE	4,450	4,450	4,450	4,450
133	COLORADO	AIR NATL GUARD	BUCKLEY ANGB	F-16 WEAPONS RELEASE SHOP	1,300	1,300	1,300	1,300
134	COLORADO	AIR FORCE RESERVE	PETERSON AFB	ORGANIZATIONAL MAINTENANCE SUPPORT FAC	1,200	1,200	1,200	1,200
135	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	HAZARDOUS WASTE TRANSFER FACILITY	1,450	1,450	1,450	1,450
136	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	INDUSTRIAL WASTE TREATMENT FACILITY	5,700	5,700	5,700	5,700
137	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	BACHELOR ENLISTED QUARTERS MODERNIZATION	14,800	14,800	14,800	14,800
138	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	STEAM TURBINE GENERATOR	6,600	6,600	6,600	6,600
139	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	ELECTRICAL DISTRIBUTION IMPROVEMENTS	8,190	8,190	8,190	8,190
140	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	PIER IMPROVEMENTS	0	4,200	0	4,200
141	CONNECTICUT	ARMY NATL GUARD	BRADLEY FIELD	AVIATION FACILITIES	0	0	6,000	6,000
142	CONNECTICUT	ARMY NATL GUARD	GROTON	AVIATION FACILITIES	0	0	9,000	0
143	CONNECTICUT	AIR NATL GUARD	BRADLEY FIELD	ADD TO AND ALTER BASE CIVIL ENGINEER FAC	510	510	510	510
144	DELAWARE	AIR FORCE	DOVER AFB	ADD/ALTER DINING FACILITY	2,500	2,500	2,500	2,500
145	DELAWARE	AIR FORCE	DOVER AFB	INSTALL EMISSION CONTROL DEVICES	860	860	860	860
146	DELAWARE	AIR FORCE	DOVER AFB	DORMITORY	3,200	4,400	4,400	4,400
147	DELAWARE	AIR NATL GUARD	GREATER WILMINGTON AIRPORT	COMMUNICATIONS FACILITY	900	900	900	900
148	DELAWARE	AIR NATL GUARD	GREATER WILMINGTON AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	890	890	890	890
149	DISTRICT OF COLUMBIA	NAVY	WASHINGTON COMMANDANT NAVAL DISTRICT	CHILD DEVELOPMENT CENTER	1,480	1,480	1,480	1,480
150	DISTRICT OF COLUMBIA	NAVY	WASHINGTON COMMANDANT NAVAL DISTRICT	FIRE PROTECTION SYSTEM	1,630	1,630	1,630	1,630
151	DISTRICT OF COLUMBIA	NAVY	WASHINGTON NAVAL RESEARCH LABORATORY	SPECIAL PROJECTS BUILDING	400	400	400	400
152	DISTRICT OF COLUMBIA	NAVY	WASHINGTON NAVAL RESEARCH LABORATORY	NAVAL CENTER FOR SPACE TECHNOLOGY	1,980	1,980	1,980	1,980
153	DISTRICT OF COLUMBIA	AIR FORCE	BOLLING AIR FORCE BASE	ADD TO CHILD DEVELOPMENT CENTER	2,000	2,000	2,000	2,000
154	FLORIDA	NAVY	JACKSONVILLE NAVAL AIR STATION	HELICOPTER WASH AND RINSE FACILITY	620	620	620	620

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
155	FLORIDA	NAVY	JACKSONVILLE NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS	13,800	13,800	13,800	13,800
156	FLORIDA	NAVY	CECIL FIELD NAVAL AIR STATION	SANITARY WASTEWATER SYSTEM UPGRADE	1,500	1,500	0	0
157	FLORIDA	NAVY	MAYPORT NAVAL STATION	AIR EMISSIONS CONTROL	3,260	3,260	3,260	3,260
158	FLORIDA	NAVY	PENSACOLA NAVAL AIR STATION	RADAR AIR TRAFFIC CONTROL CENTER	1,880	1,880	1,880	1,880
159	FLORIDA	NAVY	PENSACOLA NAVAL AIR STATION	WATER SURVIVAL TRAINING FACILITY	4,540	4,540	4,540	4,540
160	FLORIDA	AIR FORCE	EGLIN AFB	UPGRADE HYDRANT FUELING SYSTEM	4,550	4,550	4,550	4,550
161	FLORIDA	AIR FORCE	EGLIN AFB	AIRCRAFT ENGINE TEST FACILITY	1,600	1,600	1,600	1,600
162	FLORIDA	AIR FORCE	EGLIN AFB	RENOVATE CLIMATIC TEST CHAMBER (PHASE II)	57,000	57,000	57,000	57,000
163	FLORIDA	AIR FORCE	EGLIN AFB	VEHICLE MAINTENANCE/WAREHOUSE FACILITIES	2,600	2,600	2,600	2,600
164	FLORIDA	AIR FORCE	EGLIN AFB	REPLACE POL PIPELINE	3,300	3,300	3,300	3,300
165	FLORIDA	AIR FORCE	EGLIN AFB AUXILIARY FIELD 9	ADD TO AND ALTER DORMITORIES	4,479	4,479	4,479	4,479
166	FLORIDA	AIR FORCE	EGLIN AFB AUXILIARY FIELD 9	UPGRADE SANITARY SEWAGE SYSTEMS	1,750	1,750	1,750	1,750
167	FLORIDA	AIR FORCE	EGLIN AFB AUXILIARY FIELD 9	UPGRADE STORM SEWAGE SYSTEM	1,600	1,600	1,600	1,600
168	FLORIDA	AIR FORCE	TYNDALL AFB	BASE SUPPLY LOGISTICS CENTER	2,600	2,600	2,600	2,600
169	FLORIDA	AIR FORCE	PATRICK AFB	UNDERGROUND FUEL STORAGE TANKS	1,850	1,850	1,850	1,850
170	FLORIDA	AIR FORCE	PATRICK AFB	ALTER MAINTENANCE HANGAR	2,000	2,000	2,000	2,000
171	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	SLFI-UPGRADE WATER SUPPLY MAINS	1,200	1,200	1,200	1,200
172	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	UPGRADE FIRE SYSTEM	2,400	2,400	2,400	2,400
173	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	SEWAGE TREATMENT PLANT	11,900	11,900	11,900	11,900
174	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	SLFI-BACKUP POWER	2,500	2,500	2,500	2,500
175	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	UNDERGROUND FUEL STORAGE TANKS	400	400	400	400
176	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	SLFI-BACKUP POWER	800	800	800	800
177	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	MH60G HELO HANGER	5,700	5,700	5,700	5,700
178	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	ADD TO SUPPLY/MRSK	1,502	1,502	1,502	1,502
179	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	SON OPS MH60G(1SOW)	2,250	2,250	2,250	2,250
180	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	MUNITIONS MAINT FACILITY	2,550	2,550	2,550	2,550
181	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	SON OPS MC130	2,750	2,750	2,750	2,750
182	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	WEAPONS MX FAC ADD	330	330	330	330
183	FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9	ALTER AVIONICS SHOP	4,500	4,500	4,500	4,500
184	FLORIDA	ARMY NATL GUARD	CAMP BLANDING	COMBINED SUPPORT MAINTENANCE SHOP	0	4,000	0	0
185	FLORIDA	AIR NATL GUARD	JACKSONVILLE IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,150	1,150	1,150	1,150

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
186	FLORIDA	AIR FORCE RESERVE	MACDILL AFB	AEROMEDICAL EVACUATION FACILITY	750	750	750	750
187	GEORGIA	ARMY	FORT BENNING	BARRACKS MODERNIZATION	18,500	18,500	18,500	18,500
188	GEORGIA	ARMY	FORT BENNING	MULTIPURPOSE MACHINE GUN RANGE	1,650	1,650	1,650	1,650
189	GEORGIA	ARMY	FORT BENNING	WHOLE BARRACKS RENEWAL	17,500	17,500	17,500	17,500
190	GEORGIA	ARMY	FORT GILLEN	PHYSICAL FITNESS CENTER	0	0	2,600	2,600
191	GEORGIA	ARMY	FT STEWART/HUNTER AAF	CARGO HANDLING FACILITY	4,500	4,500	4,200	4,200
192	GEORGIA	ARMY	FT STEWART/HUNTER AAF	EXPAND AMMUNITION STORAGE AREA	3,600	3,600	3,600	3,600
193	GEORGIA	ARMY	FT STEWART/HUNTER AAF	HARDSTAND	8,700	8,700	9,400	9,400
194	GEORGIA	ARMY	FT STEWART/HUNTER AAF	RAILROAD TRACK IMPROVEMENT	2,000	2,000	3,100	3,100
195	GEORGIA	NAVY	KINGS BAY NAVAL SUBMARINE BASE	DIXES	3,730	3,730	3,730	3,730
196	GEORGIA	NAVY	KINGS BAY NAVAL SUBMARINE BASE	UTILITIES AND SITE IMPROVEMENTS	7,190	7,190	7,190	7,190
197	GEORGIA	NAVY	KINGS BAY TRIDENT TRAINING FACILITY	FIRE FIGHTING TRAINING FACILITY	3,870	3,870	3,870	3,870
198	GEORGIA	NAVY	ALBANY MARINE CORPS LOGISTICS BASE	CHILD DEVELOPMENT CENTER	940	940	940	940
199	GEORGIA	AIR FORCE	MOODY AIR FORCE BASE	AIRCRAFT MAINTENANCE DOCK	0	4,700	4,700	4,700
200	GEORGIA	AIR FORCE	MOODY AIR FORCE BASE	AIRCRAFT PARKING/ACCESS TAXIWAY	0	9,000	9,000	9,000
201	GEORGIA	AIR FORCE	MOODY AIR FORCE BASE	MISSION EQUIPMENT STORAGE	0	0	670	0
202	GEORGIA	AIR FORCE	MOODY AIR FORCE BASE	LARGE AIRCRAFT WASH RACK	0	0	1,700	0
203	GEORGIA	AIR FORCE	ROBINS AFB	J-STARS SQUADRON OPERATIONS/AMU	7,500	7,500	7,500	7,500
204	GEORGIA	AIR FORCE	ROBINS AFB	J-STARS ADD TO AND ALTER UTILITIES	3,500	3,500	3,500	3,500
205	GEORGIA	AIR FORCE	ROBINS AFB	AIRCRAFT SUPPORT EQUIPMENT PAINT FACILITY	970	970	970	970
206	GEORGIA	AIR FORCE	ROBINS AFB	J-STARS ADD TO AND ALTER OPERATIONS CNPLX	4,100	4,100	4,100	4,100
207	GEORGIA	AIR FORCE	ROBINS AFB	ADD/ALTER DORMITORIES	4,300	4,300	4,300	4,300
208	GEORGIA	AIR FORCE	ROBINS AFB	J-STARS ADD TO AND ALTER MAINT COMPLEX	9,300	9,300	9,300	9,300
209	GEORGIA	AIR FORCE	ROBINS AFB	ADAL LOGISTICAL SYSTEMS OPERATIONS CENTER	3,000	0	3,000	3,000
210	GEORGIA	AIR FORCE	ROBINS AFB	UPGD INDSTR L WASTEWATER TRTMT & DBPBL PLT	10,700	10,700	10,700	10,700
211	GEORGIA	DEFENSE AGENCIES	ROBINS AFB	LINWOOD ELEM SCHOOL ADDN	1,580	1,580	1,580	1,580
212	GEORGIA	DEFENSE AGENCIES	ROBINS AFB	ROBINS ELEM SCHOOL ADDN	1,580	1,580	1,580	1,580
213	GEORGIA	ARMY RESERVE	FT MCPHERSON	ARMY RESERVE COMMAND HQ	0	0	36,400	15,000
214	GEORGIA	AIR NATL GUARD	LEWIS B. WILSON AIRPORT (ANG)	REPLACE UNDERGROUND FUEL STORAGE TANKS	340	340	340	340
215	GEORGIA	AIR NATL GUARD	MCCOLLUM ANG STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	315	315	315	315
216	GEORGIA	AIR NATL GUARD	SAVANNAH COMBAT READINESS TRAINING	FIRE DETECTION AND SUPPRESSION SYSTEMS	1,650	1,650	1,650	1,650

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
217	GEORGIA	AIR NATL GUARD	SAVANNAH COMBAT READINESS TRAINING	REPLACE UNDERGROUND FUEL STORAGE TANKS	315	315	315	315
218	GEORGIA	AIR NATL GUARD	SAVANNAH ANG COMMUNICATIONS STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	330	330	330	330
219	GEORGIA	AIR NATL GUARD	SAVANNAH MAP	REFUELING VEHICLE PARKING AND OPS COMPLEX	990	990	990	990
220	GEORGIA	AIR NATL GUARD	DOBBINS AFB	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,150	1,150	1,150	1,150
221	GEORGIA	AIR NATL GUARD	DOBBINS' AFB	PETROLEUM OPERATIONS COMPLEX	600	600	600	600
222	GEORGIA	AIR NATL GUARD	DOBBINS AFB	SMALL ARMS RANGE	0	0	500	0
223	GEORGIA	AIR NATL GUARD	ROBINS AFB	HYDRANT REFUELING SYSTEM	0	0	12,000	5,750
224	GEORGIA	AIR FORCE RESERVE	DOBBINS AIR FORCE BASE	SMALL ARMS SYSTEM RANGE	0	1,900	0	1,900
225	GEORGIA	AIR FORCE RESERVE	DOBBINS AIR FORCE BASE	EASTERN REGIONAL FLIGHT SIMULATOR FACILITY	0	6,000	0	6,000
226	HAWAII	ARMY	SCHOFIELD BARRACKS	OPERATIONS FACILITY	2,600	2,600	2,600	2,600
227	HAWAII	ARMY	SCHOFIELD BARRACKS	MULTI-PURPOSE FAMILY SERVICE CENTER	16,000	16,000	16,000	16,000
228	HAWAII	NAVY	PEARL HARBOR NAVY PUBLIC WORKS CENT	INDUSTRIAL WASTE TREATMENT PLANT	18,560	18,560	18,560	18,560
229	HAWAII	NAVY	PEARL HARBOR COM OCEANOGRAPHIC SYS	BERTHING PIER	16,780	0	16,780	16,780
230	HAWAII	NAVY	PEARL HARBOR NAVY INACTIVE SHIP MAIN	INACTIVE SHIPS PIER	2,620	2,620	2,620	2,620
231	HAWAII	NAVY	PEARL HARBOR NAVY PUBLIC WORKS CENT	WASTEWATER COLLECTION SYS IMPROVEMENT	8,980	8,980	8,980	8,980
232	HAWAII	NAVY	PEARL HARBOR NAVAL SUBMARINE BASE	BACHELOR ENLISTED QUARTERS COMPLEX	25,500	25,500	25,500	25,500
233	HAWAII	NAVY	PEARL HARBOR NAVAL SUBMARINE BASE	SUBMARINE BERTHING WHARF	26,000	26,000	26,000	26,000
234	HAWAII	NAVY	PEARL HARBOR NAVAL SUBMARINE BASE	ENLISTED MESS HALL MODERNIZATION	2,640	2,640	2,640	2,640
235	HAWAII	NAVY	HONOLULU COMP&TELCOMM AREA MASTER	SBACHELOR ENLISTED QUARTERS MODERNIZATION	4,730	4,730	4,730	4,730
236	HAWAII	NAVY	HONOLULU COMP&TELCOMM AREA MASTER	SBACH ENLISTED QUARTERS MODERNIZATION	4,390	4,390	4,390	4,390
237	HAWAII	NAVY	BARBERS POINT NAVAL AIR STATION	CHILD DEVELOPMENT CENTER	2,700	2,700	2,700	2,700
238	HAWAII	NAVY	BARBERS POINT NAVAL AIR STATION	FIRE FIGHTING TRAINING FACILITY	1,350	1,350	0	0
239	HAWAII	AIR FORCE	HICKAM AFB	DORMITORY	5,950	5,950	9,500	9,500
240	HAWAII	AIR FORCE	HICKAM AFB	UNDERGROUND FUEL STORAGE TANKS	2,100	2,100	2,100	2,100
241	HAWAII	AIR FORCE	HICKAM AFB	MILSTAR COMMUNICATIONS GROUND TERMINAL	2,200	2,200	2,200	2,200
242	HAWAII	AIR FORCE	KAENA POINT	POWER PLANT	7,350	7,350	7,350	7,350
243	HAWAII	DEFENSE AGENCIES	DEFENSE FUEL SUPPORT POINT PEARL	HAPOL LABORATORY FACILITY	2,250	2,250	2,250	2,250
244	HAWAII	ARMY NATL GUARD	KAWAI	RANGE, KNOWN DISTANCE UPGRADE	334	334	334	334
245	HAWAII	NAVY RESERVE	NAVAL STATION PEARL HARBOR	CBU ADDITION	500	500	500	500
246	HAWAII	AIR NATL GUARD	HICKAM AFB	FUEL SYSTEM MAINT AND CORROSION CONTROL FAC	5,300	5,300	5,300	5,300
247	IDAHO	ARMY NATL GUARD	HOMEDALE	ARMORY	1,157	1,157	1,157	1,157

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
248	IDAHO	ARMY NATL GUARD	GOWEN FIELD	USPFO ADMIN OFC/WHSE ADD	1,391	1,391	1,391	1,391
249	IDAHO	ARMY NATL GUARD	GOWEN FIELD	COMBAT VEHICLE TRANSITION CNPLX	5,044	5,044	5,044	5,044
250	IDAHO	AIR NATL GUARD	GOWEN FIELD	IDAHO TRAINING RANGE	0	0	6,700	6,700
251	IDAHO	AIR NATL GUARD	BOISE AIRPORT	FIRE STATION AND AGE FACILITY	1,750	1,750	1,750	1,750
252	ILLINOIS	AIR FORCE	SCOTT AFB	MUNITIONS STORAGE FAC/LAND ACQUISITION	2,450	2,450	2,450	2,450
253	ILLINOIS	AIR FORCE	SCOTT AFB	INTEROPERABILITY TEST AND TRAINING FAC	5,000	5,000	5,000	5,000
254	ILLINOIS	ARMY NATL GUARD	ROCK ISLAND	ARMORY/ORG. MAINT. SHOP	0	4,000	0	3,310
255	ILLINOIS	ARMY RESERVE	ARGONNE	USARC/OMS	10,381	10,381	10,381	10,381
256	ILLINOIS	AIR NATL GUARD	GREATER PEORIA AIRPORT	ADD TO AND ALTER F-16 ACFT AVIONICS SHOP	840	840	840	840
257	ILLINOIS	AIR NATL GUARD	CAPITAL MAP	ALTER STORM DRAINAGE DISPOSAL	500	500	500	500
258	INDIANA	NAVY	NSW CENTER-CRANE DIVISION	ORDNANCE ENVIRONMENTAL TEST CTR	0	9,600	0	9,600
259	INDIANA	ARMY NATL GUARD	EVANSVILLE	ARMORY/OMS	0	6,050	0	6,050
260	INDIANA	ARMY NATL GUARD	LAFAYETTE	ARMORY/OMS	0	3,015	3,019	3,016
261	INDIANA	ARMY NATL GUARD	INDIANAPOLIS	COMBINED SUPPORT/MAINTENANCE FACILITY	0	0	12,000	0
262	INDIANA	ARMY NATL GUARD	CAMP ATTERBURY	RANGE, MOD RECORD FIRE UPGRADE	654	654	654	654
263	INDIANA	ARMY NATL GUARD	CAMP ATTERBURY	BARRACKS REPLACEMENT	0	7,545	0	7,545
264	INDIANA	ARMY NATL GUARD	CAMP ATTERBURY	RANGE, INF BOLDAD BATTLE CRSE	1,156	1,156	1,156	1,156
265	INDIANA	ARMY NATL GUARD	CAMP ATTERBURY	MILITARY EDUCATIONAL FACILITY	0	5,914	5,400	5,400
266	INDIANA	AIR NATL GUARD	TERRE HAUTE	DINING/TRNG/GYN	0	3,800	0	3,800
267	INDIANA	AIR NATL GUARD	FT WAYNE MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,350	1,350	1,350	1,350
268	INDIANA	AIR NATL GUARD	HULMAN FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	950	950	950	950
269	IOWA	ARMY NATL GUARD	CAMP DODGE	MAINTENANCE ARMORY	0	4,550	4,550	4,550
270	IOWA	ARMY NATL GUARD	CAMP DODGE	CONSOLIDATED PAINT FACILITY	0	1,463	1,500	1,500
271	IOWA	ARMY NATL GUARD	CAMP DODGE	BATTALION COMPLEX, PHASE II	0	0	3,800	3,800
272	IOWA	ARMY NATL GUARD	DES MOINES	REMOVE UNDERGROUND FUEL TANKS	0	0	4,000	0
273	IOWA	AIR NATL GUARD	DES MOINES MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	880	880	880	880
274	IOWA	AIR NATL GUARD	DES MOINES MAP	ADD TO AND ALTER DINING & MEDICAL TRNG FAC	1,800	1,800	1,800	1,800
275	IOWA	AIR NATL GUARD	DES MOINES INT'L AIRPORT	JET FUEL STORAGE COMPLEX	0	4,000	0	4,000
276	IOWA	AIR NATL GUARD	SIOUX AIRPORT	MUNITION MAINT. AND STORAGE FAC.	0	2,700	2,850	2,850
277	IOWA	AIR NATL GUARD	SIOUX AIRPORT	CIVIL ENGR. COMPLEX	0	2,650	0	2,650
278	KANSAS	ARMY	FORT RILEY	BARRACKS & ADMIN RENOVATION	0	0	9,900	9,900

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
279	KANSAS	ARMY	FORT RILEY	BATTLE SIMULATION FACILITY	0	0	4,742	4,742
280	KANSAS	AIR FORCE	MCCONNELL AFB	LAND RESTRICTIVE EASEMENT ACQUISITION	1,000	1,000	1,000	1,000
281	KANSAS	AIR FORCE	MCCONNELL AFB	CONTROL TOWER CAB	900	900	900	900
282	KANSAS	ARMY NATL GUARD	FORT RILEY	MATES WASH RACK	0	0	3,398	3,398
283	KANSAS	ARMY NATL GUARD	SALINA	TRAINING SITE PHASE II	0	0	4,144	0
284	KANSAS	ARMY NATL GUARD	SALINA/NICKELL BARRACKS	TRAINING SITE PHASE I	0	0	5,687	6,168
285	KANSAS	AIR NATL GUARD	FORBES FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,400	1,400	1,400	1,400
286	KANSAS	AIR NATL GUARD	MCCONNELL AFB	ALTER MEDICAL TRAINING AND TELECOM	890	890	890	890
287	KENTUCKY	ARMY	FORT CAMPBELL	RAIL SPUR	0	0	10,000	0
288	KENTUCKY	ARMY	FORT CAMPBELL	AIRFIELD IMPROVEMENTS	3,950	3,950	3,950	3,950
289	KENTUCKY	ARMY	FORT CAMPBELL	MOBILIZATION WAREHOUSE	850	850	850	850
290	KENTUCKY	ARMY	FORT CAMPBELL	WHOLE BARRACKS RENEWAL	32,000	32,000	32,000	32,000
291	KENTUCKY	ARMY	FORT CAMPBELL	DINING FACILITIES MODERNIZATION	3,500	3,500	3,500	3,500
292	KENTUCKY	ARMY	FORT KNOX	MAINTENANCE FACILITY	12,200	12,200	12,200	12,200
293	KENTUCKY	ARMY	FORT KNOX	MULTIPURPOSE TRAINING RANGE	4,150	4,150	4,150	4,150
294	KENTUCKY	ARMY	FORT KNOX	WHOLE BARRACKS RENEWAL	25,000	25,000	25,000	25,000
295	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	EXPAND AIRCRAFT RAMP	0	0	2,650	2,650
296	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	FT CAMPBELL LINCOLN ELEM SCHOOL ADDN	1,900	1,900	1,900	1,900
297	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	FT CAMPBELL ELEM SCHOOL	8,982	8,982	8,982	8,982
298	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	ARMY SOA BN, HQS	4,300	4,300	4,300	4,300
299	KENTUCKY	DEFENSE AGENCIES	FORT CAMPBELL	FT CAMPBELL MAHAFFEY MIDDLE SCHOOL ADDN	2,300	2,300	2,300	2,300
300	KENTUCKY	DEFENSE AGENCIES	FORT KNOX	FT KNOX KINSOLVER VAN/VOORHIS ELEM SCHOOL	1,600	1,600	1,600	1,600
301	KENTUCKY	DEFENSE AGENCIES	FORT KNOX	FT KNOX SIX GYMNASIUM ADDN	6,107	6,107	6,107	6,107
302	KENTUCKY	ARMY NATL GUARD	FORT KNOX	MATES FACILITIES	0	0	10,000	10,000
303	KENTUCKY	AIR NATL GUARD	STANDIFORD AIRPORT	RELOCATION FACILITIES, PHASE IV	0	0	5,000	5,000
304	LOUISIANA	AIR FORCE	BARKSDALE AFB	APRON LIGHTING	0	0	1,300	1,300
305	LOUISIANA	AIR FORCE	BARKSDALE AFB	UPGRADE BULK STORAGE BASINS	1,600	1,600	1,600	1,600
306	LOUISIANA	AIR FORCE	BARKSDALE AFB	WEAPONS STORAGE AREA SECURITY	960	960	960	960
307	LOUISIANA	AIR FORCE	BARKSDALE AFB	REPLACE APRON/FUEL HYDRANTS	0	0	10,000	10,000
308	LOUISIANA	DEFENSE AGENCIES	FORT POLK	ELEMENTARY SCHOOL	0	0	4,950	4,950
309	LOUISIANA	ARMY NATL GUARD	RUSTON	OHS	0	0	898	0

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE AGREEMENT
					REQUEST	H. PASSED	S. PASSED	
310	LOUISIANA	ARMY NATL GUARD	RUSTON	ARMORY REHABILITATION	0	0	2,700	0
311	LOUISIANA	ARMY RESERVE	NEW ORLEANS	LAND ACQUISITION	645	645	645	645
312	LOUISIANA	NAVY RESERVE	NAVAL AIR STATION NEW ORLEANS	ORDNANCE COMPLEX	1,900	1,900	1,900	1,900
313	LOUISIANA	AIR NATL GUARD	HAMMOND	REPLACE UNDERGROUND STORAGE TANKS	350	350	350	350
314	LOUISIANA	AIR NATL GUARD	NEW ORLEANS NAS	REPLACE UNDERGROUND FUEL STORAGE TANKS	350	350	350	350
315	LOUISIANA	AIR FORCE RESERVE	BARKSDALE AFB	WELDING AND MACHINE SHOP	600	600	600	600
316	MAINE	NAVY	KITTERY PORTSMOUTH NAVAL SHIPYARD	HAZARDOUS WASTE STORAGE FACILITY	4,780	4,780	4,780	4,780
317	MAINE	ARMY NATL GUARD	NORWAY	ARMORY EXPAN/REHAB	1,380	1,380	1,380	1,380
318	MARYLAND	ARMY	FORT DETRICK	VACCINE PRODUCTION FACILITY (PHASE I)	0	2,000	0	0
319	MARYLAND	ARMY	ABERDEEN PROVING GROUND	UPGRADE RANGE COMPLEX	4,450	4,450	4,450	4,450
320	MARYLAND	ARMY	ABERDEEN PROVING GROUND	TARGET ASSEMBLY AND STORAGE FACILITY	1,800	1,800	1,800	1,800
321	MARYLAND	ARMY	ABERDEEN PROVING GROUND	CHILD DEVELOPMENT CENTER	0	1,450	0	1,450
322	MARYLAND	ARMY	ABERDEEN PROVING GROUND	APPLIED INSTRUCTION FACILITY	14,000	14,000	14,000	14,000
323	MARYLAND	NAVY	PATUXENT RIVER NAWC	SEWAGE TREATMENT UPGRADE	0	1,000	1,000	1,000
324	MARYLAND	NAVY	PATUXENT RIVER NAWC	HAZMAT STORAGE FAC.	0	3,400	0	3,400
325	MARYLAND	NAVY	PATUXENT RIVER NAWC	JET ENGINE TEST CELL	0	4,900	0	4,900
326	MARYLAND	NAVY	PATUXENT RIVER NAWC	ADV SYS INTEGRATION FACILITY (PHASE II)	0	10,000	0	10,000
327	MARYLAND	NAVY	INDIAN HEAD NSWC	HAZARDOUS WASTE TREATMENT FAC.	0	3,400	3,400	3,400
328	MARYLAND	NAVY	BETHESDA NATIONAL NAVAL MEDICAL	CHILD DEVELOPMENT CENTER	3,090	3,090	3,090	3,090
329	MARYLAND	AIR FORCE	ANDREWS AFB	UPGRADE SANITARY SEWER SYSTEMS	2,650	2,650	2,650	2,650
330	MARYLAND	AIR FORCE	ANDREWS AFB	FIRE TRAINING FACILITY	1,000	1,000	1,000	1,000
331	MARYLAND	AIR FORCE	ANDREWS AFB	UPGRADE COMPOSITE ADMIN FACILITY	9,940	9,940	9,940	9,940
332	MARYLAND	AIR FORCE	ANDREWS AFB	AIR FRIEGHT TERMINAL	4,400	4,400	4,400	4,400
333	MARYLAND	AIR FORCE	FORT GEORGE MEADE	ADD TO AIR FORCE SENIOR SCOUT OPS FAC	1,450	0	0	0
334	MARYLAND	DEFENSE AGENCIES	FORT DETRICK	BIOLOGICAL INCINERATOR	4,300	4,300	4,300	4,300
335	MARYLAND	DEFENSE AGENCIES	FORT MEADE	OPS 1 ROADWAY STRUCTURAL ENHANCEMENT	5,910	5,910	5,910	5,910
336	MARYLAND	DEFENSE AGENCIES	FORT MEADE	SUPERCOMPUTER FACILITY	52,720	47,720	52,720	35,000
337	MARYLAND	DEFENSE AGENCIES	FOREST GLEN (WRAIR)	ARMY INSTITUTE OF RESEARCH (PHASE II)	48,140	48,140	0	15,000
338	MARYLAND	ARMY NATL GUARD	HAGERSTOWN	ADD/ALTER ARMORY	0	1,700	0	0
339	MARYLAND	ARMY NATL GUARD	TOWSON	ARMORY ALT/ADD	2,823	2,823	2,823	2,823
340	MARYLAND	NAVY RESERVE	BALTIMORE-NRRC	NRRC IMPROVEMENTS	0	0	460	460

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
341	MARYLAND	NAVY RESERVE	NAF WASHINGTON	EQUIPMENT OPS FACILITY	2,500	2,500	2,500	2,500
342	MARYLAND	AIR NATL GUARD	ANDREWS AFB	REPLACE UNDERGROUND FUEL STORAGE TANKS	890	890	890	890
343	MARYLAND	AIR NATL GUARD	ANDREWS AFB	ADD TO AND ALTER AVIONICS AND ECM POD FAC	1,100	1,100	1,100	1,100
344	MARYLAND	AIR NATL GUARD	ANDREWS AFB	COMPOSITE SUPPORT CENTER	0	15,500	0	0
345	MARYLAND	AIR NATL GUARD	GLENN L MARTIN AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
346	MARYLAND	AIR FORCE RESERVE	ANDREWS AFB	AIRCRAFT PARKING APRON	8,000	8,000	8,000	8,000
347	MARYLAND	AIR FORCE RESERVE	ANDREWS AFB	REPLACE AIRCRAFT PARKING APRON	13,373	13,373	13,373	13,373
348	MASSACHUSETTS	ARMY NATL GUARD	FORT AYER	CSMS/FUEL SYSTEM	0	3,002	3,002	3,002
349	MASSACHUSETTS	AIR NATL GUARD	BARNES AIRPORT	ALTER OPS/TRAINING FACILITY	0	0	600	600
350	MASSACHUSETTS	AIR NATL GUARD	BARNES AIRPORT	VEHICLE MAINTENANCE SHOP	0	0	2,000	0
351	MASSACHUSETTS	AIR NATL GUARD	OTIS ANGB	COMMUNICATIONS/ELECTRONICS FACILITY	0	0	3,000	3,000
352	MASSACHUSETTS	AIR NATL GUARD	WORCESTER ANGB	BASE SUPPLE WAREHOUSE	0	0	390	0
353	MASSACHUSETTS	AIR FORCE RESERVE	WESTOVER AFB	MEDICAL TRAINING FACILITY	2,600	2,600	2,600	2,600
354	MICHIGAN	NAVY RESERVE	NRRC DETROIT	RESCEN ADDITION	3,100	3,100	3,100	3,100
355	MICHIGAN	NAVY RESERVE	NRRC DETROIT	MCRC REPAIR CONSTRUCTION	0	0	698	698
356	MICHIGAN	AIR NATL GUARD	WK KELLOGG REGIONAL AIRPORT	ADAL FUEL CELL AND CORROSION CONTROL FAC	1,100	1,100	1,100	1,100
357	MICHIGAN	AIR NATL GUARD	SELFRIDGE ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	710	710	710	710
358	MICHIGAN	AIR NATL GUARD	ALPENA COUNTY REGIONAL AIRPORT	UPGRADE WATER DISTRIBUTION SYSTEM	1,400	1,400	1,400	1,400
359	MINNESOTA	ARMY NATL GUARD	VARIOUS LOCATIONS	ADD/ALTER 14 ARMORIES	0	4,527	0	0
360	MINNESOTA	ARMY NATL GUARD	VARIOUS LOCATIONS	ADD/ALTER 7 ARMORIES	0	3,225	0	3,225
361	MINNESOTA	ARMY NATL GUARD	CAMP RIPLEY	ORGANIZATIONAL MAINT SHOPS	2,625	2,625	2,625	2,625
362	MINNESOTA	ARMY NATL GUARD	CAMP RIPLEY	RANGE, MPRC (NAVY)	3,185	3,185	3,185	3,185
363	MINNESOTA	ARMY NATL GUARD	INVER GROVE HEIGHTS	ARMORY/OMS	0	4,571	2,571	4,571
364	MINNESOTA	AIR NATL GUARD	DULUTH ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
365	MISSISSIPPI	NAVY	CBC GULFPORT	CHILD DEVELOPMENT CENTER	0	0	2,400	2,400
366	MISSISSIPPI	NAVY	CBC GULFPORT	FAMILY SERVICE CENTER	0	0	2,000	2,000
367	MISSISSIPPI	NAVY	CBC GULFPORT	ILO/MTIS WAREHOUSE	0	0	6,000	0
368	MISSISSIPPI	NAVY	PASCAGOULA	ACADEMIC INSTUCTION FACILITY	0	0	1,100	0
369	MISSISSIPPI	NAVY	PASCAGOULA	ELECTRICAL DISTRIBUTION UPGRADE	0	0	2,800	0
370	MISSISSIPPI	AIR FORCE	COLUMBUS AFB	UPGRADE AIRFIELD LIGHTING	2,900	2,900	2,900	2,900
371	MISSISSIPPI	AIR FORCE	KEESLER AFB	UPGRADE SANITARY SEWER SYSTEM	2,920	2,920	2,920	2,920

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
372	MISSISSIPPI	AIR FORCE	KEESLER AFB	UPGRADE STUDENT DORMITORY	4,500	4,500	4,500	4,500
373	MISSISSIPPI	AIR FORCE	KEESLER AFB	UNDERGROUND FUEL STORAGE TANKS	600	600	600	600
374	MISSISSIPPI	AIR FORCE	KEESLER AFB	FIRE TRAINING FACILITY	690	690	690	690
375	MISSISSIPPI	ARMY NATL GUARD	JACKSON	ARMORY	0	2,550	0	2,550
376	MISSISSIPPI	ARMY NATL GUARD	TUPELO	ADD/ALTER AVIATION FACILITY	0	3,500	0	0
377	MISSISSIPPI	ARMY NATL GUARD	VARIOUS LOCATIONS	ADD/ALTER ARMORIES	0	5,204	0	5,204
378	MISSISSIPPI	ARMY NATL GUARD	CAMP MCCAIN	RANGE MODERNIZATION	0	5,500	0	5,500
379	MISSISSIPPI	ARMY NATL GUARD	CAMP SHELBY	VEHICLE WASH FACILITY	0	0	5,000	5,000
380	MISSISSIPPI	ARMY NATL GUARD	CAMP SHELBY	REGIONAL SCHOOL FACILITY (PHASE II)	0	6,000	0	6,000
381	MISSISSIPPI	ARMY NATL GUARD	GREENVILLE	ARMORY	0	2,230	0	2,230
382	MISSISSIPPI	AIR NATL GUARD	ALLEN C THOMPSON FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	730	730	730	730
383	MISSISSIPPI	AIR NATL GUARD	ALLEN C THOMPSON FIELD	FIRE STATION	0	1,750	0	0
384	MISSISSIPPI	AIR NATL GUARD	GULFPORT	TROOP CAMP QUARTERS	0	5,300	0	0
385	MISSISSIPPI	AIR NATL GUARD	GULFPORT	UPGRADE ELECTRICAL DISTRIBUTION SYSTEM	850	850	850	850
386	MISSISSIPPI	AIR NATL GUARD	GULFPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	335	335	335	335
387	MISSISSIPPI	AIR NATL GUARD	GULFPORT-BILOXI REGIONAL AIRPORT	ACMI SUPPORT FACILITY	0	0	2,800	0
388	MISSOURI	ARMY	FORT LEONARD WOOD	OPERATIONS FACILITY	1,000	1,000	1,000	1,000
389	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 DEFENSE ACCESS ROADS	7,150	7,150	7,150	7,150
390	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 UTILITY UPGRADE/LAND ACQUISITION	4,850	4,850	4,850	4,850
391	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 HYDRANT FUELING SYS LOOP (PHASE II)	2,700	2,700	2,700	2,700
392	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT APRON/TAXIWAY UPGRADE	3,400	3,400	3,400	3,400
393	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADD TO AND ALTER MUNITIONS STORAGE FAC	3,338	3,338	3,338	3,338
394	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT MAINTENANCE DOCK	14,500	14,500	14,500	14,500
395	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 VEHICLE MAINTENANCE FACILITY	1,700	1,700	1,700	1,700
396	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 UPGRADE BASE ROADS	5,900	5,900	5,900	5,900
397	MISSOURI	ARMY NATL GUARD	FORT CROWDER	TRNG SITE, TROOP MED TRNG FACIL	386	386	386	386
398	MISSOURI	ARMY NATL GUARD	FORT LEONARD WOOD	ARMORY/OMS	0	2,349	0	2,349
399	MISSOURI	AIR NATL GUARD	ROSECRANS MEMORIAL AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,250	1,250	1,250	1,250
400	MISSOURI	AIR NATL GUARD	JEFFERSON BARRACKS ANG SITE	ALTER COMMUNICATIONS ELECTRONICS TRNG FAC	2,800	2,800	2,800	2,800
401	MISSOURI	AIR NATL GUARD	JEFFERSON BARRACKS ANG SITE	UPGRADE DINING HALL	720	720	720	720
402	MISSOURI	AIR NATL GUARD	ST. JOSEPH	JET FUEL STORAGE FACILITY	0	4,000	4,000	4,000

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
403	MONTANA	AIR FORCE	MALMSTROM AFB	BASE ENGINEERING COMPLEX	6,200	6,200	6,200	6,200
404	MONTANA	AIR FORCE	MALMSTROM AFB	UMDGD FUEL STORAGE TANKS MINUTEMAN II FACS	1,500	1,500	1,500	1,500
405	MONTANA	ARMY NATL GUARD	FT WM HENRY HARRISON	TRNG SITE, MED UNIT TRNG FACIL	501	501	501	501
406	MONTANA	AIR NATL GUARD	GREAT FALLS IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	400	400	400	400
407	MONTANA	AIR NATL GUARD	GREAT FALLS IAP	MEDICAL TRAINING AND DINING HALL	2,900	2,900	2,900	2,900
408	NEBRASKA	AIR FORCE	OFFUTT AFB	ADD TO EMERGENCY BACK-UP POWER	2,300	2,300	2,300	2,300
409	NEBRASKA	AIR FORCE	OFFUTT AFB	REPAIR AIRFIELD PAVEMENTS AND LIGHTING	8,700	8,700	8,700	8,700
410	NEBRASKA	DEFENSE AGENCIES	OFFUTT AFB	LIFE SAFETY UPGRADE	1,100	1,100	1,100	1,100
411	NEBRASKA	ARMY NATL GUARD	CAMP ASHLAND	EDUCATION FACILITY	0	0	1,155	0
412	NEBRASKA	AIR NATL GUARD	LINCOLN MAP	ALTER AIRCRAFT MAINTENANCE HANGAR	0	0	7,300	7,300
413	NEBRASKA	AIR NATL GUARD	LINCOLN MAP	FIRE STATION	1,850	1,850	1,850	1,850
414	NEBRASKA	AIR NATL GUARD	LINCOLN MAP	REPLACE HEATING SYSTEM	0	0	1,500	1,500
415	NEVADA	ARMY	HAWTHORNE AAP	REHABILITATION RAIL LINE	0	0	4,700	4,700
416	NEVADA	ARMY	HAWTHORNE AAP	CONTAINER HOLDING PADS	7,000	7,000	7,000	7,000
417	NEVADA	NAVY	FALLOW NAS	LAND ACQUISITION - DIXIE VALLEY	0	1,600	1,600	1,600
418	NEVADA	AIR FORCE	NELLIS AFB	LOADING APRON	0	0	4,100	4,100
419	NEVADA	AIR FORCE	NELLIS AFB	ADD/ALTER GYM	0	4,350	0	4,350
420	NEVADA	AIR FORCE	NELLIS AFB	BOMBER CREW TRNG FAC.	0	4,100	0	0
421	NEVADA	AIR FORCE	NELLIS AFB	UPGRADE POL TANKS	1,650	1,650	1,650	1,650
422	NEVADA	ARMY NATL GUARD	CLARK COUNTY/LAS VEGAS	ARMORY COMPLEX	0	1,430	0	1,430
423	NEVADA	AIR NATL GUARD	RENO IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	460	460	460	460
424	NEVADA	AIR NATL GUARD	RENO IAP	AIRCRAFT ARRESTING SYSTEMS	1,830	1,830	1,830	0
425	NEVADA	AIR NATL GUARD	RENO	SIMULATOR BUILDING	0	400	400	0
426	NEW HAMPSHIRE	AIR NATL GUARD	PEASE AFB	UPGRAD KC-135 HYDRANT REFUELING SYSTEM	5,100	5,100	5,600	5,100
427	NEW JERSEY	ARMY	PICATINNY ARSENAL (ARDEC)	ADVANCE WARHEAD DEVELOP. FAC.	0	4,850	4,400	4,400
428	NEW JERSEY	ARMY	PICATINNY ARSENAL (ARDEC)	EXPLOSIVE DEVELOP. FACILITY	0	6,200	6,100	6,100
429	NEW JERSEY	ARMY	FORT MONMOUTH	SATELLITE CONTROL SYSTEM	7,500	7,500	7,500	7,500
430	NEW JERSEY	NAVY	EARLE NAVAL WEAPONS STATION	EXPLOSIVES HOLDING YARD	1,290	1,290	1,290	1,290
431	NEW JERSEY	NAVY	EARLE NAVAL WEAPONS STATION	MATEIRALS HMDLG EQUIP SERV CTR ALT	420	420	420	420
432	NEW JERSEY	NAVY	EARLE NAVAL WEAPONS STATION	HAZARDOUS WASTE STORAGE FACILITY	870	870	870	870
433	NEW JERSEY	AIR FORCE	MCGUIRE AFB	BARRACKS REMOVATION	0	4,000	0	0

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
434	NEW JERSEY	ARMY NATL GUARD	FORT DIX	EXPAND HI TECH TRNG CENTER	0	7,600	0	0
435	NEW JERSEY	ARMY RESERVE	FORT DIX	RANGE MODERNIZATION	0	2,000	0	0
436	NEW JERSEY	ARMY RESERVE	FORT DIX	UPGRADE RANGE 65	0	2,700	0	2,700
437	NEW JERSEY	NAVY RESERVE	WEST TRENTON-MMRC	MMRC REPLACEMENT CONVERSION	0	0	264	264
438	NEW JERSEY	NAVY RESERVE	NRC KEARNY	RESCEN A/C	800	800	800	800
439	NEW JERSEY	AIR NATL GUARD	ATLANTIC CITY	FIRE STATION	1,350	1,350	1,350	1,350
440	NEW JERSEY	AIR NATL GUARD	ATLANTIC CITY	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,900	1,900	1,900	1,900
441	NEW MEXICO	ARMY	WHITE SANDS MISSILE RANGE	TARGET TRACK	2,900	0	2,900	2,900
442	NEW MEXICO	ARMY	WHITE SANDS MISSILE RANGE	CHILD DEVELOPMENT CENTER	0	3,300	3,300	3,300
443	NEW MEXICO	ARMY	WHITE SANDS MISSILE RANGE	REHAB FACILITIES	0	0	2,500	0
444	NEW MEXICO	AIR FORCE	CANNON AFB	SOUND SUPPRESSOR SUPPORT PAD	665	665	665	665
445	NEW MEXICO	AIR FORCE	CANNON AFB	DORMITORY RENOVATION	0	3,000	0	3,000
446	NEW MEXICO	AIR FORCE	CANNON AFB	UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	1,100
447	NEW MEXICO	AIR FORCE	CANNON AFB	BASE ENGINEERING COMPLEX	6,150	6,150	6,150	6,150
448	NEW MEXICO	AIR FORCE	CANNON AFB	FIRE TRAINING FACILITY	1,000	1,000	1,000	1,000
449	NEW MEXICO	AIR FORCE	HOLLOWAN AFB	FIGHTER MAINTENANCE FACILITY	0	0	1,900	1,900
450	NEW MEXICO	AIR FORCE	HOLLOWAN AFB	UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
451	NEW MEXICO	AIR FORCE	HOLLOWAN AFB	SEWER EFFLUENT SYSTEM	1,800	1,800	1,800	1,800
452	NEW MEXICO	AIR FORCE	HOLLOWAN AFB	ADD TO AND ALTER DORMITORIES	6,400	6,400	6,400	6,400
453	NEW MEXICO	AIR FORCE	KIRTLAND AFB	UPGRADE UTILITY SYSTEM	0	0	8,000	8,000
454	NEW MEXICO	AIR FORCE	KIRTLAND AFB	SPACE STRUCTURES LABORATORY	6,200	0	6,200	6,200
455	NEW MEXICO	AIR FORCE	KIRTLAND AFB	ALTER DORMITORY	5,100	5,100	5,100	5,100
456	NEW MEXICO	AIR FORCE	KIRTLAND AFB	UPGRADE ELECTRICAL DISTRIBUTION SYSTEM	6,844	6,844	6,844	6,844
457	NEW MEXICO	AIR FORCE	KIRTLAND AFB	ADD/ALTER BASE SUPPORT FACILITIES	0	0	7,100	0
458	NEW MEXICO	AIR FORCE	KIRTLAND AFB	AEROSPACE ENGINEERING FACILITY	3,167	0	3,167	3,167
459	NEW MEXICO	AIR FORCE	KIRTLAND AFB	COMPOSITE MATERIALS LABORATORY	5,750	0	5,750	5,750
460	NEW MEXICO	DEFENSE AGENCIES	CANNON AFB	CMF ADD/ALT LIFE SAFETY/SEISMIC UPGRADE	13,600	13,600	13,600	13,600
461	NEW MEXICO	ARMY NATL GUARD	WHITE SANDS MISSILE RANGE	OMS	0	0	2,940	2,940
462	NEW MEXICO	ARMY NATL GUARD	WHITE SANDS MISSILE RANGE	TACTICAL SITE	0	0	1,995	1,995
463	NEW MEXICO	ARMY NATL GUARD	WHITE SANDS MISSILE RANGE	MATES	0	0	3,570	3,570
464	NEW MEXICO	AIR NATL GUARD	KIRTLAND AFB	POWER CHECK PAD WITH SOUND SUPPRESSOR	800	800	800	800

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
465	NEW MEXICO	AIR NATL GUARD	KIRTLAND AFB	ALTER OPERATIONAL TRAINING FACILITY	390	390	390	390
466	NEW MEXICO	AIR NATL GUARD	KIRTLAND AFB	ALTER MAINTENANCE SHOPS	345	345	345	345
467	NEW MEXICO	AIR FORCE RESERVE	KIRTLAND AFB	CIVIL ENGINEERING TRAINING FACILITY	900	900	900	900
468	NEW YORK	ARMY	U S MILITARY ACADEMY	WHOLE BARRACKS RENEWAL	13,800	13,800	13,800	13,800
469	NEW YORK	ARMY	FORT DRUM	MULTI-PURPOSE RANGE COMPLEX	0	0	9,800	0
470	NEW YORK	ARMY	FORT DRUM	POL STORAGE FACILITY	0	1,550	0	0
471	NEW YORK	ARMY	FORT DRUM	RANGE CONTROL FACILITY	0	2,950	0	2,950
472	NEW YORK	AIR FORCE	PLATTSBURGH AIR FORCE BASE	UPGRADE DORMITORIES	0	5,100	0	0
473	NEW YORK	AIR NATL GUARD	NIAGARA FALLS INTERNATIONAL AIRPORT	ALTER KC-135 OPERATIONS FACILITIES	1,650	1,650	1,650	1,650
474	NEW YORK	AIR NATL GUARD	HANCOCK FIELD	FIRE STATION	1,350	1,350	1,350	1,350
475	NEW YORK	AIR NATL GUARD	STEWART AIRPORT	INDUSTRIAL WASTE HOLDING POND	320	320	320	320
476	NEW YORK	AIR NATL GUARD	SUFFOLK COUNTY	WASTE WATER TREATMENT FACILITY	0	2,700	2,700	2,700
477	NEW YORK	AIR NATL GUARD	STRATTON ANG BASE	FIRE STATION, AGE, SEC. AND MED TRNG FAC	0	3,200	0	0
478	NEW YORK	AIR NATL GUARD	SCHENECTADY AIRPORT ANG	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,050	1,050	1,050	1,050
479	NEW YORK	AIR FORCE RESERVE	NIAGARA FALLS IAP	BASE COMMUNICATIONS CENTER	1,300	1,300	1,300	1,300
480	NEW YORK	AIR FORCE RESERVE	NIAGARA FALLS AIR BASE	CORROSION CONTROL FACILITY	0	800	0	800
481	NORTH CAROLINA	ARMY	FORT BRAGG	TACTICAL EQUIPMENT SHOP	23,000	23,000	23,000	23,000
482	NORTH CAROLINA	ARMY	FORT BRAGG	TACTICAL EQUIPMENT SHOP	7,100	7,100	7,100	7,100
483	NORTH CAROLINA	ARMY	FORT BRAGG	WHOLE BRIGADE BARRACKS COMPLEX	71,600	71,600	71,600	71,600
484	NORTH CAROLINA	ARMY	FORT BRAGG	SEWAGE TREATMENT PLANT UPGRADE	540	540	540	540
485	NORTH CAROLINA	ARMY	FORT BRAGG	LAND ACQUISITION	0	15,000	0	15,000
486	NORTH CAROLINA	ARMY	FORT BRAGG	LAND ACQUISITION	0	1,450	0	1,450
487	NORTH CAROLINA	NAVY	CAMP LEJEUNE MARINE CORPS BASE	WASTEWATER TREATMENT PLANT (PHASE 1)	28,300	28,300	28,300	28,300
488	NORTH CAROLINA	NAVY	CAMP LEJEUNE MARINE CORPS BASE	MULTI-PURPOSE TRAINING RANGE	5,300	5,300	5,300	5,300
489	NORTH CAROLINA	NAVY	CAMP LEJEUNE MARINE CORPS BASE	LANDFILL	7,690	7,690	7,690	7,690
490	NORTH CAROLINA	NAVY	CAMP LEJEUNE NAVAL HOSPITAL	BACHELOR ENLISTED QUARTERS	2,370	2,370	2,370	2,370
491	NORTH CAROLINA	NAVY	CHERRY POINT MARINE CORPS AIR STATION	AIRCRAFT MAINTENANCE TRAINING FACILITY	4,040	4,040	4,040	4,040
492	NORTH CAROLINA	NAVY	CHERRY POINT MARINE CORPS AIR STATION	COMMUNICATIONS CENTER	3,460	3,460	3,460	3,460
493	NORTH CAROLINA	AIR FORCE	SEYNOUR JOHNSON AFB	ADD TO AND ALTER DORMITORIES	4,900	4,900	4,900	4,900
494	NORTH CAROLINA	AIR FORCE	SEYNOUR JOHNSON AFB	MUNITIONS MAINTENANCE SUPPORT FACILITY	480	480	480	480
495	NORTH CAROLINA	AIR FORCE	POPE AFB	DINING FACILITY	4,300	4,300	4,300	4,300

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
496	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD TO AND ALTER DORMITORIES	4,300	4,300	4,300	4,300
497	NORTH CAROLINA	DEFENSE AGENCIES	CAMP LEJEUNE MARINE CORPS BASE	CAMP LEJEUNE MULTI ROOM/STONE ELEM SCHOOL	328	328	328	328
498	NORTH CAROLINA	DEFENSE AGENCIES	CAMP LEJEUNE MARINE CORPS BASE	CAMP LEJEUNE AUDITORIUM/BAND ROOM	1,465	1,465	1,465	1,465
499	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	MEDICAL TRNG FAC	18,450	18,450	18,450	18,450
500	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	FT BRAGG ELEM SCHOOL	8,838	8,838	8,838	8,838
501	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	HOSPITAL REPLACEMENT (PHASE II)	195,000	35,000	195,000	35,000
502	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	3SFG/4POG BARRACKS	20,000	20,000	20,000	20,000
503	NORTH CAROLINA	ARMY NATL GUARD	FAYETTEVILLE	ORGANIZATIONAL MAINT SHOP	473	473	473	473
504	NORTH CAROLINA	ARMY RESERVE	MOREHEAD CITY	ADD/ALT USARC/ONS/AMSA (MARINE)	9,335	9,335	9,335	9,335
505	NORTH DAKOTA	AIR FORCE	MINOT AFB	UNDERGROUND FUEL STORAGE TANKS	2,000	2,000	2,000	2,000
506	NORTH DAKOTA	AIR FORCE	MINOT AFB	FIRE STATION	0	0	4,000	0
507	NORTH DAKOTA	AIR FORCE	MINOT AFB	REPAIR RUNWAY/TAXIWAY	0	0	8,500	8,500
508	NORTH DAKOTA	AIR FORCE	GRAND FORKS AIR FORCE BASE	UPGRADE FUEL HYDRANT SYSTEM	0	3,250	0	3,250
509	NORTH DAKOTA	AIR FORCE	GRAND FORKS AIR FORCE BASE	UNDERGROUND FUEL STORAGE TANKS	2,600	2,600	2,600	2,600
510	NORTH DAKOTA	AIR FORCE	GRAND FORKS AIR FORCE BASE	REPAIR AIRCRAFT PAVEMENTS	0	0	10,200	10,200
511	NORTH DAKOTA	DEFENSE AGENCIES	GRAND FORKS AIR FORCE BASE	LIFE SAFETY UPGRADE	860	860	860	860
512	NORTH DAKOTA	ARMY NATL GUARD	BISMARCK	AVIATION C-12 HANGAR	1,297	0	1,297	0
513	NORTH DAKOTA	ARMY NATL GUARD	CAMP GRAFTON (DEVILS LAKE)	RANGE, MOD RECORD FIRE (MRF)	1,038	1,038	1,038	1,038
514	NORTH DAKOTA	ARMY NATL GUARD	CAMP GRAFTON (DEVILS LAKE)	TRNG SITE, HEATING PLANT ADD	1,826	1,826	1,826	1,826
515	NORTH DAKOTA	AIR NATL GUARD	HECTOR FIELD	UPGRADE STORM DRAINAGE	400	400	400	400
516	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	FIRE STATION	0	0	1,230	1,230
517	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	RENOVATE ELECTRIC SUBSTATIONS	4,450	4,450	4,450	4,450
518	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	SEAL FUEL CONTAINMENT DIKES	1,500	1,500	1,500	1,500
519	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	FIRE PROTECTION SYSTEM	0	0	1,400	1,400
520	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	UNDERGROUND FUEL STORAGE TANKS	3,200	3,200	3,200	3,200
521	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	ADD TO AVIONICS RESEARCH LAB (PHASE II)	5,650	5,650	5,650	5,650
522	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	ADAL ACQUISITION MGMT COMPLEX (PHASE II)	12,850	12,850	12,850	12,850
523	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	ACQUISITION MANAGEMENT COMPLEX	0	0	14,400	14,400
524	OHIO	DEFENSE AGENCIES	DEFENSE CONSTRUCTION SUPPLY CENTER	CHILD DEVELOPMENT CENTER	3,100	3,100	3,100	3,100
525	OHIO	DEFENSE AGENCIES	DEF ELECTRONICS SUPPLY CENTER	INSTALL GAS-FIRED BOILERS	6,000	6,000	0	0
526	OHIO	ARMY NATL GUARD	RICKENBACKER	DINING FACILITY	0	1,250	1,250	1,250

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
527	OHIO	ARMY RESERVE	COLUMBUS	USARC/OMS/AMSA/DS-GS	14,701	14,701	14,701	14,701
528	OHIO	AIR MATL GUARD	MANSFIELD	MEDICAL TRAINING/DINING FACILITY	0	2,900	2,900	2,900
529	OHIO	AIR MATL GUARD	TOLEDO	ADD/ALTER OPS. AND TRNG FAC	0	1,820	1,820	1,820
530	OHIO	AIR MATL GUARD	TOLEDO	TAXIWAY/ARM-DEARM PAD	0	1,930	1,930	1,930
531	OHIO	AIR MATL GUARD	TOLEDO	FIRE SUPPRESSION SYSTEM	0	1,111	1,100	1,100
532	OHIO	AIR FORCE RESERVE	YOUNGSTOWN	SHORTFIELD LANDING ZONE	0	6,400	6,400	6,400
533	OHIO	AIR FORCE RESERVE	YOUNGSTOWN	SQUAD OPS. FAC.	0	3,200	3,200	0
534	OHIO	AIR FORCE RESERVE	YOUNGSTOWN	C-130 MAINT. HANGER	0	4,500	0	0
535	OHIO	AIR FORCE RESERVE	YOUNGSTOWN	PLANNING AND DESIGN	0	1,877	0	0
536	OHIO	AIR FORCE RESERVE	YOUNGSTOWN MAP	WIDEN AIRCRAFT PARKING APRON	1,450	1,450	1,450	1,450
537	OKLAHOMA	ARMY	FORT SILL	CENTRAL WASH FACILITY	0	7,800	0	7,800
538	OKLAHOMA	ARMY	FORT SILL	ENVIRONMENTAL TRAINING CENTER	0	3,700	0	3,700
539	OKLAHOMA	ARMY	FORT SILL	WHOLE BARRACKS RENEWAL	15,700	15,700	15,700	15,700
540	OKLAHOMA	AIR FORCE	TINKER AFB	ENGINEERING AND CONTRACT SUPPORT FACILITY	5,900	5,900	5,900	5,900
541	OKLAHOMA	AIR FORCE	TINKER AFB	SEAL FUEL CONTAINMENT DIKES	620	620	620	620
542	OKLAHOMA	AIR FORCE	TINKER AFB	INDUSTRIAL WASTEWATER REGIONAL CONNECT	5,400	5,400	5,400	5,400
543	OKLAHOMA	AIR FORCE	TINKER AFB	ALTER HYDRANT FUELING SYSTEM	4,129	4,129	4,129	4,129
544	OKLAHOMA	AIR FORCE	TINKER AFB	CONSOLIDATED VEHICLE MAINTENANCE FACILITY	0	0	7,900	0
545	OKLAHOMA	AIR FORCE	TINKER AFB	MILSTAR COMMUNICATIONS GROUND TERMINAL	800	0	0	0
546	OKLAHOMA	AIR FORCE	TINKER AFB	UNDERGROUND FUEL STORAGE TANKS	4,700	4,700	4,700	4,700
547	OKLAHOMA	AIR FORCE	VANCE AFB	T-1 SPECIALIZED UPT MAINTENANCE SUPPORT	2,700	2,700	2,700	2,700
548	OKLAHOMA	AIR FORCE	VANCE AFB	UPGRADE AIRFIELD LIGHTING	3,300	3,300	3,300	3,300
549	OKLAHOMA	AIR FORCE	VANCE AFB	AIRFIELD PAVEMENTS PHASE IV	0	5,000	0	5,000
550	OKLAHOMA	AIR FORCE	ALTUS AFB	C-17 ADD TO ACFT MAINT FACILITY	3,300	3,300	3,300	3,300
551	OKLAHOMA	AIR FORCE	ALTUS AFB	C-17 FIRE STATION	780	780	780	780
552	OKLAHOMA	AIR FORCE	ALTUS AFB	C-17 ADD TO FLT SIMULAT TRNG FAC	2,850	2,850	2,850	2,850
553	OKLAHOMA	AIR FORCE	ALTUS AFB	LAND ACQUISITION	0	780	0	780
554	OKLAHOMA	ARMY MATL GUARD	CAMP GRUBER	MODIFIED RECORD FIRE RANGE	0	907	0	0
555	OKLAHOMA	ARMY MATL GUARD	FREDERICK	ARMORY	0	1,200	0	1,200
556	OKLAHOMA	AIR MATL GUARD	TULSA IAP	ADD TO AND ALTER FIRE STATION	460	460	460	460
557	OKLAHOMA	AIR MATL GUARD	WILL ROGERS WORLD AIRPORT	COMPOSITE SUPPORT FACILITY	3,900	3,900	3,900	3,900

LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE AGREEMENT
				REQUEST	H. PASSED	S. PASSED	
558 OKLAHOMA	AIR NATL GUARD	WILL ROGERS WORLD AIRPORT	MOBILITY EQUIPMENT STORAGE WAREHOUSE	950	950	950	950
559 OREGON	ARMY NATL GUARD	CAMP WITHYCOMBE	SUPPORT/MAINTENANCE SHOP	0	0	7,569	7,569
560 OREGON	ARMY NATL GUARD	PENDLETON	AVIATION SUPPORT FACILITY	0	0	3,515	3,515
561 OREGON	AIR NATL GUARD	PORTLAND IAP	SITE RESTORATION	0	0	2,200	0
562 OREGON	AIR NATL GUARD	PORTLAND IAP	ADD TO AND ALTER FIRE STATION	500	500	500	500
563 OREGON	AIR NATL GUARD	PORTLAND IAP	DRAINAGE IMPROVEMENTS	600	600	950	950
564 OREGON	AIR NATL GUARD	KINGSLEY	REPAIR RUNWAY/TAXIWAY	0	0	8,500	8,500
565 PENNSYLVANIA	ARMY	TOBYHANNA ARMY DEPOT	WATER POLLUTION ABATEMENT	750	750	750	750
566 PENNSYLVANIA	NAVY	PHILADELPHIA NAVY AVIATION SUPPLY	ELECTRICAL DISTRIB SYSTEM UPGRADE	1,900	1,900	1,900	1,900
567 PENNSYLVANIA	NAVY	PHILADELPHIA NAV INACTIVE SHIP MAINTENANCE WHARF IMPROVEMENTS (PHASE II)		8,660	8,660	8,660	8,660
568 PENNSYLVANIA	NAVY	NAV SHIPYARD PHILADELPHIA	UPGRADE POWER PLANT	0	11,500	0	11,500
569 PENNSYLVANIA	NAVY	NAV SHIPYARD PHILADELPHIA	ASBESTOS REMOVAL FACILITY	0	2,000	0	2,000
570 PENNSYLVANIA	DEFENSE AGENCIES	OLMSTEAD FIELD, HARRISBURG IAP	AVION/ECM POD FAC	1,300	1,300	1,300	1,300
571 PENNSYLVANIA	ARMY NATL GUARD	JOHNSTOWN	ARMORY	0	3,000	0	3,000
572 PENNSYLVANIA	ARMY NATL GUARD	JOHNSTOWN	JOINT AVIATION FACILITY	0	5,000	0	0
573 PENNSYLVANIA	ARMY NATL GUARD	JOHNSTOWN	ARMORY ADDITION/FLIGHT FACILITY	0	0	9,000	5,004
574 PENNSYLVANIA	ARMY NATL GUARD	INDIANTOWN GAP	STATE MILITARY BUILDING	0	0	9,200	9,200
575 PENNSYLVANIA	ARMY NATL GUARD	FORT INDIANTOWN GAP	FLIGHT SIMULATOR BUILDING	0	4,584	6,000	0
576 PENNSYLVANIA	AIR NATL GUARD	STATE COLLEGE	COMMUNICATIONS ELEC. TRNG FAC.	0	9,700	9,700	9,700
577 PENNSYLVANIA	AIR NATL GUARD	FT INDIANTOWN ANG COMMUNICATIONS	CIVIL ENGINEERING MAINTENANCE SHOPS	850	850	850	850
578 PENNSYLVANIA	AIR FORCE RESERVE	GREATER PITTSBURGH IAP	JET FUEL STORAGE COMPLEX	4,300	4,300	4,300	4,300
579 PENNSYLVANIA	AIR FORCE RESERVE	GREATER PITTSBURGH IAP	BASE CIVIL ENGINEER COMPLEX	0	3,600	3,100	3,100
580 PENNSYLVANIA	AIR FORCE RESERVE	GREATER PITTSBURGH IAP	OFF BASE FIRING RANGE	1,300	1,300	1,300	1,300
581 RHODE ISLAND	NAVY	NAVAL EDUC & TRNG CENTER (NETC)	ADMINISTRATION BUILDING	0	7,000	0	0
582 RHODE ISLAND	NAVY	NEWPORT NAVAL EDUCATION & TRAINING	BACHELOR ENLISTED QUARTERS	7,500	7,500	7,500	7,500
583 RHODE ISLAND	NAVY	NEWPORT NAVAL EDUCATION & TRAINING	ELECTRICAL DISTR SYS UPGRADE (PHASE II)	3,800	3,800	3,800	3,800
584 RHODE ISLAND	DEFENSE AGENCIES	NEWPORT	AMBULATORY CARE CLINIC	0	4,000	0	4,000
585 RHODE ISLAND	NAVY RESERVE	NETC NEWPORT	CBU ADDITION	500	500	500	500
586 RHODE ISLAND	AIR NATL GUARD	QUONSET STATE AIRPORT	BASE ENGINEER MAINTENANCE FACILITY	2,750	2,750	2,750	2,750
587 RHODE ISLAND	AIR NATL GUARD	QUONSET STATE AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	890	890	890	890
588 RHODE ISLAND	AIR NATL GUARD	NORTH SMITHFIELD ANG	REPLACE UNDERGROUND FUEL STORAGE TANKS	550	550	550	550

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
589	RHODE ISLAND	AIR NATL GUARD	COVENTRY AFS	REPLACE UNDERGROUND FUEL STORAGE TANKS	840	840	840	840
590	SOUTH CAROLINA	ARMY	FORT JACKSON	RANGE UPGRADE	1,600	1,600	1,600	1,600
591	SOUTH CAROLINA	ARMY	FORT JACKSON	OPERATIONS FACILITY	1,100	1,100	1,100	1,100
592	SOUTH CAROLINA	NAVY	BEAUFORT MARINE CORPS AIR STATION	BACHELOR ENLISTED QUARTERS (PHASE II)	8,390	8,390	8,390	8,390
593	SOUTH CAROLINA	NAVY	BEAUFORT MARINE CORPS AIR STATION	JET FUEL DELIVERY SYSTEM IMPROVEMENT	2,510	2,510	2,510	2,510
594	SOUTH CAROLINA	NAVY	CHARLESTON NAVAL WEAPONS STATION	FIRE PROTECTION PIPELINE	580	580	580	580
595	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	FIRE TRAINING FACILITY	1,100	1,100	1,100	1,100
596	SOUTH CAROLINA	AIR FORCE	SHAW AFB	UNDERGROUND FUEL STORAGE TANKS	520	520	520	520
597	SOUTH CAROLINA	AIR FORCE	SHAW AFB	CONTROL TOWER	2,700	2,700	2,700	2,700
598	SOUTH CAROLINA	AIR FORCE	SHAW AFB	CHILD DEVELOPMENT CENTER	2,650	2,650	2,650	2,650
599	SOUTH CAROLINA	ARMY NATL GUARD	SUMMERVILLE	OMS	0	0	834	834
600	SOUTH CAROLINA	ARMY NATL GUARD	LEESBURG	WASH RACK/FUEL FACILITY	0	0	1,009	1,009
601	SOUTH CAROLINA	ARMY NATL GUARD	LEESBURG	REGIONAL NCO ACADEMY	0	0	8,084	0
602	SOUTH CAROLINA	ARMY NATL GUARD	COLUMBIA	LAND ACQUISITION (6 ACRES)	0	977	950	950
603	SOUTH CAROLINA	ARMY NATL GUARD	EASTOVER	ADD/ALTER ARMORY	0	0	1,329	0
604	SOUTH CAROLINA	ARMY NATL GUARD	MCENTIRE	COMBINED SUPPORT MAINTENANCE FAC.	0	8,618	8,616	8,616
605	SOUTH CAROLINA	ARMY RESERVE	FORT JACKSON	USARC/OMS/DS	10,428	10,428	10,428	10,428
606	SOUTH CAROLINA	AIR NATL GUARD	MCENTIRE	UPGRADE AIRFIELD LIGHTING AND PAVEMENT	4,200	4,200	4,200	4,200
607	SOUTH CAROLINA	AIR NATL GUARD	MCENTIRE	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,750	1,750	1,750	1,750
608	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AFB	ALTER AIRCRAFT MAINTENANCE DOCK	630	630	630	630
609	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AIR FORCE BASE	CONSOLIDATED SUPPORT CENTER (PHASE I)	0	6,200	6,200	6,200
610	SOUTH DAKOTA	DEFENSE AGENCIES	ELLSWORTH AIR FORCE BASE	LIFE SAFETY UPGRADE	1,400	1,400	1,400	1,400
611	SOUTH DAKOTA	ARMY NATL GUARD	SIoux FALLS	MAINTENANCE SHOP	0	0	1,700	1,700
612	SOUTH DAKOTA	ARMY NATL GUARD	SIoux FALLS	ARMORY ADDITION	0	3,670	3,700	3,700
613	SOUTH DAKOTA	AIR NATL GUARD	SIoux FALLS	POWER CHECK PAD	0	0	2,200	0
614	SOUTH DAKOTA	AIR NATL GUARD	JOE FOSS FIELD	ALTER COMPOSITE OPERATIONS & TRAINING FAC	350	350	350	350
615	SOUTH DAKOTA	AIR NATL GUARD	JOE FOSS FIELD	ADAL FUEL SYSTEMS MAINT/CORROSION DOCK	1,700	1,700	1,700	1,700
616	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FUELS TRAINER FACILITY	600	600	0	0
617	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FIRE ALARM SYSTEM IMPROVEMENTS	1,100	1,100	1,100	1,100
618	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	POTABLE WATER SYSTEM IMPROVEMENTS	350	350	350	350
619	TENNESSEE	AIR FORCE	MEMPHIS NAVAL AIR STATION	ALTER TECHNICAL TRAINING FACILITY	2,000	2,000	0	0

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE AGREEMENT
					REQUEST	H. PASSED	S. PASSED	
620	TENNESSEE	AIR FORCE	MEMPHIS NAVAL AIR STATION	RENOVATE DORMITORY	1,200	1,200	0	0
621	TENNESSEE	AIR FORCE	MEMPHIS NAVAL AIR STATION	ADAL HIGH-BAY TECHNICAL TRAINING FACILITY	3,000	3,000	0	0
622	TENNESSEE	AIR FORCE	ARNOLD ENGINEERING DEV CENTER	UPGRADE SEWAGE TREATMENT PLANT	1,500	1,500	1,500	1,500
623	TENNESSEE	DEFENSE AGENCIES	MILLINGTON NAVAL AIR STATION	HOSP LIFE SAFETY/SEISMIC UPGRADE (PHASE II)	5,000	5,000	5,000	5,000
624	TENNESSEE	ARMY NATL GUARD	GRUBBS-KYLE TRNG CTR/SHYRNA	JOINT USE EDUCATIONAL FACILITY	0	8,688	0	0
625	TENNESSEE	ARMY NATL GUARD	JEFFERSON CITY	ARMORY	0	952	0	952
626	TENNESSEE	ARMY NATL GUARD	MARTIN	ARMORY ADDITION	0	1,052	0	0
627	TENNESSEE	ARMY NATL GUARD	CAMDEN	ARMORY ADDITION	0	714	0	714
628	TENNESSEE	ARMY NATL GUARD	SHYRNA	CLASS IX DLOG WAREHOUSE	0	710	0	710
629	TENNESSEE	ARMY NATL GUARD	SHYRNA	MEDICAL ARMORY	0	3,934	0	3,934
630	TENNESSEE	ARMY NATL GUARD	SEVIERVILLE	ARMORY	0	1,131	0	1,131
631	TENNESSEE	ARMY NATL GUARD	MILAN	ARMORY	0	1,357	0	1,357
632	TENNESSEE	ARMY NATL GUARD	TIPONVILLE	ARMORY	0	1,157	0	1,157
633	TENNESSEE	ARMY NATL GUARD	WAVERLY	ARMORY ADDITION	0	587	0	587
634	TENNESSEE	ARMY NATL GUARD	ELIZABETNTON	ARMORY STORAGE ADDITION	0	100	0	100
635	TENNESSEE	NAVY RESERVE	NMCR CHATTANOOGA	RESCEN REPLACEMENT	3,690	3,690	3,690	3,690
636	TENNESSEE	AIR NATL GUARD	ALCOA AIR NATIONAL GUARD STATION	ADAL COMMUNICATIONS ELECTRONICS TRNG FAC	1,300	1,300	1,300	1,300
637	TEXAS	AIR NATL GUARD	MCGHEE-TYSON AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	1,100
638	TEXAS	AIR NATL GUARD	MCGHEE-TYSON AIRPORT	PWEC ADMINISTRATIVE SUPPORT FACILITY	2,200	2,200	2,200	2,200
639	TEXAS	AIR NATL GUARD	NASHVILLE MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
640	TEXAS	ARMY	FORT HOOD	CLOSE COMBAT TACTICAL TRAINER FACILITY	7,500	7,500	7,500	7,500
641	TEXAS	ARMY	FORT HOOD	COLD/DRY STORAGE FACILITY	13,400	13,400	13,400	13,400
642	TEXAS	ARMY	FORT HOOD	TEST AND EVALUATION SUPPORT FACILITY	5,200	5,200	5,200	5,200
643	TEXAS	ARMY	FORT HOOD	COMMAND AND CONTROL FACILITY	0	5,600	0	5,600
644	TEXAS	ARMY	FORT HOOD	DEPLOY STORAGE FACILITY	0	1,500	0	1,500
645	TEXAS	ARMY	FORT HOOD	TACTICAL EQUIPMENT SHOP	5,300	5,300	5,300	5,300
646	TEXAS	ARMY	FORT HOOD	WHOLE BARRACKS RENEWAL	18,000	18,000	18,000	18,000
647	TEXAS	ARMY	FORT SAM HOUSTON	FIRE STATION	0	1,300	0	1,300
648	TEXAS	ARMY	FORT SAM HOUSTON	MULTI-PURPOSE FAMILY SERVICE	4,351	4,351	4,351	4,351
649	TEXAS	ARMY	FORT BLISS	TAC. EQUIP. SHOP & RELATED FAC.	0	2,800	0	2,800
650	TEXAS	ARMY	FORT BLISS	2 TAC. EQUIP. SHOPS & RELATED FACILITIES	0	12,800	0	12,800

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
651	TEXAS	ARMY	FORT BLISS	CONSOLIDATED MAINTENANCE FACILITY	14,000	14,000	14,000	14,000
652	TEXAS	NAVY	CORPUS CHRISTI NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS IMPROVEMENTS	1,670	1,670	1,670	1,670
653	TEXAS	AIR FORCE	BROOKS AIR FORCE BASE	CENTER FOR ENVIRONMENTAL EXCELLENCE	0	8,400	0	8,400
654	TEXAS	AIR FORCE	DYESS AFB	WEAPONS STORAGE AREA SECURITY	890	890	890	890
655	TEXAS	AIR FORCE	DYESS AFB	UPGRADE HYDRANT FUELING SYSTEM (PHASE II)	9,500	9,500	9,500	9,500
656	TEXAS	AIR FORCE	DYESS AFB	DORMITORY RENOVATION (PHASE I, II, III)	0	5,200	0	5,200
657	TEXAS	AIR FORCE	KELLY AFB	C-17 ENGINEERING TEST LABORATORY	2,600	2,600	2,600	2,600
658	TEXAS	AIR FORCE	KELLY AFB	ADD/ALTER DORMITORIES	2,000	2,000	2,000	2,000
659	TEXAS	AIR FORCE	KELLY AFB	UPGRADE TAXIWAY	3,550	3,550	3,550	3,550
660	TEXAS	AIR FORCE	KELLY AFB	C-17 ADAL MDI FACILITY	4,900	4,900	4,900	4,900
661	TEXAS	AIR FORCE	KELLY AFB	UPGRADE SANITARY SEWER MAINS	3,000	3,000	3,000	3,000
662	TEXAS	AIR FORCE	KELLY AFB	ALT WEAPON SYS SUPPORT CENTER (PHASE II)	7,800	7,800	7,800	7,800
663	TEXAS	AIR FORCE	KELLY AFB	C-17 ALTDEPOT AVIONICS FACILITY	731	731	731	731
664	TEXAS	AIR FORCE	KELLY AFB	UPGRADE STORM DRAINAGE SYSTEM (PHASE I)	2,900	2,900	2,900	2,900
665	TEXAS	AIR FORCE	LACKLAND TRAINING ANNEX	VEHICLE MAINTENANCE FACILITY	1,200	0	0	0
666	TEXAS	AIR FORCE	LACKLAND AFB	MISSION SUPPORT CENTER	7,543	7,543	7,543	7,543
667	TEXAS	AIR FORCE	LACKLAND AFB	TRAINING SERVICES FACILITIES	5,800	5,800	5,800	5,800
668	TEXAS	AIR FORCE	LACKLAND AFB	BASE CONTRACTING CENTER	2,450	2,450	2,450	2,450
669	TEXAS	AIR FORCE	LACKLAND AFB	ALTER BASE SUPPORT FACILITY	5,400	5,400	5,400	5,400
670	TEXAS	AIR FORCE	LACKLAND AFB	7-LEVEL TRAINING DORMITORY	8,900	8,900	8,900	8,900
671	TEXAS	AIR FORCE	GOODFELLOW AFB	BASE ENGINEERING COMPLEX	3,700	3,700	3,700	3,700
672	TEXAS	AIR FORCE	LAUGHLIN AFB	UPGRADE AIRFIELD LIGHTING	3,000	3,000	3,000	3,000
673	TEXAS	AIR FORCE	LAUGHLIN AFB	UPGRADE AIRFIELD PAVEMENT	3,250	3,250	3,250	3,250
674	TEXAS	AIR FORCE	LAUGHLIN AFB	FIRE STATION	2,400	2,400	2,400	2,400
675	TEXAS	AIR FORCE	RANDOLPH AFB	UPGRADE ELECTRICAL DISTRIBUTION SYSTEM	2,500	2,500	2,500	2,500
676	TEXAS	AIR FORCE	RANDOLPH AFB	CONTROL TOWER	2,800	2,800	2,800	2,800
677	TEXAS	AIR FORCE	REESE AFB	UNDERGROUND FUEL STORAGE TANKS	900	900	900	900
678	TEXAS	AIR FORCE	SHEPPARD AFB	ADD TO AND ALTER CHILD DEVELOPMENT CENTER	780	780	780	780
679	TEXAS	AIR FORCE	SHEPPARD AFB	ENJPT ALTER FLIGHT TRAINING FACILITY	2,200	2,200	2,200	2,200
680	TEXAS	AIR FORCE	SHEPPARD AFB	7-LEVEL TRAINING DORMITORY	14,200	14,200	14,200	14,200
681	TEXAS	AIR FORCE	SHEPPARD AFB	FIRE TRAINING FACILITY	850	850	850	850

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
682	TEXAS	DEFENSE AGENCIES	FORT SAM HOUSTON	HOSPITAL REPLACEMENT (PHASE VII)	75,000	75,000	75,000	50,000
683	TEXAS	DEFENSE AGENCIES	FORT SAM HOUSTON	COMBAT MEDIC TRAINING COMPLEX	1,400	1,400	1,400	1,400
684	TEXAS	DEFENSE AGENCIES	FORT SAM HOUSTON	WCO ACADEMY-AMEDD CENTER AND SCHOOL	3,400	3,400	3,400	3,400
685	TEXAS	ARMY NATL GUARD	CORPUS CHRISTI	ORGAN. MAINT. SHOP	0	991	0	991
686	TEXAS	ARMY NATL GUARD	CORPUS CHRISTI	ADD/ALTER ARMORY	0	2,719	0	2,719
687	TEXAS	ARMY NATL GUARD	FORT WORTH (SHOREVIEW)	ADD/ALTER ARMORY	0	5,481	0	0
688	TEXAS	ARMY NATL GUARD	BRYAN	ADD/ALTER ARMORY/ONS	0	2,672	0	0
689	TEXAS	ARMY NATL GUARD	WESLACO	ARMORY	0	5,567	0	5,567
690	TEXAS	ARMY NATL GUARD	SAN ANTONIO	ORGAN. MAINT. SHOP	0	1,370	0	0
691	TEXAS	ARMY NATL GUARD	LUBBOCK	ORGAN. MAINT. SHOP	0	1,726	0	1,726
692	TEXAS	AIR NATL GUARD	KELLY AFB	BASE SUPPLY WAREHOUSE	0	3,600	0	3,600
693	TEXAS	AIR NATL GUARD	KELLY AFB	REPLACE UNDERGROUND FUEL STORAGE TANKS	560	560	560	560
694	TEXAS	AIR NATL GUARD	ELLINGTON FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,600	1,600	1,600	1,600
695	TEXAS	AIR FORCE RESERVE	KELLY AFB	RED NORSE STRUCTURAL/UTILITY FACILITY	2,300	2,300	2,300	2,300
696	UTAH	ARMY	DUGWAY PROVING GROUND	LIFE SCIENCES TEST FACILITY	16,500	16,500	16,500	16,500
697	UTAH	ARMY	TOOELE ARMY DEPOT	TREATY COMPLIANCE FACILITY	1,500	1,500	800	1,500
698	UTAH	AIR FORCE	HILL AFB	UPGRADE WASTEWATER COLLECTION SYSTEM	0	6,200	0	6,200
699	UTAH	AIR FORCE	HILL AFB	ADD/INTERGRATED SUPPORT FAC.	0	13,400	0	0
700	UTAH	AIR FORCE	HILL AFB	UPGRADE WATER DISTRIBUTION SYSTEM	2,400	2,400	2,400	2,400
701	UTAH	AIR FORCE	HILL AFB	UPGRADE INDUSTRIAL WASTEWATER TREATMENT PLANT	5,100	5,100	5,100	5,100
702	UTAH	AIR FORCE	HILL AFB	FIRE TRAINING FACILITY	880	880	880	880
703	UTAH	DEFENSE AGENCIES	DEF REUTILIZATION & MKTG OFC HILL	AFIRE PROTECTION & OPEN STORAGE	1,700	1,700	1,700	1,700
704	UTAH	ARMY NATL GUARD	CAMP WILLIAMS	RANGE, MAC	850	850	850	850
705	UTAH	ARMY NATL GUARD	CAMP WILLIAMS	RANGE, INFANTRY SQUAD BATTLE CRSE	1,066	1,066	1,066	1,066
706	UTAH	AIR NATL GUARD	SALT LAKE CITY IAP	ALTER COMPOSITE SUPPORT FACILITY	950	950	950	950
707	UTAH	AIR NATL GUARD	SALT LAKE CITY IAP	ADAL COMMUNICATION AND ELECTRONICS TRNG	850	850	850	850
708	UTAH	AIR NATL GUARD	SALT LAKE CITY IAP	SITE RESTORATION	2,000	2,000	2,000	2,000
709	VERMONT	ARMY NATL GUARD	CAMP JOHNSON	ORGANIZATIONAL MAINT SHOP	1,002	1,002	1,002	1,002
710	VERMONT	ARMY NATL GUARD	JERICHO	TRNG SITE, SUPPORT FACILITIES	304	304	304	304
711	VERMONT	ARMY NATL GUARD	JERICHO	TRAINING FACILITY	0	0	3,200	3,200
712	VERMONT	AIR NATL GUARD	BURLINGTON IAP	FIRE STATION	1,500	1,500	1,500	1,500

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
713	VIRGINIA	ARMY	FORT LEE	APPLIED INSTRUCTION FACILITY	12,600	12,600	12,600	12,600
714	VIRGINIA	ARMY	FORT LEE	WHOLE BARRACKS RENEWAL	20,000	20,000	20,000	20,000
715	VIRGINIA	ARMY	FORT BELVOIR	SCHOOL	0	0	8,000	8,000
716	VIRGINIA	ARMY	FORT BELVOIR	OPERATIONS FACILITY	860	860	860	860
717	VIRGINIA	ARMY	FORT MYER	WHOLE BARRACKS RENEWAL	6,800	6,800	6,800	6,800
718	VIRGINIA	NAVY	ARMED FORCES STAFF COLLEGE, NORFOLK	WARGAME TRAINING AND OPERATION CENTER	0	8,800	0	0
719	VIRGINIA	NAVY	NORFOLK CDR OPERATIONAL TEST & EVAL	OPERATIONS TEST & EVALUATION MGMT CTR	8,100	8,100	8,100	8,100
720	VIRGINIA	NAVY	NORFOLK NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS	12,270	12,270	12,270	12,270
721	VIRGINIA	NAVY	NORFOLK NAVAL AVIATION DEPOT	AIRCRAFT REMORK FACILITY	17,800	17,800	0	0
722	VIRGINIA	NAVY	NORFOLK NAVY PUBLIC WORKS CENTER	TRASH RECYCLE FACILITY ADDITION	5,330	5,330	5,330	5,330
723	VIRGINIA	NAVY	NAVAL STATION, NORFOLK	PIER (NAUTICUS)	0	3,000	0	0
724	VIRGINIA	NAVY	MAS, OCEANA	JET ENGINE TEST CELL REPLACEMENT	0	5,300	0	5,300
725	VIRGINIA	NAVY	MAS, OCEANA	REPLACE FUEL TANK FARM	0	1,800	0	1,800
726	VIRGINIA	NAVY	WALLOPS IS NAVAL SURFACE WEAPONS CT	SHIP SELF-DEFENSE ENGINEERING FACILITY	10,170	10,170	10,170	10,170
727	VIRGINIA	NAVY	QUANTICO MARINE CORPS COMBAT DEV	COCHILD DEVELOPMENT CENTER	3,850	3,850	3,850	3,850
728	VIRGINIA	NAVY	QUANTICO MARINE CORPS COMBAT DEV	COANTI-ARMOR TRACKING & LIVE FIRE RANGE	3,600	3,600	3,600	3,600
729	VIRGINIA	NAVY	CHESAPEAKE MARINE CORPS SEC FORCE	BINDOOR RANGE COMPLEX	3,060	3,060	3,060	3,060
730	VIRGINIA	NAVY	CHESAPEAKE MARINE CORPS SEC FORCE	BACADEMIC INSTRUCTION BUILDING	2,320	2,320	2,320	2,320
731	VIRGINIA	NAVY	PORTSMOUTH NORFOLK NAVAL SHIPYARD	BACHELOR ENLISTED QUARTERS	13,420	13,420	13,420	13,420
732	VIRGINIA	NAVY	CRANEY ISLAND FLT & INDUS SUPPLY CT	WASTEWATER TREATMENT PLANT MODS	11,740	11,740	11,740	11,740
733	VIRGINIA	AIR FORCE	LANGLEY AFB	FIRE STATION	3,850	3,850	3,850	3,850
734	VIRGINIA	AIR FORCE	LANGLEY AFB	ADD TO AND ALTER CARS OPERATIONS FACILITY	5,373	0	5,373	0
735	VIRGINIA	AIR FORCE	LANGLEY AFB	UNDERGROUND FUEL STORAGE TANKS	500	500	500	500
736	VIRGINIA	AIR FORCE	LANGLEY AFB	BASE ENGINEERING COMPLEX (PHASE II)	4,000	4,000	4,000	4,000
737	VIRGINIA	AIR FORCE	LANGLEY AFB	RESTORE KING STREET BRIDGE	4,100	4,100	4,100	4,100
738	VIRGINIA	DEFENSE AGENCIES	PORTSMOUTH NAVAL HOSPITAL	HOSPITAL REPLACEMENT V	211,900	20,000	211,900	20,000
739	VIRGINIA	DEFENSE AGENCIES	QUANTICO MARINE CORPS COMBAT DEV	COQUANTICO HIGH ADDN	422	422	422	422
740	VIRGINIA	DEFENSE AGENCIES	NAVAL AMPHIBIOUS BASE, LITTLE CREEK	SOF SPECBOATRON PBC SUPPORT	7,500	7,500	7,500	7,500
741	VIRGINIA	DEFENSE AGENCIES	DEFENSE GENERAL SUPPLY CENTER	HAZARDOUS MATERIAL PROCESSING FACILITY	4,600	4,600	4,600	4,600
742	VIRGINIA	DEFENSE AGENCIES	DEFENSE GENERAL SUPPLY CENTER	SHEDS FOR OIL STORAGE	9,500	9,500	9,500	9,500
743	VIRGINIA	DEFENSE AGENCIES	DEFENSE GENERAL SUPPLY CENTER	ALTER HAZARDOUS MATERIAL WAREHOUSE	2,900	2,900	2,900	2,900

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
744	VIRGINIA	DEFENSE AGENCIES	FT. BELVOIR	ADMINISTRATIVE BUILDING	5,200	5,200	5,200	5,200
745	VIRGINIA	DEFENSE AGENCIES	FORT EUSTIS	LIFE SAFETY UPGRADE	3,650	3,650	3,650	3,650
746	VIRGINIA	NAVY RESERVE	MCRC DAMMECK	ELECTRONIC MAINT SHOP	1,000	1,000	1,000	1,000
747	VIRGINIA	AIR NATL GUARD	RICHARD E BYRD IAP	ADAL FUEL SYSTEMS MAINTENANCE DOCK	1,300	1,300	1,300	1,300
748	VIRGINIA	AIR NATL GUARD	RICHARD E BYRD IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	1,100
749	VIRGINIA	AIR NATL GUARD	CAMP PENDLETON ANGB	BASE ENGINEER MAINTENANCE AND STORAGE FAC	1,150	1,150	1,150	1,150
750	VIRGINIA	AIR NATL GUARD	RICHMOND IAP	FUEL STORAGE COMPLEX	0	0	4,500	0
751	WASHINGTON	ARMY	FORT LEWIS	INCINERATOR BUILDING COMPLETION	14,200	14,200	14,200	14,200
752	WASHINGTON	NAVY	BANGOR NAVAL SUBMARINE BASE	MESS HALL ADDITION	1,720	1,720	1,720	1,720
753	WASHINGTON	NAVY	BANGOR NAVAL SUBMARINE BASE	OILY WASTE TREATMENT FACILITY	1,380	1,380	1,380	1,380
754	WASHINGTON	NAVY	KEYPORT NAVAL UNDERSEA WARFARE CENT	HAZARDOUS WASTE STORAGE FACILITY	8,980	8,980	8,980	8,980
755	WASHINGTON	NAVY	EVERETT NAVAL STATION	BREAKWATER	22,200	22,200	22,200	22,200
756	WASHINGTON	NAVY	EVERETT NAVAL STATION	STEAM PLANT	11,800	11,800	11,800	11,800
757	WASHINGTON	AIR FORCE	FAIRCHILD AFB	INTELLIGENCE TECHNICAL TRAINING FACILITY	3,500	3,500	3,500	3,500
758	WASHINGTON	AIR FORCE	MCCORD AFB	ADD/ALTER DORMITORIES	6,500	6,500	6,500	6,500
759	WASHINGTON	AIR FORCE	MCCORD AFB	CHILD DEVELOPMENT CENTER COMPLEX	4,400	4,400	4,400	4,400
760	WASHINGTON	DEFENSE AGENCIES	FAIRCHILD AFB	UTILITY/LIFE SAFETY UPGRADE	8,250	8,250	8,250	8,250
761	WASHINGTON	ARMY NATL GUARD	YAKIMA TRAINING CENTER (YAKIMA)	RANGE, MACHINE GUN MODIFICATION	1,527	1,527	1,527	1,527
762	WASHINGTON	ARMY RESERVE	FORT LAWTON	RESERVE CENTER	0	0	1,943	0
763	WASHINGTON	ARMY RESERVE	FORT LEWIS	USARC/ONS/AMSA/ECS/WAREHOUSE	14,703	14,703	14,703	14,703
764	WASHINGTON	NAVY RESERVE	JOINT TRAINING CENTER EVERETT	RESCEN REPLACEMENT	2,550	2,550	2,550	2,550
765	WASHINGTON	NAVY RESERVE	BANGOR	NAVAL RESERVE CENTER	0	0	3,000	3,000
766	WASHINGTON	AIR NATL GUARD	FOUR LAKES COMMUNICATIONS STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	360	360	360	360
767	WASHINGTON	AIR NATL GUARD	PAINE FIELD ANG STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	320	320	320	320
768	WASHINGTON	AIR NATL GUARD	BELLINGHAM MUNICIPAL AIRPORT ANG	REPLACE UNDERGROUND FUEL STORAGE TANKS	420	420	420	420
769	WASHINGTON	AIR NATL GUARD	SEATTLE AIR NATIONAL GUARD BASE	REPLACE UNDERGROUND FUEL STORAGE TANKS	320	320	320	320
770	WASHINGTON	AIR NATL GUARD	CAMP MURRAY	REPLACE UNDERGROUND FUEL STORAGE TANKS	380	380	380	380
771	WEST VIRGINIA	AIR NATL GUARD	E WV REGIONAL APT (MARTINSBURG)	ADD TO AERIAL PORT TRAINING FACILITY	390	390	390	390
772	WEST VIRGINIA	AIR NATL GUARD	YEAGER AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	370	370	370	370
773	WISCONSIN	ARMY NATL GUARD	WEST BEND	ARMORY	0	0	7,100	0
774	WISCONSIN	ARMY NATL GUARD	CAMP WILLIAMS	COMBINED MAINTENANCE FACILITY	0	0	11,900	11,900

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
775	WISCONSIN	NAVY RESERVE	NMCRG GREEN BAY	RESCEN ADDITION	650	650	650	650
776	WISCONSIN	AIR NATL GUARD	BILLY MITCHELL FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	600	600	600	600
777	WISCONSIN	AIR NATL GUARD	TRUAX FIELD	FIRE STATION	1,400	1,400	1,400	1,400
778	WISCONSIN	AIR NATL GUARD	VOLK FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	510	510	510	510
779	WISCONSIN	AIR FORCE RESERVE	BILLY MITCHELL FIELD	ADD FIRE PROTECTION TO AIRCRAFT HANGARS	1,500	1,500	1,500	1,500
780	WISCONSIN	AIR FORCE RESERVE	BILLY MITCHELL FIELD	UPGRADE BASE FUELS COMPLEX	1,800	1,800	1,800	1,800
781	WYOMING	AIR FORCE	F E WARREN AFB	UNDERGROUND FUEL STORAGE TANKS	2,200	2,200	2,200	2,200
782	WYOMING	AIR FORCE	F E WARREN AFB	RENOVATE SECURITY POLICE OPERATIONS	6,000	6,000	6,000	6,000
783	WYOMING	AIR FORCE	F E WARREN AFB	WEAPONS STORAGE AREA SECURITY	640	640	640	640
784	WYOMING	AIR FORCE	F E WARREN AFB	REMOTE MISSILE CREW FACILITIES	3,800	3,800	3,800	3,800
785	WYOMING	ARMY NATL GUARD	CAMP GUERNSEY	BARRACKS RENOVATION	0	0	3,338	3,338
786	COMUS CLASSIFIED	ARMY	CLASSIFIED LOCATIONS	CLASSIFIED PROJECT	3,000	1,852	3,000	1,852
787	COMUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	SPECIAL TACTICAL UNIT DETENTION FACILITY	5,540	5,540	5,540	5,540
788	COMUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	OMEGA FACILITIES	2,600	2,600	2,600	2,600
789	COMUS CLASSIFIED	DEFENSE AGENCIES	OSD MILCON	CLASSIFIED LOCATION	5,600	5,600	5,600	5,600
790	COMUS UNSPECIFIED	BASE CLOSURE I	BASE REALIGNMENT & CLOSURE ACCT	BASE REALIGNMENT & CLOSURE PART I	27,870	127,870	12,830	12,830
791	COMUS UNSPECIFIED	BASE CLOSURE III	BASE REALIGNMENT & CLOSURE ACCT	BASE REALIGNMENT & CLOSURE PART III	1,200,000	1,306,000	1,500,000	1,144,000
792	COMUS UNSPECIFIED	BASE CLOSURE II	BASE REALIGNMENT & CLOSURE ACCT	BASE REALIGNMENT & CLOSURE PART II	1,800,500	2,200,500	1,526,310	1,526,310
793	COMUS VARIOUS	NAVY	COMUS VARIOUS	WASTEWATER COLLECTION & TREATMENT SYSTEM	3,260	3,260	3,260	3,260
794	COMUS VARIOUS	NAVY	LAND ACQUISITION	LAND ACQUISITION	540	540	540	540
795	COMUS VARIOUS	ARMY NATL GUARD	VARIOUS LOCATIONS	ARMORY UNIT STORAGE BUILDINGS	750	750	750	750
796	COMUS VARIOUS	ARMY NATL GUARD	UNSPECIFIED LOCATIONS	INDOOR RANGE MODERNIZATION	637	637	637	637
797	ANTIGUA	AIR FORCE	ANTIGUA ISLAND	SLFI-UPGRADE BACKUP GENERATOR	1,000	1,000	1,000	1,000
798	ASCENSION ISLAND	AIR FORCE	ASCENSION ISLAND	SLFI-WASTEWATER TREATMENT PLANT	3,400	3,400	3,400	3,400
799	DIEGO GARCIA	AIR FORCE	DIEGO GARCIA	SATELLITE TRACKING STORAGE FACILITY	560	560	560	560
800	DIEGO GARCIA	AIR FORCE	DIEGO GARCIA	GPS INSTRUMENTATION FACILITY	1,700	1,700	1,700	1,700
801	DIEGO GARCIA	DEFENSE AGENCIES	DIEGO GARCIA	FUEL TANKAGE	9,558	9,558	9,558	9,558
802	GERMANY	AIR FORCE	RAMSTEIN AB	CHILD DEVELOPMENT CENTER	3,100	3,100	3,100	3,100
803	GREENLAND	AIR FORCE	THULE AB	WASTEWATER TREATMENT PLANT	5,492	5,492	5,492	5,492
804	GUAM	NAVY	FLEET AND INDUSTRIAL SUPPLY CENTER	GAS BOTTLE STORAGE FACILITY	1,240	1,240	1,240	0
805	GUAM	NAVY	FLEET AND INDUSTRIAL SUPPLY CENTER	INTERGRATED STORAGE HANDLING FACILITY	21,200	21,200	21,200	21,200

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
806	GUAM	NAVY	NAVAL OCEANOGRAPHY COMMAND CENTER	OCEANOGRAPHY BUILDING ALTERATIONS	690	690	690	0
807	GUAM	NAVY	ANDERSON AIR FORCE BASE NAVAL AIR	BACHELOR OFFICER QUARTERS MODERNIZATION	3,750	3,750	3,750	3,750
808	GUAM	NAVY	ANDERSON AIR FORCE BASE NAVAL AIR	BACHELOR ENLISTED QUARTERS RENOVATION	3,560	3,560	3,560	3,560
809	GUAM	NAVY	NAVAL MAGAZINE	INERT STOREHOUSES	3,750	3,750	3,750	0
810	GUAM	NAVY	NAVY PUBLIC WORKS CENTER	SEWERAGE TREATMENT PLANT	7,230	7,230	7,230	7,230
811	GUAM	NAVY	NAVY PUBLIC WORKS CENTER	TRANSPORTATION PARTS STORAGE FACILITY	1,610	1,610	1,610	0
812	GUAM	NAVY	NAVY PUBLIC WORKS CENTER	WATERFRONT UTILITIES	11,840	11,840	11,840	0
813	GUAM	NAVY	NAVAL HOSPITAL	CHILD DEVELOPMENT CENTER	2,460	2,460	2,460	2,460
814	GUAM	NAVY	NAVAL STATION	CHILD DEVELOPMENT CENTER ADDITION	2,020	2,020	2,020	2,020
815	GUAM	NAVY	NAVAL STATION	EXPLOSIVE ORDNANCE DISPOSAL OPERS FAC	12,500	12,500	12,500	12,500
816	GUAM	NAVY	MILITARY SEALIFT COMMAND OFFICE	MILITARY SEALIFT COMMAND OPERATIONS BLDG	2,170	2,170	2,170	0
817	GUAM	AIR FORCE	ANDERSEN AFB	UNDERGROUND FUEL STORAGE TANKS	4,100	4,100	4,100	0
818	GUAM	ARMY NATL GUARD	BARRIGADA, GUAM	ADMIN/WAREHOUSE FACILITY	0	3,500	0	1,573
819	GUAM	AIR NATL GUARD	ANDERSON AFB	BASE SUPPLIES AND EQUIPMENT WAREHOUSE	400	400	400	400
820	ITALY	NAVY	NAPLES NAVAL SUPPORT ACTIVITY	CONSOLIDATED SUPPORT FACILITIES (PHASE 1)	11,740	11,740	11,740	11,740
821	ITALY	NAVY	NAS, SIGONELLA	BEQ	0	10,300	0	0
822	ITALY	NAVY	SIGONELLA NAVAL AIR STATION	CHILD DEVELOPMENT CENTER	3,460	3,460	3,460	3,460
823	JOHNSTON ISLAND	ARMY	JOHNSTON ISLAND	TREATY VERIFICATION FAC.	0	1,700	1,700	0
824	KWAJALEIN	ARMY	KWAJALEIN	SEWAGE TREATMENT FACILITY	11,200	11,200	11,200	11,200
825	KWAJALEIN	ARMY	KWAJALEIN	UNACCOMPANIED PERSONNEL HOUSING	10,000	10,000	10,000	10,000
826	OMAH	AIR FORCE	THUMRAIT AB	WAR READINESS MATERIEL COVERED STORAGE FAC	1,800	1,800	1,800	0
827	OVERSEAS CLASSIFIED	ARMY	CLASSIFIED LOCATION	COMMUNICATIONS MAINTENANCE FACILITY	3,600	3,600	3,600	0
828	OVERSEAS CLASSIFIED	NAVY	LAND ACQUISITION	LAND ACQUISITION	800	800	800	800
829	OVERSEAS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	WAR READINESS MATERIEL WAREHOUSE	5,500	5,500	5,500	0
830	OVERSEAS CLASSIFIED	DEFENSE AGENCIES	OVERSEAS CLASSIFIED	CLASSIFIED PROJECT	10,755	10,755	10,755	10,755
831	PUERTO RICO	DEFENSE AGENCIES	DEFENSE FUEL SUPPORT POINT ROOSEVELT	FUEL TANKAGE	5,800	5,800	5,800	0
832	PUERTO RICO	AIR NATL GUARD	PUERTO RICO IAP	UPGRADE F-16 ACFT PKNG RAMP SECURITY SYS	2,000	2,000	2,000	2,000
833	PUERTO RICO	AIR NATL GUARD	PUERTO RICO IAP	ADD TO AND ALTER F-16 AVIONICS SHOP	320	320	320	320
834	PUERTO RICO	AIR NATL GUARD	PUERTO RICO IAP	ALTER FUEL SYSTEMS MAINTENANCE FACILITY	750	750	750	750
835	SPAIN	NAVY	ROTA NAVAL STATION	CHILD DEVELOPMENT CENTER	2,670	2,670	2,670	2,670
836	TURKEY	AIR FORCE	INCIRLIK AB	ADD TO AND ALTER DORMITORIES	2,400	2,400	2,400	2,400

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE	
					REQUEST	H. PASSED	S. PASSED	AGREEMENT	
837	UNITED KINGDOM	AIR FORCE	RAF MILDENHALL	C-130 MAINTENANCE HANGAR	4,800	4,800	4,800	4,800	
838	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	ARMY - HOST NATION SUPPORT	25,000	25,000	25,000	25,000	
839	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	12,000	12,000	12,000	12,000	
840	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	84,441	90,161	85,991	84,441	1/
841	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	5,500	5,500	5,500	5,500	
842	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	64,373	78,573	64,373	64,373	2/
843	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	HOST NATION INFRASTRUCTURE SUPPORT	2,960	2,960	2,960	2,960	
844	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	63,180	63,882	63,180	63,180	3/
845	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	6,844	11,844	6,844	6,844	
846	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	OSD	UNSPECIFIED MINOR CONSTRUCTION	2,922	2,922	2,922	2,922	
847	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	OSD	PLANNING AND DESIGN	5,700	5,700	5,700	5,700	
848	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	ENERGY CONSERVATION IMPROVEMENT PROGRAM	50,000	60,000	50,000	50,000	
849	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	4,000	4,000	4,000	4,000	
850	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	CONTINGENCY CONSTRUCTION	12,200	12,200	12,200	12,200	
851	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	PLANNING AND DESIGN	535	535	535	535	
852	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	5,975	5,975	5,975	5,975	
853	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	PLANNING AND DESIGN	10,305	10,305	10,305	10,305	
854	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	2,192	2,192	2,192	2,192	
855	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	3,757	3,757	3,757	3,757	
856	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	PLANNING AND DESIGN	25,865	25,865	25,865	25,865	4/
857	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	2,000	2,000	2,000	2,000	
858	WORLDWIDE UNSPECIFIED	NATO	NATO INFRASTRUCTURE	NATO INFRASTRUCTURE	240,000	240,000	240,000	140,000	
859	WORLDWIDE UNSPECIFIED	DEBT	UNSPECIFIED LOCATIONS	DEBT REDUCTION	412	412	412	412	
860	WORLDWIDE UNSPECIFIED	MILCON-DEAUTHORIZATIONS	UNSPECIFIED LOCATIONS	PRIOR YEAR DEAUTHORIZATIONS MILCON	0	0	0	(241,977)	
861	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	812	812	812	812	
862	WORLDWIDE UNSPECIFIED	ARMY NATL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	5,000	5,000	5,000	5,000	
863	WORLDWIDE UNSPECIFIED	ARMY NATL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	522	3,784	522	3,784	5/
864	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	4,897	6,397	4,897	6,397	6/
865	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	2,100	2,100	2,100	2,100	
866	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	1,359	1,359	1,359	1,359	
867	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	1,042	1,042	1,042	1,042	

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET	CONFERENCE		AGREEMENT	
					REQUEST	H. PASSED	S. PASSED		
868	WORLDWIDE	UNSPECIFIED	AIR MATL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	4,000	4,000	4,000	4,000
869	WORLDWIDE	UNSPECIFIED	AIR MATL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	9,900	12,400	9,900	10,868
870	WORLDWIDE	UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	3,904	3,904	3,904	3,904
871	WORLDWIDE	UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	3,400	3,400	3,400	3,400
872	ALABAMA	FHC-AIR FORCE	MAXWELL AFB	FAMILY HOUSING (55 UNITS)		4,080	4,080	4,080	4,080
873	ARKANSAS	FHC-AIR FORCE	LITTLE ROCK AFB	HOUSING OFFICE AND MAINTENANCE FACILITY		980	980	980	980
874	CALIFORNIA	FHC-ARMY	FORT IRWIN	NEW CONSTRUCTION (220)		25,000	25,000	25,000	25,000
875	CALIFORNIA	FHC-NAVY	PUBLIC WORKS CENTER SAN DIEGO	NEW CONSTRUCTION (318 HOMES)		36,571	36,571	36,571	36,571
876	CALIFORNIA	FHC-AIR FORCE	VANDEMBERG AFB	FAMILY HOUSING (166 UNITS)		21,907	21,907	21,907	21,907
877	CONUS	UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED LOCATIONS	HOMEOWNERS ASSISTANCE	151,400	151,400	151,400	151,400
878	DISTRICT OF COLUMBIA	FHC-NAVY	PUBLIC WORKS CENTER WASHINGTON DC	NEW CONSTRUCTION (188 HOMES)		21,556	21,556	21,556	21,556
879	FLORIDA	FHC-NAVY	PUBLIC WORKS CENTER PENSACOLA	NEW CONSTRUCTION (SELF HELP/WAREHOUSE)		300	300	300	300
880	FLORIDA	FHC-AIR FORCE	TYNDALL AFB	INFRASTRUCTURE		5,732	5,732	5,732	5,732
881	FLORIDA	FHC-AIR FORCE	PATRICK AFB	FAMILY HOUSING (155 UNITS)		15,388	15,388	15,388	15,388
882	GEORGIA	FHC-NAVY	NAVAL SUBMARINE SUPPORT BASE KINGS	NEW CONSTRUCTION (CMH CNTR/SELF HLP/HHSE)		790	790	790	790
883	GEORGIA	FHC-AIR FORCE	ROBINS AFB	FAMILY HOUSING (118 UNITS)		7,424	7,424	7,424	7,424
884	HAWAII	FHC-ARMY	SCHOFIELD BARRACKS	NEW CONSTRUCTION (88)		13,000	13,000	13,000	13,000
885	HAWAII	FHC-ARMY	SCHOFIELD BARRACKS	NEW CONST(125)(18.0M) + REPL(135)(21.0M)		39,000	39,000	39,000	39,000
886	ILLINOIS	FHC-AIR FORCE	SCOTT AIR FORCE BASE	HOUSING RELOCATION, PHASE II		0	10,000	20,000	10,000
887	ITALY	FHC-AIR FORCE	COMISO AB	FAMILY HOUSING (460 UNITS)		20,200	20,200	20,200	0
888	LOUISIANA	FHC-AIR FORCE	BARKSDALE AFB	FAMILY HOUSING (118 UNITS)		8,578	8,578	8,578	8,578
889	MAINE	FHC-NAVY	NAS BRUNSWICK	NEW CONSTRUCTION (MOBILE HOME SPACES)		490	490	490	490
890	MARYLAND	FHC-ARMY	FORT MEADE	REPLACEMENT CONSTRUCTION (275)		26,000	26,000	26,000	26,000
891	MASSACHUSETTS	FHC-AIR FORCE	HANSCOM AFB	FAMILY HOUSING (48 UNITS)		5,135	5,135	5,135	5,135
892	MONTANA	FHC-AIR FORCE	MALMSTROM AFB	HOUSING OFFICE		581	581	581	581
893	NEVADA	FHC-ARMY	HAWTHORNE ARMY AMMO PLANT	DEMOLITION OF FAMILY HOUSING		0	500	0	500
894	NEW YORK	FHC-ARMY	U S MILITARY ACADEMY	REPLACEMENT CONSTRUCTION (100)		15,000	15,000	15,000	15,000
895	NORTH CAROLINA	FHC-ARMY	FORT BRAGG	REPLACEMENT CONSTRUCTION (224)		18,000	18,000	18,000	18,000
896	SCOTLAND	FHC-NAVY	NAVAL SECURITY GROUP ACTIVITY EDZEL	NEW CONSTRUCTION (40 HOMES)		6,000	0	0	0
897	TEXAS	FHC-AIR FORCE	DYESS AFB	HOUSING MAINTENANCE FACILITY		281	281	281	281
898	TEXAS	FHC-AIR FORCE	LACKLAND AFB	FAMILY HOUSING (111 UNITS)		8,770	8,770	8,770	8,770

#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE
					REQUEST	H. PASSED	S. PASSED	AGREEMENT
899	UNITED KINGDOM	FHC-NAVY	NAVAL ACTIVITIES LONDON	NEW CONSTRUCTION (81 HOMES)	15,470	15,470	15,470	15,470
900	VIRGINIA	FHC-NAVY	NAVAL AIR STATION OCEANA	NEW CONSTRUCTION (COMMUNITY CENTER)	860	860	860	860
901	VIRGINIA	FHC-NAVY	NAVAL COMPLEX NORFOLK	NEW CONSTRUCTION (392 HOMES)	50,674	50,674	50,674	50,674
902	VIRGINIA	FHC-AIR FORCE	LANGLEY AFB	HOUSING OFFICE	452	452	452	452
903	WASHINGTON	FHC-NAVY	NAVAL SUBMARINE BASE BANGOR	NEW CONSTRUCTION (290 HOMES)	27,438	27,438	27,438	27,438
904	WASHINGTON	FHC-NAVY	MAS WHIDBEY ISLAND	NEW CONSTRUCTION (106)	0	0	10,000	10,000
905	WASHINGTON	FHC-AIR FORCE	FAIRCHILD AFB	FAMILY HOUSING (1 UNIT)	184	184	184	184
906	WISCONSIN	FHC-ARMY	FORT MCCOY	REPLACEMENT CONSTRUCTION (16)	2,950	2,950	2,950	2,950
907	WYOMING	FHC-AIR FORCE	F E WARREN AFB	FAMILY HOUSING (104 UNITS)	10,572	10,572	10,572	10,572
908	WORLDWIDE UNSPECIFIED	FHC-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	67,530	69,630	77,630	77,630
909	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	INTEREST PAYMENTS	17	17	17	17
910	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	268,139	268,139	268,139	268,139
911	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	388,528	413,428	388,528	388,528
912	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	81,163	81,163	81,163	81,163
913	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,840	1,840	1,840	1,840
914	WORLDWIDE UNSPECIFIED	FHC-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	11,805	11,805	11,805	11,805
915	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	41,707	41,707	41,707	41,707
916	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	62,447	62,447	62,447	62,447
917	WORLDWIDE UNSPECIFIED	FHS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	281,348	281,348	281,348	281,348
918	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	36,904	36,904	36,904	36,904
919	WORLDWIDE UNSPECIFIED	FHC-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	22,924	22,924	22,924	22,924
920	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	87,769	87,769	87,769	87,769
921	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,133	1,133	1,133	1,133
922	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	113,308	113,308	113,308	113,308
923	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	45,347	45,347	45,347	45,347
924	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	88	88	88	88
925	WORLDWIDE UNSPECIFIED	FHC-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	190,696	190,696	183,135	183,135
926	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	355,554	380,554	355,554	355,554
927	WORLDWIDE UNSPECIFIED	FHS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	194,952	194,952	194,952	194,952
928	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	44,282	44,282	44,282	44,282
929	WORLDWIDE UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	28,183	28,183	28,183	28,183

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#	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE	
					REQUEST	H. PASSED	S. PASSED	AGREEMENT	
930	WORLDWIDE	UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	4,639	4,639	4,639	4,639
931	WORLDWIDE	UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	21	21	21	21
932	WORLDWIDE	UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	211,036	211,036	211,036	211,036
933	WORLDWIDE	UNSPECIFIED	FHC-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	9,901	11,901	9,901	11,901
934	WORLDWIDE	UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	403,942	419,892	403,942	403,942
935	WORLDWIDE	UNSPECIFIED	FHC-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	53,070	61,181	75,070	75,070
936	WORLDWIDE	UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	118,266	118,266	118,266	118,266
937	WORLDWIDE	UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	43,543	43,543	43,543	43,543
938	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UTILITIES ACCOUNT (DLA)	466	466	466	466
939	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	FURNISHINGS ACCOUNT (DLA)	1,865	1,865	1,865	1,865
940	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	SERVICES ACCOUNT (NSA)	366	366	366	366
941	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MISCELLANEOUS ACCOUNT (NSA)	26	26	26	26
942	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MANAGEMENT ACCOUNT (NSA)	62	62	62	62
943	WORLDWIDE	UNSPECIFIED	FHC-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	CONSTRUCTIONS IMPROVEMENTS (NSA)	50	50	50	50
944	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	FURNISHINGS ACCOUNT	71	71	71	71
945	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	UTILITIES ACCOUNT (NSA)	432	432	432	432
946	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MAINTENANCE OF REAL PROPERTY (DLA)	690	690	690	690
947	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	LEASING (DLA)	12,468	12,468	12,468	12,468
948	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MAINTENANCE OF REAL PROPERTY (NSA)	228	228	228	228
949	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	MANAGEMENT ACCOUNT (DLA)	158	158	158	158
950	WORLDWIDE	UNSPECIFIED	FHC-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	CONSTRUCTION IMPROVEMENTS (DLA)	109	109	109	109
951	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	FURNISHINGS ACCOUNT (DLA)	41	41	41	41
952	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	LEASING (NSA)	10,414	10,414	10,414	10,414
953	WORLDWIDE	UNSPECIFIED	FHS-DEFENSE AGENCIES	UNSPECIFIED LOCATIONS	SERVICES ACCOUNT (DLA)	50	50	50	50
954	WORLDWIDE	UNSPECIFIED	FHS-DEAUTHORIZATIONS	UNSPECIFIED LOCATIONS	DEAUTHORIZATIONS	0	0	0	(104,455)
955	WORLDWIDE	UNSPECIFIED	FHS-ARMY	UNSPECIFIED LOCATIONS	GENERAL REDUCTIONS	0	0	0	(15,081)
956	WORLDWIDE	UNSPECIFIED	FHS-NAVY	UNSPECIFIED LOCATIONS	GENERAL REDUCTIONS	0	0	0	(15,081)
957	WORLDWIDE	UNSPECIFIED	FHS-AIR FORCE	UNSPECIFIED LOCATIONS	GENERAL REDUCTIONS	0	0	0	(15,081)

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- 1/ Includes design of the following projects: \$720,000.00 for Emergency Response Center, Ft. Leonard Wood, MO; \$800,000.00 for MAVC for Army Intelligence Command Complex, Fort Meade, MD; \$750,000.00 for Industrial Operations Facility, Tobyhanna Army Depot, PA.; \$1.08 million for a consolidated Troop Medical/Dental Clinic, Ft. McPherson, Georgia; \$900,000.00 for a Rail Spur, Ft. Campbell, KY.
- 2/ Includes design of the following projects: \$5.1 million to provide nuclear capability to Naval Station, San Diego, CA; \$3 million for Combined War Gaming/Library at the Naval College, Newport Rhode Island; \$1.1 million for the Leonard Ranch Transfer Site, CA.
- 3/ Includes design of the following projects: \$2 million for officer's housing at Los Angeles AFB, CA; \$207,000.00 for Enlisted Housing Alterations at Vance AFB, OK; \$495,000.00 for Squadron Operations Building, Altus AFB, OK.; \$180,000.00 for KC-135 parking ramp, Malstrom AFB, MT.
- 4/ Includes design of the following projects: \$200,000.00 for economic feasibility study of renovation of Walter Reed Army Medical Center.
- 5/ Includes design of the following projects: \$264,000.00 for Barracks and Classrooms, Oklahoma Military Academy, Oklahoma City, OK; \$498,000.00, CH-47 maintenance hangar and parking, Lexington, OK.
- 6/ Includes design of the following projects: \$1.5 million for Army Reserve Center, Las Vegas, NV.
- 7/ Includes the following family housing improvements: Fort Lee, Virginia: \$2.1 million; Fort Richardson, Alaska: \$4.4 million; Fort Wainwright, AK: \$5.7 million.
- 8/ Includes the following family housing improvements: Kelly AFB, Texas: \$1.149 million; Nellis AFB, NV: \$15.1 million; Kirtland AFB, NM: \$6.9 million.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Both the House bill and the Senate amendment contained numerous provisions that would address the process of closing domestic military installations after they have been approved for closure. The provisions also would assist communities that are adversely impacted by these actions to reorient their economies and to begin to recover from the loss of defense and related jobs and tax revenues.

Many provisions were meant to address the particular needs of individual communities, while others attempted to establish broad policy and authorities to deal with the challenge of community economic recovery. The lack of policy guidelines has resulted in unnecessarily slow community responses to the significant challenge of reorienting the economies of these communities. It has also resulted in diverse responses by the affected military services that have often complicated the communities' problems rather than facilitated solutions.

Announced during Senate and House consideration of the defense authorization bill, President Clinton's five point plan for community recovery has provided a framework to the conferees. In drawing the best ideas from the Senate and House bills and from communities and other affected interests, the conferees attempted to follow these basic principles:

Community economic redevelopment in the face of defense base or plant closures is a complex regional challenge which merits priority attention and a coordinated inter-agency response by the federal government.

The primary responsibility for shaping and implementing this redevelopment rests with the local community.

The real and personal property associated with closing military bases is an asset to the nation's citizens. Follow-on use by the military services must be based upon documented current or future need. Assets not needed for these purposes should be used to meet other governmental needs, with a high priority given to the redevelopment needs of local communities.

The base closure and community redevelopment process is an emotional process with many conflicting goals and requirements. These interests include environmental concerns, support of the shelter needs of the homeless, the chronic shortage of low and modest income housing, and the need for various forms of prisons and drug rehabilitation centers. Statutes advancing community redevelopment needs and community redevelopment plans must take all these interests into account, balancing these conflicts when they arise.

Inasmuch as the country's economic strength is a national security asset, assistance to affected communities to aid their economic redevelopment is a legitimate defense expense.

While each affected community faces unique challenges, all should be provided uniform access to assistance, consistent with the extent of the economic impact they experience.

The conferees believe that the provisions contained in title XXIX provide the statutory flexibility to achieve economic recovery in affected communities within this policy framework.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Congressional findings (sec. 2901)

The Senate amendment contained a provision (sec. 2902) that would express congres-

sional findings related to the economic impact a base closure can have on a local community and the potential role of the federal government in helping the community redevelop the property.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify one of the findings.

Coordination of activities of other federal departments and agencies relating to installations to be closed (sec. 2901)

The Senate amendment contained a provision (sec. 2910) that would require the head of each federal department or agency with jurisdiction over any portion of the closure of a military installation to designate an individual to provide information and assistance to the installation's transition coordinator.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate the concepts contained in the Senate provision into another section of this act that would set forth congressional findings on the base closure process. The conferees believe that a point of contact at each involved federal agency would assist the communities involved in the redevelopment and reuse of closing bases.

Transfer of personal property at closing bases (sec. 2902)

The House bill contained a provision (sec. 2920) that would prohibit the Secretary of Defense from removing or disposing of any personal property at a closing military base until the Secretary approves an inventory of such property and the recognized community reuse group identifies items of use to the redevelopment of the closing military installation.

The Senate amendment contained a similar provision (sec. 2903).

The House recedes with an amendment that would direct the secretary of the military department to inventory a base's personal property within six months following the date a base is approved for closure. Following completion of the inventory, the secretary of the military department would be prohibited from removing personal property not needed for a military or other federal purpose until the local redevelopment authority had an opportunity to determine whether the personal property would be useful in the reuse of the base.

Authority to transfer property at closed installations to affected communities or states (sec. 2903)

The House bill contained a provision (sec. 2922) that would direct the Secretary of Defense to establish a pilot program to develop and evaluate the adequacy of economic revitalization criteria to govern the conveyance of certain surplus property at closed military installations, to local redevelopment authorities, in order to assist the surrounding communities recover from the closure of such bases. The program would also require the conveyance, at no cost, of all real and related personal property at certain closing installations to the local redevelopment authorities. The provision would require that pilot programs be conducted at the following installations: Naval Air Station Alameda, California; Naval Depot Alameda, California; Loring Air Force Base, Maine; Gentile Air Force Station, Ohio; and certain military facilities in Charleston, South Carolina.

The Senate amendment contained a provision (sec. 2904) that would allow the Secretary of Defense to transfer all or portions of a closing military base to a redevelopment

authority, or other governmental entity, at reduced cost or no cost, for economic redevelopment purposes. In addition, the provision would direct the Secretary of Defense to issue implementing regulations.

The House recedes with an amendment that would broaden the scope of the Secretary's discretion to transfer property and that would provide special help for rural communities in facing their economic redevelopment challenges. The expanded provision recommended by the conferees would benefit not only the communities surrounding the installations included in the House provision, but all similarly situated communities.

The Secretary shall prescribe regulations to implement this provision that take into account criteria such as the economic impact of closure, the financial condition of the community, and the prospects for redevelopment when determining the consideration, if any, that the transferee will provide for the property. The conferees recommend that the Secretary consult with the Administrator of the Economic Development Administration when evaluating the economic impact of closure, and the redevelopment plan.

In addition, the conferees direct the Secretary to maintain a record of the justification for each transfer at below estimated fair market value.

Expedited determination of transferability of excess property of installations to be closed (sec. 2904)

The Senate amendment contained a provision (sec. 2907) that would direct the Secretary of Defense to identify the property excess to the requirements of the Department of Defense and other federal agencies within six months after the date a base is finally approved for closure.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Availability of property and services for assisting the homeless (sec. 2905)

The Senate amendment contained a provision (sec. 2908) that would amend section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) to provide concurrent screening of surplus real property made available by base closures or realignments for use by other federal agencies and for use to support the homeless under the provisions of the Stewart B. McKinney Homeless Assistance Act (section 11301 et seq., title 42, United States Code).

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the period of time in which the property at closing military installations is available for screening by homeless providers. The provision would allow the same time periods as provided by the McKinney Act for screening and application for use by the homeless. This period of availability would begin at the conclusion of the screening period to determine whether the Department of Defense or any other federal agency has a need for all or part of the property at the closing military installation. Following the time provided for screening by homeless providers and the federal government, the remaining property at closing installations would be available for one year to allow the communities and the local redevelopment authority to identify those portions of the closing military installation that are suitable for redevelopment and reuse.

Leasing of real property at closing installations (sec. 2906)

The House bill contained a provision (sec. 2817) that would authorize the secretary of a military department to lease property at an installation to be closed or realigned at less than fair market value if the Secretary determines that a public benefit would accrue as a result of the lease.

The Senate amendment contained a similar provision (sec. 2905).

The Senate recedes with a technical amendment.

The conferees are sensitive to several competing interests related to closing bases which have environmentally contaminated property. One interest is the remediation of the contamination on an expedited basis and reducing or eliminating any health hazards associated with the contamination so the property can be transferred from federal control. Another interest is the community's desire to generate new jobs, often using facilities located on environmentally contaminated parcels of land. If the lease is too short, redevelopment prospects would be discouraged from making the necessary capital investment.

The conferees are concerned that the lease of this property while necessary to economic redevelopment, not hinder the expeditious cleanup of the contaminated portions of closing bases. The conferees urge the Department of defense to work closely with the environmental Protection Agency and the appropriate state agencies to ensure that the lease of contaminated property is consistent with the protection of public health and safety, and the environment. The leases should be for the length of time necessary to foster redevelopment but not so long as to discourage the cleanup of the property as expeditiously as possible.

Authority to contract for certain functions at installations being closed or realigned (sec. 2907)

The House bill contained a provision (sec. 2812) that would amend section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-536) and the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) to authorize base commanders at closing bases to contract for services such as fire-fighting and guard services without cost comparison studies.

The Senate amendment contained two similar provisions (secs. 2916 and 2919).

The conferees agree to delete Senate section 2916 and House section 2812. The House recedes to Senate section 2919 which would incorporate the intent of the two deleted provisions.

Authority to transfer property at military installations to be closed to persons conducting environmental restoration activities at the installation (sec. 2908)

The House bill contained a provision (sec. 2816) that would and section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526) and section 2905 of the Defense Base Realignment and Closure Act of 1990 (Public Law 101-510) to authorize the Secretary of Defense to transfer real property or facilities, without reimbursement, at a closed military installation to any person who agrees to conduct all environmental restoration, waste management, and environmental compliance required under federal and state laws, and pay all the associated costs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require agreements entered into under this authority to be made pursuant to regulations issued by the Secretary. In addition, the indemnification authority provided by section 330 of the National Defense Authorization Act for Fiscal Year 1993 would not be available for any transfers made pursuant to this section.

Availability of surplus military equipment (sec. 2909)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of Defense to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the communities' economic development efforts, and if such equipment does not have an alternative military use. The communities need not have been affected by the base closure process that began in 1988.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that the Secretary of Defense ought to provide surplus military equipment on a priority basis to U.S. communities that have suffered economic hardship from the closure of military bases, whether or not these closures occurred under the authorities of the Defense Base Closure Act of 1988 or 1990.

Identification of uncontaminated property at installations to be closed (sec. 2910)

The Senate amendment contained a provision (sec. 2913) that would direct the Secretary of Defense to expedite the identification of the clean portions of closing bases pursuant to the Community Environmental Response Facilitation Act of 1992. The provision also would require the Secretary to give preference to parcels where a reuse plan has been identified.

The House bill contained no similar provision.

The House recedes with an amendment that would direct expedited parcel identification to the maximum extent possible. The conferees expect the Secretary of Defense to announce the availability of uncontaminated parcels of land as soon as they have been identified, and not delay such announcements until all parcels on an installation or within a closure package are identified.

Compliance with certain environmental requirements relating to closure of installations (sec. 2911)

The Senate amendment contained a provision (sec. 2915) that would direct the Secretary of Defense to: (1) complete any necessary environmental impact statements within 12 months from the date a base closure community submits a single, final, redevelopment plan; and (2) base such an environmental impact statement on the final reuse plan prepared by the local community.

The House bill contained no similar provision.

Preference for local and small businesses (sec. 2912)

The House bill contained a provision (sec. 2821) that would authorize the Secretary of Defense to give preference to qualified businesses and small business concerns located in the vicinity of a closing military installation when awarding contracts for environmental restoration and mitigation at a military installation to be closed or realigned.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the coverage to small and disadvantaged businesses.

Assistance to affected states and communities through the Office of Economic Adjustment (sec. 2913)

The Senate amendment contained a provision (sec. 2912) that would authorize the Secretary of Defense, through the Office of Economic Adjustment, to make planning grants to local reuse authorities to support development and implementation of reuse plans. In addition, this provision would require that all grant applications be acted upon within seven days after the date they are received.

The House bill contained a similar provision (sec. 1321).

The House recedes with an amendment that would clarify that the time for consideration of applications for planning grants is seven days, and the time for consideration of applications for assistance for community adjustments and economic diversification is 30 days.

Clarification of utilization of funds for community economic adjustment assistance (sec. 2914)

The Senate amendment contained a provision (sec. 2917) that would clarify that up to three percent of the funds made available to the Economic Development Administration for economic adjustment assistance pursuant to section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) could be used for administrative purposes.

The House bill contained no similar provision.

The House recedes.

Transition coordinates for assistance to communities affected by the closure of installations (sec. 2915)

The Senate amendment contained a provision (sec. 2909) that would direct the Secretary of Defense to appoint an on-site transition coordinator for each closing installation. This coordinator would serve as a single point of contact for all federal base disposal, cleanup, and reuse activities, and would chair the base property disposal, cleanup, and disposal team.

The House bill contained no similar provision.

The House recedes.

Sense of Congress on seminars on reuse or redevelopment of property at installations to be closed (sec. 2916)

The Senate amendment contained a provision (sec. 2914) that would direct the Secretary to conduct seminars in communities in which a military installation to be closed or realigned is located. The seminars would present information on the various federal programs that are available to help the communities adjust to the loss of a base.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that the Secretary of Defense should conduct such seminars so that the communities are fully aware of the federal assistance that is available to them, such as job placement assistance.

Feasibility study to guarantee assistance to adversely affected communities (sec. 2917)

The House bill contained a provision (sec. 1321(c)) that would direct the Secretary of Defense to study the feasibility of assisting local communities recovering from the adverse economic impact of the closure or

major realignment of a military installation by reserving 10 percent of the total projected savings, realized in the first 10 years after closure, to be used for community assistance grants.

The Senate amendment contained no similar provision.

The Senate recedes.

Military base closure and realignment definitions (sec. 2918)

The Senate amendment contained a provision (sec. 2918) that would define certain terms and phrases relating to military base closures and realignments.

The House bill contained no similar provision.

The House recedes with an amendment that would provide additional relevant definitions.

Base closure account management flexibility (sec. 2921)

The House bill contained a provision (sec. 2811) that would amend section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-256) and section 2906 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to authorize the merger of the 1988 base closure and realignment (BRAC) account with the 1990 BRAC account when the 1988 account expires. The provision also includes a technical correction that would extend the life of the 1990 BRAC account to coincide with the expiration of the Secretary of Defense's authority to carry out a closure or realignment under the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation of expenditure of funds from the Defense Base Closure Account 1990 for military construction in support of transfers of functions (sec. 2922)

The Senate amendment contained a provision (sec. 2813) that would preclude the Secretary of Defense from using Base Closure Account 1990 funds for the construction of facilities that will support the relocation of activities from installations approved for closure or realignment under the Defense Base Closure Act of 1990, if the sites that are to receive such activities differ from those the Secretary documents as part of his justification for such closure and realignment recommendations to the Defense Base Closure and Realignment Commission. If the Secretary decides to alter the planned relocation of such activities, he would have to notify the Committees on Armed Services of the Senate and the House of Representatives of the new location and rationale for the change.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the waiver of any related legislation.

Modification of requirement for reports on activities of the Defense Base Closure Account 1990 (sec. 2923)

The Senate amendment contained a provision (sec. 2811) that would amend the content of the annual report of receipts and expenditures of the Department of Defense Base Closure Account 1990 contained in section 2906 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510). The provision would require the Department of Defense to report to the congressional defense committees the overall spending and funding

information for the report year by military service, and specific construction project data related to each military installation affected by these closures and realignments.

The House bill contained no similar provision.

The House recedes.

Additional report on residual value of overseas military installations that are closed (sec. 2924)

The Senate amendment contained a provision (sec. 2815) that would amend the annual report requirement regarding overseas military bases contained in section 1304 of the National Defense Authorization Act for Fiscal Year 1993 to include additional site specific data. After this report is published, the Comptroller General shall report to the Committees on Armed Services of the Senate and the House of Representatives on the overall accuracy of the Department of Defense report.

The House bill contained no similar provision.

The House recedes.

Sense of Congress on development of base closure criteria (sec. 2925)

The Senate amendment contained a provision (sec. 2812) that would direct the Secretary of Defense to consider, in proposing criteria to be used in selecting military bases for closure and realignment under the Defense Base Closure and Realignment Act of 1990, the direct costs of such closure or realignment actions to other federal government agencies and to estimate to the extent possible, similar state and local government costs.

The House amendment contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that the Secretary of Defense should consider, to the extent feasible, the direct costs of base closures and realignments on state and local government and other federal agencies.

Modification of procedure for making recommendations for base closures and realignments (sec. 2926)

The conferees agree to a provision that would amend subsection (c)(1) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-150). The amendment would change the deadline from March 15, 1995 to March 1, 1995, when the Secretary of Defense must transmit to the Defense Base Closure and Realignment Commission and the Congress the list of military installation inside the United States that the Secretary would recommend for closure or realignment.

Not later than seven days after transmittal, the Secretary would be required to submit to Congress a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation. The amendment would further provide that any information provided to the Commission by the Secretary must also be submitted to Congress within 24 hours.

If the Commission proposes changes in the recommendations submitted by the Secretary of Defense, such changes would have to be published in the Federal Register not less than 45 days before the Commission transmits its recommendations to the President on July 1.

Public purpose extensions (sec. 2927)

The House bill contained a provision (sec. 1050) that would amend section 203 of the

Federal Property and Administrative Services Act of 1949 (section 484 of title 40, United States Code). This provision would authorize the Secretary of Transportation, after consultation with the Secretary of Defense and the General Services Administrator, to convey, at no cost, surplus real property (including buildings, fixtures, and equipment) located on closing military installations to state and local governments, political subdivisions, U.S. territories, and the District of Columbia for the development or operation of a port facility.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority regarding financial institution on closed military installations to include all depository institutions (sec. 2928)

The House bill contained a provision (sec. 2815) that would amend section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to expand its applicability to all depository institutions, and to provide the right of first refusal to purchase facilities the depository institutions had constructed or significantly modified.

The Senate amendment contained no similar provision.

The Senate recedes.

Electric power allocation and economic development at certain military installations to be closed in the states of California (sec. 2929)

The House bill contained a provision (sec. 2818) that would require, for a 10-year period beginning on the date of the enactment of this act, electric power allocations provided by the Western Area Power Administration (WAPA) from the Central Valley Project (CVP) to closing military installations in California to be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or slated for closure.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow any power not disposed of under this provision to be made available, on a temporary basis during the 10-year reservation period, to military installations in the state of California. The amendment would further provide that the Secretary of Energy, in consultation with the Secretary of Defense, shall submit to Congress a report with recommendations regarding the disposition of electric power allocations provided by the Federal Power Marketing Administration to other military installations closed or approved for closure. The report shall consider the option of using such power to promote economic development at closed military installations.

Testimony before the Defense Base Closure and Realignment Commission (sec. 2930)

The House bill contained a provision (sec. 2814) that would require that all testimony before the Base Closure and Realignment Commission be given under oath.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Consideration of local and regional economic needs as part of the disposition of real property and facilities under base closure laws

The House bill contained a provision (sec. 1324) that would encourage the Secretary of Defense to consider local and regional economic needs in the disposition of real property under the Base Closure Acts of 1988 and

1990. In addition, the provision would require the Secretary to employ a specific set of criteria in evaluating the adequacy of local redevelopment plans.

The Senate amendment contained no similar provision.

The Senate recedes by incorporating the objective of the House provision within the real property disposal provision in title XXIX of this act. While the conferees declined to mandate criteria by which the Secretary should evaluate local economic development plans, they believe that the Secretary should carefully consider the factors contained in the House provision (e.g. the severity of the direct and indirect dislocation to the local economy and tax base, the potential for job creation, and the timeliness of a plan's mitigation efforts.).

Expansion of base closure law to include consideration of military installations outside the United States for closure and realignment

The House bill contained a provision (sec. 2819) that would amend the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101-510) to require the Secretary of Defense and the Defense Base Closure and Realignment Commission (BRAC) to include recommendations for the termination and reduction of military operations carried out by the United States at military installations outside the United States. The provision would further provide that, unless 25 percent of the bases recommended for closure by BRAC in 1995 are installations located outside the United States, no bases would be closed in 1995.

The Senate amendment contained no similar provision.

The House recedes.

The conferees urge the Secretary of Defense to continue to reduce the overseas base structure as much and as quickly as possible.

Base disposal management cooperative agreement

The House bill contained a provision (sec. 2823) that would authorize the Secretary of Defense, in consultation with affected local communities, to select from one to 10 site managers to assist the Secretary in managing various activities associated with the closure or realignment of a military installation.

The Senate amendment contained no similar provision.

The House recedes.

Justification of recommendations for closure or realignment of installations previously considered for closure or realignment

The Senate amendment contained a provision (sec. 2816) that would specify additional rationale by which the Secretary would justify the recommended closure or realignment of a military installation whose closure or realignment has been previously rec-

ommended by the Secretary of Defense, but rejected by a previous Defense Base Closure and Realignment Commission.

The House bill contained no similar provision.

The Senate recedes.

Reports on costs of the closure or realignment of military installations

The Senate amendment contained a provision (sec. 2818) that would require the Secretary of Defense to submit a report to the congressional defense committees on the estimated costs of activities related to the closure or realignment of major installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990. The provision would also provide additional cost monitoring in those cases in which the net closure costs exceed by 50 percent the estimate used to initially justify such a closure or realignment.

The House bill contained no similar provision.

The Senate recedes.

Consultation requirement for local reuse authorities and governments

The Senate amendment contained a provision (sec. 2819) that would amend section 2907 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) by requiring the local reuse authorities or local governments to submit a certification to the Secretary of Defense that DOD civilian employees, regional and local chambers of commerce, and appropriate representatives of governmental entities in the impacted region have been consulted regarding the plan for reutilization or redevelopment of a military installation approved for closure.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that local reuse authorities should be constituted and consult with the widest possible spectrum of groups who are affected by base closures or realignments, or who have an interest in reuse. Such development authorities should consult with the impacted regional political subdivisions, groups representing the housing needs of the homeless and low/moderate income residents, and other social organizations. The conferees believe that, because the closing military installations were developed with federal resources, they should be reused to further compatible federal goals to the maximum extent possible.

Delegation of authority to enter into leases of certain property

The Senate amendment contained a provision (sec. 2906) that would direct the Secretary of each military service to delegate the authority to lease base closure property that would be provided in section 2905 of the Senate amendment to the heads of the field installation level, such as base commanders.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that recent DOD policy requiring the approval of the Deputy Secretary of Defense of leases associated with closing bases has been rescinded. The underlying lease authority rests with the secretaries of the military services. The conferees encourage the delegation of this authority to the level of command that can best respond to local redevelopment needs and still exercise prudent and consistent stewardship over these public assets.

Community response board

The Senate amendment contained a provision (sec. 2911) that would require the Secretary of Defense to establish a community response board with respect to the closure of military installations. The board would meet three times a year to receive comments from base redevelopment authorities, propose possible solutions to any problems encountered in the reuse plan, and report to the President any comments and solutions the board has proposed.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that the Department of Defense should establish a forum or process, involving all relevant federal agencies, where local communities and redevelopment authorities can raise problems that they encounter as they work to redevelop and reuse the closing bases. This process should provide a mechanism for identifying and correcting systemic and unique problems with the redevelopment and reuse process. The conferees also expect such a process to identify suggestions for legislative initiatives that would amend the statutes governing the redevelopment and reuse of the closing bases.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A of Title XXXI of Division C of the House bill would authorize appropriations for the Department of Energy national security programs in the amount of \$11.0 billion.

Subtitle A of Title XXXI of Division C of the Senate amendment would authorize appropriations in the amount of \$11.3 billion for these purposes.

The conferees recommend an authorization of \$10.9 billion.

The budget request, the authorizations contained in the House bill and the Senate amendment, and the conference agreement are presented in the following tables.

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
Summary					
Weapons Activities	3,770.965	3,597.965	3,697.582	-175.767	3,595.198
Operating Expenses	3,768.954	3,662.954	3,735.571	-126.657	3,642.297
Construction	232.618	232.618	232.618	-4.110	228.508
Capital Equipment	123.034	123.034	123.034	-5.000	118.034
Adjustments	-353.641	-420.641	-393.641	-40.000	-393.641
Defense Environmental Restoration & Waste Mgmt.	5,465.877	5,253.377	5,301.232	-284.022	5,181.855
Operating Expenses	4,832.213	4,832.213	4,782.213	86.665	4,918.878
Construction	516.438	516.438	401.793	-90.687	425.751
Capital Equipment	203.826	203.826	203.826		203.826
Adjustments	-86.600	-299.100	-86.600	-280.000	-366.600
Materials Support & Other Defense Programs	2,164.185	2,059.185	2,114.185	-200.430	1,963.755
Operating Expenses	2,221.039	2,226.039	2,171.039	-38.724	2,182.315
Construction	194.445	194.445	194.445	-16.560	177.885
Capital Equipment	141.833	141.833	141.833	-10.209	131.624
Adjustments	-393.132	-503.132	-393.132	-134.937	-528.069
Defense Nuclear Waste Disposal	120.000	120.000	120.000		120.000
Operating Expenses	120.000	120.000	120.000		120.000
New Tritium Production and Plutonium Disposition			40.000		
Operating Expenses			40.000		
Total, DOE Defense Activities	11,521.027	11,030.527	11,272.999	-660.219	10,860.808
Operating Expenses	10,942.206	10,841.206	10,848.823	-78.716	10,863.490
Construction	943.501	943.501	828.856	-111.357	832.144
Capital Equipment	468.693	468.693	468.693	-15.209	453.484
Adjustments	-833.373	-1,222.873	-873.373	-454.937	-1,288.310

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
Weapons Activities					
Operating Expenses					
Research and Development	1,119.325	1,119.325	1,152.325	10.000	1,129.325
Technology Transfer	[203.000]		[243.000]		[223.000]
Testing	428.383	222.383	375.000	-211.057	217.326
Stockpile Stewardship		100.000		157.400	157.400
Stockpile Support	1,802.280	1,802.280	1,792.280	-10.000	1,792.280
Program Direction	280.466	280.466	277.466	-103.000	177.466
Complex Reconfiguration	138.500	138.500	138.500	30.000	168.500
New Tritium Production/Plutonium Disposition				[30.000]	[30.000]
Total, Operating Expenses	3,768.954	3,662.954	3,735.571	-126.657	3,642.297
Construction					
Research and Development					
GPD-101, general plant projects, various locations	11.500	11.500	11.500		11.500
94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations	11.110	11.110	11.110	-7.110	4.000
92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations	27.479	27.479	27.479		27.479
90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations	30.805	30.805	30.805		30.805
88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico					

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations	39.624	39.624	39.624		39.624
Total, Research and Development	120.518	120.518	120.518	-7.110	113.408
Testing					
GPD-101, general plant projects, various locations	5.000	5.000	5.000		5.000
93-D-102, Nevada support facility, North Las Vegas, Nevada	4.000	4.000	4.000		4.000
85-D-105, combined device assembly facility, Nevada Test Site, Nevada					
Total, Testing	9.000	9.000	9.000		9.000
Stockpile Support					
GPD-121, general plant projects, various locations	7.700	7.700	7.700		7.700
94-D-124, hydrogen fluoride supply system, Oak Ridge Y-12 Plant, Oak Ridge, Tennessee	5.000	5.000	5.000		5.000
94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri	1.000	1.000	1.000		1.000
94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas	1.000	1.000	1.000		1.000
94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas	0.800	0.800	0.800		0.800
93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee	5.000	5.000	5.000		5.000

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Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
92-D-122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado					
92-D-123, plant fire/security alarm system replacement, Rocky Flats Plant, Golden, Colorado					
92-D-126, replace emergency notification systems, various locations	10.500	10.500	10.500		10.500
91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado					
90-D-126, environmental, safety, and health enhancements, various locations					
88-D-122, facilities capability assurance program (FCAP), various locations	27.100	27.100	27.100		27.100
88-D-123, security enhancement, Pantex Plant, Amarillo, Texas	20.000	20.000	20.000		20.000
86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina					
85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee				3.000	3.000
Total, Stockpile Support	78.100	78.100	78.100	3.000	81.100
Complex Reconfiguration					
93-D-123, Complex-21, various locations	25.000	25.000	25.000		25.000
Total, Construction	232.618	232.618	232.618	-4.110	228.508

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
Capital Equipment					
Research and Development	82.879	82.879	82.879		82.879
Testing	24.400	24.400	24.400	-5.000	19.400
Stockpile Support	12.136	12.136	12.136		12.136
Program Direction	3.619	3.619	3.619		3.619
Total, Capital Equipment	123.034	123.034	123.034	-5.000	118.034
Adjustments					
Anticipated Savings			-40.000		
Contractor Employment Transition				100.000	100.000
Use of prior year balances	-353.641	-400.641	-353.641	-90.000	-443.641
Salary Reduction				-50.000	-50.000
General Reduction		-20.000			
Total, Adjustments	-353.641	-420.641	-393.641	-40.000	-393.641
Total, Weapons Activities	3,770.965	3,597.965	3,697.582	-175.767	3,595.198

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
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Defense Environmental Restoration & Waste Mgmt.

Operating Expenses

Corrective Activities					
Environment					
Defense Programs					
Undesignated	2.170	2.170	2.170		2.170
Environmental Restoration	1,536.027	1,536.027	1,536.027		1,536.027
Waste Management	2,275.441	2,275.441	2,275.441	86.665	2,362.106
Technology Development	371.150	371.150	361.150		371.150
Transportation Management	19.730	19.730	19.730		19.730
Program Direction	82.427	82.427	82.427		82.427
Facility Transition	545.268	545.268	545.268		545.268
General Reduction			-40.000		
Total, Operating Expenses	4,832.213	4,832.213	4,782.213	86.665	4,918.878

Construction

Corrective Activities					
GPD-171, general plant projects					
Environment, various locations					
Defense, various locations					
92-D-402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, Livermore, California					
92-D-403, tank upgrade project, Lawrence Livermore National Laboratory, California	3.888	3.888	3.888		3.888
90-D-103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, California					

Fiscal Year 1994 Department of Energy
National Security Programs
[Amounts in millions of dollars]

	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
Total, Corrective Activities	3.888	3.888	3.888		3.888
Waste Management					
GPD-171, general plant projects, various locations	29.794	29.794	29.794	-0.835	28.959
94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico	1.000	1.000	1.000		1.000
94-D-402, liquid waste treatment system, Nevada Test Site, Nevada	0.491	0.491	0.491	1.623	2.114
94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee	9.400	9.400	9.400		9.400
94-D-405, central neutralization facility pipeline extension project, K-25, Oak Ridge, Tennessee	1.714	1.714	1.714		1.714
94-D-406, low-level waste disposal facilities, K-25, Oak Ridge, Tennessee	6.000	6.000	6.000		6.000
94-D-407, initial tank retrieval systems, Richland, Washington	7.000	7.000	7.000		7.000
94-D-408, office facilities - 200 East, Richland, Washington	1.200	1.200	1.200		1.200
94-D-411, solid waste operation complex, Richland, Washington	7.100	7.100	7.100		7.100

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Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
94-D-414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California	0.370	0.370	0.370		0.370
94-D-416, solvent storage tanks installation, Savannah River, South Carolina	1.500	1.500	1.500		1.500
94-D-417, intermediate level and low activity waste vaults, Savannah River Site, Aiken, South Carolina	1.000	1.000	1.000	-1.000	
93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho					
93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee	3.500	3.500	3.500		3.500
93-D-175, industrial waste compaction facility, Y-12 Plant, Oak Ridge, Tennessee	1.800	1.800	1.800		1.800
93-D-176, Oak Ridge reservation storage facility, Oak Ridge, Tennessee	6.039	6.039	6.039		6.039
93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-25, Oak Ridge, Tennessee	7.100	7.100	7.100		7.100
93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado	1.000	1.000	1.000		1.000
93-D-180, environmental monitoring-RCRA groundwater monitoring installation, Richland, Washington					
93-D-181, radioactive liquid waste line replacement, Richland, Washington	6.700	6.700	6.000	-0.700	6.000

Fiscal Year 1994 Department of Energy
National Security Programs
[Amounts in millions of dollars]

	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
93-D-182, replacement of cross-site transfer system, Richland, Washington	6.500	6.500	6.500		6.500
93-D-183, multi-tank waste remediation facility, Richland, Washington	52.615	52.615	25.660	-6.955	45.660
93-D-184, 325 facility compliance/renovation, Richland, Washington					
93-D-185, landlord program safety compliance, Phase II, Richland, Washington					
93-D-186, 200 area unsecured core area fabrication shop, Richland, Washington					
93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina	13.230	13.230	13.230	-10.230	3.000
93-D-188, new sanitary landfill, Savannah River, South Carolina	1.020	1.020	1.020		1.020
92-D-171, mixed waste receiving and storage, Los Alamos National Laboratory, Los Alamos, New Mexico					
92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas	0.300	0.300	0.300		0.300
92-D-173, NO _x abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho	10.000	10.000	10.000		10.000

Fiscal Year 1994 Department of Energy
National Security Programs
[Amounts in millions of dollars]

	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
92-D-177, tank 101-AZ waste retrieval system, Richland, Washington	7.000	7.000	7.000		7.000
92-D-180, inter-area line upgrade, Savannah River, Aiken, South Carolina					
92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho					
92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho					
92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho					
92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington					
92-D-185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington					
92-D-187, 300 area electrical distribution conversion and safety improvements, Phase II, Richland, Washington					
92-D-188, waste management environment, safety and health (ES&H), and compliance activities, various locations	8.568	8.568	8.568		8.568
91-D-171, waste receiving and processing facility, module 1, Richland, Washington	17.700	17.700	17.700		17.700

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
91-D-172, high-level waste tank farm replacement Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho	3.213	3.213	3.213	-	3.213
91-D-173, hazardous low-level waste processing tanks, Savannah River, South Carolina	5.189	5.189	5.189	-	5.189
91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington	10.580	10.580	10.580	-	10.580
90-D-172, aging waste transfer line, Richland, Washington	5.600	5.600	5.000	-0.600	5.000
90-D-174, decontamination laundry facility, Richland, Washington					
90-D-175, landlord program safety compliance-I, Richland, Washington	82.000	82.000			82.000
90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina	1.000	1.000	1.000	-	1.000
90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho	21.700	21.700	21.700	-	21.700
89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee	1.900	1.900	1.900	-	1.900
89-D-172, Hanford environmental compliance, Richland, Washington	11.700	11.700	11.700	-	11.700

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
89-D-173, tank farm ventilation upgrade, Richland, Washington	1.800	1.800	1.000	-0.800	1.000
89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina	23.974	23.974	23.974	-11.000	12.974
89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina	7.000	7.000	7.000	-7.000	
88-D-173, Hanford waste vitrification plant, Richland, Washington	85.000	85.000		-45.000	40.000
87-D-180, burial ground expansion, Savannah River, South Carolina					
87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina	2.137	2.137	2.137	-0.800	2.137
86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California	10.260	10.260	10.260		10.260
83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina	9.769	9.769	9.769	-7.600	2.169
81-T-105, defense waste processing facility, Savannah River, South Carolina	43.873	43.873	43.873		43.873
Total, Waste Management	432.454	432.454	318.399	-90.097	342.357
Technology Development					
91-EM-100, environmental and molecular sciences laboratory, Richland, Washington					

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
Facility Transition & Management					
GPD-171, general plant projects, various locations	19.221	19.221	19.221	-0.280	19.221
94-D-122, underground storage tanks, Rocky Flats, Colorado	0.700	0.700	0.700		0.700
94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho	1.190	1.190	0.600	-0.590	0.600
94-D-412, 300 area process sewer piping upgrade Richland, Washington	1.100	1.100	1.100		1.100
94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho	1.110	1.110	1.110		1.110
94-D-451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado	6.600	6.600	6.600		6.600
93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho	9.600	9.600	9.600		9.600
93-D-184, 325 facility compliance/renovation, Pacific Northwest Laboratory, Richland, Washington	3.500	3.500	3.500		3.500
93-D-185, landlord program safety compliance, Phase II, Richland, Washington	1.351	1.351	1.351		1.351
92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado	3.900	3.900	3.900		3.900

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
92-D-181, fire and safety improvements, Idaho National Engineering Laboratory, Idaho	5.000	5.000	5.000		5.000
92-D-182, sewer systems upgrade, Idaho National Engineering Laboratory, Idaho	1.450	1.450	1.450		1.450
92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho	7.198	7.198	7.198		7.198
92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington	0.300	0.300	0.300		0.300
92-D-186, steam system rehabilitation, Phase II, Richland, Washington	4.300	4.300	4.300		4.300
92-D-187, 300 area electrical distribution conversion and safety improvements, Phase II, Richland, Washington	10.276	10.276	10.276		10.276
91-D-175, 300 area electrical distribution conversion and safety improvements, Phase I, Richland, Washington	1.500	1.500	1.500		1.500
90-D-175, landlord program safety compliance, Phase I, Richland, Washington	1.800	1.800	1.800		1.800
Total, Facility Transition & Management	80.096	80.096	79.506	-0.590	79.506
Total, Construction	516.438	516.438	401.793	-90.687	425.751

Fiscal Year 1994 Department of Energy
National Security Programs
[Amounts in millions of dollars]

Capital Equipment

- Corrective Activities
- Environment
- Defense Programs
- Undesignated

- Waste Management
- Technology Development
- Transportation Management
- Program direction
- Facility Transition & Management

Total, Capital Equipment

Adjustments

- General Reduction
- Use of prior year balances

Total, Adjustments

Total, Defense Environmental Restoration & Waste

	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
Corrective Activities					
Environment					
Defense Programs					
Undesignated	0.600	0.600	0.600		0.600
Waste Management	138.781	138.781	138.781		138.781
Technology Development	29.850	29.850	29.850		29.850
Transportation Management	0.400	0.400	0.400		0.400
Program direction	9.469	9.469	9.469		9.469
Facility Transition & Management	24.726	24.726	24.726		24.726
Total, Capital Equipment	203.826	203.826	203.826		203.826
Adjustments					
General Reduction		-125.000	-125.000	-280.000	-280.000
Use of prior year balances	-86.600	-174.100	-86.600		-86.600
Total, Adjustments	-86.600	-299.100	-86.600	-280.000	-366.600
Total, Defense Environmental Restoration & Waste	5,465.877	5,253.377	5,301.232	-284.022	5,181.855

Fiscal Year 1994 Department of Energy
National Security Programs
[Amounts in millions of dollars]

FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
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Materials Support & Other Defense Programs

Operating Expenses

Materials Support					
Reactor operations	168.495	168.495	168.495		168.495
Processing of nuclear materials	387.628	387.628	387.628		387.628
Supporting services	282.073	282.073	282.073	-22.073	260.000
Program direction	62.970	62.970	15.770	-5.970	57.000
Total, Materials Support	901.166	901.166	853.966	-28.043	873.123
Verification and Control Technology	344.741	349.741	341.941	-2.800	341.941
Nuclear Safeguards and Security	86.246	86.246	86.246	-3.546	82.700
Security Investigations	53.335	53.335	53.335	-4.335	49.000
Office of Security Evaluations	14.961	14.961	14.961		14.961
Office of Nuclear Safety	24.859	24.859	24.859		24.859
Worker Training and Adjustment	100.000	100.000	100.000		100.000
New Production Reactors					
Naval Reactors					
Plant development	124.900	124.900	124.900		124.900
Reactor development	316.531	316.531	316.531		316.531
Reactor operation and evaluation	166.000	166.000	166.000		166.000
Program direction	18.300	18.300	18.300		18.300
Enrichment materials	70.000	70.000	70.000		70.000
Total, Naval Reactors	695.731	695.731	695.731		695.731
Total, Operating Expenses	2,221.039	2,226.039	2,171.039	-38.724	2,182.315
Construction					
Materials Support					
GPD-146, general plant projects, various locations	31.760	31.760	31.760	-8.760	23.000

Fiscal Year 1994 Department of Energy
National Security Programs
[Amounts in millions of dollars]

	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
93-D-147, domestic water system upgrade, Phase I & II, Savannah River, South Carolina	7.720	7.720	7.720		7.720
93-D-148, replace high-level drain lines, Savannah River, South Carolina	1.800	1.800	1.800		1.800
93-D-152, environmental modification for production facilities, Savannah River, South Carolina	20.000	20.000	20.000		20.000
93-D-153, uranium recovery hydrogen fluoride system upgrade, Y-12 Plant, Oak Ridge, Tennessee	3.100	3.100	3.100		3.100
92-D-140, F & H canyon exhaust upgrades, Savannah River, South Carolina	15.000	15.000	15.000		15.000
92-D-141, reactor seismic improvements, Savannah River, South Carolina					
92-D-142, nuclear material processing training center, Savannah River, South Carolina	8.900	8.900	8.900		8.900
92-D-143, health protection instrument calibration facility, Savannah River, South Carolina	9.600	9.600	9.600		9.600
92-D-150 operations support facilities, Savannah River, South Carolina	26.900	26.900	26.900		26.900
92-D-153, engineering support facility, Savannah River, South Carolina	9.500	9.500	9.500		9.500

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
90-D-141, Idaho Chemical Processing Plant (ICPP) fire protection, Idaho National Engineering Laboratory, Idaho	58.300	58.300	58.300		58.300
90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina	25.950	25.950	25.950		25.950
90-D-150, reactor safety assurance, Phases I, II, and III, Savannah River, South Carolina	8.900	8.900	8.900		8.900
89-D-140, additional separations safeguards, Savannah River, South Carolina					
89-D-148, improved reactor confinement system, Savannah River, South Carolina	12.000	12.000	12.000		12.000
86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations	3.700	3.700	3.700		3.700
86-D-152, reactor electrical distribution system, Savannah River, South Carolina	50.000	50.000	50.000		50.000
85-D-145, fuel production facility, Savannah River, South Carolina	1.800	1.800	1.800		1.800
Total, Materials Support	160.830	160.830	160.830	-8.760	152.070
Verification and control technology	3.350	3.350	3.350		3.350
90-D-186 center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico	8.515	8.515	8.515		8.515
Total, Verification and control technology	8.515	8.515	8.515		8.515

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
Nuclear Safeguards and Security					
GPD-186, general plant projects, Central Training Academy, Albuquerque, New Mexico	150.000	150.000	150.000		150.000
Total, Nuclear Safeguards and Security					
Total, New Production Reactors	194.445	194.445	194.445	-16.560	177.885
Naval Reactors					
GPN-101, general plant projects, various locations	7.500	7.500	7.500		7.500
93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York	7.000	7.000	7.000		7.000
92-D-200, laboratories facilities upgrades, various locations	2.800	2.800	2.800		2.800
90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho	7.800	7.800	7.800	-7.800	
90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho					
90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York					
Total, Naval Reactors	25.100	25.100	25.100	-7.800	17.300
Total, Construction	194.445	194.445	194.445	-16.560	177.885

Fiscal Year 1994 Department of Energy National Security Programs [Amounts in millions of dollars]	FY 1994 Authorization Request	FY 1994 House Authorization	FY 1994 Senate Authorization	Conference +/- Request	FY 1994 Conference Authorization
Capital Equipment					
Materials Support	75.209	75.209	75.209	-10.209	65.000
Verification and control technology	15.573	15.573	15.573		15.573
Nuclear Safeguards and Security	4.101	4.101	4.101		4.101
Office of Nuclear Safety	0.050	0.050	0.050		0.050
New Production Reactors					
Naval Reactors	46.900	46.900	46.900		46.900
Total, Capital Equipment	141.833	141.833	141.833	-10.209	131.624
Adjustments					
Education programs	58.000	58.000	58.000	-58.000	
Savannah River Pension Refund	-100.000	-100.000	-100.000		-100.000
Anticipated Savings (materials support)					
Salary Reduction				-18.937	-18.937
Use of prior year balances	-351.132	-351.132	-351.132	-58.000	-409.132
General reduction (materials support)		-110.000			
Total, Adjustments	-393.132	-503.132	-393.132	-134.937	-528.069
Total, Materials Support & Other Defense Programs	2,164.185	2,059.185	2,114.185	-200.430	1,963.755
Defense Nuclear Waste Disposal					
Operating Expenses	120.000	120.000	120.000		120.000
New Tritium Production and Plutonium Disposition			40.000		
Operating Expenses			83.000		
Use of Prior Year Balances			-43.000		

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Weapons activities (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize \$3.598 billion for operating expenses, plant projects, and capital equipment for weapons activities necessary to carry out the Department of Energy national security programs.

The Senate amendment contained a provision (sec. 3101) that would authorize \$3.698 billion.

The conferees recommend \$3.595 billion for weapons activities.

Environmental restoration and waste management (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize \$5.253 billion for operating expenses, plant projects, and capital equipment for defense environmental restoration and waste management activities.

The Senate amendment contained a provision (sec. 3103) that would authorize \$5.301 billion.

The conferees recommend \$5.182 billion for defense environmental restoration and waste management activities.

Nuclear materials support and other defense programs (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize \$2.059 billion for operating expenses, plant projects, and capital equipment for nuclear materials support and other defense programs.

The Senate amendment contained a provision (sec. 3104) that would authorize \$2.114 billion.

The conferees recommend \$1.964 billion for nuclear materials support and other defense programs.

Defense nuclear waste disposal (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize \$120.0 million for operating expenses incurred in carrying out the nuclear waste fund program.

The Senate amendment contained a provision (sec. 3105) that would authorize \$120.0 million for payment to the nuclear waste fund.

The conferees recommend \$120.0 million for payment to the nuclear waste fund.

Economic adjustment assistance (sec. 3102)

The House bill contained a provision (sec. 3103(e)) that would provide that \$6.0 million of the funds available for worker training and adjustment pursuant to section 3103(a)(7) of the House bill would be available for economic assistance and development funding for local counties containing the Department of Energy Savannah River Site property. To the extent practicable, the amount of assistance would be distributed as follows: (1) \$1.0 million to plan community adjustments and economic diversification; and (2) \$5.0 million to carry out a community adjustment and economic diversification program.

The Senate amendment contained no similar provision.

The Senate recedes.

Technology transfer funds at the Savannah River Site (sec. 3103)

The House bill contained a provision (sec. 3103(f)) that would authorize \$4.0 million of the funds authorized pursuant to sections 3101 (research and development) and section 3103 (nuclear materials support and other defense programs) for technology transfer activities at the Department of Energy Savannah River Site.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize \$4.0 million from the funds authorized pursuant to section 3103(a)(1) (nuclear materials support) of this act to be used for technology transfer activities at the Savannah River Site.

Reprogramming (sec. 3121)

The House bill contained a provision (sec. 3121) that would set forth requirements and limitations on Department of Energy reprogramming actions.

The Senate amendment contained an identical provision (sec. 3121).

The Armed Services Committees of the Senate and House of Representatives received a reprogramming request from the Department of Energy by a letter dated August 18, 1993. Contrary to longstanding practice, the Department had obligated the funds before submitting the reprogramming request. The conferees are disturbed about this action, which not only ignored the existing statutory requirements governing reprogramming actions, but also redirected funds from a legally mandated activity to a discretionary activity. While the conferees reluctantly approve this reprogramming request after the fact, the conferees put the Department on notice that the recurring statutory provisions governing reprogrammings provide a good deal of flexibility to the Department and are easily complied with. Further abuses of the current provisions could require the Armed Services Committees to reconsider the Department's reprogramming procedures.

Limits on general plant projects (sec. 3122)

The House bill contained a provision (sec. 3122) that would authorize the Secretary of Energy to carry out general plant projects below \$1.2 million without specific congressional authorization for the project.

The Senate amendment contained a similar provision (sec. 3122) that would set the ceiling on general plant projects at \$2.0 million.

The House recedes.

Defense inertial confinement fusion program (sec. 3131)

The House bill contained a provision (sec. 3105(a)) that would authorize \$188.413 million for the inertial confinement fusion program.

The Senate amendment contained an identical provision (sec. 3106(b)).

The conferees recommend \$188.413 million for the inertial confinement fusion program. The conferees agree that \$172.553 million is for operating expenses and \$15.860 million is for capital equipment. The conferees confirm their support for the findings and recommendations of the National Academy of Sciences' 1990 report on the inertial confinement fusion program. The conferees believe that the recommended amount is sufficient to implement the Academy's recommendations.

This funding would provide \$25.198 million to continue the upgrade of the OMEGA laser and \$82.053 million to continue the upgrade of the NOVA laser. The conferees are pleased with the collaborative efforts of the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory in this program. In addition, this funding would provide \$8.2 million to continue the useful work of the Naval Research Laboratory. The conferees also urge the Sandia National Laboratory to continue its work in meeting the milestones set out in the National Academy's report.

Payment of penalty assessed against Hanford project (sec. 3132)

The House bill contained a provision (sec. 3105(b)) that would permit the Secretary of Energy to pay a stipulated penalty of \$100,000, assessed in accordance with Article XIX of the Hanford Consent Agreement and Compliance Order, to the Hazardous Substances Superfund from funds appropriated to the Department of Energy for environmental restoration and waste management activities.

The Senate amendment contained a similar provision (sec. 3131).

The conferees agree that the Secretary of Energy may pay \$100,000 to the Hazardous Substances Response Trust, as a stipulated penalty under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Hanford Consent Agreement.

Water management programs (sec. 3133)

The House bill contained a provision (sec. 3105(c)) that would permit the Secretary of Energy, from funds appropriated to the Department of Energy for environmental restoration and waste management activities, to reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, Colorado, in the amount of \$11.3 million for the cost of implementing water management programs.

The Senate amendment contained a similar provision (sec. 3103(d)) that would allow the Secretary to reimburse the cities in the amount of \$21.415 million and that would clarify that this reimbursement shall not be considered a major federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

The House recedes with an amendment that would allow the Secretary to reimburse the cities in the amount of \$11.3 million. In addition, the conferees agree that the program must be completed in fiscal year 1995.

Technology transfer activities (sec. 3134)

The House bill contained a provision (sec. 3105(d)) that would permit the Secretary of Energy to use the nuclear materials support and other defense programs appropriation, and stockpile support funding in the weapons activities appropriation, for technology transfer activities at Department of Energy production facilities, provided that those activities preserve or enhance the critical skills required for weapons production.

The Senate amendment contained a similar provision (sec. 3143).

The Senate recedes with a technical amendment.

Technology transfer and economic development (sec. 3135)

The Senate amendment contained a provision (sec. 3106(l)) that would prohibit the obligation of the funds requested by the Department of Energy for technology transfer and economic development activities in the southeastern United States until 30 days after the Secretary of Energy submits a report to the congressional defense committees setting forth a plan that would ensure the activities are regional in nature.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the Department of Energy to obligate not more than \$5.0 million of the \$30.0 million in funds requested and authorized before the plan is submitted. In addition, the amendment would require the Secretary of Energy to submit the report to the congressional defense committees 30 days after the report is provided to the Secretary by the Savannah River Site (SRS).

The conferees expect the report to contain a clear spending plan that will benefit the communities surrounding the SRS in a fair and equitable manner. These communities include the counties of Aiken, Barnwell and Allendale in South Carolina, and Columbia and Richmond in Georgia. The SRS employs people from all of these surrounding counties. As a result, the economic health of these counties is directly tied to the ability of the SRS to work cooperatively with the entire community in drawing on the resources of the SRS to bring new businesses and opportunities to the area.

Prohibition on research and development of low-yield nuclear weapons (sec. 3136)

The House bill contained a provision (sec. 3105(e)) that would direct the Secretary of Energy to discontinue the ongoing concept design work within the Department of Energy's nuclear weapons laboratories. The provision also would direct the Secretary to refrain from any future feasibility, engineering, development, or production work associated with very low-yield nuclear weapons.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the prohibition applies to activities that could lead to production of new low-yield nuclear weapons. While the conferees agree that the provision is intended to prohibit research and development geared toward the production of any low-yield nuclear weapons by the United States, the conferees recognize that there are instances where the Department of Energy may need to conduct research on these types of weapons for other purposes. This would include research, in the interest of counter-proliferation, on the designs of low-yield nuclear weapons as a way to: (1) understand others' activities, including potential terrorist threats; (2) provide information for export control activities; and (3) understand the potential damage that could be inflicted by the use of these types of weapons. In addition, the conferees agree that nothing in this section would prohibit the Department of Energy from performing the research and development necessary for modifications to existing weapons in order to address safety or reliability problems.

The conferees direct the Secretary to work with the President and interested agencies in discouraging the development of similar weapons in other countries.

Nuclear weapons testing (sec. 3137)

The Senate amendment contained a provision (sec. 3106(f)) that would provide funds for the Nevada Test Site, including infrastructure maintenance, maintenance of the technical capability to resume underground nuclear weapons testing, and activities relating to alternatives to underground testing. In addition, the provision would prohibit the Secretary of Energy from obligating funds in excess of the \$180.0 million provided, until the Secretary submits a report outlining a plan to maintain the technical capabilities at the Nevada Test Site and to determine alternatives to underground testing. The provision would also require the Secretary to submit an annual report to Congress setting forth any problems with the nuclear weapons in the stockpile and the resolution of such problems.

The House bill contained no similar provision.

The House recedes with an amendment that would provide \$211.3 million for the Nevada Test Site for infrastructure and for the maintenance of a capability to resume un-

derground testing and \$6 million for operating expenses at the Marshall Islands. The amendment would also require the Secretary to submit an annual report on the nuclear weapons stockpile.

Testing of nuclear weapons (sec. 3137)

The House bill contained a provision (sec. 3139) that would prohibit the use of funds to conduct the safeguard C program to maintain the U.S. capability to conduct atmospheric testing of nuclear weapons.

The Senate amendment contained a similar provision (sec. 231(d)).

The conferees agree that the United States no longer needs to maintain the capability to resume the atmospheric testing of nuclear weapons. The conferees also recognize that the safeguard C program includes activities other than maintenance of the capability to resume atmospheric testing. Thus, the provision the conferees recommended would prohibit the expenditure of any funds to maintain that capability.

Stockpile stewardship program (sec. 3138)

The House bill contained a provision (sec. 3135) that would establish a stockpile stewardship program to ensure the preservation of core intellectual and technical competencies in nuclear weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification. The House bill would provide \$100.0 million for this program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide \$157.4 million in funding for the program.

National security programs (sec. 3139)

The Senate amendment contained a provision (sec. 3106(a)) that would prohibit the obligation of more than 90 percent of the funds appropriated to the Department of Energy for national security programs, until the Secretary of Energy submits a five year budget plan as required by section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189).

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the obligation of more than 95 percent of the funds until the plan is submitted.

Expanded core facility dry cell (sec. 3140)

The Senate amendment contained a provision (sec. 3106(e)) that would prohibit the obligation or expenditure of funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 for project 90-N-102 expanded core facility dry cell project at the Naval Reactors Facility, Idaho until the shipment of spent naval nuclear propulsion to the Idaho National Engineering Laboratory, Idaho, is resumed.

The House bill contained no similar provision.

The House recedes.

Scholarship and fellowship program for environmental restoration and waste management (sec. 3141)

The Senate amendment contained a provision (sec. 3106(h)) that would provide \$1.0 million for the Department of Energy environmental scholarship and fellowship program carried out pursuant to section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The House bill contained no similar provision.

The House recedes.

Training programs for management of hazardous materials and of hazardous materials emergency response activities (sec. 3142)

The Senate amendment contained a provision (sec. 3137) that would authorize the Secretary of Energy to carry out a training program for persons who work with hazardous materials and who have emergency response authority and responsibilities. The provision would authorize \$20.0 million to carry out the program.

The House bill contained no similar provision.

The House recedes with an amendment that would provide up to \$10.0 million of the funds authorized pursuant to section 3102 of this act to carry out a hazardous materials management and hazardous materials emergency response training program.

Hanford health information network (sec. 3143)

The Senate amendment contained a provision (sec. 3106(i)) that would provide \$1.75 million for the last year of the study on radiation effects downwind of the Department of Energy Hanford Site. The study is being conducted pursuant to section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

The House bill contained no similar provision.

The House recedes.

Protection of nuclear weapons facilities workers (sec. 3143)

The Senate amendment contained a provision (sec. 3106(j)) that would provide \$10.0 million for activities relating to worker protection at nuclear facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would provide \$11.0 million for the protection of nuclear weapons facilities workers. This funding is to be used to continue the activities the Department of Energy started pursuant to section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) and to award training grants pursuant to this program. The conferees are concerned that fire fighters, a group with unique responsibilities at Department of Energy nuclear weapons facilities, have not been awarded a training grant under the section 3132 program. The conferees urge the Secretary of Energy to consider grant funding for training fire fighters if an acceptable grant proposal is submitted.

The House bill contained no similar provision.

Verification control technology (sec. 3144)

The Senate amendment contained a provision (sec. 3106(g)) that would prohibit the Department of Energy from obligating more than \$334,441,000 of the funds authorized for verification and control technology until the Secretary of Defense submits a report on non-proliferation and counter-proliferation activities.

The House bill contained no similar provision.

The House recedes with a technical amendment that would apply the prohibition on obligations to operating expenses only.

Tritium production requirements (sec. 3145)

The Senate amendment contained a provision (sec. 3132) that would create an office of tritium production and plutonium disposition under the Assistant Secretary of Energy for Defense Programs to be responsible for the research and development of technologies for tritium production and plutonium disposition.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the requirement to establish an office. The amendment would require a report on the Department of Energy's plans for meeting tritium production requirements through 2008 and beyond, and set a date for completion of the environmental impact statement on the reconfiguration of the nuclear weapons complex.

Limitations on the receipt and storage of spent nuclear fuel from foreign research reactors (sec. 3151)

The House bill contained a provision (sec. 3137) that would require the Secretary of Energy to notify Congress 30 legislative days before receiving any emergency shipments of spent foreign research reactor fuel. In addition, the provision would prevent receipt of any spent foreign research reactor fuel that would exceed the existing storage capacity for such fuel at the Department of Energy's Savannah River Site, until an environmental impact statement is completed.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the notice and wait period for receipt of the spent foreign research reactor fuel to 30 calendar days. The amendment also would clarify that the prohibition on the storage above current capacity at the Savannah River site would apply to fuel other than that received on a non-emergency basis.

The conferees note that the Department of Energy has announced that it will take the actions required by this provision. The announcement specified that the Department would receive no more than 700 fuel elements at the Savannah River Site until an environmental impact statement is completed. The current storage capacity is approximately 1,000 elements. The Department has also announced that the final environmental impact statement will be completed and the record of decision will be signed by the end of June 1995.

The conferees note that accepting this spent foreign research reactor fuel is an important aspect of the nonproliferation policy of the United States.

Extension of review of waste isolation pilot plant in New Mexico (sec. 3152)

The Senate amendment contained a provision (sec. 3139) that would amend section 1433 of the National Defense Authorization Act for Fiscal Year 1989 to extend a contract between the Department of Energy and the New Mexico Institute of Mining and Technology (NMIMT) for an additional five years. This contract extension would allow the NMIMT to continue to carry out the work of the Environmental Evaluation Group, which is independently evaluating the Department of Energy waste isolation pilot project in Carlsbad, New Mexico.

The House bill contained no similar provision.

The House recedes.

Baseline environmental management reports (sec. 3153)

The House bill contained a provision (sec. 3132) that would require the Secretary of Energy to prepare an environmental baseline against which future progress in environmental restoration and waste management programs can be measured. In addition, the provision would require annual reports, beginning in 1994, that would set out the status, costs, and variances in the environmental activities. The reports also would require the Secretary to estimate the out-year costs of Department of Energy environmental programs through 2019.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the first annual reports to be provided in 1995, after the President submits the budget request for fiscal year 1996.

Lease of property at Department of Energy weapon production facilities (sec. 3154)

The House bill contained a provision (sec. 3140) that would allow the Secretary of Energy to leave or transfer surplus real or personal property to a public agency at no less than 50 percent of the fair market value of the property. The provision also would prevent the Secretary of Energy from moving personal property from a facility if the property could be useful in converting the property to civilian use.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of Energy to lease, at less than fair market value, property at Department of Energy facilities that are being reconfigured. This provision is designed to provide broad discretion to the Secretary to assist local communities adversely impacted by the reconfiguration of Department of Energy facilities.

The amended provision also would require the Secretary to obtain the concurrence of the Administrator of the Environmental Protection Agency for leases at sites that are on the National Priority List and of the appropriate state official for leases at sites that are not on the National Priority List.

Authority to transfer personal property and equipment to support reutilization are included elsewhere in this act. The conferees believe that the provision is consistent with the Secretary of Energy's guidance regarding the relocation of personal property and equipment.

Nothing in this section should be interpreted to affect or constrain the disposal of surplus property by the Department of Energy, as defined in section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g)). Nor is this provision intended to alter or contravene existing or future federal facility agreements under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or any other provision of law.

In addition, the conferees recognize the need for a more comprehensive and long-range approach to leasing property at closing and reconfigured DOE facilities. Therefore, the Secretary is directed to report to Congress regarding additional changes that may be necessary. The report shall be submitted at the time the defense committees consider the fiscal year 1995 budget.

Finally, the conferees agree that it is in the public interest for the Department of Energy to facilitate the economic recovery of communities that experience adverse economic impact from the closure or reconfiguration of a Department of Energy facility. The Secretary of Energy should assist the communities, where possible, to alleviate such adverse impact. Delay in the reutilization of DOE property, facilities, and equipment for commercial use could contribute to the loss of a highly skilled work force from reduced business opportunities.

Authority to transfer certain Department of Energy property (sec. 3155)

The Senate amendment contained a provision (sec. 3133) that would permit the Secretary of Energy to transfer personal prop-

erty that would mitigate the adverse economic consequences of the closure of a Department of Energy facility, at less than fair market value, if such personal property is excess to the needs of the Department. In addition, the provision would allow the Secretary to transfer any other property that is to excess to the needs of the Department, if the replacement cost of such equipment does not exceed 110 percent of the cost of transporting the property to another Department of Energy facility.

The House bill contained no similar provision.

The House recedes with a technical amendment that would clarify that the property includes personal property and equipment belonging to the Department of Energy.

Improved congressional oversight of Department of Energy special access programs (sec. 3156)

The House bill contained a provision (sec. 3131) that would require an annual report on Department of Energy special access programs, set forth the matters to be included in the report, and provide a waiver of the requirement to report on a program if inclusion of information on that program would adversely affect the national security.

The Senate amendment contained no similar provision.

The Senate recedes.

Elsewhere in the conference report, the conferees have recommended a provision that would require other Federal agencies to prepare reports on their special access programs. The Department of Energy would not be included in the general provision; instead, the Department of Energy special access programs would be fully covered by the report required by this section.

Expansion of authority to loan personnel and facilities (sec. 3157)

The House bill contained a provision (sec. 3133) that would expand the Secretary of Energy's authority to loan personnel and facilities to include the Department of Energy's Savannah River Site in South Carolina.

The Senate amendment contained a similar provision (sec. 3134) that would include the Savannah River Site and the Department of Energy's Oak Ridge site in Oak Ridge, Tennessee.

The House recedes. The conferees expect that, in the case of the Savannah River Site, personnel and facilities will be loaned to the community development organization known as the Savannah River Regional Diversification Initiative. In the case of Oak Ridge, the conferees expect that personnel and facilities will be loaned to the community development organization known as the Roane Anderson Economic Council.

Modification of payment provision (sec. 3158)

The House bill contained a provision (sec. 3134) that would amend section 1532(a) of the Department of Defense Authorization Act for Fiscal Year 1986 by striking out "1996" and inserting in lieu thereof "1995." This is a technical correction of a typographical error in the provision terminating the Department of Energy's payments in lieu of taxes after ten years, beginning in fiscal year 1985.

The Senate amendment contained no similar provision.

The Senate recedes.

Contract goal for small disadvantaged businesses and certain institutions of higher education (sec. 3159)

The House bill contained a provision (sec. 3138) that would establish a 5 percent goal for the Department of Energy in contracting with small disadvantaged businesses (SDB)

and historically black colleges and universities and minority institutions (HBCU/MI) when carrying out Department of Energy national security programs. This goal would sunset in the year 2000, consistent with section 2323 of title 10, United States Code, which establishes a 5 percent SDB and HBCU/MI contracting goal for the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would exclude the Department of Energy naval reactors program from the provision. The conferees urge the naval reactors program to work with small disadvantaged businesses and historically black colleges and universities to the extent practicable. The conferees recognize the program's unique nature prevents it from having the contracting flexibility that is present in other Department of Energy activities.

Amendments to Stevenson-Wydler (sec. 3160)

The House bill contained a provision (sec. 3104(d)(4)) that would amend the Stevenson-Wydler Act of 1980 (15 U.S.C. 3710a(d)) to expand the definition of a laboratory to include Department of Energy weapon production facilities.

The Senate amendment contained a similar provision (sec. 3148).

The Senate recedes with a technical amendment.

Standardization of requirements affecting Department of Energy employees (sec. 3161)

The Senate amendment contained a provision (sec. 3140) that would repeal standard of conduct provisions in Part A of Title VI of the Department of Energy Organization Act (Public Law 95-91) to conform the Department of Energy with government-wide standard of conduct requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would repeal sections 603-607 of Part A of Title VI of the Department of Energy Organization Act because the government-wide standards of conduct have similar requirements and the Department of Energy sections are now duplicative.

The conferees agree to retain and amend sections 601, 602, and portions of section 608.

The conferees amended section 602 of the Department of Energy Organization Act to allow the Secretary of Energy to determine whether waiving the divestiture provision on a case-by-case basis is appropriate with a requirement that the assets be placed in a qualified trust pursuant to 5 C.F.R., Part 2634.

In addition, the amendment would require the Secretary of Energy to submit a report to the House Energy and Commerce Committee and the Senate Energy and Natural Resources Committee that would examine the efficacy and limitations of the remaining provisions and provide recommendations. The conferees also agree to examine the remaining provisions to determine if additional changes to the law are appropriate.

LEGISLATIVE PROVISIONS NOT ADOPTED

Counter-proliferation program

The House bill contained a provision (sec. 3136) that would establish a counter-proliferation mission in the Department of Energy and direct the Secretary of Energy to establish a database and tracking system to account for the production, storage, and use of weapons grade plutonium and uranium in the newly independent states of the former Soviet Union and other states.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that, while the Department of Energy has certain unique capabilities for counter-proliferation, the Department's activities should be coordinated with ongoing activities in other agencies and in conjunction with the development of government-wide policies and goals for counter-proliferation activities. Establishment of such a program at this time is premature.

The conferees do believe that the United States must have the ability to track nuclear weapons and materials. Therefore, the conferees are disappointed that, despite the inclusion of section 3151(b) in the National Defense Authorization Act for Fiscal Year 1993, there has been no discernible progress between the United States and states of the former Soviet Union on an agreement to reciprocally release information on their nuclear stockpiles. The establishment of a reliable data base detailing where nuclear materials were produced, in what amount, and the current location and status of such materials, is the essential first step of an effective U.S. nonproliferation and counter-proliferation policy. The specific materials to be accounted for include, but are not limited to, plutonium, highly enriched uranium, and tritium.

Section 3152 of the National Defense Authorization Act for Fiscal Year 1993 authorizes the President to release restricted data if a reciprocity agreement is reached with a state of the former Soviet Union. Despite that authority, the conferees are particularly dismayed that the Department of Defense has not begun to engage its military counterparts in the former Soviet Union in negotiations leading to a reciprocal exchange of stockpile information. Without such an exchange, a complete and accurate database will be difficult to establish. Accordingly, the conferees again urge the Department of Defense to move forward expeditiously to negotiate such reciprocal agreements. The conferees fully expect the Department of Defense to report progress in the near future.

According to the Department of Energy's Office of Intelligence and National Security, the international nuclear analysis program could provide the database framework that could accommodate the information that would be exchanged between the states of the former Soviet Union and the United States if reciprocal agreements were reached. In fact, the Department of Energy plans to spend almost \$10 million in fiscal year 1994 on international nuclear analysis and other database programs for this purpose. The conferees appreciate the Department's efforts in this area and trust they will be maintained. However, the conferees also expect that, if the Department of Defense negotiates one or more reciprocal agreements, the necessary resources would be made available to accommodate the new information.

The conferees also note that a key element of any reciprocal agreement is the capability to track and verify the disposition of nuclear materials. Technology which can "tag" nuclear weapons components and materials as they are transported for dismantlement, storage, or destruction is essential to any reciprocity agreement. The conferees understand that such technology is available, but more work needs to be done to ensure it is foolproof and will be available whenever a reciprocity agreement is in place. The conferees suggest that Nunn-Lugar funds be considered for both the development and procurement of "tagging" technology, and

strongly urge the Department of Defense to coordinate its efforts with the Departments of Energy and State.

Prohibition on use of funds for advanced liquid metal reactor

The House bill contained a provision (sec. 3141) that would prohibit the use of funds appropriated to the Department of Energy for fiscal year 1994 or for any previous fiscal year for national security programs to support the advanced liquid metal reactor.

The Senate contained no similar provision. The House recedes.

Tritium production and plutonium disposition activities

The Senate amendment contained a provision (sec. 3102) that would authorize, as a separate funding category, \$83.0 million for carrying out tritium production and plutonium disposition activities. This funding authorization would be offset by \$43.0 million in prior year funds.

The House bill contained no similar provision.

The Senate recedes.

The conferees recommend authorization of \$30.0 million for plutonium disposition and related activities. Funding for this activity is included in section 3101(a)(5) of this act (weapons activities, complex reconfiguration).

The Secretary of Energy shall use the \$30.0 million provided for plutonium disposition activities for a full range of reactor and non-reactor technologies, including disposal options for plutonium such as vitrification. The Secretary is encouraged to use the funds to examine and review any technologies that could be used to address the serious issue of the storage and disposition of excess plutonium. These funds are available to conduct a full and open review of technologies. Further, the conferees direct the Secretary to consult with other relevant federal agencies, including, but not limited to, the Department of Defense and the Office of Science and Technology Policy, and to allow full public participation.

Fire protection and cooling or refrigeration systems

The Senate amendment contained a provision (sec. 3106(c)) that would prohibit the Secretary of Energy from obligating funds appropriated for fiscal year 1994 for the design, purchase, or installation of any fire protection system or cooling or refrigeration system that utilizes class I substances as listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)). The Secretary could obligate the funds if the Secretary determines that an alternative system meeting the Department of Energy's operational requirements is not commercially available or is not proven to be cost-effective in a life-cycle cost analysis.

The House bill contained no similar provision.

The Senate recedes.

New tritium production and plutonium disposition activities

The Senate amendment contained a provision (sec. 3106(d)) that would designate funds, from the funds available for tritium production and plutonium disposition activities, for the evaluation of a variety of different reactor technologies.

The House bill contained no similar provision.

The Senate recedes.

Merger of certain funds with funds appropriated for new production reactors

The Senate amendment contained a provision (sec. 3106(k)) that would require that

funds made available to the Department of Energy for new production reactors in prior years be merged with funds made available for tritium production and plutonium disposition activities.

The House bill contained no similar provision.

The Senate recedes.

Inclusion of analysis of Nevada Test Site in environmental assessment of the reconfiguration of Department of Energy nuclear weapons complex

The Senate amendment contained a provision (sec. 3135) that would direct the Department of Energy to include an analysis of the Nevada Test Site in the environmental impact statement being prepared by the Department in connection with a decision on future weapons complex facilities and functions.

The House bill contained no similar provision.

The Senate recedes. Following passage of the Senate amendment, the Department of Energy decided to include an analysis of the Nevada Test Site, as envisioned by the Senate amendment, in the environmental impact statement for the reconfiguration of the Department of Energy nuclear weapons complex.

Department of Energy management

The Senate amendment contained a provision (sec. 3136) that would authorize two additional under secretaries for the Department of Energy.

The House bill contained no similar provision.

The Senate recedes.

Review of Department of Energy environmental compliance agreements

The Senate amendment contained a provision (sec. 3138) that would require the Secretary of Energy to review the various environmental agreements to which the Department is a party and submit a one-time report to Congress in 1996. The report would identify activities in the various agreements that: (1) could be completed faster than scheduled; (2) were no longer necessary; (3) could not be completed on schedule; or (4) could be completed within a reasonable period of time using more efficient or cost-effective technology than the one agreed upon. The provision would require the Secretary to prepare the report in consultation with the parties to the agreements and representatives of the community in which the Department of Energy facility covered by the agreement is located. The provision also would specify that it was not intended to void or amend any agreement being reviewed, or require any party to renegotiate any agreement that was being reviewed.

The House bill contained no similar provision.

The Senate recedes.

Cooperative research and development

The Senate amendment contained a series of provisions (secs. 3143-3146 and 3148-3150) that were drawn in large measure from S. 473, the Department of Energy National Competitiveness Technology Partnership Act of 1993. These provisions were designed to take maximum advantage of the skills and capabilities of the Department of Energy laboratories and to allow these skills to be used to enhance U.S. competitiveness. These provisions would expedite the process by which the Department of Energy enters into partnership agreements with industry for research and development and technology transfer. In addition, the provisions would

allow the DOE laboratories to engage in work beyond their traditional defense and energy missions.

The House bill contained no similar provisions.

The Senate recedes.

The Senate conferees are disappointed that implementation of these provisions will be delayed until next year. All conferees agree that the Department of Energy laboratories are a very important resource. The conferees also agree to examine the potential use of the laboratories to enhance the economic, technological, and scientific competitiveness of the United States while simultaneously maintaining their core competencies. In addition, the conferees will review the benefits of partnerships between industry and the Department of Energy laboratories.

Because of these provisions' benefits, the House conferees, who have not yet held hearings on a laboratory bill, agree to hold hearings so that a laboratory bill can be considered early in the next session of this Congress.

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Management of the national security programs of the Department of Energy

The Armed Services conferees believe that the management of the nation's nuclear weapons program is outdated and in need of reexamination. The Armed Services conferees therefore believe that the executive branch should study the management of Department of Energy national security programs. The national security programs are authorized pursuant to this act and consist of: (1) nuclear weapons activities; (2) nuclear materials production, management, and disposition; (3) environmental restoration and waste management at nuclear weapon facilities; (4) safeguard and security activities; (5) naval reactor development; (6) intelligence activities; and (7) counter- and non-proliferation activities. The Armed Services conferees firmly believe that these activities should be under a single management structure because they are interrelated.

The arrangements made after World War II for the management of nuclear weapons activities were unprecedented, unique, and unlike anything in government. Nuclear energy in general, and the production of nuclear weapons in particular, were the object of intense congressional interest. The insistence on civilian control of nuclear energy was paramount, and resulted in the establishment of the Atomic Energy Commission (AEC), overseen by a joint committee of Congress. A measure of the unusual arrangements made in those days is the fact that for many years, the possession and custody of nuclear weapons were not in the hands of the military at all, but in the hands of AEC civilians. (Today that is not the case, and the military departments maintain custody and control of the nuclear weapons stockpile.)

In the intervening years, the singular nature of the nuclear weapons establishment has become less of a factor in the management and oversight of the program. The AEC and the joint committee were abolished. The non-regulatory activities of the AEC, including the nuclear weapons establishment, were assigned first to the Energy Research and Development Administration, and later to the Department of Energy.

In the Department of Energy today, the nuclear weapons and naval reactor activities (along with the environmental restoration of nuclear weapons plants) are not centrally managed. None of the managers at the Department of Energy is focused principally on

national security programs. In addition, as the emphasis of the Department of Energy shifts from national security to domestic matters, the conferees believe it is now appropriate to review the organization of the national security programs.

The Armed Services conferees believe the National Security Council should undertake a review of the organizational arrangements for these national security programs, and make recommendations to the President for any changes that should be made. In conducting this review, the National Security Council should take into account the views of as many current and former senior managers of the nuclear weapons complex as appropriate. The President should ensure that the results of this review are available to the Secretary of Defense and the Secretary of Energy at the time of their testimony in support of the budget request for fiscal year 1995.

International Atomic Energy Agency inspections

The conferees note that on September 28, 1993, the Administration proposed a framework for U.S. efforts to prevent the proliferation of weapons of mass destruction and the missiles to deliver them. One element of this proposal is to submit U.S. fissile weapons material to inspection by the International Atomic Energy Agency (IAEA). The conferees further note that, in an earlier statement of policy dated September 11, 1993, the Administration stated:

"[M]uch of the existing United States weapons stockpile is in the form of nuclear weapons components, and it will probably be necessary to develop methods by which the IAEA can credibly verify this material while protecting sensitive nuclear weapons design information from potential proliferation. Weapons components will be offered for IAEA safeguards when these methods have been developed."

The conferees strongly believe that methods must be developed that will eliminate the risk of compromising sensitive nuclear weapons components. This is especially important because critical nuclear weapon design data are available simply by looking at the shape of our nuclear weapon "pits."

The conferees therefore urge that, before the U.S. Government makes fissile weapons material subject to IAEA inspection, the Administration develop and apply technical methods that will prevent the compromise of restricted data. The Armed Services Committees of the Senate and House of Representatives will address this issue in hearings next year.

The conferees note, however, that sections 3151 and 3152 of the National Defense Authorization Act for Fiscal Year 1993 specifically authorize the release of such restricted data if it is in the context of a reciprocal exchange of nuclear stockpile information with a state of the former Soviet Union. The conferees agree that their admonitions should in no way be construed to conflict with the conferees' direction to negotiate such agreements set out elsewhere in the statement of managers, or the authority to release restricted data as part of the terms of such agreements.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense Nuclear Facilities Safety Board authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize \$15,060 million for the operation of the Defense Nuclear Facilities Safety Board.

The Senate amendment contained a similar provision (sec. 3201) but would authorize \$18.0 million.

The conferees recommend \$16.560 million for operation of the Defense Nuclear Facilities Safety Board.

Requirements for transmittal to Congress of certain information prepared by Defense Nuclear Facilities Safety Board (sec. 3202)

The Senate amendment contained a provision (sec. 3202) that would require the Defense Nuclear Facilities Safety Board to submit to Congress its budget estimates, requests, other budget information, legislative recommendations, and statements of information in preparation of a report to be submitted to Congress, at the same time these documents are submitted to the Office of Management and Budget.

The House bill contained no similar provision.

The House recedes with an amendment that would exclude budget information from the simultaneous submittal requirement.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Disposal of obsolete and excess material contained in the National Defense Stockpile (sec. 3301)

The House bill contained a provision (sec. 3302) that would authorize the Secretary of Defense to sell up to \$500 million worth of material from the National Defense Stockpile in any fiscal year, and would provide that all receipts from the sales be deposited in the National Defense Stockpile Transaction Fund.

The Senate amendment contained a provision (sec. 3301) that would authorize disposal of 12 materials from the National Defense Stockpile that have been determined to be excess to the stockpile requirements recommended by the Department of Defense.

The House recedes with an amendment. The conferees agree to authorize disposal of 11 of the 12 materials from the National Defense Stockpile contained in the Senate provision. The conferees agree not to authorize the disposal of aluminum.

Authorized uses of stockpile funds (sec. 3302)

The Senate amendment contained a provision (sec. 3303) that would authorize the stockpile manager to obligate \$67.3 million from the National Defense Stockpile Transaction Fund during fiscal year 1994 for the authorized uses of funds under section 9(b)(2) of the Stock Piling Act.

The House bill contained no similar provision.

The House recedes.

Revision of authority to dispose of certain materials authorized for disposal in fiscal year 1993 (sec. 3303)

The House bill contained a provision (sec. 3304) that would permit the disposal of chromite and manganese ores from the stockpile only for processing within the United States during fiscal year 1994, and delay the authorized disposal of ferrochrome and ferromanganese from the stockpile until October 1, 1994.

The Senate amendment contained a similar provision (sec. 3302).

The House recedes.

Conversion of chromium ore to high purity electrolytic chromium metal (sec. 3304)

The House bill contained a provision (sec. 3305) that would require the stockpile manager to upgrade not less than 800 short tons

of chromium ore to high purity electrolytic chromium metal during each of fiscal years 1994 through 1996.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to carry out a program to upgrade chromium ore in the National Defense Stockpile to high purity chromium metal if the Secretary determines that additional amounts of high purity chromium metal are needed in the National Defense Stockpile and includes the upgrade program in the Annual Materials Plan or any revision thereto.

Stockpiling principles (sec. 3311)

The Senate amendment contained a provision (sec. 3311) that would amend the Stock Piling Act to allow stockpile planning to be consistent with other areas of defense planning.

The House bill contained no similar provision.

The House recedes with an amendment that would make the Senate provision effective on October 1, 1994.

Modification of notice and wait requirements for deviations from Annual Materials Plan (sec. 3312)

The House bill contained a provision (sec. 3303) that would allow changes Annual Materials Plan to become effective 45 days after notification of the appropriate committees of Congress.

The Senate amendment contained a provision (sec. 3312) that would allow such changes to become effective 30 days after notification of the appropriate committees of Congress.

The Senate recedes.

Additional authorized uses of National Defense Stockpile Transaction Fund (sec. 3313)

The Senate amendment contained a provision (sec. 3314) that would authorize Stockpile Transaction Fund monies to be used for annual operating costs of the stockpile, including the costs of employees' salaries.

The House bill contained no similar provision.

The House recedes.

National emergency planning assumptions for biennial report on stockpile requirements (sec. 3314)

The Senate amendment contained a provision (sec. 3315) that would amend the requirements concerning planning assumptions in the biennial report on stockpile requirements required under the Stock Piling Act.

The House bill contained no similar provision.

The House recedes with an amendment that would make the Senate provision effective on October 1, 1994.

LEGISLATIVE PROVISIONS NOT ADOPTED

Rotation of materials to prevent technological obsolescence

The Senate amendment contained a provision (sec. 3313) that would allow for modernization and rotation of materials in the stockpile to prevent technological obsolescence.

The House amendment contained no similar provision.

The Senate recedes.

Repeal of advisory committee requirement

The Senate amendment contained a provision (sec. 3316) that would repeal the requirement to establish an Advisory Committee Regarding Operation and Modernization of the Stockpile contained in section 3306 of the National Defense Authorization Act for Fiscal Year 1993.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXXIV—CIVIL DEFENSE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Civil defense authorization (sec. 3401)

The Administration requested \$146.391 million for fiscal year 1994 for activities authorized under the Federal Civil Defense Act of 1950, as amended. These funds are provided to the Federal Emergency Management Agency (FEMA) which administers the civil defense program.

The House bill (sec. 3401) would authorize the requested amount.

The Senate amendment (sec. 3401) would authorize \$152.9 million.

The Senate recedes. The conferees also urge the Federal Emergency Management Agency to complete the comprehensive study of domestic emergency preparedness funding requirements Congress directed in the National Defense Authorization Act for Fiscal years 1992 and 1993 (Public Law 102-190). The study was to have been completed on April 1, 1992.

The conferees endorse the Senate report's (S. Rept. 103-112) recommendation that FEMA procure equipment that will permit it to gain access to Department of Defense and other federal damage assessment capabilities. Prompt and accurate damage assessment will give federal authorities the ability to know what type and how much assistance states and localities need following a disaster. In recent studies, the General Accounting Office and the National Academy of Public Administration have underscored the importance of this information.

Civil Defense Act amendments (sec. 3402)

The House bill contained a provision (sec. 3402) that would amend the Civil Defense Act to reflect the "all-hazard" approach to emergency management. The act permits states to spend their federal civil defense funds to prepare for natural disasters "in a manner that is consistent with, contributes to, and does not detract from attack-related civil defense preparedness." The House bill would eliminate this spending restriction, and permit the use of civil defense funds to prepare for and respond to all kinds of emergencies and disasters.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note and endorse the discussion of the amendments in the House report (H. Rept. 103-200).

TITLE XXXV—PANAMA CANAL COMMISSION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Panama Canal Commission (secs. 3501-3506)

The Senate amendment contained provisions (secs. 3501-3506) that would authorize expenditures from the Panama Canal Revolving Fund for the operation and maintenance of the Panama Canal for fiscal year 1994. They also would provide the consent of the Congress for employees who are not citizens of the United States to accept civil employment with and compensation from agencies and organizations affiliated with the Government of Panama for which the consent of Congress is required by section 9 of Article I of the Constitution. The consent would be conditioned upon approval of such employment by their designated agency ethics official and by the Administrator of the Panama Canal Commission. Finally, the provisions would restate the right to challenge

adverse personnel actions through a negotiated grievance procedure for non-preference-eligible bargaining unit employees of the Commission.

The Panama Canal operates on a self-sustaining basis, utilizing tolls and revenues paid by canal users. Appropriated funds are not utilized for the operation and maintenance of the canal.

The House bill contained no similar provisions. A separate House bill contained provisions essentially identical to those in the Senate amendment.

The House recedes with a technical amendment.

From the Committee on Armed Services, for consideration of the entire House bill and the entire Senate amendment, and modifications committed to conference:

RONALD V. DELLUMS,
G. V. MONTGOMERY,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
MARILYN LLOYD,
NORMAN SISISKY,
JOHN M. SPRATT, Jr.,
FRANK MCCLOSKEY,
SOLOMON P. ORTIZ,
GEORGE HOCHBRUECKNER,
GENE TAYLOR,
NEIL ABERCROMBIE,
TOM ANDREWS,
CHET EDWARDS,
ROBERT A. UNDERWOOD,
JANE HARMAN,
FLOYD SPENSE,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
ARTHUR RAVENEL, Jr.,
RONALD K. MACHTLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

DAN GLICKMAN,
BILL RICHARDSON,
LARRY COMBEST,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 812 and 1316 of the House bill, and sections 1087, 2854, and 2908 of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
STEVE NEAL,
PAUL E. KANJORSKI,
TOM RIDGE,

Provided, Mr. Frank of Massachusetts is appointed in lieu of Mr. Gonzalez and Mr. Bereuter is appointed in lieu of Mr. Ridge solely for the consideration of section 1087 of the Senate amendment:

BARNEY FRANK,
DOUG BEREUTER,

As additional conferees from the Committee on Education and Labor, for consideration of sections 373, 1303, 1331, 1333-1337, 1343, 1344, and 3103 of the House bill and sections 338, 532, 1088, and 2853 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,
PAT WILLIAMS,
TOM PETRI,
BILL GOODLING,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 267, 382, 601, 1109, 1314, 2816, 2822, 2829, 2830, 2839, 3105 (b) and (c), 3132, 3137, 3140, and 3201 of the House bill and sections 322,

325, 327, 705, 822, 1088, 2802, 2803, 2833, 2842, 2844, 2913, 3106 (c), (d), (j), (l), 3131, 3132, 3133, 3136-3147, 3149, 3150, 3201, and 3202 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
PHILIP R. SHARP,
AL SWIFT,
CARLOS J. MOORHEAD,
MICHAEL G. OXLEY,

Provided, Mr. Bliley is appointed in lieu of Mr. Oxley solely for the consideration of sections 267, 601, and 1109 of the House bill, and sections 705 and 3106 of the Senate amendment:

TOM BLILEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Oxley solely for the consideration of sections 1314, 3137, 3140, and 3201 of the House bill, and sections 322, 2802, 2803, 3132, 3136, 3139-3147, 3149, 3150, 3201, and 3202 of the Senate amendment:

MIKE BILIRAKIS,

Provided, Mr. Stearns is appointed in lieu of Mr. Oxley and Mrs. Collins of Illinois is appointed in lieu of Mr. Swift solely for the consideration of section 822 of the Senate amendment:

CLIFF STEARNS,
CARDISS COLLINS,

Provided, Mr. Schaefer is appointed in lieu of Mr. Oxley solely for the consideration of section 3138 of the Senate amendment:

DAN SCHAEFER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 234, 237, 241, 1005, 1008 (relating to funding structure for contingency operations), 1009 (relating to report on humanitarian assistance activities), 1021, 1022, 1034, 1038, 1041, 1043-1045, 1048, 1051-1055, 1105, 1107, 1008, 1201-1203, 1205-1208, 1360, 1501-1510, and 3136 of the House bill, and sections 216, 221, 223, 224, 241-245, 547, 1041, 1042, 1051-1054, 1061, 1067, 1077, 1078, 1083-1085, 1087, 1093, 1094, 1101-1103, and 1105-1107 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDNENSON,
TOM LANTOS,
BEN GILMAN,

As additional conferees from the Committee on Government Operations, for consideration of sections 818, 829, 1023, 1050, 2816, 2821, 2822, 2823, 2839, and 3140 of the House bill and sections 825, 2843, 2844, and 2902-2908 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, Jr.,
CARDISS COLLINS,
GLENN ENGLISH,
BILL CLINGER,
AL MCCANDLESS,

As additional conferees from the Committee on the Judiciary, for consideration of section 262 of the House bill, and modifications committed to conference:

JACK BROOKS,
MIKE SYNAR,
HOWARD L. BERMAN,
HAMILTON FISH, Jr.,
CARLOS J. MOORHEAD,

As additional conferees from the Committee on the Judiciary, for consideration of section 1022 of the House bill, and modifications committed to conference:

JACK BROOKS,
CHARLES SCHUMER,
JOHN CONYERS, Jr.,
HAMILTON FISH, Jr.,

As additional conferees from the Committee on the Judiciary, for consideration of section 1082 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
JOHN BRYANT,
HAMILTON FISH, Jr.,
BILL MCCOLLUM,

As additional conferees from the Committee on Merchant Marine and Fisheries, for the consideration of sections 1351, 1352, and 1354-1359 of the House bill and sections 654 and 3501-3506 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
BILLY TAUZIN,
WILLIAM O. LIPINSKI,
JACK FIELDS,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 265, 1314, and 3137 of the House bill and sections 328, 2841, 2851, 2915, 3103, and 3135 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
JOLENE UNSOELD,
JACK REED,
JACK FIELDS,

As additional conferees from the Committee on Natural Resources, for consideration of section 2818 of the House bill and sections 2855, 3132, 3139, and 3174 of the Senate amendment, and modifications committed to conference:

GEORGE MILLER,
BRUCE F. VENTO,
DON YOUNG,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 364, 901, 934, 943, and 1408 of the House bill and sections 523, 1064, and 3504 of the Senate amendment, and modifications committed to conference:

WILLIAM (BILL) CLAY,
FRANK MCCLOSKEY,
ELEANOR H. NORTON,
JOHN T. MYERS,
CONSTANCE A. MORELLA,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 2816 and 2841 of the House bill and sections 1068, 1087, 2833, 2842, and 2917 of the Senate amendment, and modifications committed to conference:

NORMAN Y. MINETA,
DOUGLAS APPEGATE,
BOB WISE,
BUD SHUSTER,
BILL CLINGER,

As additional conferees from the Committee on Rules, for consideration of section 1008 relating to funding structure for contingency operations) of the House bill, and modifications committed to conference:

BUTLER DERRICK,
TONY BEILENSON,
MARTIN FROST,
GERALD B.H. SOLOMON,
JAMES H. QUILLEN,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 215, 262, 265, 1303, 1304, 1312-1318, and 3105 of the House bill and sections 203, 233, 235, 803, and 3141-3148 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
EDDIE BERNICE JOHNSON,

As additional conferees from the Committee on Small Business, for consideration of section 829 of the House bill, and modifications committed to conference:

JOHN J. LAFALCE,
NEAL SMITH,
JAN MEYERS,

As additional conferees from the Committee on Veterans' Affairs, for consideration of

sections 1071 and 1079 of the Senate amendment, and modifications committed to conference:

G.V. MONTGOMERY,
GEORGE E. SANGMEISTER,
BOB STUMP,

Provided, Mr. Slattery is appointed in lieu of Mr. Sangmeister solely for the consideration of section 1079:

JIM SLATTERY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 653, 705, and 1087 of the Senate amendment, and modifications committed to conference:

J.J. PICKLE,
Managers on the Part of the House.

SAM NUNN,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
JOHN GLENN,
RICHARD SHELBY,
ROBERT C. BYRD,
BOB GRAHAM,
CHUCK ROBB,
JOSEPH I. LIEBERMAN,
RICHARD H. BRYAN,
STROM THURMOND,
JOHN WARNER,
BILL COHEN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,

Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 5 minutes, today.
Mr. BARTLETT of Maryland, for 5 minutes, today.
Mr. EWING, for 5 minutes each day, on November 19, 20, 21, 22, and 23.
Mrs. BENTLEY, for 5 minutes, today, in lieu of previously approved 60 minutes.

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.
Mr. JEFFERSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. BUYER on the McCollum amendment to H.R. 1025 in the Committee of the Whole today.)

(Mr. DORNAN and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,222.)

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. ANDREWS of New Jersey in two instances.

Mr. SKELTON.
Mr. VISCLOSKEY.
Mr. DELLUMS.
Mr. HAMILTON in two instances.
Mr. BROWN of California.
Mr. ENGEL.
Mr. WAXMAN.
Ms. WOOLSEY.
Mr. FINGERHUT.
Mr. DE LA GARZA.
Mr. FAZIO.
Mr. MINETA in two instances.
Ms. HARMAN.
Mr. DICKS.
Mr. TRAFICANT.
Mr. BARLOW.
Mr. RANGEL.
Mr. DINGELL in two instances.
Mr. FILNER.
Mr. PAYNE of New Jersey.
Mrs. LOWEY.
Ms. ENGLISH of Arizona.
Mr. DEUTSCH.
Mr. NADLER.
Mr. VENTO.
Mr. HOYER.
Mr. FALEOMAVAEGA.
Mr. BORSKI.
Mr. BROWN of Ohio.
Mr. KOPETSKI.
Mr. OWENS.
Mr. VALENTINE.
Mr. TOWNS.
Mr. FORD of Michigan.
Ms. SCHENK.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. PACKARD.
Mr. BARTLETT of Maryland.
Mr. CALVERT.
Mr. DORNAN.
Mr. RIDGE.
Mrs. ROUKEMA in two instances.
Mr. GILMAN in three instances.
Mr. BURTON of Indiana.
Mr. RAMSTAD.
Ms. MOLINARI.
Mr. FAWELL.
Mr. COX.
Mr. SHAYS.
Mr. GRAMS.
Mr. YOUNG of Alaska.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. ARCHER.
Mr. EWING.
Mr. GUTIERREZ.
Mr. GOODLING.
Ms. DELAURO.
Mr. FRANKS of Connecticut.
Mrs. JOHNSON of Connecticut.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2520. An act making appropriations for the Department of the Interior and relat-

ed agencies for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 3116. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 131. Joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week."

ADJOURNMENT TO MONDAY, NOVEMBER 15, 1993

Mr. DREIER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Ms. SLAUGHTER). Pursuant to the provisions of House Concurrent Resolution 178, 103d Congress, the House stands adjourned until noon, Monday, November 15, 1993.

Thereupon (at 8 o'clock and 24 minutes p.m.), pursuant to House Concurrent Resolution 178, the House adjourned until Monday, November 15, 1993, at 12 noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 1025. A bill to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contracted by firearms dealers before the transfer of any firearm; with an amendment (Rept. 103-344). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 2884. A bill to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purpose; with an amendment (Rept. 103-345). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2868. A bill to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Courthouse" (Rept. 103-346). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3186. A bill to designate the U.S. courthouse located in Houma, LA, as the "George Arceneaux, Jr., United States Courthouse" (Rept. 103-347). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3356. A bill to designate the U.S. courthouse under construction at 611 Broad Street, in Lake Charles, LA, as the "Edwin Ford Hunter, Jr., United States Courthouse" (Rept. 103-348). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3313. A bill to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes; with amendments (Rept. 103-349). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3456. A bill to amend title 38, United States Code, to restore certain benefits eligibility to unremarried surviving spouses of veterans; with an amendment (Rept. 103-350). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 305. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes (Rept. 103-351). Referred to the House Calendar.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3436. A bill to amend the Food Stamp Act of 1977 to ensure adequate access to retail food stores by recipients of food stamps and to maintain the integrity of the Food Stamp Program; with an amendment (Rept. 103-352). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3419. A bill to simplify certain provisions of the Internal Revenue Code of 1986, and for other purposes; with an amendment (Rept. 103-353). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. H.R. 3425. A bill to redesignate the Environmental Protection Agency as the Department of Environmental Protection, and for other purposes; with an amendment (Rept. 103-355). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3318. A bill to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles (Rept. 103-356 Pt. 1). Ordered to be printed.

Mr. DELLUMS: Committee of Conference. Conference report on H.R. 2401. A bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense to prescribe military personnel strengths for fiscal year 1994, and for other purposes (Rept. 103-357). Ordered to be printed [H9563] F

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. CONYERS: Committee on Government Operations. H.R. 1593. A bill to amend the Government in the Sunshine Act to require the disclosure of certain activities, with an amendment; referred to the Committee on Judiciary for a period ending not later than February 28, 1994, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pur-

suant to clause 1(1), rule X (Rept. 103-354, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOUCHER (for himself, Mr. BROWN of California, Mr. MILLER of California, Mr. LEHMAN, Mr. WALKER, and Mr. BOEHLERT):

H.R. 3485. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996; jointly, to the Committees on Science, Space, and Technology and Natural Resources.

By Mr. ARCHER:

H.R. 3486. A bill to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, and for other purposes; to the Committee on the Judiciary.

H.R. 3487. A bill to amend the Social Security Act to improve review procedures (particularly those involved in the disability determination process) under the OASDI, SSI, and Medicare Programs by making such procedures more cost-effective and by providing greater equity and efficiency for claimants and beneficiaries; jointly, to the Committees on Ways and Means, Post Office and Civil Service, and Energy and Commerce.

By Mr. BACHUS of Alabama (for himself, Mr. HUNTER, Mr. DORNAN, Mr. GOSS, Mr. LAUGHLIN, Mr. BURTON of Indiana, Mr. EMERSON, Mr. STUMP, Mr. DOOLITTLE, Mr. HUTCHINSON, Mr. HANSEN, Mr. BATEMAN, Mr. FIELDS of Texas, Mr. KING, Mrs. FOWLER, Mr. TAYLOR of North Carolina, Mr. EWING, and Mr. SMITH of Texas):

H.R. 3488. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to limit the distribution of funds of the National Endowment for the Arts; to the Committee on Education and Labor.

By Mr. BORSKI (for himself and Mr. WISE):

H.R. 3489. A bill to improve economic productivity and create thousands of jobs by establishing an infrastructure reinvestment fund which will provide immediate, upfront funding of intermodal surface transportation programs, and for other purposes; jointly, to the Committees on Public Works and Transportation, Government Operations, Rules, and Ways and Means.

By Mr. DE LA GARZA:

H.R. 3490. A bill to include as creditable service, for purposes of the Civil Service Retirement System, certain periods of service performed in certain Federal-State cooperative agricultural programs; to the Committee on Post Office and Civil Service.

By Mr. FAWELL (for himself, Mr. GOODLING, and Mr. BALLENGER):

H.R. 3491. A bill to amend the Federal Employees' Compensation Act, and title 18 of the United States Code, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. FISH (for himself, Mr. BILBRAY, Mr. COBLE, Mr. GILMAN, Mr. LANCASTER, Mr. LIPINSKI, Mr. HAYES, Mr. KING, Mr. PICKLE, Mr. REGULA, Mr. SHAYS, Mr. STOKES, Mr. TANNER, Mr. TEJEDA, Mr. WOLF, Mr. YOUNG of Florida, Mr. MARTINEZ, Mr. NATCHER, Mr. BLILEY, Mr. EDWARDS of Texas, Mr. LAZIO, Mr. SARPALIUS, Mr.

FALEOMAVAEGA, Mr. MCMILLAN, Mr. MCHUGH, Mr. LEVY, Mr. FROST, Mr. HORN of California, Mr. HOBSON, Mr. MONTGOMERY, Mr. SOLOMON, Mr. MYERS of Indiana, Mr. COLEMAN, Mr. HOCHBRUECKNER, Mr. GEKAS, Mr. TOWNS, Mr. SPENCE, Mr. GILLMOR, Mr. UNDERWOOD, Mr. SKEEN, Mr. REED, Mr. SCOTT, Mr. DELLUMS, Mr. WALSH, Mr. MOORHEAD, Mr. HUGHES, Mr. SWIFT, Mr. SERRANO, Mr. SUNDQUIST, Mr. ACKERMAN, Mr. LAUGHLIN, Mr. MCDERMOTT, Mr. APPELEGATE, and Ms. SLAUGHTER):

H.R. 3492. A bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the U.S. Military Academy at West Point, NY; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FRANKS of Connecticut:

H.R. 3493. A bill to amend title 11 of the United States Code to increase, for the purpose of giving priority in bankruptcy, the dollar amount of unsecured claims of consumers who made deposits with the debtor; to the Committee on the Judiciary.

By Mr. FRANKS of Connecticut:

H.R. 3494. A bill to amend title 18, United States Code, to provide for the doubling of the imprisonment penalty for crimes committed against the elderly; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. SERRANO, Mr. PASTOR, Mr. RICHARDSON, Mr. TORRES, Mr. UNDERWOOD, Mr. BECERRA, Mr. ORTIZ, Mr. DE LUGO, and Ms. VELAZQUEZ):

H.R. 3495. A bill to amend the Immigration Reform and Control Act of 1986 concerning interim assistance to States for legislation [SLIAG]; to the Committee on the Judiciary.

By Mr. HOYER (for himself and Mr. WELDON):

H.R. 3496. A bill to amend title 18, United States Code, to increase penalties for certain arson and explosives offenses; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. RAMSTAD, and Mr. BLILEY):

H.R. 3497. A bill to amend title 18, with respect to travel for illegal sexual activities; to the Committee on the Judiciary.

By Mr. KLEIN (for himself, Mr. HUGHES, Mr. ANDREWS of New Jersey, Mr. GALLO, Mr. PAYNE of New Jersey, Mr. ZIMMER, Mr. HINCHEY, Mr. NADLER, Mrs. LOWEY, Mr. BARCIA of Michigan, Mr. PALLONE, Mr. MENENDEZ, Mr. ACKERMAN, Ms. PELOSI, Mr. TORRICELLI, and Mr. FRANKS of New Jersey):

H.R. 3498. A bill to establish the Great Falls Historic District, and for other purposes; to the Committee on Natural Resources.

By Mr. MCCLOSKEY:

H.R. 3499. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

By Mr. MICHEL (for himself, Mr. GINGRICH, Mr. SANTORUM, Mr. DELAY, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. GRANDY, Mr. CAMP, Mr. CASTLE, Mr. HERGER of California, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. KNOLLENBERG, Mr. KOLBE, Mrs. ROUKEMA, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BATEMAN,

Mrs. BENTLEY, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BOEHNER, Mr. BONILLA, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CANADY, Mr. CLINGER, Mr. COBLE, Mr. COLLINS of Georgia, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DUNCAN, Ms. DUNN, Mr. EMERSON, Mr. EVERETT, Mr. EWING, Mr. FAWELL, Mr. FIELDS of Texas, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. GILCHREST, Mr. GILMAN, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GRAMS, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN of California, Mr. HOUGHTON, Mr. HUFFINGTON, Mr. HUNTER, Mr. HYDE, Mr. INHOPE, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KASICH, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KLUG, Mr. KYL, Mr. LAZIO, Mr. LEACH, Mr. LEVY, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LINDER, Mr. LIVINGSTON, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCREERY, Mr. MCDADE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. McMILLAN, Mr. MACHTLEY, Mr. MANZULLO, Mr. MICA, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PETRI, Mr. POMBO, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUILLEN, Mr. QUINN, Mr. RAMSTAD, Mr. RAVENEL, Mr. REGULA, Mr. RIDGE, Mr. ROBERTS, Mr. ROGERS, Mr. ROHRBACHER, Mr. ROTH, Mr. ROYCE, Mr. SAXTON, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNDQUIST, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mr. THOMAS of California, Mr. TORKILDSEN, Mr. UPTON, Mr. WALKER, Mr. WALSH, Mr. WELDON, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 3500. A bill to amend title IV of the Social Security Act to provide welfare families with the education, training, job search, and work experience needed to prepare them to leave welfare within 2 years, to increase the rate of paternity establishment for children receiving welfare benefits, to provide States with greater flexibility in providing welfare, to authorize States to conduct demonstration projects to test the effectiveness of policies designed to help people leave welfare and increase their financial security, to strengthen child support enforcement, and to eliminate welfare payments for most groups of noncitizens; jointly to the Committees on Ways and Means, Education and Labor, Energy and Commerce, Agriculture, Banking, Finance and Urban Affairs, the Judiciary, Government Operations, and Rules.

By Mr. MANTON:

H.R. 3501. A bill to impose mandatory sentence for crimes of violence and fraud against senior citizens, to provide for the death penalty for the homicide of a senior citizen, and for other purposes; jointly, to the Committees on the Judiciary, Energy and Commerce, Banking, Finance and Urban Affairs, and Ways and Means.

By Mr. SANTORUM (for himself, Mr. COYNE, Mr. MCDADE, Mr. MURTHA, Mr. WELDON, Mr. KLING, Mr. RIDGE, Mr. MURPHY, Mr. CLINGER, Mr. KANJORSKI, Mr. SHUSTER, Mr. FOGLIETTA, Mr. GOODLING, Mr. BORSKI, Mr. WALKER, Mr. MCHALE, Mr. GREENWOOD, Ms. MARGOLIES-MEZVINSKY, Mr. BLACKWELL, Mr. HOLDEN, and Mr. GEKAS):

H.R. 3502. A bill to designate the long-term care facility of the Department of Veterans Affairs medical center at Pittsburgh, PA, as the Matthew B. Ridgway Division of the Department of Veterans Affairs Medical Center at University Drive, Pittsburgh, PA; to the Committee on Veterans' Affairs.

By Ms. SNOWE:

H.R. 3503. A bill to establish limitations on the use of funds for international peacekeeping activities; to the Committee on Foreign Affairs.

By Mr. TORKILDSEN (for himself, Mr. STUMP, Mr. CONDIT, Mr. HEFLEY, Mr. CASTLE, Mr. EWING, Mr. SHAYS, Mr. BAKER of California, Mr. LIVINGSTON, Mr. ZELIFF, Mrs. FOWLER, Mr. MCKEON, Mr. KIM, and Mr. BLUTE):

H.R. 3504. A bill to provide Federal payments for Federal mandates imposed upon State and local governments; jointly, to the Committees on Government Operations and Rules.

By Mr. WAXMAN of California:

H.R. 3505. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CLAYTON:

H.J. Res. 291. Joint resolution designating March 20 through March 26, 1994, as "Small Family Farm Week"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Con. Res. 178. Concurrent resolution providing for an adjournment of the House from Wednesday, November 10, 1993 to Monday, November 15, 1993 and an adjournment to recess of the Senate from Wednesday, November 10, 1993 to Tuesday, November 16, 1993; considered and agreed to.

By Mr. HOYER:

H. Res. 306. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. GEKAS:

H. Res. 307. Resolution providing for the consideration of the bill (H.R. 1220) and certain amendments thereto relating to specified criminal justice system reforms; to the Committee on Rules.

H. Res. 308. Resolution providing for the consideration of the bill (H.R. 1220) and certain amendments thereto relating to specified criminal justice system reforms; to the Committee on Rules.

By Mr. SAM JOHNSON (for himself and Mr. HALL of Texas):

H. Res. 309. Resolution amending the Rules of the House of Representatives to require a two-thirds, rollcall vote to increase the statutory limit on the public debt; to the Committee on Rules.

By Mr. POMBO:

H. Res. 310. Resolution amending the Rules of the House of Representatives to require a 5-day waiting period before floor action on legislation, and for other purposes; to the Committee on Rules.

PRIVATE RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TRAFICANT introduced a concurrent resolution (H. Con. Res. 179) concerning the case of Joseph Occhipinti; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Ms. MARGOLIES-MEZVINSKY.
 H.R. 323: Mr. KINGSTON.
 H.R. 396: Mr. ENGEL.
 H.R. 522: Mr. MOAKLEY, Mr. SCOTT, Mr. CRAMER, and Mr. FINGERHUT.
 H.R. 784: Mr. ENGEL.
 H.R. 790: Mr. UPTON and Mr. ZELIFF.
 H.R. 951: Mr. MANTON.
 H.R. 998: Mr. ZELIFF.
 H.R. 1009: Mr. SHARP.
 H.R. 1015: Mr. KLECZKA and Mr. ENGEL.
 H.R. 1026: Mr. UPTON.
 H.R. 1080: Mr. ZELIFF and Mr. UPTON.
 H.R. 1151: Mr. SAWYER, Mr. BACHUS of Alabama, and Mr. BECERRA.
 H.R. 1167: Mr. ZELIFF.
 H.R. 1168: Mr. BONILLA, Mr. UPTON, and Mr. ZELIFF.
 H.R. 1192: Mr. ZELIFF.
 H.R. 1293: Mr. MCCANDLESS, Mr. GRAMS, and Mr. MANZULLO.
 H.R. 1330: Mr. KIM, Mr. MCKEON, Mr. HORN of California, Mr. BARCIA of Michigan, Mr. ROGERS, Mr. MOORHEAD, Mr. DREIER, Mr. WALSH, Mr. ROYCE, and Mr. COX.
 H.R. 1352: Mr. ENGEL.
 H.R. 1353: Mr. KYL, Mr. BARTLETT of Maryland, and Mr. DIAZ-BALART.
 H.R. 1363: Mr. ZELIFF.
 H.R. 1402: Mr. TORRES and Mr. FORD of Michigan.
 H.R. 1482: Mr. UPTON.
 H.R. 1483: Mr. JACOBS and Mr. ZELIFF.
 H.R. 1486: Mr. ZELIFF.
 H.R. 1487: Mr. ZELIFF and Mr. STEARNS.
 H.R. 1493: Mr. ZELIFF, Mr. GUNDERSON, and Mr. WELDON.
 H.R. 1504: Mrs. CLAYTON.
 H.R. 1505: Mr. ALLARD, Mr. ZELIFF, and Mr. UPTON.
 H.R. 1546: Mr. ZELIFF.
 H.R. 1604: Mr. ZELIFF.
 H.R. 1605: Mr. ZELIFF.
 H.R. 1606: Mr. ZELIFF.
 H.R. 1607: Mr. ZELIFF.
 H.R. 1697: Mr. CARDIN.
 H.R. 1733: Mr. EVANS.
 H.R. 1735: Mr. HOAGLAND.
 H.R. 1852: Mr. JACOBS and Mr. ZELIFF.
 H.R. 1853: Mr. JACOBS and Mr. ZELIFF.
 H.R. 1854: Mr. ZELIFF.
 H.R. 1856: Mr. JACOBS.
 H.R. 1857: Mr. ZELIFF.
 H.R. 1858: Mr. ZELIFF.
 H.R. 1859: Mr. UPTON and Mr. ZELIFF.
 H.R. 1860: Mr. ZELIFF.
 H.R. 1887: Mr. ZELIFF.
 H.R. 2001: Mr. MINGE and Mr. OBERSTAR.
 H.R. 2037: Mr. ZELIFF.
 H.R. 2043: Mr. FARR.
 H.R. 2227: Mr. ENGEL.
 H.R. 2319: Ms. PRYCE of Ohio, Mr. BACHUS of Alabama, Mr. BARRETT of Wisconsin, and Mr. VISLOSKEY.
 H.R. 2331: Mr. WILLIAMS.
 H.R. 2346: Mr. TORRES.
 H.R. 2375: Mr. FROST, Ms. WOOLSEY, Mr. UNDERWOOD, Mr. HUGHES, Mr. HOLDEN, and Mr. WILLIAMS.
 H.R. 2394: Mr. HUGHES and Mr. ENGEL.

H.R. 2395: Mr. HUGHES and Mr. ENGEL.
 H.R. 2646: Mr. STEARNS and Mr. ZELIFF.
 H.R. 2720: Mr. GENE GREEN of Texas, Mr. JOHNSTON of Florida, Ms. MARGOLIES-MEZVINSKY, Mr. SISISKY, Mr. JOHNSON of South Dakota, Ms. BYRNE, Ms. WATERS, and Mr. ROMERO-BARCELO.
 H.R. 2741: Mr. SMITH of New Jersey and Mrs. ROUKEMA.
 H.R. 2858: Mr. ZIMMER.
 H.R. 2896: Mr. ENGEL.
 H.R. 2925: Mr. ENGEL.
 H.R. 2950: Mr. ENGEL.
 H.R. 2959: Mr. FIELDS of Texas, Mr. BACHUS of Alabama, Mr. CLINGER, and Mr. CALLAHAN.
 H.R. 2988: Mr. FOGLIETTA and Mr. MINGE.
 H.R. 3021: Mr. HEFLEY.
 H.R. 3024: Mr. CALLAHAN.
 H.R. 3041: Mr. ENGEL.
 H.R. 3062: Mr. ZELIFF.
 H.R. 3099: Mr. MCCOLLUM and Mr. GRANDY.
 H.R. 3121: Mr. LEWIS of Georgia.
 H.R. 3127: Mr. ZELIFF.
 H.R. 3128: Mr. DEUTSCH, Mr. SLATTERY, Mr. SHAYS, Mr. McDERMOTT, and Mr. STARK.
 H.R. 3182: Mr. ENGEL and Ms. PRYCE of Ohio.
 H.R. 3222: Mr. SYNAR and Mr. KOLBE.
 H.R. 3237: Mr. DIAZ-BALART.
 H.R. 3269: Mr. KANJORSKI, Mr. SYNAR, Mr. KOPETSKI, Mr. BARLOW, Mr. HOLDEN, Mr. SPENCE, Mr. WILLIAMS, Mr. ENGEL, Mr. UNDERWOOD, Mr. DELLUMS, and Mr. FROST.
 H.R. 3271: Mr. LIVINGSTON, Mr. LIPINSKI, and Mr. FROST.
 H.R. 3283: Mr. JOHNSON of South Dakota and Mr. ENGEL.
 H.R. 3301: Ms. WATERS, Ms. LAMBERT, and Mr. FOGLIETTA.
 H.R. 3313: Ms. WOOLSEY.
 H.R. 3315: Mr. CLAY, Mr. DELLUMS, Mr. McDERMOTT, and Mr. LEWIS of Georgia.
 H.R. 3318: Mr. WOLF.
 H.R. 3327: Mrs. THURMAN.
 H.R. 3328: Mr. BARCIA of Michigan, Mr. BARRETT of Nebraska, Mr. BARTON of Texas, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mrs. BENTLEY, Mr. BURTON of Indiana, Mr. CANADY, Mr. COBLE, Mr. COSTELLO, Mr. CRANE, Mr. DEUTSCH, Mrs. FOWLER, Mr. GENE GREEN of Texas, Mr. INGLIS of South Carolina, Ms. KAPTUR, Mr. KINGSTON, Mr. KLINK, Mr. KREIDLER, Mr. MARKEY, Mr. MINGE, Mr. MCCANDLESS, Mrs. MEYERS of Kansas, Mr. NUSSLE, Mr. PARKER, Mr. QUINN, Mr. POSHARD, Mr. RAVENEL, Mr. ROMERO-BARCELO, Mr. SANDERS, Mr. SERRANO, Mr. SISISKY, Ms. SNOWE, Mr. STUMP, Mr. TOWNS, Mrs. UNSOELD, Mr. UPTON, and Mr. ZIMMER.
 H.R. 3342: Mr. QUINN and Mr. LIGHTFOOT.
 H.R. 3365: Mr. WHEAT, Mr. FORD of Michigan, Mr. BRYANT, and Mr. SWETT.

H.R. 3366: Mr. FOGLIETTA and Mr. BATEMAN.
 H.R. 3367: Mr. EMERSON, Mrs. JOHNSON of Connecticut, Mr. BAKER of California, Mr. QUINN, Mr. TRAFICANT, Mrs. MEYERS of Kansas, Mr. PETE GEREN of Texas, Mr. FROST, Mr. COOPER, Mr. DARDEN, and Mr. REGULA.
 H.R. 3398: Mr. MATSUI, Ms. FURSE, Mr. McDERMOTT, Mr. DEUTSCH, Mr. BERMAN, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SABO.
 H.R. 3413: Mr. BALLENGER.
 H.R. 3424: Mr. LIVINGSTON, Mr. CUNNINGHAM, Mr. COOPER, Mr. REGULA, and Mr. TORKILDSEN.
 H.R. 3425: Mr. DINGELL, Miss COLLINS of Michigan, and Ms. FURSE.
 H.R. 3436: Mr. DE LUGO, Ms. VELAZQUEZ, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Mr. GUTIERREZ, Mr. RICHARDSON, Mr. SERRANO, and Mr. TORRES.
 H.R. 3456: Mr. BISHOP, Mr. SMITH of New Jersey, Mr. HEFNER, Mr. RIDGE, Mr. RICHARDSON, Mr. QUINN, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. BILIRAKIS.
 H.R. 3459: Mr. WATT, Mr. LEWIS of Georgia, Mr. WASHINGTON, Mr. MPUME, Ms. BROWN of Florida, Mr. HILLIARD, Mr. RANGEL, Mr. THOMPSON, Mr. FORD of Tennessee, Mr. REYNOLDS, Mrs. CLAYTON, Mr. SCOTT, Mr. CLYBURN, Mrs. COLLINS of Illinois, Mr. BISHOP, Mr. TOWNS, Ms. NORTON, Mr. TUCKER, Mr. FIELDS of Louisiana, Mr. PAYNE of New Jersey, Miss COLLINS of Michigan, Mr. OWENS, Ms. MCKINNEY, Mr. HASTINGS, Mrs. MEEK, Mr. STOKES, Mr. WYNN, Mr. FLAKE, Mr. RUSH, Mr. DIXON, Mr. JEFFERSON, and Mr. FRANKS of Connecticut.
 H.J. Res. 9: Mr. MCKEON and Mr. WALSH.
 H.J. Res. 90: Mr. ROSE, Mr. LANCASTER, Mr. KLUG, and Ms. KAPTUR.
 H.J. Res. 113: Mr. YOUNG of Florida, Mr. ROGERS, and Mr. HILLIARD.
 H.J. Res. 139: Mr. BREWSTER, Mr. TORRICELLI, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. YOUNG of Alaska, Mr. STUMP, Mr. ROEMER, Mr. ROSE, Mr. CLEMENT, Mrs. MORELLA, and Mr. LANCASTER.
 H.J. Res. 175: Ms. WOOLSEY, Mr. ABERCROMBIE, and Mr. YATES.
 H.J. Res. 216: Mr. BONIOR, Mr. CALVERT, Mr. GILCHREST, Mr. LIGHTFOOT, Mr. REGULA, Mr. THOMAS of Wyoming, and Mr. SAM JOHNSON.
 H.J. Res. 246: Mr. BOUCHER, Mr. DELLUMS, Mr. GEKAS, Mr. JACOBS, Mr. LEHMAN, Mr. LEWIS of California, Mrs. LOWEY, Mrs. MEEK, Mr. OLVER, Mr. REYNOLDS, Mr. SAXTON, and Mrs. VUCANOVICH.
 H.J. Res. 278: Mr. KLECZKA and Mr. FROST.
 H. Con. Res. 20: Mr. BLILEY and Ms. WATERS.
 H. Con. Res. 80: Mr. ISTOOK.

H. Con. Res. 90: Mr. ZELIFF.
 H. Con. Res. 107: Mr. CRAMER, Mr. LEACH, Mr. SHAYS, Mr. FOGLIETTA, Mr. TAYLOR of North Carolina, Mr. PAYNE of Virginia, and Mr. DEUTSCH.
 H. Con. Res. 110: Mr. QUINN.
 H. Con. Res. 122: Ms. BYRNE, Mr. MENENDEZ, Mr. VISCLOSKEY, Mr. LEWIS of Florida, Ms. PRYCE of Ohio, Mr. ROSE, and Mr. BROWN of Ohio.
 H. Res. 213: Mr. ZELIFF.
 H. Res. 234: Mr. LEWIS of Florida, Mr. DOOLEY, Ms. MCKINNEY, Mr. WHEAT, Mr. LEWIS of Georgia, Mr. WISE, and Mr. VOLKMER.
 H. Res. 247: Mr. HUFFINGTON and Mr. HEFLEY.
 H. Res. 278: Mr. WILSON, Mrs. FOWLER, Mr. TUCKER, Mr. FIELDS of Texas, Ms. SHEPHERD, Mr. YOUNG of Alaska, and Mr. HALL of Texas.
 H. Res. 285: Ms. ENGLISH of Arizona, Mr. FILNER, Mr. FLAKE, Mr. GENE GREEN of Texas, Mr. HASTINGS, Mr. HINCHEY, Mr. HOAGLAND, Mr. INSLEE, Mr. KENNEDY, Mr. LANTOS, Mrs. LLOYD, Mr. McCLOSKEY, Mr. MCCURDY, Mr. MILLER of California, Mr. MORAN, Mr. PASTOR, Ms. PELOSI, Mr. POMEROY, Mr. ROMERO-BARCELÓ, Mr. SANDERS, Mr. SKAGGS, Mr. STARK, Mr. STRICKLAND, Mr. ANDREWS of Maine, Mr. APPLIGATE, Mr. BAKER of California, Mr. BARLOW, Mr. BECERRA, Mr. BERMAN, Mr. BLACKWELL, Mr. BROWN of California, Mr. CONDIT, Ms. DANNER, Mr. DELLUMS, Mr. ENGEL, Mr. STUDDS, Mr. TORRICELLI, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. WASHINGTON, and Mr. WATT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 225: Mr. HOBSON.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Mr. HOEKSTRA on House Joint Resolution 9: JACK FIELDS.

Petition 9 by Mr. WELDON on House Resolution 227: MEL HANCOCK, JAMES C. GREENWOOD, and JACK FIELDS.

EXTENSIONS OF REMARKS

WELFARE REFORM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mrs. ROUKEMA. Mr. Speaker, I am pleased to join with over 150 of my Republican colleagues this morning in introducing comprehensive welfare reform legislation.

The legislation we introduce today addresses the central crisis of our welfare system; namely, that welfare was intended to be a temporary safety net—not a perpetual web of dependency. Furthermore, our legislation recognizes that the philosophical underpinning of welfare reform must be responsibility: of society to the less fortunate, but equally of welfare recipients to society and its taxpayers.

Our legislation addresses the welfare crisis on several fronts. Above all, we have taken the pioneering step of requiring welfare recipients to work for their benefits. Parents on welfare must enroll in job training, job search, or education programs. If they have not independently found work after 2 years, they must then participate in a State-run jobs program. The Republican welfare bill ends the system of something for nothing, and ensures that AFDC recipients meet reasonable and responsible standards.

We accept our responsibility in establishing these programs as well. We have dramatically expanded job training and work programs, and included the funding necessary to implement them.

Our bill addresses other, glaring failures in our present welfare system. Our legislation prohibits benefits to adolescent mothers, requiring them to maintain residence in a family household. We encourage States to adopt profamily financial incentives for welfare families, and eliminate monetary penalties and obstacles to stable family formation. We end the proliferation of welfare benefits for noncitizens. We take steps toward addressing the failures of our child support enforcement system, and strengthen the requirements for paternity establishment in welfare programs.

I am particularly pleased that this legislation includes the Roukema amendment, which requires welfare recipients, as a condition of receiving AFDC benefits, to certify that their children have been properly immunized.

As my colleagues will recall, Republicans were united this year in voting against the President's budget package, and the time-honored approach of throwing money at the child immunization problem. In that light, the President's reconciliation package included more than \$600 million over the next 5 years for immunization programs.

However, as I have long maintained, the problem here is not money. All objective evidence indicates that the missing link in pre-school immunization is enforceable standards.

Today, either through ignorance or apathy, parents are failing to get their children immunized, making these children the victims. The Roukema amendment requires that parents, in order to qualify for AFDC benefits, must have their children properly immunized and up to date on the vaccinations. My amendment makes State compliance mandatory.

In addition, our bill requires that day care and child care centers which receive Federal moneys must certify that these same immunization requirements are met before enrolling a child.

For generations we have taken this approach in requiring immunizations for school enrollment, with remarkable success. When we require this immunization, and tell parents that their child won't start school without them, it happens—parents get their children the shots.

I would also stress that the immunization of children is preventive medicine. Medical and scientific evidence shows that every dollar invested in childhood immunization saves \$10 in future health care costs. Yet despite our vast technology, and remarkably effective vaccines, our Nation has begun to face increases in preventable childhood diseases.

Last year, in my own State of New Jersey, six children died from an outbreak of measles. These were unnecessary deaths. It is a national disgrace that in this country—the most advanced country on the globe, with the best medical care available—we rank with the Third World bloc when it comes to immunization standards.

I do have several concerns with the Republican package we are introducing today. This bill is not perfect, and in the months to come, I will be working to address what I perceive as its shortcomings.

In particular, I am concerned that we do not definitively prohibit States from increasing AFDC grants for children born to parents already on welfare.

Under the Republican task force package, States would be allowed to opt out of this provision, by passing a law to exempt themselves. It is unclear to me why the Federal Government, paying far and away the lion's share of the AFDC Program, feels the need to let States decide just how tough welfare reforms ought to be.

The definitive prohibition on these benefits increases should be a linchpin in any welfare reform effort, and I am disappointed that the conference did not adopt my amendment in this regard. Under my amendment, we would have told mothers already on welfare that if they decide to have another child, the Federal will not subsidize that choice. My amendment made clear that families on welfare would be faced with the same choices as every other American family: Can we afford another child, and how will we stretch our budget to meet these choices?

I would highlight that these reforms have already generated bipartisan support. They were

sponsored by a Democrat, African-American Assemblyman, adopted by New Jersey's Democratic legislature, and signed into law by a Democratic Governor. The Bush administration gave Federal approval to this provision last year. This was a key component of New Jersey's pioneering welfare reform package of 2 years ago, and garnered national attention.

Perhaps most important, earlier this week, New Jersey's welfare administration reported that in the first 2 months of this program, pregnancies among welfare mothers decreased 18 percent. This fact alone indicates that these provisions must be included in any full-scale reform that comes before the House of Representatives.

One additional area in which I feel our welfare reform effort is lacking is child support enforcement.

During consideration of this package in conference, I offered a comprehensive child support enforcement amendment to the provisions contained in the Republican task force package. My amendment was identical to legislation I introduced earlier this year, H.R. 1600, which implements the recommendations of the U.S. Commission on Interstate Child Support Enforcement. The failure of the conference to adopt this amendment represents, to me, a step backward. Clearly, we cannot have any real, comprehensive welfare reform without equally strong reform of our child support enforcement system.

Mr. Speaker, the importance of a strong child support title in any welfare system package cannot be understated. Invariably, child support enforcement is welfare prevention. Nonsupport of children by their parents is one of the primary reasons families have to resort to the welfare system in the first place.

The timely payment of court-ordered support is the fulfillment of a moral and legal obligation. If we are to advance real welfare reform, we must do everything in our power to ensure that these obligations are met.

Make no mistake about it: Failure to pay child support is not a victimless crime. The children going without these payments are the first victims. But ultimately, society and the American taxpayers are the victims, as they shoulder the burden of paying the welfare bill for those who do not meet their obligations.

Effective child support enforcement keeps people off the public dole, and actually saves the Federal Government money. This is broadly recognized across the board: The National Taxpayers Union estimated that the comprehensive provisions of my amendment would save \$25 million in Federal dollars the first year alone.

The Republican task force package before us contains the beginnings of child support reform, and my amendment incorporates most of those recommendations. However, my amendment goes much further in addressing the underlying flaws in our child support enforcement system, and making much needed

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

changes across the board. As every national authority on child support will affirm: A national child support enforcement system is an essential component of welfare reform. Moreover, our national enforcement system is only as good as our interstate collection mechanisms.

I was a leading voice in this debate, on both the Child Support Enforcement Amendments of 1984, and the Family Support Act of 1988. For the last 2 years, I have served as a member of the U.S. Commission on Interstate Child Support Enforcement, which last summer issued a comprehensive report, and recommendations for change, of our interstate child support system.

For example, only my amendment contains bold new initiatives to establish paternity—the most crucial element for establishment and collection of court-ordered child support. H.R. 1600 requires new paternity establishment initiatives, including mandatory hospital-based paternity programs. It simplifies paternity establishment process, and, in contested paternity, shifts the burden of proof to a father who has already acknowledged paternity.

My bill simplifies location of noncustodial parents and support order establishment, and creates a new line on the Federal W-4 for every new employee to indicate child support obligations. At the same time, we update the national computer network connecting State child support offices.

My amendment requires all States to make it a crime to willfully fail to pay child support.

For the first time, my amendment definitively allows States to serve child support orders on out-of-State employers. As the U.S. Commission noted, this direct service is one of the most successful methods of child support enforcement available, with success rates of 80 percent and more when used.

Finally, my bill addresses the important gaps in our present system, requiring States to withhold drivers' and occupational licenses from deadbeat parents; increasing the use of credit reporting and garnishment; and requiring uniform, national subpoenas to simplify burdensome paperwork requirements.

Mr. Speaker, in closing I would stress again: Failure to pay child support is not a victimless crime—first, and above all, the children pay; all too often, however, society and the taxpayers are left holding the bag for these deadbeat parents.

A comprehensive child support title must be an essential component of welfare reform—any welfare legislation that does not address this fundamental fact can be, at best, fragmentary and insufficient. Interstate child support is the missing link in our national system, as our national system can only be as strong as the interstate enforcement mechanisms. No comprehensive solution will be achieved as long as the strongest States are held back by the weakest ones.

In the months to come, I will be working to ensure bipartisan support for inclusion of these comprehensive child support enforcement provisions in any welfare reform package debated in Congress. I encourage my colleagues to join me in these efforts, and put forth real and effective welfare reform.

LET'S REMEMBER OUR VETERANS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the brave and patriotic Americans who have served our Nation. Since its founding, the United States has fought in 11 major wars and many smaller conflicts. During these periods of strife, more than 40 million Americans have served in our military forces. Their courageous deeds have helped to ensure that democracy and freedom prevail in this country, and throughout the world.

Tomorrow, November 11, we celebrate Veterans Day. Veterans Day provides us with an opportunity to recognize the enormous accomplishments and the great sacrifices that the veterans of our Nation, both past and present, have made. Veterans Day is also a day of peace; peace made possible through the valiant efforts of these American patriots. November 11 truly is a fitting day to pay tribute to these special individuals and their achievements, because on that date in 1918, an armistice between the Allies and the central powers was signed. This agreement brought an end to the fighting of World War I.

As we prepare to celebrate this Veterans Day, it is important to remember all who have served our Nation. In the coming year, we will commemorate the 50th anniversary of many critical moments of World War II. For example, June 6, 1994, will mark the half-century point since Allied Forces landed on the beaches of Normandy, France for the D-Day invasion. Since World War II, American soldiers have also been called to arms throughout the world in places such as Vietnam, Korea, Lebanon and the Persian Gulf.

Today, despite the end of the cold war and subsequent breakup of the former Soviet Union, we continue to call upon our Armed Forces to help defend the principles upon which this Nation was founded. The present situation in countries such as Bosnia, Haiti, and Somalia illustrates that there are still many threats confronting us. Thankfully, we still have brave men and women who stand ready to help ensure that the flames of freedom and democracy continue to burn brightly.

Each of us owes a deep debt of gratitude to our veterans, and to the men and women serving in our Armed Forces. I am proud to join with my colleagues, and the people of this great Nation, as we pay tribute to those brave Americans who have defended this country and safeguarded our future.

A TRIBUTE TO COURAGE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. BROWN of California. Mr. Speaker, Martin Luther King, Jr., said:

The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.

Throughout the 217-year history of America's struggles, triumphs and determination, there have always been courageous individuals ready to defend the ideals of this great Nation. Among the myriad of brave Americans that have stood steadfast against the tide of oppression and threats to our way of life, as well as the challenges and controversies of their own times, one group stands out for their sacrifice and commitment to duty. Today we honor our American veterans everywhere, not only for leaving hearth and home to fight an unrelenting stream of conflicts, but for serving our Nation in the highest station available to any citizen—as protectors of our ideals and dreams.

Too often in the present day, many Americans have seemingly forgotten the meaning of our holidays. The first, and often unimpaired definition of a holiday is as a holy day—a day of reverence and respect for what is good, not only of God, but in mankind as well. When Veterans Day was first enacted into law it was to commemorate the armistice of 1918 and then later amended to include the end of war in 1945. Now, it encompasses so much more. It is and always shall be a tribute to the proud resolve of America's fighting men and women, of any era, who have bravely endured through 10 major wars and numerous clashes.

More than just a tribute to the pain any one of them has had to bear, it is a tribute to the resiliency of the human spirit, present in the hearts and minds of our veterans. It has been hypothesized that, "A hero is no braver than an ordinary man, but he is brave five minutes longer." That is what we are honoring today, those proverbial 5 minutes of each veteran's life. Those 5 minutes in which our veterans reached deeper into themselves than they had ever before—resisting their fear and surging on for their fellow Americans back home and their friends on the battlefield all around them. By paying respect to those 5 minutes, we are rewarded with a glimpse into some of the best qualities inside us all that we have the potential to realize. The qualities of loyalty, perseverance and courage.

When I talk of the courage that veterans have displayed so many countless times, I am not talking of the term courage as it is today—a term cheap with overuse. When I talk of courage, I talk of the true courage that is found in veterans everywhere. The courage that President John F. Kennedy described as when, "A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—that is the basis of all morality." When Veterans Day commemorates the courage of this extraordinary group of people, it commemorates the courage to do what is right, rather than what is easy and uncomplicated.

Now more than ever, we as Americans must respond to the courage our veterans found within themselves for this country and the rest of the world. When our veterans call upon their fellow Americans for assistance we cannot be impulsive to their very real needs. If a veteran needs, desires, and has earned a greater education, then we must follow through on our commitment to provide that education. If a veteran seeks to find work, then we must provide that veteran with the training to prepare for a good-paying civilian

job, so that we will have done everything possible to make sure that veteran's search for employment was not in vain. If a veteran falls sick, we must nurse him or her back to health. After depending on them for so long to defend our ideals, we have to prove that the ideals of freedom, democracy, and opportunity that they fought for still exist. If we turn our backs to them, we turn our backs to all that is good and fundamental in our Nation. If we ignore their pleas, then we take one more disastrous step towards snuffing out the light that makes us the shining hope to the masses around the world. If we fail them, we will surely fail ourselves and all that we stand for.

At the same time, that is not to say that we veterans do not have a role to continue to fulfill in our country as well. We already have defended the ideals that America was founded on in the face of nearly overwhelming adversity, and we have to realize our fight is far from over. We now have to battle some of the fiercest enemies our Nation has ever faced—the enemies of cynicism, complacency, and apathy. We must help define America's vision of its role in our vastly changing world by reminding our fellow Americans of the good in our country, and our subsequent responsibilities. We, by being active participants in the very process of democracy we have guarded over, have the opportunity to demonstrate that significant objectives can be reached by possessing courage. Courage not against some tangible foreign despot or an evil empire, but courage against the faceless monster of our own doubts, fears, and indifference.

I know that all of you join me on this Veterans Day of November 11, 1993, in tribute to the courage and resolve of our brave American veterans who sacrificed a great deal to keep the ideals of this grand Nation alive through the tumultuous mosaic we know as American history. And I also know that we can join together as a committed citizenry in the fight to keep the ideals of our country, that our brave veterans fought so hard to protect, alive not just in the hearts of others in foreign lands who idolize American from afar, but in our own hearts and dreams as well.

LET'S ALL JOIN IN CELEBRATION
OF THE 218TH BIRTHDAY OF THE
U.S. MARINE CORPS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. DORNAN. Mr. Speaker, I ask my colleagues and all of the citizens of this great country to join me in congratulating the few, the proud, the brave men and women of the U.S. Marine Corps who today are celebrating the 218th anniversary of the birth of the corps.

I will include for the RECORD a description about the creation of the Marine Corps in 1775 and a brief summary of the history of the Marines from the Shore of Tripoli in 1805 to humanitarian operations in Somalia earlier this year. Semper parati!

USMC—CONGRESSIONAL HERITAGE

On Friday, 10 November 1775, Colonel Benedict Arnold stood on the banks of the St.

Lawrence River and looked in frustration across a mile of storm-whipped water at the grand objective—Quebec. It was critical that Arnold's Army execute the crossing before British reinforcements arrived.

Outside Boston on that same day, General George Washington and his army were encamped at Cambridge. Although reasonably provisioned, there were shortages of blankets, uniforms, and powder.

In Philadelphia that Friday morning, the Second Continental Congress considered the situations near Quebec and Cambridge. At ten o'clock, the President of the Congress, John Hancock, convened the Congress. Major items of discussion focused on relieving pressure on Arnold's Army by securing Nova Scotia and then resupplying Washington's Army with its captured supplies.

The success of the Nova Scotia plan called for the creation of two battalions of Marines from Washington's Army. Accordingly, the Continental Congress resolved that two battalions of Marines would be raised and that they would be able to serve to advantage by sea when required. They would be distinguished by the names of the First and Second Battalions of American Marines.

General Washington considered the decision to raise the Marine battalions from his Army impractical because his army was reorganizing. Undaunted, Congress relieved Washington of this responsibility and ordered that the Marine battalions be created independently of the army.

The expedition to Nova Scotia was eventually abandoned, but the Congress refused to abandon the resolution to form the Marine battalions. In a time of distress and despite objections, the Continental Congress persevered and perpetuated the idea of a Corps of Marines. In the following decades and centuries, the Congress has continued to nurture and support America's Marines.

In the aftermath of WWII, Congress directed the maintenance of a versatile expeditionary force in readiness. The Congress said such a ready force, highly mobile, always at a state of readiness, can be in a position to hold full-scale aggression at bay while the American nation mobilizes its vast defense machinery. This expeditionary capability remains the hallmark of the Marine Corps.

Throughout our 218 year history, the United States Marine Corps has been privileged to maintain a unique relationship with the Congress of the United States. We are pleased to have the opportunity to share with Congress this observance of the 218th birthday of the United States Marine Corps.

The United States Marine Corps is America's foremost force in readiness. Characterized by its amphibious, expeditionary, and combined arms capabilities, the Marine Corps is a uniquely organized, responsive, and sustainable military force.

As a regular branch of our country's armed services, the Marine Corps was founded by a 10 November 1775 resolution of the Continental Congress. Since then, Marines have served our Nation in numerous conflicts.

We were with John Paul Jones and General George Washington during the American Revolution.

We stormed the "Shore of Tripoli" in 1805 and raised the United States Flag for the first time in the Eastern Hemisphere.

We were the first United States troops to enter the capital and to occupy the "Halls of Montezuma" in Mexico City during the Mexican War.

We were at Bull Run and New Orleans during the Civil War, in Cuba and the Philippines during the Spanish-American War, and in China during the Boxer Rebellion.

We fought gallantly at Belleau Wood, Soisson, St. Michiel, and the Argonne during World War I.

We pioneered the concept of close air support in Nicaragua as Marine Aviators flew the first air missions in support of infantry forces.

We confirmed the validity of amphibious warfare at Guadalcanal, Bougainville, Tarawa, Saipan, Iwo Jima, and Okinawa during our legendary World War II island campaign in the Pacific.

We executed a classic amphibious assault at Inchon, became the first military to conduct helicopter operations in battle, and destroyed seven enemy divisions at the Chosin Reservoir during the Korean Conflict.

We added to our lineage the names Da Nang, Hue City, Phu Bai, and Khe Sanh during the Vietnam Conflict.

We supported our Nation's interests in Beirut, Grenada, and Panama, and adopted new techniques, such as Vertical Short Take-Off Landing high-performance aircraft, and new concepts, such as Maritime Prepositioning Ships.

We demonstrated our expeditionary responsiveness, combat readiness, and logistical sustainability in defeating Iraqi aggression and liberating Kuwait during the Gulf War.

We demonstrated our humanitarian capabilities by distributing food to the starving people of Somalia, thereby Operation Restore Hope became the latest campaign in 218 years of proud and faithful service to our Country and Corps.

Today we celebrate that heritage in our traditional Marine Corps Birthday Ceremony.

THOMAS D. MIGNANELLI
RECEIVES KIM AWARD

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. WAXMAN. Mr. Speaker, we ask our colleagues to join us in congratulating Thomas D. Mignanelli for receiving the Helen K. Kim Memorial Award from Athletes & Entertainers for Kids.

The Kim Award was established to recognize business leaders who have a profound and continuous commitment to the public good. Thomas D. Mignanelli, retired president and chief executive officer of Nissan Motor Corp. of the USA, has an impressive history of bringing corporate assistance to athletes and entertainers who work to improve the lives of children and youth in our community.

On November 16, 1993, the Kim Award will be jointly presented to Mr. Mignanelli by Kareem Abdul-Jabbar and Kathy Ireland at the Harper's Bazaar Charity Soiree.

We salute Mr. Mignanelli and extend our thanks and best wishes to him.

IMPROVING THE DISABILITY CLAIMS GRIDLOCK IN THE SOCIAL SECURITY PROGRAMS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. ARCHER. Mr. Speaker, today I am introducing the Social Security Procedural Improvement Act of 1993, a bill I have introduced in the past four Congresses. The disability program has reached near gridlock, and it is past time we took steps to streamline the process to make it more responsive to the public it serves and to ensure greater uniformity in a national program.

Essentially this is the same bill I first introduced in March 1986. I am convinced that the three main provisions of this bill are necessary. Those three provisions would: First, liberalize the criteria under which disability determinations for Social Security are administered; second, eliminate the appeals council and the review performed by it, and third, create a Social Security court, a proposal first advanced by my colleague JAKE PICKLE.

Let me expand on these provisions. The first would permit the Secretary of HHS to federalize State agencies at any time to assume the effective, equitable, and uniform administration of the program. This differs from current law which obligates the Secretary to show that the State agency has substantially failed to make decisions in accord with laws and regulation. This assures that the Secretary has the authority to federalize the disability program.

The States were initially given the responsibility because of their closer links to the medical community—from which reports would be needed—and because of the State link with vocational rehabilitation. Both rationales have been overtaken by program history and are no longer as relevant or important as the ensuring of effective, equitable, and uniform national administration of the disability program.

Let me assure you that this bill provides for fair and equitable treatment of the State employees who may be federalized. The disability determination process requires their continued expertise, and this bill provides an orderly and fair transition to Federal employment, with protections to ensure pay, leave, and pension benefits reasonably equivalent to Federal employees, so federalizing certain State agencies can be done in a cost-effective manner.

Second, it eliminates the appeals council, and the review performed by it, which is the third and final administrative appeal. This provision is intended to streamline the entire appeals process by eliminating a paper review of the decisions of administrative law judges. In fiscal 1993 that review took an average of 4 months and reversed only 4 percent of the cases appealed. I believe the applicants will benefit by quicker access to the new Social Security court.

I am heartened to report that on October 21, 1993 the Social Security Subcommittee held a hearing on the issue of the creation of a Social Security court. I advocated this bill's approach at that time and as I do now. The time

has come to get these cases out of the backlog of the district courts and into more specialized hands. SSA simply cannot administer the chaos created by the situation today.

In this context, the bill further provides that all appeals from this court would be channeled to the U.S. Court of Appeals for the Federal Circuit, again eliminating the potential for multiple and contradictory court decisions on a variety of highly technical program issues. I think it is important to note that the intent of this provision is not so much to stifle legal interpretation of statutory and regulatory requirements as to quantify those interpretations, so that the issues and costs can be resolved more speedily by the administration and Congress. The bill contains an adequate transitional period and mechanism to process pipeline cases, so those applicants caught in the transition should not be affected adversely.

This year my bill has two new features. SSA has, under demonstration project authority we enacted in 1980, been conducting case management pilot studies. Case management refers to front end services designed to help those able to return to work. Since SSA has lost control of the continuing disability review process, it is clear to me that we must invest more effort initially to identify and assist those who would benefit from such services. My bill requires that SSA add to its report on the pilot projects a legislative proposal to implement case management services on up to one-third of all beneficiaries by December 31, 1997, and up to one-half by December 31, 1999. This ought to give SSA the time and flexibility it would need to develop a plan it could live with.

Finally, there are small administrative costs associated with this bill, so as an offset I propose to eliminate survivor benefits which are payable solely on the basis of currently insured status. Currently insured covers the worker who had worked as little as 1½ years in the 3 years prior to death. In a fully mature program, that amounts to a windfall. I should make clear that my provision does not penalize younger workers. A year and a half of covered employment, or six quarters of coverage, fully ensures the young worker who dies before age 30.

SSA does not anticipate any immediate costs for this bill and cannot project a long term impact on the program. Personally I believe national uniformity would produce some substantial savings and more accurate determinations, as well as administrative savings, when compared to the current practice of administering divergent standards among differing circuit courts.

I commend these measures to all of my colleagues, and urge those on the Ways and Means Committee to consider the Social Security Procedural Improvement Act of 1993 as expeditiously as possible.

U.N. PEACEKEEPING—PART III

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. HAMILTON. Mr. Speaker, today I am submitting correspondence I received from the

State Department which includes the tentative forecast of the U.N. Security Council's program of work for November. As Ms. Sherman indicates, this program of work is subject to change. However, I believe this document provides useful information to Members interested in following the work of the Security Council.

I commend the administration for providing this information in an effort to keep Congress informed on the Security Council's work.

U.S. DEPARTMENT OF STATE,
Washington, DC, November 5, 1993.

HON. LEE H. HAMILTON,

Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, in accordance with the Administration's desire to keep the Congress informed of the work of the United Nations Security Council on peacekeeping operations, I am enclosing with this letter the tentative forecast of the program of work of the Security Council for November. This unofficial document is prepared by the U.N. Secretariat staff solely to assist the Council President and Members in planning the program of work for the month. As such it reports recent activities and forecasts what action may be required during the month.

We caution that the program of work of the Security Council is decided by the members and is subject to change at any time depending on circumstances. The forecast is thus only a reasoned estimate of future action. It is also worth mentioning that some items are listed by the Secretariat only as a reminder to the Members that the Council is still seized with them, but with no requirement that the item will be taken up by the Council.

Representatives from the State Department and the U.S. Mission to the U.N. will continue to convene briefings on Capitol Hill to discuss peacekeeping operations with Members and staff. Please feel free to contact us if you have questions or points to raise regarding these matters.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

TENTATIVE FORECAST OF THE PROGRAMME OF WORK OF THE SECURITY COUNCIL FOR THE MONTH OF NOVEMBER 1993

AFRICA

Angola

By resolution 864 (1993) of 16 September, the Security Council requested the Secretary-General to submit to it "as soon as the situation warrants, and in any case in good time before 1 November 1993 and again before 15 December 1993", a report on the situation in Angola and the implementation of that resolution.

The Secretary-General submitted his report on 27 October (S/26644). In this context, a draft presidential statement is being considered by the members.

Burundi

In a statement made by the President of the Council at the 3297th meeting on 25 October 1993, (S/26631) the Council requested the Secretary-General to monitor and follow closely the situation in Burundi, in close association with the Organization of African Unity (OAU), and to report to the Council thereon urgently. It also took note with appreciation of the dispatch by the Secretary-General of a Special Envoy to Burundi.

Libyan Arab Jamahiriya

On 13 August 1993, the Security Council, pursuant to paragraph 13 of resolution 748

(1992), reviewed the sanctions against Libya and concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992) (S/26303).

In a tripartite declaration issued on 13 August 1993 (S/26304) by France, the United Kingdom and the United States, the three Governments asked the Secretary-General to take the necessary steps to achieve the full implementation by the Libyan Government of resolution 731 (1992) within 40 to 45 days. They also stated that if, by 1 October 1993, the Libyan Government had failed to comply with resolutions 731 (1992) and 748 (1992), they would table a resolution strengthening the sanctions in key oil-related, financial and technological areas.

In a letter dated 22 September 1993 to the Secretary-General (S/26500), Libya submitted a set of questions to be put to France, the United Kingdom and the United States, as well as to the members of the Security Council with a view to seeking a definitive clarification of the understanding that the three States have of resolution 731 (1992) and to obtaining a precise response thereto.

On 1 October 1993, a draft resolution, submitted by France, United Kingdom and United States, was circulated informally to Council members.

Mozambique

By resolution 863 (1993), adopted on 13 September 1993, the Security Council welcomed the Secretary-General's intention to send a survey team of experts in connection with the proposed UN police contingent and to report thereon to the Council. It also requested the Secretary-General to keep the Council informed of developments regarding the implementation of the provisions of the General Peace Agreement and to submit a report thereon in good time before 31 October 1993.

By resolution 879 (1993) of 29 October 1993, the Security Council decided, pending examination of the report of the Secretary-General due under resolution 863 (1993), to extend ONUMOZ's mandate for an interim period terminating on 5 November 1993.

Somalia

By resolution 814 (1993) of 26 March, the Security Council authorized the mandate for the expanded UNOSOM (UNOSOM II) for an initial period through 31 October 1993. It also decided to conduct a formal review of the progress towards accomplishing the purposes of resolution 814 (1993) no later than 31 October 1993.

By resolution 865 (1993) of 22 September, the Security Council requested the Secretary-General to direct the urgent preparation of a detailed plan setting out UNOSOM II's future concerted strategy with regard to humanitarian, political and security activities and to report thereon as soon as possible. It also requested the Secretary-General to keep the Council fully informed on a regular basis on the implementation of this resolution.

By resolution 878 (1993) of 29 October, the Security Council extended UNOSOM II's mandate for an interim period terminating on 18 November. It also requested the Secretary-General to submit a report concerning the further extension of UNOSOM II's mandate in good time before 18 November, in accordance with the request of the Secretary-General contained in his letter of 28 October 1993 (S/26663), to include recent developments in Somalia as well.

Western Sahara

It is the intention of the Secretary-General to submit a report during the second half of

November in pursuance of Security Council resolution 809 (1993). The report will include an update on the monitoring of the ceasefire, progress made in the work of the identification commission and a timetable for the registration process, further efforts concerning the interpretation and application of the criteria for vote eligibility and prospect for the holding of an early referendum.

AMERICAS

El Salvador

By resolution 832 (1993) of 27 May, the Security Council enlarged the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) to include an electoral component for elections in spring 1994. It also decided that the enlarged mandate would be extended until 30 November 1993 and that it would be reviewed at that time on the basis of the recommendations to be presented by the Secretary-General. It further requested the Secretary-General to keep the Council fully informed of developments in the El Salvador peace process and to report on the operations of ONUSAL at the latest before the expiration of the new mandate period.

1. Commission on the Truth

In connection with the recommendations of the Truth Commission, the Secretary-General stated, in his report of 21 May 1993 (S/25812), his obligation to verify implementation of the Commission's recommendations and to report thereon at regular intervals to the Security Council.

The Secretary-General submitted his first report on the status of the implementation of the recommendations of the Truth Commission on 14 October 1993 (S/26581).

2. Electoral Process

Pursuant to resolution 832 (1993) of 27 May in which the Council requested the Secretary-General to keep it informed of further developments in the El Salvador Peace process and to report on the operations of ONUSAL, the Secretary-General, on 20 October, submitted his first report on the observations of the electoral process due to conclude with the general elections to be held in El Salvador in March 1994 (S/26606).

3. Human rights

By a * * * the Secretary-General transmitted a report of the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador, covering the period from 1 May to 31 July 1993.

Haiti

In a statement made by the President at the 3301st meeting on 30 October 1993, the Council reaffirmed that the Governors Island Agreement remained fully in force as the only valid framework for the resolution of the crisis in Haiti, and expressed its readiness to strengthen the sanctions already in force if the military authorities continued to interrupt the democratic transition. In this regard, it requested the Secretary-General to report urgently to the Security Council (S/26668).

ASIA

Cambodia

By resolution 860 (1993) of 27 August, the Security Council approved withdrawal plans for UNTAC and confirmed that UNTAC's functions would end upon the creation in September of the new Cambodian Government. It also decided that, in order to ensure a safe and orderly withdrawal of the military component of UNTAC, the period of such withdrawal should end on 15 November 1993.

In a letter dated 12 October (S/26570) to the Secretary-General, the members of the

Council invited the Secretary-General to submit as soon as possible a further report setting out in greater details the proposed objectives and terms of reference of a team of 20 military liaison officers, together with detailed plans for its dispatch and an estimate of the resources required. They also invited the Secretary-General to consider and address the implications of the possibility of incorporating the officers in the United Nations office to be established in Cambodia. The Secretary-General submitted his report on 27 October 1993 (S/26649).

In response to a letter dated 28 October 1993 from the Secretary-General concerning the extension of deployment of certain categories of UNTAC military personnel and the extension of deployment of the existing members of the mine clearance and training units of UNTAC, a draft resolution has been circulated for consideration by the members.

Iraq

Review of Sanctions

Under resolution 687 (1991) and other relevant resolutions, the Security Council mandated itself to undertake reviews of the status of the sanctions and other procedures established by the Council in connection with the situation between Iraq and Kuwait.

Three of those reviews will fall due on 18 November 1993, as indicated below:

1. Paragraph 21 of resolution 687 (1991) (economic sanctions)

Under the above-mentioned paragraph, the Security Council is required to review every 60 days the provisions of paragraph 20 of that resolution in the light of the policies and practices of the Government of Iraq. The purpose of the review is to determine whether there are grounds for lifting or varying the prohibitions referred to in paragraph 20. The review will be the 16th in the series.

2. Paragraph 28 of resolution 687 (1991) (review of the Council's decisions in paragraphs 22 to 25)

Under the above-mentioned paragraph, the Security Council is required to review every 120 days the provisions set out in paragraphs 22, 23, 24 and 25 of that resolution. The forthcoming review will be the 8th in the series.

3. Paragraph 6 of resolution 700 (1991) (review of the guidelines to facilitate full implementation of paragraphs 24, 25 and 27 of resolution 687 (1991))

Under the above-mentioned paragraph, the Security Council decided to review the Guidelines for the implementation of the relevant provisions of resolution 687 (1991) at the same time as its regular reviews called for in paragraph 28 of that resolution. The forthcoming review will be the 8th in the series.

Tajikistan

In a statement made by the President, at the 3266th meeting on 21 August 1993 (S/26341), the Council welcomed the Secretary-General's proposal to extend the mandate of his Special Envoy until 31 October 1993 and to extend the tenure of United Nations officials in Tajikistan for a period of three months. The Council also looked forward to receiving periodic reports from the Secretary-General. In a letter dated 10 September 1993, the Secretary-General gave an account of contacts and efforts undertaken by him and by his Special Envoy. It is expected that the Secretary-General will submit another periodic report in early November.

In a letter dated 27 October 1993 to the President of the Council (S/26659), the Head of State of the Republic of Tajikistan requested a meeting of the Security Council to consider the continued tension on the Tajik-Afghan border.

MIDDLE EAST

Deportation of Palestinians: Pursuant to resolution 799 (1992), the Secretary-General submitted a report dated 25 January 1993 on the three missions undertaken by his representative to the Middle East (S/25149).

UNDOF

By resolution 860 (1993) of 26 May, the Security Council renewed the mandate of UNDOF for a period of six months, until 30 November 1993, and requested the Secretary-General to submit, at the end of this period, a report on developments in the situation and the measures taken to implement resolution 338 (1973).

EUROPE

Bosnia and Herzegovina

1. Massacre at Stupni Do

In a statement made by the President of the Council (S/26661), the members requested the Secretary-General to submit as soon as possible a complete report on the responsibility for the violations of international humanitarian law.

2. Safe areas

In resolution 844 (1993) of 18 June, the Security Council decided to authorize the reinforcement of UNPROFOR to meet the additional force requirements mentioned in paragraph 6 of the report of the Secretary-General (S/25939) and invited the Secretary-General to report to the Council on a regular basis on the implementation of resolutions 836 (1993) and 844 (1993).

3. Geneva talks

In a letter dated 23 September 1993, the Secretary-General transmitted a report by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the latest developments in the search for peace in Bosnia and Herzegovina (S/26486).

A follow-up report by the Co-Chairmen is expected.

4. Assassination of Deputy Prime Minister

In his statement of 8 January 1993, the President of the Council said that on receipt of the Secretary-General's report on the assassination of the Deputy Prime Minister of Bosnia and Herzegovina, the Council would "reconsider the matter forthwith".

Cyprus

By resolution 831 (1993) of 27 May 1993, the Security Council decided to conduct a comprehensive reassessment of UNFICYP at the time of reconsideration of the Force's mandate in December 1993. In that context, it requested the Secretary-General to submit a report one month before that assessment, to cover all aspects of the situation.

By resolution 839 (1993) of 11 June, the Council requested the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the resolution by 15 November 1993 as part of the report called for in resolution 831 (1993).

In response to the Secretary-General's report on his mission of good offices in Cyprus dated 14 September 1993 (S/26438), the members of the Council expressed their continuing support for the Secretary-General's efforts and looked forward to receiving his report requested in resolution 831 (1993). On the basis of that report, the members of the Council will undertake a thorough review of the situation and, if necessary, consider alternative ways to promote the implementation of the resolution on Cyprus (S/26475).

Georgia

By resolution 858 (1993) of 24 August, the Security Council decided to establish a Unit-

ed Nations Observer Mission in Georgia (UNOMIG) and decided that "UNOMIG is established for a period of six months subject to the proviso that it will be extended beyond the initial 90 days only upon a review by the Council based on a report by the Secretary-General." It also requested the Secretary-General to report as appropriate, but in any event within three months, on the activities of UNOMIG.

In his report dated 7 October (S/26551), the Secretary-General gave a brief account of the initial effort to implement the mandate of UNOMIG and outlined the efforts to start a political process and the implications of the new situation which had arisen as a result of the collapse of the cease-fire and the ensuing military advances by the Abkhaz party. He also stated that he hoped to be in a position within two weeks to present recommendations to the Council relating to the future of UNOMIG and to the political aspects of the United Nations peace making role.

In a report dated 27 October 1993 (S/26646), the Secretary-General gave an account of the political efforts undertaken by his Special Envoy and the status of the mandate of UNOMIG, together with his recommendation for the continuation of the operation for three months. An addendum containing the financial implications of the operation will be submitted shortly (S/26646/Add.1).

In a letter dated 28 October 1993, the Permanent Representative of Sweden, in his capacity as representative of the Chairman-in-Office of the CSCE, transmitted informally a report of the CSCE mission to Georgia.

Nagorny Karabake

In resolution 874 (1993) of 14 October, the Council requested the Secretary-General, the Chairman-in-Office of the CSCE and the Chairman of the CSCE Minsk Conference to continue to report to the Council on the progress of the situation on the ground, and on present and future cooperation between the CSCE and the United Nations in this regard.

In letters of 26 October 1993 (S/26647), of 27 October (S/26650) and of 28 October (S/26662), Azerbaijan, Turkey and the Islamic Republic of Iran, respectively, requested an urgent meeting of the Security Council.

The Former Yugoslav Republic of Macedonia (FYROM)

In a letter to the Secretary-General of 6 October 1993, Mr. Cyrus Vance reported on his mission of good offices aimed at resolving the differences between Greece and the FYROM. He stated that the parties had agreed to defer further direct talks until a new Greek Government had been formed and that the new Parliament was scheduled to convene on or about 23 October. Consequently, he added that he was ready to assist the two sides to resume direct discussions on a continuous basis if and when it proved feasible.

OTHER MATTERS

ICJ Elections

By a note dated 27 September 1993 (S/26490), the Secretary-General stated that a communication dated 2 March 1993 was addressed to the States parties to the Statute of the International Court of Justice, drawing attention to the fact that the terms of office of five current members of the ICJ would expire on 5 February 1994.

In conformity with articles 4 and 13 of the Statute of the Court, the General Assembly and the Security Council during the 48th session of the General Assembly will elect five judges for a period of nine years, beginning on 5 February 1994.

The election in the General Assembly and the Security Council is scheduled for 10 November 1993.

Agenda for Peace

1. Regional arrangements and organizations

On 28 June, pursuant to the Presidential statement of 28 January (S/25184), the Secretary-General submitted a report concerning the replies received from regional arrangements and organizations (S/25996 and Corr. 1 and Add. 1-4).

2. Arrangements under Article 50 of the Charter

Pursuant to the Presidential statement of 30 December 1992 (S/25036), the Secretary-General will report to the Council on the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter.

3. New approaches to peace-keeping operations

Pursuant to the Presidential statement of 28 May 1993 (S/25859) the Secretary-General will submit a report to the Council.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case.

EXHIBIT E—AFFIDAVIT

1. I have been voluntarily working as an undercover agent for Staten Island Borough president Guy V. Molinari in order to prove the existence of a drug cartel conspiracy against former Immigration & Naturalization Service Officer Joseph Occhipinti, which resulted in his conviction for civil rights violations. This affidavit is the third affidavit I have executed which outlines the important results of my undercover investigation.

2. On or about April 15, 1992, I agreed to make busy of gambling Bolitas from various bodegas owned by the various government complainants who testified against Mr. Occhipinti. The purpose of the buys was to demonstrate to New York Post Reporter Miguel Garcilazo that these very same complainants who portrayed themselves as law abiding, were still involved in criminal activity. I was given the buy money from the New York Post and my conversations with the bodega employees were consensually monitored. The investigation resulted in busy of gambling bolitas being made from the following Bodegas. The bolitas were turned over to New York post reporter Garcilazo: (A) Crucey Grocery, 3882 Broadway, New York, New York; (B) Liranzo Grocery, 383 Audobon Avenue, New York, New York; (C) Johnny & Ray Grocery, 4167 Broadway, New York, New York; (D) Yeya Grocery, 1608 St. Nicholas Avenue, New York, New York; (E) Medina Grovery, 1502 St. Nicholas Avenue, New York, New York; and (F) J & M. Grocery, 275 Wadsworth Avenue, New York, New York.

CRUCEY GROCERY

3. On April 25, 1992, I went to the Crucey Grocery Store to meet with Agustin Crucey

and his associates to discuss the purchase of cocaine. I met "Freddy" who I previously identified as a drug associate to Agustin Crucey. Freddy told me that Agustin and Guondoles were out on an errand.

4. On or about May 9, 1992, I again met government complainant Agustin Crucey at the Crucey Grocery to further discuss the purchase of cocaine. I had portrayed myself as a local drug dealer interested in a new drug source. Agustin reconfirmed his interest in selling me cocaine. In fact, despite the shortage of cocaine in the streets, Agustin offered to sell me a kilogram of cocaine for \$27,000. Agustin agreed to introduce me to his drug source. I have formally advised the FBI of Agustin Crucey's drug trafficking activity and my interest in working for them as a confidential informant in order to help prove Mr. Occhipinti's innocence. However, the FBI has not yet contacted me. I also engaged Agustin Crucey into conversation about Mr. Occhipinti's case, however, Agustin Crucey told me that his "attorney" told him not to discuss the case. The conversation with Agustin Crucey was consensually monitored.

5. On June 6, 1992, I went to the Studio 84 Night Club with Agustin Crucey and Guondoles. I explained to them the fact I had set up drug operations in New Jersey and was interested in them (Agustin and Guondoles) as being the new source of my cocaine. As before, they agreed to sell me a kilogram of cocaine for \$27,000 and they would actually deliver the cocaine to New Jersey. I was given a sample package of cocaine from Guondoles after Agustin told him to do so. They also admitted to me that they store their drugs in an apartment on West 160th Street in Manhattan. The sample cocaine was turned over to investigators from Staten Island Borough President Guy V. Molinari's office. The conversation was not tape recorded because everyone who enters the Studio 84 Night Club is searched.

YEVA GROCERY

6. On or about April 28, 1992, I had a conversation with the brother of complainant Jose Elias Taveras. The conversation took place at Concourse Auto Repair located at 245 East 138th Street, Bronx, New York, which is owned by Jose Elias Taveras. The brother, who did not tell me his first name, admitted to me and others that his brother (Jose Elias Taveras) had intentionally perjured himself against Mr. Occhipinti in order to set him up.

EXHIBIT F—AFFIDAVIT

Marino Reyes, being duly sworn deposes and states:

(1) I am the owner of the Jose Grocery store located at 66-72 Fort Washington Avenue, New York, New York.

(2) On or about October 1992, I met with Jose Liberato at his grocery store at West 163rd Street and Broadway, New York, New York in order to buy platanos for my store. At that time, we were discussing the case of the former Immigration Officer Joseph Occhipinti. Liberato told me that he had to work hard in finding witnesses to falsely testify against Occhipinti. Liberato said he did this because Occhipinti was hurting his operation. I have personal knowledge that Liberato is involved in illegal gambling, loan sharking and food stamp (Wick Program) fraud. I am willing to cooperate with authorities to prove these crimes.

EXHIBIT G—AFFIDAVIT

I, Victoria Lopez, hereby certify that I am an adult over 21 years of age and a resident of the City of New York.

On or about the last week of March of 1990 I was returning from 181st Street where I had just finished paying my Con Edison light Bill when I went to Liberato's Bodega located on Audubon Ave. While at the checkout counter and within a few feet of the owner Mr. Jose Liberato, I overheard a conversation he was having with another individual.

I remember the conversation vividly because of the emotion and energy which was shown by Mr. Liberato. I heard him say that he was going to find people to make declarations against the federal agent that had gone to his business, and that he was going to have them lie about their encounter with the agent so that he would never come out of jail. He also boasted of having a lot of money and that he was going to put the agent behind bars no matter the cost.

On or about December 18, 1991 I became aware that Mr. Liberato had accused Immigration Agent Occhipinti of having violated his rights and I knew that this is what he was talking about on that previous occasion.

I make these declarations of my own free will and without threat or coercion.

EXHIBIT H—AFFIDAVIT

William Franz, being duly sworn, deposes and says:

1. I am Executive Assistant to the Hon. Guy V. Molinari, Borough President of Staten Island, New York.

2. I make this affidavit in support of the motion of Joseph Occhipinti for a new trial.

3. On June 10, 1992 I received an audio tape from a confidential source known to me which purports to contain two conversations had on June 3, 1992 and June 4, 1992 between the said confidential source and a Radames Liberato.

4. The confidential source also provided a handwritten translation of the said conversations, copies of which are annexed hereto and made a part hereof. The audio tapes in question are kept in the Office of the Borough President of Staten Island and are available as directed by the Court.

5. In the first of the two conversations, the source claims that Radames Liberato offered to sell a kilogram of cocaine for \$29,000 or a half kilo for \$18,500. In the same conversation the source claims that Liberato is supplied with cocaine by his brother Jose Liberato. He offers to sell from one to ten kilograms and states that it can be bought at the Medina Grocery Store.

6. In the second conversation with Radames Liberato the source claims that Liberato said that he and two others had "taken care of" an agent. He identified them as Radames and Jose Liberato and Elias Taveras.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. DICKS. Mr. Speaker, I rise to announce my support for legislation to implement the North American Free-Trade Agreement.

I fully appreciate the very strongly held convictions of those who sincerely oppose this agreement. They include organizations that I have repeatedly supported on a wide range of legislative controversies. I have withheld a commitment on this issue so that I could fully

and carefully consider the very serious arguments raised by the opponents as well as the proponents of the treaty. After weighing all the factors, I must conclude that proceeding with the North American Free-Trade Agreement is in the best interest of the American people and important for our future economic well being.

I share the anger and deep frustration that working men and women have expressed about the repeated announcements of plant closings and massive layoffs. More than 300,000 manufacturing workers have lost their jobs in the last year alone. Corporate leadership in this Nation has been callous to the human costs of economic streamlining. I am obviously ashamed of the conditions that employees in the Maquiladora region must endure. In this environment it is not difficult to understand why workers don't trust employers' assurances that their jobs are not threatened.

If I could be convinced that defeating the NAFTA would stop layoffs, that it would end offshore relocation, and that it would make businesses more enlightened toward the long-term benefits of fair treatment of their workers, I would be first in line to help defeat it. But these problems exist today, and they will continue to exist with or without this agreement. It is my judgment that the labor movement, out of sheer desperation, has targeted the wrong referendum.

The truth is that this agreement transforms the virtual free-trade situation that already exists on goods flowing from Mexico to the United States into a two-way street. Tariffs on goods coming into the United States from Mexico average about four percent at this time, while the Mexican Government levies an average tariff of 10 percent on American goods sold in Mexico. This 2.5-to-1 ratio is magnified in some critical sectors of the marketplace, in which Mexican tariffs are as much as 10 times United States levels. NAFTA also eliminates many of the import restrictions that have forced companies, especially in the automotive field, to locate production facilities in Mexico.

This two-way street is best for both Nations in the long-term. The Mexican Government has recognized that to achieve real economic growth in the longer term, it is important to encourage free and open trade that may involve some short term costs. Even without NAFTA, Mexico ran a \$7.5 billion manufacturing trade deficit with the United States in 1992. This trade is not just equipment to manufacture items for sale into the United States, as some have contended. In fact, 82 percent of the United States export growth from 1987 to 1992 was for Mexican consumption, whereas only 17 percent of the growth was comprised of components for goods exported back to the United States. This growth has taken place because Mexico, despite its real problem of disparity of wealth, has become a major economic market force. And even though the wealth in Mexico is not distributed as equitably as many of us would like, one-quarter to one-third of the population in Mexico still has relatively high real incomes, creating a market nearly the size of Canada's. This is a growing portion of the population, and it will only be encouraged by NAFTA. The bottom line is that the Mexican Government recognizes that world economics is not a zero sum game.

Trade with Mexico is already providing considerable benefit to the State of Washington, where merchandise exports have risen from \$83 million in 1987 to \$565 million in 1992, placing us fifth in the Nation in percentage growth of Mexican trade. Increased protection in the treaty for intellectual property is a key element for expanded trade in the growing software industry in our State and the Boeing Co. has estimated that the commercial aircraft market with Mexico will increase 25 percent by 2010 to about \$10 billion. Mexico has now become the third largest market for American forest products. Overall, the favorable balance of trade for the State of Washington with Mexico is better than 25-to-1.

Highly emotional debate has centered around the jobs impact of NAFTA. While it is impossible to predict with precision how many jobs may be affected, and where they may be affected, the overwhelming majority of studies conducted by objective organizations has indicated a net gain of well paying jobs as a result of the agreement. Overall, the direct economic impact is almost certain to be less than either its proponents or opponents, in a game of rhetorical escalation, now claim.

Clearly, the agreement is not flawless. It is probably impossible to develop an agreement between two sovereign nations that would be fully satisfactory to both. We need to work to assure that Mexican workers receive a fair return on their contribution to items they produce. We need to work with the Mexicans to improve the deplorable environmental and working conditions along our border.

Some believe that by rejecting this agreement we can expeditiously renegotiate an agreement with Mexico that will better address these issues. I am now convinced that the opposite is far more likely. I believe that the rejection of the agreement will set back mutual cooperation, will provide no incentive for Mexico to address these issues, and will provoke a new round of attempts to entice American firms to relocate in Mexico, while maintaining or increasing the current barriers to United States exports. On the other hand, I think the side agreements on labor and the environment, while not all we might want, provide a forum to promote progress in these areas that would not otherwise exist.

No trade agreement can be expected to address all the troubling issues of transitioning to global economic competition. With or without NAFTA, companies can still choose to relocate to Mexico—although it is interesting to note recent decisions by Raytheon, GM, and many small firms who earlier relocated and who now are coming back to the United States. Low-wage competition from other areas of Latin America and Asia will continue to challenge our economy. And our competitors, especially the Japanese, are still going to try to secure agreements around the world that will benefit themselves, at our expense.

But while the direct substance of the NAFTA is small in the overall economic scheme, its symbolism with respect to the course this Nation takes in future trade policy has become immense as this debate has unfolded. As the New Republic¹ forcefully stated:

As much as any event since the communist collapse, the vote on NAFTA could define

America's post-cold war identity. The nation's long-run economic health, its geopolitical reach, even its moral character, are very much at stake here. The defeat of NAFTA would be the first step in precisely the wrong direction—an America looking inward rather than outward, governed by fear rather than reason—and could make turning back difficult.

With the end of the cold war, the United States has just prevailed in the third major war of this century. After each of these triumphs we faced a fundamental decision on whether we would remain active in world affairs or crawl into a false cocoon of isolationism. After the First World War we decided to "Return to Normalcy" in a nostalgic effort to turn back the clock. We rejected entry into the League of Nations and instituted a protectionist economic policy. After a short boom, the result was the Great Depression and the rise of fascism.

After the Second World War, there was strong sentiment to focus on the homefront and withdraw from world responsibility. But with strong leadership from Harry Truman, the Marshall Plan and the Truman Doctrine were approved, leading the way for economic revival and the triumph of democracy.

We now find ourselves at a similar crossroads. It is naive to think that by denying world realities we can somehow return to a nostalgic past. The simple fact of the matter is we can and must compete in the real world. There is no going back.

We have critically important trade issues to resolve including the GATT process, in which we are trying to end foreign subsidies that undercut international sale of American products ranging from agriculture to aircraft. The leaders of the Pacific rim will soon meet in Seattle for the annual APEC conference to discuss the future of the massive Asian trade. Our leadership and leverage in these negotiations would be dramatically undercut if NAFTA were defeated.

President Clinton put it well when he posed the challenge in his inaugural address to squarely face the reality of global economic competition and to resist the temptation to put our heads in the sand and resort to a doomed effort at economic isolationism. I am confident that we can compete in the global market and provide well-paying, rewarding jobs for our people while mutually increasing economic well being. I have seen the people of Washington State take on this task and win.

In the final analysis, the NAFTA is a modest, but significant step in the right direction. Its rejection would be a fateful retreat from world leadership. That is why it has my wholehearted support.

REPORT OF THE SIXTH ANNUAL
CONGRESSIONAL BLACK CAUCUS
VETERANS BRAINTRUST HEARING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. RANGEL. Mr. Speaker, I rise to present for the edification of my colleagues a report on the sixth annual Congressional Black Caucus

[CBC] veterans braintrust held in conjunction with the CBC legislative weekend, September 15, 16, and 17, 1993. The veterans braintrust was cosponsored by me and my colleagues, Representatives SANFORD BISHOP of Georgia, and CORINNE BROWN of Florida.

Veterans braintrust activities included workshops on post-traumatic stress—its impact on individuals and the community, and homelessness, and affordable housing development.

The theme of the veterans braintrust hearing was health care issues facing African-American veterans.

As the health problems of the African-American community grow, it is imperative to have more research, preventive medical procedures and quality health care services in that community. With respect to African-American veterans, the health problems are magnified.

African-American veterans and their families make up one-third of the Nation's African-American population and 17 percent of the total post Vietnam veteran population. This population of African-American veterans comprise 50 to 60 percent of the homeless veteran population.

Studies show that African-American veterans suffer at a disproportionate rate from tuberculosis, diabetes, heart disease, respiratory disease, substance abuse, cancer, AIDS, post traumatic stress disorder, and other mental illnesses.

Furthermore, African-American Vietnam veterans suffer an unemployment rate three times higher than most veterans of Vietnam. And where there is high unemployment and homelessness, health concerns prevail.

To address some of these concerns experts in the field were invited to testify.

The Honorable Jesse Brown, Secretary of the Department of Veterans Affairs—DVA—was the key witness. Secretary Brown's testimony focused on the services provided by DVA and putting veterans first. He talked of the successes of DVA and acknowledged areas that needed improvement.

Secretary Brown was followed by three panels. The first panel included professionals in the area of health care: Dr. Westley Clark, Fort Miley Medical Center, San Francisco, CA; Dr. Billy E. Jones, New York City Health and Hospitals Corp., New York City; and Dr. James Jones, Department of History, University of Houston, Houston, TX.

The second panel included representatives from the veterans service organizations who covered services available from those organizations and how they interact with all veterans. Of particular concern to the Members of Congress was the perception among African-American veterans that they were not welcomed by the veterans service organizations. Congressman RANGEL and others requested that more outreach efforts from the veterans service organizations be launched. Representatives from the veterans service organizations to testify included: Mr. William Bradshaw of the Veterans of Foreign Wars, Washington, DC; Mr. George C. Duggins of the Vietnam Veterans of America, Washington, DC; Mr. Dave Gorman of the Disabled Veterans of America, Washington, DC; Mr. Terry Grandison of the Paralyzed Veterans of America, Washington, DC; Ms. Muarine Hill, past State Commander of the Maryland Disabled

¹The New Republic, October 11, 1993.

Veterans of America; and Mr. John Vitkacs of the American Legion, Washington, DC.

The third panel included representatives from the DVA, who discussed the services provided by DVA, including the status of activities within the newly established Office of Minority Affairs that was created to deal with concerns of minority veterans. Critical testimony included a discussion by Dr. Susan Mather, Assistant Chief Medical Director for Environmental Medicine and Public Health, DVA on the status of health care services provided to women veterans: Women make up 4 percent of the veteran population. Of the 199,023 women serving in the military now, 61,023 (30 percent) are African-American.

Representatives from the DVA to testify included: Dr. Victor Raymond, Assistant Secretary for Policy and Planning, and the Chief, Minority Affairs Office, DVA; Dr. Susan Mather, Assistant Chief Medical Director for Environmental Medicine and Public Health, DVA; Dr. David Law, Acting Associate Deputy Chief Medical Director for Clinical Programs, DVA.

Following the hearing, Representatives RANGEL and BISHOP presented certificates of appreciation to 18 of the Congressional Veterans braintrust members for their outstanding service: Mr. Ronald Armstead, HVRD Director, Veterans Benefits Clearinghouse, Inc., Boston, MA; Mr. Ernest Branch, Executive Director, Veterans Benefits Clearinghouse, Inc., Boston, MA; Ms. Femi Brown, Adult Center Manager, Opa Locka Senior Focal Point/Elderly Services, Opa Locka, FL; Mr. Jeffries Cary, Black Veterans of All Wars, Baltimore, MD; Mr. Eric Glaude, Harlem Veterans Center, New York, NY; Mr. Mike Handy, Director, Office of Veterans Affairs, New York, NY; Mr. Anthony Hawkins, Congressional Relations Officer, Department of Veterans Affairs, Washington, DC; Col. Solomon Jamerson, (retired), Los Angeles, CA; Ms. Lane Knox, Women Veterans of the U.S. Armed Forces, Chicago, IL; Mr. Maceo May, Director of Housing, Swords to Plowshares, San Francisco, CA; Comdr. Carlton Philpot, Buffalo Soldier Monument Committee, Fort Leavenworth, KS; Mr. Clyde Poag, Team Leader, Veterans Center, Grand Rapids, MI; Ms. Gloria Reid, Clinical Coordinator, Veterans Center, Richmond, VA; Ms. Pamela Jo Sargent, National Association for Black Veterans, Milwaukee, WI; Mr. Wilson Smith, Jr., Afro-American Medal of Honor Memorial Association, Wilmington, DE; Mr. Ernest E. Washington, Jr., Mattapan, MA; Ms. Joanne Williams, Chicago Vietnam Veterans and Families Assistance Program, Chicago, IL; and Ms. Ruth Young, New York Coalition for Fairness to Veterans, New York, NY.

SECURITIES REGULATORY
EQUALITY ACT OF 1993

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. DINGELL. Mr. Speaker, last week Mr. MOORHEAD, Mr. MARKEY, Mr. FIELDS, and I introduced H.R. 3447, the Securities Regulatory Equality Act of 1993 to amend the Federal se-

curities laws to equalize the regulatory treatment of participants in the securities industry. I am authorized to say on their behalf that the leadership of the Committee on Energy and Commerce intends that this legislation provide a strong and responsible framework for functional regulation to strengthen taxpayer and investor protections in the wake of recent decisions allowing banks to expand their securities activities. This legislation is a priority.

On October 19, Mr. GONZALEZ, chairman of the Committee on Banking, and Mr. SCHUMER, chairman of that committee's Democratic Caucus, introduced H.R. 3306, the Depository Institution Retail Investment Sales and Disclosure Act. Chairman GONZALEZ's floor statement noted that:

Although some Federal banking agencies have issued guidelines regarding sales of uninsured products, this legislation would go further to protect consumers from misleading and deceptive sales practices. Our bill would ensure that not only will banks be required to follow the SEC's rules for brokers and dealers, but also that they take into account the special risks of unsophisticated customers. This bill is designed to protect the vulnerable customer from unsafe and unsound tactics we have seen used in previous scandals.

Notwithstanding my grave jurisdictional and substantive concerns about certain provisions of H.R. 3306, I wholeheartedly support that bill's objectives and have asked Chairman GONZALEZ that I be listed as a cosponsor of his bill. I firmly believe that H.R. 3306 can be perfected, and this committee's concerns resolved when that bill is referred to us. I am committed to working diligently for its speedy passage.

Mr. Speaker, H.R. 3447 is an important and necessary corollary to the Banking Committee bill. Ideally, the two bills should be joined together as extraordinarily strong procompetition and proconsumer legislation.

Our bill would require banks engaging in securities activities to place those activities in a separate affiliate, which would register with the Securities and Exchange Commission [SEC] as a broker-dealer and be subject to securities laws and regulations just like any other participant in the securities business. It would also repeal anachronistic exemptions from SEC registration and reporting available to banks.

In 1933, when the Federal securities laws and the National Banking Act were passed, the National Banking Act excluded banks from the securities business, with the exception of certain very limited activity incidental to the banks' traditional trust activities. Therefore, regulatory coverage of banks under the Federal securities laws was deemed unnecessary, with the exception of the antifraud provisions. Erosion of the legal barriers between the two industries has rendered this lack of regulatory coverage contrary to the public interest.

Starting in 1987, the Federal Reserve Board [FRB] has issued a series of orders authorizing 31 parent bank holding companies, domestic and foreign—a list as of October 25, 1993 follows my statement—to conduct a full range of securities underwriting in separate affiliates, so-called section 20 subsidiaries, of the holding company, subject to certain conditions which include a 10-percent limit on revenues, firewalls to assure against conflicts of in-

terest, and other potential adverse effects to the institutions, to the financial safety net and to taxpayers, as well as a requirement that the affiliates be SEC-registered and -regulated broker-dealers. As such, the FRB is responsible for regulation and inspections of the bank holding company as a whole with respect to systemic risk, safety and soundness, and compliance with the firewalls, while the SEC is responsible for regulation and inspections with respect to compliance with the Federal securities laws.

By contrast, the Comptroller of the Currency has approved a broad range of securities activities—an updated list follows my statement—that may be conducted directly by and in national banks—with no separation, no securities capital, no firewalls, and no sales practice rules or other investor protections under the Federal securities laws. This regulatory vacuum is in contrast to the regulatory schemes for bank municipal securities and Government securities activities, which are regulated, respectively, under sections 15 (b) and (c) of the Securities Exchange Act of 1934. Irrespective of whether comprehensive financial services reform occurs in the immediate future, we must recognize that the securities powers granted administratively by the banking regulators require the immediate imposition of statutory safeguards to avert harm to investors and cost to taxpayers. The current patchwork quilt presents a clear and present danger to the American public.

The impromptu and inconsistent acts of the regulators have been at odds with sound public policy and have needlessly exposed our system of Federal deposit insurance to additional risks. By allowing certain securities activities to be conducted within the depository institution, they have in effect exposed the bank—and, by extension, the insurance fund—to the risks of the securities business. Moreover, bank regulators have recently compounded this problem by permitting bank-advised mutual funds to share the same name as their affiliated banks. As millions of Americans—1 in 4 American households owns shares in a mutual fund—pour money into mutual funds at a record rate, nearly \$1 billion a day, bringing their total assets to approximately \$2 trillion at the end of last month, and as banks constitute the channel for sales and distribution of up to 50 percent of mutual funds, the status quo—of seemingly insured investments—has become unacceptably risky to the American public.

Although banks have dramatically expanded their brokerage and investment advisory activities, the SEC is presently powerless to regulate them as either broker-dealers or investment advisers. Right now, banks do not have to register as such with the SEC if they engage in brokerage activities or provide investment advice to customers. They also are exempted from the registration and reporting requirements of the Federal securities laws when they offer their own securities to the public. Finally, they are not subject to the sales practice rules that are critical to the protection of investors. Clearly, the securities activities of banks fall between the cracks in our regulatory system. That is of particular concern when taxpayers confront a \$150 to \$175 billion tab for the savings and loan crisis, thanks largely to inadequate regulation.

The lack of proper regulation not only causes substantial potential regulatory disparities, but presents grave potential danger to investors, who may well assume that a security sold to them by a bank is federally insured. Our bill addresses the investor protection concerns currently posed by unregulated bank sales of securities to the public. Our bill will close the regulatory gap that currently exists, to the detriment of the American public. It is our hope that we avoid another S&L-type debacle where regulatory failure costs the public so dearly.

I encourage my colleagues to support this legislation when we bring it to the floor of the House.

I had intended to include with this statement the list of 31 section 20 subsidiaries of bank holding companies approved by the Federal Reserve and the list of securities activities approved by the Office of the Comptroller of the Currency for national banks, consisting of 4 activities approved by regulation or order, 19 activities approved by interpretation or approval, and an update of 10 activities approved by interpretation or approval since 1991. I strongly believe that this information should be a part of the public record. However, I have been advised by the office of the Public Printer at GPO that this information would contravene their guidelines for the printing of extraneous matter. Therefore, I am submitting my statement this week without this important information; the complete statement—as submitted on November 4, 1993 with these lists may be obtained by contacting the committee's offices.

NAFTA IS A SWINDLE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. OWENS. Mr. Speaker, NAFTA represents an unfortunate continuation of the disastrous trickle down economics of George Bush and Ronald Reagan. NAFTA will assist the rich in their quest to get richer. But NAFTA is a swindle for the workers of America and for the majority of the American people. Not only will we lose thousands of manufacturing jobs if NAFTA is passed, we will also lose plants and other enterprises that are vital for the tax bases of our communities. NAFTA will impoverish large areas of America. The lure of slave labor wages will eventually entice even the most reluctant factory owners. Free trade becomes a swindle when two societies are as different as the United States and Mexico. It is dangerous to mix economies when the wage structures, the political systems, the physical environments, and the overall standards of living are so incompatible. The European Common Market works for all of the citizens of all of the countries because Europe has insisted on this environmental, political, and wage compatibility. NAFTA will facilitate gross exploitation of American workers and Mexican workers. Rich Americans and rich Mexicans will dictate the terms for employment. Goods manufactured at very low costs will be sold in the U.S. market at the highest possible prices.

NAFTA is a swindle. In ordinary street language NAFTA is a "hustle".

NAFTA IS A HUSTLE

Buy the Brooklyn bridge
And watch the economy grow
To make a hustle
Who needs Mexico
After NAFTA
I got a bridge to sell
My thing got more appeal
Cause painted steel
Looks solid and so swell
After NAFTA
Factories will stray
Kidnapping the few jobs
That didn't yet run away
After NAFTA
Grant me a special order
In the House well
I got a bridge to sell
Treat us hustlers equal
My thing has more appeal
My tangible bridge asset
Is the better capitalist bet
To make a hustle
Who needs Mexico
Keep the swindle
In the family
Deal in America
The old fashion way
Save the few jobs
That didn't yet run away
After NAFTA
I got a bridge to sell
My stable product has been
Negotiated many times
Mexico is fiscal quicksand
But bridge property
Is always in demand
Buy the Brooklyn bridge
And watch the economy grow
To make a hustle
Who needs Mexico

THE NORTH AMERICAN FREE-TRADE AGREEMENT

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. VALENTINE. Mr. Speaker, next week, the House of Representatives will consider the North American Free-Trade Agreement. The decision we make could have far-reaching effects on our economy, our ability to compete in the global marketplace, and most important, the future of American workers and their families.

I intend to vote for the North American Free-Trade Agreement.

NAFTA will lay the foundation for continued growth in exports of American goods and services to our largest and most accessible markets—Canada and Mexico. The removal of trade barriers in North America will free American workers and companies from artificial constraints and allow them to reap the benefits of their productivity and competitiveness.

But there is much more at stake than our ability to trade freely north and south of our borders. By passing NAFTA, we are creating the world's largest and most lucrative marketplace. Our ability to compete with trading blocks in Europe and Asia is greatly enhanced. Economic growth through exports means financial security for our country.

Failure to pass NAFTA, on the other hand, will open the door of opportunity for our European and Asian competitors. Mexico is ready to take on trade partners. Japan and Europe are willing suitors just waiting for and opportunity. We cannot afford to stand behind outdated trade barriers while the rest of the world expands the free flow of goods.

All of us are aware of the criticisms that have been leveled at NAFTA. The critics are playing on fears of an uncertain future. They are fueling the fears of economic pain. But the plagues that the critics predict if NAFTA passes—job losses, environmental degradation, unfair labor standards—all exist today without NAFTA.

In fact, in many cases, the dangers we face if we do not approve NAFTA are even greater than the ones predicted with its passage. Without NAFTA, Mexico has no incentive to improve its environmental protection. Mexico has no incentive to enforce humane labor standards. Without NAFTA, many American businesses will have no choice but to move south if they want to tap into the fastest growing marketplace in the western hemisphere. With NAFTA, we gain access to a vital new market, we assure cooperation—not competition—with our neighbors, and we provide Mexico with the incentive to address the very concerns that worry us the most.

Put simply, we have much more to fear without NAFTA than we do with NAFTA.

Trade debates are nothing new in this country. Spirited, and even bitter, discussions about tariffs and trade policy have divided Americans since the earliest days of the Republic. From the time that New England manufacturers and Southern planters squared off over tariff policy in the 1780's, perhaps no single issue has been so persistently at the center of our Nation's economic and political conflicts.

While we continue our debate, the rest of the world is moving inexorably toward greater economic integration through freer trade. Standing against that tide will only cut us off from the opportunities that are essential if we are to prosper in the coming century. Rather than leaving the trade battle, we must lead it.

There will always be legitimate concerns about any trade agreement, and legitimate grounds to oppose trade agreements. But, as hard as we may wish for it, we will never achieve a risk-free agreement that protects all American interests.

In my mind, NAFTA is not a perfect agreement. I am tempted by the arguments of those who would hold out for something better.

But I have concluded that it is unlikely that we could produce another agreement, at least in the near future. It is more likely that our place will be quickly taken by one or more of our economic competitors. In any case, the opportunity lost is an opportunity gained for Europe, Japan, and other Asian countries who are making steady progress toward building their economic markets.

In the final analysis, I must be guided by the interests of the people I represent. There are almost as many opinions on that issue as there are individual North Carolinians, but I believe that NAFTA will be good for my State.

Since 1987, North Carolina's merchandise exports to Mexico have grown by 365 percent.

In 1991 alone, North Carolina exported \$2.2 billion in goods to Mexico and Canada. Perhaps the most important, 57,000 North Carolina jobs are supported by manufactured exports to our North American neighbors, and the State, according to some estimates, will reap a net gain of over 1,300 new jobs if NAFTA is implemented.

North Carolina and the Nation cannot afford to turn our backs on NAFTA. We cannot afford to pass up the opportunity for measurable improvements in Mexico's environmental and labor policies just because the agreement does not solve all the problems in these areas. We cannot afford to turn our backs on a good agreement because of the vague, and surely illusory, promise of a perfect agreement. Finally, we cannot afford to let fear of an uncertain future paralyze us from action. Time, and our competitors march on.

The North American Free-Trade Agreement will be good for the United States in the long term. I will vote for it, and I urge my colleagues in the House to support it.

TRIBUTE TO DR. JAMES O.
DENNEY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. BROWN of California. Mr. Speaker, on Sunday, November 7, 1993, Dr. James O. Denney, a member of my staff, and a former science fellow in my office, passed away after a sudden and brief illness. Memorial services were held at St. Mark's Episcopal Church on Wednesday, November 10, 1993.

The sudden death of an associate, a friend, a relative, is a cause for all of us to re-examine our own lives—to ask ourselves if we are truly aimed at doing the Lord's work on Earth.

Jim's death demands even more of us, for he was a unique person. He had the most creative and important years of his life before him and he was a link between many diverse communities.

Jim was devoted to the goal of creating bonds of understanding between these diverse communities of which he was a part. In the role in which many of us knew him best, as a science fellow, Jim was primarily a link between the academic and scientific community and the political community, a role he performed with excellence. He brought to this role his own deep concerns for environmental protection, sustainable agriculture, and arid lands research, all of which I shared. He also earned the respect of the diverse constituencies with which he worked on these issues, environmentalists, business, labor, farmers, and others. His last major assignment, participating in a national conference on health and the environment, drew praise from the organizers and participants in that conference.

Jim was also a linguist, fluent in Arabic and Spanish, among other languages and with considerable experience living in the culture of the Middle East. Language is of course the greatest link between cultures, and I had been planning with Jim a major effort to join the United States and Arab Nations in joint re-

search on arid lands agricultural problems, a subject of preeminent interest to the American Southwest. Jim was an authority on such matters, and could have been internationally noted as a link between our cultures.

Those who serve as the links between cultures, social systems, divergent groups of all kinds, have a special mission. That mission is to create understanding, to lessen conflict, to bring peace. They deserve a special blessing, as the Bible says, yet all too often they are condemned because they are messengers of change. For me, Jim Denney was a blessing. I give praise for all that he did to bring peace and understanding through his life.

Dr. Denney's obituary appeared in the Washington Post on November 10, 1993, and is reprinted here:

James Osborne Denney, 46, a legislative assistant for environment and agriculture in the Office of Representative George E. Brown, Jr. (D-CA), died Nov. 7 at George Washington University Hospital after a stroke.

Dr. Denney, who lived in Washington, was born in Pineville, Ky. He graduated from Rice University. He received a master's degree in horticulture from Texas A&M University and one in linguistics from the University of Texas at Austin.

He was fluent in Arabic and in 1985 worked as a horticultural consultant at the King Khaled International Airport in Riyadh, Saudi Arabia.

In 1992 he received a doctorate in plant physiology from the University of California at Davis. He also had studied at the American University in Cairo.

In 1992, Dr. Denney came to Washington on a congressional Science Fellowship of the American Society for Horticultural Science and was assigned to Brown's congressional office. On the completion of his fellowship, he became a legislative assistant.

Survivors include his father, Glenn E. Denney, and his stepmother, Marion C. Denney, both of San Antonio.

THE HEALTH CARE ANTITRUST
IMPROVEMENTS ACT OF 1993

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. ARCHER. Mr. Speaker, during our years of service in the Congress, Senator ORRIN HATCH and I have seen dramatic changes in the health care marketplace.

We have seen the Government encourage hospital construction, with Federal aid from the Hill-Burton Program.

We have seen the Government encourage hospital closures and consolidations, with the pressures for efficiency forced by the prospective payment system and other Medicare reimbursement changes.

We have seen the Government work to limit the flow of technological advances to the marketplace, with implementation of the Health Planning and Resources Development Act, Public Law 93-641.

And we have seen the Government recognize that consumers want, and need, access to the latest medical technology breakthroughs, with repeal of that act in 1986.

We have seen the Government encourage the education of health care providers, with programs such as the National Health Service Corps, graduate medical education under Medicare, and the health manpower programs authorized in title VII of the Public Health Service Act.

And we have seen Federal support for those programs cut back as resources dwindled in the 1980's and 1990's, and as oversupplies of certain specialties led to inefficient use of precious health care resources.

We have seen doctors, hospitals, and other providers band together to build efficient, cost-effective delivery systems which extend services to our citizens, especially those who live in the most underserved rural and urban areas.

And we have seen the long arm of the Justice Department and the Federal Trade Commission reach down to stymie the most effective of those collaborations, in all areas of our country, large and small.

Evolution of the health care marketplace will continue, and should continue, with or without a dramatic restructuring of our health care system. Effective and creative alliances will be forged between all types of health care providers in all areas of this country.

We believe that government should be a catalyst for such alliances, rather than an impediment to their formation. We believe that it is the function of government to foster the provision of quality health care services, rather than to concoct burdensome mandates and other disincentives which drive up the cost of care and price it out of the marketplace for many.

Today we join together to introduce The Health Care Antitrust Improvements Act of 1993, a measure to ensure that all players in the health care marketplace have the opportunity to pursue appropriate alliances and joint ventures that will provide better services and lower costs for health care consumers.

We have a long history of working to reform the antitrust laws that apply to the health care industry. The committees on which we serve, Ways and Means, Finance, and the Judiciary, have held extensive hearings into the issue of our antitrust laws and how they can harm those who receive health care services, rather than protect them.

We have heard countless stories of costly duplications of services, inefficient arrangements which communities cannot even begin to address because the very act of initiating discussions could trigger antitrust action by the Federal Government.

We have heard testimony from the Ukiah Valley Medical Center president, ValGene Devitt, who told us of her 43-bed, not-for-profit hospital's 4½-year ordeal after it sought to buy the assets of a 51-bed hospital nearby. Last year, a court found that the transaction benefited consumers and leads to an improvement in quality care.

More recently, we have seen two Utah hospitals needlessly spend over \$7 million just to prove to the Justice Department that their joint work in pediatrics helped patients, not harmed them.

Our extensive study of this issue has forced us to question the Government's motive in challenging such mergers.

Is it against our citizens' interests to see rural hospitals combine and improve their efficiency?

Is it against our citizens' interests for a community to effect millions of dollars in cost savings while eliminating duplicative services and staffing?

Or, more importantly, is it against our citizens' interests for the Government to spend millions on needless litigation, millions which could have been spent on patient care, to satisfy this Washington witch hunt?

As responsible Members of Congress who would like to see improvements to our health care delivery system, both now and in the future, we cannot stand by and allow the Federal Trade Commission and the Justice Department to drive up health care costs through such unwise antitrust actions.

While we applaud the administration's attention to reforming health care, we are concerned that their bill, the Health Security Act, offers little in the way of antitrust revision. The administration has offered general operating guidelines, but they are nonbinding and have no effect whatsoever in reducing the costs of private party antitrust litigation.

We believe that it is possible to craft a carefully balanced change to the statute which will both continue Federal protections against self-serving monopolies and institute the measure of flexibility necessary to foster resource-sharing alliances and group ventures.

Our legislation sets out specific safe harbors for the cooperative activities of health care providers. This will lead to lower costs while increasing provider quality and consumer access to needed services. Our bill also directs the Attorney General to undertake three specific tasks. First, to develop needed guidelines for providers developing joint ventures. Second, to administer a program for expediting reviews and granting of waivers. Third, to develop additional safe harbors as warranted by the changing needs of the health care industry and consumers.

This legislation was developed after extensive consultations with representatives of the health care provider community. We have designed The Health Care Antitrust Improvements Act of 1993 to respond to the needs of today's health care marketplace, as well as the evolving marketplace of the future.

In introducing this legislation, we recognize that our national dialog on health care reform will continue to evolve as the marketplace is evolving.

We recognize that changes in this draft will be necessary to accommodate unforeseen issues. We want to work with all in the health care arena to make those changes, be it health care facilities, such as hospitals, nursing homes, or home health agencies; licensed health care providers, such as physicians, nurse practitioners, or chiropractors; or other critical players in the health care marketplace, such as insurance companies.

In a similar spirit, we wish to work with our colleagues to refine this bill as it moves through the legislative process. It is abundantly clear to us that the Federal Government needs to take immediate action to clarify the rules of the game so that those in the health care community who wish to undertake alliances are assured a stable, predictable play-

ing field. That is the intent of The Health Care Antitrust Improvements Act of 1993.

TRIBUTE TO ROY T. THOMAS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. DELLUMS. Mr. Speaker, today I rise to honor Roy T. Thomas as he retires from the University of California at Berkeley. Roy T. Thomas has served as an academic and personal advisor, faculty advocate, and surrogate father for the many African-American students that have come to the Berkeley campus over the last 23 years. Professor Thomas is famous for the long lines of students waiting patiently outside his office door, for he seems to be in his office at all hours of the day and sometimes well into the evening. Former students who are now professionals dispersed throughout the world proudly attest to the pivotal role he has played in their lives. While experiences as a student of color at Berkeley can sometimes provoke pessimism and bleakness about one's academic success, Professor Thomas is always able to provide the right words, and just the right resources, to brighten even the darkest circumstances and motivate one to achieve. Many believe that Mr. Thomas is partially responsible for inspiring some of the most successful careers of lawyers, lobbyists, doctors, business persons, and policy analysts for his wisdom and fortitude not only advised many but taught them how to achieve their dreams. His retirement from the University of California at Berkeley will be a sad day.

Roy T. Thomas was born on April 4, 1931, in New Africa, MS, and was raised in Memphis, TN. He earned his bachelor of arts degree in English in January 1954 from Roosevelt College in Chicago, IL. Mr. Thomas earned a master of arts degree in English in June 1960 from New York University [NYU]. While in New York, he was an English instructor at Boys High School in Brooklyn. He served in the Adjutant Corps division of the U.S. Army from December 1954 through September 1956.

After graduation from NYU, Mr. Thomas moved to California and taught for 3 years as an English instructor at Fremont High School in Oakland, CA. During this time, he authored a Negro History-Christian Faith Series which included studies of Isaac Murphy, Benjamin Banneker, Sojourner Truth, Charles Drew, Langston Hughes, and W.C. Handy. In 1965, Mr. Thomas entered Stanford University as a doctoral student in English, and in 1967 he began writing his doctoral dissertation on the subject of the children in the writings of William Blake and Langston Hughes. From 1967, through 1970, Mr. Thomas taught as an English instructor at San Francisco City College and an assistant professor at San Jose State University. In September 1970 he became a lecturer in the newly formed African-American Studies Department at the University of California, Berkeley, where he has remained for the last 23 years.

In 1974, Mr. Thomas also became an associated director of the UC Berkeley Profes-

sional Development Program [PDP], which has numerous programs geared toward helping students of color excel in mathematics, the sciences, and more recently, the humanities. He has served in the following capacities: coordinator of the Minority Graduate Student Program; codeveloper of the Undergraduate Student Program; faculty mentor for the Summer Research Opportunity Program; English instructor for the pre-college academy; instructor for African-American Studies 98, specifically for PDP; and consultant for PDP's Summer Math Institute.

He has also served on the UC Berkeley Ethnic Studies Library Committee and the College of Letters and Science's Reading and Composition Committee; and Martin Luther King, Jr., Convocation Day Committee, as an adviser.

In addition to all of his activities on campus, Mr. Thomas has also been involved in numerous activities over the years. In the past, he has served as: committee member to bring South African ANC leader Nelson Mandela to the bay area; executive secretary to the San Francisco African-American Historical Society; consultant to the Oakland Museum for its oral history project, "Oakland's Black Pioneers"; board member for the Black Filmmakers Hall of Fame; chair of the Education Commission of the Shattuck Avenue United Methodist Church; and member of the educational aid committee for McGee Avenue Baptist Church.

Currently, he serves as: member of the Collegium of the Black Filmmakers Hall of Fame; chair and lecturer for the Annual Film Lecture Series at the Oakland Museum; director of community and cultural affairs for the city for Richmond, CA; and advisory board member to the Break the Cycle Tutorial Program for the Berkeley Public Schools.

Throughout his tenure at UC Berkeley, he has taken an extraordinary interest in the academic and professional development of thousands of students. Regardless of color or creed, Mr. Thomas nurtured every student as if he or she was his own. Roy Thomas is a man that does not accept mediocrity or complacency. He is widely respected for his ability to inspire students to challenge tradition when searching for solutions. This mindset has inspired students to create mentorship programs, produce films, and seek political office, just to name a few.

A surrogate father to hundreds of students, many wondered if Roy ever had a personal life, given that he was in his office from sunup to sundown. At the seasoned age of 62, he participates in the Bay Area Lake Meritt 10K run and has won in his age group. Students, professors, and alumni are all in awe of his remarkable ability to run marathons and climb mountains on a regular basis.

Words cannot simply express the admiration and esteem that UC Berkeley students, professors, alumni, and Berkeley and Oakland citizens hold for this individual. His contribution as an unselfish professor will last for generations to come. By teaching his students the art of turning their dreams into reality, he has taught them to teach others. This in itself is enough to honor a man who has demonstrated his ability to inspire young and old minds alike. He will be missed immensely, but his benevolence will always be remembered.

INTRODUCTION OF THE INFRA-
STRUCTURE REINVESTMENT ACT
OF 1993

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. BORSKI. Mr. Speaker, today, I am introducing the Infrastructure Reinvestment and Economic Revitalization Act of 1993, which, by applying the standard business practice of bond financing to the Highway Trust Fund, will greatly accelerate our ability to invest in the Nation's transportation infrastructure.

This bill would allow the future proceeds of the Federal gas tax to be used as a revenue stream by a new corporation to permit bonds to be issued for transportation projects. The many projects that are ready to be built today would be financed through these bonds. The bonds would then be paid off with the gas tax revenue.

The Infrastructure Reinvestment and Economic Revitalization Act will make it possible for us to move forward immediately with a major program of investment in our transportation infrastructure. It recognizes that there are billions of dollars in projects that are ready to go but lack financing.

Use of bonds will allow us to invest future gas tax proceeds and create thousands of new jobs now. An investment of \$1 billion in the transportation infrastructure would create up to 50,000 jobs, meaning a massive creation of jobs if we can offer bonds today based on 5-year revenue projections for the Highway Trust Fund.

This bill creates an Infrastructure Reinvestment Fund which would issue bonds to finance upfront payments for the programs already authorized in the Intermodal Surface Transportation Efficiency Act of 1991. Instead of waiting 6 years to pay out the funds authorized under ISTEA, we would make the funds available immediately to improve our highway and transit systems.

ISTEA was truly the most significant surface transportation bill since the authorization of the Interstate Highway System, but it will have its meaning diminished unless we find a way to provide full and immediate funding. With the bond financing envisioned under my bill, State and local transportation agencies could begin to make the transportation revolution authorized by ISTEA a reality today.

There is no question that the infrastructure financing needs exist and that they must be met if we are to be a global economic power in the 21st century. ISTEA changed the way the Federal Government looked at transportation for the first time since the 1950's. My bill will make the first meaningful change in the way we provide the financing for transportation through the Highway Trust Fund since the Federal gas tax was enacted in 1956.

The Federal Highway Administration estimates that \$45.7 billion is needed annually just to maintain our highway system at current levels and \$74.9 billion is needed annually to improve the system to meet future demands, compared to the current annual investment of \$36.2 billion by all levels of government. According to the Federal Transit Administration,

the Nation's transit systems require an annual investment of \$7.5 billion, one-third more than the fiscal year 1994 appropriation.

The issue is how we obtain the financing to pay for these essential improvements. Through the innovative financing mechanism proposed in the Infrastructure Reinvestment and Economic Revitalization Act, we can start to fulfill the promise of ISTEA and begin to meet our transportation infrastructure needs.

The American people have turned down any thoughts of doing business as usual and they have rejected the stand-pat philosophy that everything will just get better if we don't do anything.

They have called for their representatives in government to take action to make America a better place to live. They want a nation with an economy that will grow in the coming decades and which will support American industry's ability to compete in the global marketplace.

The Infrastructure Reinvestment Act of 1993 responds to the American public's strong demand that we take immediate action to improve the quality of life in our Nation. We can produce a real turn-around in our infrastructure investment program with this new financing mechanism.

I urge my colleagues to join me and co-sponsor the Infrastructure Reinvestment and Economic Revitalization Act of 1993.

VIETNAM WOMEN'S MEMORIAL

HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Ms. ENGLISH of Arizona. Mr. Speaker, this week over 100 women from the State of Arizona have journeyed to Washington for the Veterans Day events scheduled around the unveiling of the Vietnam Women's Memorial project.

The Vietnam Memorial has always been said to be a place of healing: A place to come home to for the veterans of the United States Military who have given a piece of themselves for their country. For 11 years, eight names on the Vietnam memorial has been all this country has known of the sacrifice of women in the Vietnam war. Over 90 percent of the women who served in Vietnam were in the health care profession: They nursed our sick, our wounded, and our dying. Over 265,000 women served courageously in the Vietnam war, and none of them were drafted. They all volunteered—no law made them leave their homes and their families—they did it to serve their country.

One of the most poignant reminders of the sacrifice that women have made for this country comes from the book called *Shrapnel in the Heart, Letters and Remembrances from the Vietnam Veterans Memorial*, written by Laura Palmer. In the book, the author highlights some of the people who have left letters, poems, and other mementos at the Vietnam Memorial. One of the people featured in the book is a woman known only as Dusty. It is not her real name, but her nickname from the war—she uses it in the book to hide her real

identity from her husband, who has no idea that Dusty ever served in the Army or in Vietnam.

Dusty served two tours in Vietnam, working in an evacuation hospital as a surgical, intensive-care, or emergency room nurse. The reason she chose to serve a second tour was because, in her words, "the wounded kept coming, the war was getting worse, and I was good at what I did." Dusty went to Vietnam because she opposed the war, and she felt that if she went to the streets to oppose the war, she would just be one more body in the mob of people. So she went to Vietnam to use her training to get as many people home alive as she could.

Dusty tells the story of one of the young men she remembers so vividly from those days in Vietnam. His name was David, and she was the last person to speak to him, and to see him alive. Eighteen years later, Dusty wrote a poem about David that I believe epitomizes the efforts and feelings of women in the Vietnam war.

Hello, David—my name is Dusty.

I'm your night nurse.

I will stay with you.

I will check your vitals every 15 minutes.

I will document inevitability.

I will hang more blood and give you something for your pain.

I will stay with you and I will touch your face.

Yes, of course, I will write your mother and tell her you were brave.

I will write your mother and tell her how much you loved her.

I will write your mother and tell her to give your bratty kid sister a big kiss and hug.

What I will not tell her is that you were wasted.

I will stay with and I will hold your hand.

I will stay with you and watch your life flow through my fingers into my soul.

I will stay with you until you stay with me.

Goodbye, David—my name is Dusty.

I'm the last person you will see.

I'm the last person you will touch.

I'm the last person who will love you.

So long, David—my name is Dusty.

David—who will give me something for my pain?

While we may not be able to take away the pain and suffering of the women who served their country so well, we can honor them, and show our appreciation for their devotion to this country.

For 11 years there has been something lacking for the women veterans of this great land, something real, yet tangible. Tomorrow, on the 75th anniversary of the ending of the "war to end wars" there will be a new dedication—one for the statue honoring the commitment and sacrifice made by women for the defense of his great land.

Starting tomorrow, a new monument in a small grove of trees on the ridge that frames the Wall's grassy front yard, will be home for the symbol of the service and sacrifice of this Nation's women veterans. To the women veterans who have made the journey to the Wall this year I say, "Welcome Home."

WHEN REMEMBERING OUR BRAVE
HEROES OF WORLD WAR II—
DON'T FORGET THE MARINES
FROM TARAWA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. DORNAN. Mr. Speaker, as we celebrate the 50th anniversary of World War II, I ask my colleagues and the citizens of this country to remember a specific group of Marines whose courage and sacrifice demands special recognition. I am referring to the exploits of the Second Marine Division which fought in the bloody battle of Tarawa.

I will include for the RECORD an article from the current issue of the Smithsonian magazine describing the brave deeds of these heroic men. I urge everyone to read this article in order to have some appreciation for the courage and sacrifice of these American heroes from World War II. We must never forget these brave men.

[From the Smithsonian Mag., Nov. 1993]

TARAWA

(By Michael Kernan)

August 1943: Marine Maj. Gen. Julian C. Smith stands before a mahogany conference table in K Room, on the third floor of the Windsor Hotel in Wellington, New Zealand. General Smith blinks behind his glasses as a neat, small man in an admiral's uniform spreads a large chart across the table. Vice Adm. Raymond Spruance has come all the way from Hawaii to tell Smith that, in November, his 18,088-man Second Marine Division will be attacking Tarawa.

The map shows an atoll, more or less triangular, 18 miles long, a coral spine studded with tiny huts and trading stations. To the southwest is Bititu Island, more commonly known as Betio, where the Japanese have dug in. Spruance pronounces it "bay-show." The atoll itself he calls "tar-a-wa." Hardly anyone has heard of it.

Smith and his staff study the chart of Betio. They see a curious little island shaped like a cockatoo lying on its back. The legs are represented by a pier that juts straight out from its belly. The whole thing covers less than 300 acres; it is less than half a mile wide at its widest point and only a shade over two miles long. The 700-yard-long pier and the new airfield, on which the Japanese are still working, are the only noticeable features. Those and the wiggly lines that mark the reef surrounding it.

The Battle of Tarawa is not as famous as the earlier attack on Guadalcanal or later assaults on Iwo Jima and Okinawa, although more than 1,000 Americans were killed in the 76 hours required to take the island. But it was at Tarawa that the Marines made the first American seaborne assault against a heavily defended coral atoll. After Tarawa we would send in frogmen to clear the beach approaches, measure water depths, study local tides. The percentage of casualties for the number of men involved was appalling. In the public mind, both during the war and to this day, it produced an indelible image of men, up to their waists in water, helplessly slogging across hundreds of yards of Pacific shallows into the teeth of Japanese fire.

It is the fall of 1943. In Western Europe the war is approaching a sort of climax with the invasion of Italy. But in the Pacific, four

months after the U.S. victory at Midway, things are going slowly. Like Midway, Guadalcanal had been a turning point. After landing August 7, 1942, the Marines had to fight for six months, finally winning the island and its crucial airfield. Now another stage in the long, island-hopping road to Japan is about to begin.

The new major American objective in the Central Pacific is Kwajalein, 65 miles long, the largest atoll in the world and a superb base for planes and ships. But to take it, you need forward airbases in Tarawa and elsewhere in the Gilberts.

At the historic meeting in Wellington, Julian Smith diffidently remarks that the reef is going to be the main problem. His operations officer, Lieut. Col. David M. Shoup, glances around the table. Shoup, 38, had met the Japanese in jungle combat on Guadalcanal. "Amtracs," he mutters. Spruance shakes his head at this mention of amphibians. The landing will have to be made in ship's boats, he says. He does not give a reason.

October 1943: Julian Smith flies into Honolulu for a talk with Maj. Gen. Holland M. Smith, known to history as "Howlin' Mad" Smith, an expert on amphibious warfare who commands the Fifth Amphibious Corps under Admiral Spruance.

The two Smiths huddle over yet another map. This one shows the Tarawa atoll, Betio and its lagoon, with the depths marked at various points: seven, nine, five feet. There is one little problem. The soundings were taken by the Wilkes Expedition, a remarkable naval exploration of the Pacific and the Northwest coast of America (Smithsonian, November 1985). The map, drawn in 1841, carried a notation: "This chart should be used with circumspection; the surveys are incomplete."

Any attack will have to be blunt, head-on and quick, Julian Smith explains. The ocean side, to the south, is out of the question; aerial photographs show the enemy has mounted his most powerful defenses on that shore. Besides, there is a heavy surf.

This leaves the lagoon side. But here, say the New Zealanders who know these waters, the tides are tricky. They have a nasty way of "dodging," rising and falling at uneven rates in the shallow lagoon. Because of tactical considerations the attack will have to be made during a period of neap tides. Such tides occur near the first- and third-quarter phases of the moon and do not crest as high as the spring tides of the full and new moons. They sometimes remain at nearly the same depth for hours and on Tarawa they could be as low as three feet. Rear Adm. Harry Hill, put in command of the amphibious force, consults with local mariners and reaches a cautious consensus that neap high tide in the lagoon on November 20 will surely be close to five feet deep. A loaded Higgins boat, the conventional landing craft of 1943, draws between three and a half and four feet, leaving a narrow margin for error.

Nevertheless, Julian Smith quietly spells out his fears that the water may be too low for the Higgins boats. His people could be stranded far out on the reef and forced to wade for hundreds of yards under deadly fire. He has 75 amtracs (amphibious tractors) at Wellington, enough to get the first assault waves ashore, but will need at least 100 more. Holland Smith nods agreement. But when he is consulted, Rear Adm. Richmond Kelly Turner, who oversaw the Marine landings on Guadalcanal, insists that more of the 25-foot-long amtracs won't be needed. They're slow, he adds. All but impossible to steer in any

kind of a sea and no armor to speak of. Once they stall, they ship water over their low freeboard and swamp.

To the end of his life, Holland Smith would insist Tarawa should have been bypassed in the island-hopping campaign to reach Japan. Now he is outraged by the Navy's reluctance to give the Marines the equipment they need. Face darkening, he bursts out: "No amtracs, no operation!" Finally Turner agrees to give the Second Marine Division more amtracs. If the tide does come in low, he notes, they can ferry men from the larger Higgins boats to shore.

Since taking Tarawa from the British shortly after Pearl Harbor, the Japanese have been making it impregnable. Reconnaissance reveals a network of dugouts, coral-block machine-gun nests and interlocking communication trenches. Lines of fire have been sighted in so that every spot on the island can be crisscrossed with withering fire from many different angles.

The defenses include four eight-inch guns that threaten virtually every inch of the seaward approach to the shore; ten 75-millimeter mountain guns, six 70-millimeter cannon, nine 37-millimeter field pieces, four pairs of five-inch coastal guns, 14 light tanks and many anti-aircraft guns and mortars. Tank traps have been sunk in the beach. There are concrete blockhouses up to 40 feet in diameter and 17 feet high, and an incredible 500 pillboxes, sunken miniforts with shallow-curved cupolas and walls of reinforced concrete five feet thick. Rear Adm. Keiji Shibasaki, who has lately taken over the defenses, boasts that if they had a hundred years, "a million men could not take Betio." Along with 2,217 Korean laborers, Shibasaki has 4,836 men, of whom about 3,000 are fighting effectives, including 2,600 first-rate *rikusentai*, or special landing forces.

Most are concentrated on the south side, facing the open sea, where it is thought the Americans will land and be stopped at the beach by the mines and tank obstacles, wire tangles and guns. The American attack is expected at high tide in the morning, but the Japanese expect to counterattack at night and sweep every living enemy off the beach. The assumption is that Americans cannot see in the dark.

Latrines have been set on pilings out over the water. Based partly on the count of latrines visible from the air, American intelligence has underestimated the number of defenders at 2,800. The six Marine battalions scheduled to attack number twice that, though doctrine has it that success requires three times as many attackers as defenders. Torrents of steel and high explosives are to be hurled at the island from three battleships, for cruisers and nine destroyers. Waves of planes are scheduled to bomb and strafe the tiny patch of sand.

Lieut. Col. Shoup draws up the final attack plan. Three battalions will hit the lagoon-side beach at once: the Second Battalion, Second Marines and the Second Battalion, Eighth Marines side by side athwart the pier (Red Beach Two and Three, respectively) and the Third Battalion, Second Marines slightly to the west, at the cove that forms the cockatoo's throat (Red Beach One). As the landing drills wind up, the assault commander falls sick. Suddenly Shoup finds himself promoted to full colonel, commanding the Second Marines, the reinforced combat regiment that will lead the assault that he has planned.

Years later, when the taciturn, poetry-writing Shoup becomes commandant of the U.S. Marine Corps, it is partly because of

what he did at Tarawa. His experience there will also influence advice that he gives President John F. Kennedy in 1963 when the feasibility of invading Cuba comes up. Showing Kennedy a map of tiny Tarawa—as compared with the 800-mile-long Cuba—Shoup reminds the President of the “trouble we had” taking the little triangle of sand and coral.

The landing is now firmly set for neap tide on November 20, at 8:30 a.m. The date is a compromise. In November the only tides coming just after daybreak are neaps, with their lesser highs. During most of the month the spring tides, with their higher highs—the ideal time to run boats over the reef—are expected either before dawn or late in the afternoon. Predawn attack would rule out effective bombardment beforehand. An afternoon attack would mean that reinforcements would have to land at night.

Navy experts are still promising five feet of water at the end of the pier on the morning of November 20. One New Zealand Army Reserve officer who knows the island warns that there will be less than four feet over the reef, with a dodging tide making it even shallower. Everyone agrees that by the 22d the dodging tendencies will be over, but Admiral Turner decides not to put off the attack. Each day that passes, he has been told, increases the danger of a west wind, which would push waves up perhaps too steep for a landing. The landing of heavy matériel will certainly be delayed. Turner figures he has a two-to-one chance that the tides won't be a crucial problem. He is wrong.

Saturday, November 20, 2:20 a.m.: Transports heave to northwest of the island, which looms black in the path of the moon. By 2:55 a.m. 13 transports are reported in position 10,000 yards offshore. Boats are lowered and men begin clambering down the rope nets, but it turns out they are within range of Japanese guns—and in the wrong position, exactly in the line of fire between the battleships and the Japanese.

The whole timetable is thrown off. Transports are laboriously moved out of the way, as landing craft loaded with men bob along behind. The time of attack has to be postponed, first 15 minutes, then another 15. The revised H-Hour is 9 a.m.

5:42 a.m.: Everyone listens for the planes which at that moment are supposed to dump 1,500 tons of bombs on the island. Bolloxed communications hold them up. It is 6:20 a.m. before carrier-based Dauntless, Avenger and Hellcat aircraft roar overhead. They drop 500 tons of bombs, only a third of what Shoup had counted on to kill enemy troops and level buildings near the beaches.

6:22 a.m.: The naval bombardment opens, lasting nearly 90 minutes, littering every foot of the atoll with fragments from 3,000 tons of shells. It is 8:25 before the first waves of amtracs peel off from the line of departure and head for shore, some 6,000 yards away. Of the amtracs available, 87 are in the first three waves—42, then 24 and 21. The rest will come later. Each wave is 300 yards from the last. Some, at Shoup's suggestion, have been equipped with light armored shields specially welded in New Zealand. Each vehicle holds 20 to 25 men. They make less than four knots at sea.

At 8:55 a.m. all guns stop firing. Smoke has obscured the beach where the marines are landing, and for 20 crucial minutes the big guns have to remain silent. The Japanese use this moment to rush men massed on the south beach to cover the lagoon.

At 4,000 yards shells from the Japanese 75s start splashing around the amtracs. Then the 37s kick in, and at 2,000 yards long-range ma-

chine guns begin to spray bullets all over the sea. Soon rifle fire joins in. At 800 yards, amtracs reach the reef, crawl up over it and down into the water on the shore side. “Little boats on wheels,” the Japanese call them.

A few hundred yards ahead of the first wave, two landing boats, miraculously unscathed, touch the end of the pier and men pour out, firing at the Japanese machine guns hidden in the pier. This is the scout-sniper platoon led by First Lieut. William Deane Hawkins, 30, a rangy Texan. Everybody calls him “Hawk.” He has worked his way up through the ranks and does not believe he will survive the war.

Hawkins and his men race down the pier, hurling grenades at machine-gun nests, squirting fire from flamethrowers. Soon the pilings are ablaze.

The first wave of amtracs scrapes the sand in uneven increment: 9:10 on Red One; 9:17 on Red Three; 9:22 on Red Two. The beachhead is only ten yards wide. Amtrac drivers discover their machines can't climb over the four-foot seawall. Engines scream, throwing up showers of sand and splinters. The vehicles get hung up on the wall, sink back peppered with holes. In the chaos, some Second Battalion, Second Marines amtracs slant west to land on Red One with the Third Battalion, which the ferocity of the defense has already forced many yards west of its intended landing point. This is Maj. John F. Schoettel's battalion, but he is still trying to get to shore.

“CASUALTIES 70 PERCENT. CAN'T HOLD”

To men in the next wave of boats plugging toward the island, the noise is unbelievable: vast shuddering explosions that squeeze the body; the howl of steel fragments tearing the air apart just overhead; the spang of lead smashing into steel; gigantic splashes, underwater explosions that heave tons of green sea with enormous white-water crowns up into the air; guns chattering in long bursts, ripping the water into froth. And above the din a roar of human shouts, screams and cries.

Many of the amtracs are blasted to bits. Bodies sprawl on their decks. Men pile out, to sink under their decks or to float face down. Unhit amtracs start back for another load, running in reverse to keep their armored fronts to the enemy, but many lie dead in the water or skewed crazily on the torn sand. A message from an unidentified sender flashes to Gen. Julian Smith aboard the flagship *Maryland*: “Have landed. Unusually heavy opposition. Casualties 70 percent. Can't hold.” In the three-day assault, 90 out of 125 amtracs will be lost.

Now it is the turn of the Higgins boats.

Pounded for hours by wind and ocean chop as they wallowed and circled on the line of departure, the men are relieved to be moving in at last. But some can see the reef just under the surface ahead. Here and there, the coral is actually out of the water, drying in the sun.

With an ominous squeal of metal the front boat, halfway across the lagoon, scrapes its bottom, lurches, stops dead on the coral. Others join it. The second wave piles into the lead wave, and the third follows. Some boats back off. Men leap over the side, holding their rifles high. They are in shallow water 800 yards from shore.

All around them the surface is whipped by curtains of bullets. Shells explode among the men with towering splashes. Marines watch as first one, then another Higgins boat takes a direct hit, splitting them wide open, spilling men and gear into the sea. The rusty, barnacled wreck of a local freighter that

floundered on the reef during an earlier air strike plagues marines with crossfire from Japanese snipers hidden inside.

A wave of larger craft carrying Sherman tanks stops at the reef and disgorges the tanks into the sea. Time-Life correspondent Robert Sherrod, who came in with the fifth wave, reports: “One marine picked a half dozen pieces of shrapnel from his lap, stared at them. Another said, ‘Oh God, I'm scared. I've never been so scared in my life.’ * * * Said the wild-eyed small-boat boss: ‘It's hell in here. They've already knocked out lot of boats and there are a lot of wounded men lying on the beach from the first wave.’ * * *”

All along the front, men slosh in, waist-deep in bloody water, rifles over their heads, dodging and ducking as the bullets sing past. Their trousers are torn by the sharp coral, their knees and hands are bleeding.

On the concave beach at Red One, exposed to fire on three sides, of the 880 men of the Third Battalion, Second Marines only about 100 are still in action. One company reports only 40 survivors. Major Schottel, the battalion commander, still in a boat half a mile from shore, radios Shoup at 9:59: “Receiving heavy fire all along beach. Unable to land. Issue in doubt.” Minutes later, another message: “Boats held up on reef of right flank Red One. Troops receiving heavy fire in water.”

Shoup replies: “Land Red Beach Two and work west.”

Schoettel: “We have nothing left to land.” This news so shocks Shoup that he calls in his regimental reserve battalion to land on Red Two and work over toward Red One.

Despite his report, Schoettel's headquarters and weapons detachments are, in fact, still waiting in their Higgins boats; he has already lost 17 officers and believes his assault waves have been shattered to pieces. Only late in the day does a peremptory message from Julian Smith stir him to action: “Direct you land at any cost.” Later Schoettel reports to Shoup on Red Two, saying he got separated from his men—who land without him. Despite being demoralized, the major takes command of what is left of his battalion along with the First Battalion, Eighth Marines and battles for 48 hours to wipe out the “Pocket,” the toughest enemy complex on the island. Later, Schoettel is cited for bravery; he will die in action on Guam.

A pilot observer swooping back and forth over the battle notes. “The water seemed never clear of tiny men, their rifles held over their heads, slowly wading beachward. I wanted to cry.”

Red Two is the worst. Some 200 yards out, Lieut. Col. Herbert Amey's amtrac runs into a submerged wire fence. He jumps out, waves his pistol in the air, shouts, “Come on! These bastards can't stop us!” and sprints hard for shore. A cone of fire hits him in the throat and kills him instantly.

THE TERRIBLE TEST OF THE SEAWALL

Some of Amey's men hide behind a wrecked amtrac until Lieut. Col. Walter Jordan, who had come as an observer, leads them to the beach. He can't contact other landing teams because most radios are waterlogged, so he sends out runners. Marines are scattered on the spiky coral sand in small groups. Some are as far as 100 yards inland, but most lie at the foot of the seawall, heads down, out of the storm of lead that rakes the beach.

Men huddled at the seawall watch their reinforcements die in the water. Sergeants and lieutenants shout to them, taunting and bullying them. Now and then an officer rises by

himself to storm over the wall into the spray of lead. Very few follow. Those who do, scuttling madly across the sand, flop prone after five or six yards to shoot blindly at whatever is ahead. Some lie where they fall. Some inch their way back to roll exhausted over the seawall and lie there wide-eyed, panting.

Sgt. William Bordelon, a combat engineer attached to the Second Battalion, Second Marines, is one of five survivors of his 22-man platoon. His amtrac was blown up offshore. He crouches behind the coconut logs, large hands clenched on some satchel charges, a silent man with deepset gray eyes and a long, unsmiling face.

"Cover me!" he suddenly shouts and springs up over the wall and runs, zigzagging through the rain of bullets, to a Japanese pillbox squatting in the sand a few yards away. He swerves to the side and jams a satchel into the firing slit. A moment later the whole structure explodes in a mushroom of sand and log fragments. Bordelon races to the next pillbox, which covers the first. He throws a satchel inside that one too, and then blows up a third. Finally he runs back and slides down over the wall to get more satchels.

The front of his shirt is blossoming red. Bordelon ducks back to the beach to pull in a fellow engineer, foundering at the water's edge. Then the sergeant lopes up to the wall, picks up more satchels and starts forward again. Instantly he is stitched by gunfire from three directions and killed. He will get the Medal of Honor.

In one makeshift hospital in a captured pillbox, more than 100 wounded have been collected. In the gloom, doctors have to operate by flashlight. Suddenly a wounded man lifts his rifle and fires at a figure huddled in a corner. Shocked, ears ringing, the marines look at the sprawled body. It is a Japanese soldier who had crept inside. Marines find another and crush his head with a rifle butt. With the rage of battle on them, they keep fighting despite their wounds. Some don't bother to stop for bandages but press on, faces, hands, shirts smeared with blood.

It is about noon. Down the length of the beach, pockets of marines wait by the seawall. Behind them lies the carnage of blasted boats and bodies, spread-eagled on the rocks, hanging head down from wrecked craft, lying half submerged in the water, face down, rocking gently with the waves. Out in the lagoon, landing craft circle, dodging the constant fire.

As troops keep straggling onto the beach, the confusion mounts. Hardly any radios are intact. Officers are separated from their men. Entire units have come ashore at the wrong place. Aboard the cruiser *Indianapolis*, naval officers mill about in Admiral Spruance's cabin, some suggesting that the Fleet Commander take direct control of the operation. Spruance raps the table once. His cold eyes rake the room. The noise stops. "Gentlemen," he says crisply, "there are a number of senior officers in this landing in whom I have the utmost confidence. The operation will proceed."

The chaos on the beach at last sorts itself out. Colonel Shoup wades ashore after two boats fail under him. He finds 20 men cowering under the pier and rousts them out. A mortar shell knocks him off his feet, peppering his legs with shrapnel. He gets up, pulls past together and sets up HQ 50 yards past the seawall, next to a ruined air raid shelter.

The sun sinks. Yard by yard, the marines push beyond the seawall. One by one the pillboxes and shelters and dugouts get the treat-

ment, satchel charges or bangalore torpedoes thrust by hand inside the portholes. Flamethrowers are used if they can be taken close enough.

DAWN WILL BREAK ON A HELLISH SCENE

By nightfall 5,000 marines have crossed the line of departure. Fifteen hundred are dead or wounded, the others are crowded into the tiny island's fringes. Medical supplies are so short that corpsmen wade out into the surf to take first-aid kits from dead bodies. Morphine Syrettes are at a premium. There is hardly any water.

November 21: The sun rises, so hot and bright that it makes the eyes ache even before its orange-balloon image has fully lifted above the horizon. On the beach lie bodies exposed by the receding tide, dangling from smashed amtracs, tanks and wire traps. At 6 a.m. a reserve battalion that has been circling offshore for 20 hours swarms in over the reef at low tide. The men start wading in. Marines on the beach watch warily, knowing that the Japanese have plenty of ammunition still on hand in their bunkers.

This second day landing is worse than the first. The Japanese, whose concrete bunkers reinforced with palm trunks had enabled them to survive the bombings and strafings, are still alive, it seems. Machine guns smuggled at night aboard the grounded freighter cut down marines in rows. The men on the shore scream as they helplessly watch their reinforcements cut to pieces. Of 199 men in the first wave this day, only 90 reach shore. It takes five hours to land all the reserves. Almost half of the 800 are killed or wounded. The battalion loses all its flamethrowers in the water.

Nevertheless, this is a pivotal point. Shoup orders a head-on attack over the seawall. In a fury inspired by the slaughter they have just watched, the men charge inland.

Lieut. Deane Hawkins and his scouts take the point as usual, 150 yards into the trees. They reach the airstrip, but Hawkins is wounded again and again. He attacks a machine-gun nest with grenades, presses on with his men to knock out three more nests. He dies at an aid station during the night. He too wins the Medal of Honor.

Backed by the fresh reserve troops, the invasion gains momentum. Leapfrogging ahead, teams of engineers carrying flamethrowers and satchel charges alternate with covering groups of riflemen. They rush the airstrip in force and push beyond. By mid-afternoon Colonel Jordan learns that some 150 men, all that are left of his battalion, have reached the south shore and are holed up there with little ammo and no water. They have cut the island in two.

The First Battalion, Sixth Marines lands on Green Beach, bringing the first complete unit ashore with all weapons, including light tanks. Now pillboxes don't have to be removed by hand. Shoup, who had come in commanding a regimental combat team and wound up running eight battalions, gets a little relief. He will win the third Medal of Honor here.

Day Three: Marines begin the final drive. Jeeps are coming ashore, always a good sign because they mean the front has moved on ahead. The First Battalion, Sixth Marines, bypassing the four-acre Pocket at the cove, advance down the long south shore, tanks in the lead, relieving the beleaguered platoons by the airstrip. On Red Three, 400 yards east of the pier, Maj. Henry Growe, the only one of three assault team commanders to reach shore with his men on D-day morning, is blocked by a huge, sand-covered, concrete bombproof impervious to the heaviest fire.

Enter Lieut. Alexander Bonnyman, slim, diffident, Princeton, he is an engineer who owns several cooper mines near Santa Fe, New Mexico. His men have killed dozens of Japanese as they sortied out of the bombproof. Now Bonnyman and five others scramble up the sandy mound in the face of desperate firing.

For a moment Bonnyman is king of the mountain, 17 feet high. Then the Japanese rush him, racing up their side of the hill with shrill yells. Bonnyman stands alone, firing his carbine. He is hit, falls to his knees, rips out a magazine, jams in a fresh one, fires until the enemy turns and runs back down the hill. He follows, rubberlegged, tumbles and rolls to the bottom, dead. Behind him other engineers shove grenades into the ventilators of the bombproof and pour cans of gasoline down the vents. With a tremendous roar it blows up. The marines count 150 corpses inside. Bonnyman becomes the battles fourth and final Medal of Honor winner.

By nightfall on the third day the marines hold a line across the western half of the island and most of the north side. There are 7,000 ashore now, with perhaps 1,000 Japanese still hidden in dugouts. And now, in the dark, the Japanese counterattack at last. Three times they rush forward, at the end reduced to brandishing swords and bayonets. Many commit suicide. Three times they are repelled. Next morning, aided by strafing planes and naval guns, the marines break down the last bombproofs. It is over. Second Marine Division casualties: 1,027 killed, 2,292 wounded, 88 missing. Japanese and Korean casualties: 4,690 dead, 146 captured.

The American public will be outraged at what some call a modern Charge of the Light Brigade. Shortly after the battle, according to a 1962 issue of the Naval Institute Proceedings, a naval board of inquiry took up the question of the tides, although no other report surfaced. Admiral Spruance and all of the principals in the battle denied repeatedly that any such meeting took place. Other top-level conferences after the battle discussed many aspects of Tarawa, among them the need for more amtracs, better early bombardment, improved communications and the creation of underwater demolition teams. But the tides were not listed as a topic.

"INVALUABLE" INFORMATION—INACCURATE DETAILS

Admiral Turner—whose position has always been that he took a calculated risk and lost—will report on the local experts and their "dodging tides": "The information obtained from them was invaluable, in spite of some of it being inaccurate in matters affecting many of the details. * * * Adm. Chester Nimitz in his report says: "Hydrographic information was known to be incomplete. Tidal conditions were about as expected." Admiral Turner's biographer concludes: "All those in command at Pearl [Habor] realized that the shallow coral reef, aptly called a barrier reef * * * was a major hazard for the assault forces. * * * All were acquainted with the possibility of a 'dodging tide,' but the chances of it occurring on 20 November 1943 were judged slim. The risk was accepted along with dozens of other risks."

In a 1987 issue of *Sky & Telescope*, physicist Donald W. Olson, a professor at Southwestern Texas State University, analyzed the Tarawa tides and calculated that "from 9 a.m. until 10 p.m. on November 20, 1943, the water hovered within 6 inches of its mean level, 3.3 feet. It was a neap tide of reduced range, technically neither a dodging nor a

vanishing tide.* * * "But, Olson says, Navy experts at the time could not have predicted the atoll tides accurately because they did not then possess the detailed tidal "harmonic constants" for Tarawa.

As for "Howlin' Mad" Smith's postwar opinion that the battle should never have been fought at all, it is not widely shared. That early in the war no one could predict the effect of bypassing Tarawa and Makin. "Smith advocated going straight on into the Marshalls," former correspondent Sherrod points out. "But we know now that the Japanese were prepared to resist an invasion there. Tarawa had to be fought."

Sherrod, 84, who saw the action all through World War II, including Iwo Jima and Okinawa, says no experience matched wading in for 700 yards under shattering fire with the fifth wave at Tarawa. His book *Tarawa: The Story of a Battle* makes you feel you were there.

After the battle, in the quiet, naked Marines splash happily about in the cove, ignoring the signs warning of mines. As they look to the blue horizon, they get a nagging sense that something is missing. The dazzling white line of surf that brought death to so many has disappeared. At last the tide is up. The reef is gone!

COURT CONDEMNS HILLARY CLINTON'S TACTICS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. COX. Mr. Speaker, on Tuesday, November 9, the U.S. District Court for the District of Columbia ruled that defendant Hillary Rodham Clinton had no even arguable basis for withholding information about her health care task force from the public.

The judge called her rejections meritless. He called her responses incomplete and inadequate. To her refusal to respond to discovery request, the judge said: "The court condemns this litigation tactic, and will not tolerate it in future responses in this case."

According to campaign accounts, legal experts say that this is the "harshest criticism of the White House by a Federal court since Watergate."

The full text of the opinion follows:

[U.S. District Court for the District of Columbia, Civil Action No. 93-0399]

ASSOCIATION OF AMERICAN PHYSICIANS AND SURGEONS, INC., ET AL., PLAINTIFFS, VERSUS HILLARY RODHAM CLINTON, ET AL., DEFENDANTS

MEMORANDUM AND ORDER

This matter comes before the court on plaintiffs' motion to compel answers to interrogatories and production of documents. The Court has carefully read each of defendants' responses, along with all memoranda in support of and in opposition to plaintiffs' motion. On October 20, 1993, counsel also presented oral arguments to the court.

The exception to the Federal Advisory Committee Act applying to each working group body must be on the basis that the group is composed wholly of full-time government employees. (Court of Appeals' slip op., p. 26). When the body (be it a sub-group or whatever) is asked to render advice or recommendations as a group, it is a Federal Ad-

visory Committee Act advisory committee unless it is composed wholly of full-time government employees. (*Id.*, p. 29). This court's task is to inquire into:

1. The formality and structure of the working group and its sub-groups to determine if there are advisory committees within the working group, even if the working group itself is not an advisory committee.

2. The truth of the government's claim that all members of the working groups are full-time officers or employees of the government.

3. The status of the special government employees, where they came from, how many hours they worked, and whether they were full-time.

4. The status of the consultants—did each only come to a one-time meeting, or is his or her role functionally indistinguishable from other members of the group or sub-group. Any consultant who regularly attended and fully participated in meetings should be regarded as a member of that group or sub-group, and the consultant's status as a private citizen would then disqualify that group or sub-group from exempt status under the Federal Advisory Committee Act.

The Court of Appeals specifically cautioned that the Federal Advisory Committee Act cannot be avoided by simply appointing, for example, "10 private citizens as special government employees for two days, and then have the committee receive the section 3(2) exemption as a body composed of full-time government employees." (*Id.*, pp. 31-32).

Importantly, Circuit Judge Buckley, in his concurring opinion, noted the importance of the government's argument regarding compliance with ethics laws:

"Mr. Magaziner . . . took pains to stress the fact that every member of and consultant to the group—whether a regular or special government employee, whether working full time or part, for pay or without—was required to file a financial disclosure statement and to comply with other requirements of these laws."

(Court of Appeals slip op., Buckley, J. Concurring, at 11-12.) Discovery into the truth of Mr. Magaziner's affidavit on this point, then, also appears to be warranted.

Rule 26 must be liberally construed to allow discovery into any factual matter that is germane to any of the remaining legal issues in this case, and that may lead to the discovery of admissible evidence or may relate to circumstantial evidence.

Defendants have submitted meritless relevancy objections in almost all instances, and incomplete and inadequate responses in most instances, and plaintiffs' motion to compel shall be granted as set forth herein.

The court rejects defendants' objection that because the current complaint has no specific allegation that "the interdepartmental working group, its cluster groups or subgroup or any other groups were subject to the FACA" plaintiffs are not entitled to seek discovery on these issues. The complaint can be amended to conform to the evidence discovered, and there is no basis at this late stage—on remand, after full briefing—to now raise an archaic technical pleading objection. After full discovery, the court will require an amended complaint to be filed that conforms to the evidence and frames the issues for deciding dispositive motions or, if necessary, trial.

The court also rejects defendants' interpretation of their obligations to respond to outstanding discovery on an on-going basis. For example, in defendants' response to discovery request No. 2 (at p. 8), defendants noted

that "there are a few additional individuals listed who may have maintained expert or consultancy agreements . . . [who] are not designated as having been retained by a particular governmental entity pending the results of a continuing search for pertinent documentation." The proper response by the government would have been to file its incomplete information and move to enlarge time for filing its complete answer, with an estimate of how much time would be needed. Instead, the government decided it would file an incomplete answer and they supplement it whenever it pleased, effectively divesting this court of control over the discovery process and ensuring that during the briefing process on the motion to compel the government would continue to produce dribbles and drabs of information at its convenience. This has unnecessarily complicated judicial review by providing a constantly changing target. The court condemns this litigation tactic and will not tolerate it in future responses in this case.

Defendants initially submitted a preposterous response to plaintiffs' request for lists of individuals who participated with each working group, saying that for Groups 1A and 2A-D "no such list was ever created." The lack of a formal, pre-existing list obviously did not excuse defendants from complying with plaintiffs' request. Apparently even defendants now recognize that, since they have now filed supplemental responses regarding the individuals in Groups 1A and 2A-D. Again, the court rejects this improper litigation tactic.

Even more egregious, however, is the defendants' response that the lists of meeting participants they created "should not be understood as fully exhaustive or completely accurate lists. . . ." Defendants go on to say that given "the fluidity and informality of the process by which individuals participated in the interdepartmental working group . . . [the lists] contain the names of some individuals who did not attend any meetings or who only attended one or two. Similarly, some individuals who attended some working group meetings are undoubtedly not listed." Defendants admitted at oral argument that no effort was made to check the records of each working group for agendas, meeting minutes, and lists of participants, because such documents were not "routinely" prepared. This does not justify the government's refusal to find and produce those documents that were prepared—albeit perhaps pursuant to a protective order.¹ Defendants also admitted at oral argument that they made no effort to check Secret Service records of meeting participants. Again, while such records would not be complete—since some people with appropriate passes would not be listed—they would be probative, since the names plaintiffs are most likely seeking are those most likely to need special clearances for meetings. Defendants cannot simply check the records that happen to be in

¹The court understands the defendants' concerns about production of substantive working group documents which will be publicly released only if plaintiffs ultimately prevail. The court does not understand, but is willing to consider, any argument defendants might make for a protective order for agendas or minutes, to preclude use except in connection with this litigation. The court is doubtful that a protective order is warranted for participant lists. What the court has no doubt whatsoever about, however, is plaintiffs' entitlement to have an appropriate search conducted to locate all such agendas, minutes, and lists. To the extent that plaintiffs' original wording was overbroad, it has now been refined. Plaintiffs are entitled to try to gather evidence to show that "consultants" are the functional equivalents of fully participating members of groups and sub-groups.

Mr. Magaziner's office, a "sampling" of other records, and then claim to have properly responded. Defendants have again improperly thwarted plaintiffs' legitimate discovery requests.²

Defendants have refused to provide full information on what they call "audit groups" that were outside the interdepartmental working group, and have provided no information whatsoever on the "drafting group." The court rejects the argument that plaintiffs are not entitled to all germane information about all of the groups and sub-groups at the White House that dealt with health care reform issues. It matters not what label or title the group or sub-group had. Plaintiffs are entitled to inquire into the formality and structure of all these groups and sub-groups, and defendants are again improperly withholding the germane information.

Time and attendance records and records of payments made (for *per diem* or other work or for travel and other expenses) are clearly germane evidence since they may provide circumstantial evidence that plaintiffs can use to argue that the government's labels as special government employees as well as consultants are a sham. The same is true for financial disclosure or ethics forms—the signature and date and fact the form was or was not completed is germane to plaintiffs' contentions. The court will allow redaction to those other parts of the forms that are not already publicly available. Defendants have, however, even refused to provide to plaintiffs forms that are already publicly available. Defendants have no even arguable basis for such improper withholding.

Plaintiffs' Motion to Compel is GRANTED as set forth herein. Defendants shall, within 20 days of this date, file their final supplemental discovery response.

Plaintiffs are entitled to their attorney's fees, having prevailed on their motion to compel, and such an award of fees is not unjust under Rule 37 of the Federal Rules of Civil Procedure. Plaintiffs' detailed statement of fees and costs shall be filed within 10 days. Defendants may comment thereon within 5 days thereafter.

So ordered.

ROYCE C. LAMBERTH,
U.S. District Judge.

VETERANS DAY, 1993

HON. NITA M. LOWEY

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mrs. LOWEY. Mr. Speaker, I rise today to salute the millions of Americans whose courage has sustained our freedom. Through five wars and a long twilight struggle with tyranny, these heroes sacrificed for love of country, not only answering the call of our flag, but also honoring its meaning.

Seventy-five years after the armistice that concluded World War I, let us together honor their extraordinary contribution, and reflect upon the responsibilities they have entrusted to a great nation in a new world.

Because of their deeds, we know that greatness is not measured in force of arms, that

America is not emboldened by the pride of force, but by a deeper standard. They served not for self, but for a cause. They fought not to conquer, but to save. They struggled not in defiance of our humanity, but in its celebration.

That certainty, measured in a million acts of quiet determination, makes us weep for joy at the sight of the stars and stripes. A flag astride a vast land, lifted by ambition, limitless in its gentle charity. Emblem of the greatest Nation and people ever to walk the Earth.

Because they have done their work so well and with such effectiveness, we approach a new era, free of fear, but full of challenge. Yet the cause for which America's veterans served endures.

In their name, let us rededicate ourselves to the expansion of real freedom for all men and women—real freedom, and the opportunity to enjoy it. Let us summon the spirit of mission to a new call for leadership. Let us remember the dignity of ordinary Americans, summoned from home and family to meet the challenges of a great nation destined to lead.

We owe our heroes not only a guarantee of steadfast support in times of need or adversity, not only a special commitment to address the medical and social conditions which face so many of them, not only a dignified quality of life, but above all, an unyielding faith in the values which guided them home from the great crucibles of our time.

May God bless them, and may God bless America.

POLITICAL STATUS OF PUERTO RICO

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. DEUTSCH. Mr. Speaker, today I rise to talk about an issue which should be important to all Americans. On Sunday, the people of Puerto Rico will hold a plebiscite on the future political status of the island. As most of my colleagues are aware, the three options being considered are commonwealth, statehood, and independence. I take a special interest in Puerto Rico since my Florida district is the closest district to this part of the United States.

I am a strong supporter of self-determination for the people of Puerto Rico. As U.S. citizens, Puerto Ricans have made many valuable contributions to our country's heritage and culture. Although I believe statehood is the best option, I will support and work toward passing legislation on whatever option the people choose.

The people of Puerto Rico will only enjoy the full rights of their citizenship if Puerto Rico becomes a State. As long as the island remains a territory, Puerto Ricans will be totally dependent upon the wishes of Congress. This problem can be seen by the recent congressional decision to significantly curtail tax breaks for U.S. companies located on the island. In the history of the United States, territories that applied for statehood have never been denied admission to the Union. If the people of Puerto Rico choose statehood, I will

do whatever I can to pass good enabling legislation which would allow them that option.

I would like to bring to my colleagues' attention an issue which has been raised during the plebiscite campaign that greatly disturbs me. Several Members of this body have claimed that Puerto Rico should not become a State due to its different culture and language. Moreover, some politicians on the island claim that Puerto Ricans will be forced to speak only English. I deeply resent these scare tactics and statements which are being used to mislead the Puerto Rican people.

The people of Puerto Rico have only to look at the Congress of the United States to see that these statements are false. If Hispanic culture and language was suppressed by various States, we would not have 14 Members of Congress in the Hispanic Caucus. I want the people of Puerto Rico to understand that they can choose statehood and protect their language and culture at the same time.

The ability to protect the Hispanic culture and enjoy the full rights of U.S. citizenship is best symbolized by Florida's own Cuban-American community. In fact, the Cuban-Americans successfully lobbied Dade County this year to overturn the English-only law. Cuban-Americans enjoy full political rights and retain their own culture as much as they desire. Like California, New York, and many other States, Florida has a successful Hispanic population which enjoys full political rights.

The people of Puerto Rico should not be misled by those claiming that statehood would jeopardize their own culture. Puerto Rican voters should base their decisions on what is best for their island politically and economically. On Sunday, Puerto Ricans should vote their conscience and not be misled by scare tactics.

HONORING THE 25TH ANNIVERSARY OF THE EDUCATIONAL INFORMATION AND RESOURCE CENTER

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to bring to the attention of my colleagues an important educational resource in New Jersey. The Education Information and Resource Center [EIRC], located in Sewell, NJ, is being honored on the occasion of its 25th year of outstanding service to schools, parents, agencies, and communities.

Since its inception, this unique New Jersey resource has been able guided through the strong and effective leadership of a 21-member board of directors who represent the total educational community: teachers, administrators, school board members, parents, and representatives of business, industry, and higher education.

The center has achieved special recognition for its key role in developing and sustaining model educational and human service programs at all levels and is highly valued throughout New Jersey as well as in 36 States and a number of foreign countries.

² Defendants' burdensome argument is categorically rejected. This court does not accept such arguments without specific estimates of staff hours needed to comply, and defendants submitted no such estimates.

The center, which was founded in 1968, is the national headquarters for the National Talent Network, Hands Across The Water, the National Assault Prevention Center, the Information and Research Service, and the National Diffusion Network's State facilitator.

I resolve today that this House honor and congratulate ERIC on the occasion of its 25 anniversary, comments its 25 years of steadfast and excellent service to the children and parents of this country, and extends best wishes for continued success in the years to come.

I further resolve that a duly authenticated copy of this resolution, signed by the President and attested by the Secretary, be transmitted to the Educational Information and Resource Center.

TRIBUTE TO THE DONALD JACKSON NEIGHBORHOOD CORP. AND PRUDENTIAL INSURANCE CO.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to take this opportunity to draw to the attention of my colleagues in Congress the accomplishments of an outstanding organization in my district, the Donald Jackson Neighborhood Corp. [DJNC].

The Donald Jackson Neighborhood Corp. and Prudential Insurance Co. are being nationally recognized and celebrated by Social Compact, an industrywide effort of banks, thrifts, insurers, secondary markets, and mortgage companies to form community alliances with neighborhood nonprofit organizations to strengthen our Nation's "at-risk" neighborhoods. The Donald Jackson Neighborhood Corp. and Prudential have been selected from almost 120 applicants nationwide as Honorees for Partnership Achievement in conjunction with the 1993 Outstanding Community Investment Awards Program, which brings national recognition to outstanding partnership-based strategies for strengthening disadvantaged neighborhoods.

The Donald Jackson Neighborhood Corp. was founded in 1987 by the residents of Clinton Hill in Newark, NJ, by members of the Blessed Sacrament Church, a Roman Catholic parish. The Donald Jackson Neighborhood Corp. believes that social stability helps solve the problems of drug abuse, crime, and poverty endemic to disadvantaged populations. This nonprofit organization works to renew their urban community by assisting leaders to address critical neighborhood issues: providing affordable housing for low- and moderate-income families; establishing education, crime prevention, and employment programs and working to promote the economic development of the community.

The Clinton Hill section of Newark's south ward is one of the poorest neighborhoods in the city. Since 1967, more than 20 multifamily dwellings in the area have been destroyed or abandoned, resulting in the loss of thousands of housing units. This loss represents more than half of available rental housing in the neighborhood.

In addition to the physical disintegration, the community is plagued by crime. The crime rate in Newark is 1½ times that of the entire county, and the violent crime rate is almost double the county average. Muggings, shootings, and car thefts are common occurrences, and drugs are sold openly on street corners.

The Donald Jackson Neighborhood Corp. uses a multifaceted approach to combat the problems of the Clinton Hill community. The Donald Jackson Neighborhood Corp. and another organization rehabilitated two abandoned residential buildings, creating 70 low-income rental units. It has also developed another housing complex on its own, and led a campaign to attract public investment in Clinton Hill.

The corporation has, with other organizations, implemented a "Pass Plan" in neighborhood schools where high school graduates are able to qualify for special "passports" to career-oriented jobs or special college tuition scholarships. The corporation has worked with civic leaders to present forums on crime and persuaded the police to increase their presence in the community. As a result, the levels of violent crime and car theft have declined.

Prudential Insurance Co. has been a leader in the DJNC partnership. Prudential has demonstrated commitment to community revitalization by investing in affordable housing intermediaries such as the Local Initiatives Support Corp. [LISC] and the National Equity Fund [NEF]. Both LISC and NEF have been strong supporters of the Donald Jackson Neighborhood Corp. in addition to its financial contributions, Prudential generously donated personnel resources who have served as consultants to the corporation's many neighborhood projects. The Prudential has also been instrumental in using its influence to negotiate for building sites and tax abatement with government officials.

Clinton Hill has already benefited from the efforts of the Donald Jackson Neighborhood Corp. As a result of the lower crime rate, residents feel safer to venture into their community. Children are being offered more opportunities in school and in their range of possible careers. More people are going to bed at night with a roof over their heads. The economic needs of the community are being addressed, and many business owners have begun to see the potential of the area. Clinton Hill still has many problems, but the corporation's work has started it down the road to recovery.

In a time when our attention is becoming increasingly focused on the problems with modern society, it is nice to be able to focus on a real solution. The partnership between the Donald Jackson Neighborhood Corp. and The Prudential is a shining example of what can be done when we cooperate to work toward a common interest—the betterment of our entire community.

I want to again urge my colleagues to join me in commending the Donald Jackson Neighborhood Corp. for its commitment and its continued work in this regard, and I applaud them in their endeavors.

GUTIERREZ SLIAG EXTENSION BILL

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. GUTIERREZ. Mr. Speaker, today I am introducing a bill that is a fine example of the type of work the Congressional Hispanic Caucus has dedicated itself to during this term—reasonable, fiscally responsible legislation that helps Hispanics—and non-Hispanics across our Nation.

I want to thank my colleagues in the Hispanic Caucus who have been absolutely instrumental in helping to craft this important bill. I also want to thank the community groups and immigrant-advocacy groups across this Nation who have been a vital part of this process and I look forward to working with them to push this legislation forward and make it law.

The purpose of this legislation, Mr. Speaker, is really quite simple, yet urgently important.

It is designed to make it easier for people to become citizens of the United States. And it provides them with the tools and resources necessary to reach that important goal.

Let me briefly explain what this bill accomplishes. It amends the Immigration Reform and Control Act of 1986 to extend money made available under the State legalization impact assistance grants—better known as SLIAG.

This funding was made available in 1986 to provide educational services—such as English-language classes—and community outreach activities regarding citizenship and naturalization.

This was a wise and prudent allocation of money—an allocation that has eased the way for many of our brothers and sisters to become citizens and join in all the privileges that citizenship brings.

However, in a rare occurrence for this U.S. Congress, the authorization for this money has run out before the money has.

My legislation will not appropriate any new money, but it will allow States to continue to use already appropriated funds through 1997.

It does this in two simple steps.

In 1995, every State will be eligible to use unused SLIAG funds to pay any outstanding, allowable claims. After all allowable claims are paid, the remaining money—at least \$61 million—will be available to continue to provide educational services and public information and community outreach to eligible legalized aliens through 1997.

Also, States would be able to utilize any additional funds available for other services allowed in current law.

The timing of this is critically important.

As many of you know, the bulk of people made eligible for citizenship by IRCA will become eligible for citizenship during the next 3 years—just after SLIAG funds run out.

This extends the period of eligibility of these funds, which extends our ability to help people reach for the dream of citizenship.

Quite simply, this legislation guarantees that money allocated—not new money—money already allocated—to help people become citizens is spent for exactly that purpose and that purpose only.

Mr. Speaker, I truly believe this legislation is critical.

It seems we cannot discuss any issue in this Congress this year without having it become a discussion of immigration and immigrants.

Many of our colleagues would have you believe that every concern that comes before this Congress—from health care to unemployment compensation—is really a concern about immigrants and immigration.

We know, and statistics show, this simply is not the case.

But that is not to say that we should not make every resource available to people who come to this country with no desire other than to work hard and share in the American dream.

Our cities are filled with these people. From the Bronx to Los Angeles back to Humboldt Park and Pilsen and Little Village in Chicago, our neighborhoods are filled with people looking to build and develop our communities in America. And sometimes, all they need is a helping hand. This legislation gives them that help. It tells them that help is available. Help in learning to speak English. Help in learning about our Nation. Help in identifying the resources and programs that are available to them. Help in reaching the dream of becoming an American citizen.

That is the dream that this SLIAG extension will help every eligible legalized alien reach.

I thank my colleagues once again for their support, and I urge quick passage of this important legislation.

HEALTH CARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 10, 1993, into the CONGRESSIONAL RECORD:

HEALTH CARE REFORM

We are at the beginning of a long, arduous, and probably confusing congressional debate over health care. The clash will invoke some of the grand concepts in American politics: the quest for security versus the desire for individual freedom, the role of government action versus the cynicism about the ability of government to deliver, the needs of the poor and the aged against the anxieties of a hard-pressed middle class. The major issues of the debate include financing, choice of provider, who to cover, and what benefits to provide. The discussion involves new terms such as employer mandates, global budgets, health alliances, managed competition, point of service options, and single payer. At the present time none of the major plans can claim anything near majority support in Congress.

The dilemma of health care reform is that it seeks to answer two fundamental questions that push in opposite directions: how do we extend basic health coverage to 37 million uninsured, and how do we restrain the rapid rise in health care costs. There is great pressure to minimize the role of government but at the same time there is doubt that coverage will ever be universal or costs ever be contained unless the government intervenes.

PROPOSALS

How you approach health care reform depends on whether you think the system is in crisis or does not need much fixing. Proposals in Congress go from one extreme to the other, from a "single-payer plan" in which government would raise enough money through taxation to pay for health care for everyone, to plans that only tinker with the present system, such as by making insurance market reforms. The President's plan and most of the other viable proposals are somewhere in between.

The President's proposal is an extraordinary mix. It contains a passion to help the needy, a faith in free markets, and a focus on the middle class. It relies on existing health care services and expands price and quality competition among providers, while at the same time establishing an elaborate new framework of government regulations and price controls. But what strikes me most of all about it is its sheer complexity, its ambition, its determination to transform the health care system and make it work better. It is not a cautious plan. It is bold and visionary and pushes the boundary of what is doable. Already it has had more scrutiny than almost any legislative proposal in history.

POLITICAL PROCESS

Any health care reform proposal will have to satisfy hundreds of political constituencies that are deeply engaged in the battle over the issue. The President has already made many adjustments in his original proposal, and he is trying to answer criticism coming from the left and the right. He has quite clearly said that when it is over, he wants to achieve comprehensive health care security for all Americans. Everything else seems to be negotiable. My guess is that we are only at the beginning of the adjustments and compromises that will be made in the days ahead in the President's proposal. Politically, the challenge will be to build and maintain a sprawling coalition that will hold together during the debate.

Never has the consensus to overhaul our health care system been so strong. Republicans and Democrats in Congress want it, so do health care professionals, local government, big business and labor, and most other Americans. In one recent poll, 94 percent of those surveyed thought health care needed "fundamental reform or to be completely rebuilt". At the same time, people often mean quite different things when they talk about the need for reform. They assess the proposals in terms of how they would affect them—both as to cost and benefits. Part of the complexity of health care reform is that people are in so many different categories: uninsured, part-time worker, families with or without children, Medicare or Medicaid recipient, disabled, veteran, self-employed, federal worker, employee of large firm.

One question on my mind is whether the sense of urgency among the public which has marked the health care reform debate thus far will be sustained. The pace of legislation is sluggish and it will not be easy to maintain the momentum necessary to pass legislation. Many lobbying groups on health care want only minor change and are urging Congress to go slow. Another factor is the approach of next fall's elections. The conventional wisdom is that the closer the election, the more difficult it is to pass major legislation. But health care could be different. Thus far, most politicians think that the people are telling us: "Pass something."

MAJOR ISSUES

I think the primary points of contention will be several. First, the biggest fight will

likely be over how to pay for the plan. The President is proposing that the system be financed largely through an employer mandate, which would require employers to pay 80 percent of the cost of the average priced plan sold within the area. Others favor: a mandate requiring individuals to purchase coverage, no mandates, or broad-based taxes on companies and individuals. Some are concerned that cutbacks in existing health care programs to finance other benefits may be too fast, too soon, too much.

A second major point of contention will be the benefit package. Obviously the more generous the benefits, the greater the cost. Some lawmakers want to scale it back; others want to add services such as chiropractic care. Americans also want the package constructed so they can keep their own doctor.

A third issue will be how to control costs. The President's plan would limit the amount that health premiums would be allowed to increase each year. That puts a burden on health plans to figure out how to live within the budget. Others do not believe the government should have any role in limiting prices, while some believe the government should apply a Medicare-type fee schedule for all doctors, hospitals, and health providers.

The power of the new health alliances the President's plan sets up will also be a point of contention. Some fear that these large quasigovernment alliances will be much too powerful, given their authority to dictate which health plans can sell coverage and at what price.

Another key issue is how quickly coverage should be expanded. The President provides subsidies for low-wage workers and small businesses and would expand benefits for long-term care and prescription drugs. Many in Congress are skeptical about the President's estimates of how much the government subsidies would cost and they would prefer to delay the target date for universal coverage.

CONCLUSIONS

Although I have many questions about his proposal, and believe it must be scrutinized by Congress and the American people, I do think the President has performed an important public service in putting health care reform to the front of the national agenda. The system today gobbles up huge amounts of dollars and bypasses many people in the country. He is forcing the country to acknowledge this, and he has made a bold proposal to try to make something happen.

HONORING JOAN RIBAUDO FOR 25 YEARS OF COMMUNITY SERVICE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. NADLER. Mr. Speaker, I rise today to join the many grateful neighbors in Bensonhurst and Gravesend who will tonight honor Joan Ribaudo for her 25 years of distinguished community service at a reception to be held at the Oriental Manor in Brooklyn.

As is so often the case, Joan was drawn to community service out of concern for the welfare of her children. Starting as a den leader coach for the Cub Scouts and a troop leader with the Girl Scouts, Joan became active in her local schools. She served the Parents-Teachers Association of P.S. 247, serving as

co-president and president for 2 years. When her children graduated to Seth Low Junior High School, she served on the PTA there as treasurer and as first vice president.

Joan also served on the board of Coney Island Hospital and rallied to the aid of the Marlboro community in a time of crisis. She has worked effectively as a member of the Seth Low Community Council, the Bensonhurst West End Community Council, Community Board No. 11 and was elected by her neighbors as the Democratic State committee-woman/district leader of the 47th Assembly District.

As a member of the New York State Assembly and recently as the representative in Congress serving Bensonhurst, I have known Joan Ribaldo as a member of the staff of my former colleague Assemblyman Frank Barbaro. Joan's skill and dedication in meeting the needs of the citizens of the 47th Assembly District has earned her the respect, love, and admiration of the entire community.

Mr. Speaker, these days we hear a lot of talk about reinventing Government and making Government more accountable to the people. In our corner of Brooklyn, however, these laudable principles are alive and well. Concerned citizens are active in their communities, and they strive to make life better for their neighbors and for their children. Joan Ribaldo is one such citizen. Her 25 years of service to the people of Brooklyn is an example of citizenship at its finest. I hope every member of this House will join me and Joan's neighbors in honoring her service and her example.

INTRODUCTION OF THE FECA FRAUD DETERRENCE ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. FAWELL. Mr. Speaker, today I am introducing legislation designed to deter fraud and abuse in the Federal Employees' Compensation Act [FECA]. This bill would enable the Department of Labor to eliminate benefits to individuals who have been convicted of defrauding the FECA program and save the Federal Government \$22.6 million over 5 years.

FECA is a workers' compensation law applicable to more than 3 million civilian employees of the Federal Government. It is a generous program that pays tax-free, inflation adjusted benefits to injured workers. The program pays compensation directly to injured employees, provides for the payment of medical expenses, and pays benefits to dependents of covered workers in case of a work-related death. Responsibility for administration of the program lies within the Department of Labor in the Office of Workers' Compensation Programs, [OWCP].

Currently, the criminal and administrative sanctions applicable to persons committing fraud against the FECA program are very limited. In some cases when OWCP discovers fraud they are unable to terminate benefits. Consequently, former Federal employees who have been convicted of defrauding the work-

ers' compensation program continue to receive benefits under the program simply because OWCP lacks the statutory authority to terminate compensation benefits. There is no reason why individuals who are in jail should continue to receive benefits from the very program they were convicted of defrauding. Under current law, FECA benefits may be suspended or terminated only where the medical evidence establishes that the compensable disability has ceased or where the claimant has refused to work after suitable employment has been offered.

While the majority of FECA claims are legitimate, a minority of the claims involve individuals filing fraudulent claims. In one instance, an individual failed to report that he was working while receiving FECA benefits. It was later discovered that the individual had, in fact, made false statements and fraudulently received almost \$200,000 in FECA benefits. Although he was tried and convicted in Federal court on these charges, OWCP was unable to terminate his compensation benefits based solely on his conviction for making false statements to acquire benefits.

Eliminating fraud in the FECA program is just one of the many items included in Vice President GORE's National Performance Review report on reinventing Government. Enactment of this legislation would enhance the deterrent value of the Federal Employees' Compensation Act, enable the Government to punish those who defraud the program and, most importantly, save the taxpayers the cost of supporting those who defraud the program.

TRIBUTE TO THE PARTNERS IN EDUCATION PROGRAM

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize the accomplishments of the "Partners in Education" Program being carried out at Eastern Heights Junior High School in Elyria, OH.

Partners in Education is a unique program that has given students more reasons to stay in school as well as an incentive to work harder. By forming a student-mentor relationship with local business and government leaders, students gain an invaluable wealth of knowledge and experience.

Leaders who participate in this program act as mentors and tutors, donors of equipment and supplies, and special contest sponsors. Whether it be the donation of a free meal to honor roll students, or the gift of a free saxophone lesson from a professional musician, the incentives and encouragement by local business and government leaders seem to be working.

The success of Partners in Education can be seen in a variety of areas. The most obvious being an increasingly positive attitude from the participating students about learning, and a greater interest in assuming new responsibilities. In addition to a higher percentage of students making the honor roll there has also been increased parental involvement

in PTO/PTA programs and teachers are more motivated and excited.

The Partners in Education program is the type of creative approach to learning that is making a difference in our schools and the lives of young people. Please join me in commending this combined effort by business and government leaders to help parents and educators reward and support students in furthering their educations.

TRIBUTE TO JULIA WASHINGTON ON THE OCCASION OF HER RE- TIREDMENT FROM THE PUBLIC SCHOOL SYSTEM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. TOWNS. Mr. Speaker, it is with great pride that I honor Julia Washington, an educator who has contributed a vast amount of her time and efforts to the New York community. On Friday, November 12, 1993, a special celebration will take place in Queens, NY. On this evening, an outstanding citizen and educator will be recognized on her retirement from a remarkable career. Ms. Washington is retiring from her position as principal at P.S. 284.

Ms. Washington earned a bachelor of arts degree in education from Brooklyn College. She proceeded to obtain a master of arts degree in education. Subsequently, she took supervision and administration courses at St. Johns University. Her hard work resulted in a New York State Teachers Certification for school administrator and supervisor.

Julia has held a number of notable positions. She has worked as a district educational coordinator, an acting assistant principal, a supervisor for the summer Headstart Program, and an early childhood supervisor. Her responsibilities included assisting teachers, developing good teaching techniques, and implementing educational programs.

Her civic activities have been prolific. She has served as chairman for the Girl Scout Council of Greater New York and for over 5 years. Julia was the den mother for the Boy Scouts of America South District for 2 years. Transcending the work of most citizens, Julia has worked with parents and the community in implementing educational and early childhood programs, while distributing necessary information and materials to set these plans in motion.

Now retiring from 23 years of experience as principal at P.S. 284, Julia Washington has earned every honor that has been bestowed upon her. Please join me in acknowledging Ms. Washington for her selfless service to our children and the community. She is one of the greatest educators of our time.

MAAC PROJECT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. FILNER. Mr. Speaker, I rise today to acknowledge the contribution made by the partnership between the Metropolitan Area Advisory Committee [MAAC] project and the International Savings Bank in my congressional district.

This partnership was recently honored nationally by the Social Compact with America's Neighborhoods 1993 Outstanding Community Investment Award, which brings recognition to outstanding partnership-based strategies for strengthening disadvantaged neighborhoods.

The MAAC project is a nonprofit, social service agency serving more than 30,000 residents of San Diego County. Founded in 1965, the MAAC project operates 23 separate programs, addressing the employment, housing, health care, and education needs of the community. The MAAC project is being honored at this time for creating a major redevelopment project in the Logan Heights neighborhood of San Diego, an area with unemployment hovering around 29 percent.

Through the financial assistance of the International Savings Bank, this redevelopment project will include affordable rental housing for low-income families, social services like child care, job skills training, and family counseling, and commercial space that will bring new stores into the neighborhood, providing needed services and employment opportunities. A cultural center is also planned, complete with a Hispanic theater and museum.

Construction will provide jobs for the unemployed, and 55 percent of the subcontracting will be done through minority-owned firms. A preapprenticeship program will train local youth in the building trade.

In partnership with MAAC, International Savings Bank has agreed to become a permanent lender for the Mercado Apartments development. Besides providing a permanent loan, the bank was able to secure an additional \$800,000 for gap financing.

The Social Compact awards program recognizes the most innovative and effective strategies in the Nation for affordable housing, community, and economic development—carried out by partnerships between financial service institutions and neighborhood-based nonprofit organizations. Social Compact is an industry-wide effort in which hundreds of financial service institutions have committed to increasing the flow of capital into lower income communities and to expanding support for effective neighborhood nonprofit organizations.

It is a pleasure to recognize, with these remarks, the outstanding contribution to the San Diego community by this partnership between the MAAC project and the International Savings Bank—and to congratulate them on receiving the Social Compact 1993 Outstanding Community Investment Award.

LEGISLATION TO ASSURE INTEGRITY OF FOOD STAMP PROGRAM

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. EWING. Mr. Speaker, I rise today in support of H.R. 3436, legislation which seeks primarily to clarify that food stamp recipients will be able to redeem food stamps at all legitimate food stores.

This legislation includes an important anti-fraud provision which I had introduced earlier this year, and which Senator MITCH MCCONNELL had introduced in the other body, as part of a comprehensive food stamp anti-fraud package. My provision would allow USDA to share certain information about food stores that participate in the program with Federal and State law enforcement agencies. This will provide an important deterrent against fraud in the food stamp program, and will open up additional avenues for tracking and pursuing such fraud. Safeguards are present in this legislation to prevent unauthorized use of this information.

Additionally, the committee report contains language to assure that this new definition does not become a back door to participation in the food stamp program by retail establishments which are not actually food stores. I worked with Mr. STENHOLM, Mr. ROBERTS, and Mr. EMERSON on this language, which I feel will provide valuable guidance to USDA in developing regulations to implement this bill.

Mr. Speaker, this legislation will assure that food stamp recipients will be able to redeem food stamps at legitimate food stores, and only legitimate food stores, and will provide USDA with additional means of assuring the integrity of the Food Stamp Program. I urge its adoption.

PUERTO RICO STATUS REFERENDUM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. YOUNG of Alaska. Mr. Speaker, on November 14, the U.S. citizens of the people of Puerto Rico will vote in a referendum regarding their preferred relationship with the United States. This is an historic occasion for the people to finally decide if they want to be a permanent part of these United States.

The statehood status definition is clear and consistent with legislative language used to admit previous territories into the Union. However, I am concerned with the highly unrealistic definitions of what constitutes the status choices of commonwealth and independence.

In the interest of political comity, the current pro-statehood government of Puerto Rico permitted the parties advocating commonwealth and independence to supply their own definitions in the referendum law. The result has been a balanced referendum electoral law, but with exaggerated status definitions on the referendum ballot for commonwealth and, to a lesser degree, independence.

It is ridiculous to suggest that the United States would ever agree to a commonwealth with permanent union between Puerto Rico and the United States. Only by being incorporated into the body politic of the United States can Puerto Rico be considered to be in permanent union.

We are a democracy united by a Constitution which extends equal protection, rights, and privileges to all. The United States will not set aside over two centuries of reliance upon this near-sacred document to be "bound by a bilateral pact that could not be altered, except by mutual consent." Even the North American Free-Trade Agreement [NAFTA] allows a member to end the agreement with a 6-month notice.

U.S. citizenship is endowed through the U.S. Constitution. It is through incorporation into the Union that one can obtain irrevocable American citizenship, not merely through some commonwealth guarantee. As unfortunate as it may seem, the citizenship of individuals born in Puerto Rico is not protected to the same degree as those born in a state or where the Constitution has been extended in full. This sensitive subject has been addressed and clarified many times in the recent years by the Congressional Research Service, the Department of Justice, and in several congressional hearings.

It is unfortunate that commonwealth purports to be able to obtain the full extension of Federal programs like the Supplemental Security Income [SSI] and food stamps allocations equal to those of the States, without assuming comparable financial responsibilities. It is a facade for commonwealth to infer that section 936 would be retained for very long in the future, let alone being reformed, thereby somehow assuring the creation of more and better jobs.

The independence definition makes a broad assumption that the United States would agree to let individuals in an independent Puerto Rico retain U.S. citizenship. When the people of the United Nations' trust territory in Micronesia chose to be a freely associated state with the United States, they were denied the option of U.S. citizenship. Many of the other claims of the independence definition are highly speculative as no benefit, program, service, or other right for Puerto Ricans under independence has ever been passed by both Houses of Congress.

The United Nations has resolved this to be the Decade of Decolonization. November 14 will be an opportunity for the people of Puerto Rico to decide how they want to end this decade and century under the United States flag. This is a time for the people of Puerto Rico to ask themselves if they want to be full first class citizens as an equal permanent part of the United States. No other status option on the ballot, not commonwealth and certainly not independence, can realistically guarantee equality under the U.S. Constitution.

I will be watching with intense interest and concern as the U.S. citizens of Puerto Rico choose from among the following referendum status definitions:

STATEHOOD

A vote for statehood is a mandate to reclaim the inclusion of Puerto Rico as a State of the Union.

STATEHOOD

Is a non-colonial status of full political dignity;

Will allow us to have the same rights, benefits and responsibilities of the Fifty States;

Is a guaranteed permanent union and an opportunity for economic and political progress;

Is a permanent guarantee of all the rights provided by the constitution of the United States of America—including the preservation of our culture;

Is a permanent guarantee of American citizenship, our dual language, anthems and flags;

Is complete participation in all Federal programs;

Is the right to vote for President of the United States and to elect no fewer than six representatives and two senators to Congress.

In exercising our rights as American Citizens, we will negotiate the terms of our admittance, which will be submitted to the people of Puerto Rico for its ratification.

COMMONWEALTH

A vote for commonwealth is a mandate in favor of:

A guarantee for progress, our security and that of our children within a status of complete political dignity based on the permanent union between Puerto Rico and the United States, bound by a bilateral pact that could not be altered, except by mutual consent.

COMMONWEALTH GUARANTEES

Irrevocable American citizenship;
Common market, common currency and common defense with the United States;
Fiscal autonomy for Puerto Rico;
Puerto Rican Olympic Committee and international sports self-representation;
Complete development of our cultural identity; with the Commonwealth, we are Puerto Rican first.

We will develop the Commonwealth within specific guidelines set forth to Congress. We will immediately propose:

To reform Section 936, assuring the creation of more and better jobs;

To extend Social Security Complementary Insurance (SSI) to include Puerto Rico;

To obtain Food Stamp allocations equal to those of the States;

To protect our other agricultural products, in addition to coffee.

Any additional changes will be submitted to the people of Puerto Rico for their prior approval.

INDEPENDENCE

Independence in the right of self-government of our people; and the enjoyment of all the powers and attributes of sovereignty.

In the execution of this inalienable and irrevocable right, Puerto Rico will govern itself by a Constitution that will establish a democratic government, protect human rights and affirm our nationality and language.

Independence will give Puerto Rico the necessary powers to attain greater development and prosperity, including the powers to protect and stimulate our industry, agriculture and commerce, control immigration and negotiate international accords that would broaden markets and promote investments from other countries.

A Friendship and Cooperation Treaty with the United States and a transition process to achieve independence, in accordance with federally approved House and Senate committee legislation will enable; the continuation of acquired Social Security veterans

and other benefits; Puerto Rican citizenship and that of the United States, for those who chose to retain it; the right to use our own currency or the dollar; free access to the United States markets; tax incentives for North American investments; Federal funding in an amount equal to the current allocation for at least one decade; and the eventual demilitarization of the country.

IN RECOGNITION OF PATRICK J. NORTON'S SERVICE TO THE CITY OF WAYNE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to recognize Patrick J. Norton's 29 years of service on the Wayne City Council. Beginning his continuous service on the Wayne City Council in 1964 and serving as mayor from 1970 to 1975 and again from 1979 to 1991, Pat has been a progressive, future-oriented leader in Wayne.

During Pat's tenure as mayor of Wayne, the city was faced with the challenges that many downtowns confronted in the 1980's—the replacement of the individual retailer with the development of the megamall. As mayor, Pat established a committee to outline a vision for the city into the year 2000. His dedication to urban renewal projects was probably his greatest contribution to the city. Among his achievements as mayor and councilman are the construction of a new community center; the renovation of the old recreation center to be the new city hall; the renovation of the old city hall to be the new 29th District Court; the acquisition, renovation and reopening of the State Wayne Theater; the construction of Goudy, Washington, Mill Trail, and McClaughrey Parks; the renovation of the Wayne-Westland Library; the construction of 76 award winning public housing units; and the renovation and opening of a new public services facility. Pat also worked tirelessly with the Ford Motor Co. on the expansion and renovation of the Wayne Assembly and Michigan Trucks Plants, as well as on the construction of their Wayne Stamping Plant. The citizens of the city of Wayne have certainly had an industrious public servant in Patrick Norton.

Pat's talents and perseverance have been recognized by many. He received the Top Elected Official Award for 1986–87 from the Metropolitan Detroit Area Chapter of the American Society for Public Administration. In 1991, he was chosen by the American Leadership Conference to participate in a conference which provided then-Soviet participants a chance to question Americans about democracy and a freeworld market. Pat was also either elected or appointed to numerous boards including: The board of trustees of the Michigan Municipal League, vice chairman of the board of directors of the Peoples Community Hospital Authority, and chairman of three city committees.

The city of Wayne is losing a dedicated, committed public servant with Pat's decision not to seek reelection. One only has to take a drive around the city of Wayne to witness the

positive contributions of his leadership and service in that community. In 1964, Pat and I began serving the people of the city of Wayne. It has truly been a pleasure working with him to further the interests of our shared constituency. I wish Pat the best in his future endeavors.

HONORING THE REVEREND DR. NATHANIEL TYLER-LLOYD

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. ENGEL. Mr. Speaker, I am pleased to acknowledge today the 33d anniversary of the pastorship of the Reverend Dr. Nathaniel Tyler-Lloyd, which is being celebrated at Trinity Baptist Church in my district this week.

In 1960, Reverend Tyler-Lloyd was called to assume the leadership of Trinity Baptist Church, one of the oldest churches in the Williamsbridge section of the Bronx. Since that time, his dedication to his ministry and his leadership in the community have had a positive effect on both the church and the immediate neighborhood. Through his guidance, Trinity Baptist has experienced marvelous growth, which includes a Christian educational center and multipurpose fellowship hall to accommodate an enlarging congregation.

The leadership ability of Reverend Tyler-Lloyd has earned him recognition throughout the Christian community. He has been honored for his compassionate work on AIDS, serves on the boards of an array of respected organizations, and has traveled the world with his family spreading a message of hope.

It is my honor to congratulate Reverend Tyler-Lloyd for all these achievements, and thank him on behalf of my constituents for his continuing efforts.

NAFTA AND ORANGE COUNTY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. PACKARD. Mr. Speaker, NAFTA will be a tremendous economic boon for Orange County. Like the rest of California, Orange County is still mired in a recession. The county needs an economic boost that will not only benefit us in the long run, but will give us the jumpstart we need now. NAFTA will give us that boost.

In the first year alone, NAFTA will double Orange County's exports to Mexico and create more than 800 new jobs. By the end of the decade, county exports to Mexico will increase fivefold, creating 10,000 net new jobs.

Orange County's most competitive industries will benefit immediately under NAFTA. For instance, when Orange County manufacturers export medical instruments to Mexico, we're slapped with a 16-percent tariff. That raises the price of our goods making us less competitive. NAFTA will immediately eliminate those tariffs making us more competitive.

Mexican consumers will be able to buy our products for 16 percent less than they currently do. When prices go down, sales go up. That means increased trade, increased profits, and new jobs for Orange County.

Orange County's biggest export to Mexico—rubber and plastics—faces similar benefits. Tariffs on these goods which currently go as high as 20 percent will be wiped out under NAFTA. Without NAFTA, Mexico would be free to raise tariffs as high as an incredible 50 percent.

Other Orange County goods that will greatly benefit under NAFTA are computers, electronics, and machinery. Tariffs on these goods will also be zeroed out. But that's not all. Other important trade barriers, such as licensing restrictions and quotas will be eliminated under NAFTA.

When Mexico began removing restrictive trade barriers a decade ago, Orange County exports to that country doubled. But that trend is just a small prelude to the windfall of benefits NAFTA will bring. Rather than tinkering at the edges, NAFTA will dramatically bring down the barriers that impede trade between Orange County and Mexico.

ARSON PENALTIES BILL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. HOYER. Mr. Speaker, as the chairman of the Congressional Fire Services Caucus, I am pleased to join the founder of the Fire Caucus, Curt Weldon, in introducing legislation to increase the penalties for arson crime committed in our country.

In the past 2 weeks, our country has witnessed the destructive nature of arson fires as they raged through southern California, destroying homes, lives, and forever changing the nature of neighborhoods and communities.

It is estimated that the southern California fires resulted in nearly 1 billion dollars' worth of damage and three deaths. I could not read about the three known deaths caused by these fires without thinking back to last year when a young girl in my district was killed after an arsonist threw a molotov cocktail through the window of her babysitter's apartment. Young Vania Zamba was only 1 year old when her life was taken in this premeditated and monstrous act.

I do not believe that the current penalties for arson match the despicable nature of this crime, or the terrible suffering which results from arson fire.

This legislation will double the maximum sentences for convicted arsonists in this country, and, unlike a similar Senate amendment passed last week, will set mandatory minimum sentences. This is a tough bill which will send a strong message to potential arsonists across the country: If you commit this crime, you will do the time.

Annually, 700 people in our country die as a result of arson fire, and nearly 2 billion dollars' worth of property is destroyed. In some of our major metropolitan cities, arson is the No. 1 cause of fire. We cannot allow this trend to continue.

Just this year, Congressman RICK BOUCHER, with the help of Congressman GEORGE BROWN, pushed through the Arson Prevention Act of 1993. This legislation, along with a new training facility for arson investigators—which I have been working on with the Bureau of Alcohol, Tobacco, and Firearms—will improve arson investigations and help identify and stop arsonists before they strike.

It is hoped that the longer and mandatory sentences included in the legislation I introduce today will also stop arsonists before they commit a crime. But in the event they do commit this heinous act, they will have to face better trained arson investigators and stiffer penalties. I urge my colleagues to support this important effort.

BUTLER COUNTY VETERAN OF THE YEAR

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. RIDGE. Mr. Speaker, as we approach Veterans Day, I would like to pay tribute to a constituent of mine who, through his community service, has demonstrated the contributions American vets can continue to make to their communities. This coming Saturday, Steve Zavacky, Jr. of Renfrew, PA, will be named Butler County Veteran of the Year, 1993. This is an honor that Mr. Zavacky certainly deserves.

During World War II, Mr. Zavacky served his country with distinction in the Army's 479th Engineer Maintenance Company. Mr. Zavacky's service to his country did not end with his discharge from the Army. In the same since, he has remained active in veterans associations and participated in many community projects. He had ably assisted the Butler County Military Veterans' Committee in various capacities.

In addition, he holds lifetime memberships in both the Michael Kosar American Legion Post 778 and VFW Post 249. And, in his 42 years at the American Legion his posts have included past commander, first vice commander, second vice commander, treasurer, and historian.

An adept designer and builder, Mr. Zavacky supervised the construction of Post 778's Legion Park. This is only one of the numerous projects that Steve selflessly and energetically took on with pride. Other examples of his altruistic spirit are the acclaimed "Wings of Peace" veterans' monument in Penn Township, which he built and designed, and the flagpole and flag monument at the Highfield Community Center.

The love and patriotism Steve feels for his country can be seen in his numerous service projects. Steve's goodwill and hard work reach far beyond the veterans' community. His contributions to the quality of life in Butler County include spending 36 years on the Butler County Safety Council, actively serving his church, and constructing a memorial to honor Pennsylvania State Troopers from Butler who were killed in action.

Saturday will not be the first time Mr. Zavacky will be recognized for the ongoing

contributions he makes to his community. Among the other awards he has received are the Legionnaire of the Year in 1981 and the Volunteer Veterans' Service Award from the VA Medical Center in Butler. Steve is richly deserving of those awards, as well as this latest honor.

TRADE TO BENEFIT BOTH COUNTRIES

HON. THOMAS J. BARLOW III

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. BARLOW. Mr. Speaker, our debate over the North American Free-Trade Agreement is bringing to the floor a long needed focusing on what the purpose of our trade relations should be. We do not want to be wearing away at the proud societies with whom we trade.

We take as a matter of faith that all sides of wise trade arrangements should benefit. In shaping wise trade arrangements we must try to ensure the well-being of the societies with whom we trade so that strong trading partnerships continue to grow and strengthen through time.

Tariffs are taxes levied at our borders. Clearly tariffs of 11 to 20 percent levied by the Mexican Government on our exports to their nation has not hurt the economic growth of Mexico nor halted the rising volume of exports from the United States to Mexico.

Let us focus on where such tariffs are spent. We want to be a constructive partner with Mexico in its work to develop its infrastructure for the benefit of the Mexican people—roads, schools, hospitals, water systems, police, and fire protection. Perhaps we should collect tariffs at the border on their goods entering our Nation equivalent to their tariffs on our goods entering Mexico and use such moneys through shared lending arrangements to help our valued and proud trading partner, to assist our neighboring Mexican people. We do no less with tax policy for the benefit of our own people. Wise tax policies are essential to ensure that true prosperity is developed in our nations. True prosperity is the well-being of all our people.

TRIBUTE TO PATRICK HASSETT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. VISCLOSKY. Mr. Speaker, I rise to commend to you today a truly exceptional man, Patrick Bassett.

Thursday, November 11, 1993, marks the observance of Veterans Day, honoring veterans who have pledged allegiance to their country, and all of its endeavors. This day is set aside to recognize the boldness and bravery of those who have fought to uphold the standards of democracy.

On this Veterans Day, a ceremony to honor Patrick Hassett will be held at the Dyer VFW Post 6448, at 2125 Gettler Street, in Dyer, IN.

Mr. Hassett will be honored for his assistance in the transport of United States troops to the Persian Gulf during the gulf war, as part of the Civil Reserve Air Fleet. As a civilian, Patrick does not qualify for military honors; however, his dedication to his country warrants public acknowledgment and praise. I will be honored to have this opportunity to present Patrick Hassett with three Combat and Service Medals, as conferred by the U.S. Air Force: the Air Medal, the Aerial Achievement Medal, and the Desert Storm Civil Service Medal. Patrick will also receive the Liberation of Kuwait Medal, granted by the Kuwaiti Government.

A native of Merrillville, IN, Patrick attended Merrillville public schools, before going on to Army ROTC Program at Embry Riddle Aeronautical University, in Daytona Beach, FL. Upon entering the Army as first lieutenant in 1980, he later ascended to the rank of captain, retiring in 1988. At that time, Patrick entered into employment with Eastern Airlines.

In closing, I would like to again commend Patrick Hassett, and all those who have served their country, for their bravery, courage, and undying commitment to patriotism and democracy. May God bless them all.

IN SUPPORT OF OUR NATION'S
VETERANS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today to remind my colleagues that although we must pay special tribute on Veterans Day to the men and women who have served our country, we cannot forget them on the other 364 days of the year.

Sadly, many of the veterans of Marin and Sonoma Counties are forgotten. The North Bay Vet Center is the only facility between San Francisco and Eureka, a 300-mile span, which provides veterans and their families with counseling and other necessary services. Despite a population of over 60,000 veterans in Sonoma County alone, this center is not fully funded. Mr. Speaker, the North Bay Vet Center has only two counselors and a temporary office manager to handle a caseload 200 percent greater than normal.

I recently asked Veterans Affairs Secretary Jesse Brown to upgrade the North Bay Vet Center to allow our veterans access to the services they have earned. Mr. Speaker, the money is already in the V.A. budget—and I can't think of a better use for it. I hope that Secretary Brown will give a long-overdue Veterans Day present to the veterans of Marin and Sonoma Counties by providing adequate funding for the North Bay Vet Center.

TRIBUTE TO OREGON'S VETERANS

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. KOPETSKI. Mr. Speaker, in honor of Veterans Day, I rise to announce a long-awaited

event in my home State of Oregon. This past September, a bill signing ceremony marked the end of an 8-year effort by Oregon veterans and others in their campaign to realize an Oregon State Veterans Home. Oregon Senate bill 447 was signed into law by Gov. Barbara Roberts during a ceremony at the Oregon Department of Veterans Affairs [ODVA].

Legislation which would allow Oregon to participate in the U.S. Department of Veterans Affairs State Home Program has been an ongoing effort for at least a decade. Veterans' organizations have expended much effort, but had not realized their goal until this recently concluded legislative session. Much of the credit belongs to the United Veterans' Groups of Oregon, a coalition of congressionally chartered Oregon veterans service organizations. The American Legion, Department of Oregon, also took a lead role in this issue. ODVA did a superb job of providing technical assistance to the legislature.

With the approval of this legislation, Oregon becomes 1 of 46 States which already have or are building State veterans homes. States are rapidly realizing this cost-sharing method of providing care to their veterans is a benefit for all.

The legislation requires ODVA to plan, construct, and operate a skilled care facility for veterans in need of treatment. The initial facility will have approximately 150 beds, and will provide a variety of care levels.

The care provided to veterans will be varied, depending on the individual veteran's needs. Both skilled and semiskilled care will be provided, as well as specialized treatment for a 25-bed Alzheimer unit. The staff at the facility will assist the veterans to function at their highest, most independent level. Surrounded by other veterans, as well as supportive staff and family, the veterans will receive much deserved recognition as well as care.

The funds required for construction and initial equipment used in the facility will come from several different sources. It is anticipated the Federal Government, through a portion of the U.S. Department of Veterans Affairs grant budget, will provide \$8.4 million—65 percent—of the required funds. An additional \$4.6 million—35 percent—will be guaranteed by the State of Oregon.

Whichever funding approach, or combination of approaches is used, there would be significant economic advantage to the vicinity in which the facility is located. The \$13 million construction and development budget will provide numerous high-wage jobs. Once the facility is in operation, an annual payroll of over \$2 million will be created. Additional dollars will flow into the community through monies spent by facility visitors.

The veterans of this State, working together with their State legislators, have accomplished something some said would never happen. This was accomplished by prioritizing goals, focusing efforts, and setting aside differences. I stand ready to assist my fellow Oregonians in this effort.

TRIBUTE TO GOODWILL
INDUSTRIES' 60TH ANNIVERSARY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. FAZIO. Mr. Speaker, I rise today with Congressman BOB MATSUI to pay tribute to Goodwill Industries of Sacramento Valley, Inc. for its 60 years of dedicated service to people with disabilities in the six counties of the Sacramento Valley region. Goodwill Industries of Sacramento Valley, Inc. services the counties of Sacramento, Placer, Sutter, Yolo, Butte, and Shasta, much of which lies within the boundaries of the Third and Fifth Congressional Districts, which we serve.

As you may know, Goodwill hires more people with disabilities than any other employer. They also strive to train and place workers with disabilities in a variety of jobs in the private sector. Goodwill Industries of Sacramento Valley, Inc. has 226 employees, 32 of them with disabilities. Some of the graduates of the programs are full-time employees. Goodwill Sacramento has 59 active clients in the rehabilitation programs. The annual average placement into jobs for people with disabilities who go through the Goodwill program is 118 people.

But Goodwill does more than just rehabilitate persons with disabilities. Their practice of the unwritten motto reduce, reuse, recycle, resell, and rehabilitate, has returned taxpaying citizens to the work force and an uncountable amount of donated goods back into the marketplace. Ninety-nine percent of all donated goods are returned to the market rather than end up in a landfill.

For the Sacramento area, Goodwill provides a \$5.4 million budget, only 10 percent of which is for administration. Goodwill is among the top 10 nonprofits nationally in effective administration. Its employees paid, in 1992, \$487,748 in State and Federal taxes.

On November 19, Goodwill Industries of Sacramento Valley, Inc. will celebrate its 60th birthday with an awards dinner at the Radisson Hotel in Sacramento. Mr. Speaker, we take great pride in standing before you today to pay homage to this truly great organization and wish them another 60 years and more of dedicated service to the community—service that will continue to help people move from Government assistance programs to satisfying jobs and independence. When people have jobs, many of our social problems are reduced or prevented. That is why Goodwill Industries is called the working solution, and that is why we take this time to honor their 60 successful years in the Sacramento Valley.

TRIBUTE TO HARLEY KNOX, 1993
CITIZEN OF THE YEAR

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. CALVERT. Mr. Speaker, one of the things that makes America great is the fact

that in towns and cities across the face of our country there are citizens who are willing to step forward and dedicate their talents and energies to make life better for their friends and neighbors. Riverside County has been fortunate to have many such citizens—men and women who have given freely of themselves so that our beautiful area in southern California will continue to be a desirable place to live for generations to come. Mr. Harley Knox is one of these exceptional citizens.

Mr. Knox has been a successful businessman in Riverside County, having owned and operated three major businesses, including one of the world's largest producers of lawn seed, and a manufacturing company specializing in the engineering and development of seed handling and processing equipment.

In addition to providing jobs for hundreds of Riverside County families through his business enterprises, Harley Knox has generously volunteered his time and talents to the betterment of the entire community. His many civic activities are far too numerous to list, but they include membership in several business oriented groups such as the Valley Group and the Monday Morning Group, as well as civic groups such as Riverside Community College, Riverside County General Hospital, the Silver Eagle Club, the Moreno Valley YMCA Steering Committee, and the Property Owners Association of Riverside.

Mr. Knox is also active in the Inland Empire Economic Partnership, Inc., the California Military Support Group, the Riverside Community Hospital Foundation and the Moreno Valley Business Property Owners Association.

In recognition of his many contributions to our community, Harley has received countless awards including the man of the year award from the U.S. Power Squadron, the outstanding service award of the Building Industry Association, the Riverside Community College Endowed Scholarship Campaign, Award, and numerous other awards and commendations from the YMCA, March Air Force Base and other professional and political organizations.

A strong believer that the creative arts add to the quality of life of a community, Harley Knox has been a member of the Moreno Valley Cultural Arts Foundation, the Moreno Valley Historical Society, and a strong supporter, along with his wife, Donna, of the Riverside County Philharmonic.

Above all, Harley is a devoted family man. Along with Donna and their son, Aaron, who is part of the family business, the Knox family has a history of 35 years of service to the community of Moreno Valley and Riverside County.

On November 12, Harley Knox will receive yet another well-deserved tribute in recognition of his years of community service. He has been unanimously selected by the Valley Group as the 1993 citizen of the year.

To these many honors, I would like to add my personal congratulations, and the thanks of the people of the 43rd Congressional District to a true business pioneer and civic leader, Mr. Harley Knox.

REMEMBERING KRISTALLNACHT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. SHAYS. Mr. Speaker, on November 9 and 10, the 55th anniversary of the "Night of the Broken Glass," or Kristallnacht, will be observed.

Kristallnacht marked the beginning of the Holocaust and the beginning of the sickening violence against Jews. There was no punishment for the destruction, no protection of the basic human rights of those injured or killed. Anti-Semitism reared its ugly violent head and was allowed to continue to rage in Western Europe for years to come.

Mr. Speaker, anti-Semitism in any age, in any form, cannot be tolerated.

It is vitally important that we remember historical events such as Kristallnacht so that the prejudice and hatred they represent may never be repeated.

IN COMMEMORATION OF THE 55TH ANNIVERSARY OF THE KRISTALLNACHT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Ms. JOHNSON of Connecticut. Mr. Speaker, it is with sadness that I rise today to pay respect to the victims and family members of those who suffered atrocities at the hands of Adolf Hitler and the Nazi Party. Accordingly, on this day marking the 55th anniversary of the Nazi pogroms in Germany and Austria, also known as Kristallnacht, I ask that we take a moment to remember those who needlessly perished because of their religious beliefs. In order that we may prevent the cries of hatred and persecution decreed on that night from being repeated, their memory must never leave our thoughts.

Kristallnacht, "The Night of the Shattered Glass," marked the beginning of the most intense anti-Semitic campaign in history and signaled the onset of the Holocaust.

May we never again witness such wanton disregard for human life and deep seated intolerance for people. Indeed, the methodical destruction of 7,500 Jewish businesses, 275 synagogues, the arrest and deportation of 30,000 Jewish men to concentration camps, and the loss of nearly 100 Jewish lives was an atrocity and injustice of astounding proportion that cries out for recognition and eternal condemnation. Formal commemoration of Kristallnacht is a step toward preventing its recurrence.

On the occasion of this heartwrenching anniversary, I urge all Americans to continue their efforts to advance freedom and secure lasting peace, whether it be in our own backyard or on other continents. Inasmuch as we have always stood for the basic freedoms due every man and woman, we must instill this commitment in our children so they will never tolerate the hatred that caused the brutalities that our generation has witnessed.

TRIBUTE TO DORTHY STAPLETON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. SKELTON. Mr. Speaker, I take this opportunity to recognize an outstanding Missourian for her 28 years of dedicated service to the city of Lexington, Dorthy Stapleton.

Dorthy Stapleton retired as Lexington's municipal court clerk several weeks ago. On February 1, 1965, Dorthy became the city's first deputy clerk. On June 1, 1966, she became the city clerk. As city clerk, she was responsible for day-to-day recordkeeping, bookwork, typing, and other clerical duties. Dorthy is an active member of the Lexington community, belonging to the United Methodist Church, the Machpelah Cemetery Board, and the Lexington Garden Club.

I urge my colleagues to join me in congratulating Dorthy Stapleton on her career as Lexington's city clerk and best wishes for a happy retirement.

CONGRESS MUST STOP BURDENING LOCAL GOVERNMENTS WITH UNFUNDED MANDATES

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. RAMSTAD. Mr. Speaker, I rise today to call on Congress to pass H.R. 1295, a bill to require all legislation to have a fiscal impact statement on States, localities, and the private sector before the legislation can be considered on the floor of the House or Senate.

Our Nation's Governors and locally elected officials have given notice to Congress that they can no longer afford to comply with Federal mandates without receiving the necessary funding.

The problem of unfunded mandates has grown as Congress has experienced greater financial constraints. Congress simply passes laws without providing funding, forcing State and local governments to raise taxes or cut back on services in order to comply with the mandates from Washington. The growing cost of these mandates takes away the ability of our locally elected officials to address local needs and priorities.

These laws are often good public policy, but it is simply unacceptable for Congress to pass on the cost of these legal mandates to local governments, which already have scarce resources to address the important issues of public safety, street maintenance, emergency services and other vital local programs.

In the 101st Congress alone, there were enough unfunded mandates passed to cost States \$15 billion over a 5-year period.

I strongly urge my colleagues to end this practice of passing costly burdens on to local government. With the Nation's staggering deficit and mind-boggling national debt, it to easy for some politicians to enact headline-grabbing policies for the supposed good of the country and then pass the bill on to local governments.

Mr. Speaker, let us today pledge to take fiscal responsibility for our actions. Our great country can no longer afford the burdensome and failed policy of unfunded mandates. I strongly urge my colleagues to pass H.R. 1295.

H.R. 2599, THE SPACE
ADVERTISING PROHIBITION ACT

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Ms. MOLINARI. Mr. Speaker, on July 1, 1993 I introduced legislation with Representatives MARKEY, MORELLA, and ESHOO that will effectively ban billboard advertising in space. On April 12 of this year, Space Marketing Inc. of Roswell, GA, announced its plans to place 1-mile-long advertisements in the Earth's orbit, towed by satellites.

These space billboards would be visible to the naked eye on earth, as large and at least as bright as a full Moon, and engineered to be more visible at sunrise and sunset. These billboards can even be positioned to appear to target audiences at peak times of the day and evening.

What should we say to the parents of this Nation when they have to explain to their children why the hemorrhoid ointment advertisement is next to the Moon or the Sun? It is alarming enough that advertising has become a virtual omnipresent facet of our daily lives. Are we going to remain idle and permit our children to grow-up believing that an orbiting billboard is part of nature, just like the Sun and Moon?

There will be no more romantic moonlit strolls or breathtaking sunrises. No more practicing the ancient art of naked eye astronomic study. And no longer could we look to the heavens for unadulterated inspiration and comfort.

Billboards in space is a clear violation on our environment. Unlike television programs and Earth advertisements, we would not be able to turn these stellar pervaders off.

We can only dream of the new heights that society will reach in terms of technological advancements. Billboards in space however, amount to nothing more than a nightmare.

WELFARE REFORM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. GOODLING. Mr. Speaker, today, I join the minority leader, minority whip and House Republicans in an effort to begin debate on welfare reform, a topic that is on the minds of many residents of the 19th Congressional District in Pennsylvania. Our ideas on welfare reform will hopefully put to end an era that has increased dependency on Government and has been a tragic burden on the backs of the American taxpayer. I believe real welfare reform must avoid repeating what has not

worked in the past and instead focus on building individual responsibility with less dependency on the Government.

Last year during the campaign, President Clinton promised to "end welfare as we know it" and I commend him for making those statements. I look forward to working with him in an effort to end programs that have not worked. The welfare reform legislation we are introducing today will do just that.

While no concrete details have been forthcoming, the President indicated the basic premise of his plan will be to provide States greater flexibility in implementing welfare and Medicaid programs. He indicated his support for limiting the eligibility for recipients of welfare and cash assistance to 2 years and then they are required to enter the workforce. The President also proposed providing increased childcare services for mothers and health care for welfare children. He expressed support for increased penalties for deadbeat dads and increased coordination of resources to force deadbeat dads to meet their responsibilities. From his statements, the President seems to be serious about enacting welfare reform. However, I must warn the President to beware of the "povertyocrats," those committed to the same broken welfare system which instead of helping individuals to get off of welfare makes them subservient to the system.

First and foremost, I believe there is an unsupported sentiment on the part of the general public that most welfare recipients are on welfare because that is where they want to be.

There are many reasons people end up on welfare—most of which are not related to their unwillingness to work. Loss of a job, loss of the family breadwinner, homelessness, and disability are all reasons why people end up on welfare. The majority of these individuals would like to return to work, to feel the pride in being able to support themselves and their families. Often they face insurmountable roadblocks which keep them from becoming working, productive citizens.

When the Congress enacted H.R. 1720, the Family Support Act of 1988, we tried to address these specific problems by providing families with transitional benefits. The Congress tried to make work an appealing alternative to Government and provided incentives for single parents to return to work. The welfare law required States to guarantee child care services to families for 12 months following the month they become ineligible for assistance because of increased earnings or increased hours of employment. If child care was necessary for the parent if they were to continue to work, we provided that benefit. We also forced States to continue Medicaid coverage for a total of 12 months for families who received welfare for any 3 of the previous 6 months but have become ineligible because of increased employment hours or earnings.

At the time, we believed these two provisions alone should encourage welfare recipients who become employed to stay employed. They do not, however, address serious problems such as a lack of education or job skills necessary to obtain and retain employment.

As my colleagues know, there are numerous estimates of the number of individuals in this country who are functionally illiterate. The U.S. Department of Education recently re-

ported that some 90 million adults, approximately 47 percent of the U.S. adult population, demonstrate low levels of literacy, while most of them describe themselves as able to read and write well. These figures certainly underscore literacy's strong connection to our Nation's economic status and places too many individuals at a distinct disadvantage when seeking employment. How can someone who cannot read and write fill out a job application? How can they determine which bus to take to reach a potential job site? How can they read the instructions on the operation of potentially dangerous equipment? Most importantly, how can they learn the skills they need to continue to grow in their job and receive the promotions necessary to keep their family from once again becoming dependent on welfare?

Technological advances have greatly increased the literacy and job skills necessary for individuals to obtain employment. Unskilled labor is a job category which is quickly becoming a thing of the past and high school drop outs, for example, are finding it increasingly difficult to find work which pays them a decent, living wage.

Since I have been in Congress, I have always believed welfare assistance should be tied to work, job training, or education. I also believe a greater percentage of Federal assistance should be in aid rather than administration.

I believe welfare reform must include the following four fundamentals: tighten eligibility requirements, strengthen antifraud efforts, enforce parental responsibility, and institute real work requirements. The ideas included in the Republican welfare reform proposal will provide the Nation with a benchmark to begin the debate on welfare reform based upon these four ideas.

First, the Republican welfare plan will strive to tighten eligibility requirements by enforcing the establishment of paternity. In other words, if paternity is not established, welfare and cash assistance will be limited and in some cases denied. The Republican welfare plan would tighten eligibility requirements for immigrants and aliens while offering States the ability to craft their own reform plans based on their own needs.

Second, the Republican welfare reform plan would strengthen existing antifraud efforts. This proposal would dramatically reform the current system by implementing an individual case management system requiring that qualified welfare recipients sign a contract with the State designating providing for a timetable of benefit eligibility. This proposal is also intended to improve the quality of the system by utilizing resources by Federal, State, and local governments.

Third, the Republican welfare reform plan will enforce parental responsibility by imposing strict paternity establishment guidelines. This proposal would work with States to develop a system of referencing movement of individuals from State to State, specifically designed to track deadbeat dads. This proposal would also provide States incentives and the ability to develop their own systems for paternity establishment.

Finally, the Republican welfare proposal would institute real work requirements. This

plan would make work a requirement for receiving welfare benefits. Making work a requirement was paramount to the passage of the Family Support Act, however, the Congress did not pass the funds, and most [JOBS] related proposals were left unfunded and untested. This proposal would job requirement with savings achieved in other areas of the proposal.

I do have some concerns about the Republican welfare reform plan relating to the education and labor provisions. The Republican proposal includes broad waiver authority which allows Federal agencies to waive congressionally passed requirements. I also have concerns over proposals to consolidate certain food assistance programs and welfare work provisions. I will work with the other sponsors of this legislation to improve this legislation.

Mr. Speaker, I believe the time has come to take a different approach to welfare reform. I believe the Republican welfare proposal has the components to intelligently begin the debate on how best to reform our Nation's welfare system.

THE 55TH ANNIVERSARY OF
KRISTALLNACHT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Ms. DeLAURO. Mr. Speaker, this week marks the 55th anniversary of an event that opened one of the most nightmarish chapters in human history. During the late night and early morning hours of November 9 and 10, 1938, the Nazis orchestrated a pogrom against Jews throughout Germany and Austria that would become known as "Kristallnacht," or "the Night of the Broken Glass."

Ostensibly a spontaneous expression of German rage at the assassination of a German diplomat in Paris by a young Jew, Kristallnacht actually was organized by the Nazis, perhaps as a warning to those few Germans who still gave help and sympathy to the Jews that the party could mobilize a mob against them if it chose. SA and SS troopers, together with the mob, smashed windows in Jewish shops and homes, demolished Jewish property, burned synagogues, and beat Jewish men, women, and children as their German neighbors and the police stood by watching. During that horrible night, nearly 100 Jews

were killed, 7,500 Jewish businesses, and 275 synagogues were destroyed, and 30,000 Jewish men were arrested and deported to concentration camps. Kristallnacht heralded a violent turn in the anti-Semitic program that had begun in 1933 with the Nuremberg Laws.

Within days, Reich Minister Hermann Goering issued a "Decree Eliminating the Jews from German Economic Life," which prohibited Jews from owning businesses or carrying on a trade independently. Those Jewish businesses that had somehow survived Kristallnacht were expropriated and ownership transferred to "Aryan" hands. A 25 percent "flight tax" was enacted on all Jewish property leaving German territory, and to compensate for the riot damage, a 1 billion mark (\$400 million) fine was levied on the Jewish community. Nearly 150,000 German and 6,000 Austrian Jews—about a third of the Jewish population of the Reich—fled following Kristallnacht.

In the wake of the pogrom, Goering headed a meeting of the council of ministers in which he announced that Hitler had asked that "the Jewish question be now, once and for all, treated in its entirety and settled in some way." Those words portended Hitler's "final solution" to the Jewish question: the Holocaust.

As we mark this solemn anniversary, we must rededicate ourselves to righting persecution and prejudice whenever and wherever it rears its head. The principles of tolerance and freedom form the basis of the American creed—they are the foundations on which our Nation is built.

But we must also recall the tragic history of those dark times so that we can avoid repeating it. In the last several years, the ranks of the "Skinheads" and other neo-Nazi groups have swelled, both in Europe and here at home. In the past few weeks, my own State of Connecticut has been plagued by a series of hate crimes, including the defacement of several synagogues with swastikas. Clearly, we must be externally vigilant, so that the pronouncements of the next Hitler are not dismissed merely as the ravings of a r. adman, or the next Kristallnacht excused as an isolated act perpetrated by a mob.

As citizens of the most powerful Nation on the face of the earth—a Nation that abhors prejudice and bigotry and values tolerance as one of its founding principles—we must ensure that the Holocaust never happens again.

TRIBUTE TO EDWARD F. FEIGHAN

HON. ERIC FINGERHUT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1993

Mr. FINGERHUT. Mr. Speaker, I rise today to pay tribute to a good friend and former Member of this distinguished body, Congressman Edward F. Feighan. His tenure in Congress saw many great accomplishments, but none more important than his work on the Brady bill. It was the persistence and dedication of Representative Feighan, my predecessor as Representative of the 19th District of Ohio, that brought the Brady bill to the forefront of public attention.

Representative Feighan introduced the Handgun Violence Prevention Act in February of 1987. The bill mandated a 7-day waiting period for handgun purchases. The Brady bill, named after former Reagan Press Secretary James Brady and his wife Sarah, became known nationwide as a simple measure with the potential to save millions of lives. Representative Feighan was willing to lead the flight for the American people because he had a vision of giving the police officers of America a new tool in their endless battle against heartless criminals who have taken away our streets and neighborhoods.

Though many shied away from gun control legislation, it was Representative Edward Feighan who said, "Enough is enough," and took on one of the most powerful lobbying groups in the country, the NRA. Representative Edward Feighan wrote in a New York Times piece, "Who would argue against legislation that could keep criminals and crazies from buying a handgun?" Today, three administrations later, the 103d Congress has a duty to continue the fight Representative Edward Feighan started in 1987.

If the Brady bill passes, it will forever change the streets and neighborhoods of America. No longer will felons or mentally unstable individuals be permitted to purchase handguns which kill innocent people daily. Representative Edward Feighan saw this legislation pass this House once, but never signed into law. We can make history by sending this legislation to President Clinton to be signed into law. When that occurs, Representative Edward Feighan will deserve the lion's share of the credit.

HOUSE OF REPRESENTATIVES—Monday, November 15, 1993

The House met at 12 noon.

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

We begin this day, O God, with thanksgiving for the potential of the time before us. In spite of the duties to which each must attend and the apprehensions and concerns that are a part of every person's life, we focus on Your good gifts of love and freedom, of justice and mercy, and all the possibilities of support and blessing, one for another. With praise and adoration, O gracious God, we thank You for this day and pray that Your Spirit, that breathes into us regeneration and reconciliation, will be our benediction now and evermore. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. HUFFINGTON] come forward and lead the House in the Pledge of Allegiance.

Mr. HUFFINGTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NAFTA WILL FURTHER THE INTERESTS OF THE PEOPLE OF OUR NATION

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

Mr. SKELTON. Mr. Speaker, Missourian Mark Twain once said: "The more you explain it to me, the more I don't understand it." In all of the discussion about the North American Free-Trade Agreement, some are making it sound complicated to the point of confusion. Boiled down to the bottom line, the truth is that the lowering of the Mexican tariff walls will allow more American goods and commodities to be sold south of the border. A strong trade pact between Canada, the United States, and Mexico will be formed. Why else do the Japanese oppose it so?

During recent weeks, I have talked with many, many people back home;

met with several experts, pro and con; and studied the issue extensively. Further, looking at this agreement through the eyes of the people I represent, knowing of their hopes and dreams, I have concluded that this agreement is good for American worker, good for American farmers, good for American manufacturers, good for American processors, and good for American agribusiness. This agreement will be of benefit to the people I represent, to the people of Missouri, and to America as a whole.

Let us separate the wheat from the chaff—let us make a decision upon sound principles that will further the interests of the people of our Nation. Let us take this positive step for the future of our country and keep working to make things better. I believe in the wisdom of a sign I once saw on the back of a pickup truck in Hickory County, MO, which read: "America—We ain't perfect, but we ain't done yet."

The passage of this agreement and the can-do American attitude will keep us No. 1.

IN FAVOR OF NAFTA

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

Mr. FISH. Mr. Speaker, for weeks and months I have listened to hundreds and heard from thousands. The arguments vary, but the question for me is constant—What is in the best interest of my country? I have decided that [NAFTA] the North American Free-Trade Agreement is in our best interest, and I will vote for it this week.

Arriving at this decision has been difficult because opponents of the agreement include respected labor and environmental leaders—allies of mine over the years in the cause of social justice and environmental protection.

The debate over NAFTA has been framed largely in terms of job loss versus a growing market for U.S. products. While the extent of job loss is disputed, the anxiety I sense from so many American workers who feel threatened is real. It is essential that the Federal Government respond with help for those affected.

I am persuaded that at stake is U.S. leadership in promoting world trade and the chance to position ourselves for a dynamic future of economic growth.

A "no" vote on NAFTA puts at risk the GATT negotiations with their

promise of vastly increased trade and jobs at home.

A "no" vote denies United States products preferential treatment in the growing Mexican economy and corresponding jobs at home.

The United States has been losing jobs not only because of the trade practices of our foreign competitors but also because U.S. consumers favor foreign products. At the same time, the increasingly high productivity of the American worker demands a larger market for the goods produced. I think it is clear that a market larger than just the U.S. market is needed to generate the jobs we need at home.

The answer is the vision, the promise of a Western Hemisphere free-trade zone. Our best hope for the future is the expanding export market of Latin America and the jobs it will create at home.

We must take the first steps with NAFTA, embracing the future with characteristic American confidence, or we will lose this historic opportunity to regenerate and strengthen our economy with the promise of broader markets for our goods and a robust economy for this generation and the next.

VOTE AGAINST THIS NAFTA

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

Ms. KAPTUR. Mr. Speaker, this week, regardless of what our strongly held views might be on NAFTA, we ought to be quite thankful that in this democratic republic we will be allowed the opportunity to fully debate here, unlike in Mexico where the opposition will not be given a voice.

This morning I opened my mail and received a letter from a woman from Cape Coral, FL, not even in my district, and she said,

Perhaps you could bring this observation to the forefront in one of your appearances. She said,

It is said our President and country will lose face and respect and dreaded things will happen if NAFTA doesn't pass. On the contrary, I believe if NAFTA is defeated it will send a resounding affirmation to the world that the U.S.A. is indeed a true and working democracy. The people will have spoken and their Congress will have listened. Truly a superpower and an inspiration to emerging democracies.

THE UNITED STATES IS NOT READY FOR NAFTA

(Mr. BUNNING asked and was given permission to address the House for 1

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, NAFTA has been one of the most gut-wrenching decisions I have ever had to make.

I believe in fair and free trade and my initial inclination was to support this treaty.

But I listened to the people back home who had concerns about NAFTA. And I took a second look at the agreement and I came to these conclusions.

Regardless of who is right about the long-term net gain or loss of jobs, NAFTA would dislocate hundreds of thousands in the United States and we have done nothing to prepare ourselves to address it. We are not ready for NAFTA.

The side agreements create a vast bureaucracy that threatens our sovereignty and our Nation's ability to change our own laws and standards. That is intolerable.

And finally, a treaty like this depends on faith. You must have faith in your workers' ability to compete, faith in your producers' ability to compete and faith in your Government to create an atmosphere conducive to competition.

I have faith in our workers and our businessmen. But our own current Government policies and this treaty do not give me much faith in our ability to create a truly competitive atmosphere in this country.

For these reasons, I cannot support this NAFTA at this time. I intend to vote "no."

FORMER GOVERNMENT EMPLOYEES WHO SUPPORT NAFTA

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

Mr. TRAFICANT. Mr. Speaker, here are some former Government employees who now support NAFTA: From the Ways and Means Committee, chief counsels Dowley and Salmon. They now get paychecks from Turkey and England.

Former chairman of that committee, Charlie Vanik. He represents and gets a paycheck from Belgium.

How about some supporters who used to work for the Office of the Trade Representative to help draft all of these trade deals, Frank Samolis, Kurt Gibbons, and Julia Buss. They get paychecks from Japan.

And how about the former Trade Representative himself, Bill Brock. He gets a paycheck with his assistant, Darrell Cooper, from Taiwan.

□ 1210

Mr. Speaker, these fat cats who made all of these trade deals are now making a living on the backs and at the expense of the American workers, and I liken this trade pact between the Unit-

ed States and Mexico as like a dad who decides to take on the diet of his newborn son.

No. 1, after a couple of weeks, he ends up passing gas, spitting up, and wetting the bed, and if you do all of that, dad, and miss work enough, you will lose your job.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 79. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994, as "National Family Week".

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 821. An act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces;

H.R. 2532. An act to designate the Federal building and U.S. courthouse in Lubbock, TX, as the "George H. Mahon Federal Building and United States Courthouse"; and

H.R. 2330. An act to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2330) "An act to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints:

From the Select Committee on Intelligence: Mr. DECONCINI, Mr. WARNER, Mr. METZENBAUM, Mr. GLENN, Mr. KERREY, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. JOHNSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. GORTON, Mr. CHAFEE, Mr. STEVENS, Mr. LUGAR, and Mr. WALLOP; from the Committee on Armed Services: Mr. NUNN and Mr. THURMOND to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills and a joint resolution of the Senate of the following titles:

S. 654. An act to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations;

S. 1490. An act to amend Public Law 100-518 and the U.S. Grain Standards Act to extend

the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes; and

S.J. Res. 142. An act designating the week beginning November 7, 1993, and the week beginning November 6, 1994, each as "National Women Veterans Recognition Week."

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1621. An act to revise certain authorities relating to Pershing Hall, France;

S.J. Res. 143. Joint resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 144. Joint resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

FLUNKING OUT

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

Mr. HEFLEY. Mr. Speaker, when evaluating the failure or success of a President, the public looks at five areas: the economy, foreign affairs, the deficit, crime, and taxes.

How is the President doing? According to a USA Today poll, the American people aren't very impressed.

When it comes to the economy, he gets a D. With foreign affairs, he gets a D minus. With the deficit, he gets a D minus. And with crime and taxes, he gets a pair of F's.

Mr. Speaker, crime and taxes are the preeminent issues that concern the American voter. The recent elections proved that fact. The President is flunking both.

And it is only because the American people have a generous spirit that Mr. Clinton is not getting an F with the economy, foreign affairs, and the deficit.

The President better get the message. The American voters are none too impressed with his extreme liberal approach to these issues, and are close to flunking him out if he does not improve in these five key areas.

UNITED STATES MUST CONTINUE LEADERSHIP IN OPENING UP MARKETS

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

Mr. MATSUI. Mr. Speaker, many of the opponents of NAFTA have said that they really believe in the concept of free trade, that they support the GATT, they support NAFTA, but not this NAFTA.

Mr. Speaker, this weekend I happened to be at Borders Book Store, and I happened to find a new book, and I would urge my colleagues to pick this

book up. It is entitled "The Case Against Free Trade, GATT, NAFTA, and the Globalization of Corporate Power," and it is written by the opponents of NAFTA, Ralph Nader, Bill Greider, Jerry Brown, Lorie Wallach, from Public Citizen.

I might just point out that in the preface of the book, Ralph Nader says:

This book contains essays by leading citizen-oriented trade experts. They dissect the ideological roots of the free-trade mantra, discuss the trade negotiations themselves and, most vividly and most importantly, detail the devastating effect that such trade governance has had and the much more severe effect it will have if the Uruguay round expansion of GATT and NAFTA are enacted.

I might just point out that this is not a symbolic vote. What this vote is is whether or not the United States would like to continue its leadership in the area of opening up markets, and the only way we can do it is by demonstrating that NAFTA is what we want to pass in the House on Wednesday.

APPOINTMENT OF CONFEREES ON H.R. 2330, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. DICKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Washington? The Chair hears none, and without objection, appoints the following conferees.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. GLICKMAN, RICHARDSON, DICKS, DIXON, TORRICELLI, COLEMAN, SKAGGS, and BILBRAY, Ms. PELOSI, Messrs. LAUGHLIN, CRAMER, REED, COMBEST, BEREUTER, DORNAN, YOUNG of Florida, GEKAS, HANSEN, and LEWIS of California.

From the Committee on Armed Services, for the consideration of defense tactical intelligence and related activities: Messrs. DELLUMS, SKELTON, and SPENCE.

There was no objection.

A REMINDER ABOUT GOVERNMENT REFORM

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

Mr. ALLARD. Mr. Speaker, upon election to office I, like everyone elected to this House, vowed to address the concerns of the people of my district. I am here to remind you of some of these concerns. The first is the concept of Government reform. Little did I know then, it would be more of a concept than a reality. In the words of Webster, reform is to put an end to an evil by introducing and enforcing a better method or course of action. I think we all agree that there are faults and abuses within Congress and also a justifiable need to correct them. The problem lies not with the introduction of reform measures, but rather with the implementation. Where is the conviction to change? When will we get a chance to vote on them? Our colleagues in the Senate have introduced reform legislation and are already moving forward with these changes. Today I want to remind you of some ways in which we can accomplish change. Some of these items are the adoption of a balanced budget amendment, simplifying the budget process and making it more accountable, and granting the President authority of a line-item veto. If we are to change we must first move. It is time to shake off the paralysis that has developed after years of inaction on the reforms I have just mentioned. The only thing that is slower than molasses on a cold January morning is the rate at which this Congress is moving toward reform.

It is about time to heat up the kettle and increase accountability by adopting these measures.

QUESTIONS WE SHOULD ASK OURSELVES ABOUT NAFTA

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

Mr. RICHARDSON. Mr. Speaker, as we face a NAFTA vote on Wednesday, here are the questions we should be asking ourselves: Are we going to be voting for hope or for fear, for the past or the future? Are we going to put our heads in the sand and go with isolationism or protectionism, or are we going to step up to the plate and choose world economic leadership in a new global economy? Are we going to send President Clinton to Seattle empty handed and embarrassed as he meets with Asian leaders the next day after the vote? Are we going to surrender to growing Mexican and Latin American markets to Japan and Western Europe, or are we going to create the world's largest trading bloc with the United States as its leader?

Do we want to surrender up to 200,000 high-wage, high-skilled jobs to Japan? Are we prepared to turn our backs on a Mexico that has extended its hand of friendship?

Do you think that there will be more labor, environmental protection, and

democratization in Mexico if NAFTA goes down?

Mr. Speaker, the choice is clear. The right vote for the country is for NAFTA.

LET US VOTE ON REAL CONGRESSIONAL REFORM

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

Mr. THOMAS of Wyoming. Mr. Speaker, I would like to take just a second to talk about congressional reform.

Nearly everyone in this House ran on a platform of change, change in the way Congress functions, fundamental change like balanced budget amendments, a real line-item veto, a Congress that lives under the same rules that it imposes on others.

The demand for change appears, however, to have been nothing more than campaign rhetoric. Mr. Speaker, the House has skirted the issue of congressional reform too long. The game of joint dodgeball with the American public should end.

Taxpayers are tired of playing monkey in the middle. They are not alone. House Republicans are also tired of being ignored.

Despite our calls for free and open debate in the committee and on the floor, a fairer party ratio in committee membership and staffing, and open committee hearings and meetings, for an end to proxy voting, it is business as usual.

Even the much ballyhooed Joint Committee on the Reorganization of Congress has failed to produce. Mr. Speaker, it is time for the Joint Committee on Organization of Congress to live up to its name. It is time for us to vote on a real congressional reform package under an open rule.

A VOTE FOR NAFTA

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

Mr. MAZZOLI. Mr. Speaker, after talking with scores of people back home and here in Washington and after reading volumes of material until literally my head ached, I have determined to vote for the North American Free-Trade Agreement when it reaches the floor on Wednesday.

At the end of the day, Mr. Speaker, I think that passage of NAFTA will do more good than harm for the lot and the future of U.S. workers and for the U.S. economy.

But, Mr. Speaker, in candor, I have voted many times in this House over my 23 years with very much more enthusiasm that I will vote for NAFTA on Wednesday. That is because, Mr. Speaker, I share the very same concerns and uncertainties and worries

and frustrations that my people at home experience about whether or not NAFTA will, in fact, create more jobs here in the United States than it would destroy; whether, in fact, NAFTA will create more high-paying jobs for our American workers; about whether all the pledges to assist workers and industries adversely affected by NAFTA will be honored.

Mr. Speaker, when and if NAFTA is adopted on Wednesday, I hope that we in the House and our colleagues in the Senate will recognize the deep obligations that we still bear to the American workers and to their fate and to their future.

NAFTA: A RISING TIDE LIFTS ALL SHIPS

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

Mr. DREIER. Mr. Speaker, what a wonderful load of 1-minute we have had this morning.

Let me say that over the past several weeks and months, we have been listening to more than a few of our colleagues say things like, "DAVID, you are on the right track by supporting the North American Free-Trade Agreement. It is going to be very good, it is going to be all the things that my friend, the gentleman from New Mexico [Mr. RICHARDSON], said a few minutes ago."

□ 1220

"But I am having such a tough political time considering voting for it." I would say to my colleagues who are in that position that you have got to realize a couple of things about this vote we are going to face on Wednesday: Anyone who votes against the North America Free-Trade Agreement is voting against a \$1.5 billion tax cut.

Mr. Speaker, anyone who votes against the North American Free-Trade Agreement is voting against our effort to get at the root of illegal immigration. People leave Mexico and come to the United States to seek economic opportunity. A rising tide lifts all ships. We are going to be able to get effectively at the root of these problems if we pass the North American Free-Trade Agreement.

If we turn it down, the problems that exist today will continue. The right political vote is "yes" on the North American Free-Trade Agreement.

VOTE "NO" ON THIS NAFTA

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

Mr. LEVIN. Mr. Speaker, this NAFTA is in deep trouble because it fails to address the Mexican Govern-

ment's deliberate intervention to keep wages and salaries down while productivity rises in order to attract United States investment to Mexico. This policy has worked; look at the 2,000 plants with over 600,000 workers averaging 1 buck 25 cents an hour in plants with comparable productivity.

In an effort to cover over the Achilles' heel of this NAFTA, it was argued over the weekend that, one, by law Mexico has now tied minimum wages to productivity, but that is simply incorrect, as the Mexican Minimum Wage Commission is still working on this matter, with unknown results. It is also argued that because wages above the minimum are tied to the minimum wage in Mexican labor contracts, all wages in Mexico will rise with productivity. But that claim does not make any sense, since the minimum wage in Mexico in recent years has increased even less than average wages. Look at the results of the first quarter of 1993. Productivity went up 9 percent, wages rose only 1 percent.

This NAFTA needs to be renegotiated to confront economic realities rather than giving a green light to Mexican practices that tilt the playing field against American workers and small businesses.

Mr. Speaker, the American people, facing continued drops in their standard of living, want nothing less and they are right.

THE FUTURE AFTER THE NAFTA VOTE

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

Ms. HARMAN. Mr. Speaker, as Wednesday's NAFTA vote draws near—with the final result likely to be determined by a vote or two—this opponent of this NAFTA feels compelled to make a few remarks about the process. Win or lose, I hope we will learn lessons for the next time.

(1) STARTING WITH THE PEOPLE

The process of drafting this treaty didn't. People in my district and elsewhere are enormously uncomfortable with this treaty, fearing the loss of jobs. Whether they are right or wrong, their anxiety is real. And the reason so much arm twisting is going to pass this treaty relates, in my view, to the fact that so many Members sense the anxiety of their constituents. If the support of past Presidents and Cabinet members cannot convince the public of the benefits of this treaty, then there is something wrong with the treaty itself.

(2) TRADING FOR VOTES

Politics may be the art of compromise, but there is something very unsettling about the unprecedented trading to influence this vote. Interest groups and donors are sending menac-

ing warnings, "vote against me and you'll never get another dime," and the administration is making some desperate deals. This activity is antithetical to consensus building, and the public is turned off by it.

(3) DIVISIVE RHETORIC

The debate on this treaty has been undeniably divisive, but this is not the way it has to be. The issue at heart is not a moral choice, it is based on tangible calculations about job creation and loss. Nevertheless, the language used has emphasized the imperative of passing this treaty right now. This is misguided. After Wednesday, there is no reason we cannot return to the negotiating table and agree to specific changes that would reassure opponents that the treaty is in the national interest.

(4) INVOKING ARMAGEDDON

The public is not buying the dire predictions of either side. Claims of massive job gains or losses have never been substantiated. The CBO probably had it right over a year ago when it stated, "the impact on jobs will be minimal." A front page story in today's Los Angeles Times dramatically downgrades its earlier estimates of job creation in California due to NAFTA, and says the flight of low-skilled manufacturing jobs to Mexico is likely to continue. Nor is it true that Mexico's Government will fall if the treaty fails—or that Japan will replace the United States as Mexico's major trading partner. One of the most exaggerated claims is that the debate is between those who embrace the future and those mired in the past. Not so: the debate is about what the future will look like with this NAFTA, or without it. And reasonable people can disagree.

Whatever happens on Wednesday, I want to implore us all to strive to build a real consensus around the result. If this NAFTA passes, let's make it work. And if it fails, let's join together to draft and pass a better NAFTA. If we accomplish this, we will have done a service to the American worker, to humanitarian causes, and to the true spirit of free and fair international trade.

POSTELECTION RESULTS IN NEW JERSEY

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

Mr. FRANK of Massachusetts. Mr. Speaker, it is a great mistake for us to let the victims of a particular misdeed speak only for themselves. They want to speak for themselves, but others should join.

So I want to join today in expressing my outrage at the comment from Ed Rollins last week when he talked boastfully about his efforts to subvert the democratic process in New Jersey.

Mr. Rollins now tells us that he was not telling the truth when he talked about what he did. Obviously there were some things that were tried that were wrong.

Now we have Mr. Rollins lying about whether or not he was telling us the truth. It is essential that this be fully investigated. The worst thing we can do, as elected officials, is to allow the cynicism to corrode this country that says, "Oh, they all do it."

The kind of activity Mr. Rollins spoke about, of spending money illegally to try to persuade people not to vote, is intolerable.

The later obfuscation does not make it any better.

It is essential that this be fully investigated by people with subpoena power so that we make it clear that this is not the sort of thing that everybody does and democracy will be defended against attacks like this.

NAFTA: THE STATUS QUO IS NOT ACCEPTABLE

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

Ms. PELOSI. Mr. Speaker, anyone who has visited the United States-Mexico border knows that the environmental status quo is not acceptable. I am particularly concerned with the impact on health by this polluted environment, especially the health of children, who have a higher rate of hepatitis there. One of our colleagues has a school in his district where the children have a 100-percent rate of hepatitis. And of course the increased rate of breast cancer in the region.

For this reason I believe it is important for us to pass a NAFTA which will be good for the environment. This NAFTA I believe is. That is why it has the endorsements of the Environmental Defense Fund, the National Wildlife Federation, the World Wildlife Fund, the Natural Resources Defense Council, the National Audubon Society, and Conservation International.

The Natural Resources Defense Council states that with this NAFTA, for the first time there will be a powerful institution charged with protecting the North American environment. That is the Commission on Environmental Cooperation. For the first time nations are obligated by an agreement to uphold their own environmental laws. For the first time a North American environmental agreement gives citizens direct recourse when environmentally threatened.

For the first time the United States and Mexico will work cooperatively to improve the environment.

Mr. Speaker, I urge my colleagues to vote "yes" on NAFTA on Wednesday.

NAFTA WILL OPEN UP THE PRESENT CLOSED MARKETS OF OUR TRADING PARTNERS

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

Mr. WYDEN. Mr. Speaker, a vote Wednesday against the North American Free-Trade Agreement is a vote to reduce America's leverage in our fight to open up the closed markets of our trading partners. Here is why: We have got a trade surplus with Mexico, and Mexican tariffs are far higher than ours. On the other hand, we have got a huge trade deficit with the Asian countries, who have closed their markets to many of our products. But if we cannot close a trade deal which blatantly favors us, our credibility will be hard hit when we ask the Asian countries to open their markets to our goods.

Vote for the North American Free-Trade Agreement and enhance our country's ability to get our exports into worldwide markets.

NAFTA: A HISTORY-MAKING VOTE

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

Mr. INSLEE. Mr. Speaker, the upcoming NAFTA vote would make some of us, who are human, think twice about it. It is controversial.

But I want to tell you I look forward to this vote like no other vote I have looked forward to before. The reason I am going to vote "yes" is because I realize that this is one moment in the brief time that I have been here that history will record how I believe we intend to advance our economic prospects, because history will record each one of our votes. It will record on a black-and-white basis a "yes" or a "no" basis what we believe. Whether we believe that free trade is the future of our economy and the world economy or that protectionism is our future.

On this vote it will be a very clear, a crystal-clear decision on where we stand. And when each one of us looks down to the bottom of our hearts and decides how we are going to be recorded by history, I hope that others will join me in saying that our future is for free trade. And when we send the gladiator to Seattle from America to fight for free trade at the Asian conference next Monday, this weekend, we ought to send him strong with the wind so that the story is not "winless in Seattle."

We should send him with the thought that many of us believe that we need free trade as our future.

□ 1230

WHO WINS AND WHO LOSES WITH NAFTA?

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

Mr. COPPERSMITH. Mo Udall once said, "Everything has been said, only not everyone has said it," so I wish to join so many of my colleagues this afternoon in speaking in support of the North American Free-Trade Agreement.

In addition to the points that my colleagues have raised already, we also have to think about who wins and who loses in the NAFTA vote. If this House votes in favor of NAFTA, we show that we understand the lessons of history, that free trade and growth in exports has been and will be America's road to economic success. A positive vote shows our country's leadership in our hemisphere and in the world. Approving NAFTA shows we will face forward, trying to build an expanding economic future. A defeat will show Congress is more interested in holding on to a past that may not even have existed.

If NAFTA loses, I think it enshrines the politics of crankiness. A defeat empowers political leaders like Ross Perot and Jesse Jackson, who cannot agree on anything positive, but agree only on what they oppose. They agree only to try to stop changes that the American people need.

Mr. Speaker, this vote gives us an opportunity to stand for what we need to do to move this country forward. This vote also is a test of whether we in this House can build coalitions from the center outward, on whether the flanks of either party will control the agenda.

I fear for our progress on the people's business in this House on other contentious issues if we cannot empower the center, those who understand what action is truly in our country's best interests and put it ahead of partisanship, or if instead we will give greater emphasis to ideologies on the left and the right. For so many reasons, we must support NAFTA.

THE FOREIGN AID GIVEAWAY

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

Mr. TAYLOR of Mississippi. Mr. Speaker, in the 4 years that I have served in this body, I am continually appalled and upset at the course of action this Nation takes. In those 4 years this Nation has given over \$13 billion in foreign aid to one nation, Israel, money that we had to borrow from our grandchildren's future in order to give away. We have given away about \$60 billion in foreign aid, but you know, it is not enough now for Congress to give away

your money that they have borrowed, now they want to give away your jobs.

Now they want to vote for something called NAFTA. All NAFTA does is eliminate taxes on products coming from Mexico. When it is all said and done, it eliminates taxes on products coming from Mexico, so while this Congress just a few months ago voted to raise taxes on American corporations, if they stay, they said, "By the way, if you go to Mexico, you don't have to pay minimum wage. You don't have to pay workmen's comp. You don't have to live by the pollution laws. You don't have to live by the OSHA laws. You can make your product down there and bring it back up tax free."

Mr. Speaker, it is time for Congress to quit giving away your money. It is especially time for Congress to quit giving away your jobs.

MEXICO'S TRADE RELATION WITH UNITED STATES HAS TURNED AROUND

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

Mr. LAUGHLIN. Mr. Speaker, I am delighted that I have the opportunity to follow my friend, the gentleman from Mississippi, because he was talking about giving away jobs and giving Mexican products tax-free status. I think he is reading from a different book than I have been looking at.

We have turned around the trade relationship with Mexico since they started lowering the tariffs on our products. If you look at just agriculture alone, Mexico has had a 25-percent tax on the rice and beef produced in America, 10 to 20 percent on corn and grain, 10 percent on cotton.

Those tariffs are taxes on our products and they are going to be reduced in time down to zero, so that our farmers can sell more products to the Mexican citizen.

That is why we in the body should have the courage to vote in favor of the North American Free-Trade Agreement, because if our farmers have a future, it is a future because they can sell their products in the global market.

It does not help just the farmer, or the rancher. Those farmers and ranchers have loans at small banks in small communities. Those ranchers and farmers do business with small businesses.

So a defeat of NAFTA would do irreparable harm not only to our relationship and ability to do trade in a global economy, but it will do irreparable harm to the small businessman, the farmer and the rancher.

NAFTA IS A VOTE TO CUT TAXES AND CREATE JOBS

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

Mr. WALKER. Mr. Speaker, I want to build on the remarks that the gentleman from Texas just delivered.

This is, in fact, a tax cut; namely, NAFTA. It is a tax cut for the American people. It is a tax cut for the people of Mexico.

In both cases the economies will benefit.

The fact is what we have learned over the last few years about the economy is that if you cut taxes, you increase the productivity of jobs in the private sector, and therefore you create more jobs. You give employers incentives to bring jobs into the economy.

This tax cut is going to result in exactly that kind of job creation in our country. We are going to benefit in Pennsylvania where we already have an average of a thousand jobs per congressional district that are tied to trade with Mexico.

If NAFTA is defeated, we stand to lose, but if NAFTA is approved, we stand to increase.

I think that is going to happen all across the country.

There is one other thing we ought to keep in mind. If NAFTA is approved, the chances are that it will be seen only as a blip on the history screen, because it will be part of a much larger trend toward the globalization of the economy; however, if NAFTA is defeated, it will be a terrible disaster because at that point we will have put ourselves in the way of history and we will stand to be run over by it.

If NAFTA is rejected, the chances are that this Nation will define itself as not desiring to be a part of the global economy. The rest of the world will interpret that as meaning we want our economy to go into the decline, rather than move ahead. That would be a disaster.

NAFTA AND CALIFORNIA WINES

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

Mr. LEHMAN. Mr. Speaker, I want to limit my comments with regard to NAFTA today to just one industry, very crucial to our economy in California. Currently California wines, American wines going into Mexico face a 20-percent tariff. Effective right now, the tariff on Chilean wines going into Mexico is 14 percent and will go to zero in 1996.

U.S. wine makers and U.S. wine growers are going to lose market share dramatically without NAFTA which will significantly reduce the tariff on U.S. wines going in ultimately to zero after the agreement passes.

Without NAFTA, we are going to lose market share. We are going to have to take vines out of production. We are going to cripple the California wine industry.

This, Mr. Speaker, is the harbinger for future deals in Latin America where we are on the verge of busting into that market, but without NAFTA will not have the leverage to do it.

Mr. Speaker, I urge that we pass NAFTA and help a crucial industry in California.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,

Washington, DC, November 9, 1993.

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

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted today by the Committee on Public Works and Transportation. These resolutions authorize studies of potential water resources projects by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the provisions of section 4 of the Act of March 4, 1913.

Sincerely yours,

NORMAN Y. MINETA,
Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of the legislative business day, but not before 4 p.m. today.

EARTHQUAKE HAZARDS REDUCTION ACT OF 1977 AUTHORIZATION, FISCAL YEARS 1994, 1995, AND 1996

Mr. BROWN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3485) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996.

The Clerk read as follows:

H.R. 3485

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

- (1) in subsection (a)(7)—
 (A) by inserting "of the Agency" after "to the Director";
 (B) by striking "and" after "September 30, 1992"; and
 (C) by inserting ", \$20,160,000 for the fiscal year ending September 30, 1994, \$20,805,000 for the fiscal year ending September 30, 1995, and \$21,450,000 for the fiscal year ending September 30, 1996" after "September 30, 1993";
 (2) in subsection (b)—
 (A) by striking "and" after "September 30, 1992"; and
 (B) by inserting ", \$49,861,000 for the fiscal year ending September 30, 1994; \$51,457,000 for the fiscal year ending September 30, 1995; and \$53,052,000 for the fiscal year ending September 30, 1996" after "September 30, 1993";
 (3) by adding at the end of subsection (c) the following new sentences: "There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Science Foundation, \$17,500,000 for engineering research under this Act and \$10,500,000 for geosciences research under this Act, for the fiscal year ending September 30, 1994. There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Science Foundation, \$18,060,000 for engineering research under this Act and \$10,836,000 for geosciences research under this Act, for the fiscal year ending September 30, 1995. There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Science Foundation, \$18,620,000 for engineering research under this Act and \$11,172,000 for geosciences research under this Act, for the fiscal year ending September 30, 1996."; and
 (4) by adding at the end of subsection (d) the following new sentences: "There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Institute of Standards and Technology, \$1,532,000 for the fiscal year ending September 30, 1994. There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Institute of Standards and Technology, \$1,581,000 for the fiscal year ending September 30, 1995. There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Institute of Standards and Technology, \$1,630,000 for the fiscal year ending September 30, 1996.".

SEC. 2. BUY AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Director of the Federal Emergency

Management Agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) RECIPROCALITY.—
 (1) GENERAL RULE.—Except as provided in paragraph (2), no contract or subcontract may be made with funds authorized under this Act to a company organized under the laws of a foreign country unless the Director of the Federal Emergency Management Agency finds that such country affords comparable opportunities to companies organized under laws of the United States.

(2) EXCEPTION.—(A) The Director of the Federal Emergency Management Agency may waive the rule stated under paragraph (1) if the products or services required are not reasonably available from companies organized under the laws of the United States. Any such waiver shall be reported to the Congress.

(B) Paragraph (1) shall not apply to the extent that to do so would violate the General Agreement of Tariffs and Trade or any other international agreement to which the United States is a party.

SEC. 3. LIMITATION ON APPROPRIATIONS.

No funds are authorized to be appropriated for carrying out the Earthquake Hazards Reduction Act of 1977 for any fiscal year other than a provided by the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. BROWN] will be recognized for 20 minutes, and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1977 I joined with Senator Cranston to introduce the Earthquake Hazards Reduction Act of 1977 to bring a national commitment to a long-term earthquake hazards reduction program. Now more than ever, there is a great need to maintain that commitment. Earthquakes remain a serious threat to communities in 39 States, my State of California in particular.

In June 1992, the largest earthquake to strike southern California in 40 years occurred near the town of Landers. Scientists estimate a 1 in 2 chance of a major urban earthquake in southern California during the next 5 to 10 years. The 42d District continues to feel aftershocks from the Landers Big Bear earthquakes and from other local fault sources several magnitude 2 and above events per week. The area is

of particular concern because of the proximity of the San Andreas Fault and the stress that may have been added to the local faults due to the Landers event.

The bill under consideration provides authorizations for fiscal year 1994, equal to the appropriated levels for these programs, with inflationary increases for fiscal years 1995 and 1996.

I want to recognize the outstanding efforts of Mr. BOUCHER of Virginia, chairman of the Subcommittee on Science of the Committee on Science, Space, and Technology for his diligent efforts to set us on a course of correct some of the deficiencies in the National Earthquake Hazards Reduction Program.

I want to acknowledge the distinguished ranking Republican member of the Committee on Science, Space, and Technology, Mr. WALKER of Pennsylvania and Mr. BOEHLERT of New York, ranking Republican member of the Subcommittee on Science, for their cooperation and assistance in developing H.R. 3485. I also appreciate the efforts of the Committee on Natural Resources, which shares jurisdiction over the program, especially Chairman MILLER of California and Mr. YOUNG of Alaska, ranking Republican member, Mr. LEHMAN of California, chairman of the Energy and Mineral Resources Subcommittee, and the ranking Republican member, Mrs. VUCANOVICH of Nevada, for facilitating consideration of the bill.

I urge my colleagues to support passage of H.R. 3485, the authorization for the Earthquake Hazards Reduction Act for fiscal years 1994, 1995, and 1996.

□ 1240

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

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

Mr. Speaker, I rise in strong support of H.R. 3485. The program we are reauthorizing today has been instrumental in reducing the loss of life and property from earthquakes.

This bill provides very modest increases for this valuable program; authorizations are at the appropriated levels for this fiscal year and inflation increases are provided for fiscal 1995 and 1996. That is a reasonable investment in a program that pays itself back many times over in preventing earthquake losses.

We would like to see this program have an even greater impact on earthquake mitigation, and for that reason members of our committee and the Committee on Natural Resources have written to the President, asking that he undertake a high-level review of the program to ensure that it is operating optimally.

The health of this program should be of concern to every Member of this body. Earthquakes are not limited to

the west coast—I am tempted to say unfortunately; in fact, 39 States face seismic risks. And, of course, as we have seen with this summer's flooding, catastrophic natural disasters affect everyone in this country because of the need for Federal disaster aid.

I urge my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the ranking minority member.

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York [Mr. BOEHLERT] for yielding this time to me. This is a good bill and one that the House should approve. It is there because of the work of a number of people who each made a contribution that I think has turned this into a bill of considerable merit.

I wish to thank both our committee chairman, the gentleman from California [Mr. BROWN], and the Subcommittee of Science chairman, the gentleman from Virginia [Mr. BOUCHER], for their openness on this legislation and their willingness to work with the minority. In particular I want to thank Chairman BROWN for his willingness to hold the program budget to a true baseline freeze so that we are not dealing with a situation where we are massively increasing the spending in this area.

Furthermore, Mr. Speaker, I share the concerns of many Members on both sides of the aisle that this program, the Earthquake Hazards Reduction Program, needs better strategic planning and agency coordination. I am pleased that this committee is taking efforts within this bill to enforce stronger oversight, and I am convinced that this bill will lead to a better program in the future.

Additionally, Mr. Speaker, I want to thank the ranking Republican member, the gentleman from New York [Mr. BOEHLERT] for all his efforts at that level. His contributions have made this a better bill. He is someone, as he has pointed out in his remarks, who understands that earthquakes are a national concern, and we are trying to build a program here that speaks to that national concern.

Likewise I would like to express my appreciation to the gentlewoman from Washington [Ms. DUNN] for offering an amendment that is typically offered in our committee by the gentleman from Minnesota [Mr. GRAMS]. That particular amendment is language to prohibit appropriation of funds that are not authorized after fiscal year 1996 in this case. What that means is that we have essentially a sunset clause as it affects this particular piece of legislation. I think that, too, strengthens it.

I am proud to be a cosponsor of this bill, and I urge my fellow colleagues to support passage.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not wish to prolong the debate on this. I do take umbrage at the use of the word "unfortunately" by Mr. BOEHLERT. But I will not ask that his words be taken down at this point. It is true that this program probably, as with most programs, needs further analysis in order to improve its coordination and focus, and we have taken steps in that direction.

I should point out also that there is a very substantial move to relieve, at least in large part, the costs of catastrophic events such as earthquakes by considering the possibility of taking care of these costs through an insurance program. Those steps are under way also.

Mr. Speaker, I think we are making progress in this whole area of both mitigating and compensating for catastrophic events, and I hope that that will continue.

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

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

I would just like to make certain that the written record reflects what the visual record will reflect, and that is, when our distinguished chairman, the gentleman from California [Mr. BROWN], made his remark, his tongue was planted firmly in his cheek. The fact of the matter is too many people, particularly in my State of New York, and others who are privileged to live in the Northeast, think that earthquakes are a California phenomenon when they are not. They are national in scope, and they know no boundaries, and so we have to be concerned, as Americans, about this problem, and we have to do something about it, and I am glad to say we are doing something about it.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. BROWN] that the House suspend the rules and pass the bill, H.R. 3485.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

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

There was no objection.

FEDERAL EMPLOYEES CLEAN AIR INCENTIVES ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3318) to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.

The Clerk read as follows:

H.R. 3318

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

SECTION 1. SHORT TITLE; PURPOSE.

(A) SHORT TITLE.—The Act may be cited as the "Federal Employees Clean Air Incentives Act".

(b) PURPOSE.—The purpose of this Act is to improve air quality and to reduce traffic congestion by providing for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.

SEC. 2. AUTHORITY TO ESTABLISH PROGRAMS.

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

"§ 7905. Programs to encourage commuting by means other than single-occupancy motor vehicles

"(a) For the purpose of this section—

"(1) the term 'employee' means an employee as defined by section 2105 and a member of a uniformed service;

"(2) the term 'agency' means—

"(A) an Executive agency;

"(B) an entity of the legislative branch; and

"(C) the judicial branch;

"(3) the term 'entity of the legislative branch' means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the Government Printing Office the Library of Congress, the the Office of Technology Assessment; and

"(4) the term 'transit pass' means a transit pass as defined by section 132(f)(5) of the Internal Revenue Code of 1986.

"(b)(1) The head of each agency may establish a program to encourage employees of such agency to use means other than single-occupancy motor vehicles to commute to or from work.

"(2) A program established under this section may involve such options as—

"(A) transit passes (including cash reimbursements therefore, but only if a voucher or similar item which may be exchanged only for a transit pass is not readily available for direct distribution by the agency);

"(B) furnishing space, facilities, or services to bicyclists; and

"(C) any non-monetary incentive which the agency head may otherwise offer under any other provision of law or other authority.

"(c) The functions of an agency head under this section shall—

"(1) with respect to the judicial branch, be carried out by the Director of the Administrative Office of the United States Courts;

"(2) with respect to the House of Representatives, be carried out by the Committee on House Administration of the House of Representatives; and

"(3) with respect to the Senate, be carried out by the Committee on Rules and Administration of the Senate.

"(d) The President shall designate 1 or more agencies which shall—

"(1) prescribe guidelines for programs under this section;

"(2) on request, furnish information or technical advice on the design or operation of any program under this section; and

"(3) submit to the President and the Congress, before January 1, 1995, and at least every 2 years thereafter, a written report on the operation of this section, including, with respect to the period covered by the report—

"(A) the number of agencies offering programs under this section;

"(B) a brief description of each of the various programs;

"(C) the extent of employee participation in, and the costs of the Government associated with, each of the various programs;

"(D) an assessment of any environmental or other benefits realized as a result of programs established under this section; and

"(E) any other matter which may be appropriate."

(b) CHAPTER ANALYSIS.—The analysis for chapter 79 of title 5, United States Code, is amended by adding at the end the following:

"7905. Programs to encourage commuting by means other than single-occupancy motor vehicles."

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on January 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

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

Mr. Speaker, the purpose of H.R. 3318, the Federal Employees Clean Air Incentives Act, is to improve air quality and to reduce traffic congestion by authorizing Federal agencies to establish programs to encourage Federal employees to commute by means other than single-occupant vehicles. An agency's program may involve offering transit passes, space or facilities to bicyclists, or nonmonetary incentives to encourage employees to consider alternative means of commuting to work.

Private sector employees have been eligible for a tax-free transit subsidy since 1984. The Treasury, Postal Service, and General Government Appropriations Act of 1991 extended this benefit to Federal employees and this authorization expires December 31, 1993. The Energy Policy Act of 1992 subsequently increased the amount of this subsidy which is tax-deductible from \$21 to \$60 per month. Most agencies, however, currently provide a subsidy of only \$21 per month.

Under this Clean Air Act Amendment of 1990, both private and public employees in several of the Nation's largest

cities will soon be required to implement trip-reduction programs in order to reduce toxic emissions produced by motor vehicles. The Federal Employees Clean Air Incentives Act is one of the ways in which Federal agencies in these and other cities may satisfy the Clean Air Act requirements and help clean up our environment.

In fact, last month, President Clinton released his climate change action plan which is intended to return the U.S. greenhouse gas emissions to 1990 levels by the year 2000. Part of President Clinton's proposal targets growth in transportation emissions and calls for providing a powerful reward for commuters to use mass transit, carpool, or find means other than single-occupancy vehicles to get to work. This bill does just that.

The Subcommittee on Compensation and Employee Benefits held two hearings on the transit subsidy program. We received testimony from the Department of Transportation, the General Accounting Office, Federal employee organizations, mass transit organizations, and environmental and commuter policy organizations. All witnesses expressed their desire to see the transit subsidy authorization made permanent. In addition, the subcommittee received numerous letters indicating that transit subsidies are supported by employees and Federal agencies nationwide.

The Committee on Post Office and Civil Service unanimously approved H.R. 3318 on October 27, 1993. I urge the House to adopt H.R. 3318.

□ 1250

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

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

Mr. Speaker, I rise in support of H.R. 3318, the Federal Employees Clean Air Incentives Act. This bill is consistent with the goals of the Clean Air Act and the Energy Policy Act to establish a permanent incentive program encouraging Federal and private sector employees to use public transportation.

This bill is critical, as metropolitan areas which do not meet the Clean Air Act requirement and those areas which do not meet national and ambient air quality standards, must develop emission reduction programs. Reauthorization of this program for Federal employees will help to shift behavioral patterns and continue the greater use of public transportation, aiding the cleanup of our air and environment.

Increased user participation of mass transit would help keep costs down for all mass transit users. This program was started in 1980 by Executive Order 12191. It directed Federal agencies to promote ridesharing and the use of other forms of public mass transportation as a means to conserve energy resources, reduce traffic congestion and improve air quality.

The General Accounting Office found that as of April 1993, 75 Federal agencies and organizations out of approximately 150 and 7 of the 14 Cabinet-level departments participated in the Transit Benefit Program. The current provision authorizing Federal agencies to participate in programs encouraging Federal employees to use public transportation was enacted in the fiscal year 1991 Treasury and Postal Appropriations Act and expires on December 31, 1993.

H.R. 3318 makes the program permanent and encourages all three branches of the Government to make this program available to their employees—including members of the uniformed services. The head of each agency may develop programs to discourage the use of single-occupancy motor vehicles, such as transit passes defined by section 132(f)(5) of the Internal Revenue Code, space, facilities and/or services for bicyclists, and nonmonetary incentives.

Mr. Speaker, this bill received a full hearing by the Subcommittee on Compensation and Employee Benefits, and many local and State jurisdictions from all over the country wrote in support of the measure. The legislation was ordered to be reported by the Committee on Post Office and Civil Service. I urge my colleagues to support H.R. 3318.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3318.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous matter on H.R. 3318, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

GEORGE ARCENEUX, JR., UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3186) to designate the U.S. courthouse located in Houma, LA, as

the "George Arceneaux, Jr., United States Courthouse."

The Clerk read as follows:

H.R. 3186

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

SECTION 1. DESIGNATION.

The United States courthouse located at 800 East Main Street in Houma, Louisiana, is designated as the "George Arceneaux, Jr., United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 is deemed to be a reference to the "George Arceneaux, Jr., United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, George Arceneaux, Jr., was born on May 17, 1928, in Houma, LA, and died in April 1993. He traced his roots back to the Acadians of Nova Scotia, Canada. While working in Washington, DC, he attended law school at American University, graduating in 1957. From 1960 to 1978, Judge Arceneaux practiced law in the private sector in Houma, LA.

On September 26, 1979, President Jimmy Carter appointed Arceneaux to the U.S. District Court for the Eastern District of Louisiana. He was the first Acadian judge named to the Federal court since the 1920's.

Judge Arceneaux has great sympathy for those individuals who lived in rural south Louisiana and had to do business with the Federal court in New Orleans.

These people were forced to make a long and arduous trip to the Federal court in New Orleans, if they needed to file papers, fulfill jury duty or had other matters to take up. Consequently, Judge Arceneaux began to champion the idea of building a satellite courthouse in Houma. In spite of many obstacles, Judge Arceneaux persisted in pressing forward to achieve this goal. I am proud to say that the satellite courthouse is now under construction.

Judge Arceneaux had a distinguished career. He was renowned for his contributions to his community and was well respected by his fellow judges. Therefore, it is fitting and proper that the U.S. courthouse located at 800 East Main Street in Houma, LA, be designated as the "George Arceneaux Jr., United States Courthouse".

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

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

Mr. Speaker. I rise in support of H.R. 3186, a bill to designate the U.S. Courthouse located in Houma, LA, as the "George Arceneaux, Jr., United States Courthouse." Judge Arceneaux was born May 17, 1928, in New Orleans, LA, attended local schools and graduated valedictorian from Louisiana State University in 1949. He served in the U.S. Army during the Korean war as an intelligence analyst. He later served as legislative and administrative assistant to then Senator Allen Ellender, until the Senator's death in 1972.

While on the congressional staff, Judge Arceneaux earned a law degree at night from American University. Judge Arceneaux, an Acadian by heritage, practiced law in Houma until President Carter appointed him to the Federal bench in 1979. Judge Arceneaux served with distinction until his death in April 1993. It is fitting and appropriate to name this building in Judge Arceneaux' honor, as a tribute to his tireless dedication to locate this facility in Houma to serve the citizens of this rural area.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I come before you today to tell you about a remarkable man from south Louisiana, Judge George Arceneaux—and about why I have introduced a bill, H.R. 3186, cosponsored by the entire Louisiana delegation, to name a new Federal courthouse in Houma, LA, after Judge Arceneaux.

George Arceneaux, Jr., was born in Houma, LA, to a family that traces its roots back to the exile of the Acadians from Nova Scotia. When appointed to the Federal bench in 1979, Judge Arceneaux was the first Acadian judge named to the Federal court since the 1920's.

After graduating valedictorian of his 1945 class at Terrebonne High School, he went on to Louisiana State University, graduating in 1949 and becoming a print journalist for a local newspaper. This career was interrupted by the Korean war, when he served as an intelligence analyst with the 38th Military Intelligence Service Company at Fort Meade, MD.

After an honorable discharge, Arceneaux went to work as a legislative assistant, then administrative assistant to Senator Allen J. Ellender of Houma, who died in 1972 at the height of his career in public service as President pro tempore of the U.S. Senate. While in Washington, Arceneaux married and earned his J.D. degree from American University in 1957.

In 1960, Arceneaux returned to Houma to practice law until his ap-

pointment by President Jimmy Carter to the U.S. District Court for the Eastern District of Louisiana in New Orleans on September 26, 1979. After a distinguished career on the bench, Judge Arceneaux died in April 1993, following unsuccessful surgery for lung disease.

During his years in private practice and on the bench, Judge Arceneaux devoted significant time and energy to improving both the judiciary and the community—through service on the Judicial Conference and on numerous community boards and charities. But perhaps he is best remembered for his lifelong efforts to bring the Federal court to Houma.

It was while working in Washington that Judge Arceneaux took note of the hardship that traveling to New Orleans to conduct any business with the Federal court caused the people in rural south Louisiana. After returning to Houma to practice law, Judge Arceneaux saw firsthand the difficulty and inconvenience the distant location of the Federal court caused the people of the Houma area—whether filing papers or being called as witnesses or for jury duty.

Through the years, Judge Arceneaux continued to push the idea of this satellite courthouse. He remained steadfast in his devotion through the long and complicated process, overcoming countless obstacles within the Federal court system and finally through Congress.

As the Houma Courier noted in an editorial following his death:

It took nearly a lifetime, but U.S. District Judge George Arceneaux, Jr., who died in April, saw his dream become a reality. Well almost. Just before his death, construction began on a Federal courthouse here in Houma.

Though his dream of presiding over Federal court here will not be realized, his plan to make the court accessible to the people of Terrebonne, Lafourche, Assumption, St. James, and St. John Parishes must be. Arceneaux spent his life serving others, working in Washington, assisting clients in Houma, sitting on the Federal bench, and as vice president of Rotary International. * * * But he should be remembered by the people of this area for bringing the Federal court to them. Those whose lives he touched—and there are literally thousands—are now responsible for seeing the project through to its conclusion. This must be his legacy.

Mr. Speaker, I am proud to have known Judge Arceneaux and can think of no greater and more fitting tribute than naming this new Federal courthouse after him. I urge swift passage of H.R. 3186.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I support the comments of Chairman TAUZIN and thank him for his leadership in bringing forth the naming of the Federal building after Judge Arceneaux. I think it is fitting and proper.

Mr. Speaker, I support the bill. Judge Arceneaux was right when he said that

all the little people have to go to the big cities all the time to get things done, and he said that should be changed. I agree with Judge Arceneaux.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 3186.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3186, the bill just passed.

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

There was no objection.

EDWIN FORD HUNTER, JR., UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3356) to designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, LA, as the "Edwin Ford Hunter, Jr., United States Courthouse."

The Clerk read as follows:

H.R. 3356

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

SECTION 1. DESIGNATION.

The United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, shall be known and designated as the "Edwin Ford Hunter, Jr., United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Edwin Ford Hunter, Jr., United States Courthouse".

□ 1300

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, Edwin Hunter was a native son of Louisiana. He was born in 1911 in Alexandria, LA, and with the

exception of a short time at George Washington University here in Washington, DC, he lived and practiced law in Louisiana.

He was appointed to the Federal circuit by President Eisenhower in 1954 and served in that capacity until 1993. From 1970 to 1976 he presided as chief judge for the Western District of Louisiana. During the same time he was chief judge, Hunter also was a member of the National Advisory Committee on Federal Civil Rules.

Judge Hunter was a prodigious lawyer and judge. He has been honored by the Department of Justice and numerous local and civic organizations. He was a champion of settlement through pretrial conference and is associated with such landmark decisions as the railroad rate case, and Bartie versus U.S. Weather Bureau. Therefore, it is fitting and proper to designate the U.S. courthouse under construction at 611 Broad Street, in Lake Charles, LA, as the "Edwin Ford Hunter, Jr., U.S. Courthouse."

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

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

Mr. Speaker, I rise in support of H.R. 3356, a bill to designate the U.S. courthouse under construction at 611 Broad Street, in Lake Charles, LA, as the "Edwin Ford Hunter, Jr., U.S. Courthouse." Judge Hunter was born in Alexandria, LA, on February 18, 1911, and educated in local schools. He received a law degree from George Washington University in 1937, while working part time on Capitol Hill under the patronage of the late Senator John Overton.

Judge Hunter returned to Shreveport to practice law. His career was interrupted by World War II where he served with distinction in the U.S. Navy, attaining the rank of lieutenant. In 1954 President Eisenhower appointed him to the U.S. District Court, Fourth Southern Division of Louisiana. From 1970 to 1976 Judge Hunter served as chief judge of the Western District of Louisiana, and in 1976 he took senior status. Today Judge Hunter handles 25 percent of the Lake Charles docket and all Lake Charles dispositive cases. It is fitting to name this building under construction in Judge Hunter's honor.

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

Mr. TRAFICANT. Mr. Speaker, I support H.R. 3356 and urge all my colleagues to join me in support of the legislation.

Mr. HAYES. Mr. Speaker, I want to express my great thanks to Chairman MINETA and Chairman TRAFICANT for their work to report this bill, H.R. 3356, which designates the U.S. Courthouse under construction in Lake Charles, LA, as the "Edwin F. Hunter, Jr. United States Courthouse."

Judge Hunter has enjoyed a long and exemplary career on the bench, starting with his

appointment by President Eisenhower. Naming this courthouse in his honor is a proper tribute for all he has given to the Lake Charles community, and to this Nation.

Judge Hunter was named as a Federal judge in 1954 after more than a decade of private practice. He has served as a State Representative in the Louisiana Legislature, the State chairman of the American Bar Association, commander of the Lowe-McFarlane American Legion Post, and is a decorated naval officer who served in World War II. Judge Hunter currently handles 25 percent of the Lake Charles docket and all Lake Charles dispositive motions, in addition to Lafayette and Shreveport cases.

The courthouse naming in honor of Judge Hunter has the wide support of the entire Lake Charles and Louisiana public.

I have additional background information for inclusion in the RECORD, and stand ready to assist in any way necessary to promote its passage.

JUDGE EDWIN FORD HUNTER, JR.

PERSONAL

Born February 18, 1911 at Alexandria, Louisiana to Mr. and Mrs. Edwin Ford Hunter; grandson of Judge and Mrs. Edwin Gardner Hunter; great-grandson of Judge and Mrs. Robert A. Hunter.

Married Shirley Kidd October 11, 1941; three children. Edwin Kidd Hunter (attorney). Janin Hunter Robert (educator), and Kelly Hunter Bowler (pharmacist); 3 grandchildren.

PROFESSIONAL

L.L.B. from George Washington University, 1937 (pre-law at LSU); Practiced law, Smith, Hunter, Risinger and Shuey, in Shreveport, Louisiana, 1940-1953; U.S. Judge, Appointed by President Eisenhower, 1954-1993; Chief Judge, Western District of Louisiana, 1970-1976; and, Presided Federal Appellate Courts in New York, Texas, Georgia & South Carolina.

LA State Chairman, American Bar Association, 1945; Commander, American Legion Post, Shreveport, LA, 1945; LA State Legislature Representative from Caddo Parish, 1948-1952; LA Campaign Manager & Executive Counsel, Governor Robert Kennon, 1952-1953; and, National Advisory Committee on Federal Civil Rules, 1970-1976.

MILITARY

U.S. Navy, Lieutenant, 1942-1945 (Six Battle Stars).

DISTINCTIONS

Justice Department Commendation for Integration (Time Magazine feature), 1960; Our Lady Queen of Heaven Catholic Church Man-of-the-Year, 1991; King of Krewe Du La Contree, 1992; Significant Sig of Sigma Chi Fraternity, 1993.

OTHER

Judge Hunter's decisions have rarely been reversed in 40 years on the bench. He is noted for efficiently getting rid of a docket of 15-20 cases per week through settlement in pre-trial conferences.

From 1953 to taking Senior status in 1976, handled at least 300 cases a year, 8000 civil cases. From 1956 to 1992 sat with 5th circuit several times a year, about 20 cases a section (about 720 cases). Also many 3-judge cases (2 district judges, 1 circuit appeals judge).

At present, 82 years of age and handles 25% of Lake Charles Docket and all Lake Charles dispositive motions, in addition to a few Lafayette and Shreveport cases. Sits occasionally by designation with the U.S. Court of Appeals for the 5th Circuit.

Enacted the 6-man civil jury later approved by U.S. Supreme Court.

Presided over more admiralty cases than any judge in United States.

Well known decisions: Bartie vs. U.S. Weather Bureau (Hurricane Audrey); railroad rate case which was adopted as decision of U.S. Supreme Court; and, Leger case which has been cited over 100 times.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 3356.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3356, the bill just passed.

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

There was no objection.

JOHN MINOR WISDOM UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2868) to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Courthouse."

The Clerk read as follows:

H.R. 2868

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

SECTION 1. DESIGNATION.

The Federal building located at 600 Camp Street in New Orleans, Louisiana, shall be known and designated as the "John Minor Wisdom United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "John Minor Wisdom United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, this bill is cosponsored by all of the members of the Louisiana

delegation to honor a man of courage, imagination, compassion, and intellect. At age 88 Judge Wisdom is still a senior judge with an active docket. In his long career, he participated in numerous landmark legal decisions, primarily in the area of civil rights, such as Meredith versus Fair which desegregated the University of Mississippi landmark indeed. Judge Wisdom insists on an understanding and a respect for the rule of law. He enjoys a national reputation as a leader and role model in the judicial field.

It is fitting and proper to honor a courageous man, Judge John Minor Wisdom, by designating the courthouse in New Orleans in his name and in his honor.

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

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

Mr. Speaker. I rise in support of H.R. 2868, a bill to designate the U.S. courthouse located at 600 Camp Street, New Orleans, LA, as the "John Minor Wisdom United States Courthouse."

Judge Wisdom was born in New Orleans, LA on May 17, 1905, attended local schools, graduated from Washington and Lee University in 1925, and received a law degree from Tulane University in 1929. From 1929 to 1957 Judge Wisdom practiced law in New Orleans, with the exception of World War II, where he served with distinction in the U.S. Army Air Corps as a lieutenant colonel.

In 1957, President Eisenhower appointed Judge Wisdom to the Fifth Circuit Court of Appeals, where he participated in over 5,000 cases, and has written over 1,000 majority decisions on issues of voter registration, school desegregation, treatment of the mentally ill, employment discrimination, voting rights, trials by jury, product liability, asbestos liability, and interstate commerce issues. Judge Wisdom has shown the courage to rule on issues that brought the scorn and threats of those who disagreed with him.

Our legal system has been enriched by Judge Wisdom's participation in the judicial process. Through his love of liberty and his country he has demonstrated a high morality to his fellow citizens. For this we are grateful. It is fitting that the U.S. courthouse where Judge Wisdom has served with distinction for 36 years be named in his honor.

I have known Judge Wisdom personally for over 25 years and can truly say that no judge better deserved his name—"Wisdom."

I recall well first visiting the judge and his family in New Orleans for Mardi Gras in 1966 at the height of the civil rights controversies before the fifth circuit.

The judge already had carved out a reputation, together with several of his fifth circuit colleagues, as a leading protector for the Constitution and con-

gressional will in the implementation of voting rights, school desegregation, and access to public accommodations throughout the South.

At that time, with less than 10 years on the bench, Judge Wisdom already had begun building an impressive body of judicial work. Barry Sullivan, one of his former law clerks and a leading authority on the judge, has said that, his work "stands as a sturdy testimonial to the continued importance of liberal learning in adjudication and to the view of adjudication as an exercise in intellectual and moral excellence."

As Mr. Sullivan further noted, Judge Wisdom "has written, not only with clarity, elegance and style, but also with moral courage and intellectual authority, in virtually every area of law known to the Federal courts."

The naming of the courthouse in honor of Judge Wisdom will not just recall the name of one of the South's most distinguished citizens, it will also serve as a constant reminder for generations to come of that extraordinary body of wisdom—well over 1,000 masterly opinions—produced by one of our country's greatest minds and moral forces.

I urge my colleagues to join me in supporting H.R. 2868.

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

Mr. LIVINGSTON. Mr. Speaker, I thank my friend, the gentleman from Wisconsin [Mr. PETRI], for his fine remarks, as well as the remarks of the gentleman from Ohio [Mr. TRAFICANT], on behalf of a truly outstanding American, Judge John Minor Wisdom. I rise in support of H.R. 2868, and thank as well Chairman MINETA and the ranking Republican on the Committee on Public Works and Transportation, the gentleman from Pennsylvania [Mr. SHUSTER], as well as the ranking member of the subcommittee, the gentleman from Tennessee [Mr. DUNCAN], for their efforts in helping this legislation come to pass.

I want to congratulate my colleague, the gentleman from Louisiana [Mr. JEFFERSON], for being the primary sponsor of this legislation, because it honors a great man, a learned man, and the personification of a gentleman and a scholar.

Mr. Speaker, Judge Wisdom is currently on senior status with the Fifth Circuit Court of Appeals, but as I spoke with him just a couple of weeks ago, I can attest that that means nothing more than an adjustment of status, rather than workload.

□ 1310

He is working all the time, on cases before the fifth circuit and on cases of interest to which he might be assigned in the lower court system or on three-judge panels.

He is a very busy and industrious individual, and I'm proud to congratulate Judge Wisdom and his lovely wife, Bonnie, for attaining this recognition of a job well done.

Judge Wisdom has been an outstanding leader in civil rights, but he is likewise a learned expert on the judicial system, on archeology, on Greek tragedy, on Louisiana civil law. And in addition to being an outstanding jurist, he has provided a farm club for outstanding people who have worked for him as law clerks, and who have gone on to earn their stripes in their respective fields.

A former Governor of Tennessee was one of his law clerks; other Federal judges have been his law clerks. Eventually, perhaps even the President of the United States might claim to be one of Judge Minor Wisdom's law clerks.

Mr. Speaker, I applaud the sponsors of this legislation. I am pleased to be a cosponsor of this bill honoring a great American jurist.

[Excerpts From Fifth Circuit Reporter]
THE WISDOM PHENOMENON—A PERSONAL
PROFILE OF JUDGE JOHN MINOR WISDOM
(By Laura R. Robinson¹)

There is an aura surrounding Judge John Minor Wisdom which can be described as the "Wisdom phenomenon". It has characterized his entire career. His accomplishments as a lawyer, jurist and civic leader outshine the vast majority of Americans alive today. To those who know and love Judge Wisdom, his greatness is defined not by his achievements, but by his character. He is gentleman of the highest order, with a sense of gentility and humor rarely found in such a scholarly person. A former law clerk spoke of his own disappointment in the role models he had at a prestigious Eastern law school—men of great intelligence, but hard of heart. After clerking for Judge Wisdom, though, he is "filled with a new enthusiasm" for practicing law. He remarked, "Although it sounds like a cliché, he is both a gentleman and a scholar, which is an unusual combination" for someone of his professional caliber.

Included in the job description of "Law Clerk" to Judge Wisdom is the responsibility of driving the judge to and from work every day. The Judge has always had his clerks drive him, partly because his own driving reputation is well-earned, but mostly to get to know his clerks better. His first law clerk, Judge Martin L.C. Feldman of the United States District Court in New Orleans, recalls the picture the two of them made on a typical Friday afternoon in 1957. Judge Feldman was driving a two-seater MG with a lot of style and not much trunk space. After an afternoon of bridge (Judge Wisdom is an avid player), he and "Marty" would load up the MG, with two huge briefcases piled on Judge Wisdom's lap until he could barely see over, the rest of Judge Wisdom's books and briefs flowing out of the trunk, and Judge Wisdom sporting a gray homburg.

Judge Wisdom was born in New Orleans (pronounced "New Or-lee-ans") in 1905. In 1925, he received his bachelor of arts degree from Washington and Lee College, his father's alma mater. He received his bachelor of laws degree from Tulane University

School of Law in 1929. He accepted a job immediately following law school with the New Orleans firm of Monroe and Lemmon (one of the only firms offering a salary), but in August of 1929, he and a classmate, Saul Stone, hung out their shingle. They had neither money nor clients, but did have high ambitions. The firm of Wisdom and Stone was successful, and Judge Wisdom's private practice there grew until he was appointed to the bench in 1957 by President Eisenhower.

Judge Wisdom is a long-time active member in the Republican Party in Louisiana. He served as a Republican National Committeeman from Louisiana from 1952 until 1957. He is particularly proud of his instrumental role in moving the Louisiana delegation away from Taft to support of Eisenhower. On more than one occasion, Judge Wisdom and his wife, Bonnie, would personally bring into the precinct meetings (usually sparsely attended) the one or two people who would tip the voting balance in favor of Eisenhower. One particularly treasured picture is of Judge Wisdom with President Eisenhower while Eisenhower was on the campaign trail.

Judge and Mrs. Wisdom's interest in political events is as strong today as it was 30 years ago. A recent law clerk found it particularly interesting to watch the judge during the senate confirmation hearings for Judge Robert Bork. At that particular time, the Bork hearings were the only thing in the news that either the judge or the law clerk really had that much interest in following. One day when the two of them were driving home, they made many stops trying to buy a copy of the New York Times. After their last unsuccessful stop at an empty stand, the Judge got back in the car and commented, "I guess everyone in town is reading about the Bork hearing." While the Judge and Bork disagreed on many critical issues, he was shocked at the campaign mounted against Bork. Most of the people who know Judge Wisdom think that Judge Wisdom himself belongs on the Supreme Court, and that President Nixon made a sad mistake when he did not nominate Judge Wisdom during his presidency.

Even though Judge Wisdom never received a Supreme Court appointment he has been recognized in many other ways for his outstanding scholastic ability and wise judgment. He and the late Judge Henry J. Friendly were elected on the same day, March 17, 1961, to the American Law Institute, of which Judge Wisdom is a life member and a member of the Council. He has served on the Advisory Committee on Appellate Rules (1973-78) and, since 1975, he has sat on the bench of the Special Court under the Regional Railroad Reorganization Act of 1973. He has recently received the Tulane University Alumnus Award for 1989.

He is currently on "senior status" with the Fifth Circuit Court of Appeals, which is a "retirement" status. Realistically, however, Judge Wisdom has a very active career today. He still carries a full caseload and sits not only on the Fifth Circuit, but also on appellate panels all over the nation. He still works regularly six days a week, which "surprised and disappointed" some of the clerks. His interests are wide-ranging and include Tulane football, opera, literature, politics, and bridge. He and his wife still maintain a full social life, and he is known for never passing up a good party. In short, he has a passion for life.

The visitor to his chambers will usually find him "unavailable" on Friday afternoons. This has been an interesting coincidence for many years, although he used to be

"at the Supreme Court library doing research" on Fridays. Rumor has it that he can be found playing bridge at the Louisiana Club. This rumor has been rampant for nearly thirty years, although a visitor would be hard pressed to find anyone in his chambers who would admit it.

He is perhaps one of the most literary and expressive judges on the bench today and takes great pleasure in executing a well-crafted opinion. He is well known for his landmark decisions in the area of civil rights, including *Jefferson County Board of Education*, 372 F.2d 836 (5th Cir. 1966); *Singleton I and II*, 348 F.2d 729 (5th Cir. 1965), 355 F.2d 865 (5th Cir. 1966); and *Meridith v. Fair*, 298 F.2d 696 (5th Cir. 1962), cert. denied, 371 U.S. 828, 83 S.Ct. 49, 9 L.Ed.2d 66 (1962), which dramatically altered the law on school segregation. Other significant cases included *Offshore Company v. Robison*, 266 F.2d 769 (5th Cir. 1959), which established liberal tests for determining what is a "vessel" and who is a "seaman"; *Borel v. Fibreboard Products Corporation*, 493 F.2d 1076 (5th Cir. 1973), cert. denied 419 U.S. 869, 95 S.Ct. 127, 42 L.Ed.2d 107 (1974), recognizing manufacturer liability for insulation material for failure to warn workers of dangers associated with asbestos; and *Local 189, United Papermakers and Paperworkers v. United States*, 416 F.2d 980 (5th Cir. 1969), cert. denied 397 U.S. 919, 90 S.Ct. 926, 25 L.Ed.2d 100 (1970), which adopted the "rightful place" theory prohibiting the award of future jobs based on a seniority system with locked-in race discrimination. Judge Wisdom's scholarship in executing his opinions becomes even more impressive when one considers the circumstances under which they were written. The Judge is well known for writing two or three opinions at one time; such was the circumstance under which his opinion in *Offshore Company v. Robison* was issued. He has written vigorous, concise and incredibly scholarly opinions, some 25 to 30 pages long, within a matter of days.

His ability to maintain such intense concentration, though, has also brought out traits which make him endearingly human. Once he walked into the library with a puzzled look on his face, stood a moment and his law clerk asked if he could be of assistance. Judge Wisdom asked the clerk where Volume 39 of the Tulane Law Review was. He explained that he had last seen his glasses when reading that particular volume, and so was sure that he would find his glasses with that volume. The law clerk sheepishly pointed out that Judge Wisdom's glasses were on his forehead, and Volume 39 of the Tulane Law Review was in his hand. Both men had a good laugh. Judge Wisdom returned to his chambers to finish drafting his three opinions concurrently, while his law clerk diligently returned to work. He often lets his law clerks draft opinions, but always reminds them to "put in plenty of law review articles" and other secondary authority.

One of his most abiding interests, however, will always remain his law clerks. He hires them with humor, for example, looking for law students with the "particular quality" of an "ability to carry a briefcase and bartend," and "whimsey." He also hires them with a great deal of thought, intending for them to be lifetime friends. He remains in close contact with his clerks long after their one-year commitment is over. His former law clerks also periodically organize reunions, the most recent one being in September of 1987 for the judge's thirtieth anniversary on the bench.

The Judge goes to great lengths to be of personal assistance to his clerks, both while

¹Footnotes at end of article

they are clerking for him and afterward. For example, when he began clerking with Judge Wisdom, Judge Feldman was fresh out of the Army. The Judge decided that Feldman should get a judge advocate commission. Judge Wisdom happened to know the General of the Judge Advocate Corps, so, when the General was scheduled to be in New Orleans, he invited the General to play bridge at his house with two other people. The foursome played into the evening in Judge Wisdom's beautifully decorated living room, the floor of which was covered by Mrs. Wisdom's expensive Oriental rug. The General was a prolific cigar smoker and, at one point, his cigar fell on the floor, burning a huge hole in the rug. The following morning, Feldman appeared at the house to drive Judge Wisdom to work—totally unaware of anything that had transpired the night before. Judge Wisdom greeted him at the door with the good news that Feldman had the commission. Immediately, Mrs. Wisdom pushed Judge Wisdom out of the door and began berating an innocent Feldman about her beautiful rug being sacrificed in the name of patriotism.

Judge Feldman was the first of Judge Wisdom's law clerks to be sworn in as a judge himself. He insisted that his real swearing-in be done privately in Judge Wisdom's chambers, with only spouses and Judge Wisdom's law clerks and staff present. Everyone was doing their part to make everything look perfect, when Judge Wisdom decided that he had to wear his "best robe" for the swearing-in. His secretary searched through his robes and after finding his best robe, gave it to Judge Wisdom who wore it while swearing in Judge Feldman. Immediately following the swearing-in, Judge Wisdom took his robe off and put it on Judge Feldman. Both men were near tears at the depth of emotion this act conveyed,² but it exemplified and expressed Judge Wisdom's depth of feeling, his sense of loyalty, and his consideration and thoughtfulness. Later, Judge Wisdom was undergoing one of his many knee surgeries at the time of Judge Feldman's official swearing-in, and so Mrs. Wisdom made a presentation to Judge Feldman on behalf of Judge Wisdom at the formal ceremony.

Judge Wisdom has a strong sense of loyalty to other people, and especially to his staff. When Judge Wilson's secretary of thirty-five years officially retired, the judge gave her a "raving send-off" at a party thrown to her honor. The judge has never been known to criticize her, but rather has always been very supportive of her, both when she was working and now that she has retired. His clerks characterized his sense of loyalty as "striking"—a rare quality in today's world. It was obvious to them that Judge Wisdom has an abiding sense of human being's worth and believes that people are entitled to fundamental respect—and are not to be "used". Judge Wisdom taught his law clerks much about the law, but by his example, he taught them even more about character and virtue.

The judge has always treated women, as well as men, as his equals. The judge and his wife, Bonnie, have been described as presenting a model for a marriage partnership. Their relationship is built on mutual respect, love and support. This is not to say that they always agree, since both of the Wisdoms are strong-willed, and Mrs. Wisdom is certainly a match for the judge intellectually. But, as one family friend commented, you always think of the two of them together. Mrs. Wisdom shares the judge's affection for his law clerks, and together the two of them create an atmosphere of intimate

hospitality in their home and in their family for all of the law clerks.

While Judge Wisdom considers women to be his equals, he is still very much an old-fashioned Southern gentleman. And, so it happened that he and one of his female law clerks came to a standstill, literally, one afternoon on the way home from work. The judge is very insistent that no woman carry his briefcase. However, on this occasion, the judge had just undergone knee surgery and was using a walker or a cane to make his way around. Gail Agrawal picked up his briefcase outside of his office door and asked if he was ready to go. He was very chipper as he walked out of the door, and then he suddenly stopped at the sight of Gail holding the briefcase. He said, "I need my briefcase." She replied, "I have your briefcase." They both stood there for some time, neither giving in. Finally, with a sigh, she relinquished the briefcase. Thereafter, she and the other law clerks came up with a scheme in which every day she was to drive the judge, one of the other clerks "needed a ride somewhere" and so was available to carry the briefcase. Transparent as this scheme was, it worked.

Judge Wisdom's unique combination of a warm, caring, lively personality, a brilliant mind, and an outstanding career make him one of the most loved and respected judges on the federal bench. On May 8, 1989, Judge Wisdom will be formally presented with the DeVitt Award for distinguished service—widely recognized as the most prestigious honor given to a federal judge. One cannot find a more deserving recipient than John Minor Wisdom, and all who know him and love him are full of pride for him. He has earned the honor and distinction.

FOOTNOTES

¹1989 by the Bar Association of the Fifth Federal Circuit. Laura Robinson is an associate at Strasburger and Price. Many thanks to the following people for contributing information for this profile: Eric Weber (Munger, Tolles & Olson, Los Angeles); Tony Friedrich (Arnold & Porter, Washington, D.C.); Bill Pryor (Cabaniss & Johnston, Birmingham); Judge Martin L.C. Feldman (U.S. Dist. Judge, E.D.La., New Orleans); Paul Verkuil (President, William and Mary College); David Stone (Stone, Pigman, Walther, Wittmann & Hutchinson, New Orleans); Lamar Alexander (President, University of Tennessee and former Governor of Tennessee); Gail Agrawal (Monroe & Lemann, New Orleans); Cabell Chinnis (Latham & Watkins, Washington, D.C.).

²Unfortunately, this act left Judge Wisdom with some not-so-nice robes, so all of his staff decided to give a new robe for Christmas. Judge Feldman came to the Christmas party and quite innocently asked in a loud voice whether the law clerks and staff were giving Judge Wisdom a robe for Christmas. After a shocked silence, one of his secretaries admitted that, yes, they were, and Judge Feldman was thoroughly chastised.

JOHN MINOR WISDOM—VITA

John Wisdom received his A.B. in 1925 from Washington & Lee University and his LL.B. in 1929 from Tulane Law School. He practiced law in New Orleans from 1929 to 1957. From 1938 to 1957 he also taught law at Tulane. During World War II he served in the Army Air Force and attained the rank of Lieutenant Colonel. From 1954 to 1957 he was a member of the President's Commission on [Anti-Discrimination in] Government Contracts.

He was appointed to serve as a Circuit Judge United States Court of Appeals for the Fifth Circuit in 1957 just three years after *Brown v. Board of Education* was decided. He took Senior Judge status on January 15, 1977.

Judge Wisdom has served as a member of the Judicial Panel on Multi-District Litigation (1968-79), and as the panel's chairman

(1975-79). He has served on the Advisory Committee on Appellate Rules and on the Special Court organized under the Regional Rail Reorganization Act of 1973. He has been a member of the American Law Institute for over forty years, and is a member (emeritus) of the council.

Honorary degrees include LL.D.s from Oberlin College (1963); Tulane University (1976); San Diego University (1979); Haverford College (1982); Middlebury College (1987); Harvard University (1987). He received the first Louisiana Bar Foundation Distinguished Jurist Award (1986) and the Tulane Distinguished Alumnus Award (1989).

In his thirty-one years on the bench he has participated in the decisions of more than 4,600 cases, signed over 950 published majority opinions and written unnumbered per curiams and unpublished opinions. In addition, he has written stirring dissents which have persuaded the Supreme Court to grant writs and to reverse.

Judge Wisdom's opinions create an intellectual structure for the law, and speak to the deepest issues with learning, eloquence, technical virtuosity and passion. Ambitious in length and scope, impressive in the compilation of authorities, deft in wit and imagery, his opinions have often been the source of ideas—even language—for United States Supreme Court opinions.

Many of his opinions helped to define civil rights law across the United States. Among them are:

United States v. Louisiana (1965) which approved the freezing principle suspending state voters' registration law; and affirmed the duty of federal courts to protect federally created or federally guaranteed rights.

United States v. Jefferson County Board of Education (1967) which was the landmark case using affirmative action to desegregate schools "lock, stock, and barrel."

Meredith v. Fair (1962) which desegregated the University of Mississippi.

United States v. City of Jackson (1963) which desegregated bus and railroad terminals in Jackson, Mississippi.

Dombrowski v. Pfister (1965) where the Supreme Court upheld his dissent which would enjoin the State of Louisiana from using the legislature and judiciary to harass civil rights leaders by unwarranted prosecution.

Local 189, United Papermakers and Paperworkers v. United States (1976) which was the landmark case that adopted the "rightful place" theory and that prohibited awarding jobs based on a seniority system with locked-in race discrimination.

Judge Wisdom's expertise is not relegated only to civil rights and the judicial system. He has also written landmark opinions in such fields as admiralty, evidence, labor law, antitrust, and the Louisiana Civil Code.

Two decades ago *Time Magazine* said of him:

He is equally at home in archaeology, Greek tragedy and Louisiana civil law . . . (He) is one of the best (and most painstaking) opinion writers on any U.S. bench.

In the midst of his astounding workload, Judge Wisdom found time to show an interest in the people that worked for him. Charles S. Treat echoes the sentiment of many who nominated Judge Wisdom:

On a personal level, Judge Wisdom is the epitome of a Southern gentleman. He is a surrogate grandfather to my generation of clerks, taking a genuine and continuing interest in the lives, families, and careers of his judicial family. His extensive list of former clerks is virtually a nationwide legal fraternity, drawn together by our mutual

and deep respect for the Judge and love for the man.

Judge Wisdom was born in New Orleans and will be eighty-four on May 17, 1989. He is married to the former Bonnie Stewart Mathews. They had three children: John Jr. (deceased), Kathleen Scribner, and Penelope Tose. Judge Wisdom currently resides in New Orleans, Louisiana.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. JEFFERSON], the chief sponsor of the bill.

Mr. JEFFERSON. Mr. Speaker, I want to commend the chairman of the Public Works and Transportation Committee, Mr. MINETA and the chairman of the Public Buildings and Grounds Subcommittee, Mr. TRAFICANT, for moving so quickly with this important bill.

The bill we consider today, H.R. 2868, will designate the Federal building at 600 Camp Street in New Orleans as the "John Minor Wisdom U.S. Courthouse." This bill is cosponsored by all the Members of the Louisiana delegation; Congressmen LIVINGSTON, TAUZIN, FIELDS, McCRERY, BAKER, and HAYES and by Congressman PETRI of Wisconsin.

Thousands of pages have been written about Judge John Minor Wisdom over the years. Among other laudatory descriptions, he has been called a quintessential appellate judge of great courage, imagination, ingenuity, compassion, and flexibility.

His opinions bore his unmistakable imprint, the Wisdom pennant, as one of his former colleagues for whom I clerked, Judge Alvin Rubin denominated it. Of one of his opinions used to illustrate this point, Judge Rubin wrote:

It was lucid and succinct; it states the governing principles, and applies that principle to finally resolve the issue. It thus serves the ideal functions of every fine appellate opinion: clarifying the rule of law applicable to the case before the court and deciding the merits of that case.

Judge Wisdom joined the U.S. Court of Appeals for the Fifth Circuit in 1957 and is still an active member at the age of 88—a senior judge with an active docket.

Judge Wisdom has participated in over 5,000 reported cases and has authored over 1,000 published majority opinions in his 36 years on the court. Although he has written distinguished opinions in many areas of law—from admiralty law to contracts law, to constitutional law, and employment law Judge Wisdom will be best remembered for his work in the area of civil rights.

A former colleague on the fifth circuit and now a senior judge on the eleventh circuit, Judge Elbert Tuttle said:

Judge Wisdom's most admired and most important decisions were . . . in the broad field of civil rights, primarily racial civil rights. The immediate benefits from these

decisions to the parties were immeasurable. But beyond that, in the reasoning that led him to his conclusions for the court in those cases . . . [he] espoused a judicial philosophy that has redounded to the benefit of our whole society.

Some of the leading cases authorized by Judge Wisdom included:

United States versus Louisiana—which suspended the State discriminatory voters' registration law.

United States versus Jefferson County Board of Education—a landmark case on school desegregation.

Meredith versus Fair—which desegregated the University of Mississippi.

Labat versus Bennett—which required the Orleans parish jury venue to be drawn from a cross-section of the community.

United States versus Texas Education Agency—which set new standards for school desegregation affecting Hispanics.

I have included a more extensive list of cases for the RECORD.

Mr. Speaker, it has been written that Judge Wisdom's "task was to give effect to the Constitution in a hostile environment by teaching understanding and respect for the rule of law." A former law clerk brought the hostile environment to life and made it understandable to all when he wrote that Judge Wisdom's "dogs were poisoned; rattlesnakes were thrown into his garden; he and his family were kept awake during much of the night by abusive telephone calls; and he received wholesale shipments of crude and hate-filled mail." But, "Judge Wisdom was unbending in the face of such abuse and intimidation—his conviction never wavered."

Mr. Speaker, our legal system has been enriched by Judge Wisdom's role in reshaping the law of civil rights and liberties in America and by doing so, reshaping the very face of opportunity in America. Recalling the words penned by Maxwell Anderson in his play "Valley Forge": "There are some men who lift the age they inhabit, till all men walk on higher ground * * * " John Wisdom is such a man. He has lifted the level of the age in which he lives by combining his love of liberty and high morality to advance human rights to a degree rarely achieved by a single individual. Thanks to him, we all stand on higher ground.

For this reason above many, many others, it is most fitting that the Federal courthouse in New Orleans be named after this legendary figure in American jurisprudence.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Missouri [Mr. WHEAT], a member of the Committee on Rules.

Mr. WHEAT. Mr. Speaker, when I came on the floor, I intended to speak on another measure, which I will still talk about at the appropriate time. But I rise now because it is a privilege and

an honor for me to add my voice to those who want to honor Judge Wisdom for his long, active, and distinguished career as a jurist.

We are talking about a man who is truly one of the giants in the civil rights movement, at a time when it was not just unpopular but, in fact, dangerous to be a leader and to be progressive on this issue.

At a time when this country is looking to find leaders who can set an example of the tone for our Nation, as we head into our 21st century, I cannot think of any more appropriate or fitting honor than to name a Federal courthouse in New Orleans after this distinguished gentleman, and I am proud to support this legislation that was offered by the gentleman from Louisiana [Mr. JEFFERSON] and by the members of the Louisiana delegation, ably handled by the gentleman from Ohio [Mr. TRAFICANT], because it truly does recognize a gentleman who represents the very finest of America and the very finest of American ideals.

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

Mr. Speaker, I want to associate myself with the remarks of all who have spoken. I also want to echo the remarks of the gentleman from Missouri [Mr. WHEAT], when he talked about the courageous nature of this judge. I think this bill is absolutely fitting.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 2868.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2868, the legislation just passed.

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

There was no objection.

RICHARD BOLLING FEDERAL BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2559) to designate the Federal building located at 601 East 12th Street in Kansas City, MO, as the "Richard Bolling Federal Building."

The Clerk read as follows:

H.R. 2559

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

SECTION 1. DESIGNATION.

The Federal building located at 601 East 12th Street in Kansas City, Missouri, shall be known and designated as the "Richard Bolling Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Richard Bolling Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume. Congressman Richard Bolling was elected to the 81st Congress on November 2, 1948, and was reelected to the 16 succeeding Congresses. In all, he served the Nation in Congress for 34 years.

While in Congress, Richard Bolling distinguished himself by serving as chairman of the House Committee on Rules, chairman of the Joint Economic Committee, and as a member of the Democratic steering and policy committee. These important positions reflect the high esteem Bolling's colleagues held him in.

Congressman Bolling died on April 21, 1991. His hard work and dedication are hallmarks of his outstanding career and his contributions to the Nation.

It is fitting and proper to honor Richard Bolling by designating the Federal building located at 601 East 12th Street in Kansas City, MO, as the "Richard Bolling Federal Building."

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

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 2559, a bill to designate the building located at 601 East 12th Street in Kansas City, MO, as the "Richard Bolling Federal Building."

Richard Walker Bolling was born May 17, 1916, in New York City. He received his bachelors and masters degrees from the University of the South, Sewanee, TN.

He was elected to the 81st Congress on November 2, 1948, and was reelected to the 16 succeeding Congresses. While in Congress, he served as chairman of the House Committee on Rules, Joint Economic Committee, chairman of the Select Committee on Committees, and was a member of the Democratic Steering and Policy Committee. He retired in 1982 and died on April 21, 1991.

Mr. Speaker, I had the privilege of serving during a number of my years in Congress with Richard Bolling. I found

him a very intelligent, very outspoken, and courageous Member of this body.

He was not afraid to stand up and instruct the rest of us on what he felt, whether we agreed or not, was the right thing to do.

He sometimes had a reputation for being a little bit aloof, but I, as a junior Member of the opposite party, found him very warm and considerate and always willing to spend some time to give me some answers, answer questions or help me to understand what it was that was going on around this place.

□ 1320

So they used to have Bolling's classroom, I think, over in the corner of this floor, and I was a happy student in that classroom so far as the operation of this institution is concerned.

So, it is a great privilege for me, and I think it is fitting that the Federal building in Kansas City, MO, be named in honor of this outstanding legislator and great American. I urge enactment.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas City, MO, Mr. ALAN WHEAT, the very capable chief sponsor of this bill.

Mr. WHEAT. Mr. Speaker, I am pleased and honored to rise today and ask the House to help me pay tribute to the late Congressman Dick Bolling of Kansas City. Dick, who retired in 1982 and passed on in 1991, left his imprint on this institution and this country like few before him. To honor his service, which stretched from the Pacific theater in World War II, to the battles of the civil rights era, to the struggles for the reform of Congress, it is fitting that we create the Richard Bolling Federal Building in downtown Kansas City, a city which he represented so well in this body.

Dick Bolling was a passionate reformer, a scholar, a writer, and a leader of unsurpassed honesty and knowledge. Dick never took the easy road to the top, yet he seemed to arrive on the summit of nearly every mountain he dared to climb. Enlisting as a private in World War II, he emerged 5 years later as a lieutenant colonel with a Bronze Star. Running for Congress, he defeated an incumbent in an upset victory. Growing up in New York and segregated Alabama, Dick believed in fundamental civil rights for all Americans, and his brilliance and diligence helped win passage of the first meaningful civil rights legislation for blacks since Reconstruction, the Civil Rights Act of 1957. By the 1970's, Dick Bolling was a powerful, senior member of the House, yet he championed sweeping new reforms to improve the efficiency and effectiveness of what he called in his 1965 book, a "House Out of Order."

Mr. Speaker, Dick Bolling was demanding and dynamic, and he never shied away from fighting for a cause in which he believed. His knowledge of House rules and his tenacious adherence to principle made him an indispensable advisor to congressional leaders, Presidents, and national and international statesmen. Perhaps more importantly, he was also a hero and mentor to countless of his junior colleagues, counseling them to show the same selfless courage that marked so much of his career.

Dick Bolling's constituents were not left behind as their Congressman gained national prominence. Dick was never far from home, as his district office—one of the very first—testified. As he fought civil rights battles on the national stage in the 1950's and 1960's, he also addressed the skirmishes at home, hiring black staff aides and meeting regularly with black constituents. When the local political machine geared up to defeat him, he gathered his many friends from the community in a grassroots campaign and destroyed their power instead.

Many people who knew Dick would agree that he went through life with a tough, shining armor of knowledge and competence. That armor was marked by every battle that a difficult and interesting life had offered. Dick wielded his knowledge of parliamentary procedure as a sharp weapon on behalf of progressive causes. The impact of his talented and dedicated service was felt in every corner of the land.

The Federal building holds a prominent place in downtown Kansas City, as does the memory of Dick Bolling in the hearts of so many of his former colleagues and constituents. To dedicate that building as a monument to Dick Bolling's service to his Nation and his district is a proper tribute. Mr. Speaker, I ask my colleagues to join with me and honor the legacy of this great leader, by supporting this legislation to create the Richard Bolling Federal Building.

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

Mr. Speaker, I want to identify myself with the remarks of the gentleman from Missouri [Mr. WHEAT] relative to honoring Richard Bolling by designating the Federal building in Kansas City, MO, as the "Richard Bolling Federal Building."

Mr. Speaker, today the gentleman from Tennessee, Mr. JIMMY DUNCAN, our ranking member of the subcommittee, is not able to be here. I want to pay tribute to him and to his great leadership. Without his help none of this legislation would have been possible, and without his participation openly and freely in developing this legislation without gridlock and partisanship, which is hallmark of these bills.

Mr. MINETA. Mr. Speaker, at the outset, I want to commend Congressman WHEAT, a distinguished member of the Rules Committee, for sponsoring this important legislation. I also want to commend Congressman TRAFICANT, chairman of our Subcommittee on Public Buildings and Grounds, and Congressman DUNCAN, ranking Republican member of the subcommittee, for their efforts in moving this important bill.

Mr. Speaker, I strongly support H.R. 2559, which would name a Federal building in Kansas City after Richard Bolling. Elected in 1948, Chairman Bolling served the people of Kansas City, MO, for 17 consecutive terms using his in-depth knowledge of House rules to help achieve passage of such landmark legislation as the 1964 civil rights bill. Moreover, as a member of the Rules Committee for 27 years and its chair for 4 years, Chairman Bolling championed national health insurance and congressional reform long before they became the issues of today. The author of two books on House procedures, Congressman Bolling also chaired the bipartisan Congressional Reform Committee of 1973. In 1975, my first year in Congress, we instituted many of that committee's reform proposals realigning committee jurisdictions and designing the current budget process. Based on Congressman Bolling's outstanding contributions to Kansas City and the Nation, I urge support of H.R. 2559.

Mr. GEPHARDT. Mr. Speaker, I rise in support of H.R. 2559. This legislation, sponsored by my colleague, Congressman ALAN WHEAT, designates the Federal building at 601 East 12th Street in Kansas City as the Richard Bolling Federal Building.

Richard Bolling was first elected to serve in the House of Representatives in 1948, and he served this body with the passion and dedication that we have come to identify in all of our Nation's great leaders. Those who had the honor of working with Dick Bolling knew him to be a gifted student of history and a wise instructor of the legislative process. Throughout his 17 consecutive terms in office, he was a great leader in the Congress and a good friend to many of us.

Dick Bolling's public career service began with his entry into World War II as an Army private. While loyally serving his country, Dick earned a Legion of Merit award and a Bronze Star for his courageous service in the Pacific theater. After the war, he accepted a position as a veterans adviser with the University of Missouri in Kansas City.

As a Representative of the Fifth District of Missouri, Dick never once lost sight of his foremost responsibility in Congress. To ensure his constituents the accessibility they deserved, he established one of the first district offices in the Nation. In addition, he became one of the first to use a mobile congressional office. In 1955, Dick accepted a seat on the House Rules Committee, which he later chaired.

Throughout his career in Congress, Dick Bolling demonstrated a staunch and genuine passion for social justice. In 1957, he proved instrumental in the passage of a landmark piece of civil rights legislation—the first such legislation since Reconstruction. Seven years later Dick played an equally influential role in

passing the now legendary Civil Rights Act of 1964.

In 1989, 7 years after his retirement from this body, Dick returned to the Hill to become an informal adviser of mine. His knowledge and wisdom on vital issues served not only to guide me, but also to reinvigorate this body with the spirit he radiated for 34 years. He was a friend and a confidant. I respected his precise judgment, and I valued his integrity. We will continue to miss his presence on this floor, and we are grateful for the legend he has left behind. This designation is but a small tribute to the great service he rendered our country.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 2559.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2559, the bill just passed.

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

There was no objection.

□ 1330

BAN ON SMOKING IN FEDERAL BUILDINGS ACT

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 881) to prohibit smoking in Federal buildings, as amended.

The Clerk read as follows:

H.R. 881

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ban on Smoking in Federal Buildings Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts among sensitive populations;

(2) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(3) citizens of the United States spend up to 90 percent of a day indoors and, consequently, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(4) exposure to environmental tobacco smoke occurs in public buildings and other indoor facilities;

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) the Administrator of General Services, having broad authority and longstanding experience with respect to the acquisition and management (including restriction of smoking) of space occupied by Federal employees, is particularly qualified to issue regulations to institute and enforce a prohibition on smoking in such space.

SEC. 3. SMOKING PROHIBITION IN FEDERAL BUILDINGS.

(a) SMOKING PROHIBITION.—

(1) GENERAL RULE.—On and after the 180th day after the date of the enactment of this Act, smoking shall be prohibited in any indoor portion of a Federal building, except in areas designated pursuant to paragraph (2).

(2) DESIGNATION OF SMOKING AREAS.—The head of a Federal agency may permit smoking in a designated area of a Federal building owned or leased for use by such agency if such area—

(A) is ventilated separately from other portions of the Federal building;

(B) is ventilated using a method determined by the Administrator of General Services to be at least as effective as the method described in subparagraph (A); or

(C) is ventilated in accordance with Federal indoor air quality standards for environmental tobacco smoke, if such standards are in effect.

(b) ENFORCEMENT.—

(1) EXECUTIVE BRANCH BUILDINGS.—

(A) IN GENERAL.—The Administrator of General Services shall issue regulations, and take such other actions as may be necessary, to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by an Executive agency.

(B) DELEGATION.—The Administrator is authorized to delegate, and to authorize the re-delegation of, any authority vested in the Administrator under subparagraph (A) (except for the authority to issue regulations) to any official of the General Services Administration or to the head of any other Executive agency.

(2) JUDICIAL BRANCH BUILDINGS.—The Director of the Administrative Office of the United States Courts, after consultation with the Administrator of General Services, shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by an establishment in the judicial branch of the Government.

(3) LEGISLATIVE BRANCH BUILDINGS.—

(A) HOUSE OF REPRESENTATIVES.—The House Office Building Commission shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by the House of Representatives.

(B) SENATE.—The Committee on Rules and Administration of the Senate shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by the Senate.

(C) OTHER ESTABLISHMENTS.—The Architect of the Capitol shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by an establishment in the legislative branch of the Government

(other than the House of Representatives and the Senate).

SEC. 4. REPORT.

Not later than 2 years after the date of the enactment of this Act, the Administrator of General Services shall transmit to the Committees on Public Works and Transportation and on Government Operations of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

(1) information concerning the degree of compliance with this Act; and

(2) information on research and development conducted by the Administrator on methods of ventilation which are at least as effective as the method described in section 3(a)(2)(A).

SEC. 5. PREEMPTION.

Nothing in this Act is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this Act.

SEC. 6. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) EXECUTIVE AGENCY.—The term "Executive agency" has the same meaning such term has under section 105 of title 5, United States Code.

(2) FEDERAL AGENCY.—The term "Federal agency" means any Executive agency or any establishments in the legislative or judicial branches of the Government.

(3) FEDERAL BUILDING.—The term "Federal building" means any building or other structure (or portion thereof) owned or leased for use by a Federal agency; except that the term shall not include any building or other structure on a military installation, any health care facility under the jurisdiction of the Secretary of Veterans Affairs, or any area of a building that is used primarily as living quarters.

(4) MILITARY INSTALLATION.—The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, H.R. 881, as amended, will protect Federal workers and members of the public who visit Federal buildings from the serious health hazard of environmental tobacco smoke [ETS], also known as secondhand smoke. This smoke harms not only the smoker, but also the innocent nonsmoker.

In January 1993, the Environmental Protection Agency issued a report on the effects of secondhand smoke on nonsmokers. The report concluded that secondhand smoke is a human carcinogen and is responsible for approxi-

mately 3,000 lung cancer deaths each year in nonsmoking adults.

This report led me to introduce H.R. 881, the Ban on Smoking in Federal Buildings Act on February 16, 1993. As introduced, the legislation called for a complete ban on smoking in any indoor portion of Federal buildings.

After a series of public hearings, the bill was amended to provide reasonable exceptions to the total ban on smoking. Yet, it still provides the protection that nonsmokers require. I believe we have addressed the matter of fairness in the legislation and this has resulted in the bill having 44 cosponsors and bipartisan support.

The committee held 2 days of balanced, comprehensive hearings on this legislation. The witnesses included the then Surgeon General Antonia C. Novello, who stated that the Department of Human Services supported the objectives of H.R. 881 and added that tobacco use and exposure to tobacco smoke are harmful and can lead to disease, disability, and even death.

The Commissioner of the Public Buildings Service from the General Services Administration [GSA] also testified that GSA supported a ban on smoking in Federal buildings. According to the Commissioner, GSA houses about 1 million Federal employees in 7,800 owned and leased buildings. GSA's current regulations on smoking limit smoking to designated rooms, but because of the common practice in commercial buildings of recirculating air, room designation does not stop the spread of smoke. In addition, the witness stated that although requiring separately ventilated rooms for smokers would be more effective, it might result in a large expense ranging from \$58.5 to \$97.5 million.

Two expert witnesses opposed H.R. 881. There specific criticism focused on EPA's scientific methodology. However the expert panel of EPA officials, statisticians, and scientists defended the methodology and the results of the EPA report.

If anyone doubts the seriousness of smoking as a health hazard, it is important to realize that the Department of Labor is already awarding damages in instances of smoke in the workplace. The director of the office of workers' compensation programs, Department of Labor, testified at the hearing that under the Federal Employees Compensation Act, the program has awarded compensation benefits to Federal employees who have been affected by tobacco smoke in the workplace.

States that have banned smoking in their public facilities include California, New Jersey, Ohio, Maryland, Michigan, Utah, Idaho, and others, as well as cities.

The chairman of the Department of Critical Care Medicine, St. Francis Medical Center and Society of Critical Care Medicine, Pittsburgh, PA, was an-

other expert witness in support of the ban on smoking. He testified that in children, secondhand smoke clearly increases the risk of lower respiratory tract infections, including bronchitis and pneumonia, resulting in the hospitalization of 7,500 to 15,000 infants and children each year. This expert further testified that we must ensure that scarce and expensive health care resources are allocated in the most efficient manner possible. Too many other unpredictable and unpreventable illnesses and injuries require our attention.

H.R. 881, as amended, would ban smoking in any indoor portion of a Federal building, subject to specified exceptions. The primary exception is that the designated smoking area be ventilated separately from other indoor portions of the building. The other two exceptions address the issue of equivalency in separate ventilation techniques and in quality measurements.

Finally, no later than 2 years after enactment, GSA is required to submit a report to the House and Senate Public Works Committees and the House Committee on Government Operations on compliance with the act and on research and development conducted by the administrator on methods of ventilation which are at least as effective as separate ventilation.

The definition section clarifies which Federal entities will be covered by the act. For instance, the following entities would not be covered: Any building or other structure on a military installation, any health care facility under the jurisdiction of the Secretary of Veterans Affairs, or any area of a building used primarily as living quarters.

It is important to note that another provision ensures that this act will not preempt a more restrictive provision in any State or local law.

H.R. 881 is very significant legislation that would have Congress take a leadership position for the Nation in protecting our citizens from the hazards of secondary smoke. It is a very serious health issue that needs to be addressed now. I urge your strong support for H.R. 881.

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

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

Mr. Speaker, I rise in support of H.R. 881, a bill to ban smoking in Federal buildings. As we come to the end of the first session of the 103d Congress, on behalf of the gentleman from Tennessee [Mr. DUNCAN], ranking Republican on the Public Buildings and Grounds Subcommittee, I wish to congratulate my colleague, the chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], who has shown spirited bipartisan leadership in this,

and other legislation that the subcommittee has considered and passed this session. I also wish to congratulate the vice chair of the subcommittee, the Delegate from the District of Columbia, Ms. NORTON who has brought enthusiasm, intelligence, and a sense of commitment to the subcommittee. You should be proud of your legislative accomplishments, which have included passage of Columbia Hospital for Women, an ambitious GSA capital investment program, the African-American Museum on the Mall, needed changes to the Smithsonian building program, numerous naming bills, and last a change to the manner of scoring real estate transactions. You have established, and executed an ambitious legislative program. You have also joined the ranking Republican on the Public Building and Grounds Subcommittee in seeking out wasteful spending in construction of Federal buildings, and I believe our efforts have truly made a difference. Whether it is a project in your State or mine, you stood with me in assuring the American taxpayer that Federal building construction projects were no longer rubber stamped by this subcommittee, but were rigorously examined and scrutinized before approval.

The bill before us now, H.R. 881, would, 180 days after enactment, ban smoking in Federal buildings. This ban would extend to buildings of the legislative, judicial and executive branch, but would exempt DOD facilities, Veterans Department health care facilities and Government housing. The bill allows for smoking in areas of buildings that would be separately ventilated, or ventilated using a method that is at least as effective as if the area is separately ventilated, or is ventilated in accordance with Federal indoor air quality standards for environmental tobacco smoke, if such standards are in effect.

The Subcommittee on Public Buildings and Grounds held 2 days of hearings on H.R. 881, and compiled a hearing record of 567 pages of written material on the bill. Witnesses included, the Surgeon General, EPA, OSHA, GSA, OPM, private physicians, epidemiologists, building design experts, representatives of the Tobacco Institute, the American Lung Association, and Members of Congress. Numerous meetings and deliberations were held. An earlier oversight hearing was held on the status of smoking regulations in Federal buildings. This bill is a product of these activities. I believe this is a sensible bill which addresses the issue of secondhand smoke in the Federal workplace, while respecting the rights of individuals. We have balanced to need for a more healthy indoor environment without punishing those who choose to smoke. I support this bill and urge my colleagues to vote for this bill.

Mr. ANDREWS of Texas. Mr. Speaker, will the gentleman yield?

Mr. PETRI. I am happy to yield to the gentleman from Texas.

Mr. ANDREWS of Texas. Mr. Speaker, I am curious in that when I was listening to the gentleman's remarks why the Veterans' Administration health facilities are excluded from the bill. Possibly I misheard the gentleman. Would he, please, explain that to me?

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

Mr. PETRI. I am happy to yield to the gentleman from Ohio [Mr. TRAFICANT], the chairman of the subcommittee, for a definitive response to the gentleman's question.

Mr. TRAFICANT. Mr. Speaker, we felt it was very important. Our major concern was the workmen's compensation cases in the Federal workplace and the General Services Administration.

Our committee has jurisdiction over the areas in which we have brought forward, and we left these other areas open for the interpretation of Congress through the process to be addressed.

The gentleman from Illinois [Mr. DURBIN] is here. He has played a leadership role and has already addressed these rules, and what we are trying to do is get a specific piece of legislation moved forward that would affect our workplace relative to the workmen's compensation issue and others.

□ 1340

And that will be addressed in comprehensive programming down the line by other committees.

Mr. ANDREWS of Texas. If the gentleman would continue to yield for one more question, I appreciate the opportunity to ask it. Veterans' hospitals certainly is an area that the Congress has looked at before and tried to cease smoking in those hospitals, especially because almost every other hospital in this country has eliminated smoking from those facilities.

This bill does not address that. It is certainly an area I would think the Congress would want to look at.

Mr. TRAFICANT. If the gentleman would continue to yield, the Committee on Veterans' Affairs is looking at this. As this bill goes through the process, all of these other concerns that are salient to the bill and important will be dealt with. The bill has been streamlined to deal with the Federal workplace, which falls under the jurisdiction of our committee. It deals with the issue of health-related workers compensation cases that have already been awarded in regard to those veterans who have been exposed. So those things will be put on the table as the bill goes through the process where these other committees have jurisdiction and will be working their will.

Mr. ANDREWS of Texas. I thank the gentleman for his response.

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

Mr. TRAFICANT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE], an able member of the committee.

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

Mr. Speaker, I rise in opposition to H.R. 881.

This legislation is simply unfair—unfair to those Federal workers who choose to smoke; unfair to those citizens who smoke and whose business takes them into Federal buildings; and unfair to the thousands of Americans, including many in North Carolina, who earn an honest and honorable living from tobacco production.

It seems to me that we should be able to accommodate both smokers and nonsmokers and protect the legitimate rights of each. Indeed, legislation we passed to establish rules for the use of tobacco in veterans hospitals proves that it is possible to implement a reasonable policy that does not trample on the rights of either group.

Moreover, the policy that has been put into effect right here in the House office buildings demonstrates this fact clearly. The designated public smoking area in the Rayburn Building is right outside my office. Although the majority of my staff members are nonsmokers, I am unaware of even a single complaint from anyone about this smoking area.

Despite these examples of how to do it right, the legislation we are considering today fails the basic fairness test. Although it has been dressed up with rhetoric that appears, at least superficially, to allow for separate smoking areas, the practical effect of this bill is crystal clear: it will effectively ban smoking in Federal office buildings.

My colleagues on the other side of this issue will emphatically deny that this bill is designed to ban smoking. But, the evidence to the contrary is clear. Whenthis bill was presented to the Congressional Budget Office for a cost estimate, the cost of implementing this legislation was estimated at between zero and \$50 million. The CBO was astute enough to realize that the de facto result of this legislation would, for the most part, be a complete ban, rather than a reasonable compromise.

Let there be no doubt about this: the requirement for a separate ventilation system for smoking areas will make the cost of establishing such areas prohibitive.

Let there also be no doubt about one other fact: that fundamental unfairness of this bill could be fixed easily. Simply providing that smoking areas be separated from other areas and that the air from smoking areas be exhausted directly outside the building would allow limited smoking and would protect nonsmokers from environmental tobacco smoke.

We know that this reasonable solution works—it is what we are doing here in the House of Representatives. If it is good enough for the Congress, why is it not good enough for executive branch employees? Why is it not good enough for citizens who visit Federal buildings?

We have a solution here in the House that is both fair and effective—why not apply it across the Government?

Mr. Speaker, I had hoped that we could reach a fair solution that respects the interest of smokers and nonsmokers. Instead, we are faced with a heavyhanded measure that will hurt many more people than the Federal workers who are most directly affected. I am opposed to this punitive bill.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. DURBIN] who is the leader in the House on this particular issue.

Mr. Speaker, my subcommittee dealt with the issue at hand, but DICK DURBIN is without doubt a leader this Nation should respect. He is now one of the cardinals in the Congress, head of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies of the Committee on Appropriations.

Mr. DURBIN. I thank the gentleman from Ohio.

Mr. Speaker, I want to salute the gentleman from Ohio [Mr. TRAFICANT] for his tenacity and leadership on this issue. I can tell you that I have been working on this issue for many years with the gentleman from Texas [Mr. ANDREWS], the gentleman from Oklahoma [Mr. SYNAR], and so many, many others on both sides of the aisle, but Mr. TRAFICANT has shown an extraordinary gift in bringing this bill to the floor today, and I want to salute him and his staff for their hard work in bringing it to our attention and consideration.

Let me speak for a moment to the point raised by my friend—and he is my friend—and fellow colleague from North Carolina, the gentleman who spoke just before me. In that situation, the gentleman raised a question as to whether or not we were setting a separate standard for Congress as opposed to the rest of the Nation. Let me make it clear this bill applies to all three branches of the Federal Government, that the standard that will be applied to Federal buildings and workers in those buildings will apply just as well to Members of Congress and the buildings that we occupy here on Capitol Hill.

For over a year I have been fighting a battle to try to bring sanity and a smoking policy to the House side of Capitol Hill, with limited success. As I walked in today to begin this debate, I had to walk through a cloud of smoke right outside this Chamber, and we

supposedly have a policy of only allowing smoking in separately ventilated areas. It is not being enforced.

The same is true down in the House dining room and many other areas. We need what this bill offers, a standard uniform national approach to all Federal buildings, including the buildings occupied by Members of Congress.

My friend, the gentleman from Texas [Mr. ANDREWS] raised a question as to whether VA hospitals should be exempt. In my opinion they should not. But I will not criticize the author of this legislation for excluding them.

When I first introduced legislation to ban smoking on airplanes, the first draft of the bill only banned it on flights of 2 hours or less. Then a year or 2 later it was expanded to virtually all flights in America.

We had to accept a compromise to make our point.

I salute the gentleman for the compromises he thinks will be necessary. But make no mistake, veterans as well as the doctors and medical personnel in VA hospitals have the same right to be protected from second-hand smoke as anyone else. And I hope that this legislation passes. And we can then see follow-on legislation to protect them as well as people working on military installations.

Some units of the Federal government have already stepped out and shown leadership here. The Department of Health and Human Services, the U.S. Postal Service, the Environmental Protection Agency have already banned smoking on their premises.

I am sorry to say the Federal Government is really not leading the way here. Most of America is way ahead of Congress and the Federal Government on this issue. Try to go into a State government office now and find people smoking; you will not find it. They realize as everyone else does that that is an imposition on nonsmokers and should not be allowed.

I think frankly I am glad to see the Federal Government in a way catching up, and I salute the gentleman from Ohio [Mr. TRAFICANT] for pushing this issue. But we will have to fight this every step of the way. The tobacco lobby and its friends on Capitol Hill will resist this change as the bill courses over to the other body and they will resist any change in the future. Those of us who are determined to protect nonsmokers from second-hand smoke will have to continue that sort of effort and vigilance.

Lest anyone conclude I have a vengeance against smokers, I do not. Let me say this: I hope that as part of this program we will include smoke cessation clinics so that employees across the Federal Government have a chance and opportunity to quit with medical supervision and assistance, if needed. I really believe this is a terrible addic-

tion. I have seen it in my own family and among my friends, and we should extend a helping hand to those people who genuinely want to stop smoking.

I want to salute again my colleague from Ohio and all of those who support this legislation. I am looking forward to working with him for not only the passage of this bill but more legislation in the future that protects other nonsmokers.

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

Mr. DURBIN. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Speaker, I have reviewed this legislation, and I am just curious if the gentleman can tell me: If an employee of a Federal agency, in spite of this bill—let us assume the bill becomes law—an employee out there in Illinois or in Missouri or any place else happens to get caught smoking where he should not be smoking, what happens to that person?

□ 1350

Mr. DURBIN. Mr. Speaker, if the gentleman does not mind, I would like to yield to the gentleman from Ohio [Mr. TRAFICANT] for a response.

Mr. TRAFICANT. Enforcement as written in the report of the bill is as follows:

Executive branch buildings. The Administrator of General Services shall issue regulations and take other actions as may be necessary to promulgate such actions in accordance with submission to the Congress.

Judicial branch buildings. The Director of the Administrative Office of the United States Courts shall likewise take such actions in concert with all these other groups that are responsible for enforcement, a practical program of enforcement.

In the House of Representatives, the House Office Building Commission shall take such actions.

In the Senate, it would be the Committee on Rules and Administration.

In other establishments, the Architect of the Capitol shall take such actions as may be necessary to institute and enforce the prohibition contained in any of the legislative branch operation.

The point is, nobody has cast anything in stone. We want to see what will work.

What we have now is an administrative policy of people blowing smoke in the eyes of that policy. This will become a law and that law shall be enforceable and it will be within the scope of everyone's good common sense to effect the program of enforcement. It does not tie their hands.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield further, in other words, it is up to the individual. Within the executive branch, they can draft regulations.

Mr. TRAFICANT. The respective groups responsible for the enforcement

of these buildings shall have a concerted plan that conforms with the intent and the scope of the legislation.

Mr. VOLKMER. In other words, you could have three different types of enforcement. Like in the executive branch, it could be that you lose your job for 30 days if you are caught smoking or else you could be fined \$1,000 if you are caught smoking.

In the legislative branch, it could be that you are reprimanded and asked not to do it again.

In the judicial branch, it could be that you have to go the courthouse and watch the judge operate for a day.

Mr. TRAFICANT. At this point, yes; but remember, in that courthouse there are jury rooms. There are individuals who come into these Federal buildings who do not work there. This takes into consideration the flexibility, the differences and scope and service of the entity. We do not produce a product. We provide a service and all of us provide a different service. It is left open to be fair enough to be promulgated into a plan that we can enforce, not what we have now, which is an absolute joke.

Mr. DURBIN. Mr. Speaker, let me just say in response to my colleague, the gentleman from Missouri. When we proposed banning smoking on airplanes, the people who opposed that legislation said, "You don't know what you're going to get started here. There will be fistfights in the aisles of airplanes. The flight attendants will be wrestling the people to the ground. They are going to be starting fires in the restrooms. We are going to have more lawsuits than you can possibly imagine."

Do you know what? It never happened. Because we announced what the policy was, people voluntarily got into the program. Smokers and nonsmokers alike, we had one incident per 1 million airline passengers, one per 1 million, and now it is even fewer.

If the folks know what the rules are, smokers and nonsmokers, they will play by those rules. We will not have to hold over their heads the threat of sitting in a courtroom all day or going to jail or whatever it might be.

I just think what we have to do is have an understandable policy that people can live by to protect folks who smoke and those who do not.

Mr. Speaker, I rise in support of H.R. 881. It is time for the Federal Government to fully protect its workers and visitors from secondhand smoke in Federal buildings, including buildings owned or leased by the executive, legislative, and judicial branches of the U.S. Government.

On January 7 of this year, after several years of intensive study, the Environmental Protection Agency formally classified environmental tobacco smoke as a group A carcinogen. This classification is reserved for substances which are known to cause cancer in humans, including asbestos, benzene, and arsenic.

EPA found that secondhand smoke causes approximately 3,000 lung cancer deaths annually in U.S. nonsmokers.

In addition, exposure to secondhand smoke causes 150,000 to 300,000 lower respiratory tract infections such as bronchitis and pneumonia in young children each year, causes additional episodes of asthma and increased severity of asthma symptoms in children who already have asthma, and may be a risk factor for 8,000 to 26,000 new cases of asthma annually in children who would not otherwise become asthmatic.

In response to EPA's findings, I introduced legislation, as did the gentleman from Ohio [Mr. TRAFICANT], to protect Federal employees from secondhand smoke. I am pleased that H.R. 881 has reached the House floor.

The EPA and others who have examined this issue have told us there are only two ways to protect nonsmokers from the hazards of breathing secondhand smoke. Either indoor smoking must be banned, or it must be limited to separately ventilated smoking areas. Separate smoking sections that are not separately ventilated are not acceptable, because the smoke recirculates through the building's ventilation system directly into the rooms used by nonsmokers.

H.R. 881 does not require that agencies establish separately ventilated smoking rooms, nor does it provide funding for such rooms. However, it leaves open the possibility of separate ventilation in cases where separate ventilation could be accomplished without significant cost. Of course, the simplest and least expensive way to protect people from secondhand smoke is to ban smoking indoors.

Federal employees and visitors to Federal buildings deserve an environment that is free from the hazards of secondhand smoke. I have received letters and phone calls from a number of Federal employees since my bill was introduced, describing the shortcomings of the present Federal smoking policy and the need for greater protections so that these employees can breathe the air in their workplaces without being subjected to secondhand smoke.

A Federal smoking ban would give Federal workers the same protections that many of their private sector counterparts enjoy. The Society for Human Resource Management has periodically surveyed its members regarding their smoking policies. In 1986, only 2 percent of the firms that responded had a no-smoking policy. By 1991, 34 percent of the firms that responded indicated they have declared their facilities smokefree. Today the percentage is undoubtedly even larger. The Federal Government should provide similar protection.

Employees of some Federal agencies are already able to breathe freely without exposure to secondhand smoke. The U.S. Department of Health and Human Services, the U.S. Environmental Protection Agency, and the U.S. Postal Service have each taken action to protect their employees from exposure to this carcinogen. Now, it is time to give all Federal employees the same smokefree environment. I urge my colleagues to support this legislation, so that Federal workers and visitors to Federal buildings can breathe freely.

Mr. TRAFICANT. Mr. Speaker, I yield 2½ minutes to the distinguished

gentleman from Kentucky [Mr. MAZZOLI] whose help along with that of the gentleman from Illinois [Mr. DURBIN] and the key leaders in the House, we will need as this matter goes forward.

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

Let me join others of my colleagues in saluting the work done by the gentleman from Ohio [Mr. TRAFICANT] on this bill. It is a very difficult bill. It was a very difficult legislative effort the gentleman from Ohio put forth in behalf of the House and in behalf of the people of America who need to be protected from what is called ETS, or the environmental tobacco smoke. So I rise in strong support of the bill.

I hope it is given positive treatment in the other body and then becomes the law of the land, because I think with it will come savings in America, not just in money, because it is known that tobacco smoke is re-circulated and things get dirty and people have to have their clothes cleaned, and on and on; but there will be savings in lives also because people have adverse health effects from breathing in smoke directly or breathing in second-hand smoke.

I say that with, I guess, is some trepidation in a way, because I am from Kentucky, which is one of the major tobacco States in the Nation, but it has been my observation, as I go back home virtually every week, that more and more people are reaching the position which this bill posits, which is that smoking and tobacco use, smoke itself, are hazardous to human health.

I think it ought to be noted that this bill occurs on what we call the Suspension Calendar which is reserved usually for noncontroversial bills.

Back in 1986 when the gentleman from Illinois, who preceded me in the well and also had great courage in moving the bill toward banning smoking in airplanes, his kind of bill, which I also supported, could never have been put on this kind of docket.

Why is the bill of the gentleman from Ohio [Mr. TRAFICANT] on this Suspension docket? It represents a change in thinking on the part of the American people. There has been a change in thinking on the part of the American people concerning smoking and health. I think the bulk of the American people feel that any reasonable, responsible, organized and preannounced effort, as this is, to tell us the new rules of the road will be supported.

So Mr. Speaker, I salute the gentleman from Ohio for bringing us to this point. I hope that our colleagues in the House can support the bill and I hope eventually it becomes the law of the land.

Mr. TRAFICANT. Mr. Speaker, will the gentleman from Wisconsin yield me 1 minute?

Mr. PETRI. Mr. Speaker, I have yielded back the balance of my time,

but if I may reclaim my time, I will yield a minute to the gentleman from Ohio.

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin reclaims his time.

There was no objection.

Mr. TRAFICANT. No. 1, Mr. Speaker, the gentleman from Tennessee [Mr. DUNCAN] is a leader. He would not allow a smoking bill to be unfair. This is very fair.

No. 2, if the GSA determines that it is effective, a simple exhaust fan can get the job done, saving us from liability in courts on workmen's compensation cases. An exhaust fan would be adequate.

Finally, everybody in this body and everybody in Government will be under the same rule. It is an outright blatant fallacy to say that we will be treated differently.

The Architect of the Capitol, the Building Commissioner, the Director and the administrative head of GSA shall promulgate and enforce those plans and rules consistent with the legislative mandate needed here today.

This is a tough bill. I want to thank the gentleman from Illinois [Mr. DURBIN], the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Kentucky [Mr. MAZZOLI], and all the staff for bringing out a very fair piece of legislation.

Mr. MINETA. Mr. Speaker, I want to commend the gentleman from Ohio [Mr. TRAFICANT] for his fine explanation of the bill and I want to commend him and the Public Buildings and Grounds Subcommittee's ranking Republican member [Mr. DUNCAN] for their leadership on this important and complex bill.

I also want to thank other committees who helped make today possible, and in that regard, I am enclosing with my statement an exchange of letters between the Energy and Commerce and Public Works Committee on this bill.

The Surgeon General began warning us of the hazards of smoking almost 30 years ago, and today's evidence of the effects of smoking is truly daunting. According to the American Cancer Society, one in three regular smokers will die from their habit. The medical evidence has long been clear. Smoking kills.

Today, we are being warned anew. Environmental tobacco smoke, or ETS, which consists of second-hand smoke and the sidestream smoke from lit cigarettes, is also deadly.

Furthermore, ETS causes thousands of people, especially children, to suffer unnecessary asthma attacks and respiratory infections.

Additionally, because Americans spend up to 90 percent of their time indoors, there is a significant potential for exposure to ETS.

Based upon the concern for the health of employees and potential workers' compensation liability, 85 percent of public and private employers have smoking policies and more than one-third declared their facilities smoke-free in a 1991 survey. States are also concerned. For instance, my home State of California has barred smoking from space owned or leased by the State.

Currently, smoking restrictions are in force in most Federal buildings. However, in buildings without no smoking provisions, there remains a serious potential workers' compensation issue. The Federal Employees' Compensation Act, or FECA, already covers injuries and illnesses related to ETS like any other work-related illness. To date, FECA claims have been filed due to work place injuries from ETS. Settlements have cost U.S. taxpayers thousands of dollars.

Based upon my concern for the health of Federal employees and potential liability of the U.S. Government and, thus, the taxpayers from future ETS-related worker compensation claims, I support H.R. 881, the Ban on Smoking in Federal Buildings Act. Under H.R. 881 as reported by the Committee on Public Works and Transportation, smoking would be prohibited in Federal buildings unless the building provided a specific area, separately ventilated, for smokers. I believe this approach effectively balances Federal employees' health concerns, the U.S. Government's potential workers' compensation liability issues, and individual rights.

H.R. 881 is long overdue and I urge its adoption.

The letters referred to follow:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 15, 1993.

Hon. NORMAN Y. MINETA,
Chairman, Committee on Public Works and Transportation, Washington, DC.

DEAR MR. CHAIRMAN: On October 15, 1993, the Committee on Public Works and Transportation reported H.R. 881, the Ban on Smoking in Federal Buildings Act (H. Rpt. 103-298, Part 1).

That legislation, by prohibiting smoking in federal buildings, proposes to address public health and safety issues relating to federal employees and the general public who work in or visit legislative, executive, and judicial branch buildings.

As you know, under Rule X, clause 1(h)(16), of the Rules of the House of Representatives, the Committee on Energy and Commerce has jurisdiction of "public health and quarantine" and health issues in general. Based on Rule X, related issues, and attendant precedents, we believe we are entitled both to a sequential referral of the bill and to be named conferees thereon. However, our Committee agreed not to pursue a sequential referral of the bill based upon your Committee's desire to bring H.R. 881 to the floor this session and your agreement to acknowledge our Committee's jurisdiction of this matter.

That waiver should not be construed as a waiver of our Committee's jurisdiction over the subject matter of H.R. 881, nor does it imply a waiver of our Committee's representation in any conference with the Senate.

I am pleased to cooperate with you on this matter and request that this letter be made part of the record during floor consideration of the bill.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, November 15, 1993.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on H.R. 881, the "Ban on Smoking in Federal Buildings Act".

Because of your Committee's jurisdiction over public health issues, I recognize your right to sequential referral of H.R. 881. However, I understand that you did not pursue that given the timing of the bill.

I further recognize that your not pursuing the referral should in no way be construed as a waiver of any jurisdiction your Committee has relating to this issue, including any right you may have to be named conferees on the bill. I will gladly include our exchange of correspondence on this matter in the Record during House consideration of H.R. 881.

Sincerely yours,

NORMAN Y. MINETA,
Chairman.

Mr. LANCASTER. Mr. Speaker, I rise to express my concern about this legislation.

It seems to me that rather than trying to impose a legislative mandate from Washington to deal with smoking policies for Federal buildings, we should place that responsibility on building managers and agency leaders. What might be a desirable policy in a large building with hundreds or even thousands of Federal employees might be totally unsuitable for smaller facilities.

I acknowledge that the language being presented today has been altered from the version reported from committee, and I think the added flexibility is a step in the right direction. Nevertheless, I think we have not fully considered all the nuances of this question. I would have preferred a procedure which would have allowed fuller debate and the possibility of amendments from the floor. I am hopeful that there will be closer review of this bill when it reaches the Senate.

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

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

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 881, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 881, the bill just passed.

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

There was no objection.

HAZARD MITIGATION AND FLOOD DAMAGE REDUCTION ACT OF 1993

Mr. APPLGATE. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 3445) to improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3445

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazard Mitigation and Flood Damage Reduction Act of 1993".

SEC. 2. HAZARD MITIGATION.

(a) **FEDERAL SHARE.**—Section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by striking "50 percent" and inserting "75 percent".

(b) **TOTAL CONTRIBUTIONS.**—Section 404 of such Act is further amended by striking "10 percent" and all that follows through the period and inserting "15 percent of the estimated aggregate amounts of grants to be made under this Act (less administrative costs) with respect to such major disaster."

(c) **APPLICABILITY.**—The amendments made by this section shall apply to any major disaster declared on or after June 10, 1993.

SEC. 3. PROPERTY ACQUISITION AND RELOCATION ASSISTANCE.

Section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is further amended—

(1) by inserting "(a) IN GENERAL.—" before "The President"; and

(2) by adding at the end the following:

"(b) **PROPERTY ACQUISITION AND RELOCATION ASSISTANCE.**—

"(1) **GENERAL AUTHORITY.**—In providing hazard mitigation assistance under this section in connection with flooding, the Director of the Federal Emergency Management Agency may provide property acquisition and relocation assistance for projects which meet the requirements of paragraph (2).

"(2) **TERMS AND CONDITIONS.**—An acquisition or relocation project shall be eligible for funding pursuant to paragraph (1) only if—

"(A) the recipient of such funding is an applicant otherwise eligible under the hazard mitigation grant program established under subsection (a);

"(B) the recipient of such funding enters into an agreement with the Director under which the recipient provides assurances that—

"(i) properties acquired, accepted, or from which structures will be removed under the project will be dedicated and maintained in perpetuity to uses which are compatible with open space, recreational, or wetlands management practices;

"(ii) new structures will not be erected in designated special flood hazard areas other than (I) public facilities which are open on all sides and functionally related to a designated open space, (II) rest rooms, and (III) structures which are approved in writing before the start of construction by the Director; and

"(iii) no future disaster assistance for damages relating to flooding will be sought from or provided by any Federal source for any property acquired or accepted under the acquisition or relocation project."

SEC. 4. FLOOD CONTROL AND FLOODPLAIN MANAGEMENT POLICIES.

(a) **STUDIES.**—The Secretary of the Army shall conduct studies to assess national flood control and floodplain management policies.

(b) **CONTENTS.**—The studies conducted under this section shall—

(1) identify critical water, sewer, transportation, and other essential public facilities which currently face unacceptable flood risks;

(2) identify high priority industrial, petrochemical, hazardous waste, and other facilities which require additional flood protection due to the special health and safety risks caused by flooding;

(3) evaluate current Federal, State, and local floodplain management requirements for infrastructure improvements and other development in the floodplain and recommend changes to reduce the potential loss of life, property damage, economic losses, and threats to health and safety caused by flooding;

(4) assess the adequacy and consistency of existing policies on nonstructural flood control and damage prevention measures and, where appropriate, identify incentives and opportunities for greater use of such nonstructural measures;

(5) identify incentives and opportunities for environmental restoration as a component of the Nation's flood control and floodplain management policies;

(6) examine the differences in Federal cost-sharing for construction and maintenance of flood control projects on the Upper and Lower Mississippi River systems and assess the effect of such differences on the level of flood protection on the Upper Mississippi River and its tributaries; and

(7) assess current Federal policies on pre-event repair and maintenance of both Federal and non-Federal levees and recommend Federal and non-Federal actions to help prevent the failure of these levees during flooding.

(c) **CONSULTATION.**—In conducting studies under this section, the Secretary of the Army shall consult the heads of appropriate Federal agencies, representatives of State and local governments, the agricultural community, the inland waterways transportation industry, environmental organizations, recreational interests, experts in river hydrology and floodplain management, other business and commercial interests, and other appropriate persons.

(d) **REPORT.**—Not later than June 30, 1995, the Secretary of the Army shall transmit to Congress a report on the results of the studies conducted under this section.

SEC. 5. FLOOD CONTROL MEASURES ON UPPER MISSISSIPPI AND LOWER MISSOURI RIVERS AND THEIR TRIBUTARIES.

(a) **STUDIES.**—The Secretary of the Army shall conduct studies of the Upper Mississippi River and Lower Missouri River and their tributaries to identify potential solutions to flooding problems in such areas and to recommend specific water resources projects that would result in economically and environmentally justified flood damage reduction measures in such areas.

(b) **CONTENTS.**—The studies conducted under this section shall—

(1) reflect public input;

(2) include establishment of baseline conditions to allow for a full assessment of economic and environmental costs and benefits associated with flood damage reduction projects and changes in land use patterns;

(3) identify options for development of comprehensive solutions for improved long-term flood plain management;

(4) identify feasibility studies of specific projects or programs that are likely to improve flood damage reduction capabilities;

(5) assess the impact of the current system of levees and flood control projects and current watershed management and land use practices on the flood levels experienced on the Upper Mississippi River and Lower Missouri River and their tributaries in 1993 and evaluate the cost-effectiveness of a full range of alternative flood damage reduction measures, including struc-

tural and nonstructural measures, such as the preservation and restoration of wetlands;

(6) recommend flood control improvements and other flood damage reduction measures to reduce economic losses, damage to public facilities, and the release of hazardous materials from industrial, petrochemical, hazardous waste, and other facilities caused by flooding of the Upper Mississippi River and Lower Missouri River and their tributaries; and

(7) assess the environmental impact of current flood control measures and the flood control improvements recommended under this section.

(c) **CONSULTATION.**—In conducting studies under this section, the Secretary of the Army shall consult the heads of other Federal agencies with water resources and floodplain management responsibilities.

(d) **REPORT.**—Not later than June 30, 1995, the Secretary of the Army shall transmit to Congress a report on the results of the studies conducted under this section.

SEC. 6. EMERGENCY RESPONSE.

Section 5(a)(1) of the Act entitled "An Act authorizing construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by inserting before the first semicolon the following: ", or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor".

SEC. 7. TREATMENT OF REAL PROPERTY BUYOUT PROGRAMS.

(a) **INAPPLICABILITY OF URA.**—The purchase of any real property under a qualified buyout program shall not constitute the making of Federal financial assistance available to pay all or part of the cost of a program or project resulting in the acquisition of real property or in any owner of real property being a displaced person (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970).

(b) **DEFINITION OF "QUALIFIED BUYOUT PROGRAM"**—For purposes of this section, the term "qualified buyout program" means any program that—

(1) provides for the purchase of only property damaged by the major, widespread flooding in the Midwest during 1993;

(2) provides for such purchase solely as a result of such flooding;

(3) provides for such acquisition without the use of the power of eminent domain and notification to the seller that acquisition is without the use of such power;

(4) is carried out by or through a State or a unit of general local government; and

(5) is being assisted with amounts made available for—

(A) disaster relief by the Federal Emergency Management Agency; or

(B) other Federal financial assistance programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. APPELGATE] will be recognized for 20 minutes, and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. APPELGATE].

□ 1400

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

Mr. Speaker, the Committee on Public Works and Transportation brings before the House important legislation

to assist in the response to the Midwest floods of 1993—floods that devastated parts of 11 States. The bill provides immediate assistance to those people whose homes are in the floodplains and who are desirous of moving out of harm's way. And, no new appropriation of money is needed.

H.R. 3445 also authorizes a comprehensive review and assessment of the adequacy of current flood control policies and measures nationwide and in particular for the upper Mississippi and lower Missouri River basins.

Mr. Speaker, flooding in the upper Mississippi and lower Missouri River basins in mid-June and July came after 6 months of heavy and persistent rainfall. During the first half of 1993, precipitation was 1½ to 2 times normal levels throughout the affected area.

The levees and reservoir controls could not fully contain the increased flows on the Mississippi and Missouri Rivers or their tributaries. Over 17,000 square miles of farmlands, forest, homes and businesses were inundated.

In previous disasters, some communities have considered moving out of the floodplain. But this disaster has been historic in the fact that over 200 communities have approached the Federal Government about relocating out of the floodplain to higher ground. This amount of interest has overwhelmed the Federal Government's ability to assist in such relocations. Presently, more than 10 Federal agencies have certain authorities and available assistance for relocations but many requirements are contradictory and complicated. It has been very difficult for small-town mayors to piece together existing Federal programs into a workable relocation plan.

Under H.R. 3445, the amount of funds available for hazard mitigation would increase from 10 percent of the funds for public facilities assistance to 15 percent of all disaster assistance funds for a particular disaster, exclusive of administrative costs. In the Midwest, this could mean a fourfold increase in funds available for mitigation efforts such as relocations. I wish to reemphasize that the increased funds available do not represent new money. These mitigation funds will be available from already appropriated disaster relief funds.

Under most disaster relief and emergency assistance act programs, the Federal Government provides 75 percent of the eligible costs. However, the act only provides for a 50-percent Federal share for hazard mitigation measures. H.R. 3445 would place hazard mitigation on an equal footing with repair and reconstruction by raising the Federal share for hazard mitigation to match the other programs at 75 percent.

H.R. 3445 would also modify the Corps of Engineers existing levee repair program to make nonstructural alter-

natives an option. Under present law, even though it may be more cost effective or environmentally preferable to implement nonstructural alternatives, such as relocations, flood-proofing or elevation of structures, funds under the corps program cannot be used for that purpose. H.R. 3445 gives the Corps of Engineers the opportunity to fund nonstructural options, but only at the non-Federal sponsors' request.

Another provision that is important to the communities considering relocation is the clarification of the applicability of the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970 in regard to relocations carried out as part of the post disaster response. The Uniform Relocation Act provides relocation expenses to people who are displaced by a Federal project or program. H.R. 3445 lists the conditions that meet the test for a voluntary relocation which would be exempt from the Uniform Relocation Act.

This will allow for greater participation rates and at less cost to State and local government.

The scope of the flooding in the Midwest has reopened the discussion concerning the difficult policy issues of the role of the Federal Government in the area of floodplain management. These issues include the effectiveness of structural and nonstructural flood control efforts; incentives and disincentives of Federal programs relating to various flood control options; the extent to which Government policies and programs encourage development in floodplains; and to what extent structural flood control efforts may have exacerbated flood conditions.

H.R. 3445 directs the Secretary of the Army to undertake a study to assess national flood control and floodplain management policies generally.

H.R. 3445 also requires the Secretary to undertake flood management studies for the upper Mississippi and lower Missouri River basins. These studies are to consider, among other aspects of the river system, the impact of the current system of levees and flood control projects on the river and to recommend other flood control measures, including nonstructural measures, that would be appropriate. These studies are to be coordinated with other Federal Government agencies and other interests and be submitted to Congress by June 30, 1995.

The legislation before you today is based on H.R. 2931, introduced by the gentleman from Illinois [Mr. DURBIN] and H.R. 3012 introduced by the gentleman from Missouri [Mr. VOLKMER]. I want to thank Representatives DURBIN and VOLKMER and the other Members whose districts were inundated by the flooding for bringing these issues to our attention. I especially want to thank the gentleman from California [Mr. MINETA], the ranking minority

member of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER] and the subcommittee ranking Republican, the gentleman from New York [Mr. BOEHLERT] for their assistance in this bipartisan effort to assist the people who have been harmed by this great natural disaster.

I urge adoption of this important and timely legislation.

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

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

Mr. Speaker, I rise today in support of the Hazard Mitigation and Flood Reduction Act. This legislation is a critical step toward understanding the causes of last summer's flooding and toward limiting similar tragedies.

The residents of the Midwest have suffered enormous hardships over the past 6 months—thousands were left homeless and billions of dollars in property damages have been left in the wake of the great flood. The legislation before us today will bring assistance and certainty to the lives of those living along the upper Mississippi and its tributaries.

Before I discuss the specifics of H.R. 3445, I would like to commend Chairman MINETA, ranking Republican BUD SHUSTER, and Chairman APPELEGATE for their work to expeditiously move this legislation through the House. I am hopeful that our colleagues in the Senate will give this measure the same prompt consideration. We must get a comprehensive flood mitigation bill to the President's desk this fall.

Mr. Speaker, H.R. 3445 is primarily a combination of two widely supported bills—one introduced by Congressman VOLKMER and one by Congressman DURBIN.

The bill approved last week by the Public Works and Transportation Committee responds directly to the need for changes in the Federal Disaster Relief and Flood Control Programs highlighted by this year's flooding.

The first of the bill's three basic components amends and clarifies FEMA's Hazard Mitigation and Relocation Assistance Programs. These changes will help provide more Federal assistance to encourage people to voluntarily "get out of harm's way"—that is, relocate out of the flood plain. Specifically, the bill modifies FEMA's Hazard Mitigation Program and clarifies the applicability of the Uniform Relocation Act to voluntary relocations.

The second basic component directs the Army Corps of Engineers to review, in consultation with key agencies and groups, national flood control and flood plain management policies, as well as specific measures for the upper Mississippi and lower Mississippi River basins.

The third component is an amendment to the corps' existing program for levee repair and restoration. The provision would provide the corps the opportunity to offer nonstructural options if

requested and supported by the non-Federal project sponsor.

Mr. Speaker, our Nation's flood response and flood control policies need to be modified. H.R. 3445 is a reasonable step in that direction and should bring a significant reduction in future flood losses. When people living in dangerous flood plains seek to move, our Government should assist their effort, not hinder it. This point was hammered home by many during the markup of H.R. 3445 including Congressman EMERSON and Congresswoman DANNER of our committee, who represent those directly affected. I appreciate their thoughtful input to this legislation.

Mr. Speaker, H.R. 3445 will effectively reduce future losses of life and property that result from flooding. Reduced damages will translate into a reduced need for Federal relief dollars. I urge all of my colleagues to support the passage of this measure.

□ 1410

Mr. Speaker, before I conclude I would like to make two important observations: First, the great floods of the year brought forth the best of America. In my own district in beautiful upstate New York, in Delaware County, the 2,500 people of the town of Davenport, under the leadership of their dynamic supervisor, Ray Christiansen, adopted Davenport, IA, a distant city of over 100,000 people, and said, "We want to help you. We recognize your special needs." Those dedicated people from Davenport, NY, sent a whole tractor-trailer full of goods and products that the people of Davenport, IA, needed during this time of crisis.

What a wonderful story that is for America, people half a continent away, in a small community, responding to the needs of their fellow Americans who were suffering so greatly.

So I would like to commend the people of Davenport, NY, and say how grateful I am to have the privilege of representing people who are so thoughtful and caring and so responsive in times of crisis.

Finally, Mr. Speaker, I would like to take particular note of the fact that this is the first bill the gentleman from Ohio [Mr. APPLGATE] has brought forth in his new position as chairman of the subcommittee. He has been magnificent in providing leadership to the subcommittee, in moving the hearings along expeditiously, and in reaching out to all of our colleagues, Republicans and Democrats alike, and in essence following the admonition of Lyndon Baines Johnson, who was wont to say, "Come, let us reason together." We have reasoned together and we have fashioned an outstanding product.

Mr. Speaker, I say to the gentleman from Ohio [Mr. APPLGATE], "You deserve a great deal of credit. What a pleasure it is to work with you."

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

Mr. APPLGATE. Mr. Speaker, I yield 3 minutes to our very distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I want to begin by giving my heartfelt thanks to the chairman and the ranking member of the subcommittee for a tremendous job in putting this legislation together. I also want to thank the chairman and the ranking member of the full committee for doing a tremendous job in bringing together this legislation and in a short time getting it in front of us and allowing us to have the chance to pass it before the Congress finishes its work this year.

I think this bill is a very wise investment in the rebuilding of flood-stricken communities. It provides hope to families that they can get back into safe housing as soon as possible, and it will help ensure that Federal disaster funds already appropriated are spent in the most effective manner.

The State of Missouri alone has sustained flood destruction of over \$260 million in what is the worst flood in anyone's memory. Thousands of families have been out of their homes now for more than 4 months. Every time that any of us go home, we spent a lot of time talking to these flood victims, and their question always is, whether or not they had insurance—and many of them did—"Should I stay and rebuild, or can I leave?"

Under today's law and circumstances, there is no human way that we could ever cobble together enough money from Federal, State, local, and private sources to be able to get a buy-out fund necessary to even give people 20 or 25 cents on the dollar so that they could be in a position to go out and take on a new loan on a new piece of property outside the flood plain.

This legislation primarily gives FEMA the flexibility, not the money but the flexibility, with the money they already have in order to be able to better cooperate with the Federal, State, and local governments so that where buy-out funds make sense and can be put together, we have the ability through FEMA funds to be able to do that.

I think this makes sense for the Government, I think it makes sense for taxpayers, and I know it makes sense for some of the victims of the disaster. None of them will be made anywhere near whole. All of them have suffered a great tragedy that will take many, many years, if ever, to overcome. This legislation gives us an opportunity and the possibility that we can cobble together buy-out funds, local, Federal, State, and private, in order to get people into a position where, with great loss, they can move out of a property that might flood again and be able to

take on a new loan and a new mortgage and be in a place that will be high and dry the next time if a flood occurs.

Mr. Speaker, I urge the Members to vote for this legislation, and again I thank profusely the members on both sides of the subcommittee and the full committee that strongly supported this bipartisan legislation.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, during the difficult days of July and August when the flood was hitting in the Midwest one of the things people in my district constantly asked me was: "Look, the attention of the Nation is on us now during the difficult times when we are fighting these waters. What are people going to do when the waters have gone down? Are they going to leave us alone, or are they going to be there to help?"

I think the significant thing about this bill is that it sends a signal that the Government is still aware of the problem and is still going to be there to help, and I think there are two significant things about it that we are addressing in this legislation. The first is the whole question of people who have been put out of their homes, whose homes have been very substantially damaged and who face now the issue of whether to try and rebuild according to Federal and local regulations or whether to try to seek a buy-out and to relocate.

Those individuals, as much as they need anything else, need some certainty about the options that are going to be available.

As has been said here today, very few people are going to be made completely whole, but they need to know how much they can count on, what kind of support is going to be available, and whether there will be help in relocating. And if they are going to have to make the difficult decisions about whether they should stay or whether they should move, I believe this legislation sends a signal that the Federal Government is moving as quickly as possible to try to identify those areas of uncertainty and eliminating them. The committee deserves a great deal of credit in putting it out in an expeditious way.

The other really important aspect of the bill—and there is a number of good features in it—is the comprehensive study that it mandates, with particular emphasis on the upper Mississippi and the upper Missouri tributaries so that we can begin looking at what we can do in a broad fashion to prevent these kinds of floods in the future or, failing that, to try to protect the people in the area from the damage that would otherwise occur.

□ 1420

It is essential that we take a comprehensive approach. If we do not, this thing is going to get piecemealed. Everybody is going to go in and try to get what they can for their area. It would be much better if we did in the upper Mississippi what has already happened in the lower Mississippi and approach this thing in a comprehensive way. So the important thing about this legislation overall is that it sends the signal to the people in the area that we have not forgotten you; we are monitoring the situation, trying to help in any way possible.

Again, I congratulate the committee and the distinguished chairman and ranking member for putting the bill out.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in support of H.R. 3445 and commend the committee for their work on this excellent and necessary legislation.

I do have one question for the chairman, a clarification of section 5. It is my understanding that section 5, when it refers to the lower Missouri River, will refer to that portion of the river before the last, that is to say, the most downstream, control structure, the Gavins Point Dam, which creates the Louis and Clark Reservoir.

Mr. Speaker, I would ask the chairman, is my understanding correct?

Mr. APPELEGATE. Mr. Speaker, if the gentleman will yield, that is my understanding. The gentleman is correct.

Mr. BEREUTER. Mr. Speaker, with that kind of clarification, which I think is entirely reasonable, that is to say the stretch of the river below the last control structure, I certainly rise in support of the legislation and urge all of my colleagues to support it.

Mr. APPELEGATE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MINETA], the very distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I want to commend the gentleman from Ohio [Mr. APPELEGATE] for his fine explanation of the bill and I want to commend him and the Subcommittee on Water Resources and Environment's ranking Republican [Mr. BOEHLERT] for their leadership on this important bill. I also want to pay special recognition to the following Members who have labored long and hard on behalf of their constituents and the Nation on this important issue: Congressmen VOLKMER, DURBIN, GEPHARDT, EMERSON, COSTELLO, DANNER, and SKELTON.

The destruction of the midwest floods of 1993 urges us to review and reconsider our present flood policies. Not only the directly affected victims of the floods, but also the taxpayers who are contributing for reconstruction in

the Midwest, have asked us to do what we can to reduce the impact of future floods.

In the past, the Federal Emergency Management Agency has helped people who wanted to move out of Harm's way. But the scale was very small. Today, as towns try to look to the future, many see more floods. Over 200 communities, many of which have been victims of numerous floods during the last 20 years, have approached the Federal Government about relocations out of the flood plains to higher ground. The legislation before the House today will increase the availability of Federal assistance for relocations. Additionally, the bill authorizes the Corps of Engineers to fund nonstructural alternatives to the repair or reconstruction of damaged levees, if requested by the non-Federal sponsor.

Long-term studies are also authorized to give the Congress the information we need to determine what our flood control policies should be for the 21st century.

Mr. Speaker, I again wish to thank the leadership of the subcommittee, the chairman as well as the ranking Republican, and my fine colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the ranking Republican on our committee, and urge the adoption of this very important legislation.

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

Mr. Speaker, I rise in strong support of this legislation. It is really a combination of two widely supported bills, one introduced by the gentleman from Missouri [Mr. VOLKMER] and one introduced by the gentleman from Illinois [Mr. DURBIN]. Certainly many Members have contributed mightily to it, particularly those Members from Missouri and Illinois whose districts were directly impacted, the gentleman from Missouri [Mr. EMERSON], the gentleman from Illinois [Mr. SANGMEISTER], the gentleman from Illinois [Mr. POSHARD], the gentlewoman from Missouri [Ms. DANNER], and certainly the majority leader, the gentleman from Missouri [Mr. GEPHARDT]. So this is very worthy of our support. I urge its passage.

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

Mr. APPELEGATE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. VOLKMER], one of the principal sponsors of this bill.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The gentleman from Missouri [Mr. VOLKMER] is recognized for 4 minutes.

Mr. VOLKMER. Mr. Speaker, I first wish to take this opportunity, along with others, to thank the gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation, and also

the ranking minority member, the gentleman from Pennsylvania [Mr. SHUSTER], the subcommittee chairman, the gentleman from Ohio [Mr. APPELEGATE], and the ranking minority member on the subcommittee, the gentleman from New York [Mr. BOEHLERT], for having this legislation here before us today.

Mr. Speaker, I rise today in support of H.R. 3445, the Hazard Mitigation and Flood Damage Reduction Act of 1993. This bill incorporates legislation that I sponsored along with legislation introduced by the gentleman from Illinois.

This legislation will give FEMA the added flexibility to help people voluntarily relocate out of the flood plain through the Hazard Mitigation Grant Program. Increasing the Federal share and raising the cap for available funds will provide increased support to State and local governments to take mitigation measures now and reduce expenditures for disasters in the future.

I have a particular interest in this legislation because portions of all the counties that I represent along the Mississippi and Missouri Rivers were flooded and received Presidential declarations for individual assistance and public assistance. I have seen firsthand the damage caused by this summer's floods which inundated entire towns and fields. Businesses were closed and farmland that once produced bountiful crops were turned into mud bogs and sand bars.

Mr. Speaker, I have traveled extensively throughout my district since early spring, when the first flood began to exact its heavy toll on the levees, homes, and property in the flood plain. Levees that have withstood years of flooding gave way this year to the heavy rains. Homes that have not been affected by high water before were flooded. In my State of Missouri estimates for flood related damage have exceeded \$3 billion and are still rising as the damage assessment continues. Many areas in my district have not had just one flood but a succession of two or three separate floods this year. The city of Alexandria in the northeast corner of my district was one of the first towns to be flooded and was one of the last cities to have the water recede. For many the only option currently available is to use the money they receive to rebuild in the flood plain either because government programs are not flexible enough to assist them to relocate out of the flood plain and they cannot afford to relocate on their own.

Many of the people that live in the flood plain do not live there because they want to, they live there because it is all they can afford. Many that have had their homes damaged or destroyed by the flood have come forward and said they would move out of the flood plain but they do not have sufficient funds to do so.

Currently, individual and family grants are available from FEMA for up

to \$11,900 to help cover the costs of elevating and rebuilding in the flood plain. Federal money for relocation is available from two sources, section 1362 of the National Flood Insurance Program [NFIP] and section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. As it now stands, few people will be able to participate in the section 1362 buy-out because such a low percentage of people are enrolled in the National Flood Insurance Program and the program has stringent requirements that make it difficult to relocate unless a property has suffered damage three or more times in a 5-year period or suffered damage of 50 percent or more once. Use of hazard mitigation grant money in section 404 is limited because many of the areas that have been affected by the flood cannot afford the 50-50 match that is in present law. Total funds available for section 404 are limited to 10 percent of the funds allocated for section 406, public assistance.

H.R. 3445 will amend section 404 of the Stafford Act by changing the current 50-50 Federal-State cost share to a 75-75 Federal-State cost share. It will also raise the current Federal funding for the Hazard Mitigation Grant Program limitation from the current 10 percent of the estimated aggregate amounts to be made under section 406 to 15 percent of the estimated aggregate amounts of grants to be made under the disaster program. I feel that H.R. 3445 will provide an opportunity for the flood victims to move from the flood plain while reducing the continued need for Federal dollars to be spent for emergency services and rehabilitation of personal and public property. If we act now, we can mitigate the damage when future floods come as we know they will. It is very apparent to me that rather than encouraging people to spend Federal money to rebuild in the flood plain it is fiscally responsible to use that money to relocate people out of the flood plain especially when their preference is to leave the flood plain.

□ 1430

Mr. APPELGATE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DURBIN], a principal author of this bill.

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

I want to salute the Committee on Public Works and Transportation, both Democrats and Republicans, for bringing this important bill to the floor.

This last Saturday, I flew over the flooded areas of my district. Many people are surprised to know that we still have flooding. In fact, we do. The aftermath of this flood will be with us for many, many months and perhaps years to come.

The gentleman from Missouri [Mr. VOLKMER] has outlined a way to help

the people presently suffering from flood damage to their businesses and homes and to mitigate damages in the future. I support that section of the bill, and I am glad it is part of this package.

The provision which I have included in the bill takes a different approach. Let me give my colleagues a little history, very briefly.

In 1927, a major flood on the Mississippi River led Congress and the President to sign legislation assigning the responsibility for levee protection to the lower Mississippi south of Cape Girardeau, MO, to the Federal Government. The river, of course, is wider and flows more deeply in that part of our Nation.

But, in fact, the Federal Levee System, and 6 billion dollars' worth of Federal expenditures, have protected those folks from the ravages of the flood. And that is why the flood of 1993 and all the damage was virtually north of that Cape Girardeau, MO, location, because of that decision made in Congress 66 years ago.

It was not just God's design. It was also the design of the Federal Government.

What we are asking for is a study by the Army Corps of Engineers to ask priority protection on the Upper Mississippi River and on the Illinois and Missouri Rivers to try to find out where we should invest our funds, Federal, State, and local, to prevent the kind of damage and disaster we have just lived through.

Clearly, transportation is one of the highest priorities. When we knocked out passage across the Mississippi River for cars and trucks and railroads, we literally paralyzed the Midwest and most of the country so that has to be one of our high priorities.

But it also goes beyond that, to toxic waste sites, water supply systems, sewage treatment plants, so many other areas that were threatened by this flood need to be protected in the future. We are asking the Army Corps of Engineers, working with other Federal agencies, making certain that they take into account environmental considerations, to come up with proposals, not only for structural changes in levees but for nonstructural approaches, perhaps the expansion of wetlands.

We think that in the next year the Army Corps of Engineers can produce this study, give guidance to Congress and the administration for the mitigation in future disasters.

I thank the Committee on Public Works and Transportation for their help with this effort.

Mr. APPELGATE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI], chairman of the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation.

Mr. BORSKI. Mr. Speaker, I wish to express my support for H.R. 3445 which

will provide an immediate response to this past summer's flooding along the Upper Mississippi and Lower Missouri River Valleys.

I commend our chairman, the gentleman from California [Mr. MINETA], and the ranking Republican member, the gentleman from Pennsylvania [Mr. SHUSTER], the subcommittee chairman, the gentleman from Ohio [Mr. APPELGATE], and the ranking Republican member, the gentleman from New York [Mr. BOEHLERT], for their work on the bill.

This bill directly reflects our findings in the Subcommittee on Investigations and Oversight that increased funding should be made available for the buy-out of property in the flood plain. While this past summer's floods produced more interest in the buy-out option, limited funding prevented more widespread use of buy-outs.

Under H.R. 3445, the cap for funds available for buy-outs, the Hazard Mitigation Program, will be increased from 10 percent of the total disaster assistance funds available to 15 percent.

The new FEMA Director, James Lee Witt, who has a long background in the disaster relief program, testified before the Investigations and Oversight Subcommittee that hazard mitigation is among the most significant—and most overlooked—aspects of disaster relief.

By raising the cap for hazard mitigation, the drafters of H.R. 3445 have recognized that disaster relief starts by looking ahead to potential disasters. The disaster relief program should not be limited to mopping up the last disaster.

Our subcommittee investigation also found that the Upper Mississippi Basin requires a comprehensive study that has input from various perspectives. While the Army Corps of Engineers should have the lead in developing flood control policies, other agencies should have a role as well.

I also commend the committee leadership on the strong direction in the committee report for the Corps of Engineers to consult with other Federal agencies, and State and local governments, on a continuous, cooperative, and comprehensive basis. The studies should be completed as quickly as possible but they must be open throughout the process to all points of view.

H.R. 3445 results from the disaster that was faced by thousands of people along the Mississippi and Missouri Rivers. I hope that the disaster areas that require immediate attention will receive top priority in this national study effort and that the broad nature of the national studies will not prevent compliance with the 18-month deadline.

Mr. Speaker, I urge the passage of H.R. 3445.

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

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The question is

on the motion offered by the gentleman from Ohio [Mr. APPELEGATE] that the House suspend the rules and pass the bill, H.R. 3445, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. APPELEGATE Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 3445, the bill just passed.

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

There was no objection.

NEGOTIATED RATES ACT OF 1993

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2121) to amend title 49, United States Code, relating to procedures for resolving claims involving unfiled, negotiated transportation rates, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2121

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Negotiated Rates Act of 1993".

SEC. 2. PROCEDURES FOR RESOLVING CLAIMS INVOLVING UNFILED, NEGOTIATED TRANSPORTATION RATES.

(a) IN GENERAL.—Section 10701 of title 49, United States Code, is amended by adding at the end the following:

"(f) PROCEDURES FOR RESOLVING CLAIMS INVOLVING UNFILED, NEGOTIATED TRANSPORTATION RATES.—

"(1) IN GENERAL.—When a claim is made by a motor carrier of property (other than a household goods carrier) providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, by a freight forwarder (other than a household goods freight forwarder), or by a party representing such a carrier or freight forwarder regarding the collection of rates or charges for such transportation in addition to those originally billed and collected by the carrier or freight forwarder for such transportation, the person against whom the claim is made may elect to satisfy the claim under the provisions of paragraph (2), (3), or (4) of this subsection, upon showing that—

"(A) the carrier or freight forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) with respect to the claim—

"(i) the person was offered a transportation rate by the carrier or freight forwarder other than that legally on file with the Commission for the transportation service;

"(ii) the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

"(iii) the carrier or freight forwarder did not properly or timely file with the Commission a

tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

"(iv) such transportation rate was billed and collected by the carrier or freight forwarder; and

"(v) the carrier or freight forwarder demands additional payment of a higher rate filed in a tariff.

If there is a dispute as to the showing under subparagraph (A), such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to the showing under subparagraph (B), such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or freight forwarder. Satisfaction of the claim under paragraph (2), (3), or (4) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) CLAIMS INVOLVING SHIPMENTS WEIGHING 10,000 POUNDS OR LESS.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim if the shipments each weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(3) CLAIMS INVOLVING SHIPMENTS WEIGHING MORE THAN 10,000 POUNDS.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim if the shipments each weighed more than 10,000 pounds, by payment of 15 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(4) CLAIMS INVOLVING PUBLIC WAREHOUSEMEN.—Notwithstanding paragraphs (2) and (3), a person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim by payment of 5 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid if such person is a public warehouseman. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(5) EFFECTS OF ELECTION.—When a person from whom additional legally applicable freight rates or charges are sought does not elect to use the provisions of paragraph (2), (3), or (4), the person may pursue all rights and remedies existing under this title.

"(6) STAY OF ADDITIONAL COMPENSATION.—When a person proceeds under this section to challenge the reasonableness of the legally applicable freight rate or charges being claimed by a carrier or freight forwarder described in paragraph (1) in addition to those already billed and collected, the person shall not have to pay any additional compensation to the carrier or freight forwarder until the Commission has made a determination as to the reasonableness of the challenged rate as applied to the freight of the person against whom the claim is made.

"(7) LIMITATION ON STATUTORY CONSTRUCTION.—Except as authorized in paragraphs (2), (3), (4), and (9) of this subsection, nothing in this subsection shall relieve a motor common carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(8) NOTIFICATION OF ELECTION.—

"(A) GENERAL RULE.—A person must notify the carrier or freight forwarder as to its election

to proceed under paragraph (2), (3), or (4). Except as provided in subparagraphs (B), (C), and (D), such election may be made at any time.

"(B) DEMANDS FOR PAYMENT INITIALLY MADE AFTER DATE OF ENACTMENT.—If the carrier or freight forwarder or party representing such carrier or freight forwarder initially demands the payment of additional freight charges after the date of the enactment of this subsection and notifies the person from whom additional freight charges are sought of the provisions of paragraphs (1) through (7) at the time of the making of such initial demand, the election must be made not later than the later of—

"(i) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

"(ii) the 90th day following the date of the enactment of this subsection.

"(C) PENDING SUITS FOR COLLECTION MADE BEFORE OR ON DATE OF ENACTMENT.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has filed, before or on the date of the enactment of this subsection, a suit for the collection of additional freight charges and notifies the person from whom additional freight charges are sought of the provisions of paragraphs (1) through (7), the election must be made not later than the 90th day following the date on which such notification is received.

"(D) DEMANDS FOR PAYMENT MADE BEFORE OR ON DATE OF ENACTMENT.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has demanded the payment of additional freight charges, and has not filed a suit for the collection of such additional freight charges, before or on the date of the enactment of this subsection and notifies the person from whom additional freight charges are sought of the provisions of paragraphs (1) through (7), the election must be made not later than the later of—

"(i) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

"(ii) the 90th day following the date of the enactment of this subsection.

"(9) CLAIMS INVOLVING SMALL-BUSINESS CONCERNS, CHARITABLE ORGANIZATIONS, AND RECYCLABLE MATERIALS.—Notwithstanding paragraphs (2), (3), and (4), a person from whom the additional legally applicable and effective tariff rate or charges are sought shall not be liable for the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid—

"(A) if such person qualifies as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.),

"(B) if such person is an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

"(C) if the cargo involved in the claim is recyclable materials, as defined in section 10733."

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by striking "In" and inserting "Except as provided in subsection (f), in".

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) of this section shall apply to all claims pending as of the date of the enactment of this Act and to all claims arising from transportation shipments tendered on or before the last day of the 24-month period beginning on such date of enactment.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Interstate Commerce Commission shall transmit to Congress a report regarding whether there exists a justification for extending the applicability of

amendments made by subsections (a) and (b) of this section beyond the period specified in subsection (c).

(e) ALTERNATIVE PROCEDURE FOR RESOLVING DISPUTES.—

(1) **GENERAL RULE.**—For purposes of section 10701 of title 49, United States Code, it shall be an unreasonable practice for a motor carrier of property (other than a household goods carrier) providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of such title, a freight forwarder (other than a household goods freight forwarder), or a party representing such a carrier or freight forwarder to attempt to charge or to charge for a transportation service provided before September 30, 1990, the difference between the applicable rate that is lawfully in effect pursuant to a tariff that is filed in accordance with chapter 107 of such title by the carrier or freight forwarder applicable to such transportation service and the negotiated rate for such transportation service if the carrier or freight forwarder is no longer transporting property between places described in section 10521(a)(1) of such title or is transporting property between places described in section 10521(a)(1) of such title for the purpose of avoiding the application of this subsection.

(2) **JURISDICTION OF COMMISSION.**—The Commission shall have jurisdiction to make a determination of whether or not attempting to charge or the charging of a rate by a motor carrier or freight forwarder or party representing a motor carrier or freight forwarder is an unreasonable practice under paragraph (1). If the Commission determines that attempting to charge or the charging of the rate is an unreasonable practice under paragraph (1), the carrier, freight forwarder, or party may not collect the difference described in paragraph (1) between the applicable rate and the negotiated rate for the transportation service. In making such determination, the Commission shall consider—

(A) whether the person was offered a transportation rate by the carrier or freight forwarder or party other than that legally on file with the Commission for the transportation service;

(B) whether the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

(C) whether the carrier or freight forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

(D) whether the transportation rate was billed and collected by the carrier or freight forwarder; and

(E) whether the carrier or freight forwarder or party demands additional payment of a higher rate filed in a tariff.

(3) **STAY OF ADDITIONAL COMPENSATION.**—When a person proceeds under this subsection to challenge the reasonableness of the practice of a motor carrier, freight forwarder, or party described in paragraph (1) to attempt to charge or to charge the difference described in paragraph (1) between the applicable rate and the negotiated rate for the transportation service in addition to those charges already billed and collected for the transportation service, the person shall not have to pay any additional compensation to the carrier, freight forwarder, or party until the Commission has made a determination as to the reasonableness of the practice as applied to the freight of the person against whom the claim is made.

(4) **TREATMENT.**—Paragraph (1) of this subsection is enacted as an exception, and shall be treated as an exception, to the requirements of sections 10761(a) and 10762 of title 49, United States Code, relating to a filed tariff rate for a

transportation or service subject to the jurisdiction of the Commission and other general tariff requirements.

(5) **NONAPPLICABILITY OF NEGOTIATED RATE DISPUTE RESOLUTION PROCEDURE.**—If a person elects to seek enforcement of paragraph (1) with respect to a rate for a transportation or service, section 10701(f) of title 49, United States Code, as added by subsection (a) of this section, shall not apply to such rate.

(6) **DEFINITIONS.**—For purposes of this subsection, the following definitions apply:

(A) **COMMISSION, HOUSEHOLD GOODS, HOUSEHOLD GOODS FREIGHT FORWARDER, AND MOTOR CARRIER.**—The terms "Commission", "household goods", "household goods freight forwarder", and "motor carrier" have the meaning such terms have under section 10102 of title 49, United States Code.

(B) **NEGOTIATED RATE.**—The term "negotiated rate" means a rate, charge, classification, or rule agreed upon by a motor carrier or freight forwarder described in paragraph (1) and a shipper through negotiations pursuant to which no tariff was lawfully and timely filed with the Commission and for which there is written evidence of such agreement.

(f) **PRIOR SETTLEMENTS AND ADJUDICATIONS.**—Any claim that, but for this subsection, would be subject to any provision of this Act (including any amendment made by this Act) and that was settled by mutual agreement of the parties to such claim, or resolved by a final adjudication of a Federal or State court, before the date of the enactment of this Act shall be treated as binding, enforceable, and not contrary to law, unless such settlement was agreed to as a result of fraud or coercion.

(g) **RATE REASONABLENESS.**—Section 10701(e) of title 49, United States Code, is amended by adding at the end the following: "Any complaint brought against a motor carrier (other than a carrier described in subsection (f)(1)(A)) by a person (other than a motor carrier) for unreasonably high rates for past or future transportation shall be determined under this subsection."

SEC. 3. STATUTE OF LIMITATIONS.

(a) **MOTOR CARRIER CHARGES.**—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting the following: "; except that a motor carrier (other than a motor carrier providing transportation of household goods) or freight forwarder (other than a household goods freight forwarder)—

"(1) must begin such a civil action within 2 years after the claim accrues if the transportation or service is provided by the carrier in the 1-year period beginning on the date of the enactment of the Negotiated Rates Act of 1993; and

"(2) must begin such a civil action within 18 months after the claim accrues if the transportation or service is provided by the carrier after the last day of such 1-year period."

(b) **MOTOR CARRIER OVERCHARGES.**—Section 11706(b) of title 49, United States Code, is amended by striking ". If that claim is against a common carrier" and inserting the following: "; except that a person must begin a civil action to recover overcharges from a motor carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service—

"(1) within 2 years after the claim accrues if such transportation or service is provided in the 1-year period beginning on the date of the enactment of the Negotiated Rate Act of 1993; and

"(2) within 18 months after the claim accrues if such transportation or service is provided after the last day of such 1-year period.

If the claim is against a common carrier."

(c) **CONFORMING AMENDMENT.**—Section 11706(d) of title 49, United States Code, is amended—

(1) by striking "3-year period" each place it appears and inserting "limitation periods";

(2) by striking "is extended" the first place it appears and inserting "are extended"; and

(3) by striking "each".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR CARRIERS OF PROPERTY.

(a) **IN GENERAL.**—Chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"§11712. Tariff reconciliation rules for motor common carriers of property

"(a) **MUTUAL CONSENT.**—Subject to Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title (other than motor carriers providing transportation of household goods) and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from incorrect tariff provisions or billing errors arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of chapter 119 of this title.

"(b) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) **RULEMAKING PROCEEDING.**—Not later than 90 days after the date of the enactment of this section, the Commission shall institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section."

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property."

SEC. 5. CUSTOMER ACCOUNT CODES AND RANGE TARIFFS.

(a) **CUSTOMER ACCOUNT CODES.**—Section 10762 of title 49, United States Code, is amended by adding at the end the following:

"(h) **CUSTOMER ACCOUNT CODES.**—No tariff filed by a motor carrier of property with the Commission before, on, or after the date of the enactment of this subsection may be held invalid solely on the basis that a numerical or alpha account code is used in such tariff to designate customers or to describe the applicability of rates. For transportation performed on and after the 180th day following such date of enactment, the name of the customer for each account code must be set forth in the tariff (other than the tariff of a motor carrier providing transportation of household goods)."

(b) **RANGE TARIFFS.**—Such section is further amended by adding at the end the following:

"(i) **RANGE TARIFFS.**—No tariff filed by a motor carrier of property with the Commission before, on, or after the date of the enactment of this subsection may be held invalid solely on the basis that the tariff does not show a specific rate or discount for a specific shipment if the tariff is based on a range of rates or discounts for specific classes of shipments. For transportation performed on or after the 180th day following such date of enactment, such a range tariff must identify the specific rate or discount from among the range of rates or discounts contained in such range tariff which is applicable to each specific shipment or must contain an objective means for determining the rate."

SEC. 6. CONTRACTS OF MOTOR CONTRACT CARRIERS.

(a) *IN GENERAL.*—Section 10702 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) **CONTRACTS OF CARRIAGE FOR MOTOR CONTRACT CARRIERS.**—

"(1) *GENERAL RULE.*—A motor contract carrier providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title shall enter into a written agreement, separate from the bill of lading or receipt, for each contract for the provision of transportation subject to such jurisdiction which is entered into after the 90th day following the date of the enactment of this subsection.

"(2) *MINIMUM CONTENT REQUIREMENTS.*—The written agreement shall, at a minimum—

"(A) identify the parties thereto;

"(B) commit the shipper to tender and the carrier to transport a series of shipments;

"(C) contain the contract rate or rates for the transportation service to be or being provided; and

"(D)(i) state that it provides for the assignment of motor vehicles for a continuing period of time for the exclusive use of the shipper; or

"(ii) state that it provides that the service is designed to meet the distinct needs of the shipper.

"(3) *RETENTION BY CARRIER.*—All written agreements entered into by a motor contract carrier under paragraph (1) shall be retained by the carrier while in effect and for a minimum period of 3 years thereafter and shall be made available to the Commission upon request.

"(4) *RANDOM AUDITS BY COMMISSION.*—The Commission shall conduct periodic random audits to ensure that motor contract carriers are complying with this subsection and are adhering to the rates set forth in their agreements."

(b) *CIVIL PENALTY.*—Section 11901(g) of such title is amended—

(1) by inserting "or enter into or retain a written agreement under section 10702(c) of this title" after "under this subtitle" the first place it appears; and

(2) by striking "or (5)" and inserting "(5) does not comply with section 10702(c) of this title, or (6)".

(c) *CRIMINAL PENALTY.*—Section 11909(b) of such title is amended—

(1) by inserting "or enter into or retain a written agreement under section 10702(c) of this title" after "under this subtitle" the first place it appears; and

(2) in clause (1) by inserting after "make that report" the following: "or willfully does not enter into or retain that agreement".

SEC. 7. BILLING AND COLLECTING PRACTICES.

(a) *IN GENERAL.*—Subchapter IV of chapter 107 of title 49, United States Code, is amended by adding at the end the following:

"§10767. Billing and collecting practices

"(a) *REGULATIONS LIMITING REDUCED RATES.*—Not later than 120 days after the date of the enactment of this section, the Commission shall issue regulations that prohibit a motor carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title from providing a reduction in a rate set forth in its tariff or contract for the provision of transportation of property to any person other than (1) the person paying the motor carrier directly for the transportation service according to the bill of lading, receipt, or contract, or (2) an agent of the person paying for the transportation.

"(b) *DISCLOSURE OF ACTUAL RATES, CHARGES, AND ALLOWANCES.*—The regulations of the Commission issued pursuant to this section shall require a motor carrier to disclose, when a document is presented or transmitted electronically for payment to the person responsible directly to

the motor carrier for payment or agent of such responsible person, the actual rates, charges, or allowances for the transportation service and shall prohibit any person from causing a motor carrier to present false or misleading information on a document about the actual rate, charge, or allowance to any party to the transaction. Where the actual rate, charge, or allowance is dependent upon the performance of a service by a party to the transportation arrangement, such as tendering a volume of freight over a stated period of time, the motor carrier shall indicate in any document presented for payment to the person responsible directly to the motor carrier for the payment that a reduction, allowance, or other adjustment may apply.

"(c) *PAYMENTS OR ALLOWANCES FOR CERTAIN SERVICES.*—The regulations issued by the Commission pursuant to this section shall not prohibit a motor carrier from making payments or allowances to a party to the transaction for services that would otherwise be performed by the motor carrier, such as a loading or unloading service, if the payments or allowances are reasonably related to the cost that such party knows or has reason to know would otherwise be incurred by the motor carrier."

(b) *CONFORMING AMENDMENT.*—The analysis for such subchapter is amended by adding at the end the following new item:

"10767. Billing and collecting practices."

(c) *VIOLATION.*—

(1) *IN GENERAL.*—Section 11901 of such title is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following:

"(l) *RATE DISCOUNTS.*—A person, or an officer, employee, or agent of that person, that knowingly pays, accepts, or solicits a reduced rate or rates in violation of the regulations issued under section 10767 of this title is liable to the United States for a civil penalty of not less than \$5,000 and not more than \$10,000 plus 3 times the amount of damages which a party incurs because of such violation. Notwithstanding any other provision of this title, the express civil penalties and damages provided for in this subsection are the exclusive legal sanctions to be imposed under this title for practices found to be in violation of the regulations issued under section 10767 and such violations do not render tariff or contract provisions void or unenforceable."

(2) *VENUE.*—Section 11901(m)(2) of such title (as redesignated by paragraph (1)) is amended by striking "or (k)" and inserting "(k), or (l)".

SEC. 8. RESOLUTION OF DISPUTES RELATING TO CONTRACT OR COMMON CARRIER CAPACITIES.

Section 11101 of title 49, United States Code, is amended by adding at the end the following:

"(d) *RESOLUTION OF DISPUTES RELATING TO CONTRACT OR COMMON CARRIER CAPACITIES.*—If a motor carrier (other than a motor carrier providing transportation of household goods) subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title has authority to provide transportation as both a motor common carrier and a motor contract carrier and a dispute arises as to whether certain transportation is provided in its common carrier or contract carrier capacity and the parties are not able to resolve the dispute consensually, the Commission shall have jurisdiction to, and shall, resolve the dispute."

SEC. 9. LIMITATION ON STATUTORY CONSTRUCTION.

"Nothing in this Act (including any amendment made by this Act) shall be construed as limiting or otherwise affecting application of title 11, United States Code, relating to bankruptcy; title 28, United States Code, relating to the jurisdiction of the courts of the United States (including bankruptcy courts); or the Employee Retirement Income Security Act of 1974.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LIPINSKI. Mr. Speaker, I would like to know if the gentleman from Wisconsin [Mr. PETRI] is opposed to this piece of legislation.

Mr. PETRI. Mr. Speaker, I am not. It is a good piece of legislation.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. MINETA. Mr. Speaker, it is my understanding that the gentleman from Illinois is opposed to the bill and that the gentleman from Wisconsin is not.

However, I am trying to provide equal treatment to all.

In order to do that, I ask unanimous consent that the debate time on the bill be as follows: 20 minutes to be controlled by the gentleman from Illinois [Mr. LIPINSKI]; 20 minutes to be controlled by the gentleman from Wisconsin [Mr. PETRI]; and 20 minutes to be controlled by the gentleman from West Virginia [Mr. RAHALL].

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. LIPINSKI] will be recognized for 20 minutes, the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes, and the gentleman from West Virginia [Mr. RAHALL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on H.R. 2121, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2121 seeks to resolve disputes over the validity of the rates paid by shippers for motor carrier transportation services.

This dispute is framed within the context of efforts by the trustees of failed trucking companies to collect from shippers amounts arising out of the rate that was actually paid, and what is alleged to have been the applicable legal rate.

This bill does this by providing for a procedure under which claims involving less-than-truckload shipments

could be settled at 20 percent of the original claimed amount, and 15 percent for claims involving truckload shipments.

The bill would also provide complete amnesty from claims pending against small businesses, charitable organizations, and scrap recyclers. In addition, provision is made for claims pending against public warehousemen to be settled at 5 percent of the claimed amount.

It is also important to note that the bill, as amended by the committee, prohibits previously settled claims from being reopened and adjudicated under the settlement procedures in the bill.

On other matters, the bill reaffirms that the carrier cost-based factors set forth in section 10701(e) be used to determine rate reasonableness, except with respect to undercharge claims that are the subject of the bill.

And finally, H.R. 2121 includes provisions relating to contracts, off bill discounting, and range tariffs.

Mr. Speaker, it is extremely important, in the view of this gentleman from West Virginia, that any legislation dealing with the pending issue equitably treat those men and women who have been denied their back wages and whose pensions are in jeopardy as a result of trucking company bankruptcies.

I believe that the version of H.R. 2121 approved by the committee is more reflective of these concerns, and is deserving of our support.

In this regard, I want to express my deep appreciation to the chairman of the Committee on Public Works and Transportation, NORM MINETA, for his diligence and flexibility in meeting some of the concerns I originally had with this legislation.

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

□ 1440

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER], our esteemed colleague and the ranking Republican on the full committee.

Mr. SHUSTER. Mr. Speaker, I rise in strong support of H.R. 2121, the Negotiated Rates Act of 1993.

Today, we are considering one of the most important and critical issues facing businesses in America today. It has already affected the lives and economic health of hundreds of thousands of American companies, it has stifled our economy and caused the failure of many businesses and the loss of jobs. The evil force causing all this havoc is the undercharge crisis. And today, this House will do something about it.

I would like to extend my thanks to the leadership of the Public Works and Transportation Committee; Chairman NORM MINETA, subcommittee Chairman

NICK RAHALL and ranking minority subcommittee member TOM PETRI for their hard work and dedication to bringing this bill to the floor this year.

Quite simply, the undercharge crisis has been caused by certain trustees of bankrupt trucking companies repudiating the trucking company's own rates for past transportation services, and then trying to benefit from this unseemly conduct in a bankruptcy proceeding.

I would like to give you an example of what has been happening to thousands of American companies and why so many feel so injured and outraged about this issue. I am sure that every single one of you has stacks of letters in your offices with stories every bit as shocking as the one I'm about to describe.

A small wholesale mom-and-pop carpet distributor with only six employees shipped carpet at a rate of 16 cents per yard—exactly the price they had agreed upon with the trucking firm hired to deliver it. The carpet was delivered, they paid the bill. End of story. Right?

Wrong. Two years later the trucker went bankrupt and the trustee who was appointed for the firm found a higher charge for the shipment—a lot higher. This small firm, the kind that makes up the backbone of the American economy, was sued for \$16,892 in undercharges for one small shipment. That made the freight charge \$32 per yard for carpet that costs \$1.79 to \$6.99 per yard at the retail level. That amounts to more than a 20,000-percent increase.

The unscrupulous bankruptcy trustees of these carriers have gone after both Fortune 500 companies and the corner druggist alike. There are even cases where they have sued charities and religious groups, even nuns. Virtually no stone has been left unturned in their search for dollars.

Besides the broken lives and dreams of the people who have been forced out of business or lost their jobs because of this situation, there is a cost to all of us. The value of all potential undercharge claims that could be pursued is estimated to be close to \$32 billion dollars. That's four times the cost of Desert Storm.

That money could do a lot of good for the American economy. Because it's already in the checking accounts of so many businesses, it could be used to make investments and create new jobs. As William Tucker of the Tucker Co. said at hearings before the Public Works and Transportation Committee last year after having spent \$22,000 to fight an undercharge claim:

That's \$22,000 of capital which will never be spent by my firm to hire people, expand our markets, buy a computer, serve a shipper or carrier, or move a pound of freight.

As it is, the money is simply being set aside to pay for administrative costs, legal expenses, and payments to

collection agents and trustees. And make no mistake my friends, it is the lawyers and collection agents who are benefiting from this scheme, not employees of these former trucking companies and their pension funds, which some have alleged. From testimony at hearings our committee has held on this issue and a recent GAO study, we know that anywhere from up to 80 percent of undercharge claims already collected have gone to these parties.

I found this situation so incomprehensible and outrageous that I introduced legislation, H.R. 1710, which would wipe out all of these claims permanently. I continue to believe that this is the only truly fair solution to this problem. However, after many discussions with the chairman of our committee and my good friend, NORM MINETA, I became convinced that H.R. 2121 represented the only resolution we could politically achieve and so, in the spirit of compromise, I became an original cosponsor of that bill in May of this year.

Subsequently, the committee adopted an amendment in the nature of a substitute offered by subcommittee Chairman RAHALL which made some changes from the introduced bill. The bill as reported represents a delicate balance of all interested parties with concerns about this issue. We must preserve that balance in order to achieve resolution of this issue this year. Though I would like to make it clear that I would still prefer my bill or the original H.R. 2121 as introduced, I support the bill we are considering today wholeheartedly. The reason is because it represents the best chance we have of achieving a long needed end to this festering problem.

I would like to comment on one section of the bill in particular. The amendment to section 9 of H.R. 2121 in the motion to suspend clarifies the committee's intention that H.R. 2121 does not affect the jurisdiction of the courts of the United States, including bankruptcy courts, to determine any matter regarding a bankrupt carrier, other than determinations statutorily required by H.R. 2121 to be resolved by the ICC. The obligation of the court or bankruptcy court to refer any of these determinations to the ICC in accordance with this statute is mandatory and not discretionary. The committee intends in section 9 that the courts in which the bankrupt carrier's estate is being adjudicated should continue to make all other determinations necessary to fully and finally wind up a bankrupt carrier's estate proceedings.

I will say to my colleagues that in all my years in Congress, I have not encountered a more inequitable situation as this one where honest, hardworking companies are being gouged by overzealous bankruptcy trustees through a simple loophole in the law. What

makes the inequity all the more abominable is the fact that the party extorting payments from innocent victims is the successor to the same party which violated the law in the first place. In recent suits, these carrier's representatives are even trying to disavow rates which were legally filed, but are alleged to have some sort of technical problem. The creativity of these trustees to extract money from innocent victims appears endless.

Today marks a historic step in the long journey to resolving this problem. The House of Representatives will finally speak on behalf of thousands of Americans held economic hostage. Let us take action and resolve this crisis once and for all by passing this legislation today.

I urge all of my colleagues to do the right thing for America and support this bill.

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

Mr. Speaker, I would like to start off by saying that I appreciate all the work, all the energy that the chairman, the gentleman from California [Mr. MINETA], the gentleman from Pennsylvania [Mr. SHUSTER], ranking member of the full committee, and the chairman of the subcommittee, the gentleman from West Virginia [Mr. RAHALL], and the ranking minority member of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], have put into this piece of legislation.

Mr. Speaker, the gentleman from Pennsylvania [Mr. SHUSTER] mentioned that the figure is \$32 billion that is held in a great deal of dispute by people on my side of this issue. We maintain that the figure is closer to \$2 billion only. The gentleman from Pennsylvania [Mr. SHUSTER] also mentioned suing charity organizations and religious organizations. Fortunately, this piece of legislation would not allow that to happen. That was part of the bill that I introduced pertaining to this situation.

Mr. Speaker, I rise in strong opposition to H.R. 2121, the Negotiated Rates Act of 1993.

This bill was intended to be a compromise between the concerns of shippers and the former workers of bankrupt motor carriers. The supporters of H.R. 2121 maintain that it is a fair compromise, but I maintain that it is nothing of the sort.

Mr. Speaker, undercharges are the result of unfiled negotiated rates of a bankrupt carrier. Following the financial collapse and eventual bankruptcy of a trucking company, employees are forced to try to collect unpaid wages, pension benefits, and health and welfare contributions from the estates of their bankrupt employer.

Without undercharge settlements, these hardworking men and women will never get what is due to them.

The language in H.R. 2121 provides for settlement of undercharge claims

at rates varying from 20 to 5 cents on the dollar. However, section 2(e) of the bill wipes out the majority of undercharge claims.

The bill effectively eliminates 90 to 95 percent of all undercharge claims. This constitutes forgiveness of millions of dollars of liability owed by large Fortune 500 companies.

I believe that H.R. 2121 should be a real compromise which recognizes the legitimate interests of all parties. By eliminating the vast majority of claims, we reject the interests of employees and their pension and health and welfare funds whose only hope of collecting the money owed to them is the recovery of undercharges.

Mr. Speaker, I remind my colleagues that this is a critical labor vote. The International Brotherhood of Teamsters, Transportation Trades Department of the AFL-CIO and the entire AFL-CIO oppose H.R. 2121 because of its unfair treatment of the former trucking employees, many of whom are unemployed or have found jobs at lesser pay.

Mark my words, support of this legislation in its present form would be selling out the American worker.

Last week, along with some of my colleagues, I requested that this bill be removed from the Suspension Calendar. This is not an uncontroversial bill. It does not belong on this floor without the opportunity for amendments.

Mr. Speaker, I strongly urge my colleagues to defeat the motion to suspend the rules. American workers are counting on all of us in this Chamber. Let us not sell them short. Please oppose this bill.

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

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BORSKI], the distinguished chairman of the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation.

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

Mr. Speaker, I wish to express my support for H.R. 2121 as a reasonable and fair way to resolve the undercharges situation which has lasted for far too long.

It is time for Congress to take action to eliminate the cloud which has hung over virtually thousands of businesses that have contracted to ship goods in a good-faith manner.

After making these agreements in the normal business fashion, these businesses then find out they are liable for charges of much more than the amount to which they agreed.

H.R. 2121 establishes a procedure for resolving these claims and a set percentage that businesses can pay as a compromise. Small shipments would require a payment of 20 percent of the difference while large shipments would require 15 percent of the difference.

It is important to note that those settlements that have already been concluded cannot be reopened. Those claims that have been paid will stand as decided.

H.R. 2121 is truly a compromise to resolve a situation in which the shippers lost and the employees of the bankrupt trucking companies were losers as well. The only winners were those few lawyers who understood the very complicated rate filing and undercharge situation.

I commend the chairman, the gentleman from California [Mr. MINETA] and the chairman of the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation, the gentleman from West Virginia [Mr. RAHALL], as well as the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], and the gentleman from Wisconsin [Mr. PETRI] for their work on this very complicated legislation. I urge passage of H.R. 2121 so the businesses of America will understand that Congress can act to resolve unfair and unjust situations.

The committee has developed a good bill that will help eliminate a \$32 billion problem facing the Nation's businesses and it deserves to be approved.

□ 1450

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

Mr. Speaker, I rise in strong support of this legislation, H.R. 2121, the Negotiated Rates Act of 1993.

This legislation will end a long and troubled chapter in transportation history. Today we will finally put an end to the freight undercharges crisis which has had a devastating effect on businesses, large and small, nonprofit organizations, and the American economy.

I want to thank my colleagues on the Public Works and Transportation Committee for their efforts to shepherd this bill through the committee and to the floor today. Chairman NORM MINETA, subcommittee chairman, NICK RAHALL, and ranking minority member BUD SHUSTER have all provided strong leadership to ensure that the Congress addressed this crisis responsibly this year. I would also like to thank the shipping community for their many years of hard work and effort to resolve this problem.

The bill before us will provide various alternatives for shippers to resolve undercharge claims brought against them by representatives of bankrupt motor carriers. Frankly, I would have preferred to see more generous relief offered to shippers along the lines of Congressman SHUSTER's bill, H.R. 1710, which I have also cosponsored. However, in the interest of compromise and of achieving a resolution, I am lending my full measure of support for H.R. 2121.

I would like to comment on one section of the bill in particular. The

amendment to section 9 of H.R. 2121 in the motion to suspend clarifies the committee's intention that H.R. 2121 does not affect the jurisdiction of the courts of the United States, including bankruptcy courts, to determine any matter regarding a bankrupt carrier, other than determinations statutorily required by H.R. 2121 to be resolved by the ICC. The obligation of the court or bankruptcy court to refer any of these determinations to the ICC in accordance with this statute is mandatory and not discretionary. The committee intends in section 9 that the court in which the bankrupt carrier's estate is being adjudicated should continue to make all other determinations necessary to fully and finally wind up a bankrupt carrier's estate proceedings.

We are all very familiar with the many undercharge horror stories that plague our American businesses. I am especially concerned about the impact this problem has had on small businesses, many of which have faced economic ruin as a result of these claims.

It is imperative that we take action now to relieve these businesses of a heavy burden. I urge all of my colleagues to vigorously support this bill.

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

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

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I know that the supporters of this legislation, and the subcommittee chairman, and my full committee chairman have sought a fair and reasonable accommodation of the dispute over undercharge claims brought by trustees of bankrupt motor carriers. My own criteria for fairness would say that it must allow for some collection of undercharges so that the former employees of these bankrupt carriers can recover at least some of the back wages, severance, and vacation pay owed them, and unpaid contributions to pension and health and welfare plans. In most cases, undercharges are the only assets available to pay the debts owed to former employees and their pension funds.

Unfortunately, as currently drafted, H.R. 2121 has two critical defects. Most significant is that section 2(e) of the bill effectively eliminates all undercharge claims on shipments moving before September 30, 1990, thereby overruling the Supreme Court's *Maizlin* decision. Consequently, the bill will effectively deny recovery on thousands of claims filed in bankruptcy proceedings by former employees of motor carriers for underpaid wages, pensions, and related matters.

In addition, the bill's settlement percentages preclude the trustees of bankrupt motor carriers from recovering an

adequate portion of the disputed undercharge claims to pay employee-related claims. Large and wealthy shippers are afforded significant relief at the expense of working people.

Over the past dozen years, hundreds of thousands of good paying jobs in the trucking industry have been lost. It should be the goal of this Congress to assist these displaced workers only in securing meaningful and productive employment, but also in recovering the debts owed them for years of dedicated service.

I ask my colleagues to reject H.R. 2121, return the bill to committee for a truly fair and reasonable resolution of the undercharge problem.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Surface Transportation for yielding me this time. I rise in strong support of H.R. 2121, the Negotiated Rates Act, and I would like to commend Chairman MINETA and Chairman RAHALL and the distinguished ranking members of the committee for this bipartisan measure that does address the undercharge issue. This is an issue that has created great business uncertainty and economic inefficiency all across the country, and I think we are better off to move very quickly and expeditiously on this matter. And I congratulate the committee again for that.

We do not need to leave this matter to fester in the courts for years and years or to fester before the bankruptcy courts or to wait on the Interstate Commerce Commission to issue its ruling. The resolution of this problem is in the best interests of this country.

I would now like to engage the chairman of the Subcommittee on Surface Transportation in a colloquy.

Mr. RAHALL. Mr. Speaker, if the gentleman will yield, I am happy to engage in a colloquy with my friend, the gentleman from Alabama, who is a member of the Committee on Public Works and Transportation.

Mr. CRAMER. Mr. Speaker, it is my understanding that H.R. 2121 provides that shippers of recyclable materials, as defined in section 10733, will not be liable for the difference between a motor carrier's applicable and effective tariff rate and the rate originally billed and paid. Is that correct?

Mr. RAHALL. Yes, that is correct.

Mr. CRAMER. It is also my understanding that section 10733 defines recyclable materials as waste products for recycling or reuse in the furtherance of recognized pollution control programs and that examples of such material are metal, paper, plastic, glass, or textiles that are diverted, collected, stored, sorted, shredded, sheared, baled, chipped, separated, or

sized for use in making new products. Is this correct?

Mr. RAHALL. The gentleman is correct, that is the intent of the provisions of H.R. 2121 regarding recyclables.

Mr. CRAMER. I thank the chairman. That is quite a mouthful, but you have added great clarity to this.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from Arkansas, Mr. TIM HUTCHINSON.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 2121, which represents the culmination of months of bipartisan work on a controversial subject.

I have probably been contacted by more constituents in my district on this issue than on any other subject that has come before the Surface Transportation Subcommittee. I have heard phrases like patently unfair, a violation of signed agreements, to describe the situation these companies face as a result of the improper filings of bankrupt carriers.

I might also point out the majority of the companies receiving these back bills are small businesses. Some opportunistic collection agencies have seen the death of small carriers as a chance to produce considerable revenue at the expense of innocent shippers who relied in good faith on carrier representations as to their applicable rates. Because those rates were the prevailing rates in the marketplace and the same as those of viable and profitable carriers, there was no reason to question their validity.

Bankruptcy trustees have retained the collection agencies at no risk and at no cost, only to guarantee a percentage of what has been recovered. Collection agencies have filed tens of thousands of lawsuits alleging that shippers are liable for rates often twice as high as those the bankrupt carriers quoted, billed, and accepted as payment in full for their services.

The threat of undercharge claims is like a cancer in the transportation industry and discourages shippers from using common carriers in order to avoid potential liability. It also burdens the economy with millions of dollars in litigation costs.

If the money and energy now being absorbed by the defense of undercharge claims could be redirected into more productive channels, it would do much in itself to stimulate the economy, and moreover, would do so without any cost to the taxpayers.

Mr. Speaker, I am proud to be a co-sponsor of this legislation and I commend Chairmen MINETA and RAHALL, as well as Mr. SHUSTER and Mr. PETRI for their leadership on this measure. I encourage my colleagues to support H.R. 2121.

□ 1500

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the second-ranking member of the Committee on Public Works and Transportation and the chairman of the Subcommittee on Aviation.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the legislation before us is an attempt to resolve the very complex problem resulting from a practice that everyone recognizes is reprehensible, should never have been permitted, but which took place, caused by unfiled negotiated rates that resulted in undercharges.

Thousands of lawsuits have been filed around the country against shippers by the trustees of bankrupt carriers to recover those undercharges. This legislation attempts to deal with and untangle this very complex problem, and it does so very well from the standpoint of the shippers, from the standpoint of the big carriers, but it does not do very much, if anything at all, for the employees, the truck drivers. There is no way for them to recover back wages, severance and vacation pay, unpaid contributions to their pension and health and welfare plans.

That is my objection to this legislation.

Now, these undercharges were the result of shippers paying carriers rates below the legally required and filed tariff. Those rates were sharply discounted, an illegal practice, and that practice contributed in significant part to the instability of the industry and to the very large fallout of independent and even common-carrier trucking companies.

The bankruptcies have proliferated across this country, but when it came to filing claims, the shippers did very well. They filed claims and have been successful, but when the employees came to file claims for unpaid wages, unpaid health benefits, unpaid welfare contributions, which total in the millions of dollars, they were told to go to the back of the line; there is no provision for them. This legislation does not deal with that aspect of the trucking undercharge issue.

The legislation that the gentleman from Illinois has introduced does, in fact, deal with this problem, and I say very responsibly. The gentleman provides, in his legislation, H.R. 2020, for relief for the shippers of very significant amounts of liability. Bankrupt carriers can recover, but they will be able to recover enough money to enable them to pay the significant claims of former employees for their pension funds and their health and welfare and other benefits that I cited a moment ago.

We should not be enacting one-sided legislation that comes down in favor of

only one, or largely in favor of only one, class of interests. H.R. 2121 effectively eliminates any possibility of former employees of bankrupt carriers from recovering any portion of their claims in bankruptcy for back pay, severance, vacation, health and welfare and benefit claims.

I think we ought to scuttle this legislation, and we ought to come back with the legislation that the gentleman from Illinois has, I think, so very wisely and, I thought, very persuasively advocated in committee, and that would be legislation that I could very happily support.

I cannot support legislation that throws away the workers, that leaves them aside and does not give them a fair chance. We should not be a party to such consequences in legislation.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman very much for his remarks.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Speaker, I rise in support of H.R. 2121, and I certainly want to compliment the chairman of our committee, in fact, the entire leadership of my committee, for working so hard to resolve this complex problem that our committee has been faced with.

The chairman, the gentleman from California [Mr. MINETA], the ranking Republican on the committee, the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the subcommittee, the gentleman from West Virginia [Mr. RAHALL], and the ranking minority member, the gentleman from Wisconsin [Mr. PETRI], have given great leadership on this most unfortunate problem.

Debate on the freight undercharge issue has been going on for over 5 years. In fact, in the last 2 years, our committee has held 4 full days of hearings trying to find solutions to these complex problems.

Most businesses use for-hire freight carriers to ship their products, and it is a common practice for shippers and carriers to negotiate rates for freight transportation services.

Under current law, a carrier is responsible for filing the negotiated rate with the Interstate Commerce Commission. Unfortunately, some carriers failed to comply with the law by not filing the quoted rate, a fact often unknown to the shippers.

Over the past decade, many of these carriers have filed bankruptcy, and their States have filed claims for the difference between the quoted negotiated rate and the higher rate that the carrier had on file with the Interstate Commerce Commission.

To understand the position these businesses now find themselves in, imagine receiving a bill from an airline carrier who had gone into bankruptcy,

and you being billed for the difference between the discounted ticket that you had previously purchased and the full price that the airline carried on its books.

The potential liability to American business is estimated at more than \$32 billion, roughly \$133 for every man, woman, and child, or four times the cost of Operation Desert Shield-Desert Storm.

The Negotiated Rates Act of 1993 provides a fair and equitable approach to solving this crisis by providing procedures under which shippers can settle undercharged claims in an expeditious manner, and perhaps most importantly, it will minimize the legal and administrative costs that are siphoned away in the litigation of these claims in the courts and before the Interstate Commerce Commission.

I urge my colleagues to vote in support of H.R. 2121, and certainly appreciate the leadership given on this issue by the leaders of our committee.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is simply a matter of common sense.

H.R. 2121, the Negotiated Rates Act of 1993, tries to make some sense out of bankruptcy proceedings which would seek to lay on small employers across this country liabilities for shipments they have long since concluded and forgotten about.

The very real impact of bankruptcy estate actions attempting to reach in this foul fashion into the pockets of these small employers would be to bankrupt the small employers. That does not advance any social purpose for unfunded workers' pensions or anything else.

Just look at some of these very real-life examples across the face of North Dakota: Hansen's Furniture, a small family owned furniture business, \$69,000 sought from a bankrupt estate out of North Carolina; Schroeder's Furniture, Langdon, ND; Ron Brown Furniture, Mandan, ND, \$13,000 unpaid obligation; Jerry's Furniture in Dickinson, ND, \$17,000; and a Toeiefson Furniture in Minot, \$5,500.

And so it continues. These are small businesses who are working in small towns on the thinnest of margins, and for them to have to face these obligations simply is not fair, and it is not within the reach of their ability to meet these charges.

I am concerned, very concerned, about workers with unpaid obligations from these now-defunct trucking operations, but knowing what I know about bankruptcy actions, I think it is a whole lot more likely that these unpaid charges are going to find their

way into the pockets of bankruptcy lawyers and not meeting the pension obligations of the workers that we are so concerned about.

□ 1510

So for these reasons and the very real interests of the small employers I have mentioned and thousands of others across this country, I ask for support of this resolution and enactment of this bill.

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

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

Mr. Speaker, there has been an awful lot of talk here about money going to attorneys, and I have some information here from two of the trustees that is supported by Teamster testimony and documentation before the subcommittee; also, an August 1993 GAO report.

The letters that I have are from the trustees of the two largest bankruptcies, Transcon and PIE, which show that, first, moneys have gone to pay employees' wages and pension claims; second, administrative and professional fees paid or to be paid are reasonable and entirely consistent with or better than the amounts typically paid in collection cases; third, future undercharge collections will unquestionably be used to make payments to former employees.

It is also clear that H.R. 2121 in its present form will result in the elimination of a large percentage of undercharge claims so that no payments to employees or their pension funds will be possible. As I say, these letters are supported by testimony of the Teamsters before the subcommittee and also the August 1993 GAO report on undercharges.

The GAO report shows, first, the legal and audit fees associated with undercharge collections are approximately 44 percent of the amount recovered. Given the amount of litigation and the risk of noncollection, these fees are not unreasonable. Clearly, the amount of such fees will be substantially reduced with the enactment of legislation which eliminates much of the uncertainty regarding these claims. That is in the GAO report, table 1.6.

In addition, trustees for PIE have indicated that audit and legal fees for his estate are currently at 27 percent and will likely not pass 30 percent by the time it is all over.

Second, undercharges represent a sizable portion of the distributions made to date. The table in the GAO report, 3.2, indicates that 32.1 percent of distribution to creditors is from undercharges. This percentage will drastically increase in the future because undercharges represent the only remaining assets in most bankruptcy claims.

Third, the total value of all undercharge claims sought is approximately \$1.2 billion. Approximately \$984 million of that amount is outstanding. GAO report table 1.1 and 1.2: While this certainly is a large figure, it is far, far, far below the \$32 billion that the ICC claims as being sought in undercharges.

I just thought I would like to try to clear up some of these legal expenses that have been talked about here on the floor.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). The gentleman from West Virginia [Mr. RAHALL] has 9 minutes remaining, the gentleman from Illinois [Mr. LIPINSKI] has 7 minutes remaining, and the gentleman from Wisconsin [Mr. PETRI] has yielded back the balance of his time.

Mr. PETRI. Mr. Speaker, I ask unanimous consent if I may reclaim the balance of the time which I yielded. I have had additional requests for time.

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

Mr. LIPINSKI. I object, Mr. Speaker. The SPEAKER pro tempore. Objection is heard.

Mr. LIPINSKI. Mr. Speaker, on the basis of the request of my full committee chairman, the gentleman from California [Mr. MINETA], I withdraw my objection.

The SPEAKER pro tempore. The gentleman from Illinois withdraws his objection.

Mr. PETRI. Mr. Speaker, I renew my request.

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

There was no objection.

The SPEAKER pro tempore. There being no objection to the request, the gentleman from Wisconsin [Mr. PETRI] has 10 minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. VALENTINE], a very valued member of our Committee on Public Works and Transportation.

Mr. VALENTINE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 2121, the Negotiated Rates Act of 1993, and suggest to the membership that the situation that brought us in the Congress to a necessity to introduce this legislation indicates that what we should be about is the reform of the Bankruptcy Code in this country.

The freight undercharge crisis is having a chilling effect on thousands of small businesses who are unable to make investment decisions or expand their hiring until it is resolved.

H.R. 2121 provides a fair and equitable approach to solving this crisis by providing procedures under which shippers can settle undercharge claims in an expeditious manner. It would pro-

vide specified settlement procedures the company could use if they wanted to avoid protracted litigation and it would provide a new defense against these claims if they chose to contest them.

I urge my colleagues to support H.R. 2121. It is sorely needed.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to my distinguished chairman, the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to respond to a couple of concerns that were raised by the distinguished gentleman from Illinois [Mr. LIPINSKI] in his earlier statement. Let me commend the gentleman from Illinois for his concerns on this issue that are concerns we shared initially together, and I appreciate his valiant efforts. However, I would like to say to him that an issue he raised earlier on in his statement was one in which I said I had an original concern as well. However, based upon new information we received, I would like to state to my friend that section 2(e) of the bill would not wipe out, contrary to his concern, would not wipe out 90 to 95 percent of all undercharge claims as some have alleged.

Section 2(e) deals only with negotiated rate claims. It has nothing to do with the other types of undercharge claims. Only a minority of all undercharge claims are negotiated rate claims as opposed to coded rate claims or disputes over contract and common carriage.

Let me cite two examples: PIE and Transcon, which are the two largest bankrupt trucking companies and have initial undercharge claims that account for more than 40 percent of the total initial claim value of all bankrupt carriers.

Seventy-seven percent of PIE's claims relate to coded rates, not negotiated rates. That means more than three-fourths of PIE's claims are unaffected by section 2(e).

Only 30 percent of Transcon's claims relate to negotiated rates, not 90 percent. More broadly, ICC estimated that no more than 5 percent of all undercharge claims, not just those of PIE and Transcon, relate to negotiated rates. These data alone clearly show that section 2(e) would not wipe out 90 to 95 percent of all undercharge claims. Quite the contrary, section 2(e) would likely affect only a small minority of all claims.

There is another compelling reason why section 2(e) would have only minimal impact, and that is that this bill prohibits reopening claims that are already settled, a provision which I added to the substitute amendment in full committee, and those previously adjudicated claims are locked in, the average settlement has been around 30 percent. So this legislation assures

that they cannot be reopened under any cases except of course where fraud is shown. I appreciate the gentleman from Illinois' work and his concerns. I believe we have addressed them in my bill.

Mr. PETRI. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. PETE GEREN.

Mr. PETE GEREN of Texas. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, as a member of the Public Works and Transportation Committee and a cosponsor of H.R. 2121, I rise in strong support of this legislation and in opposition to the position taken by my good friend the gentleman from Illinois [Mr. LIPINSKI], and urge my colleagues to do the same.

The legislation before us represents a compromise that is due in large part to the untiring efforts of Chairman MINETA of the full Public Works and Transportation Committee, Chairman RAHALL of the Surface Transportation Subcommittee, and Mr. SHUSTER, the ranking member of the committee.

Mr. Speaker, the undercharge issue has been with us for far too long and it is about time that we take the necessary steps to bring about its end. This legislation represents a compromise that takes into account the interests of all parties concerned and establishes an equitable procedure for settling claims by bankrupt trucking companies or their creditors. Because this is a compromise, no party got everything they wanted. That is the nature of any compromise. But I am convinced that the compromise that was reached in this legislation is the best that we could ever expect given the controversy surrounding this issue.

Mr. Speaker, among its merits, this is a vote for small business.

I urge all of my colleagues to take this long overdue action and support this legislation.

□ 1520

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL], a member of the committee.

Mr. BLACKWELL. Mr. Speaker, I rise in opposition to H.R. 2121, the Negotiated Rates Act of 1993. The bill will deny former trucking company employees important benefits they have earned.

This bill seeks to eliminate hundreds of millions of dollars in liabilities owed to the estates of bankrupt trucking companies.

As a result, however, the claims that have been filed by former employees, including their pension, health and welfare funds will be eliminated as well.

Shippers of cargo, over time, violated long-standing requirements of the Interstate Commerce Act, by failing to pay filed tariff rates. Instead, pref-

erential rates were paid, often below the carriers' costs.

Because of this system, many carriers went bankrupt. Former employees of these companies are owed back pay, severance, vacation pay as well as pension, health and welfare funds.

None of these debts owed to the former employees will be paid under H.R. 2121, in its current form.

With so much at stake, Mr. Speaker, this bill should not be on the Suspension Calendar. More and careful thought should be given to its content.

This bill is unfair and should be defeated and returned to committee.

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

I would like to comment on a few things that the gentleman from West Virginia [Mr. RAHALL] had to say. I appreciate the work the gentleman from West Virginia [Mr. RAHALL] has done on this bill. I know he has spent a tremendous amount of time on this bill and I know that he has agonized over this compromise greatly.

I simply would like to say that I do not know where the latest information that he received came from. I am sure the gentleman would be happy to supply me with that information. I do not know where it came from. I have great doubts about it at the present time.

If section 2(e) affects this piece of legislation in such a small way, I strongly suggest we just remove it from this legislation and this legislation would gain a great deal more support.

Also, this piece of legislation as it came out of the Senate does not have the section 2(e) in it. So if we were to remove section 2(e) in this bill, it would certainly be more in line with the Senate bill.

Mr. Speaker, we have all said this is an extremely difficult bill. There is no question about that, but because it is such an extremely difficult bill, No. 1, it should not be on the Suspension Calendar. There should be an opportunity for people to put forth amendments to this. There were amendments put forth in the full committee. They were defeated, but I honestly believe that they had a significant amount of support. Those amendments and perhaps some other amendments should be put forth on this House floor.

This is a bill that is opposed by the International Teamsters Union. It is a bill that is opposed by the entire AFL-CIO. It is a bill that is enormously important to labor.

Anyone who is going to vote "no" Tuesday on NAFTA should give great thought and consideration to voting "no" today on this bill, because this bill also affects the American working men and women very, very significantly.

So, Mr. Speaker, I ask my colleague to vote for the American men and women. Vote no on this suspension.

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

Mr. PETRI. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, just to conclude on this side, is H.R. 2121 a perfect bill? No, it is not. It does not represent a perfect piece of effort, but is it better than doing nothing, and the answer is clearly yes. It would be good for small business. It will end a lot of uncertainty. It will save a lot of money that would otherwise be wasted on legal fees and be of benefit to our country.

Therefore, I would strongly urge my colleagues to support this legislation when we vote it later this afternoon.

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

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

Mr. Speaker, again I salute our full committee chairman, the gentleman from California [Mr. MINETA], for his patience and fairness in working with me on this legislation. Because of his willingness, we have addressed a number of concerns that affect the working men and women of our country, including their wages and pension benefits.

Mr. Speaker, I yield the balance of my time to our distinguished chairman of the full committee, the gentleman from California [Mr. MINETA].

The SPEAKER pro tempore. The gentleman from California [Mr. MINETA] is recognized for 7 minutes.

Mr. MINETA. Mr. Speaker, first of all, let me say that I rise in strong support of H.R. 2121. I wish to thank the ranking Republican member, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from West Virginia [Mr. RAHALL], and the gentleman from Wisconsin [Mr. PETRI] for their work and effort on this bill.

I would also like to thank the gentleman from Illinois [Mr. LIPINSKI] for his efforts in terms of improving the work product that we have.

Mr. Speaker, there are businesses all over America, large and small, which have been put under a financial and legal cloud in the past few years by claims made against them by defunct trucking companies. The story is often the same: The trucking company negotiated a shipping rate with the business, they reached agreement, and the shipping services were performed and paid for as agreed. However, the trucking company then did not file the negotiated rate with the ICC as required by law. Months or years later, the trucking company went into bankruptcy and ceased operation, and trustees operating on behalf of the trucking company brought claims against the shipping business, on the grounds that because the trucking company had never filed the agreed to rate it was not valid. In those claims they demanded the difference between the agreed to rate and whatever rate was on file.

In the case of small businesses, or of any business which relied routinely on

a particular trucking company to ship its products and materials, the undercharge claims made against them often threatened them with ruin. And in fact businesses have failed, closed their doors, and turned their employees out in the streets because they simply did not have the means to pay either these claims or the high costs of defending against them through protracted litigation.

This intolerable situation is creating a heavy drag on our Nation's economy. Current estimates of the total amount of undercharge claims range from \$2 to \$32 billion. Literally thousands of business and charitable organizations have these claims pending against them, and many more fear they will become targets of undercharge claims. Their ability to make decisions to invest in their own companies, and to expand their hiring, is often wiped out while they try to figure out whether and how to pay the claims or pay the high litigation costs of resisting those claims. They are trapped either way. And they are angry that they have been put in this impossible situation.

They had a valid agreement for the shipping services and the rate, mutually agreed to.

They lived up to their obligations under the agreement.

The trucking company had the legal obligation to file the rate once it had been agreed to.

The hard fact here is that through the trustee, the trucking company is in effect attempting to profit by reneging on its own rate agreement and by its failure to file the rate it agreed to. That is not behavior anyone should profit from, and shipping companies all over America have been justifiably outraged by it.

The risk has fallen to us to resolve the undercharge crisis and to do it in a way that is fair and allows America's businesses to resolve this issue, get it behind them with as little additional legal expense as possible, and get on with the business of investing in their companies, of becoming more competitive, and of spending their money on new hiring rather than on endless legal fees.

H.R. 2121 is the product of that effort. I want to commend the members of our committee for their efforts to sort out this difficult issue. We held our first hearing on this issue in 1990, and we have been at work on it ever since. I particularly want to commend the subcommittee chairman, NICK RAHALL, for the extra effort he has made to assure that this is a fair and equitable settlement of a difficult issue. The substitute amendment he crafted and which was adopted in subcommittee definitely accomplished that goal. We in fact now have a product which enjoys very broad support, including the support of the administration, and the shipper groups, and all the major

trucking industry organizations. Not surprisingly, the bill is now cosponsored by over 230 Members of the House.

The bill provides several different options by which these undercharge claims can be resolved.

First, it provides a settlement option of 15 or 20 percent depending on the type of shipment involved, or of 5 percent in the case of warehousemen. It further waives all claims in the case of small businesses, charitable organizations, and recyclers. Shippers may take the settlement option when they believe it to be the most expeditious and practical way to end the costly litigation in which they are now trapped.

Second, it provides shippers with the unreasonable practice defense which the ICC and five circuit courts told them they had, before the Maislin case in 1990 reversed the legal situation. This defense is only offered with respect to a transportation service provided prior to September 1990, and only with respect to negotiated rate cases. This option allows shippers to argue the unreasonable practice issue directly to the ICC in order to achieve a resolution of the case.

Third, the bill provides that potential disputes may be settled through mutual consent and that such settlement resolves any legal liability arising from the case. In some instances this will encourage voluntary settlements.

Fourth, the parties may continue on their costly litigation, as at present. It is our hope, however, that given the more expeditious and lower cost alternatives we have provided, most parties will elect one of these alternatives.

And fifth, the bill clarifies the legality and future requirements with regard to certain other fare practices—such as range rates, contract rates, and coded rates—so that these practices are not allowed to fester as an enormous source of contention as negotiated rates have.

We in the committee have paid special attention to the question of how much of these undercharge claims are ever made available to creditors and, in particular, how much is ever made available to former employees. Some have argued that payment of more claims, or higher settlements of those claims, even though burdensome on shipping companies, would be appropriate so that the additional funds would go to creditors in general and former trucking company employees in particular. Unfortunately, what we have found is that little of what is claimed in these cases goes to creditors, even less goes to former employees, and the only ones who seem to prosper from these claims are the bankruptcy lawyers, trustees, administrators, and others who live off the bankruptcy process.

The fact is, most of the money from claims already settled has gone to law-

yers and trustees for legal, collection, and administrative expenses. These types of expenses rank much higher under bankruptcy law in the priority system of estate liability distribution than do wages and pensions of former employees. In the largest cases to date, former employees can expect at most only 2 to 3 cents on each dollar claimed. Legal, collection, and administrative expenses have received far more of the funds than all former employees put together.

It is a cruel hoax by the trustees who mislead former employees into thinking that if only they could get shippers all over America to pay out enormous amounts in claim settlements, more money would come their way for wage and pension distributions. It is this dismal system of extremely paltry distributions to former employees which the bankruptcy trustees would now like to see us preserve to the fullest extent possible, claiming that doing so would be for the good of the employees.

Everyone here, myself included, would like creditors to receive more of what they are owed. We would especially like to see former employees of the bankrupt receive more of what they are owed.

But if you want to put more money into the hands of former employees, channeling more money through undercharge litigation is the worst possible way to do it.

Instead, the bankruptcy process should be reformed to give higher priority to payout to former employees. The bankruptcy process should be streamlined by emphasizing incentives for settlement so that far less of the available funds goes to those who live off the process and more goes to creditors, including former employees.

Trustees, bankruptcy lawyers, and others would not support these changes. But those are the kinds of changes that would make a real difference to the former employees.

Allowing more undercharge claims to be made against more shippers would enrich trustees, lawyers, and those who live off the bankruptcy process, would do very little for the former employees of the bankrupt companies, and would harm thousands of companies whose growth prospects and employees would suffer.

We should keep in mind that a process which loads billions of dollars of claims, legal expenses, and uncertainty on employers all over America, putting their own futures and the futures of their employees at risk, all in return for a couple of cents on the dollar for another group of employees, has harmed more employees than it has helped.

Finally, Mr. Speaker, I would note that we have made a few technical and clarifying amendments to the bill today. Among them, we are clarifying in section 9 of the bill that we do not

intend in this legislation to affect either the bankruptcy code or the jurisdiction of the bankruptcy courts, matters over which our committee does not have jurisdiction. At present, when a carrier is in bankruptcy, and when in the course of the bankruptcy proceeding an issue arises over which the ICC has particular expertise, the court typically refers that issue to the ICC pursuant to the doctrine of primary jurisdiction. The ICC decides that particular issue, and the ICC's decision is then incorporated by the court into the overall adjudication of the bankruptcy case. Nothing in this legislation would alter the current statutory framework which established the respective jurisdictions of the courts and the ICC.

In conclusion, H.R. 2121 represents a fair solution to a sorry saga in our Nation's trucking industry. It will end the wasteful litigation and dissipation of assets resulting from the charges and countercharges erupting in our business community. The controversy has been with us too long; it has cost too much, and it needs to be resolved now.

It is time to lift this burden of unnecessary cost, inefficiency, and regulatory turmoil from the backs of our businesses and their workers. Everyone involved will be better off if we can quickly and equitably resolve this dispute, rather than let it fester for years in Federal courts, bankruptcy courts, and before the ICC.

America's resources should be spent on growth and on investments in productivity and competitiveness, not on suing each other into the Stone Age. I urge my colleagues to support H.R. 2121 and to help bring this wasteful madness to an end.

COMMITTEE ON THE JUDICIARY,
Washington, DC, November 15, 1993.

Hon. NORMAN Y. MINETA,
Chairman, Committee on Public Works and Transportation, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On November 9, 1993, the Committee on Public Works and Transportation ordered reported H.R. 2121, the "Negotiated Rates Act of 1993."

As you know under Rule X of the House of Representatives, our Committee has jurisdiction over "bankruptcy" and "Federal Courts" [see Rule X, Clause 1(1)(3) & (6)]. Based on this jurisdiction, we are concerned that H.R. 2121, as currently drafted, could be construed to limit or otherwise affect application of Title 28, United States Code, relating to the jurisdiction of the courts of the United States (including bankruptcy courts). On the basis of these concerns and others, our Committee has requested sequential referral of the bill.

However, it is my understanding that as a result of staff discussions on this issue, amended language will be included in the version of H.R. 2121 to be called-up on suspension that will make it clear that nothing in the bill shall be construed as limiting or otherwise affecting application of Title 28, United States Code, relating to the jurisdiction of the courts of the United States (including bankruptcy courts).

Based on these assurances, such a change in statutory language would also create cir-

cumstances whereby the Judiciary Committee would withdraw its request for a sequential referral. This particular waiver, however, should not be construed as a relinquishment of our Committee's claim to jurisdiction on matters of this nature. We would also expect to have Members of our Committee named as Members of the Conference Committee on the legislation (on any matters within our jurisdiction).

Lastly, I would request inclusion of our exchange of correspondence on this matter in the Record during House consideration of H.R. 2121, and in any report by the Committee on Public Works and Transportation on H.R. 2121.

Sincerely,

JACK BROOKS,
Chairman.

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington DC, November 15, 1993.

Hon. JACK BROOKS,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on H.R. 2121, the "Negotiated Rates Act of 1993."

Because of your Committee's jurisdiction over Federal courts and bankruptcy, I recognize your right to request a sequential referral of H.R. 2121. However, and in accordance with your letter, I am pleased that we were able to agree on language clarifying that we do not intend in this legislation to affect either the Bankruptcy Code or the jurisdiction of the bankruptcy courts. Based on our agreement, it is my understanding that you will not pursue your request for a sequential referral.

I further recognize that in pursuing the referral, your action will in no way be construed as a waiver of any jurisdiction your Committee has relating to this issue. I will gladly include our exchange of correspondence on this matter in the Record during House consideration of H.R. 2121 and in any report by the Committee on Public Works and Transportation on H.R. 2121.

Sincerely yours,

NORMAN Y. MINETA,
Chairman.

Mr. BROOKS. Mr. Speaker, as Mr. MINETA has noted, the Committee on the Judiciary had earlier expressed concern that H.R. 2121, the Negotiated Rates Act of 1993, as ordered reported by the Committee on Public Works and Transportation, could have been construed to limit the jurisdiction of the Federal courts, including the bankruptcy courts. However, pursuant to an understanding between the Committee on the Judiciary and the Committee on Public Works and Transportation, Mr. MINETA has offered an amendment to section 9 of H.R. 2121 clarifying that nothing in the proposed act shall be construed to limit or otherwise affect the jurisdiction of the Federal courts to make determinations in bankruptcy cases and proceedings.

Under current law, the Federal courts (and the bankruptcy courts) have broad jurisdiction to make determinations in cases filed under the Bankruptcy Code. See, for example, 28 U.S.C. 157 and 1334, and Bankruptcy Rule 9019. Moreover, with regard to undercharge claims filed by bankrupt motor carriers, specific recognition has been given to the broad jurisdiction of the courts. *White v. United States*, 989 F.2d 643 (3d Cir. 1993). Despite

their broad jurisdictional authority, where time permits and pursuant to the doctrine of primary jurisdiction, the Federal courts may choose to defer to the expertise of the Interstate Commerce Commission [ICC] with respect to specific issues. See *Reiter v. Cooper*, 113 S. Ct. 1213 (1993). Once the ICC has considered the matter, the applicable Federal court, may choose to incorporate some or all of the ICC's findings into the overall adjudication of the bankruptcy case.

The current procedure permits the Federal courts to assure the timely and fair administration and adjudication of bankruptcy cases. Pursuant to changed language of section 9 of the act from the language reported from the Public Works Committee, the Federal courts including the bankruptcy courts, will continue to have jurisdiction to make determinations in connection with motor carrier undercharge claims and related issues where the motor carrier has sought the protection of the Bankruptcy Code. As a result of this provision, in the event of a bankruptcy filing, reference in the act to resolution by, determinations by, and review and approval by the Commission shall be subject to the original jurisdiction of the Federal courts pursuant to 28 U.S.C. 157 and 1334.

Mr. BALLENGER. Mr. Speaker, I rise in support of the Negotiated Rates Act of 1993 (H.R. 2121).

On June 10, I became a cosponsor of H.R. 2121, which would amend title 49 of the United States Code relating to procedures for resolving claims involving unfilled and negotiated transportation rates. I strongly support this legislation and would like to publicly thank Chairman NORMAN MINETA for introducing this important legislation and for ushering it through the Public Works and Transportation Committee.

When I was elected to Congress in 1986, I stepped aside as president of my family's manufacturing company in Hickory, NC, and relinquished all control of day-to-day activities; however, I have remained on as chairman of the board of directors. Some time ago, I was informed that my company, like many across the country, has \$18,000 in undercharge claims pending against it. This figure has since increased to \$81,000. Without enactment of legislation to correct this abuse, we had no choice but to seek legal counsel.

During the 102d Congress, long before I had any knowledge of my own company's predicament, this matter was brought to my attention. I agreed then that an inequity existed that needed to be addressed, and cosponsored legislation (H.R. 3243) to fix this problem. However, opposition from the labor unions essentially killed any chances of this bill being considered. Similar legislation, the Negotiated Rates Equity Act of 1991 (S. 1675), died at the end of the last session. It has been reported that the Interstate Commerce Commission [ICC] estimates the total freight undercharge claims against companies like mine to be \$27 billion.

I urge my colleagues to pass H.R. 2121 and end this unnecessary attack on American business.

Mr. KYL. Mr. Speaker, as a cosponsor of H.R. 2121, the Negotiated Rates Act, I rise in support of this bill.

Mr. Speaker, this legislation finally resolves a problem that has gone unresolved for far too long, threatening many small businesses with economic calamity.

Small businesses, and some large businesses too, had negotiated in good faith, in some cases many years ago, for discounted rates with trucking companies. Small businesses in Arizona, like Copperstate Automotive Products, Pruitt's Fine Home Furnishings, Sun Control Tile, Bea's Lamps, and Interstate Lumber to name just a few, negotiated special rates, received the agreed-upon services, and faithfully paid their bills—in full and on time.

The problem? Before filing those negotiated rates with the Interstate Commerce Commission [ICC], some trucking companies went bankrupt. And in 1990, the U.S. Supreme Court, in the case of *Maislin v. Primary Steel, Inc.*, ruled that, although unfair, current law allows the bankrupt carriers to collect, from their former customers, the difference between the negotiated rate and the ICC-filed trucking rate.

For many small businesses, the undercharge claims are significant. Some will have difficulty paying the additional fees without risking bankruptcy themselves. Others may choose to litigate. But, in either event, they are faced with charges in excess of those mutually agreed upon prior to services being rendered—and long after the original bills had been paid.

Frankly, I do not believe any additional liability, above and beyond the original negotiated rates, should be imposed on shippers who now find themselves caught in the middle. But, many small businessmen and women have nevertheless urged support for this bill as a compromise; as the best chance of resolving this problem in the near term.

The Negotiated Rates Act provides a mechanism to resolve such undercharge claims. On shipments of 10,000 pounds or less, a person can elect to satisfy the claim by paying 15 percent of the difference between the filed and the negotiated rates. For shipments over 10,000 pounds, the rate is 10 percent. And, for small businesses and charitable organizations, the rate is 5 percent.

Mr. Speaker, I urge my colleagues to do what is right and fair and support this legislation so that the President can sign it before the year is out.

□ 1530

The SPEAKER pro tempore (Mr. MONTGOMERY). All time has expired.

The question is on the motion offered by the gentleman from West Virginia [Mr. RAHALL] that the House suspend the rules and pass the bill, H.R. 2121, as amended.

The question was taken.

Mr. LIPINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1993

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2884) to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2884

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "School-to-Work Opportunities Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes and congressional intent.
- Sec. 4. Definitions.
- Sec. 5. Federal administration.
- Sec. 6. Authorization of appropriations.

TITLE I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

- Sec. 101. General program requirements.
- Sec. 102. Work-based learning component.
- Sec. 103. School-based learning component.
- Sec. 104. Connecting activities component.

TITLE II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES

Subtitle A—State Development Grants

- Sec. 201. Purpose.
- Sec. 202. Authorization.
- Sec. 203. Application.
- Sec. 204. Use of amounts.
- Sec. 205. Allocation requirement.
- Sec. 206. Reports.

Subtitle B—State Implementation Grants

- Sec. 211. Purpose.
- Sec. 212. Authorization.
- Sec. 213. Application.
- Sec. 214. Review of application.
- Sec. 215. Use of amounts.
- Sec. 216. Allocation requirement.
- Sec. 217. Administrative costs.
- Sec. 218. Reports.

Subtitle C—Development and Implementation Grants for School-to-Work Programs for Indian Youths

- Sec. 221. Authorization.
- Sec. 222. Requirements.

TITLE III—FEDERAL IMPLEMENTATION GRANTS TO LOCAL PARTNERSHIPS

- Sec. 301. Purposes.
- Sec. 302. Authorization.
- Sec. 303. Application.
- Sec. 304. Use of amounts.
- Sec. 305. Conformity with approved State plan.
- Sec. 306. Reports.
- Sec. 307. High poverty area defined.

TITLE IV—NATIONAL PROGRAMS AND REPORTS

- Sec. 401. Research, demonstration, and other projects.
- Sec. 402. Performance outcomes and evaluation.
- Sec. 403. Training and technical assistance.
- Sec. 404. Amendment to Job Training Partnership Act to provide school-to-work opportunities activities for Capacity Building and Information and Dissemination Network.
- Sec. 405. Reports to Congress.

TITLE V—WAIVER OF STATUTORY AND REGULATORY REQUIREMENTS

- Sec. 501. State and local partnership requests and responsibilities for waivers.
- Sec. 502. Waiver authority of Secretary of Education.
- Sec. 503. Waiver authority of Secretary of Labor.
- Sec. 504. Combination of Federal funds for high poverty schools.

TITLE VI—SAFEGUARDS

- Sec. 601. Safeguards.

TITLE VII—REAUTHORIZATION OF JOB TRAINING FOR THE HOMELESS DEMONSTRATION PROGRAM UNDER THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

- Sec. 701. Reauthorization.

SEC. 2. FINDINGS.

The Congress finds that—

(1) three-fourths of all high school students in the United States enter the workforce without baccalaureate degrees, and many do not possess the academic and entry-level occupational skills necessary to succeed in the changing workplace;

(2) a substantial number of youths in the United States, especially disadvantaged students, students of diverse racial, ethnic, and cultural backgrounds, and students with disabilities, do not complete school;

(3) unemployment among youths in the United States is intolerably high, and earnings of high school graduates have been falling relative to those individuals with more education;

(4) the workplace in the United States is changing in response to heightened international competition and new technologies, and these forces, which are ultimately beneficial to the Nation, are shrinking the demand for and undermining the earning power of unskilled labor;

(5) the United States lacks a comprehensive and coherent system to help its youths acquire knowledge, skills, abilities, and information about and access to the labor market necessary to make an effective transition from school to career-oriented work or to further education and training;

(6) students in the United States can achieve high academic and occupational standards, and many learn better and retain more when they learn in context, rather than in the abstract;

(7) while many students in the United States have part-time jobs, there is infrequent linkage between those work experiences and either the student's career planning or exploration, or with school-based learning;

(8) work-based learning, which is modeled after the time-honored apprenticeship concept, integrates theoretical instruction with structured on-the-job training, and this approach, combined with school-based learning, can be very effective in engaging student interest, enhancing skill acquisition, developing positive work attitudes, and preparing youths for high-skill, high-wage careers;

(9) Federal resources currently fund a series of categorical, work-related education and training programs, many of which serve disadvantaged youths, that are not administered in a coordinated manner; and

(10) in 1992 approximately 3,400,000 individuals in the United States ages 16 through 24 had not completed high school and were not currently enrolled in school, a number representing approximately 11 percent of all individuals in this age group, which indicates

that these young persons are particularly unprepared for the demands of a 21st century workforce.

SEC. 3. PURPOSES AND CONGRESSIONAL INTENT.

(a) PURPOSES.—The purposes of this Act are to—

(1) establish a national framework within which all States can create statewide School-to-Work Opportunities systems that are a part of comprehensive education reform, that are integrated with the systems developed under the Goals 2000: Educate America Act, and that offer opportunities for all students to participate in a performance-based education and training program that will enable them to earn portable credentials, prepare them for a first job in a high-skill, high-wage career, and increase their opportunities for further education;

(2) utilize workplaces as active learning components in the educational process by making employers joint partners with educators in providing opportunities for all students to participate in high-quality, work-based learning experiences;

(3) use Federal funds as venture capital, to underwrite the initial costs of planning and establishing statewide School-to-Work Opportunities systems that will be maintained with other Federal, State, and local resources;

(4) promote the formation of partnerships that are dedicated to linking the worlds of school and work among secondary and postsecondary educational institutions, private and public employers, organized labor, government, community-based organizations, parents, students, and local education and training agencies;

(5) promote the formation of partnerships between elementary, middle, and secondary schools and local businesses as an investment in future workplace productivity and competitiveness;

(6) help all students attain high academic and occupational standards;

(7) build on and advance a range of promising school-to-work programs, such as tech-prep education, career academies, school-to-apprenticeship programs, cooperative education, youth apprenticeship, business-education compacts, and promising strategies that assist school dropouts that can be developed into programs funded under this Act;

(8) improve the knowledge and skills of youths by integrating academic and occupational learning, integrating school-based and work-based learning, and building effective linkages between secondary and postsecondary education;

(9) motivate all youths, including low-achieving youths, school dropouts, and youths with disabilities to stay in or return to school or a classroom setting and strive to succeed by providing enriched learning experiences and assistance in obtaining high skill, high wage employment and continuing their education in secondary and postsecondary educational institutions;

(10) expose students to the vast array of career opportunities and facilitate the selection of career majors based on individual interests, goals, strengths, and abilities;

(11) increase opportunities for minorities and women by enabling individuals to prepare for careers which are not traditional for their race or gender; and

(12) further the National Education Goals set forth in title I of the Goals 2000: Educate America Act.

(b) CONGRESSIONAL INTENT.—It is the intent of the Congress that the Secretary of Labor and the Secretary of Education jointly administer this Act in a flexible manner that—

(1) promotes State and local discretion in establishing and implementing School-to-Work Opportunities systems and programs; and

(2) contributes to reinventing government by building on State and local capacity, eliminating duplication, supporting locally established initiatives, requiring measurable goals for performance, and offering flexibility in meeting these goals.

SEC. 4. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) ALL STUDENTS.—The term "all students" means male and female students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, American Indians, Alaskan Natives, Native Hawaiians, students with disabilities, students with limited English proficiency, migrant children, school dropouts, and academically talented students.

(2) APPROVED STATE PLAN.—The term "approved State plan" or "approved plan" means a State plan to establish a School-to-Work Opportunities system that is submitted by a State to the Secretaries under section 213 and approved by the Secretaries in accordance with section 214.

(3) CAREER GUIDANCE AND COUNSELING.—The term "career guidance and counseling" means programs—

(A) which pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decisionmaking, placement skills, and knowledge and understanding of local, State, and national occupational, educational, and labor market needs, trends, and opportunities;

(B) which assist individuals in making and implementing informed educational and occupational choices; and

(C) which aid students to develop career options with attention to surmounting gender, race, ethnic, disability, language, or socioeconomic impediments to career options and encouraging careers in nontraditional occupations.

(4) CAREER MAJOR.—The term "career major" means a coherent sequence of courses or field of study that prepares a student for a first job and that—

(A) integrates occupational and academic learning, integrates work-based and school-based learning, and establishes linkages between secondary and postsecondary education;

(B) prepares the student for employment in broad occupational clusters or industry sectors;

(C) typically includes at least 2 years of secondary school and 1 or 2 years of postsecondary education;

(D) results in the award of a high school diploma, a General Equivalency Diploma, or alternative diploma or certificate for those students with disabilities for whom such alternative diploma or certificate is appropriate, a certificate or diploma recognizing successful completion of 1 or 2 years of postsecondary education (if appropriate), and a skill certificate; and

(E) may lead to further training, such as entry into a registered apprenticeship program, or admission into a degree-granting college or university.

(5) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given such term in section 4(5)

of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(6) ELEMENTS OF AN INDUSTRY.—The term "elements of an industry" means, with respect to a particular industry that a student is preparing to enter, such elements as planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety, and environmental issues related to that industry.

(7) EMPLOYER.—The term "employer" includes both public and private employers.

(8) GOVERNOR.—The term "Governor" means the chief executive of a State.

(9) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(10) LOCAL PARTNERSHIP.—The term "local partnership" means a local entity that is responsible for local School-to-Work Opportunities programs and that—

(A) consists of employers, representatives of local educational agencies and local postsecondary educational institutions (including representatives of area vocational education schools, where applicable), local educators (such as teachers, counselors, or administrators), representatives of organized labor, other representatives of non-managerial employees, and students; and

(B) may include other entities, such as—

- (i) employer organizations;
- (ii) community-based organizations;
- (iii) national trade associations working at the local levels;
- (iv) industrial extension centers;
- (v) rehabilitation agencies and organizations;
- (vi) registered apprenticeship agencies;
- (vii) local vocational education entities;
- (viii) proprietary institutions of higher education (as defined in section 481(b) of the Higher Education Act of 1965, (20 U.S.C. 1088(b)) which continue to meet the eligibility and certification requirements under section 498 of such Act;
- (ix) local government agencies;
- (x) parent organizations;
- (xi) teacher organizations;
- (xii) vocational student organizations;
- (xiii) private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512);
- (xiv) federally recognized Indian tribes, Indian organizations, and Alaska Native villages; and
- (xv) Native Hawaiians.

(11) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term "postsecondary education institution" means an institution of higher education (as such term is defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) which continues to meet the eligibility and certification requirements under section 498 of such Act.

(12) REGISTERED APPRENTICESHIP AGENCY.—The term "registered apprenticeship agency" means either—

(A) the Bureau of Apprenticeship and Training in the Department of Labor; or

(B) a State or local agency designated by the Secretary of Labor and the Secretary of Education under section 498 of such Act.

(13) REGISTERED APPRENTICESHIP AGENCY.—The term "registered apprenticeship agency" means either—

(A) the Bureau of Apprenticeship and Training in the Department of Labor; or

(B) a State apprenticeship agency recognized and approved by the Bureau of Apprenticeship and Training as the appropriate body for State registration or approval of local apprenticeship programs and agreements for Federal purposes.

(13) REGISTERED APPRENTICESHIP PROGRAM.—The term "registered apprenticeship program" means a program registered by a registered apprenticeship agency.

(14) RELATED SERVICES.—The term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(17)).

(15) SCHOOL DROPOUT.—The term "school dropout" means an individual who is no longer attending any school, is subject to a compulsory attendance law, and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

(16) SCHOOL SITE MENTOR.—The term "school site mentor" means a professional employed at the school who is designated as the advocate for a particular student, and who works in consultation with classroom teachers, counselors, and the employer to design and monitor the progress of the student's school-to-work program.

(17) SECRETARIES.—The term "Secretaries" means the Secretary of Education and the Secretary of Labor.

(18) SKILL CERTIFICATE.—The term "skill certificate" means a portable, industry-recognized credential issued by a School-to-Work Opportunities program under an approved plan, that certifies that a student has mastered skills at levels that are at least as challenging as skill standards endorsed by the National Skill Standards Board established under the Goals 2000: Educate America Act, except that until such skill standards are developed, the term "skill certificate" means a credential issued under a process described in a State's approved plan.

(19) STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(B) TITLES IV AND V.—For purposes of titles IV and V, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

(20) STATE EDUCATIONAL AGENCY.—The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(21) WORKPLACE MENTOR.—The term "workplace mentor" means an employee at the workplace who possesses the skills and knowledge to be mastered by a student, and who instructs the student, critiques the student's performance, challenges the student to perform well, and works in consultation with classroom teachers and the employer.

SEC. 5. FEDERAL ADMINISTRATION.

(a) JOINT ADMINISTRATION.—

(1) IN GENERAL.—Notwithstanding the Department of Education Organization Act (20 U.S.C. 3401 et seq.), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the statutory provisions relating to the establishment of the Department of Labor (29 U.S.C. 551 et seq.), and section 166 of the Job Training Partnership Act (29 U.S.C. 1576), the Secretaries shall jointly provide for the ad-

ministration of this Act, and may issue whatever procedures, guidelines, and regulations, in accordance with section 553 of title 5, United States Code, they deem necessary and appropriate to administer and enforce the provisions of this Act.

(2) SUBMISSION OF PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretaries shall develop and submit a plan for the joint administration of this Act to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate for review and comment on such plan by such committees.

(b) TERMINATION OR SUSPENSION OF ASSISTANCE.—

(1) IN GENERAL.—The Secretaries may terminate or suspend any financial assistance under this Act, in whole or in part, or not extend payments under an existing grant under this Act, if the Secretaries determine that a recipient has failed to meet any requirements of this Act, including—

(A) reporting requirements under section 402(c);

(B) regulations under this Act; or

(C) an approved plan submitted pursuant to this Act.

(2) NOTICE AND OPPORTUNITY FOR HEARING.—If the Secretaries terminate or suspend financial assistance, or do not extend payments under an existing grant under paragraph (1), with respect to recipient or proposed recipient, then the Secretaries shall provide—

(A) prompt notice to such recipient or proposed recipient; and

(B) the opportunity for a hearing to such recipient or proposed recipient not later than 30 days after the date on which such notice is provided.

(3) NONDELEGATION.—The Secretaries shall not delegate any of the functions or authority specified under this subsection, other than to an officer whose appointment was required to be made by and with the advice and consent of the Senate.

(c) ACCEPTANCE OF GIFTS.—The Secretaries are authorized, in carrying out this Act, to accept, purchase, or lease in the name of the Department of Labor or the Department of Education, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

(d) USE OF VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretaries are authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretaries to carry out this Act \$300,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 2002.

(b) RESERVATIONS.—From amounts appropriated under subsection (a) for any fiscal year, the Secretaries—

(1) shall reserve an amount equal to not more than one half of 1 percent of such amounts for such fiscal year to provide grants under sections 202(b) and 212(b) to the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau;

(2) shall reserve an amount equal to not more than one half of 1 percent of such amounts for such fiscal year to provide

grants under subtitle C of title II to establish and carry out School-to-Work Opportunities programs for Indian youths that involve Bureau funded schools (as defined in section 1139(3) of the Education Amendments of 1978 (25 U.S.C. 2019(3)));

(3) shall reserve an amount equal to 10 percent of such amounts for such fiscal year to provide grants under section 302(b) to local partnerships located in high poverty areas; and

(4) may reserve an amount equal to not more than 5 percent of such amounts for such fiscal year to carry out title IV.

(c) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

TITLE I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

SEC. 101. GENERAL PROGRAM REQUIREMENTS.

A School-to-Work Opportunities program under this Act shall—

(1) integrate work-based learning and school-based learning, as provided for in sections 102 and 103, integrate academic and occupational learning, and build effective linkages between secondary and postsecondary education;

(2) provide all students opportunities to complete a career major; and

(3) incorporate the basic program components provided in sections 102 through 104.

SEC. 102. WORK-BASED LEARNING COMPONENT.

The work-based learning component of a School-to-Work Opportunities program shall include—

(1) a planned program of job training and work experiences, including pre-employment and employment skills to be mastered at progressively higher levels, that are relevant to a student's career major and lead to the award of a skill certificate;

(2) paid work experience;

(3) workplace mentoring;

(4) instruction in general workplace competencies; and

(5) broad instruction in a variety of elements of an industry.

SEC. 103. SCHOOL-BASED LEARNING COMPONENT.

The school-based learning component of a School-to-Work Opportunities program shall include—

(1) career awareness and career exploration and counseling (beginning at the earliest possible age, but beginning no later than the middle school grades) in order to help students who may be interested to identify, and select or reconsider, their interests, goals, and career majors, including those options that may not be traditional for their gender, race, or ethnicity;

(2) initial selection by interested students of a career major not later than the beginning of the 11th grade;

(3) a program of study designed to meet the same academic content standards the State has established for all students, including, where applicable, standards established under the Goals 2000: Educate America Act, and to meet the requirements necessary for a student to earn a skill certificate;

(4) a program of instruction and curriculum that integrates academic and vocational learning (including applied methodologies and team-teaching strategies), and incorporates instruction in a variety of elements of an industry, appropriately tied to a participant's career major;

(5) regularly scheduled evaluations involving ongoing consultation with students and school dropouts to identify their academic

strengths and weaknesses, academic progress, workplace knowledge, goals, and the need for additional learning opportunities to master core academic and vocational skills; and

(6) mechanisms which allow students participating in a school-to-work program to transfer to a post-secondary program.

SEC. 104. CONNECTING ACTIVITIES COMPONENT.

The connecting activities component of a School-to-Work Opportunities program shall include—

(1) matching students with employers' work-based learning opportunities;

(2) serving as a liaison among the employer, school, teacher, parent, student, and, if appropriate, other community partners;

(3) providing technical assistance and services to employers, including small and medium sized businesses, and others in designing work-based and school-based learning components, counseling and case management services, and in the training of teachers, workplace mentors, school site mentors, and counselors;

(4) providing assistance to schools and employers to integrate school-based and work-based learning and integrate academic and occupational learning;

(5) providing assistance to participants who have completed the program in finding an appropriate job, continuing their education, or entering into an additional training program, and linking students with other community services which may be necessary to assure a successful transition from school to work;

(6) collecting information regarding post-program outcomes of participants in the School-to-Work Opportunities program and analyzing such information, to the extent practicable, on the basis of socioeconomic status, race, gender, ethnicity, disability, limited English proficiency, school dropouts, and academically talented students; and

(7) linking youth development activities under this Act with employer and industry strategies for upgrading the skills of their workers.

TITLE II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES

Subtitle A—State Development Grants

SEC. 201. PURPOSE.

The purpose of this subtitle is to assist States and the territories in planning and developing comprehensive, statewide systems for school-to-work opportunities.

SEC. 202. AUTHORIZATION.

(a) IN GENERAL.—The Secretaries may provide development grants to States in such amounts as the Secretaries determine is necessary to enable such States to complete development of comprehensive, statewide School-to-Work Opportunities systems that may have begun with funds provided under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(b) GRANTS TO TERRITORIES.—From amounts reserved under section 6(b)(1), the Secretaries shall provide grants in accordance with this subtitle to the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau, to complete development of comprehensive School-to-Work Opportunities systems in those territories.

SEC. 203. APPLICATION.

(a) IN GENERAL.—The Secretaries may not provide a development grant under section

202 to a State unless the State submits to the Secretaries an application in such form and containing such information as the Secretaries may reasonably require.

(b) COORDINATION WITH GOALS 2000: EDUCATE AMERICA ACT.—A State seeking assistance under both this Act and the Goals 2000: Educate America Act may—

(1) submit a single application containing plans that meet the requirements of both Acts and ensure that both plans are coordinated and not duplicative; or

(2) if such State has already submitted its application for funds under the Goals 2000: Educate America Act, submit its application under this Act as an amendment to the Goals 2000: Educate America Act application so long as such amendment meets the requirements of this Act and is coordinated with and not duplicative of the Goals 2000: Educate America Act application.

(c) CONTENTS.—Such application shall include—

(1) a timetable and an estimate of the amount of funding needed to complete the planning and development necessary to implement a comprehensive, statewide School-to-Work Opportunities system for all students;

(2) a description of how the Governor, the State educational agency, the State agency officials responsible for vocational education, job training, and employment, economic development, and postsecondary education, the State sex equity coordinator assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1)), and other appropriate officials will collaborate in the planning and development of the State School-to-Work Opportunities system;

(3) a description of how the State has enlisted and will continue to enlist the active and continued participation in the planning and development of the statewide School-to-Work Opportunities system of employers and other interested parties such as locally elected officials, secondary and postsecondary educational institutions or agencies, business associations, industrial extension centers, employees, organized labor, teachers, related services personnel, students, parents, community-based organizations, Indian tribes, rehabilitation agencies and organizations, registered apprenticeship agencies, and vocational educational agencies;

(4) a description of how the State will coordinate its planning activities with each local partnership within the State that has received a grant under title III, if any;

(5) a designation of a fiscal agent to receive and be accountable for funds provided from a grant under section 202; and

(6) a description of how the State will provide opportunities for students from low-income families, low achieving students, students with limited English proficiency, and school dropouts to participate in school-to-work programs.

SEC. 204. USE OF AMOUNTS.

The Secretaries may not provide a development grant under section 202 to a State unless the State agrees that it will use all amounts received from such grant to develop a statewide School-to-Work Opportunities system, which may include—

(1) identifying or establishing an appropriate State structure to administer the School-to-Work Opportunities system;

(2) identifying existing secondary and post-secondary school-to-work programs which might be incorporated into the State system;

(3) identifying or establishing broad-based partnerships among employers, labor, edu-

cation, government, and other community-based organizations and parent organizations to participate in the design, development, and administration of School-to-Work Opportunities programs;

(4) developing a marketing plan to build consensus and support for School-to-Work Opportunities programs;

(5) promoting the active involvement of business (including small and medium sized businesses) in planning, developing, and implementing local School-to-Work Opportunities programs, and in establishing partnerships with elementary, middle, and secondary schools;

(6) identifying ways that existing local school-to-work programs could be coordinated with the statewide School-to-Work Opportunities system;

(7) supporting local School-to-Work Opportunities planning and development activities to provide guidance, training and technical assistance for teachers, employers, mentors, counselors, administrators, and others, in the development of School-to-Work Opportunities programs;

(8) developing training programs for teachers, counselors, mentors, and others on counseling and training women, minorities, and individuals with disabilities for high-skill, high-wage careers in non-traditional occupations;

(9) initiating pilot programs for testing key components of State program design;

(10) developing a State process for issuing skill certificates that is consistent with the work of the National Skill Standards Board and the criteria established under Goals 2000: Educate America Act;

(11) designing challenging curricula in cooperation with representatives of local partnerships;

(12) developing a system for labor market analysis and strategic planning for local targeting of industry sectors or broad occupational clusters;

(13) analyzing the post high school employment experiences of recent high school graduates and dropouts;

(14) preparing the plan required for submission of an application for an implementation grant under subtitle B;

(15) working with localities to develop strategies to recruit and retain all students in programs under this Act, including those from a broad range of backgrounds and circumstances, through collaborations with community-based organizations, where appropriate, and other entities with expertise in working with these students; and

(16) coordinating recruitment of out-of-school, at-risk, and disadvantaged youths with those organizations and institutions who have a successful history of working with such youths.

SEC. 205. ALLOCATION REQUIREMENT.

The Secretaries may not provide a development grant under section 202 to any State in an amount exceeding \$1,000,000 in any fiscal year.

SEC. 206. REPORTS.

The Secretaries may not provide a development grant under section 202 to a State unless the State agrees that it will submit to the Secretaries such periodic reports as the Secretaries may reasonably require relating to the use of amounts from such grant.

Subtitle B—State Implementation Grants

SEC. 211. PURPOSE.

The purpose of this subtitle is to assist States and the territories in the implementation of comprehensive, statewide School-to-Work Opportunities systems.

SEC. 212. AUTHORIZATION.

(a) **IN GENERAL.**—The Secretaries may provide implementation grants to States in such amounts as the Secretaries determine is necessary to enable such States to implement comprehensive, statewide School-to-Work Opportunities systems.

(b) **GRANTS TO TERRITORIES.**—From amounts reserved under section 6(b)(1), the Secretaries shall provide grants in accordance with this subtitle to the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau, to implement comprehensive School-to-Work Opportunities systems in those territories.

(c) **PERIOD OF GRANT.**—The provision of payments under a grant under subsection (a) or subsection (b) shall extend over a period of 5 fiscal years and shall be subject to the annual approval of the Secretaries and subject to the availability of appropriations for the fiscal year involved to make the payments.

(d) **LIMITATION.**—A State or territory shall be eligible to receive only 1 implementation grant under subsection (a) or subsection (b), as the case may be.

SEC. 213. APPLICATION.

(a) **IN GENERAL.**—The Secretaries may not provide an implementation grant under section 212 to a State unless the State submits to the Secretaries an application in such form and containing such information as the Secretaries may reasonably require.

(b) **COORDINATION WITH GOALS 2000: EDUCATE AMERICA ACT.**—A State seeking assistance under both this Act and the Goals 2000: Educate America Act may—

(1) submit a single application containing plans that meet the requirements of both Acts and ensure that both plans are coordinated and not duplicative; or

(2) if such State has already submitted its application for funds under the Goals 2000: Educate America Act, submit its application under this Act as an amendment to the Goals 2000: Educate America Act application so long as such amendment meets the requirements of this Act and is coordinated with and not duplicative of the Goals 2000: Educate America Act application.

(c) **CONTENTS.**—Such application shall include—

(1) a plan for a comprehensive, statewide School-to-Work Opportunities system under a State plan that meets the requirements described in subsection (d);

(2) a description of how the State will allocate funds under this Act to local partnerships; and

(3) a request, if the State decides to submit such a request, for 1 or more waivers of certain statutory or regulatory requirements, as provided for under title V.

(d) **STATE PLAN.**—A State plan shall—

(1) designate the geographical areas to be served by local partnerships, which shall, to the extent feasible, reflect local labor market areas;

(2) describe how the State will stimulate and support local School-to-Work Opportunities programs that meet the requirements of this Act, and how the State's system will be expanded over time to cover all geographic areas in the State, including urban and rural areas;

(3) describe the procedure by which the Governor, the State educational agency, the State agency officials responsible for vocational education, job training and employment, economic development, and post-secondary education, the State sex equity

coordinator assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1)), and other appropriate officials will collaborate in the implementation of the School-to-Work Opportunities system;

(4) describe how the State has obtained and will continue to obtain the active involvement in the statewide School-to-Work Opportunities system of employers and other interested parties such as locally elected officials, secondary and postsecondary educational institutions or agencies, business associations, industrial extension centers, employees, organized labor, teachers, related services personnel, students, parents, community-based organizations, rehabilitation agencies and organizations, registered apprenticeship agencies, local vocational educational agencies, vocational student organizations, and State or regional cooperative education associations;

(5) describe how the School-to-Work Opportunities system will coordinate with or integrate existing local school-to-work programs and other appropriate programs, including those financed from State and private sources, with funds available from related programs under other provisions of Federal law, such as—

(A) the Adult Education Act (20 U.S.C. 1201 et seq.);

(B) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

(C) the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.);

(D) the Higher Education Act of 1965 (20 U.S.C. 2701 et seq.);

(E) the Job Opportunities and Basic Skills Training Program authorized under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.);

(F) the Goals 2000: Educate America Act;

(G) the Individuals With Disabilities Education Act (20 U.S.C. 1400 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(I) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

(J) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(K) the National and Community Service Trust Act of 1993;

(6) describe the State's strategy for providing training for teachers, employers, mentors, counselors, and others, including programs which focus on the counseling and training of women, minorities, and individuals with disabilities for high-skill, high-wage careers in non-traditional occupations, and provide assurance of coordination with such activities in other Acts;

(7) describe how the State will adopt, develop, or assist local partnerships in the development of model curricula and innovative instructional methodologies, to be used in the secondary, and where possible, the elementary grades, that integrate academic and vocational learning and promote career awareness, and that are consistent with academic and skill standards established pursuant to the Goals 2000: Educate America Act;

(8) describe how the State will expand and improve career and academic counseling in the elementary and secondary grades, which may include linkages to career counseling and labor market information services outside of the school system;

(9) describe the resources, including private sector resources, the State intends to employ in maintaining the School-to-Work Opportunities system when funds under this Act are no longer available;

(10) describe how the State will ensure effective and meaningful opportunities for all students to participate in School-to-Work Opportunities programs;

(11) describe the State's goals and the methods it will use, such as awareness and outreach, to ensure opportunities for young women to participate in School-to-Work Opportunities programs in a manner that leads to employment in high-performance, high-paying jobs, including nontraditional employment, and goals to ensure an environment free from racial and sexual harassment;

(12) describe how the State will ensure opportunities for low achieving students, students with disabilities, and school dropouts to participate in School-to-Work Opportunities programs;

(13) describe the State's process for assessing the skills and knowledge required in career majors and awarding skill certificates that is consistent with the work of the National Skill Standards Board and the criteria established under Goals 2000: Educate America Act;

(14) describe the manner in which the State will, to the extent feasible, continue programs funded under title III in the State School-to-Work Opportunities system;

(15) describe how local school-to-work programs, including those funded under title III, if any, will be integrated into the State School-to-Work Opportunities system;

(16) describe the performance standards that the State intends to meet in establishing and carrying out the School-to-Work Opportunities system, including how the standards developed under section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) have been incorporated into such performance standards or are used in coordination with such standards;

(17) designate a fiscal agent to receive and be accountable for funds provided from a grant under section 212; and

(18) describe the means by which students who are involved in a school-to-work program may transfer to a post-secondary program.

(e) **APPROVAL OF STATE PLAN.**—In developing the State plan that meets the requirements described in subsection (d)—

(1) the Governor shall approve those portions of the plan under the jurisdiction of the Governor; and

(2) other appropriate officials or entities shall approve those portions that address matters that, under State or other applicable law, are not under the jurisdiction of the Governor.

SEC. 214. REVIEW OF APPLICATION.

(a) **IN GENERAL.**—The Secretaries shall review each application submitted by a State under section 213, including the State plan contained in such application, and shall approve or disapprove such application in accordance with this section.

(b) **APPROVAL CRITERIA.**—The Secretaries may approve an application only if the State demonstrates in the application—

(1) that the State plan is replicable, sustainable, and innovative;

(2) that the officials listed in section 213(d)(3) will collaborate in the planning and development of the proposed plan;

(3) that other Federal, State, and local resources will be used to implement the proposed plan;

(4) the extent to which such plan would limit administrative costs and increase amounts spent on delivery of services to students enrolled in programs under this Act; and

(5) if the State, according to census data, has at least 1 urban and at least 1 rural area, the State will ensure the establishment of a partnership in at least 1 urban and 1 rural area in the State.

(c) **DISAPPROVAL.**—If the Secretaries determine that an application submitted by a State does not meet the criteria under subsection (b), or that the application is incomplete or otherwise unsatisfactory, the Secretaries shall—

(1) notify the State of the reasons for the failure to approve the application;

(2) if the application does not meet the criteria under subsection (b), inform the State of the opportunity to apply for a development grant under subtitle A, except that further development funds may not be awarded to a State that receives an implementation grant; and

(3) if the application is incomplete or otherwise unsatisfactory, permit the State to resubmit a corrected or amended application.

(d) **USE OF FUNDS FOR REVIEW OF APPLICATIONS.**—The Secretaries may use amounts reserved under section 6(b)(4) for the review of applications submitted under subsection (a).

SEC. 215. USE OF AMOUNTS.

The Secretaries may not provide an implementation grant under section 212 to a State unless the State agrees that it will use all amounts received from such grant to implement the State's School-to-Work Opportunities system in accordance with the following requirements:

(1) **SUBGRANTS TO LOCAL PARTNERSHIPS.**—

(A) **AUTHORITY.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the State shall provide subgrants to local partnerships, according to criteria established by the State, for the purpose of carrying out School-to-Work Opportunities programs described in title I.

(ii) **PROHIBITION.**—The State shall not provide subgrants to local partnerships that have received implementation grants under title III, except that this prohibition shall not apply with respect to local partnerships that are located in high poverty areas, as such term is defined in such title.

(B) **APPLICATION BY LOCAL PARTNERSHIP.**—The State may not provide a subgrant under subparagraph (A) to a local partnership unless the partnership submits to the State an application that—

(i) describes how the program will include the basic program components and otherwise meet the requirements of this Act;

(ii) sets forth measurable program goals and outcomes;

(iii) describes the local strategies and timetables to provide School-to-Work Opportunities program opportunities for all students as appropriate for the specific locality;

(iv) provides assurances that, to the extent practicable, school-to-work opportunities provided to students will be in industries and occupations offering high-skill, high-wage employment opportunities; and

(v) provides such other information as the State may require.

(C) **DISAPPROVAL OF APPLICATION.**—If the State determines that an application submitted by a local partnership does not meet the criteria under subparagraph (B), or that the application is incomplete or otherwise unsatisfactory, the State shall—

(i) notify the local partnership of the reasons for the failure to approve the application; and

(ii) if the application is incomplete or otherwise unsatisfactory, permit the local partnership to resubmit a corrected or amended application.

(D) **USE OF AMOUNTS BY LOCAL PARTNERSHIP.**—The State may not provide a subgrant under subparagraph (A) to a local partnership unless the partnership agrees that it will use all amounts received from such subgrant to carry out activities to implement School-to-Work Opportunities programs described in title I, and such activities may include—

(i) recruiting and providing assistance to employers, including small and medium sized businesses, to provide the work-based learning components in the School-to-Work Opportunities program;

(ii) establishing consortia of employers to support the School-to-Work Opportunities program and provide access to jobs related to students' career majors;

(iii) supporting or establishing intermediaries to perform the activities described in section 104 and to provide assistance to students and school dropouts in obtaining jobs and further education and training;

(iv) designing or adapting school curricula that can be used to integrate academic and vocational learning, school-based and work-based learning, and secondary and postsecondary education;

(v) providing training to work-based and school-based staff on new curricula, student assessments, student guidance, and feedback to the school regarding student performance;

(vi) designing or expanding and improving career awareness, exploration, and counseling activities, beginning at the earliest possible age, but beginning no later than the middle school grades;

(vii) establishing in schools participating in a School-to-Work Opportunities program a graduation assistance program to assist at-risk students, low-achieving students, and students with disabilities in graduating from high school, enrolling in postsecondary education or training, and finding or advancing in jobs;

(viii) providing supplementary and support services, including child care and transportation;

(ix) conducting or obtaining an in depth analysis of the local labor market and the generic and specific skill needs of employers to identify high-demand, high-wage careers to target;

(x) integrating work-based and school-based learning into existing job training programs for school dropouts;

(xi) establishing or expanding school-to-apprenticeship programs in cooperation with registered apprenticeship agencies and apprenticeship sponsors;

(xii) assisting participating employers, including small- and medium-size businesses, to identify and train workplace mentors and to develop work-based learning components;

(xiii) promoting the formation of partnerships between elementary, middle, and secondary schools and local businesses as an investment in future workplace productivity and competitiveness;

(xiv) designing local strategies to provide adequate planning time and staff development activities for teachers, school counselors, and school site mentors, including opportunities outside the classroom which are in the worksite;

(xv) enhancing linkages between existing after-school, weekend, and summer jobs, career exploration and school-based learning; and

(xvi) coordinating recruitment of dropouts and at-risk and disadvantaged youths by the local partnership with recruitment of these individuals by organizations and institutions

which have a history of success in working with these targeted individuals.

(E) **PARTNERSHIP COMPACT.**—The State may not provide a subgrant under subparagraph (A) to a local partnership unless the partnership agrees that it will establish a process by which the responsibilities and expectations of students, parents, employers, and schools are clearly established and agreed upon at the point of entry of the student into a career major program of study.

(F) **ADMINISTRATIVE COSTS.**—The local partnership may not use more than 5 percent of amounts received from a subgrant under subparagraph (A) for any fiscal year for administrative costs associated with activities in carrying out, but not including, activities under subparagraphs (D) and (E) for such fiscal year.

(G) **ALLOCATION REQUIREMENTS.**—

(i) **FIRST YEAR.**—In the 1st fiscal year for which a State receives amounts from a grant under section 212, the State shall use not less than 70 percent of such amounts to provide subgrants to local partnerships under subparagraph (A).

(ii) **SECOND YEAR.**—In the 2d fiscal year for which a State receives amounts from a grant under section 212, the State shall use not less than 80 percent of such amounts to provide subgrants to local partnerships under subparagraph (A).

(iii) **THIRD YEAR AND SUCCEEDING YEARS.**—In the 3d fiscal year for which a State receives amounts from a grant under section 212, and in each succeeding year, the State shall use not less than 90 percent of such amounts to provide subgrants to local partnerships under subparagraph (A).

(2) **ADDITIONAL STATE ACTIVITIES.**—The State may also—

(A) recruit and provide assistance to employers to provide work-based learning for all students;

(B) conduct outreach activities to promote and support collaboration in School-to-Work Opportunities programs by businesses, organized labor, and other organizations;

(C) provide training for teachers, employers, workplace mentors, counselors, and others;

(D) provide labor market information to local partnerships that is useful in determining which high-skill, high-wage occupations are in demand;

(E) design or adapt model curricula that can be used to integrate academic and vocational learning, school-based and work-based learning, and secondary and postsecondary education;

(F) design or adapt model work-based learning programs and identifying best practices;

(G) conduct outreach activities and providing technical assistance to other States that are developing or implementing School-to-Work Opportunities systems;

(H) reorganize and streamline State systems to facilitate the development of a comprehensive School-to-Work Opportunities system;

(I) identify ways that existing local school-to-work programs could be integrated with the statewide School-to-Work Opportunities system;

(J) design career awareness and exploration activities (that may begin as early as the elementary grades, but beginning no later than middle school grades) such as job shadowing, job site visits, school visits by individuals in various occupations, and mentoring;

(K) design and implement school-sponsored work experiences, such as school-sponsored

enterprises and community development projects;

(L) encourage the formation of partnerships between elementary, middle, and secondary schools and local businesses as an investment in future workplace productivity and competitiveness;

(M) coordinate recruitment of out-of-school, at-risk, and disadvantaged youths with those organizations and institutions who have a successful history of working with such youths; and

(N) conduct outreach to all students in a manner that most appropriately meets their need and the needs of their communities.

SEC. 216. ALLOCATION REQUIREMENT.

The Secretaries shall establish the minimum and maximum amounts available for an implementation grant under section 212, and shall determine the actual amount granted to any State based on such criteria as the scope and quality of the plan and the number of projected program participants.

SEC. 217. ADMINISTRATIVE COSTS.

The State may not use more than 5 percent of amounts received from an implementation grant under section 212 for any fiscal year for administrative costs associated with activities in carrying out, but not including, activities under section 215 for such fiscal year.

SEC. 218. REPORTS.

The Secretaries may not provide an implementation grant under section 212 to a State unless the State agrees that it will submit to the Secretaries such periodic reports as the Secretaries may reasonably require relating to the use of amounts from such grant.

Subtitle C—Development and Implementation Grants for School-to-Work Programs for Indian Youths

SEC. 221. AUTHORIZATION.

(a) IN GENERAL.—From amounts reserved under section 6(b)(2), the Secretaries shall provide grants to establish and carry out School-to-Work Opportunities programs for Indian youths that involve Bureau funded schools (as defined in section 1139(3) of the Education Amendments of 1978 (25 U.S.C. 2019(3))).

(b) ADDITIONAL AUTHORITIES.—The Secretaries may carry out subsection (a) through such means as they find appropriate, including—

(1) the transfer of funds to the Secretary of the Interior; and

(2) the provision of financial assistance to Indian tribes and Indian organizations.

SEC. 222. REQUIREMENTS.

In providing grants under section 221, the Secretaries shall require recipients of such grants to comply with requirements similar to those requirements imposed on States under subtitles A and B of this title.

TITLE III—FEDERAL IMPLEMENTATION GRANTS TO LOCAL PARTNERSHIPS

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to authorize the Secretaries to provide competitive grants directly to local partnerships in order to provide funding for communities that have built a sound planning and development base for School-to-Work Opportunities programs and are ready to begin implementing a local School-to-Work Opportunities program; and

(2) to authorize the Secretaries to provide competitive grants to local partnerships to implement School-to-Work Opportunities programs in high poverty areas of urban and rural communities to provide support for a comprehensive range of education, training,

and support services for youths residing in such areas.

SEC. 302. AUTHORIZATION.

(a) GRANTS TO LOCAL PARTNERSHIPS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretaries may provide implementation grants directly to local partnerships in States in such amounts as the Secretaries determine is necessary to enable such partnerships to implement a School-to-Work Opportunities program.

(2) RESTRICTIONS.—A local partnership—

(A) shall be eligible to receive only 1 grant under this subsection;

(B) shall not be eligible to receive a grant under this subsection if such partnership is located in a State that—

(i) has been provided an implementation grant under section 212; and

(ii) has received amounts from such grant for any fiscal year after the 1st fiscal year under such grant; and

(C) that receives a grant under this subsection shall not be eligible to receive a grant under subsection (b).

(b) GRANTS TO LOCAL PARTNERSHIPS IN HIGH POVERTY AREAS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretaries shall, from amounts reserved under section 6(b)(3), provide grants to local partnerships which are located in high poverty areas in States in such amounts as the Secretaries determine is necessary to enable such partnerships to implement a School-to-Work Opportunities program in such areas.

(2) RESTRICTIONS.—A local partnership—

(A) shall be eligible to receive only 1 grant under this subsection; and

(B) that receives a grant under this subsection shall not be eligible to receive a grant under subsection (a).

(3) PRIORITY.—In providing grants under paragraph (1), the Secretaries shall give priority to local partnerships that have a demonstrated effectiveness in the delivery of comprehensive vocational preparation programs with successful rates in job placement through cooperative activities among local educational agencies, local businesses, labor organizations, and other organizations.

(c) PERIOD OF GRANT.—The provision of payments under a grant under subsection (a) or (b) shall extend over a period of 5 fiscal years and shall be subject to the annual approval of the Secretaries and subject to the availability of appropriations for the fiscal year involved to make the payments.

SEC. 303. APPLICATION.

(a) IN GENERAL.—The Secretaries may not provide an implementation grant under section 302 to a local partnership unless the partnership—

(1) submits to the State for review and comment an application in such form and containing such information as the Secretaries may reasonably require; and

(2) submits such application to the Secretaries.

(b) TIME LIMIT FOR STATE REVIEW AND COMMENT.—

(1) IN GENERAL.—The State shall provide for review and comment on the application under subsection (a) not later than 30 days after the date on which the State receives the application from the local partnership.

(2) SUBMISSION WITHOUT STATE REVIEW AND COMMENT.—If the State does not provide review and comment within the 30-day time period specified in paragraph (1), the local partnership may submit the application to the Secretaries without first obtaining such review and comment.

(c) CONTENTS.—Such application shall include—

(1) the designation of a fiscal agent to receive and be accountable for amounts received from a grant under section 302;

(2) the State's comments regarding such application under subsection (a)(1);

(3) information that is consistent with the content requirements for a State plan that are specified in paragraphs (4) through (10) of section 213(d); and

(4) a description of how the partnership will meet the other requirements of this Act.

(d) USE OF FUNDS FOR REVIEW OF APPLICATIONS.—The Secretaries may use amounts reserved under section 6(b)(4) for the review of applications submitted under subsection (a).

SEC. 304. USE OF AMOUNTS.

The Secretaries may not provide an implementation grant under section 302 to a local partnership unless the partnership agrees that it will use all amounts from such grant to carry out activities to implement a School-to-Work Opportunities program described in title I, including the activities described in clauses (i) through (xvi) of section 215(1)(D).

SEC. 305. CONFORMITY WITH APPROVED STATE PLAN.

The Secretaries may not award a grant under section 302 to a local partnership located in a State that has an approved plan unless the Secretaries determine, after consultation with the State, that the plan submitted by the partnership is in accord with the approved State plan.

SEC. 306. REPORTS.

The Secretaries may not provide an implementation grant under section 302 to a local partnership unless the partnership agrees that it will submit to the Secretaries such periodic reports as the Secretaries may reasonably require relating to the use of amounts from such grant.

SEC. 307. HIGH POVERTY AREA DEFINED.

For purposes of this title, the term "high poverty area" means—

(1) a census tract, a contiguous group of census tracts, a nonmetropolitan county, a Native American Indian reservation, or an Alaska Native village, with a poverty rate of 30 percent or more, as determined by the Bureau of the Census; or

(2) an area that has an unemployment rate greater than the national average unemployment rate for the most recent 12 months for which satisfactory data are available.

TITLE IV—NATIONAL PROGRAMS AND REPORTS

SEC. 401. RESEARCH, DEMONSTRATION, AND OTHER PROJECTS.

(a) IN GENERAL.—From amounts reserved under section 6(b)(4), the Secretaries shall conduct research and development and establish a program of experimental and demonstration projects, to further the purposes of this Act.

(b) ADDITIONAL USE OF AMOUNTS.—Amounts reserved under section 6(b)(4) may also be used for programs or services authorized under any other provision of this Act that are most appropriately administered at the national level and that will operate in, or benefit more than, one State.

SEC. 402. PERFORMANCE OUTCOMES AND EVALUATION.

(a) IN GENERAL.—The Secretaries, in collaboration with the States, shall by grants, contracts, or otherwise, establish a system of performance measures for assessing State and local programs regarding—

(1) progress in the development and implementation of State plans that include the basic program components and otherwise meet the requirements of title I;

(2) participation in School-to-Work Opportunities programs by employers, schools, students, and school dropouts, including information on the gender, race, ethnicity, socioeconomic background, limited English proficiency, and disability of all participants;

(3) progress in developing and implementing strategies for addressing the needs of students and school dropouts;

(4) progress in meeting the State's goals to ensure opportunities for young women to participate in School-to-Work Opportunities programs;

(5) outcomes of participating students and school dropouts, by gender, race, ethnicity, socioeconomic background, limited English proficiency, and disability of the participants, including information on—

(A) academic learning gains;

(B) staying in school and attaining a high school diploma, or a General Equivalency Diploma, or alternative diploma or certificate for those students with disabilities for whom such alternative diploma or certificate is appropriate, skill certificate, and college degree;

(C) placement and retention in further education or training, particularly in the student's career major; and

(D) job placement, retention, and earnings, particularly in the student's career major; and

(6) the extent to which the program has met the needs of employers.

(b) EVALUATION.—The Secretaries shall conduct a national evaluation of School-to-Work Opportunities programs funded under this Act by grants, contracts, or otherwise, that will track and assess the progress of implementation of State and local programs and their effectiveness based on measures such as those described in subsection (a).

(c) REPORTS.—Each State shall provide periodic reports, at such intervals as the Secretaries determine, containing—

(1) information described in paragraphs (1) through (6) of subsection (a); and

(2) information on the extent to which current Federal programs implemented at the State and local level may be duplicative, outdated, overly restrictive, or otherwise counter-productive to the development of comprehensive statewide School-to-Work Opportunities systems.

SEC. 403. TRAINING AND TECHNICAL ASSISTANCE.

(a) PURPOSE.—The Secretaries shall work in cooperation with the States, the State sex equity coordinators assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1)), employers and their associations, secondary and postsecondary schools, student and teacher organizations, organized labor, and community-based organizations to increase their capacity to develop and implement effective School-to-Work Opportunities programs.

(b) AUTHORIZED ACTIVITIES.—The Secretaries shall provide, through grants, contracts, or other arrangements—

(1) training, technical assistance, and other activities that will—

(A) enhance the skills, knowledge, and expertise of the personnel involved in planning and implementing State and local School-to-Work Opportunities programs, such as training of personnel to assist students; and

(B) improve the quality of services provided to individuals served under this Act;

(2) assistance to States and local partnerships in order to integrate resources available under this Act with resources available

under other Federal, State, and local authorities; and

(3) assistance to States and local partnerships to recruit employers to provide the work-based learning component of School-to-Work Opportunities programs.

SEC. 404. AMENDMENT TO JOB TRAINING PARTNERSHIP ACT TO PROVIDE SCHOOL-TO-WORK OPPORTUNITIES ACTIVITIES FOR CAPACITY BUILDING AND INFORMATION AND DISSEMINATION NETWORK.

Section 453(b)(2) of the Job Training Partnership Act (29 U.S.C. 1733(b)(2)) is amended—

(1) in subparagraph (C)(ii)(V), by striking the period at the end of such subparagraph and inserting “; and”; and

(2) by adding at the end the following new subparagraph:

“(D)(i) from the amount appropriated pursuant to section 6(a) of the School-to-Work Opportunities Act of 1993, collect and disseminate information—

“(I) on successful school-to-work programs carried out pursuant to such Act and innovative school and work-based curriculum;

“(II) on research and evaluation conducted concerning school-to-work opportunities activities;

“(III) that will assist States and partnerships in undertaking labor market analysis, surveys or other activities related to economic development;

“(IV) on skill certificates, skill standards and related assessment technologies; and

“(V) on methods for recruiting and building the capacity of employers to provide work-based learning opportunities; and

“(ii) from such amount, facilitate communication and the exchange of information and ideas among States and partnerships carrying out school-to-work opportunities programs pursuant to such Act.”.

SEC. 405. REPORTS TO CONGRESS.

Not later than 24 months after the date of the enactment of this Act, and every 12 months thereafter, the Secretaries shall submit a report to the Congress on all School-to-Work Opportunities programs carried out pursuant to this Act. The Secretaries shall, at a minimum, include in each such report—

(1) information concerning the programs that receive assistance under this Act;

(2) a summary of the information contained in the State and local partnership reports submitted under titles II and III and section 402(c); and

(3) information regarding the findings and actions taken as a result of any evaluation conducted by the Secretaries.

TITLE V—WAIVER OF STATUTORY AND REGULATORY REQUIREMENTS

SEC. 501. STATE AND LOCAL PARTNERSHIP REQUESTS AND RESPONSIBILITIES FOR WAIVERS.

(a) STATE REQUEST FOR WAIVER.—A State may submit, as a part of the State plan (or as an amendment to the plan) described in section 213(d), a request for a waiver of 1 or more statutory or regulatory provisions described in section 502 or 503 from the Secretaries in order to carry out the School-to-Work Opportunity system established by such State. Such request may include different waivers with respect to different areas within the State.

(b) LOCAL PARTNERSHIP REQUEST FOR WAIVER.—

(1) IN GENERAL.—A local partnership that seeks a waiver of any of the laws specified in section 502 or 503 shall submit an application for such waiver to the State and the State shall determine whether to submit the application for such waiver to the Secretaries.

(2) TIME LIMIT.—

(A) IN GENERAL.—The State shall make a determination to submit the application under paragraph (1) not later than 30 days after the date on which the State receives the application from the local partnership.

(B) DIRECT SUBMISSION.—If the State does not make a determination to submit the application within the 30-day time period specified in subparagraph (A), the local partnership may submit the application to the Secretaries without first obtaining such review and comment.

(c) WAIVER CRITERIA.—The request by the State shall meet the criteria contained in section 502 or section 503 and shall specify the laws or regulations referred to in those sections that the State wants waived.

SEC. 502. WAIVER AUTHORITY OF SECRETARY OF EDUCATION.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary of Education may waive any requirement under any provision of law referred to in subsection (b), or any regulation issued under such provision, for a State that requests such a waiver and has an approved State plan under section 214—

(A) if, and only to the extent that, the Secretary of Education determines that such requirement impedes the ability of the State or a local partnership to carry out the purposes of this Act;

(B) if the State provides the Secretary with documentation of the necessity for the waiver, including—

(i) the specific requirement that will be waived;

(ii) the specific positive outcomes expected from the waiver and why those outcomes cannot be achieved while complying with the requirement;

(iii) the process which will be used to monitor the progress in implementing the waiver; and

(iv) such other information as the Secretary may require;

(C) if the State waives, or agrees to waive, similar requirements of State law; and

(D) if the State—

(i) has provided all local partnerships in the State, and local educational agencies participating in a local partnership in the State, with notice and an opportunity to comment on the State's proposal to seek a waiver;

(ii) provides, to the extent feasible, students, parents, and advocacy and civil rights groups an opportunity to comment on the State's proposal to seek a waiver; and

(iii) has submitted the comments of the local partnerships and local educational agencies to the Secretary of Education.

(2) APPROVAL OR DISAPPROVAL.—The Secretary of Education shall promptly approve or disapprove any request submitted pursuant to paragraph (1) and shall issue a decision that shall—

(A) include the reasons for approving or disapproving the request, including a response to comments; and

(B) be disseminated by the State seeking the waiver to interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

(3) APPROVAL CRITERIA.—In approving a request under paragraph (2), the Secretary of Education shall consider the amount of State resources that will be used to implement the State plan.

(4) TIME PERIOD FOR WAIVER.—Each waiver approved under paragraph (2) shall be for a period not to exceed 5 years, except that the Secretary of Education may extend such period if the Secretary determines that the

waiver has been effective in enabling the State or local partnership to carry out the purposes of this Act.

(b) **APPLICABLE PROVISIONS OF LAW.**—The applicable provisions of law referred to in this subsection are the following:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including the Even Start Act.

(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

(3) The Dwight D. Eisenhower Mathematics and Science Education Act (part A of title II of the Elementary and Secondary Education Act of 1965).

(4) The Emergency Immigrant Education Act of 1984 (part D of title IV of the Elementary and Secondary Education Act of 1965).

(5) The Drug-Free Schools and Communities Act of 1986 (title V of the Elementary and Secondary Education Act of 1965).

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) **WAIVERS NOT AUTHORIZED.**—The Secretary of Education may not waive any requirement under any provision of law referred to in subsection (b), or any regulation issued under such provision, relating to—

(1) the basic purposes or goals of such provision of law;

(2) maintenance of effort;

(3) comparability of services;

(4) the equitable participation of students attending private schools;

(5) parental participation and involvement;

(6) the distribution of funds to State or to local educational agencies;

(7) the eligibility of individuals for participation in a program under such provision of law;

(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

(9) prohibitions or restrictions relating to the construction of buildings or facilities.

(d) **TERMINATION OF WAIVERS.**—The Secretary of Education shall periodically review the performance of any State or local partnership for which the Secretary has granted a waiver under subsection (a) and shall terminate the waiver if—

(1) the Secretary determines that the performance of the State, local partnership, or local educational agency affected by the waiver, as the case may be, has been inadequate to justify a continuation of the waiver; or

(2) the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(B).

SEC. 503. WAIVER AUTHORITY OF SECRETARY OF LABOR.

(a) **WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Except as provided in subsection (c), the Secretary of Labor may waive any requirement under any provision of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), or any regulation issued under such provision, for a State that requests such a waiver and has an approved State plan under section 214—

(A) if, and only to the extent that, the Secretary of Labor determines that such requirement impedes the ability of the State or a local partnership to carry out the purposes of this Act;

(B) if the State provides the Secretary with documentation of the necessity for the waiver, including—

(i) the specific requirement that will be waived;

(ii) the specific positive outcomes expected from the waiver and why those outcomes

cannot be achieved while complying with the requirement;

(iii) the process which will be used to monitor the progress in implementing the waiver; and

(iv) such other information as the Secretary may require;

(C) if the State waives, or agrees to waive, similar requirements of State or territory law; and

(D) if the State—

(i) has provided all local partnerships in the State with notice and an opportunity to comment on the State's proposal to seek a waiver;

(ii) provides, to the extent feasible, students, parents, and advocacy and civil rights groups an opportunity to comment on the State's proposal to seek a waiver; and

(iii) has submitted the comments of the local partnerships to the Secretary of Labor.

(2) **APPROVAL OR DISAPPROVAL.**—The Secretary of Labor shall promptly approve or disapprove any request submitted pursuant to paragraph (1) and shall issue a decision that shall—

(A) include the reasons for approving or disapproving the request, including a response to comments; and

(B) be disseminated by the State seeking the waiver to interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

(3) **APPROVAL CRITERIA.**—In approving a request under paragraph (2), the Secretary of Labor shall consider the amount of State resources that will be used to implement the State plan.

(4) **TIME PERIOD FOR WAIVER.**—Each waiver approved under paragraph (2) shall be for a period not to exceed 5 years, except that the Secretary of Labor may extend such period if the Secretary determines that the waiver has been effective in enabling the State or local partnership to carry out the purposes of this Act.

(b) **WAIVERS NOT AUTHORIZED.**—The Secretary of Labor may not waive any requirement under any provision of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), or any regulation issued under such provision, relating to—

(1) the basic purposes or goals of such provision of law;

(2) the eligibility of individuals for participation in a program under such provision of law;

(3) the allocation of funds under such provision of law;

(4) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection;

(5) maintenance of effort; or

(6) prohibitions or restrictions relating to the construction of buildings or facilities.

(c) **TERMINATION OF WAIVERS.**—The Secretary of Labor shall periodically review the performance of any State or local partnership for which the Secretary has granted a waiver under subsection (a) and shall terminate the waiver if—

(1) the Secretary determines that the performance of the State or local partnership affected by the waiver has been inadequate to justify a continuation of the waiver; or

(2) the State fails to waive similar requirements of State or territory law as required or agreed to in accordance with subsection (a)(1)(B).

SEC. 504. COMBINATION OF FEDERAL FUNDS FOR HIGH POVERTY SCHOOLS.

(a) **IN GENERAL.**—In order to integrate existing school-to-work transition activities with activities under this Act and maximize

the effective use of resources, a local partnership may carry out schoolwide school-to-work activities in schools that meet the requirements of subparagraphs (A) and (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1) (A) and (B)) by combining Federal funds under this Act with other Federal funds from among those programs under—

(1) the provisions of law listed in paragraphs (2) through (6) of section 502(b); and

(2) the Job Training Partnership Act (29 U.S.C. 1501 et seq.)

(b) **USE OF FUNDS.**—A local partnership may use the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions contained in paragraphs (1) through (6) and paragraphs (8) and (9) of section 502(c), and paragraph (1) and paragraphs (3) through (6) of section 503(b) shall remain in effect with respect to the use of such funds.

(c) **ADDITIONAL INFORMATION IN APPLICATION.**—A local partnership seeking to combine funds under subsection (a) must include in its application under title II or title III—

(1) a description of the funds it proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in schoolwide school-to-work activities; and

(4) such other information as the State, or Secretaries, as the case may be, may require.

(d) **DISSEMINATION OF INFORMATION.**—The local partnership shall, to the extent feasible, provide information on the proposed combination of Federal funds under subsection (a) to parents, students, educators, advocacy and civil rights organizations, and the public.

TITLE VI—SAFEGUARDS

SEC. 601. SAFEGUARDS.

The following safeguards shall apply to each School-to-Work Opportunities program carried out under this Act:

(1) **NONDISCRIMINATION.**—Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability.

(2) **PROHIBITION OF WAGES.**—Funds appropriated pursuant to section 6 shall not be expended for the wages of youth participants or workplace mentors.

(3) **LABOR STANDARDS.**—The labor standards contained in section 143 of the Job Training Partnership Act (29 U.S.C. 1553), except for the standards contained in subsection (a)(4) of such section, shall apply to each program.

(4) **INDIVIDUALS NOT ENTITLED TO SERVICES.**—Nothing in this Act shall be construed to provide any individual with an entitlement to the services authorized by this Act.

(5) **SIMILAR AUTHORITY OF OTHER OFFICIALS OR ENTITIES NOT SUPERSEDED.**—Nothing in this Act shall be construed to negate or supersede the authority of any official or entity responsible under State or other applicable law for authority that is similar to authority specified under this Act.

(6) **SUPPLEMENT NOT SUPPLANT REQUIREMENT.**—Funds provided under this Act shall be used to supplement and not to supplant Federal, State, and local public funds expended to provide services for existing school-to-work opportunities systems and programs.

(7) **OTHER SAFEGUARDS.**—The Secretaries shall provide such other safeguards as they deem appropriate in order to ensure that participants in a program are afforded adequate supervision by skilled adult workers,

or, otherwise, to further the purposes of this Act.

TITLE VII—REAUTHORIZATION OF JOB TRAINING FOR THE HOMELESS DEMONSTRATION PROGRAM UNDER THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

SEC. 701. REAUTHORIZATION.

Section 739(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449(a)) is amended by striking "the following amounts:" and all that follows and inserting "such sums as may be necessary for each of the fiscal years 1994 and 1995."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 2884, the School-to-Work Opportunities Act of 1993.

At the markup of this bill before the Committee on Education and Labor, I remarked that for those who were wondering when we were going to stop working on higher education matters for a minute and devote ourselves to the majority of young people whose education never reaches that level, this is the when.

The school-to-work bill has been the subject of unprecedented cooperation between the Departments of Labor and Education, which will share responsibility for implementing it. Our first hearing on the bill drew Secretaries Reich and Riley, who presented testimony jointly written. Their appearance was symbolic of the entire process of making this program a reality.

I want to read a couple of lines from an article about the bill in Friday's National Journal. The article first refers to Vice President GORE'S effort to reinvent government, which, as the article says, "boils down to making government make sense." The piece goes on: "That often means tearing down bureaucratic barriers that no longer work and recombining functions in new ways to get the job done."

Of Secretary Reich and Secretary Riley, the article says:

They elicited from their mutually suspicious bureaucracies an unprecedented degree of collaboration on a plan to help young people who don't get a college degree—three out of four nationwide—acquire the skills and employment experience they need to get good jobs. The scheme would combine the best elements of high school, youth apprenticeships and what has come to be called 'tech prep'—coordinated programs that span the last 2 years of high school and the first 2 years of technical college.

Mr. Speaker, since the bill's introduction on August 6, the Committee on Education and Labor has held three hearings. On November 3, we approved the bill after both Republicans and

Democrats offered and supported amendments. Today, on a bipartisan basis, we will move the bill one step closer to the President's desk.

As National Journal reported, the goal of this legislation is to expand career and education options for the 75 percent of high school students who do not receive a college degree. By providing flexibility in establishing school-to-work systems, we expect that States and school districts will be able to build on the many successful, innovative programs they already have implemented.

Under the school-to-work concept, educators, employers, and labor representatives develop partnerships in which high school juniors and seniors attend school part time and go to work part time. Their school course work complements their particular on-the-job experience, enhancing their qualifications in the eyes of potential employers. School-to-work participants receive not only a high school diploma, but a certificate of competency in the set of skills necessary for their chosen field. Alternatively, these young people go on to appropriate postsecondary education or training. At the end, they will have a ready answer for employers whose first question is always, "Do you have any experience?"

The Federal role in school-to-work is to provide grants to States and localities to establish these partnerships, and to establish a flexible framework to ensure that students receive the kind of training that will launch them on successful careers.

The basic components, developed by States, include work-based and school-based learning, and coordination of the two.

Under work-based learning, students would receive job training, paid work experience, workplace mentoring, and instruction in skills and in a variety of elements of an industry. At school, students would explore career opportunities with counselors. They would receive instruction in a career major, selected no later than 11th grade. The study program's academic and skill standards would be those contained in the administration's school reform bill, H.R. 1804, the Goals 2000: Educate America Act. Typically, their coursework would include at least 1 year of postsecondary education and periodic evaluations to identify strengths and weaknesses.

The coordinating activities involve employers, schools, and students, who together match the students with work opportunities. Teachers, mentors, and counselors also will receive program instruction.

States' school-to-work plans, submitted for Federal implementation grants, would have to detail how the State would meet program requirements. They also would explain how the plans would extend the opportunity to par-

ticipate to poor, low-achieving, and disabled students and dropouts.

This bill is an important blueprint to help us build a high-skilled work force for the 21st century. In line with other proposals developed by the Clinton administration, it does not establish new Federal bureaucracies but makes States and localities partners with the Federal Government in achieving goals crucial to improving the lives of our citizens.

Mr. Speaker, with the leadership of the President and his Cabinet, and the hard work of the department staffs and our committee staff, we are ready to take the next step to assist millions of young people get their fair shot at the American dream—a good wage in return for skilled work that employers need.

I urge my colleagues to support the bill.

□ 1540

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

Mr. Speaker, I rise in support of H.R. 2884, the School-to-Work Opportunities Act of 1993.

This legislation is designed to bring together partnerships of employers, educators, workers, and others for the purpose of building a high-quality school-to-work transition system in the United States.

Such a system would prepare this Nation's youth for careers in high-skill, high-wage jobs. For this reason, I have been happy to work in a bipartisan manner with Chairman FORD and the administration to develop this legislation, with the goal of establishing such a comprehensive school-to-work system in this country.

It has become an all-too-well-known statistic in recent years, that only about 50 percent, or approximately 1.4 million of this Nation's youth enter some form of postsecondary education the fall after they graduate from high school. Of these, only about half successfully complete a baccalaureate degree. For the remainder, representing three out of four U.S. youth, a rough and often painful transition to a career begins.

Yet our U.S. educational system continues to be disproportionately geared to meeting the needs of college-bound youth. There is simply no mechanism in most of our schools to link young people to employers.

While not identical, the legislation we are introducing today, shares many of the key components of a bill that my colleague from Wisconsin, Mr. GUNDERSON and I introduced earlier this year, to create a system of school-to-work transition and youth apprenticeship programs in the United States.

Both measures provide considerable flexibility at the State and local levels, allowing communities to develop programs that meet their individual economic and labor market needs.

Both are built around partnerships at the local level, that bring employers, schools, teachers, workers, students, and the community together to design the system.

Both require the integration of school-based and work-based learning.

Both bills are designed so that the successful completion of a school-to-work program will lead to a high school diploma, a portable certificate of competency in an occupation, a certificate or diploma from a postsecondary institution, if appropriate, and employment in a high-skill, high-paying job.

And both are built on successful efforts in progressive States and communities—such as those programs in my district—found both in the York Youth Apprenticeship Program, and in Project Connections (undertaken by involved employers and the school district of the city of York)—where young students are provided with challenging academic curricula and at the same time engaged in related career development opportunities.

During the hearing process in the Education and Labor Committee, we heard from numerous witnesses, representing such varied constituencies as the business community, educators, organized labor, and community-based organizations—all of whom testified in strong support for this legislation. And as a result, a number of improvements were made in the bill as we moved it through the committee.

We were successful in increasing the emphasis on serving youth through career awareness, exploration, and counseling programs in the middle school years, and even earlier where possible.

We were also successful in maintaining the strong role that employers must play in all aspects and at all levels of this system, if it is to be a success.

Legitimate concern continues to persist that this legislation will result in just one more new program added to the over 150 Federal employment and training programs that already exist in this country.

While this would be true if the bill were an ongoing grant program, with no coordination requirements—it is not.

Probably one of the greatest strengths of this legislation is that while it does not eliminate any existing job training or education programs—it will serve as a coordinating mechanism by which existing education and training programs will be integrated at the State and local levels.

The competitive implementation grants provided to States and local partnerships under the bill, are one-time 5-year grants—or venture capital—that are to be used to leverage change in existing education and training programs.

In order to receive an implementation grant, States and local programs must show how existing programs will be integrated, and how school-to-work activities will continue once Federal money is gone.

Further, a broad use of waivers under the legislation will result in linkages between programs never before possible.

Mr. Speaker, I truly feel that this is an innovative and very important piece of legislation, that will result in positive change in how we educate our youth and prepare them for the world of work.

I am proud to have been a part of its development.

I therefore urge my colleagues to join me in support of its passage.

Mr. FORD of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. KILDEE], the chairman of the Subcommittee on Elementary and Secondary Education.

Mr. KILDEE. Mr. Speaker, I rise in strong support of H.R. 2884, the School-to-Work Opportunities Act of 1993.

In today's highly competitive global economy, business performance is increasingly reliant upon the knowledge and skills of its workers.

Changes in business structures and increased use of technology in the workplace require that today's entrants into the work force be better educated and more highly skilled.

Mr. Speaker, I have some exciting school-to-work programs operating in my district which are successfully preparing high school students for the workplace.

A joint partnership among General Motors, the UAW, and Flint schools prepares students to enter skilled trades through a program that offers challenging academic and work-based components.

Students in the manufacturing training partnership are learning skills that will lead to high-skilled, high-wage jobs.

Other students from the Flint area are able to gain skills through a cooperative effort between Hurley Hospital and the Genesee-area Skills Center.

Mr. Speaker, these programs are not only having a positive effect on the students involved in them, they are having a positive effect on the community at large.

In fact, school-to-work programs in Flint are considered an integral part of local economic development.

I am pleased to support this legislation because I have seen the difference school-to-work programs make in students' lives.

H.R. 2884 provides opportunities for high school students to enter the workplace better prepared by establishing, for the first time, a national framework for a school-to-work system.

Programs created under this system through broad-based partnerships in

States and communities will enable all students to participate in education and training programs that will better prepare them for a first job, enable them to earn portable credentials, and increase their opportunities for meaningful secondary and postsecondary education.

Mr. Speaker, the School-to-Work Opportunities Act will help communities develop and implement school-to-work programs that will increase opportunities for all students to enter the workplace ready to perform.

Mr. Speaker, I want to extend my gratitude to Mr. Tom Kelley of the Elementary, Secondary, and Vocational Subcommittee staff for his very effective research and work on this bill. I know Secretary Riley and Secretary Reich join with me in extending our thanks and congratulations to Tom Kelley.

Mr. FORD of Michigan. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise today in strong support of the School-to-Work Opportunities Act of 1993. This bold initiative takes a vital step toward giving all of our Nation's young people the knowledge and skills to make a successful transition from school to a first job, in a higher skill, higher wage career.

In my State of Connecticut, young people are now suffering from record high levels of unemployment. This initiative offers real hope for the first time in a long time to many of these young people and to the 75 percent of our Nation's young who will not, and often do not have the means to achieve a college degree. For these young people, for their families, and for the communities in which they live, the school-to-work initiative promises a rigorous regimen of education and training necessary to allow them to compete successfully for the high skill, high wage jobs of tomorrow.

The School-to-Work Program is also vital for our Nation's security and future economic prosperity. We are entering an age in which the level of education and skill of a nation's workers will determine whether that nation is able to attract the high skill, high wage jobs on which its prosperity and security will increasingly depend. It is time that we joined almost all the nations with which we compete in the global market and institute a school-to-work system that gives our young people and our Nation the ability to compete successfully in this rapidly expanding market.

As a member of the Labor, HHS, and Education Subcommittee, I have had the opportunity to work with my colleagues and with Secretaries Riley and Reich to appropriate sufficient funding to assure a successful launch of this important initiative. This is a program that embodies the type of critical investment in American young people

and workers that will yield our Nation and each of our communities increasingly high dividends for generations to come.

□ 1550

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

I rise to participate in a colloquy with the gentleman from Michigan [Mr. FORD]. The gentleman from Wisconsin [Mr. GUNDERSON] had hoped to be here, and I had hoped he would be here because he has worked long and hard over the years to develop good school-to-work programs and apprenticeship programs.

He is not here so I will enter into a colloquy, if I might, with the chairman.

Mr. Speaker, even with my strong support for this legislation, I am concerned over a change made to the bill that we are considering here today from the version of H.R. 2884 that was reported out of the Education and Labor Committee—dealing with the issue of State governance of school-to-work programs.

Specifically, this change would provide very specific and separate approval authority to the Governor for those portions of a State's school-to-work opportunities plan which fall under the jurisdiction of the Governor, and separate approval authority to other State officials for those portions of a State's plan which fall under the jurisdiction of those State officials, respectively.

While I fully understand the need, and strongly agree that all relevant State agency heads as well as the Governor must be fully involved and committed to the planning and implementation of a State's school-to-work system if this effort is to succeed—I am concerned that this specific language will actually do just the opposite—encouraging individual State agencies and officials to view this school-to-work initiative as a collection of separate activities under the separate jurisdictions of their individual agencies—rather than an integrated, collaborative system.

Am I correct to assume that the chairman agrees that this school-to-work effort must be a collaborative effort on the part of all key State officials?

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, the gentleman is correct. In fact, the bill requires collaboration among the individual State partners in the development and implementation of a State's school-to-work system.

Mr. GOODLING. Mr. Speaker, it is my understanding that the National Governor's Association and the Chief State School Officers are currently try-

ing to work out a compromise on this issue.

Based on these negotiations, and on the understanding that the language that provides this separate approval authority will be changed in conference, I have agreed to support passage of H.R. 2884 today.

May I have the chairman's assurance that he will work with me as we go to conference with the Senate, to replace this language with compromise language that strengthens the bill's collaboration requirements—and that does not encourage the separate development and implementation of school-to-work activities by individual State agencies—or encourage individual State officials to exercise a final veto over the entire State plan?

Mr. FORD of Michigan. Mr. Speaker, if the gentleman will continue to yield, I agree with the gentleman that we will work together to craft a compromise on this language during the conference with the Senate. The inclusion of this language today has facilitated in moving the legislation forward, with the clear understanding that I am committed to reaching an agreeable alternative with the gentleman before the legislation comes back to the House.

Mr. GOODLING. Mr. Speaker, I thank the chairman for his assurance. I, too, want to thank the staff, particularly on my side of the aisle Mary Gardner-Clagett. They worked long and hard to help us produce what I think is a good piece of legislation. I hope all Members will support it.

Mr. BALLENGER. Mr. Speaker, H.R. 2884, the School-to-Work Opportunities Act of 1993 is an attempt to help American students make the transition from high school to the working world smoothly and successfully. I recognize that not all students will have the luxury of attaining a college education. This legislation is for them. The bill emphasizes the importance of combining work-based and school-based learning. By coordinating the instruction received in both places, the students will be better equipped upon graduating to enter the work force.

The concept of mentoring, embodied in this bill, is one that I have long endorsed and recognized as necessary to training young people to be successful competitors in this global economy.

While I am excited about the potential contained within this bill, I am equally concerned about the number of similar job training programs already in place in the Federal Government. According to a GAO study released in 1992, there are 125 Federal job training programs already in existence. Of concern to me are the overlapping responsibilities, duplication of services, and unnecessary costs.

I do not wish to detract from the importance of job training, however, it is unfortunate that this bill does not do a better job of consolidating and improving existing programs. In light of the ever-swelling budget deficit, now is the time to streamline and downsize, to develop better and more efficient programs with less

resources. This bill did not rise to that challenge.

Mr. WILLIAMS. Mr. Speaker, as we begin our debate today, I am glad that a number of my concerns with this legislation have been addressed.

The bill that we are considering today responds to the issue of governance of this system by providing the safeguard that:

Nothing in this Act shall be construed to negate or supersede the authority of any official or entity responsible under State or other applicable law that is similar to authority specified under this Act.

In addition, this point is reemphasized in the committee amendment today which impacts the approval of the State plan. The amendment states that:

The Governor shall approve those portions of the plan under the jurisdiction of the Governor; and other appropriate officials or entities shall approve those portions that address matters that, under State or other applicable law, are not under the jurisdiction of the Governor.

States like Montana and Michigan, with separately elected superintendents of public instruction, will have their legal decision-making structure protected. This ensures that the chief State school officer will make the relevant decisions under this act as opposed to the single, cookie-cutter approach in the original bill.

The legislation also goes a long way to ensuring that young women will be served equitably under this act and exposed to jobs that they have traditionally been steered away from.

The bill ensures necessary labor standards and ensures that funds under the act will be used to supplement and not supplant existing Federal, State, and local funds.

As we move to conference with the Senate, I am also concerned that we commit to supporting this bill in conference and not cave in to the peculiarities of Senate time agreement in order to have legislation on the President's desk by the time we recess.

Mr. GUNDERSON. Mr. Speaker, I rise in support of H.R. 2884, the School-to-Work Opportunities Act of 1993.

Similar to legislation that my colleague from Pennsylvania, Mr. GOODLING, and I introduced earlier this Congress, this bill is designed to establish high-quality, work-based learning programs throughout the United States, that train youth for skilled, high-wage careers which do not require a 4-year college degree.

Establishment of such a school-to-work transition system in the country would address a serious inadequacy in this Nation's educational system, as well as significantly improve the quality of the U.S. work force, enabling the United States to better compete in the global marketplace.

Demographic trends, technological change, increased international competition, a changing workplace, and inadequacy of our U.S. education and training systems have resulted in shortages of skilled workers and an excess of unskilled, hard-to-employ individuals.

A significant proportion of U.S. youth graduate from high school with inadequate basic skills and totally lacking in work-readiness competencies.

Yet the United States is the only major industrial national lacking a formal system for

helping youth make the transition from school to work.

Very little attention is paid in our U.S. educational system to preparing youth for the workplace.

Like our earlier legislation, the bill under consideration today has the goal of expanding the range of education and career options for the 70 to 75 percent of American youth who will not complete a 4-year B.A. degree.

By providing a broad degree of flexibility in establishment of school-to-work systems in States and localities, the legislation builds on successful efforts already undertaken by innovative States and communities—such as those efforts in Wisconsin—while providing Federal guidance on the establishment of a national school-to-work policy.

This legislation would provide development grants to all States for the early planning and development of statewide school-to-work efforts.

The bill further provides one-time, 5-year implementation grants to States who after further along in their school-to-work efforts, to aid in the actual establishment and expansion of State and local school-to-work programs.

The implementation grants, expected to go out to States in waves, have been aptly described by the administration as venture capital—a one-time infusion of Federal assistance that will leverage change in existing programs—ultimately resulting in broad-based change in the way we teach and prepare our youth for the world of work.

At the heart of this system are local partnerships of employers, educators, workers, students, and the community, who will build local school-to-work programs to meet the economic and educational needs of their individual communities.

The active and vital role of employers is stressed throughout the legislation at the State and local levels.

Under the proposal, school-based and work-based learning must be integrated, with students participating in school-to-work programs gaining valuable work experience under the guidance of a workplace mentor.

Career awareness, exploration, and counseling opportunities are encouraged for all students—beginning as early as possible, but no later than in the middle school years—in order that all youth have a sense of the opportunities that lay ahead combined with the right education.

Finally, and most importantly, students completing this program would receive a high school diploma, a certificate of competency in an occupation, entry into appropriate post-secondary education, where appropriate, and/or entry into a skilled, high-paying job with career potential.

Mr. Speaker, I feel that the legislation before us today moves us in the right direction in meeting the needs of non-college-bound youth, whose needs have been so inadequately met in recent years.

I feel it strikes the right balance, involving all the necessary players, at every level; providing maximum flexibility to States and particularly to local programs to craft programs that meet individual community needs; and leveraging change in existing programs through the one-time infusion of new money,

and through waivers of regulatory and statutory provisions in existing Federal education and training programs.

This is not business as usual, and as a result, I support passage of H.R. 2884, and urge my colleagues to do the same.

Mrs. UNSOELD. Mr. Speaker, I enthusiastically support H.R. 2884, the School-to-Work Opportunities Act. As an original cosponsor of this bill, I believe it is high time for us to think more creatively about the lifelong process of education. No longer can we expect our students to move in a nice straight line from elementary school to middle school to high school and then on to a job. Students should be able to experience life in the workplace—and in the business community—before they graduate from high school, not after. I believe this bill takes us in that direction.

The bill provides much-needed funding for States and communities to establish programs that serve the 75 percent of our population without a college degree. Under a provision I inserted, this bill also encourages States to help establish business-education partnerships between local businesses and elementary and middle schools. With the amount of Federal funding for education shrinking over the past 12 years, it's time for us to think about new ways to support our public schools. Business-education partnerships and school-to-work programs are two innovations that make sense—both substantively and financially.

Mr. KREIDLER. Mr. Speaker, I would like to voice my strong support for H.R. 2884, the School To Work Opportunities Act of 1993. This program is long overdue. It will help meet the needs of noncollege bound high school students for career education.

About half of America's young people do not go on to college; 75 percent do not achieve a college degree. Our rapidly changing work force requires the improvement of our students' basic skills to compete in a global economy. They should have access to both academic and vocational education in accordance with their interests, needs, and abilities.

In my State of Washington, the school-to-work concept has already been successfully linking high school students with career opportunities. Students in the Bethel School District are using "Career Paths" that emphasize integration of academic and vocational education. These students are able to gain valuable work experience while going to school. Beginning in the eighth grade, students are encouraged to explore their career interests and start taking classes that relate to those fields. The local community is involved as well, by allowing students into the workplace to experience hands-on learning.

I was proud to cast my vote in favor of the School To Work Opportunities Act. It is time that we respond to the changing needs of our global economy by improving our education system as well as our work force, and by providing our students the skills and opportunities they need to compete.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from

Michigan [Mr. FORD] that the House suspend the rules and pass the bill, H.R. 2884, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the bill just passed.

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

There was no objection.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM AMENDMENTS

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3321) to provide increased flexibility to States in carrying out the Low-Income Home Energy Assistance Program, as amended.

The Clerk read as follows:

H.R. 3321

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

SECTION 1. INCREASED STATE FLEXIBILITY IN THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 927 of the Housing and Community Development Act of 1992 (Public Law 102-550) is amended—

(1) in subsection (a)—
(A) by striking the parenthetical phrase; and

(B) by inserting before the period “, except as provided in subsection (d)”;

(2) in subsection (b)—
(A) by striking “such” and inserting in lieu thereof “or receiving energy”; and

(B) by inserting before the period “for any program in which eligibility or benefits are based on need, except as provided in subsection (d)”;

(3) by inserting at the end thereof the following new subsection:

“(d) SPECIAL RULE FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—For purposes of the Low-Income Home Energy Assistance Program, tenants described in subsection (a)(2) who are responsible for paying some or all heating or cooling costs shall not have their eligibility automatically denied. A State may consider the amount of the heating or cooling component of utility allowances received by tenants described in subsection (a)(2) when setting benefit levels under the Low-Income Home Energy Assistance Program. The size of any reduction in Low-Income Home Energy Assistance Program benefits must be reasonably related to the amount of the heating or cooling component of the utility allowance received and must ensure that the highest level of assistance will be furnished to those households with the lowest incomes and the highest energy costs in relation to income, taking into

account family size, in compliance with section 2605(b)(5) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(5))."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

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

Mr. Speaker, H.R. 3321, as amended, is designed to give States more flexibility in administering the Low-Income Home Energy Assistance Program [LIHEAP], as that program relates to federally assisted housing. This legislation is an amended version of the bill as originally introduced by Congressman BARNEY FRANK on October 20, 1993. H.R. 3321, as amended, needs to be passed quickly so that States can implement this change for the current heating season.

I am submitting for the RECORD a section-by-section analysis and short summary of H.R. 3321, as amended.

This bill clarifies an interpretation of current housing law that has apparently hindered States in carrying out the LIHEAP program. Some States have interpreted the law as requiring them to provide LIHEAP assistance to a tenant of federally assisted housing without taking into account the amount of any utility allowance that the tenant may also be receiving. H.R. 3321, as amended, would clarify the law to permit States to consider the tenant's utility allowance in determining their LIHEAP assistance.

Specifically, the bill amends section 927 of the Housing and Community Development Act of 1992 to allow States to take into consideration the amount of the heating or cooling component of a utility allowance received by a tenant of federally assisted housing, in determining their LIHEAP benefits. The legislation provides, however, that the size of any reduction in LIHEAP benefits to the tenant must be reasonably related to the amount of the heating or cooling component of the utility allowance received by the tenant.

Currently, section 927 of the 1992 Housing Act prohibits States from reducing or denying LIHEAP payments to tenants of federally assisted housing who are responsible for paying heating or cooling bills. In addition, it requires such tenants to be treated identically with other low-income families eligible for LIHEAP, including those who do not live in assisted housing and who do not receive utility allowances.

Congressman FRANK specifically amended H.R. 3321 to address my concerns that tenants of federally assisted housing not be unfairly disadvantaged by this change in the law. This was done by adding language to the legisla-

tion that strengthens the current law requirement that tenants of federally assisted housing with heating or cooling costs cannot be automatically denied LIHEAP assistance, and by conforming language in the bill to language in the LIHEAP statute that requires that such assistance is to be provided to those households with the lowest incomes and highest energy costs.

I would also like to make clear that this legislation is not intended to permit States, in administering LIHEAP, to establish a priority for funding individuals who do not receive utility allowances, as utility allowances do not always adequately relieve the utility burden of tenants of assisted housing.

As this legislation only amends a housing statute—the 1992 Housing Act—it is within the jurisdiction of the Committee on Banking, Finance and Urban Affairs, which I chair. However, as LIHEAP itself is within the jurisdiction of the Energy and Commerce Committee and the Education and Labor Committee, the respective chairmen of those committees have been advised of this legislation, and they have expressed their support. I would like to introduce into the RECORD at this time letters of support from Chairman DINGELL and Chairman FORD.

Finally, the Congressional Budget Office reviewed H.R. 3321 as introduced and reported that there are no Federal, State, or local costs associated with the bill. I am submitting the CBO estimate for the RECORD at this time.

I therefore urge the adoption of H.R. 3321, as amended.

SECTION-BY-SECTION SUMMARY—H.R. 3321, AS AMENDED

SECTION 1. INCREASED STATE FLEXIBILITY IN THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Amends section 27 of the Housing and Community Development Act, entitled "Clarification on Utility Allowances," as follows:

(1) Amends section 972(a) to provide that tenants who are responsible for making out-of-pocket payments for utility bills, and who receive utility allowances under certain specified Federally-assisted housing programs, cannot have their eligibility or benefits under other energy assistance programs reduced or eliminated, except as provided for in the new section 927(d) established by this bill.

(2) Amends section 927(b) to provide that tenants described in subparagraph (1) above are to be treated identically with other households eligible for or receiving energy assistance, including in the determination of home energy costs and incomes for any program in which eligibility or benefits are based on need, except as provided in new section 927(d).

(3) Establishes a new section 927(d) to provide that tenants receiving utility allowances under specified Federally-assisted housing programs, who are responsible for paying some or all heating or cooling costs, cannot have their eligibility for the Low-Income Home Energy Assistance Program (LIHEAP) automatically denied.

Allows a State to consider the amount of the heating or cooling component of utility allowances received by such tenants when setting benefit levels under LIHEAP.

Provides that the size of any reduction in LIHEAP benefits must be reasonably related to the amount of the heating or cooling component of the utility allowance received by the tenant, and must ensure that the highest level of assistance will be furnished to those households with the lowest incomes and the highest energy costs in relation to income, taking into account family size, in compliance with section 2605(b)(5) of the Low-Income Home Energy Assistance Act of 1981.

SHORT SUMMARY—H.R. 3321, AS AMENDED

This legislation clarifies current housing law to provide States with more flexibility in the administration of the Low-Income Home Energy Assistance Program (LIHEAP) as that program relates to Federally-assisted housing.

H.R. 3321 amends section 927 of the Housing and Community Development Act of 1992 to allow States to take into consideration the amount of the heating or cooling component of a utility allowance received by a tenant of federally-assisted housing, in determining their LIHEAP benefits.

In order to ensure that tenants of federally-assisted housing are not unfairly disadvantaged by this change in the law, the legislation specifically provides that tenants of federally assisted housing who are responsible for paying some or all of their heating or cooling costs cannot be automatically denied assistance under LIHEAP. In addition, it provides that any reduction in LIHEAP benefits must be "reasonably related" to the amount of the heating or cooling component of the utility allowance. Finally, the legislation conforms with the current LIHEAP statute requirement that assistance is to be provided to those households with the lowest incomes and the highest energy costs.

COMMITTEE ON EDUCATION AND LABOR,

Washington, DC, November 4, 1993.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance,
and Urban Affairs, House of Representatives,
Rayburn House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on Banking, Finance, and Urban Affairs may soon consider and seek House floor consideration of H.R. 3321, a bill to provide increased flexibility to States in carrying out the Low-Income Home Energy Assistance Program. As you are aware, the measure has been jointly referred to the Committee on Education and Labor.

This effort to clarify the intent of amendments included in section 927 of the Housing and Community Development Reauthorization Act of 1992, Public Law 102-550, will permit States to more efficiently allocate limited LIHEAP resources among eligible beneficiaries of the program. While amending section 927 of Public Law 102-550, H.R. 3321 would directly establish rules of construction for determination of LIHEAP eligibility. However, in order to expedite consideration of this legislation, I would have no objection to discharging the Committee on Education and Labor, without prejudice to its continued legislative jurisdiction over the Low-Income Home Energy Assistance Program.

With kind regards,
Sincerely,

WILLIAM D. FORD,
Chairman.

COMMITTEE ON ENERGY
AND COMMERCE,

Washington, DC, November 9, 1993.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance,
and Urban Affairs, Rayburn House Office
Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of November 4, 1993 supporting H.R. 3321, a bill to provide states with useful flexibility to efficiently utilize the limited resources of the Low-Income Home Energy Assistance Program (LIHEAP). As you know, I have long been a supporter of LIHEAP and its help in addressing the heating needs of the old, the disabled, and the working poor.

As you noted, the bill amends language included in the Housing and Community Development Act of 1992 that was designed to ensure that residents of subsidized housing who are receiving utility allowances remain eligible for LIHEAP benefits. As studies have shown, utility allowances alone are not always adequate to meet the heating needs of the residents.

I am satisfied that the changes in H.R. 3321, including your suggested changes to the original text, retain this important safeguard while meeting the concerns of Representative Frank who has led efforts to move H.R. 3321 this year.

After review, I support the efforts to move this bill, as amended, expeditiously on the suspension calendar. Thank you for your attention to this important matter.

Sincerely,

JOHN D. DINGELL,
Chairman.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 25, 1993.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: The Congressional Budget Office has reviewed H.R. 3321, a bill to provide increased flexibility to states in carrying out the Low-Income Home Energy Assistance Program (LIHEAP), as introduced on October 21, 1993. CBO estimates there would be no federal, state or local costs associated with this bill. Further, we estimate there would be no direct spending effects; therefore, the bill is not subject to the pay-as-you-go procedures of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

This bill would allow states to reduce the LIHEAP benefit for certain individuals by an amount that is reasonably related to the amount of the heating or cooling component of the utility allowance provided by various housing programs. Under current law, states are not allowed to reduce or eliminate LIHEAP benefits to individuals receiving utility allowances through these programs. As a result, states are paying full LIHEAP benefits to some individuals receiving utility allowances, resulting in these individuals receiving more benefits than they need to pay their energy expenses. This bill would give states the option to reduce LIHEAP benefits for these individuals.

LIHEAP provides federal grants to states to assist low-income persons with their energy bills. This bill would not alter the funds made available to states. If states reduce benefits to certain individuals, these states could increase benefits to others. Federal grants would be unaffected.

If you wish further details on this estimate, we will be pleased to provide them.

The CBO analyst is Cory Oltman who can be reached at 226-2820.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. FRANK] be permitted to manage the debate and allocate time.

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

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the courtesy the chairman of the full committee has shown to me, as he has to other Members in helping us move this.

Mr. Speaker, this bill is necessitated by an error that I made last year. I think I got it right this time.

In the housing bill that we passed, actually not last year but 2 years ago, we meant to give the States flexibility, so that people who lived in assisted housing and who were otherwise eligible for low income heating assistance could get it. The problem has been that the law was being interpreted to say that if one was in public housing, or assisted housing, they could not get any home heating assistance, even if they had to pay part of their heating bill.

Now, where the individual tenant pays none of the heating bill, it seemed unnecessary for them to get this assistance. We wrote legislation, which was intended to give flexibility, but in the drafting process, I made a mistake. And we wound up with too much rigidity.

Fortunately, that was called to our attention by some people. In fact, some of the Legal Services group on whom I rely for information and whom I ask from time to time for an evaluation, pointed this out as have some others.

We now have a situation where, if we do not move quickly and change this, not only will the States be able to give home heating assistance to these who need it, it will be mandated to some people who do not need it. That is, some people who, in fact, get all of their heating bills paid for as part of their public assistance will get a windfall. That windfall will come out of a limited pot that cost other people money.

I should note, by the way, that this will cost the Federal Government nothing. This bill, because it merely deals with how we allocate funds already appropriated, does not add one cent to the appropriation. It simply provides for a fairer way to distributing money already appropriated for the year.

□ 1600

What this bill does is what we should have done in the first place. It gives the States the flexibility, and what it says is that a State may give partial heating assistance to people who pay

part of their bills, or whatever is appropriate. The home heating issue is an important one. It has not gotten, in my judgment, appropriate funds. It is very important that we do it in the right way, so this is a piece of legislation which corrects a mistake and provides, as it says, State flexibility, and it is flexibility which is geared to need.

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

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

Mr. Speaker, this Member rises in strong support of the bill, H.R. 3321, as amended. I also express the support of the gentlewoman from New Jersey [Mrs. ROUKEMA] whose statement of support will be included.

This Member also compliments the gentleman from Massachusetts [Mr. FRANK] for leading the efforts to fix this inadvertent problem created during consideration of the 1992 Housing and Community Development Act.

The intent of the legislation is very straightforward. It amends section 927 to give the States added flexibility to consider the amount of assistance provided to residents as part of their rental assistance and to set Low-Income Home Energy Assistance Program [LIHEAP] benefits in a manner that relates to the actual cost of utilities.

To explain, low-income families receive a utility allowance as part of their rental assistance payment. This utility allowance is often insufficient to pay the actual cost of utilities. Until 1992, some States denied LIHEAP to families who qualified for the program because they received a utility allowance. Consequently, Congress passed legislation that required States to provide energy assistance payments under the LIHEAP Program regardless of whether families received utility allowances as well.

The unintended consequence of the 1992 legislation, however, is that now States are compelled to pay families the same dollar amount of LIHEAP assistance regardless of circumstances. As a result, some families who receive both the LIHEAP assistance and the utility allowance receive more assistance than they should receive.

The legislation will rectify this situation by giving States authority to reduce the LIHEAP utility subsidy to individuals who also receive utility payments from other housing programs. It is budget neutral, restores equity to the impact of the program, and simply, makes good sense. This Member urges adoption of H.R. 3312.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to again thank the chairman of the committee for facilitating this, and I also want to note, as an example of cooperation,

this was jointly referred to the Committee on Banking, Finance and Urban Affairs, to the Committee on Education and Labor, and to the Committee on Energy and Commerce, and I appreciate the willingness of the chairs of the Committee on Energy and Commerce and the Committee on Education and Labor to write, as they have, to us saying they have no objection, and in fact support this bill going forward. The bill was jointly referred, but we have the approval of the two committees.

Mrs. ROUKEMA. Mr. Speaker, I rise in support of H.R. 3321 which would amend the Housing and Community Development Act of 1992 with respect to the Low-Income Home Energy Assistance Program.

I want to first commend the gentleman from Massachusetts [Mr. FRANK] for bringing this particular problem to our attention. I also want to commend the chairman for expediting the consideration of this legislation before the winter heating season kicks into full operation.

H.R. 3321 would allow a State to make a LIHEAP payment to a low income tenant of public housing or section 8 housing, which reflects the difference between the tenant's actual utility bill and the utility allowance the tenant receives as part of their Federal assistance.

Historically, most tenants of federally assisted and public housing paid a fixed percentage of their income as rent. The rent usually included utilities.

In the 1980's, many public housing agencies began to meter individual units and required the tenants to assume payment for their own utilities. To offset these additional costs, HUD allowed the PHA's to grant a utility credit against a tenant's rent. These credits, however, very seldom amounted to the exact utility payment.

When the LIHEAP program first went into effect, many States denied payments to certain tenants in federally assisted housing who received utility credits which the States felt were adequate or nearly adequate to cover the out-of-pocket costs to the tenant. The States felt that with the limited funds available for the LIHEAP Program, these double dippers should be restricted from the program.

In response, last year the Congress added a provision in the housing bill which said that if a low-income person was eligible for the LIHEAP payment, the State could not deny any portion of that payment, even if the tenant received a utility credit. The rationale was simply that the credit still did not equal the total utility payment made by the tenant and therefore the LIHEAP payment was necessary.

Since then, States like Massachusetts, which have many low-income tenants eligible for LIHEAP, and have

limited budgets for programs like this, have complained that if a full LIHEAP grant had to be given to each federally assisted tenant, who currently receives a utility credit, there would not be enough funds for families in nonsubsidized housing.

H.R. 3321 would retain the basic requirement of current law but would create a limited exception to permit States greater flexibility in structuring their LIHEAP grants. States would be permitted to consider tenants utility credits when determining or adjusting the amount of LIHEAP benefits provided to eligible tenants who live in federally assisted housing.

In other words, the legislation would permit a State to pay the difference between the utility cost and the utility credit which a tenant receives. The result would be to increase current grant amounts to those already eligible and to make more funds available for eligible families who receive no Federal subsidy at all.

This does have the support of the States and does not appear to be controversial.

I urge the House to pass this legislation.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 3321, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3321, as amended, the bill just considered and passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3325

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3325.

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

There was no objection.

BLM EXPANSION OF GENE CHAPPIE SHASTA OHV AREA

Mr. VENTO. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 2620) to authorize the Secretary of the Interior to acquire certain lands in California through an exchange pursuant to the Federal Land Policy and Management Act of 1976, as amended.

The Clerk read as follows:

H.R. 2620

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds—

(1) the Bureau of Land Management desires to obtain the lands described in section 3(a) for purposes of an access and staging area being planned in cooperation with the National Park Service;

(2) the lands described in section 3(b) constitute an isolated tract acquired by the United States in 1936 for purposes of a Forest Service fire lookout, but such lands are no longer needed for that or any other National Forest purpose, and all improvements have been removed from such lands;

(3) the lands described in section 3(b) are entirely surrounded by private lands owned by a family one of whose members also owns the lands described in section 3(a); and

(4)(A) the owners of the land described in section 3(a) are willing to transfer those lands to the United States in exchange for the lands described in section 3(b); but

(B) under existing law, such an exchange cannot be accomplished administratively.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to acquire the lands described in section 3(a) through an equal-value exchange for the lands described in section 3(b).

SEC. 2. AUTHORIZATION FOR EXCHANGE.

Solely for purpose of acquisition by the Secretary of the Interior (on behalf of the United States) of the lands described in section 3(a) through an equal-value exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), the lands described in section 3(b) shall, for the 36-month period beginning on the date of enactment of this Act, be deemed to be public lands, as defined in section 103(e) of such Act (43 U.S.C. 1702(e)).

SEC. 3. LAND DESCRIPTIONS.

(a) OHV AREA TRACT.—The lands whose acquisition through exchange is specifically authorized by this Act are described as follows: S½SW¼ of section 26, township 33 north, range 7 west, Mount Diablo Base and Meridian, Shasta County, California, comprised of 80 acres, more or less.

(b) DELTA POINT LOOKOUT TRACT.—The lands which under this Act are deemed to be public lands for purposes of exchange is a parcel described as follows: Mount Diablo Meridian, township 36 north, range 5 west, section 23, SW¼NW¼SE¼, NW¼SW¼SE¼, SE¼NE¼SW¼, NE¼SE¼SW¼, comprised of 40 acres, more or less.

SEC. 4. ACQUISITION.

Section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8) is amended by adding at the end the following new subsection:

“(k)(1) Notwithstanding any other provision of this Act, the Secretary is authorized to use funds appropriated pursuant to this Act, including any available funds appropriated to the National Park Service for construction in the Department of the Interior

and Related Agencies Appropriations Acts for fiscal years 1991 through 1994 for project modifications by the Army Corps of Engineers, in such amounts as determined by the Secretary, to provide Federal assistance to the State of Florida (including political subdivisions of the State) for acquisition of lands described in paragraph (4).

"(2) With respect to any lands acquired pursuant to this subsection, the Secretary may provide not more than 25 percent of the total cost of such acquisition.

"(3) All funds made available pursuant to this subsection shall be transferred to the State of Florida or a political subdivision of the State, subject to an agreement that any lands acquired with such funds will be managed in perpetuity for the restoration of natural flows to the park or Florida Bay.

"(4) The lands referred to in paragraph (1) are those lands or interests therein adjacent to, or affecting the restoration of natural water flows to, the park or Florida Bay which are located east of the park and known as the Frog Pond, Rocky Glades Agricultural Area, and the Eight-and-One-Half Square-Mile Area."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. CALVERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2620, the legislation now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2620, introduced by Mr. MATSUI and Mr. HERGER, both of California, would authorize but not require the Secretary of the Interior to carry out an exchange involving lands in northern California. The Natural Resources Committee amended the bill to add provisions dealing with Everglades National Park, in Florida, desired and supported by the entire Florida House and Senate delegations.

The California provisions of the bill involve an isolated tract of nationally owned lands that were acquired a half century ago for use as a forest service fire lookout. They are no longer used for that purpose, all improvements have been removed, and the site is no longer needed for any other national forest purpose.

This tract is located in the middle of private lands owned by a family that also owns another parcel of land which the Bureau of Land Management is considering acquiring, for use in connection with an off-road-vehicle recreation area. The family evidently is willing to consider transferring that parcel to the United States, but would prefer to do so through an exchange for

the isolated tract in the middle of the family holdings.

The bill would authorize, but not require, such an exchange by providing that for a 3-year period, and solely for purposes of exchange, the surrounded tract would be considered as being BLM lands. This is essentially a house-keeping measure, and is not controversial.

The Florida provisions would authorize the Secretary of the Interior to use funds appropriated pursuant to the 1989 Everglades Expansion Act—Public Law 101-229—for flood control in the Rocky Glades agricultural area, Frog Pond, and 8½-square-mile area to provide Federal assistance to the State of Florida for acquisition of these lands.

The 1989 act authorized the transfer of funds from the National Park Service to the U.S. Army Corps of Engineers for constructing flood control and water modification projects in the three named areas. Studies now show that acquiring these lands and flooding them to restore the natural water flows to the Everglades National Park and Florida Bay would be the most beneficial in terms of the overall park restoration efforts. Approximately \$17.4 million remains unobligated of the approximately \$22.7 million that had been appropriated to the National Park Service for the purposes of the 1989 act. The State of Florida, the south Florida water management district and Dade County have agreed to form a partnership to provide funding for a large part of the proposed land acquisition. Authorizing the use of already appropriated funds to assist in the effort will provide needed funds to ensure that the land acquisition process can go forward and provides the Secretary the ability to require that the lands thus acquired will be managed for the benefit of the park.

Since the enactment of the 1989 legislation, the Everglades and Florida Bay have experienced significant decline. The lack of water flow to and through the park, as well as the nature of that flow, has caused severe deterioration of the indigenous plant and animal life in the park and the bay. A field hearing held in the Florida Keys in July 1993 highlighted the urgent need to mitigate the severe damage. Restoring the natural flows through the Everglades to Florida Bay is a priority both for the preservation of this unique resource and for those economically dependent upon a healthy Everglades ecosystem.

The bill stipulates that the Federal contribution may not exceed 25 percent of the total cost of the land acquisition, and requires that the lands so acquired must be managed for the restoration of natural water flows to the park or Florida Bay. The Federal Government will neither acquire the land directly nor hold title to the property, but the Federal interest is protected by

the provisions ensuring that these lands will be managed for the benefit of the park and Florida Bay.

I participated in the field hearing in July and was impressed by the willingness of all parties—local, State, and Federal agencies as well as interested business persons and private citizens—to work together to restore the Everglades ecosystem. The participation of the entire Florida delegation has been critical in this effort, particularly in seeking this authorization. Their persistence and hard work certainly speaks to the importance of a healthy Everglades to Florida's environment and economy. I support authorizing the reprogramming of these funds, and I urge my colleagues support this positive first step in restoring the Everglades ecosystem.

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

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

Mr. Speaker, I rise in support of H.R. 2620 and commend the gentlemen from California [Mr. HERGER] and [Mr. MATSUI], for their hard work. As fully explained by the chairman, the gentleman from California [Mr. VENTO], H.R. 2620 will permit an equal-value land trade involving the Forest Service, BLM, and private owners in northern California. This legislation will allow the BLM to add a critical piece of property to the Gene Chappie/Shasta OHV Area that will serve as a staging area for off-road vehicle use. Under current regulations, this three-way trade is not possible and therefore this legislation is necessary to complete this trade.

However, H.R. 2620 also includes a nongermane amendment that was added at full committee which authorizes \$25 to \$30 million to acquire buffer zones along the eastern edge of Everglades National Park. The committee has never held a hearing on this legislation and we are uncertain regarding the merits and necessity of this proposal.

As a general rule, I oppose establishing buffer zones around parks and I do not see a good reason to spend limited Federal dollars to acquire lands outside of parks when we face a backlog of \$1 to \$2 billion to acquire previously authorized lands inside of park boundaries.

With the exception of the nongermane amendment, I support H.R. 2620.

Mr. MATSUI. Mr. Speaker, I rise in support of H.R. 2620, legislation providing for the Bureau of Land Management's expansion of the Gene Chappie Shasta OHV Area. Before discussing the merits of this legislation, I would like to begin by thanking Chairman VENTO and the members of the Subcommittee on National Parks, Forests, and Public Lands for their hard work on this legislation. I would also like to thank the committee and subcommittee staff for their hard work, and I would particularly

like to mention Mr. Stanley Sloss, counsel to the subcommittee, for his fine work.

Representative HERGER and I introduced H.R. 2620, legislation which will facilitate a land transfer in northern California. This land transfer will allow the Bureau of Land Management [BLM] to add a critical piece of property to the Gene Chappie/Shasta OHV Area.

The intent of this legislation is to allow a parcel of land which was acquired by the Forest Service to be exchanged by BLM in order to achieve the land exchange. The Forest Service land is an isolated tract which was acquired for the Delta Point Lookout on April 20, 1936, under the Emergency Civil Works Act of March 31, 1933. The lookout is no longer needed, and was removed from the parcel, returning the land to its former unimproved status.

The Forest Service parcel is entirely surrounded by private lands, which are owned by the Cibula family of northern California. Consequently, the Cibulas have long been interested in acquiring this parcel. By the same token, the Cibula family owns the parcel of land sought by BLM for purposes of expanding the Gene Chappie/Shasta OHV Area. The Cibulas will consider giving up their parcel only if they can obtain the Forest Service parcel their property surrounds. They will not accept a cash transaction, nor will they accept other offered lands. Therefore, the only apparent way for BLM to acquire the parcel for the OHV area is to be able to offer the Cibulas the land acquired by the Forest Service.

Although the Forest Service is fully willing and cooperative in the effort, under existing legal authorities the Forest Service is authorized to dispose of the acquired parcel only in return for lands which become part of the National Forest System. Since the Cibula parcel is needed for a BLM public domain project, there is no apparent way to achieve the shared goals of the Forest Service, BLM, and the Cibulas under existing law.

H.R. 2620 will allow the Cibulas to work with the two Federal agencies in order to work out the mutually agreeable transaction: the Cibulas will receive the Forest Service parcel in exchange for their family parcel, which will be received by BLM.

This legislation does not require the exchange to take place; it merely allows the parties to proceed should terms agreeable to BLM, the Forest Service, and the Cibulas be established. Our legislation also recognizes all the Federal legal requirements for land exchanges.

Mr. Speaker, our legislation should not be controversial; it merely serves as a mechanism in order to allow BLM, the Forest Service, and a private citizen to exchange properties to the advantage of all concerned, including the Federal Government. Again, I thank the subcommittee and committee members and staff, and I urge my colleagues to pass this legislation today.

Mr. SHAW. Mr. Speaker, I am pleased that the House has recognized the significance of H.R. 2620, the BLM expansion of the Gene Chappie/Shasta OHV Area, and approved it today. Included in this legislation is an authorization of land acquisition efforts to aid in restoring and protecting Florida Bay. I commend the Committee on Natural Resources for their work on this vital initiative.

The Federal, State, and local partnership plan indicates that land must be purchased in south Dade County, including Frog Pond, the Rocky Glades Agricultural Area, and the 8½-square-mile area. Acquisition of these areas is necessary so that canal stages and groundwater levels can be raised to natural levels, wet season ponding can return, and gradual sheetflow restored over a 6–9 month hydroperiod as compared to the current 0–1 month.

Based on the enormous financial undertaking of this effort, it is imperative that Federal, State, and local agencies collaborate to obtain the funds necessary for land acquisition.

This legislation authorizes the Department of the Interior to transfer funding that originally was intended to be allocated to the Corps of Engineers to build seepage canals and a pump station for flood control to go instead toward land acquisition efforts.

The land acquisition initiative is fundamental to the recovery and sustained health of Florida Bay. I am pleased that we are one step closer to saving what was once—and can be again—a beautiful body of water and one of Florida's most vital natural resources.

Mr. JOHNSTON of Florida. Mr. Speaker. I am pleased to rise today in support of a land acquisition project to halt the environmental crisis in Florida Bay. H.R. 2620 would authorize the use of funds that have been appropriated under the 1989 Everglades National Park Protection and Expansion Act to provide Federal assistance for this plan.

Most scientists agree that Florida Bay's ill health is produced by a synergy of factors that originate farther up in the ecosystem. H.R. 2620 would authorize the Federal Government to contribute 25 percent of the necessary resources to purchase private lands in South Dade County that are commonly known as the Frog Pond, the Rocky Glades Agricultural Area, and the 8½ Square Mile Area. The State of Florida, Dade County, and the South Florida Water Management District will contribute the remaining 75 percent. Moreover, as the Everglades Expansion Act authorizes the Park Service to transfer funds to the Army Corps of Engineers for the construction of flood control structures for these lands, this would provide up to \$18.7 million for the Federal share.

Once this acquisition is complete, these lands would be flooded for the purpose of restoring historic water flows into the bay, thus returning healthy hydrologic conditions. The Department of the Interior, the Park Service, and the Army Corps of Engineers agree that this method is the best and most effective plan of action.

Florida Bay is actually the tail end of a system that is plagued with water flow problems, from the Kissimmee River origin to the plankton-choked waters off the Florida Keys. Florida's historically rapid development and our ignorance of the importance of the greater Everglades ecosystem's water flow is the cause of this costly mismanagement. Florida has seen the loss of half its original wetlands and an ongoing dieoff of seagrass meadows, mangrove habitats, sponges, shellfish, and other marine life. When Floridians speak of these changes, they often point to the now-familiar "dead zone" area of the bay, where nothing survives but acres of algae blooms.

The crisis in Florida Bay affects Floridians not only as a tragic environmental loss but as an economic nightmare as well. Loss of the seagrass habitat alone already has impacted many economically important fish and shellfish species; lobster harvests alone have an annual dockside value of \$24 million. The bay ecosystem has not only supported the livelihood of thousands of commercial and sport fishermen, but has attracted millions of tourists, promoting hundreds of millions of dollars of spending in the State each year.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2620, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Interior to acquire certain lands in California through an exchange pursuant to the Federal Land Policy and Management Act of 1976, and for other purposes."

A motion to reconsider was laid on the table.

CONVEYING CERTAIN LANDS IN CAMERON PARISH, LA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 433) to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes, as amended.

The Clerk read as follows:

S. 433

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

SECTION 1. CONVEYANCE OF LANDS.

(a) IN GENERAL.—Subject to the limitations set forth in this section, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is directed to convey by quitclaim deed and without monetary consideration, all right, title, and interest of the United States in and to certain lands located in Cameron Parish, Louisiana, described as section 32, Township 15 south, Range 10 West, Louisiana Meridian, as depicted on the official plat of survey on file with the Bureau of Land Management, to the West Cameron Port Commission for use as a public port facility or for other public purposes. As used in this subsection, the term "other public purposes" means governmental or public welfare purposes (including, but not limited, to schools and roads) within the authority of a unit of local government under the laws of the State of Louisiana, and includes a commercial use by the West Cameron Port Authority of lands conveyed by

the United States pursuant to this Act so long as the revenue from such use is devoted to such governmental or public welfare purposes.

(b) **RESERVATION OF MINERALS.**—The United States hereby excepts and reserves from the provisions of subsection (a) all minerals underlying the lands, including the right to enter and remove same.

(c) **REVERSION TO THE UNITED STATES.**—If the lands conveyed by the United States pursuant to this Act cease to be operated by the West Cameron Port Authority for use as a public port facility or for other public purposes, such lands shall revert to the United States: *Provided*, That the lands shall revert if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following)).

(d) **RETENTION OF PROPERTY FOR COAST GUARD.**—The Secretary, after consultation with the Coast Guard and the West Cameron Port Authority, shall except and reserve from such conveyance all right, title, and interest to approximately 3.0 acres of land known as the Calcasieu Pass Radio Beacon Site used by the Coast Guard, along with any improvements thereon, for the continued use and benefit of the Coast Guard.

(e) **RETENTION OF OTHER ENCUMBRANCES.**—(1) The Secretary shall not convey any right, title, or interest held by the United States on the date of enactment of this Act in or to the following encumbrances, as identified on the map referred to in section 2—

(A) a permit granted to the United States Army to install and maintain an automatic tide gauge for recording storm and hurricane tides; and

(B) height restrictions in relation to the radio beacon tower.

The Secretary, after consultation with the Coast Guard, may include in the deed of conveyance any other restrictions the Secretary determines necessary for the benefit of the Coast Guard, including, but not limited to restrictions on height of structures, and requirements to shield seaward facing lights.

SEC. 2. LETTERMAN-LAIR COMPLEX AT PRESIDIO.

The Secretary of the Interior is authorized to negotiate and enter into leases, at fair market rental and without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), for all or part of the Letterman-Lair complex at the Presidio of San Francisco to be used for scientific, research or educational purposes. For 5 years from the date of enactment of this section, the proceeds from any such lease shall be retained by the Secretary and used for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. For purposes of any such lease, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to the leased properties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. CALVERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks on the measure presently under consideration.

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

There was no objection.

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

Mr. Speaker, S. 433 as amended would do two things. First, it would direct the transfer of certain lands in Cameron Parish, LA, to a local port authority so that they may be used in connection with development of public port facilities. Second, it would authorize the Secretary of the Interior to lease certain properties at the Presidio, in San Francisco, CA.

The Cameron Parish provisions are similar to ones passed by the House in the last Congress on which legislative action was not completed. That part of the bill involves about 162 acres located approximately 1 mile north of the Gulf of Mexico that were withdrawn in 1875 for use by the Coast Guard, which now uses only a portion of the site and has relinquished the rest back to management by the Bureau of Land Management. Cameron Parish desires to develop a public port facility, including commercial docking facilities, warehouses and offices, and a community industrial park as well as recreational facilities such as boat-launching areas and a marina. Under the bill, the transfer would be limited to the surface estate and would be made without compensation. The transferred lands could be used only as a public port facility or for other public purposes. The United States would retain approximately 3 acres for use by the Coast Guard.

S. 433 was amended by the Natural Resources Committee to authorize the Secretary of the Interior to lease certain buildings at the Presidio of San Francisco. This stop-gap interim authority is needed in order to secure tenants for these buildings and reduce the costs to the Federal Government of operating and maintaining the Presidio.

The Presidio of San Francisco is a 1,400 acre military base located at the base of the Golden Gate Bridge in San Francisco. It contains a wealth of natural, historical, and recreational resources including over 500 historic buildings representing 220 years of military history, beautiful coasts, and rare plant species in the midst of a densely populated metropolitan area. On October 1, 1994, the Presidio will be transferred from the U.S. Army to the National Park Service to be administered as part of the Golden Gate National Recreation Area [GGNRA]. This transfer is a result of a 1972 law which required the Presidio to be transferred to the National Park Service when it was determined to be excess to the Army's needs.

S. 433 as amended would authorize the Secretary of the Interior to nego-

ciate lease agreements and secure tenants for the Letterman-Lair complex of buildings. This complex contains approximately 50 buildings including a hospital and a state-of-the-art biological research institute. These buildings could be leased for a substantial monthly sum and the proceeds could be used for defraying other costs associated with the Presidio. The National Park Service has received inquiries from prospective tenants who are interested in leasing this space but negotiations cannot begin in earnest until the National Park Service has the authority to negotiate and enter into a lease.

Mr. Speaker, the transition of the Presidio from a military base to an urban national park is a challenging task which will require our best efforts in order to make it a success. The Natural Resources Committee will be considering comprehensive legislation next session concerning the future management and financing of the Presidio. The provision in S. 433 is a necessary interim step which has the support from both sides of the aisle and from the administration. I urge its passage today.

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

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

Mr. Speaker, I rise in support of S. 433 which has been fully explained by Chairman VENTO.

S. 433 would direct the Interior Department to transfer lands in West Cameron Parish, LA, to the West Cameron Port Commission. This transfer would allow the development of a public port facility and increased recreational opportunities such as a marina, park areas, and fishing piers.

I would like to thank Congressman JIMMY HAYES for his hard work on this win-win legislation which affects his district. Likewise, I would like to congratulate Chairman VENTO for agreeing to move this legislation forward.

I urge my colleagues to support S. 433.

Mr. HAYES. Mr. Speaker, the passage of this bill, S. 433, the Cameron Parish lands conveyance, is something for which the good people in Cameron Parish, LA, have been waiting a long time.

This area, commonly referred to as Monkey Island, is located 1 mile north of the Gulf of Mexico in southwestern Louisiana, and bordered by the Calcasieu Ship Channel and the Calcasieu Pass. This bill passed both Houses last year, in the Senate, as a stand-alone bill, and in the House, as part of S. 3100, which also included the Bodie Protection Act, and the Cave Creek Canyon Act. Unfortunately, time left at the end of the session did not permit reconciliation of the different House and Senate versions.

I introduced the bill in the House this year as H.R. 1139, and last Congress as H.R. 5712. I have been working with Cameron officials since I came to Congress in 1987 to convey the land.

A small, 3-acre area of the Monkey Island tract once housed a Coast Guard radio beacon station. This area has been unused for over a decade, but, under the bill, would be retained by the Coast Guard. The remaining 155 acres, according to local Cameron officials, has been unused this century. The West Cameron Port Commission would like to develop a public port facility on this land.

Cameron is a town that has been hit particularly hard by the oil and gas slump. The residents of this area have kept their economy above water by relying on the fisheries, and the recreation and tourism industries. Development of a public use port facility would allow Cameron Parish to provide increased recreational opportunities through boat launching facilities, a marina, fishing piers, and park areas.

In addition, the port would provide a strong economic stimulus for the area through the development of a commercial docking facility, port commission offices, port-related cargo warehouse, facilities and a community industrial park.

Cameron Parish has worked since 1983 to obtain this land so that they can put it to good use. The passage of this bill is essential in making the hopes of the people of this area a reality.

I would like to thank Chairman MILLER and Chairman VENTO for their assistance in this effort; I stand ready to assist them in any way necessary to ensure that this bill is signed into law.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 433, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING ACT ESTABLISHING GOLDEN GATE NATIONAL RECREATION AREA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3286) to amend the Act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3286

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

SECTION 1. LETTERMAN-LAIR COMPLEX AT PRESIDIO.

The Secretary of the Interior is authorized to negotiate and enter into leases, at fair

market rental and without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), for all or part of the Letterman-LAIR complex at the Presidio of San Francisco to be used for scientific, research or education purposes. For 5 years from the date of enactment of this section, the proceeds from any such lease shall be retained by the Secretary and used for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. For purposes of any such lease, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to the leased properties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. CALVERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, this is the technical amendment bill that really repeats an earlier action in terms of the Cameron Parish, but we want to put it in two forms, and this is the major bill. We obviously would like it to be passed and considered by the Senate. It is an important provision.

Mr. Speaker, in terms of further explanation of the content and the importance, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI], who has provided such positive leadership in terms of this important land policy issue in her district.

Ms. PELOSI. Mr. Speaker, I thank Chairman VENTO for his diligence and speed in bringing H.R. 3286 before us today. I particularly also want to commend the majority and minority staff for their cooperation in helping make it possible for us to address in a timely fashion the needs of the Presidio base conversion. Also I am especially happy to be joined by my colleague from California [Mr. LANTOS] and I want to thank him for his assistance on this important project. I appreciate all of the support for the Presidio conversion, and particularly the efforts to seek the necessary short-term authority for the National Park Service.

This measure includes language for the purpose of authorizing the National Park Service to lease its major tenant facility at the Presidio—the Letterman-Lair complex. To address

the longer term management needs of the Presidio, I have introduced legislation (H.R. 3433) to create a public benefit corporation to achieve maximum potential in real estate management and economic viability. The joint structure would keep essential park activities under the purview of the National Park Service while the corporation would develop and manage real estate and financing activities at the park. H.R. 3286 and S. 433 are considered first steps toward accomplishing this goal.

Early lease of the Letterman-Lair facility at the Presidio would accelerate the pace of conversion from post to park by engaging a high-quality tenant at this site. In order to create an early stream of revenue to sustain the Presidio and to reduce the need for Federal support, it is critical to secure a major tenant at Letterman.

The revenues generated from a major lease, or leases, at the site would generate a sizable income for the park and would also contribute toward the rehabilitation of the facility. It is an important and necessary step at this stage of the park planning process.

The final Presidio plan is expected to be approved by April 1. Ideally, the National Park Service will be prepared to engage a lease for Letterman-Lair coincidental with this date, or by the time of its transfer from the Army next spring.

The primary historic use of the Letterman complex as a science center will continue. Its new focus will be on scientific research and education to improve human and environmental health. Programs will be instituted to create a better understanding of the relationship of health and the environment—in an important emerging field where new approaches are required to meet the human health needs of the next century and to improve our response to difficult environmental problems.

I hope my colleagues will join in supporting this measure. It is essential to generate income from the Presidio and to enhance its self sustainability. I believe we can create at the Presidio a double success: a military base closure that saves money while providing a public benefit. Thank you for supporting H.R. 3286.

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

Mr. Speaker, I rise to be recognized on H.R. 3286, a bill to authorize the Secretary of the Interior to lease the Letterman-Lair hospital complex at the Presidio of San Francisco and to retain receipts from such leases to offset Federal costs.

Mr. Speaker, many persons, on both sides of the aisle, have expressed doubt about the \$1.2 billion draft plan released by the National Park Service

last month which details their plans for converting the Presidio into a park. Beyond the question of whether the Park Service mission should be expanded to include medical research and international cultural affairs, it is a plan the American taxpayers simply cannot afford.

Unfortunately, because the National Park Service is now well over a year behind on their planning, and the Army is scheduled to depart the Presidio in less than 1 year, we in Congress are facing a crisis of hundreds of vacant buildings in the Presidio next fall with no way to pay for it.

Therefore, I agree that this stopgap measure we are acting on today is essential. Because it does not restrict policy options to address important questions at the Presidio over the long term, I do not intend to oppose it.

I wish to commend both Ms. PELOSI and Chairman MILLER for listening to our concerns on this matter and wish to assure them that we will continue to constructively pursue appropriate long-term options to save important national treasures at the Presidio.

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

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LANTOS], a supporter of the bill and a leader in working with the problems with the GGNRA just last year.

Mr. LANTOS. Mr. Speaker, I want to thank the gentleman from Minnesota [Mr. VENTO], the distinguished chairman, and the gentleman from California [Mr. MILLER], the chairman, and our Republican friends for cooperating on this matter. I particularly want to express my appreciation and admiration for my colleague, the gentleman from California [Ms. PELOSI], who has taken the lead on this issue as, indeed, she has taken the lead on so many San Francisco issues.

I will not repeat the reasons for the importance of passing this legislation. It has bipartisan support. It will be important in terms of saving money for the American taxpayer, and it will provide significant new opportunities for the constructive use of these very important facilities.

I urge all of my colleagues to support the legislation.

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

Mr. Speaker, I wanted to thank the gentleman from California [Mr. LANTOS] for his role in GGNRA, a bill passed in the last session on the Phleger properties, was a very key parcel, and he carried that measure and did very well with it in the House, and finally it was signed into law.

Mr. Speaker, this is a reasonable bill. It is limited to dealing with the likelihood of the Lair-Letterman lease from the University of California. I hope the

Park Service is successful with it. They need this authority.

I urge my colleagues to support it.

Mr. Speaker, H.R. 3286 as amended is a bill which provides interim authority to the Secretary of the Interior to lease certain buildings at the Presidio of San Francisco. This stopgap interim authority is needed in order to secure tenants for these buildings and reduce the costs to the Federal Government of operating and maintaining the Presidio.

The Presidio of San Francisco is a 1,400-acre military base located at the base of the Golden Gate Bridge in San Francisco. It contains a wealth of natural, historical, and recreational resources, including over 500 historic buildings representing 220 years of military history, beautiful coasts, and rare plant species in the midst of a densely populated metropolitan area. On October 1, 1994, the Presidio will be transferred from the U.S. Army to the National Park Service to be administered as part of the Golden Gate National Recreation Area [GGNRA]. This transfer is a result of a 1972 law which required the Presidio to be transferred to the National Park Service when it was determined to be excess to the Army's needs. The Golden Gate National Recreation Area is currently the most visited unit of the National Park System, and the addition of the Presidio will provide millions of national and international visitors with the opportunity to enjoy and learn from this truly unique area.

H.R. 3286, introduced by Representative NANCY PELOSI, would provide authority to the Secretary of the Interior to negotiate lease agreements and secure tenants for the buildings at the Presidio. The bill was amended by the Natural Resources Committee to focus that authority on the Letterman-Lair complex of buildings. The Letterman-Lair complex contains approximately 50 buildings including a hospital and a state-of-the-art biological research institute. These buildings could be leased for a substantial monthly sum and the proceeds could be used for defraying other costs associated with the Presidio. The National Park Service has received inquiries from prospective tenants who are interested in leasing this space but negotiations cannot begin in earnest until the National Park Service has the authority to negotiate and enter into a lease.

Mr. Speaker, the transition of the Presidio from a military base to an urban national park is a challenging task which will require our best thinking in order to make it a success. The Natural Resources Committee will be considering comprehensive legislation next session concerning the future management and financing of the Presidio. H.R. 3286, as amended, is a necessary interim step which has bipartisan support of Members and the support of the administration. I urge its passage today.

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3286, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Interior to lease certain properties at the Presidio of San Francisco, California."

A motion to reconsider was laid on the table.

OLD FAITHFUL PROTECTION ACT OF 1993

Mr. LEHMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1137) to amend the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1027), and for other purposes, as amended.

The Clerk read as follows:

H.R. 1137

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Old Faithful Protection Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—
(1) Yellowstone National Park is a unique and irreplaceable national and international treasure and part of one of the few remaining undisturbed hydrothermal systems in the world;

(2) there is a risk that unrestricted groundwater use or hydrothermal or geothermal resource development adjacent to Yellowstone National Park in the States of Montana, Wyoming, and Idaho will interfere or adversely affect the hydrothermal and geothermal features of such Park or the management of relevant mineral resources;

(3) further research is needed to understand the characteristics of the protected systems and features and the effects of development on such systems and features on lands outside of Yellowstone National Park but within the Yellowstone Protection Area, as such area is defined in this Act;

(4) preservation and protection, free from injury or impairment, of the hydrothermal system associated with and the features within Yellowstone National Park is a benefit to the people of the United States and the world;

(5) cooperation between the United States and the States of Montana, Idaho, and Wyoming to protect and preserve Yellowstone National Park is desirable; and

(6) as a settlement of litigation concerning water rights, including the reserved water rights of the United States associated with units of the National Park System in Montana, the Department of the Interior and the Department of Justice, on behalf of the United States, and a Compact Commission, on behalf of the State of Montana, have developed a Compact that, when ratified by the State and signed by the Secretary of the Interior and the Attorney General of the United States, will constitute such a settlement of litigation concerning matters within its scope and which, in Article IV, also establishes a program for regulation of development and use of groundwater in areas adjacent to Yellowstone National Park.

(b) PURPOSES.—The purposes of this Act are—

(1) to require the Secretary to take the necessary actions to preserve and protect the hydrothermal system associated with, and the hydrothermal and geothermal features

within, Yellowstone National Park from injury or impairment by protecting the Federal reserved water rights of Yellowstone National Park;

(2) to provide a framework for management by the States of Montana, Wyoming, and Idaho of regulated resources outside of but significantly related to Yellowstone National Park to the extent such States implement appropriate approved programs for such management that are adequate to preserve and protect, free from injury or impairment, the protected systems and features;

(3) to authorize, as provided in section 8, approval of Article IV of the Compact as such an appropriate State program; and

(4) to require relevant research.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Yellowstone Protection Area" means the area in Montana, Idaho, and Wyoming identified on the map entitled "Yellowstone Protection Area", numbered 20036, and dated May 1993, and any modifications thereof as may be made under section 7.

(3) The term "protected systems and features" means the hydrothermal and geothermal systems and hydrothermal and geothermal features associated with Yellowstone National Park.

(4) The term "regulated resources" means—

(A) geothermal steam and associated geothermal resources, as defined in section 2(c) of the Geothermal Steam Act of 1970 (30 U.S.C. 1001(c)); and

(B) hydrothermal resources.

(5) The term "geothermal well" means a well or facility producing or intended to produce regulated resources.

(6) The term "hydrothermal system" means a groundwater system, including cold water recharge and transmission and warm and hot water discharge.

(7) The term "hydrothermal resources" means groundwater with a temperature in excess of 59 degrees Fahrenheit and any other groundwater that, on the basis of research pursuant to section 6, and, in a State with an approved State program, pursuant to the procedures in such approved State program, is determined to have characteristics that indicate it may be directly related to the protected systems and features.

(8) The term "approved State program" means a program of Montana, Idaho, or Wyoming that has been submitted to the Secretary and has been approved pursuant to this Act.

(9) The term "Compact" means the water rights compact ratified in 1993 by the State of Montana through enactment of H.B. 692.

(10) Except as otherwise provided in this Act, terms used in this Act shall have the same meaning as in the Geothermal Steam Act of 1970.

SEC. 4. RESTRICTION ON FEDERAL LANDS.

The Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following) is amended by adding at the end thereof the following new section:

"Sec. 30. (a) The Congress hereby declares that—

"(1) Yellowstone National Park possesses numerous hydrothermal and geothermal features, including Old Faithful geyser and approximately 10,000 other geysers and hot springs, and warrants designation as a significant thermal feature unto itself;

"(2) the establishment of the Park in 1872 reserved to the United States a water right

which includes a right with respect to groundwater (including the water in the hydrothermal system supporting such features) necessary to preserve and protect such features for the benefit of future generations; and

"(3) Federal legislation is desirable to protect these Federal water rights from possible injury or damage.

"(b) The Congress hereby declares that any use of, or production from, any existing geothermal well, as such term is defined in section 3(5) of the Old Faithful Protection Act of 1993, or any exploration for, or development of, any new geothermal well or any facility related to the use of geothermal steam and associated geothermal resources within the boundary of the Yellowstone Protection Area, as defined in section 3(2) of the Old Faithful Protection Act of 1993, risks adverse effects on the hydrothermal and geothermal features of Yellowstone National Park.

"(c) The Secretary shall not issue a lease under this Act for lands within the boundary of the Yellowstone Protection Area, as defined in section 3(2) of the Old Faithful Protection Act of 1993. Nothing in this section shall be construed to either affect the ban on leasing referenced under section 28(f) or to apply to any lands not owned by the United States."

SEC. 5. MORATORIUM ON OTHER LANDS.

(a) PROHIBITION.—(1) Except as provided by sections 7 and 8 of this Act, there shall be no use (except for monitoring by the Secretary or monitoring under an approved State program) of, or production from, any existing geothermal well and no exploration for, or development of, any new geothermal well or any other new facility related to the use of regulated resources within the Yellowstone Protection Area.

(2) Nothing in this subsection shall be construed to affect existing facilities other than geothermal wells.

(b) MANAGEMENT.—The Secretary shall review National Park Service management of Yellowstone National Park and shall take such steps as may be necessary to protect the protected systems and features and the hydrothermal, geothermal, and groundwater resources of such National Park free from injury or impairment.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the ban or prohibitions referenced under sections 28(f) and 30(c) of the Geothermal Steam Act of 1970.

SEC. 6. RESEARCH.

(a) IN GENERAL.—The National Park Service, in consultation with the Forest Service, the United States Geological Survey, and each State agency implementing an approved State program, shall research the characteristics of the protected systems and features, inventory and research the existing and potential effects (including cumulative effects) of hydrothermal, geothermal, mineral, or other resources development (including development of groundwater other than regulated resources) on such systems and features, and periodically inform Congress concerning the results of such inventory and research.

(b) UNDER STATE PROGRAM.—If an approved State program provides for research described in subsection (a), the Secretary, in cooperation with the relevant State, may conduct such research in areas within and adjoining Yellowstone National Park.

(c) NONINTRUSIVE METHODOLOGIES.—Except for research within a National Park System unit approved by the Secretary or elsewhere under a permit issued by a State agency im-

plementing an approved State program, research pursuant to this section shall exclusively use nonintrusive methodologies.

(d) LIMITATION.—Nothing in this Act shall be construed as authorizing any activities within any unit of the National Park System inconsistent with laws or policies applicable to the relevant unit.

SEC. 7. STATE MANAGEMENT PROGRAMS.

(a) DEVELOPMENT.—The States of Montana, Wyoming, and Idaho are encouraged to develop State programs for the management of regulated resources outside of Yellowstone National Park to preserve and protect, free from injury or impairment, the protected systems and features.

(b) PERMIT.—As of the date of enactment of this Act, no person shall engage in any use (including research), production, exploration, or development of any regulated resources on any land located within the Yellowstone Protection Area except to the extent authorized by a permit issued by a State agency implementing an approved State program.

(c) STATE AUTHORITY.—(1) In the implementation of an approved State program, a State may exercise the authority to grant permits under subsection (b) for the use (including research), production, exploration, or development of any regulated resources within the Yellowstone Protection Area.

(2) Notwithstanding any other provision of law, no permit issued prior to the date of enactment of this Act shall be deemed to have been issued in the implementation of an approved State program, but in the event that after the date of enactment of this Act the Secretary, on the basis of research pursuant to section 6, determines that groundwater with a temperature of 59 degrees Fahrenheit or less has characteristics that indicate it may be directly related to the protected systems and features, a permit issued prior to such determination with respect to such groundwater shall not be invalidated unless, pursuant to the procedures in an approved State program it is determined that continued utilization of the groundwater covered by such permit would be inconsistent with the purposes of this Act.

(3)(A) The Secretary shall monitor the implementation of an approved State program (including the State's enforcement thereof) to assure consistency with the requirements of this Act.

(B) The Secretary may suspend implementation of an approved State program if such implementation (including the State's enforcement thereof) is not being exercised in a manner consistent with this Act. During any such suspension, no permit granted under such program shall be effective except to the extent the Secretary determines that the permitted activities would be consistent with the purposes of this Act.

(C) If an approved State program includes procedures for the exercise of the Secretary's authority to suspend such a program's implementation, the Secretary shall follow such procedures.

(d) APPROVAL BY THE SECRETARY.—(1) The Secretary may approve a program submitted by a State if the Secretary determines that such program, when implemented, will fulfill the purposes of this Act regarding the protection of the protected systems and features.

(2) The Secretary shall not approve any State program submitted under this section until the Secretary has—

(A) solicited, publicly disclosed, and considered the views of the heads of other State and Federal agencies the Secretary determines are concerned with the proposed State program;

(B) solicited, publicly disclosed, and considered the views of the public; and

(C) found that the State has the necessary legal authority and qualified personnel for the regulation and management of regulated resources outside Yellowstone National Park consistent with the requirements of this Act.

(3)(A) The Secretary may approve or disapprove a program in whole or in part.

(B) If the Secretary disapproves any proposed State program, in whole or in part, the Secretary shall notify the State in writing of the decision and set forth in detail the reasons therefor. The State may submit a revised State program or portion thereof.

(4) The Secretary shall not approve any State program that does not, at a minimum—

(A) include ongoing scientific review of restrictions, boundaries, and permits applicable to the development of a regulated resource;

(B) require that, in conducting the scientific review referred to in subparagraph (A) and in implementing the State program, any doubt shall be resolved in favor of protection of the protected systems and features;

(C) allow the State agency authorized to administer the program to reject recommendations based on the scientific review referred to in subparagraph (A), to the extent such rejection is necessary to guarantee no adverse effect on the hydrothermal system within Yellowstone National Park; and

(D) enable citizens of such State to obtain judicial review of actions taken by the State agency implementing the program to the extent necessary to assure that such actions are consistent with all applicable law, including this Act.

(e) SCOPE.—Except to the extent an approved State program is being implemented by a State, section 5(a) of this Act shall apply to the Yellowstone Protection Area.

(f) MODIFICATION OF YELLOWSTONE PROTECTION AREA.—(1) The boundaries of the Yellowstone Protection Area in a State may be modified pursuant to an approved State program to the extent such modification is approved by the Secretary.

(2) The Secretary shall not approve any such modification that the Secretary finds would not be consistent with the purposes of this Act.

(3) The Secretary shall revise the map of the Yellowstone Protection Area to reflect any approved boundary modifications.

(4) If an approved State program includes procedures for the exercise of the Secretary's authority to approve modifications of the boundaries of the Yellowstone Protection Area, the Secretary shall follow such procedures.

(g) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the States of Montana, Idaho, and Wyoming and with the Secretary of Agriculture to fulfill the purposes of this Act.

(h) FEDERAL FINANCIAL ASSISTANCE.—(1) Subject to appropriation, the Secretary may provide financial assistance for the implementation of an approved State program. In providing such assistance, the Secretary may enter into appropriate funding agreements, including grants and cooperative agreements, with a State agency or agencies, upon such terms and conditions as the Secretary deems appropriate.

(2) A recipient State may invest funds provided under this subsection so long as such funds, together with interest and any other earnings thereon, shall be available for use

by the State only under the terms and conditions of the approved State program and an agreement entered into with the Secretary under this subsection and shall not be used by the State for any other purpose.

SEC. 8. MONTANA PROGRAM.

(a) APPROVAL.—(1) The Congress finds that Article IV of the compact, when implemented, will fulfill the purposes of this Act regarding the protection of the protected systems and features.

(2) All provisions of section 7 are applicable to this section, except for purposes of section 7(d)(1) the Compact shall be deemed to have been submitted to the Secretary, and, notwithstanding sections 7(d)(2), 7(d)(3), and 7(d)(4), once signed by the Secretary and the Attorney General of the United States, Article IV thereof shall be considered an approved State program for regulation of groundwater resources, including the hydrothermal resources within the Montana portion of the Yellowstone Protection Area. Article IV of the Compact shall not be considered an approved State program for the management of regulated resources within the Montana portion of the Yellowstone protection area other than groundwater resources.

(b) SCOPE.—Nothing in this Act shall be construed as amending the Compact or as altering its status in relationship to any litigation with regard to water rights.

(c) REVIEW PROCEDURES.—For purposes of sections 7(c)(3)(B), 7(c)(3)(C), 7(f)(1), and 7(f)(2), the provisions of the Compact with respect to—

(1) review of administrative decisions under Article IV of the Compact;

(2) enforcement of the Compact;

(3) the discretion of any party to the Compact to withdraw therefrom; and

(4) modification of boundaries and restrictions within the Controlled Groundwater Area,

shall be deemed to be procedures for the exercise of the Secretary's authority to approve modifications of the boundaries of the Yellowstone Protection Area or to suspend the implementation of an approved State program.

SEC. 9. IDAHO PROGRAM.

For purposes of section 7(d)(1), the provisions of Section 42 of the Idaho Code related to geothermal resources shall be deemed to have been submitted to the Secretary for approval as an approved State program.

SEC. 10. WYOMING PROGRAM.

For purposes of section 7(d)(1), the provisions of the laws of the State of Wyoming referenced in the letter from the Wyoming State Engineer included in the Committee report to accompany H.R. 1137 of the 103rd Congress shall be deemed to have been submitted to the Secretary for approval as an approved State program.

SEC. 11. CITIZEN SUITS.

(a) IN GENERAL.—(1) Any person may commence a civil suit on the person's own behalf to enjoin any party, including the United States, except for a State or agency or political subdivision thereof, that the plaintiff alleges—

(A) is in violation of any provision of this Act; or

(B) is using a regulated resource in the absence of, or beyond the scope of the terms or conditions of, a permit issued pursuant to an approved State program, or in violation of regulations issued under the authority of an approved State program.

(2) The Federal district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties—

(A) to require the Secretary or another party to take any steps required or permitted by this Act, if those steps are necessary to fulfill the purposes of this Act; or

(B) to enforce the provisions, prohibitions, permits, or regulations of an approved State program.

(b) VENUE AND INTERVENTION.—(1) Any suit under this section may be brought in any appropriate judicial district.

(2) In any such suit under this section in which the United States is not a party, the Attorney General of the United States, at the request of the Secretary, may intervene on behalf of the United States as a matter of right.

(c) COSTS.—The court, in issuing any final order in any suit brought under this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(d) NONEXCLUSIVE RELIEF.—The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek judicial review of actions taken by the State agency implementing an approved State program or to seek enforcement of any standard or limitation or to seek any other relief including relief against the Secretary.

(e) NOTICE.—Before seeking the injunctive relief authorized under this section, notice of intent to sue shall be given to the Secretary, the State agency implementing any relevant approved State program described in section 7, and each intended defendant. Such notice shall allow the minimum period of time necessary for an intended defendant to take those measures that (1) will cure any alleged violations of this Act, or (2) will end any alleged improper use of regulated resources, as described in subsection (a)(1)(B).

SEC. 12. JUDICIAL REVIEW.

(a) ADMINISTRATIVE PROCEDURES.—Except as provided in this section, any Federal agency action or failure to act to implement or enforce this Act shall be subject to judicial review in accordance with and to the extent provided by chapter 7 of title 5, United States Code.

(b) REMEDY.—The sole remedy available to any person claiming deprivation of a vested property right by enactment of this Act or Federal action pursuant to this Act shall be an action for monetary damages, filed pursuant to sections 1491 or 1505 of title 28, United States Code, in the Court of Federal Claims. Any just compensation awards determined by the Court of Federal Claims to be due to a claimant shall be paid consistent with section 2517 of such title.

SEC. 13. REGULATIONS.

No later than two years after the date of enactment of this Act, the Secretary shall promulgate such rules and regulations as are necessary to implement this Act.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 15. SCOPE OF ACT.

Nothing in this Act shall be construed as increasing or diminishing any rights of the United States with respect to water, or as affecting any previous adjudication of or any agreement concerning any such rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

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

Mr. Speaker, now, as much as ever, the integrity of the incomparable geothermal features of Yellowstone National Park demand Federal protection. Geologists tell us that we still know very little about the complex interactions within a geothermal system. This evidence supports providing maximum protection to the last fully intact geothermal system in the world. Until we improve our understanding of these systems, virtually no development is acceptable.

I take a personal interest in this legislation. I have three national parks in my congressional district and strongly believe that their protection is essential to the national interest. In 1984, I fought efforts by the city of San Francisco to raise the height of Hetch Hetchy Dam, located within Yosemite National Park in my district. I firmly believed then—as I do now—that the city had no right to further drown pristine park land without approval by Congress.

The situation in Yellowstone is not unlike the situation in Yosemite. Yellowstone Park is a priceless Federal resource, for which there exists a Federal reserved water right dating back to 1872. Development threatens to encroach upon and destroy Yellowstone's natural beauty. In this case, however, the State of Montana, in cooperation with the National Park Service, has negotiated a compact to perfect the park's Federal reserved water rights. The quantification of this right will provide the park with the critical protection it deserves.

The bill we have before us today is the product of a great deal of hard work. I am happy to say it was reported with bipartisan support from the Natural Resources Committee. This is a tribute to the efforts of Mr. WILLIAMS, the chairman of the Subcommittee on National Parks, Forests and Public Lands; Mr. VENTO; Mr. THOMAS of Wyoming; and Mr. LAROCCHIO of Idaho. This bill accomplishes four major objectives:

First, it provides certain protection for the over 10,000 geothermal features of Yellowstone National Park and the hydrothermal system that supports such features;

Second, it approves and incorporates relevant aspects of the Montana company to quantify the park's Federal reserved water rights into this protection scheme;

Third, it establishes a framework for management of Yellowstone National Park's hydrothermal system within the States of Wyoming and Idaho; and

Fourth, it provides for ongoing research to better understand the complex interactions between development outside the park and the geothermal system associated with the park.

Mr. Speaker, the bill we have before us addresses the concerns of Members in States adjacent to the park, namely, Montana, Wyoming, and Idaho, and I urge this body to expeditiously pass this bill so that Yellowstone can be provided the guaranteed protection it deserves.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in lukewarm support of H.R. 1137, the Old Faithful Protection Act, as amended. On the other hand, I am not steamed about it either. H.R. 1137 would create a zone around Yellowstone National Park, the majority of which lies within my State of Wyoming, with the express purpose of preserving and protecting the geothermal and hydrothermal resources of the park.

There can be no dispute that protecting the park and its unique geothermal features is well within the public interest and highly desirable. This has been my position all along. However, what I have objected to is the mechanism by which this bill sought to provide that protection.

Rather than relying on State water laws and State regulation, the bill sought to give the Secretary of the Interior the power to require each State to formulate a protection plan which is then subject to Federal approval or veto. This was worrisome to me for several reasons.

Water is of critical importance to Wyoming. In fact, the State constitution approved by Congress declares water to be the property of the State. Around that constitutional provision, we have built up a unique and comprehensive body of statutes and regulations governing the use of any water, including hydrothermal and geothermal resources.

H.R. 1137 as introduced, overlooked the fact that State law, such as Wyoming's, can adequately protect the park's resources, and instead constituted an unnecessary Federal incursion into an important State function. While it is important to protect Yellowstone, it is also important to protect the sovereignty of the States.

With that object in mind, and with the cooperation of the Chair and the gentleman from Montana, H.R. 1137 was amended in committee to require the Secretary to review Wyoming State water law relevant to Yellowstone's geothermal and hydrothermal resources. If he finds it to be consistent with the purposes of the act, then those laws would be considered as the equivalent of an approved State program for purposes of the act. This amendment is very similar to a provision already extant in the bill to provide for comparable review of Idaho State law by the Secretary. Montana has already

reached an agreement with the Federal Government covering that State's concerns.

Mr. Speaker, although not perfect the bill as amended has removed many of my previous concerns regarding the scope of the Federal intrusion. While in my opinion the Secretary is still vested with too much authority to interfere in what is traditionally a State sphere, I believe the bill as amended has taken an important step toward recognizing the sovereignty of the States. I hope that any remaining differences can be resolved in the other body.

I consequently urge my colleagues to support passage of H.R. 1137.

□ 1630

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

Mr. LEHMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I strongly support this bill, and join in commending the leadership of the gentleman from Montana [Mr. WILLIAMS] and the gentleman from California [Mr. LEHMAN] on this important matter.

The bill combines very strong protection of the national interest with recognition of the important role that the States involved—especially the State of Montana—can play in connection with management of the spectacular geothermal resources in the Yellowstone area. This special area has been protected since the 1870's when it was set aside as a natural reservation and protected by the U.S. Government.

I also want to thank the gentleman from Wyoming [Mr. THOMAS] for his willingness to work with Representative LEHMAN and the rest of us on this side of the aisle who have been involved in developing this legislation. The committee adopted several amendments offered by Mr. THOMAS to clarify certain points and to lay the groundwork for the State of Wyoming to be in a position to play a role in the management scheme embodied in the bill. The issue of water so important to the Western States and its arid environment run head first into the geothermal hydrological system of Yellowstone National Park.

I am sure, Mr. Speaker, we all agree that protection of Old Faithful and other resources and values of Yellowstone National Park is something that should command bipartisan support and cooperation. I urge the passage of the bill.

Mr. WILLIAMS. Mr. Speaker, I want to thank the Natural Resources Committee and the House leadership for presenting this important legislation today, on a day in which the agenda is obviously very full. This is, of course,

not the first time the House of Representatives has shown its commitment to the protection of Yellowstone National Park and its geothermal wonders. In the face of geothermal drilling, the House of Representatives passed legislation last Congress which the Senate failed to return to us. With increasing jeopardy the threats still exist to the park, and I am hopeful that the extensive work that this body has dedicated to this legislation will have cleared the way for the Senate to join us in our commitment.

With this legislation we are again showing our belief that we must protect Yellowstone National Park. Yellowstone is the last remaining undisturbed geothermal basin on Earth.

In a very real way our struggle to protect Old Faithful and the geysers and hot pools of Yellowstone reflect our basic understanding of nature's importance and value. The Congress' work to preserve these features is a microcosm of the commitment and cooperation necessary if we ever hope to protect our national treasures for future generations. The regular eruptions of Old Faithful and this Nation's investment in their preservation are as much a symbol of the American spirit as the Statue of Liberty or the cowboy, or the first step on the Moon.

This legislation bans the development of geothermal resources on Federal land adjacent to Yellowstone National Park and places a moratorium on private land geothermal resources within a specified area until or unless a certified State-Federal program is in place which accomplishes protection of the park's resources. The legislation clearly states the Federal policy of no risk to Yellowstone and lays out the Secretary of the Interior's role in determining what is an appropriate State program, providing the authority to the Secretary to take whatever actions are necessary to supplement any gaps in State regulation and Federal law. The bill also provides for ongoing research in the area of geothermal protection. The legislation finds that Montana's compact, recently developed, is an approved State program for ground water protection, and it submits the Idaho laws regarding geothermal resources for review, under the provisions of the act, for possible certification.

My goal has not changed since we first discussed the issues facing Yellowstone. I want rock-ribbed, ironclad, copper-riveted, zero risk protection for Old Faithful and all of Yellowstone's world famous geysers and hot water wonders. With this legislation before us today I believe we can also add federally guaranteed to the list of assurances.

When we passed legislation last Congress, the idea was simpler than this year: it was to directly ban any use of hot water adjacent to the park. The in-

tervening months, the permitting of wells, the actions by adjacent States, and most importantly the election of an administration that shared this committee's unwillingness to risk any possible harm to Yellowstone, necessitated that our solution be more comprehensive. In the year since last Congress' action, the Interior Department, the States of Montana, Idaho, and Wyoming, myself and Congressman LEHMAN, the staffs of the Public Lands and Mining Subcommittees, my staff, and numerous conservation organizations have dedicated themselves to crafting the legislation before you today.

Amendments were offered and accepted in committee to clarify our intent and basically reaffirm the approach that Congressman LEHMAN reported from his subcommittee this past summer. This legislation addresses the concerns of the States adjacent to the park. With amendments offered by Congressman LAROCO and Congressman THOMAS, the States of Idaho and Wyoming agree with this legislation.

The State role is clearly defined in the legislation and yet it also makes clear the Federal policy of no risk to Yellowstone. This legislation is a delicate balancing act between these two principals but I believe each is achieved fairly and firmly.

I also note that the State of Montana and the staff of the Montana Reserved Water Rights Compact Commission deserve particular mention in this discussion today. It was their work with the Department of the Interior that essentially showed us the way to a comprehensive Federal-State approach to the protection of State water rights and Federal resources. By negotiating a compact with the Federal Government, the State of Montana clearly showed that in areas of mutual concern the Federal Government and the States can cooperate and achieve significant results. After negotiating this State compact, it would have been easy for the State to refuse to review those decisions within the discussion of this legislation. Instead, the commission dedicated its staff to assisting in providing legislation that fits with the Federal-State compact and defines a framework that can be adopted to other States as well. This dedication to the protection of Yellowstone deserves our thanks and admiration.

This, of course, is an important point. We are not just legislating for Yellowstone National Park today; we are following through on a Federal policy that was started in 1986 under the amendments to the Geothermal Steam Lease Act. Once the Federal Government developed a policy to allow for the leasing of steam as a resource like any mineral, then it was important to set aside those areas that should not be subject to commercial development. Yellowstone is only the most famous. There are others listed as protected

under the Steam Act, and folks concerned about those places, like Crater Lake in Oregon, are looking to this legislation to help clarify how protection can be achieved. This will most certainly not be the last time the Congress will review this type of legislation.

One of the issues that has received a great deal of discussion in the past is the dispensation of the well recently drilled and permitted by the Church Universal and Triumphant in the Corwin Springs KGRA in Montana. This legislation stops the use of any subsurface well in the area including the Church's. The Justice Department reviewed this legislation and deemed that it was likely not a taking of private property rights for two reasons: It does not stop the historic use of the surface flows, and it does not permanently take away use of the well, it only assures that any use meet the test of no impairment or harm to the protected features of Yellowstone.

This is important legislation. It is one of the most important bills of conservation legislation passed this Congress. I urge my colleagues to again join us in voting to save Yellowstone National Park and its natural wonders.

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

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

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 1137, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1137, the bill just passed.

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

There was no objection.

ACKNOWLEDGING THE 100TH ANNIVERSARY OF THE OVERTHROW OF THE KINGDOM OF HAWAII

Mrs. MINK. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 19) to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to native Hawaiians on behalf of the

United States for the overthrow of the Kingdom of Hawaii.

The Clerk read as follows:

S.J. RES. 19

Whereas, prior to the arrival of the first Europeans in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistent social system based on communal land tenure with a sophisticated language, culture, and religion;

Whereas a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii;

Whereas, from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full and complete diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

Whereas the Congregational Church (now known as the United Church of Christ), through its American Board of Commissioners for Foreign Missions, sponsored and sent more than 100 missionaries to the Kingdom of Hawaii between 1820 and 1850;

Whereas, on January 14, 1893, John L. Stevens (hereafter referred to in this Resolution as the "United States Minister"), the United States Minister assigned to the sovereign and independent Kingdom of Hawaii conspired with a small group of non-Hawaiian residents of the Kingdom of Hawaii, including citizens of the United States, to overthrow the indigenous and lawful Government of Hawaii;

Whereas, in pursuance of the conspiracy to overthrow the Government of Hawaii, the United States Minister and the naval forces of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian Government buildings and the Iolani Palace to intimidate Queen Liliuokalani and her Government;

Whereas, on the afternoon of January 17, 1893, a Committee of Safety that represented the American and European sugar planters, descendants of missionaries, and financiers deposed the Hawaiian monarchy and proclaimed the establishment of a Provisional Government;

Whereas, the United States Minister thereupon extended diplomatic recognition to the Provisional Government that was formed by the conspirators without the consent of the Native Hawaiian people or the lawful Government of Hawaii and in violation of treaties between the two nations and of international law;

Whereas, soon thereafter, when informed of the risk of bloodshed with resistance, Queen Liliuokalani issued the following statement yielding her authority to the United States Government rather than to the Provisional Government:

"I Liliuokalani, by the Grace of God and under the Constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the Constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this kingdom.

"That I yield to the superior force of the United States of America whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government.

"Now to avoid any collision of armed forces, and perhaps the loss of life, I do this

under protest and impelled by said force yield my authority until such time as the Government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands."

Done at Honolulu this 17th day of January, A.D. 1893.; Whereas, without the active support and intervention by the United States diplomatic and military representatives, the insurrection against the Government of Queen Liliuokalani would have failed for lack of popular support and insufficient arms;

Whereas, on February 1, 1893, the United States Minister raised the American flag and proclaimed Hawaii to be a protectorate of the United States;

Whereas the report of a Presidentially established investigation conducted by former Congressman James Blount into the events surrounding the insurrection and overthrow of January 17, 1893, concluded that the United States diplomatic and military representatives had abused their authority and were responsible for the change in government;

Whereas, as a result of this investigation, the United States Minister to Hawaii was recalled from his diplomatic post and the military commander of the United States armed forces stationed in Hawaii was disciplined and forced to resign his commission;

Whereas, in a message to Congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the conspirators, described such acts as an "act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress", and acknowledged that by such acts the government of a peaceful and friendly people was overthrown;

Whereas President Cleveland further concluded that a "substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair" and called for the restoration of the Hawaiian monarchy;

Whereas the Provisional government protested President Cleveland's call for the restoration of the monarchy and continued to hold state power and pursue annexation to the United States;

Whereas the Provisional Government successfully lobbied the Committee on Foreign Relations of the Senate (hereafter referred to in this Resolution as the "Committee") to conduct a new investigation into the events surrounding the overthrow of the monarchy;

Whereas the Committee and its chairman, Senator John Morgan, conducted hearings in Washington, DC., from December 27, 1893, through February 26, 1894, in which members of the Provisional Government justified and condoned the actions of the United States Minister and recommended annexation of Hawaii;

Whereas, although the Provisional Government was able to obscure the role of the United States in the illegal overthrow of the Hawaiian monarchy, it was unable to rally the support from two-thirds of the Senate needed to ratify a treaty of annexation;

Whereas, on July 4, 1894, the Provisional Government declared itself to be the Republic of Hawaii;

Whereas, on January 24, 1895, while imprisoned in Iolani Palace, Queen Liliuokalani was forced by representatives of the Republic of Hawaii to officially abdicate her throne;

Whereas, in the 1896 United States Presidential election, William McKinley replaced Grover Cleveland;

Whereas, on July 7, 1898, as a consequence of the Spanish-American War, President McKinley signed the Newlands Joint Resolution that provided for the annexation of Hawaii;

Whereas, through the Newlands Resolution, the self-declared Republic of Hawaii ceded sovereignty over the Hawaiian Islands to the United States;

Whereas the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;

Whereas the Congress, through the Newlands Resolution, ratified the cession, annexed Hawaii as part of the United States, and vested title to the lands in Hawaii in the United States;

Whereas the Newlands Resolution also specified that treaties existing between Hawaii and foreign nations were to immediately cease and be replaced by United States treaties with such nations;

Whereas the Newlands Resolution effected the transaction between the Republic of Hawaii and the United States Government;

Whereas the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;

Whereas, on April 30, 1900, President McKinley signed the Organic Act that provided a government for the territory of Hawaii and defined the political structure and powers of the newly established Territorial Government and its relationship to the United States;

Whereas, on August 21, 1959, Hawaii became the 50th State of the United States;

Whereas the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land;

Whereas the long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people;

Whereas the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions;

Whereas, in order to promote racial harmony and cultural understanding, the Legislature of the State of Hawaii has determined that the year 1993 should serve Hawaii as a year of special reflection on the rights and dignities of the Native Hawaiians in the Hawaiian and the American societies;

Whereas the Eighteenth General Synod of the United Church of Christ in recognition of the denomination's historical complicity in the illegal overthrow of the Kingdom of Hawaii of 1893 directed the Office of the President of the United Church of Christ to offer a public apology to the Native Hawaiian people and to initiate the process of reconciliation between the United Church of Christ and the Native Hawaiians; and

Whereas it is proper and timely for the Congress on the occasion of the impending one hundredth anniversary of the event, to acknowledge the historic significance of the illegal overthrow of the Kingdom of Hawaii, to express its deep regret to the Native Hawaiian people, and to support the reconciliation efforts of the State of Hawaii

and the United Church of Christ with Native Hawaiians; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACKNOWLEDGMENT AND APOLOGY.

The Congress—

(1) on the occasion of the 100th anniversary of the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, acknowledges the historical significance of this event which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people;

(2) recognizes and commends efforts of reconciliation initiated by the State of Hawaii and the United Church of Christ with Native Hawaiians;

(3) apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination;

(4) expresses its comments to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people; and

(5) urges the President of the United States to also acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and the Native Hawaiian people.

SEC. 2. DEFINITIONS

As used in this Joint Resolution, the term "Native Hawaiian" means any individual who is a descendent of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

SEC. 3. DISCLAIMER.

Nothing in this Joint Resolution is intended to serve as a settlement of any claims against the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii [Mrs. MINK] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Hawaii [Mrs. MINK].

GENERAL LEAVE

Mrs. MINK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

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

Mr. Speaker, this resolution is of enormous significance to the people of Hawaii and, more particularly, the native Hawaiians. I want to commend the chairman of the full committee, Mr. MILLER, and the ranking Republican member for allowing this bill to come directly to the floor. This is a matter of commemorating an event that occurred 100 years ago in Hawaii which has very dramatically changed and al-

tered the course of a people who occupied those lands 100 years ago.

Mr. Speaker, 100 years ago the people of Hawaii were a kingdom to themselves and they were recognized by the United States as an independent nation and extended full and complete diplomatic recognition.

Only as a result of events surrounding the overthrow and the failure of the U.S. Congress to recognize the illegality of the overthrow subsequently that the people of Hawaii lost not only their republic and their right to self-governance but that the lands of the kingdom of Hawaii were also transferred without compensation and without consent to the United States.

This has remained a very difficult issue for the State of Hawaii and the people of Hawaii. I believe the adoption of this resolution today will go a long way toward providing that kind of recognition that the natives in Hawaii have sought all these years.

Mr. Speaker, the United Church of Christ was the first movers to bring about a reconciliation because, as we know, the missionaries who first came to Hawaii were very much a part of the movement that finally led to the overthrow.

So the United Church of Christ meeting recently adopted a resolution of reconciliation, urging their members to find ways in which to reflect upon what happened and to bring the people together, and have initiated this process. So one of the important points in the resolution is to acknowledge not only the 100th anniversary but also the fact that the United Church of Christ in its own initiative has taken steps to initiate this process of reconciliation.

I think the most important function that this body and this Congress and the American Government can do is to acknowledge what happened, the serious error that occurred, and to participate in this effort of reconciliation and by so doing adopt this resolution and in it convey an apology for what occurred 100 years ago.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 19. The gentlewoman from Hawaii has already explained the provisions of the resolution, so I will be brief.

I find it highly fitting that we consider this legislation this year before we adjourn; 1993 marks the 100th anniversary of the overthrow of the sovereign Kingdom of Hawaii with the assistance of U.S. military forces.

That overthrow brought to an ignoble end this country's recognition of the Kingdom of Hawaii as a sovereign independent nation, a status we repeatedly recognized in treaty and international agreement.

Treaty relations between the United States and the Hawaiian government began with the signing of a bilateral agreement between the parties in 1826 by a Capt. Thomas Jones on behalf of the United States and the Regent Ka'ahumanu on behalf of the Hawaiian King Kau'ikea'ouli. After that date, the United States concluded a series of treaties with the sovereign Kingdom of Hawaii: the 1849 Treaty of Commerce, Friendship, and Navigation; the 1855 Treaty Concerning Rights of Neutrals at Sea; the 1870 Postal Convention; an 1875 Treaty of Reciprocity; the 1883 Convention for the Exchange of Money Orders; the 1884 Treaty of Commercial Reciprocity; and the 1888 Parcel Post Convention.

Because the increased number of rights granted to Americans that accompanied this treaty process and accompanying increase in trade greatly swelled the numbers of whites on the islands, native Hawaiians became a minority in their own land. From a population of approximately 300,000 in 1778, by 1890 the Hawaiian people were reduced to a population of 41,000 that owned a little under one-quarter of the land.

In response to the growing commercial power of the whites and their demands, King Kamehameha III introduced land reforms in 1848 called the Great Mahele in which Hawaiian lands became alienable for the first time. By 1852, thousands of acres were owned by a few westerners—the early land barons—while native Hawaiians owned only a tiny fraction. The white 9 percent of the population owned 67 percent of the taxable land in the Kingdom.

Having asserted economic dominance over the Kingdom by the late 1880's, the westerners turned to establish complete political control as well. The principal white landowners founded the Hawaiian League in 1887 to increase their power at the expense of the monarchy. In consequence, they staged a coup d'état on July 6, 1887, and forced the King to promulgate a new constitution, the Bayonet Constitution of 1887, which supplanted the power of the monarch with that of the white landowners. Under the constitution, the voting class was limited to landowners, a move which disenfranchised 75 percent of the native population.

In 1893, the American merchant community, dissatisfied with its lack of total political control and fearing a diminution of the control it did possess, organized to overthrow the constitutional monarchy that ruled the kingdom. The merchants formed a committee on public safety made up entirely of non-Hawaiians. The fact that the revolt was led solely by non-native mercantile interests was evident even on the mainland at the time; a contemporary article in the Fresno Daily Evening Expositor noted that the uprising was "formulated by the sugar producing elements of the Islands."

The U.S. Minister in Hawaii, John L. Stevens, was openly hostile to the monarchy, as one historian has put it: "He desired that the monarchy should fall, and that the Islands should be annexed to the United States." Stevens conspired with the merchants, and sent a letter to the State Department stating that "the Hawaiian pear is now fully ripe, and this is the golden hour for the United States to pluck it." His letter outlining his intentions would not reach the State Department until several months after the revolt.

On the day the merchants planned their revolt, Stevens unilaterally ordered 162 marines from the U.S.S. *Boston* to land in Honolulu to lend support to the merchants. He had already informed the rebels of his plans, and that diplomatic recognition of their cause would be quickly forthcoming: "the troops * * * would be ready to land any moment * * * and would recognize the existing government whatever it might be."

The rebels overthrew the monarchy and proclaimed a provisional government which Stevens was quick to recognize in the name of the United States, even though he had no authority to do so. The reigning monarch, Queen Lili'uokalani, was forced to surrender her authority in a document stating that she "yield[ed] to the superior force of the United States, whose minister * * * has caused United States troops to be landed at Honolulu and declared that he would support the said provisional government."

The Republic of Hawaii was proclaimed soon thereafter in 1894, and among its official acts was the expropriation of all lands belonging to the crown without compensation to the Queen, Lili'uokalani, or the Hawaiian people. The lands were immediately made available to westerners for purchase.

In 1898, the United States unilaterally annexed the kingdom as a territory, thereby abrogating the independent status of the kingdom that we had recognized in treaty over the preceding 70 years. With that annexation, the United States, without paying any compensation to the native Hawaiian people, took title to the crown and government lands previously expropriated by the Republic.

Mr. Speaker, the responsibility of instrumentalities of the U.S. Government for the overthrow and subjugation of the native Hawaiian government and people is clear. In a report to Congress in 1893, the President stated:

But for the notorious predilections of the United States Minister for annexation, the Committee of Safety * * * would never have existed. But for the landing of United States forces upon false pretenses respecting the danger to life and property, the Committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's Government. But for the presence of the United

States forces in the immediate vicinity and in position to afford all needed protection and support, the American merchants would not have proclaimed the provisional government. But for the lawless occupation of Honolulu under false pretenses by United States forces * * * the Queen and her government would never have yielded.

Mr. Speaker, in closing let me address some of the arguments made by opponents of this legislation. Some have said that passage of this resolution would be divisive; that it sets part of the Hawaiian population apart from the rest. This contention, however, is nothing more than a canard. I believe that it would have exactly the opposite effect. Senate Joint Resolution 19 is an important first step in closing an unfortunate period in our relations with the Hawaiian people and in commencing a reconciliation between them and the United States. The goal is to bring together, not to divide.

Second, there are some who are worried that the resolution will form the genesis of a call for reparations or a civil lawsuit against the United States. However, anyone with even a passing familiarity with the history of this issue knows full well that a substantial basis for such a suit already clearly exists. This resolution does nothing to tip the scales in favor of the proponents of litigation; if I thought it did, I would not support it.

Mr. Speaker, it is high time that the United States acknowledge its role in this regrettable affair. I urge my colleagues to support passage of Senate Joint Resolution 19—it is the right thing to do, and the right time to do it.

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

Mrs. MINK. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I wish to acknowledge the ranking member, the gentleman from Wyoming [Mr. THOMAS], our good friend and colleague on the Committee on Natural Resources.

□ 1640

Educating Members of Congress is the key to securing justice for native Hawaiians. Understanding has to precede action. That is why this resolution is so important. That is why we are particularly grateful to our friends and colleagues here for their support.

The resolution lays out in graphic detail what happened to Hawaiians and sounds a compelling call for justice.

So I rise in support of the resolution to acknowledge and apologize to the native Hawaiians on behalf of the United States for its involvement in the overthrow of the kingdom of Hawaii.

I think it is especially appropriate that we take up this resolution in the centennial year of the overthrow.

To native Hawaiians, this act of dispossession is something that has rankled for over 100 years. Native Hawaiians are acutely conscious of their history, and today's action is an important step toward healing a wound which has festered for far too long.

Mr. Speaker, as the resolution says in expressing its commitment to acknowledging the ramifications of the overthrow of the kingdom of Hawaii, this provides a proper foundation for a reconciliation between the United States and the native people of Hawaii.

Mrs. MINK. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from the American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I would certainly like to commend the distinguished gentlewoman from the State of Hawaii [Mrs. MINK] and also our colleague, the gentleman from Hawaii [Mr. ABERCROMBIE] for bringing this legislation out to the floor.

Certainly I want to commend the gentleman from Wyoming [Mr. THOMAS] for his support of this piece of legislation.

Mr. Speaker, I rise in strong support of Senate Joint Resolution 19 to acknowledge the 100th anniversary of the January 17, 1893, overthrow of the Kingdom of Hawaii, and to offer an apology to native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.

Before the illegal overthrow of Queen Lili'uokalani in 1893, the Kingdom of Hawaii was a highly organized, civilized sovereign nation which entered into treaties and conventions with many nations, including the United States. Few Americans know that for nearly 70 years, the United States recognized the independence of the kingdom of Hawaii and extended full and complete diplomatic recognition to the Hawaiian government.

Mr. Speaker, there is no doubt in my mind that without the active support and intervention by U.S. diplomatic and military representatives, the overthrow of Queen Lili'uokalani on January 17, 1893, would have failed for lack of popular support and insufficient arms.

On December 18, 1893, President Grover Cleveland, in a message to Congress described the overthrow of the Kingdom of Hawaii as "an act of war committed with the participation of a diplomatic representative of the United States without the authority of Congress," and he acknowledged that by such acts, the government of a peaceful and friendly people was overthrown.

To this day, no official apology has ever been made to native Hawaiians, nor has there ever been an attempt at a federal policy addressing their rights.

U.S. Senator DANIEL AKAKA of Hawaii has said, "the deprivation of Hawaiian sovereignty, which began a century ago, has had devastating effects

on the health, culture, and social conditions of native Hawaiians, with consequences that are evident throughout the islands today."

Senator AKAKA, a native Hawaiian whose grandparents were present during the overthrow of the Hawaiian government is absolutely correct when he says that, too often, when American policymakers think about native Americans, they mistakenly consider only native American Indians and Alaska Natives as native peoples of the United States.

Mr. Speaker, native Hawaiians are, indeed, native Americans. While they are culturally Polynesian, they are descendants of the aboriginal people who occupied and exercised sovereignty in the area that now constitutes our 50th State of Hawaii. In addition to a formal apology to the people of Hawaii, it is also time for the Federal Government to develop a comprehensive Federal policy that addresses the needs of the native American people of Hawaii.

Mr. Speaker, to conclude, I would like to close with a plea from Queen Liliuokalani to the American people 100 years ago in which she lamented the plight of her people.

Oh, honest Americans, as Christians, hear me for my downtrodden people. Do not covet the little vineyard of Naboth's, so far from your shores, lest the instrument of Ahab fall upon you, if not on your day in that of your children.

The children to whom our fathers told of the living God . . . are crying aloud to Him in their time of trouble; and He will keep His promise and will listen to the voices of His Hawaiian children lamenting for their homes.

Mr. Speaker, after 100 years, it is time for the U.S. Congress to offer a formal apology to the noble people of Hawaii for the overthrow of their legitimate government—it is the least we can do. While this apology will not bring back their land which we stole; bring back their culture which we destroyed; or, bring back their spirit which we broke; Senate Joint Resolution 19 will begin the process of reconciliation with my brothers and sisters of Hawaii.

I ask my colleagues to do the right thing today and support Senate Joint Resolution 19.

□ 1650

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

Mrs. MINK. Mr. Speaker, I yield such time as he may consume to the honorable gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentlewoman from Hawaii [Mrs. MINK] for yielding this time to me, and I just want to take this time to commend my colleagues, the gentlewoman from Hawaii [Mrs. MINK], and the gentleman from

Hawaii [Mr. ABERCROMBIE] for their work on behalf of this resolution.

One of the testimonies to the strength of this country is that every now and then we can go back and set the record straight and recognize our errors, recognize our mistakes and recognize our faults, and in this country's long history of dealing with native peoples, native Americans, native Hawaiians, we have had to do that from time to time. I recognize that as an element of strength, of recognition that our Government is not infallible, that men and women in government, in high places, from time to time make mistakes, and clearly, with the overthrow of this sovereign Hawaiian government we made such a mistake and then attempted to later obscure that mistake with formal government actions. This resolution today takes a long and difficult step in educating this Nation as to the true history of the overthrow of the Kingdom of Hawaii. It puts the American people on notice as to the correctness, it does not infer any new rights to native Hawaiians. But it clearly also invokes the name of the U.S. Government in an apology to native Hawaiians for those actions that were taken.

Mr. Speaker, this is long overdue, and I will hope that our colleagues would support this, and I would hope that they would recognize the tireless effort on behalf of this resolution by the gentlewoman from Hawaii [Mrs. MINK] and the gentleman from Hawaii [Mr. ABERCROMBIE], and I would urge my colleagues to support this measure.

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

Mr. Speaker, it is with a great deal of honor and humility that I accepted the honor of serving as the manager of this bill that means so much to the people of Hawaii, and I want to especially thank the subcommittee chairman, the honorable gentleman from New Mexico [Mr. RICHARDSON], for giving me this opportunity to record my presence on the floor managing this bill.

Mr. Speaker, I rise in support of the resolution calling for the Government of the United States to issue a formal apology to native Hawaiians for its role in overthrowing the legal Government of the Kingdom of Hawaii in 1893.

During the nearly 1,200 years preceding the European discovery of Hawaii in 1778, native Hawaiians were the only inhabitants of the islands of Hawaii. In those 12 centuries, native Hawaiians developed a self-sufficient and highly structured communal land tenure-based society characterized by a language and culture of great subtlety and a religion of great complexity. While the native Hawaiians were no more able than others at creating a perfect society, they did develop the enduring patterns of relationships and interactions between social groups that are the hallmarks of a successful society.

Although native Hawaiians shared a common language, culture and religion, they did

not share a common government until 1810 when the island of Kauai joined the Kingdom of Hawaii. Established in 1795 by King Kamehameha I after he conquered most of the Hawaiian islands, the Kingdom of Hawaii was accorded full and complete diplomatic recognition by the United States from 1826 to 1893.

Christian missionaries first arrived in Hawaii from New England in the early 19th century and succeeded in transforming the kingdom into a Christian nation within a generation. The sons and grandsons of the missionaries established successful businesses which grew to form the economic backbone of the kingdom. In addition to wielding economic influence, these missionary-descended businessmen, together with American and European-born businessmen, exerted great political influence.

The committee of public safety, an association comprised of these Western businessmen, gained enough political power by 1877 to force Hawaii's seventh monarch, King David Kalakaua, to sign a new Constitution which diminished his power and ousted his Cabinet appointees. The new Constitution also established a ministry responsible to the legislature and not the King.

In concert with this new Constitution, the committee of public safety influenced the legislature into passing a bill which restricted the vote to persons who earned at least \$600 a year or owned at least \$3,000 worth of property. In this way, the franchise was transferred from native Hawaiians to a small minority of American and European-descended businessmen.

When King David Kalakaua died in 1891, he was succeeded by his sister, Liliuokalani. Intent on reversing the decline of native Hawaiian influence over the affairs of the kingdom, Queen Liliuokalani aligned herself with a group of Hawaiian politicians and activists working to restore the power of the monarchy. Queen Liliuokalani felt a powerful monarchy was the only way native Hawaiians could be given a voice in their government.

On January 13, 1893, Hawaiian members of the legislature succeeded in garnering enough votes to oust the members of the Cabinet. Queen Liliuokalani followed this action by quickly appointing her own Cabinet and drawing up a new Constitution which provided for a strong monarchy.

Just as quickly, the committee of public safety began to plan for the abolition of the monarchy and the formation of a provisional government. Mr. John L. Stevens, the United States Minister to the Kingdom of Hawaii, joined the committee of public safety in planning the overthrow of the Hawaii Government. U.S. Minister Stevens directed armed personnel aboard the U.S.S. *Boston* to enter Honolulu on January 16, 1893, and station themselves near Iolani Palace, the royal residence, and other Hawaiian Government buildings to intimidate Queen Liliuokalani and members of her government.

On January 17, 1893, the committee of public safety proclaimed the abolition of the monarchy, the creation of a provisional government, and its intention to seek the annexation of Hawaii to the United States. U.S. Minister Stevens extended diplomatic recognition to the provisional government without the consent of the native Hawaiian people or the lawful Government of Hawaii.

Faced with armed U.S. military forces and unwilling to place her supporters in danger, Queen Liliuokalani yielded her authority under protest to the provisional government. U.S. Minister Stevens raised the American flag and proclaimed Hawaii to be a protectorate of the United States on February 1, 1893.

It must be noted that when Queen Liliuokalani yielded her authority, she indicated she believed the U.S. Government would return Hawaii to the Hawaiian people once it learned of the actions of its representative, John Stevens, and the injustices committed by the committee of public safety.

An investigation, initiated by President Grover Cleveland and conducted by former Congressman James Blount, concluded that the United States diplomatic and military representatives to the Kingdom of Hawaii had abused their authority and were responsible for the change in government. Minister Stevens was recalled from his diplomatic post and the commander of the U.S. military forces stationed in Hawaii was disciplined and forced to resign his commission.

President Cleveland delivered a message to Congress on December 18, 1893 in which he described the illegal acts of those who participated in the overthrow of the Hawaiian Government as an "act of war, committed with the participation of a diplomatic representative of the United States and without the authority of Congress." He went on to call for the restoration of the Hawaiian Monarchy by noting that a "substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires that we should endeavor to repair."

However, the Senate Foreign Relations Committee, rejected the Blount Report and President Cleveland's call for the restoration of the Hawaiian monarchy after being lobbied by the Provisional Government of Hawaii. The Senate Foreign Relations Committee then announced its intention to conduct its own investigation into the events surrounding the overthrow of the Hawaiian Monarchy.

The Senate Foreign Relations Committee heard from members of the Provisional Government of Hawaii who justified the actions of U.S. Minister Stevens and the need to annex Hawaii. Because of the investigation by the Senate Foreign Relations Committee, no action was taken to restore the Hawaiian Monarchy. At the same time, however, supporters of Hawaiian annexation in the Congress failed to round up the needed two-thirds majority.

As the stalemate over the issue of restoring the Hawaiian Monarchy continued, Queen Liliuokalani was forced to sign a formal statement of abdication and swear allegiance to the Republic of Hawaii on January 24, 1895 while under house arrest in Iolani Palace. And, President William McKinley, President Cleveland's successor, signed the Newlands Joint Resolution, by which the self-declared Republic of Hawaii ceded sovereignty over the Hawaiian Islands to the United States, on July 7, 1898.

As part of the Newlands Joint Resolution, the Republic of Hawaii also ceded to the United States 1,800,000 acres of crown, government, and public lands of the Kingdom of Hawaii, without the consent of or compensation to the native Hawaiian people or their sov-

ereign government. And, through the enactment of the Organic Act by the Congress of the United States, Hawaii became a U.S. territory on April 30, 1900.

The loss of sovereignty came at the close of a 100-year period during which the native Hawaiian population had declined precipitously. Because native Hawaiians had lived in virtual isolation for nearly 12 centuries, they had built up no immunity to a variety of Old and New World diseases. As a result, native Hawaiians succumbed to measles and other usually nonfatal illnesses brought to the islands by Americans, Asians, and Europeans. Between the European discovery of Hawaii by Capt. James Cook in 1778 and the late 1800's, the numbers of native Hawaiians declined from an estimated 500,000 to fewer than 50,000. The scale of this population decline was extraordinary, perhaps unprecedented.

Over the course of the 19th century, native Hawaiians witnessed the suppression of their language and culture, their near extermination, and, finally, the loss of their sovereignty. Disenfranchised from their land, culture, and ability to self-govern, the indigenous people of Hawaii suffered a fate shared by other displaced indigenous peoples. Like the aborigines in Australia and native Americans in this country, native Hawaiians are now among the most impoverished and dispossessed people in the State of Hawaii.

Over 100 years ago, representatives of the U.S. government and military abused their authority by helping a small yet privileged and powerful group of American and European businessmen overthrow the government of a sovereign nation, the Kingdom of Hawaii. The U.S. Government subsequently gave its mantle of approval to this illegal action by accepting lands ceded to the United States by the self-proclaimed Republic of Hawaii and by annexing the Hawaiian Islands as a territory.

In spite of the passage of 100 years, the fact that Hawaii is now an integral part of the United States, and the argument that the illegal 1893 takeover of the Kingdom of Hawaii eventually provided citizens of Hawaii with full citizenship in the world's most enduring democracy, none of this erases the fact that the takeover of the Kingdom of Hawaii was an illegal act which transformed native Hawaiians into strangers in their own land.

While history cannot be rewritten, it can—and must—be acknowledged. As such, the United States should—and must—acknowledge its role in overthrowing the legal Government of the Kingdom of Hawaii by issuing an official apology.

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

Mr. RICHARDSON. Mr. Speaker, I rise in support of Senate Joint Resolution 19, a bill to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.

The Hawaiian Islands were unified under one government in 1810 under King Kamehameha I. It was an independent, sovereign monarchy which traded and had treaties with several nations including the United States between 1826–1893.

Western businessmen concerned that the monarchy might not look as favorably on them in the future, began a successful campaign which spread back to the United States the word that the safety of U.S. citizens might be in jeopardy. With the assistance of the U.S. Minister, who was our Government's representative in the islands, U.S. Armed Forces invaded Hawaii in January 1893.

A provisional government was quickly established and, under protest, the Queen stepped down from power.

She believed that once the United States conducted an inquiry of the recent actions, she would be reinstated to her proper role.

President Grover Cleveland did conduct an investigation and described the actions in Hawaii as an "act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress." He called for the reinstatement of the Hawaiian monarchy. The provisional government, however, fought this request and remained in power.

In 1898 President William McKinley signed the resolution annexing the Hawaiian Islands and some 1.8 million acres of land to the United States.

Mr. Speaker, without the assistance of the diplomatic representative of the United States to the sovereign Hawaiian Islands, the overthrow would not have happened.

The purpose of Senate Joint Resolution 19 is to spell out the events which led to the overthrow of the government of Hawaii, annexation, and finally to statehood in 1959. It is foremost an educational document. It is also meant to finally apologize to the people of Hawaii for the improper actions taken by a representative of this government.

I want to thank my colleagues from Hawaii, Mrs. MINK and Mr. ABERCROMBIE, for the work they have done to bring this resolution to the floor today. They have worked tirelessly on behalf of their constituents to educate the Congress as to the history of Hawaii. This resolution is another step in that direction.

Senate Joint Resolution 19 does not infer any new rights to native Hawaiians. It is an apology that is long overdue and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii [Mrs. MINK] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 19.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

FRIENDSHIP WITH RUSSIA, UKRAINE AND OTHER NEW INDEPENDENT STATES ACT

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3000) for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other New Independent States of the former Soviet Union, as amended.

The Clerk read as follows:

H.R. 3000

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

SECTION 1. SHORT TITLES.

This Act may be cited as the "Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine, and Other New Independent States" or as the "FRIENDSHIP Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short titles.
- Sec. 2. Table of contents.
- Sec. 3. Definition.

TITLE I—POLICY OF FRIENDSHIP AND COOPERATION

- Sec. 101. Findings.
- Sec. 102. Statutory provisions that have been applicable to the Soviet Union.

TITLE II—TRADE AND BUSINESS RELATIONS

- Sec. 201. Policy under Export Administration Act.
- Sec. 202. Representation of countries of Eastern Europe and the independent states of the former Soviet Union in legal commercial transactions.
- Sec. 203. Procedures regarding transfers of certain Department of Defense-funded items.
- Sec. 204. Soviet slave labor.
- Sec. 205. Multilateral Export Controls Enhancement Amendments Act.

TITLE III—CULTURAL, EDUCATIONAL, AND OTHER EXCHANGE PROGRAMS

- Sec. 301. Mutual Educational and Cultural Exchange Act of 1961.
- Sec. 302. Soviet-Eastern European research and training.
- Sec. 303. Fascell Fellowship Act.
- Sec. 304. Board for International Broadcasting Act.
- Sec. 305. Scholarship programs for developing countries.
- Sec. 306. Report on Soviet participants in certain exchange programs.

TITLE IV—ARMS CONTROL

- Sec. 401. Arms Control and Disarmament Act.
- Sec. 402. Arms Export Control Act.
- Sec. 403. Annual reports on arms control matters.
- Sec. 404. United States/Soviet direct communication link.

TITLE V—DIPLOMATIC RELATIONS

- Sec. 501. Travel restrictions.
- Sec. 502. Personnel levels and limitations.
- Sec. 503. Other provisions related to operation of embassies and consulates.
- Sec. 504. Foreign Service Buildings Act.

TITLE VI—OCEANS AND THE ENVIRONMENT

- Sec. 601. Arctic Research and Policy Act.
- Sec. 602. Fur seal management.
- Sec. 603. Global climate protection.

TITLE VII—REGIONAL AND GENERAL DIPLOMATIC ISSUES

- Sec. 701. United Nations assessments.
- Sec. 702. Soviet occupation of Afghanistan.
- Sec. 703. Angola.
- Sec. 704. Self determination of the people from the Baltic states.
- Sec. 705. Obsolete references in Foreign Assistance Act.

Sec. 706. Review of United States policy toward the Soviet Union.

Sec. 707. Policy toward application of Yalta Agreement.

TITLE VIII—INTERNAL SECURITY; WORLDWIDE COMMUNIST CONSPIRACY

- Sec. 801. Civil defense.
- Sec. 802. Report on Soviet press manipulation in the United States.
- Sec. 803. Subversive Activities Control Act.

TITLE IX—MISCELLANEOUS

- Sec. 901. Ballistic missile tests near Hawaii.
- Sec. 902. Emigration from the Soviet Union.
- Sec. 903. Nondelivery of international mail.
- Sec. 904. Persecution of Christians.
- Sec. 905. Murder of Major Arthur Nicholson.
- Sec. 906. Soviet Pentecostals.

SEC. 3. DEFINITION.

As used in this Act (including the amendments made by this Act), the terms "independent states of the former Soviet Union" and "independent states" have the meaning given those terms by section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).

TITLE I—POLICY OF FRIENDSHIP AND COOPERATION

SEC. 101. FINDINGS.

The Congress finds and declares as follows: (1) The Vancouver Declaration issued by President Clinton and President Yeltsin in April 1993 marked a new milestone in the development of the spirit of cooperation and partnership between the United States and Russia. The Congress affirms its support for the principles contained in the Vancouver Declaration.

(2) The Vancouver Declaration underscored that—

(A) a dynamic and effective partnership between the United States and Russia is vital to the success of Russia's historic transformation;

(B) the rapid integration of Russia into the community of democratic nations and the world economy is important to the national interest of the United States; and

(C) cooperation between the United States and Russia is essential to the peaceful resolution of international conflicts and the promotion of democratic values, the protection of human rights, and the solution of global problems such as environmental pollution, terrorism, and narcotics trafficking.

(3) The Congress enacted the FREEDOM Support Act (Public Law 102-511), as well as other legislation such as the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) and the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484), to help meet the historic opportunities and challenges presented by the transformation that has taken place, and is continuing to take place, in what once was the Soviet Union.

(4) The process of reform in Russia, Ukraine, and the other independent states of the former Soviet Union is ongoing. The holding of a referendum in Russia on April 25, 1993, that was free and fair, and that reflected the support of the Russian people for the process of continued and strengthened democratic and economic reform, represents an important and encouraging hallmark in this ongoing process.

(5) It is important that reformers and democrats in the independent states of the former Soviet Union recognize the resolve of the people of the United States to do business with the independent states in a new spirit of friendship and cooperation, and the support of the people of the United States for continued democratic and economic reform.

(6) Certain statutory provisions that are relics of the Cold War should be revised or repealed as part of United States efforts to foster and strengthen the bonds of trust and friendship, as well as mutually beneficial trade and economic relations, between the United States and Russia, the United States and Ukraine, and the United States and the other independent states of the former Soviet Union.

SEC. 102. STATUTORY PROVISIONS THAT HAVE BEEN APPLICABLE TO THE SOVIET UNION.

(a) IN GENERAL.—There are numerous statutory provisions that were enacted in the context of United States relations with a country, the Soviet Union, that are fundamentally different from the relations that now exist between the United States and Russia, between the United States and Ukraine, and between the United States and the other independent states of the former Soviet Union.

(b) EXTENT OF SUCH PROVISIONS.—Many of the provisions referred to in subsection (a) imposed limitations specifically with respect to the Soviet Union, and its constituent republics, or utilized language that reflected the tension that existed between the United States and the Soviet Union at the time of their enactment. Other such provisions did not refer specifically to the Soviet Union, but nonetheless were directed (or may be construed as having been directed) against the Soviet Union on the basis of the relations that formerly existed between the United States and the Soviet Union, particularly in its role as the leading communist country.

(c) FINDING AND AFFIRMATION.—The Congress finds and affirms that provisions such as those described in this section, including the joint resolution providing for the designation of "Captive Nations Week" (Public Law 86-90), should not be construed as being directed against Russia, Ukraine, or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and the independent states, or signifying or implying in any manner unfriendliness toward the independent states.

TITLE II—TRADE AND BUSINESS RELATIONS

SEC. 201. POLICY UNDER EXPORT ADMINISTRATION ACT.

The Export Administration Act of 1979 is amended—

(1) in section 2 (50 U.S.C. App. 2401), by striking paragraph (11) and by designating paragraphs (12) and (13) as paragraphs (11) and (12), respectively; and

(2) in section 3 (50 U.S.C. App. 2402), by striking paragraph (15).

SEC. 202. REPRESENTATION OF COUNTRIES OF EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION IN LEGAL COMMERCIAL TRANSACTIONS.

Section 951(e) of title 18, United States Code, is amended by striking "the Soviet Union" and all that follows through "or Cuba" and inserting "Cuba or any other country that the President determines (and so reports to the Congress) poses a threat to the national security interest of the United States for purposes of this section".

SEC. 203. PROCEDURES REGARDING TRANSFERS OF CERTAIN DEPARTMENT OF DEFENSE-FUNDED ITEMS.

(a) LIMITATION ON CERTAIN MILITARY TECHNOLOGY TRANSFERS.—(1) Section 223 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 2431 note) is amended to read as follows:

SEC. 223. LIMITATION ON TRANSFER OF CERTAIN MILITARY TECHNOLOGY TO INDEPENDENT STATES OF THE FORMER SOVIET UNION.

"Military technology developed with funds appropriated or otherwise made available for the Ballistic Missile Defense Program may not be transferred (or made available for transfer) to Russia or any other independent state of the former Soviet Union by the United States (or with the consent of the United States) unless the President determines, and certifies to the Congress at least 15 days prior to any such transfer, that such transfer is in the national interest of the United States and is to be made for the purpose of maintaining peace."

(2) Section 6 of that Act is amended by amending the item in the table of contents relating to section 223 to read as follows:

"Sec. 223. Limitation on transfer of certain military technology to independent states of the former Soviet Union."

(b) **REPEAL OF OBSOLETE PROVISION.**—Section 709 of the Department of Defense Appropriations Authorization Act, 1975 (50 U.S.C. App. 2403-1) is repealed.

SEC. 204. SOVIET SLAVE LABOR.

(a) **REPEAL.**—Section 1906 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 1307 note) is repealed.

(b) **CONFORMING AMENDMENT.**—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1906.

SEC. 205. MULTILATERAL EXPORT CONTROLS ENHANCEMENT AMENDMENTS ACT.

Section 2442 of the Multilateral Export Control Enhancement Amendments Act (50 U.S.C. App. 2410a note) is amended—

(1) by striking paragraph (1); and
(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

TITLE III—CULTURAL, EDUCATIONAL, AND OTHER EXCHANGE PROGRAMS

SEC. 301. MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.

The Mutual Educational and Cultural Exchange Act of 1961 is amended—

(1) in section 112(a)(8) (22 U.S.C. 2460(a)(8)), by striking "Soviet Union" both places it occurs and inserting "independent states of the former Soviet Union"; and

(2) in section 113 (22 U.S.C. 2461), by—

(A) amending the section caption to read "EXCHANGES BETWEEN THE UNITED STATES AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—";

(B) by striking "an agreement with the Union of Soviet Socialist Republics" and inserting "agreements with the independent states of the former Soviet Union"; and

(C) by striking "made by the Soviet Union" and inserting "made by the independent states";

(D) by striking "and the Soviet Union" and inserting "and the independent states"; and

(E) by striking "by Soviet citizens in the United States" and inserting "in the United States by citizens of the independent states".

SEC. 302. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING.

The Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501-4508) is amended—

(1) by amending the title heading to read "**TITLE VIII—RESEARCH AND TRAINING FOR EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION**";

(2) in section 801, by striking "Soviet-Eastern European Research and Training" and inserting "Research and Training for Eastern Europe and the Independent States of the Former Soviet Union";

(3) in paragraphs (1), (2), and (3)(E) of section 802, by striking "Soviet Union and Eastern European countries" and inserting "countries of Eastern Europe and the independent states of the former Soviet Union";

(4) in section 803(2), by striking "Soviet-Eastern European Studies Advisory Committee" and inserting "Advisory Committee for Studies of Eastern Europe and the Independent States of the Former Soviet Union";

(5) in section 804—

(A) in the section heading by striking "THE SOVIET-EASTERN EUROPEAN STUDIES";

(B) in subsection (a), by striking "Soviet-Eastern European Studies Advisory Committee" and inserting "Advisory Committee for Studies of Eastern Europe and the Independent States of the Former Soviet Union";

(C) in subsection (d), by striking "Soviet and Eastern European countries" and inserting "the countries of Eastern Europe and the independent states of the former Soviet Union"; and

(6) in section 805(b)—

(A) in paragraphs (2)(A), (2)(B), and (6), by striking "Soviet and Eastern European studies" and inserting "studies on the countries of Eastern Europe and the independent states of the former Soviet Union";

(B) in paragraphs (3)(A) and (3)(B), by striking "fields of Soviet and Eastern European studies and related studies" and inserting "independent states of the former Soviet Union and the countries of Eastern Europe and related fields";

(C) in paragraph (3)(A) by striking "the Soviet Union and Eastern European countries" and inserting "those states and countries";

(D) in paragraph (4)—

(i) by striking "Union of Soviet Socialist Republics" the first place it appears and inserting "independent states of the former Soviet Union"; and

(ii) by striking "the Union of Soviet Socialist Republics and Eastern European countries" and inserting "those states and countries"; and

(E) in paragraph (5)—

(i) by striking everything in the first sentence following: "support" and inserting "training in the languages of the independent states of the former Soviet Union and the countries of Eastern Europe."; and

(ii) in the last sentence by inserting immediately before the period "and, as appropriate, studies of other languages of the independent states of the former Soviet Union".

SEC. 303. FASCELL FELLOWSHIP ACT.

Section 1002 of the Fascell Fellowship Act (22 U.S.C. 4901) is amended in the section heading by striking "IN THE SOVIET UNION AND EASTERN EUROPE" and inserting "ABROAD".

SEC. 304. BOARD FOR INTERNATIONAL BROADCASTING ACT.

(a) **BALTIC DIVISION.**—Section 307 of the Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985 (Title III of Public Law 98-164; 97 Stat. 1037) is repealed.

(b) **SOVIET JAMMING.**—Section 308 of that Act (97 Stat. 1037) is repealed.

SEC. 305. SCHOLARSHIP PROGRAMS FOR DEVELOPING COUNTRIES.

Section 602 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4702) is amended by striking paragraphs (6) and (7) and by redesignating para-

graphs (8), (9), and (10) as paragraphs (6), (7), and (8), respectively.

SEC. 306. REPORT ON SOVIET PARTICIPANTS IN CERTAIN EXCHANGE PROGRAMS.

Section 126 of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 102-138; 96 Stat. 282) is repealed.

TITLE IV—ARMS CONTROL

SEC. 401. ARMS CONTROL AND DISARMAMENT ACT.

(a) **REPORTS ON STANDING CONSULTATIVE COMMISSION ACTIVITIES.**—Section 38 of the Arms Control and Disarmament Act (22 U.S.C. 2578) is amended by striking "United States-Union of Soviet Socialist Republics".

(b) **LANGUAGE SPECIALISTS.**—Section 51 of that Act (22 U.S.C. 2591) is amended—

(1) by amending the section heading to read "SPECIALISTS FLUENT IN RUSSIAN OR OTHER LANGUAGES OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION";

(2) by striking "Soviet foreign and military policies" and inserting "the foreign and military policies of the independent states of the former Soviet Union"; and

(3) by inserting "or another language of the independent states of the former Soviet Union" after "Russian language".

(c) **COMPLIANCE WITH AGREEMENTS.**—Section 52 of that Act (22 U.S.C. 2592) is amended—

(1) in paragraph (1), by striking "the Soviet Union" both places it appears and inserting "Russia";

(2) in paragraph (3), by striking "Soviet adherence" and inserting "Russian adherence" and by striking "the Soviet Union" and inserting "Russia"; and

(3) in paragraph (5), by striking "the Soviet Union" and inserting "Russia".

(d) **ON-SITE INSPECTION AGENCY.**—Section 61(4) of that Act (22 U.S.C. 2595(4)) is amended—

(1) in subparagraph (A), by striking "the Soviet Union" and inserting "Russia, Ukraine, Kazakhstan, Belarus, Turkmenistan, Uzbekistan";

(2) in subparagraph (B), by striking "Soviet";

(3) in subparagraph (C), by striking "the Soviet Union" and inserting "Russia"; and

(4) in subparagraph (D), by striking "Soviet".

SEC. 402. ARMS EXPORT CONTROL ACT.

The Arms Export Control Act is amended—

(1) in section 94(b)(3)(B) (22 U.S.C. 2799c(b)(3)(B)), by striking "Warsaw Pact country" and inserting "country of the Eastern Group of States Parties"; and

(2) in section 95(5) (22 U.S.C. 2799d(5))—

(A) by striking "Warsaw Pact country" and inserting "country of the Eastern Group of States Parties"; and

(B) by inserting before the period at the end "or a successor state to such a country".

SEC. 403. ANNUAL REPORTS ON ARMS CONTROL MATTERS.

(a) **SOVIET COMPLIANCE WITH ARMS CONTROL COMMITMENTS.**—(1) Section 1002 of the Department of Defense Authorization Act, 1986 (22 U.S.C. 2592a) is repealed.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1002.

(b) **ARMS CONTROL STRATEGY.**—(1) Section 906 of the National Defense Authorization Act, Fiscal Year 1989 (22 U.S.C. 2592b) is repealed.

(2) Section 3 of that Act is amended by striking the item in the table of contents relating to section 906.

(c) **ANTIBALLISTIC MISSILE CAPABILITIES AND ACTIVITIES OF THE SOVIET UNION.**—(1)

Section 907 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2034) is repealed.

(2) Section 3 of that Act is amended by striking the item in the table of contents relating to section 907.

SEC. 404. UNITED STATES/SOVIET DIRECT COMMUNICATION LINK.

(a) **CHANGING REFERENCES.**—The joint resolution entitled "Joint Resolution authorizing the Secretary of Defense to provide to the Soviet Union, on a reimbursable basis, equipment and services necessary for an improved United States/Soviet Direct Communication Link for crisis control," approved August 8, 1985 (10 U.S.C. 113 note) is amended—

(1) in the first section—
(A) by striking "to the Soviet Union" both places it appears and inserting "to Russia"; and

(B) by striking "Soviet Union part" and inserting "Russian part"; and

(2) in section 2(b), by striking "the Soviet Union" and inserting "Russia".

(b) **SAVINGS PROVISION.**—The amendment made by subsection (a)(2) does not affect the applicability of section 2(b) of that joint resolution to funds received from the Soviet Union.

TITLE V—DIPLOMATIC RELATIONS

SEC. 501. TRAVEL RESTRICTIONS.

Section 216 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4316) is amended—

(1) in subsection (a), by striking everything following "apply" and inserting "appropriate restrictions to the travel while in the United States of the individuals described in subsection (b)."; and

(2) in subsection (e), by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 502. PERSONNEL LEVELS AND LIMITATIONS.

(a) **PERSONNEL CEILING ON UNITED STATES AND SOVIET MISSIONS.**—Section 602 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101-193; 103 Stat. 1710) is repealed.

(b) **REPORT ON PERSONNEL OF SOVIET STATE TRADING ENTERPRISES.**—(1) Section 154 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1353) is repealed.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 154.

(c) **REPORT ON ADMISSION OF CERTAIN ALIENS.**—Section 501 of the Intelligence Authorization Act, Fiscal Year 1988 (22 U.S.C. 254c-2) is repealed.

(d) **SOVIET MISSION AT THE UNITED NATIONS.**—Section 702 of the Intelligence Authorization Act for Fiscal Year 1987 (22 U.S.C. 287 note) is repealed.

(e) **SOVIET EMPLOYEES AT UNITED STATES DIPLOMATIC AND CONSULAR MISSIONS IN THE SOVIET UNION.**—(1) Section 136 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 3943 note) is repealed.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 136.

(f) **DIPLOMATIC EQUIVALENCE AND RECIPROcity.**—(1) Section 813 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 455) is repealed.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 813.

SEC. 503. OTHER PROVISIONS RELATED TO OPERATION OF EMBASSIES AND CONSULATES.

(a) **CONSTRUCTION OF DIPLOMATIC FACILITIES.**—Section 132 of the Foreign Relations

Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138; 105 Stat. 662) is amended—

(1) by repealing subsections (a) through (d) and subsections (h) through (j); and

(2) in subsection (e)—
(A) by striking "(e) EXTRAORDINARY SECURITY SAFEGUARDS.—";

(B) by striking "(1) In" and inserting "(a) EXTRAORDINARY SECURITY SAFEGUARDS.—In" and by striking "(2) Such" and inserting "(b) SAFEGUARDS TO BE INCLUDED.—Such";

(C) by setting subsections (a) and (b), as so redesignated, on a full measure margin; and
(D) in subsection (b), as so redesignated—

(i) by striking "paragraph (1)" and inserting "subsection (a)"; and

(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and by setting such redesignated paragraphs on a 2-em indentation.

(b) **POSSIBLE MOSCOW EMBASSY SECURITY BREACH.**—(1) Section 133 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138; 105 Stat. 665) is repealed.

(2) Section 2 of that Act is amended by striking the item in the table of contents relating to section 133.

(c) **UNITED STATES-SOVIET RECIPROcity IN MATTERS RELATING TO EMBASSIES.**—(1) Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4301 note) is repealed.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 134.

(d) **REASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITY FROM MOUNT ALTO EMBASSY SITE.**—(1) Section 1232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2056) is repealed.

(2) Section 3 of that Act is amended by striking the item in the table of contents relating to section 1232.

(e) **DIPLOMATIC RECIPROcity.**—(1) Sections 151 through 153 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1351) are repealed.

(2) Section 1(b) of that Act is amended by striking the items in the table of contents relating to sections 151 through 153.

(f) **ELECTRONIC ESPIONAGE CAPABILITY FROM MOUNT ALTO EMBASSY SITE.**—(1) Section 1122 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1149) is repealed.

(2) Section 6 of that Act is amended by striking the item in the table of contents relating to section 1122.

(g) **ASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITIES.**—Section 901 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100-178; 101 Stat. 1017) is repealed.

(h) **FOREIGN ESPIONAGE ACTIVITIES IN THE UNITED STATES.**—Section 1364(c) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 4001) is repealed.

SEC. 504. FOREIGN SERVICE BUILDINGS ACT.

Section 4(j) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295(j)) is repealed.

TITLE VI—OCEANS AND THE ENVIRONMENT

SEC. 601. ARCTIC RESEARCH AND POLICY ACT.

Section 102(a) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4101(a)) is amended—

(1) in paragraph (2), by striking "as" and all that follows through the comma; and

(2) in paragraph (10), by striking " , particularly the Soviet Union,".

SEC. 602. FUR SEAL MANAGEMENT.

The Act of November 2, 1966, commonly known as the Fur Seal Act of 1966, is amended—

(1) in section 101(h) (16 U.S.C. 1151(h)), by striking "the Union of Soviet Socialist Republics" and inserting "Russia (except that as used in subsection (b) of this section, 'party' and 'parties' refer to the Union of Soviet Socialist Republics)"; and

(2) in section 102 (16 U.S.C. 1152), by striking "the Union of Soviet Socialist Republics" and inserting "Russia".

SEC. 603. GLOBAL CLIMATE PROTECTION.

The Global Climate Protection Act of 1987 (title XI of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989; 15 U.S.C. 2901 note) is amended—

(1) in section 1106—

(A) by striking "UNITED STATES-SOVIET RELATIONS" in the section heading and inserting "UNITED STATES RELATIONS WITH THE INDEPENDENT STATES OF THE FORMER SOVIET UNION";

(B) by striking "Soviet Union" and inserting "independent states of the former Soviet Union";

(C) by striking "their joint role as the world's two major" and inserting "the extent to which they are"; and

(D) by striking "United States-Soviet relations" and inserting "United States relations with the independent states"; and

(2) in section 1(b), in item in the table of contents relating to section 1106, by striking "United States-Soviet relations" and inserting "United States relations with the independent states of the former Soviet Union".

TITLE VII—REGIONAL AND GENERAL DIPLOMATIC ISSUES

SEC. 701. UNITED NATIONS ASSESSMENTS.

Section 717 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1549) is amended—

(1) in the section heading by striking "OF THE SOVIET UNION";

(2) in subsection (a)—
(A) in paragraph (2), by inserting "and" after the semicolon;

(B) in paragraph (3) by striking " ; and" and inserting a period; and

(C) by striking paragraph (4); and
(3) in subsection (b), by striking "a diplomatic" and all that follows through "including its", and inserting "appropriate diplomatic initiatives to ensure that members of the United Nations make payments of all their outstanding financial obligations to the United Nations, including their".

SEC. 702. SOVIET OCCUPATION OF AFGHANISTAN.
(a) **REPEAL.**—Section 1241 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1420) is repealed.

(b) **CONFORMING AMENDMENT.**—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1241.

SEC. 703. ANGOLA.

(a) **UNITED STATES POLICY ON ANGOLA.**—(1) Section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1414) is repealed.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1222.

(b) **SOVIET INTERVENTION IN ANGOLA.**—Section 405 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2293 note) is repealed.

SEC. 704. SELF DETERMINATION OF THE PEOPLE FROM THE BALTIC STATES.

Paragraph (1) of section 1206 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1411) is amended by striking "from the Soviet Union".

SEC. 705. OBSOLETE REFERENCES IN FOREIGN ASSISTANCE ACT.

The Foreign Assistance Act of 1961 is amended—

- (1) in section 501 (22 U.S.C. 2301)—
- (A) in the second undesignated paragraph by striking "international communism and the countries it controls" and inserting "hostile countries";
- (B) in the fourth undesignated paragraph, by striking "Communist or Communist-supported"; and
- (C) in the fifth undesignated paragraph, by striking everything following "victims of" and inserting "aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries.";
- (2) in section 614(a)(4)(C) (22 U.S.C. 2364(a)(4)(C)), by striking "Communist or Communist-supported"; and
- (3) in section 620(h) (22 U.S.C. 2370(h)), by striking "the Communist-bloc countries" and inserting "any country that is a Communist country for purposes of subsection (f)".

SEC. 706. REVIEW OF UNITED STATES POLICY TOWARD THE SOVIET UNION.

Section 24 of the International Security Assistance Act of 1978 (22 U.S.C. 2151 note) is repealed.

SEC. 707. POLICY TOWARD APPLICATION OF YALTA AGREEMENT.

(a) REPEAL.—Section 804 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 449), is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 804.

TITLE VIII—INTERNAL SECURITY; WORLDWIDE COMMUNIST CONSPIRACY**SEC. 801. CIVIL DEFENSE.**

Section 501(b)(2) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301(b)) is amended by striking the first comma and all that follows through "stability."

SEC. 802. REPORT ON SOVIET PRESS MANIPULATION IN THE UNITED STATES.

(a) REPEAL.—Section 147 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 426) is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 147.

SEC. 803. SUBVERSIVE ACTIVITIES CONTROL ACT.

The Subversive Activities Control Act of 1950 (50 U.S.C. 781 and following) is amended—

- (1) by repealing sections 1 through 3, 5, 6, and 9 through 16; and
- (2) in section 4—
- (A) by repealing subsections (a) and (f);
- (B) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively;
- (C) in subsection (a), as so redesignated, by striking "or an officer" and all that follows through "section 3 of this title"; and
- (D) in subsection (b), as so redesignated, by striking "or any officer" and all that follows through "section 3 of this title."

TITLE IX—MISCELLANEOUS**SEC. 901. BALLISTIC MISSILE TESTS NEAR HAWAII.**

(a) REPEAL.—Section 1201 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1409) is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1201.

SEC. 902. EMIGRATION FROM THE SOVIET UNION.

(a) REPEAL.—Section 1202 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1410) is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1202.

SEC. 903. NONDELIVERY OF INTERNATIONAL MAIL.

(a) REPEAL.—Section 1203 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1411) is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1203.

SEC. 904. PERSECUTION OF CHRISTIANS.

(a) REPEAL.—Section 1204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1411) is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1204.

SEC. 905. MURDER OF MAJOR ARTHUR NICHOLSON.

(a) REPEAL.—Section 148 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 427) is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 148.

SEC. 906. SOVIET PENTECOSTALS.

(a) REPEAL.—Section 805 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 450) is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 805.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. KYL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Speaker, at the Vancouver summit last April, President Yeltsin asked President Clinton to help put United States-Russian relations on a new footing.

President Yeltsin specifically asked that the United States review its laws and regulations. He asked for the United States to repeal or rescind those laws, regulations and policies that had become obsolete following the demise of the Soviet Union.

Russia is one of the legal successor states to the Soviet Union. It is subject to a long series of cold-war restrictions that had been intended for the previous Soviet regime, not the Russian successor state.

Those restrictions impede the ability of the United States and Russia, and the United States and other New Independent States, to build relations on a new basis of friendship. Specifically, these restrictions stand in the way of the development of normal diplomatic and trade relations.

The bill before us, H.R. 3000, was introduced on August 6 by the majority leader and minority leader at the administration's request. Both leaders travelled to Russia this past April and heard the same message as did President Clinton. They share the President's policy stance: it is time to begin the process of repealing cold war restrictions.

Title I of H.R. 3000 is a statement of United States policy of friendship and cooperation with Russia and the New Independent States. Ensuing titles modify or repeal certain provisions of law relating to: Trade and business relations; cultural, educational, and other exchange programs; arms control; diplomatic relations; oceans and the environment; regional and general diplomatic issues; internal security as well as other issues.

H.R. 3000, as introduced, covered many areas of jurisdiction in the House and so it was referred to several committees. The Committee on Foreign Affairs has worked closely with each of them. I want to thank each committee for its cooperation in bringing this bill to the floor. I want to thank: Chairman DELLUMS and the ranking member, Mr. SPENCE, of the Committee on Armed Services; Chairman GONZALEZ and the ranking member, Mr. LEACH, of the Committee on Banking, Finance and Urban Affairs; Chairman BROOKS and the ranking member, Mr. FISH, of the Committee on the Judiciary; Chairman STUDDS and the ranking member, Mr. FIELDS of Texas, of the Committee on Merchant Marine and Fisheries; Chairman CLAY and the ranking member, Mr. MYERS of Indiana, of the Committee on Post Office and Civil Service; Chairman BROWN and the ranking member, Mr. WALKER, of the Committee on Science, Space, and Technology; Chairman GLICKMAN and the ranking member, Mr. COMBEST, of the Permanent Select Committee on Intelligence; and Chairman ROSTENKOWSKI and the ranking member, Mr. ARCHER, of the Committee on Ways and Means.

Above all, I want to thank the leadership. The Speaker, the majority leader, and the minority leader have been driving forces in guiding this legislation through committees and to the House floor.

May I say that I appreciate that the gentleman from California [Mr.

ROHRBACHER] has a concern about a provision in this bill with respect to the captive nations resolution.

I want to assure the gentleman that this bill does not alter the text of the captive nations resolution in any way. The bill simply states that we should look forward, and not construe that resolution as being directed against Russia, Ukraine or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and the New Independent States, or signifying or implying in any manner unfriendliness toward the independent states.

I also want to assure the gentleman from California of my support for House Joint Resolution 237, to authorize the construction of an international monument in the District of Columbia to honor the victims of communism.

I will work with the committee of jurisdiction, the House Administration Committee, with respect to this resolution, and work with the other body, to help move this resolution forward.

I also will support this provision should it come back as an amendment to this bill from the other body.

The significance of H.R. 3000 is that the House is going on the record, and taking action. We are starting to clean up the layers of anti-Soviet legislation accumulated over many years, through many Congresses, since the beginning of the cold war. This bill is a first step in the process. There will be other steps in the months ahead, including addressing trade issues. Through a process of regulatory review, the administration will also address COCOM, export controls, and other regulatory restrictions.

This bill is a tangible step toward a new United States relationship with Russia, Ukraine, and the other New Independent States. I hope that the Congress will complete action on this bill expeditiously. I urge my colleagues to support H.R. 3000, as amended.

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

□ 1700

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

Mr. Speaker, I urge my colleagues to vote against this particular piece of legislation for both procedural and substantive reasons.

This is an important piece of legislation and should not come before this body late on a Monday afternoon when very few Members are here to participate, let alone observe the debate; when nobody knows what is in the bill; when the bill has not been the subject of hearings in the committees to which it was referred; when there are no findings which call for the provisions of law to be repealed, as is called for in this piece of legislation; and when there are significant questions that remain regarding the appropriateness of

the repeal of all of the provisions of law that would be repealed by this bill. So procedurally, this is not the appropriate method for bringing this bill forward.

Specifically, my concerns could be addressed, as were some other concerns earlier in the day, by working with the authors of the bill and cleaning it up. That is what the amendment process is all about. That is what could have been accomplished, had this bill been brought to the floor under the normal procedures.

The chairman of the committee notes that the bill was referred to four committees. One of those committees, the Committee on Armed Services, is the committee on which I sit. And yet our committee did nothing with respect to this bill. The sequential referral was not waived by the Committee on Armed Services, and it was not until today that three specific problems were worked out with certain members on the committee, myself not included.

Mr. Speaker, this is not the way to legislate, where important provisions of law are worked out at the very last minute. Members have no opportunity to understand whether something is in or not in the bill, and have no opportunity to offer amendments, which would be the appropriate way to clean it up.

I have no objection to the intent of this legislation. The intent, of course, is to clean up the laws with respect to the former Soviet Union and clearly to signal to the new leaders of the former States of the Soviet Union our desire to be entirely cooperative with their efforts to proceed with democratization and the development of peaceful relations with the West. In that we all concur.

The question is whether it is wise to repeal all of the pieces of legislation that would be repealed in this bill. There are two general categories of things that are repealed. First, there are historical references; and, second, are remaining operative provisions of law.

It is not wise, in my view, to repeal all of the historical references. There is no reason, for example, to repeal the provisions objecting to the operations of the former Soviet Union in Afghanistan and Angola. The question is, who engaged in those operations? It is the former Soviet Communist regime, the regime that we condemned in this legislation, that engaged in those operations. It is that former regime which the democratic forces have been fighting. It is that regime from which power has been taken. And so it seems to me somewhat problematic as to why it would be in the United States interest or the interest of Boris Yeltsin or other democrats in Russia to wipe from our statutes the United States condemnation of acts of the Soviet Union which have been subsequently condemned by

the leaders of Russia and other former States of the Soviet Union themselves.

In other words, why revise history? Why purge the history books, including the statutes of the United States of America, of condemnation of actions that have been condemned by the democrats in Russia themselves? What is the purpose?

This is designed to make Boris Yeltsin feel any better. But, in fact, the two things that Boris Yeltsin wants us to deal with are the Export Administration Act and the Jackson-Vanik amendment, and neither of those two are dealt with in this bill because, obviously, those are too important and need far too much work to be repealed at this point in time.

As a result, what has happened is that several less significant provisions of law were singled out for repeal. But for those parts that are historical references, such as the sense of Congress resolutions or statements of policy with respect to the invasion of Afghanistan and Soviet assistance to Angola, it can serve no purpose for the democratic leaders of Russia to repeal those provisions; and, clearly, we have no purpose in pleasing the former Communists of the Soviet Union by revising history in this fashion.

Now, another part of this bill repeals the sense of Congress resolutions calling for the end of the persecution of individuals on the basis of their faith, most notably Christians and Jews, and a sense-of-Congress resolution concerning the free immigration of Jews and others. Why would we want to repeal these provisions? Does the Congress no longer believe that freedom of religion and freedom of immigration is important to the states of the former Soviet Union?

As a matter of fact, if you look at the statistics of immigration from the former Soviet Union, you find that from 1990 when 186,815 Jews were allowed to immigrate through the years 1991, 1992, and 1993, those numbers are now down to 136,000.

I do not know why those numbers have declined over time, but each year there has been a decline in the number of Jews immigrating from the former Soviet Union.

There have been continued articles and speeches with respect to difficulties under which minorities, particularly Christian and Jewish minorities in Russia, have suffered. Indeed, in September of this year Senator LUGAR organized a letter with hundreds of signatures from Members of Congress expressing our concern about reports that missionaries were being harassed and detained in Russia.

A report for the Institute of Jewish Affairs says, "Anti-Semitic demonstrations in Moscow, St. Petersburg, and elsewhere were fairly commonplace in 1993."

My point is this: to repeal sections of our law that condemn this kind of

practice sends precisely the wrong message. We are not condemning the actions of Boris Yeltsin. What we are trying to do is to support Boris Yeltsin in his efforts to wipe out this kind of practice. And wiping these things from our statute does not support his efforts in that regard.

The bill also repeals language requiring the United States to apply diplomatic pressure to extract payment of fees for United Nations missions. As the payer of 33 percent of the operating expenses of the United Nations, I would think it in our best interests to ensure that the successor states to the Soviet Union will pay their bill.

Although changes to our export policy supported in this bill are minor, I wonder why the Congress would want to begin the process of reforming our export policies when the New York Times reported just last week that Russia and China have signed a new military agreement for the Chinese, "to purchase Russian know-how and technology relating to rocketry, anti-submarine warfare, and air defense."

This agreement made the news at the same time a headline in the Los Angeles Times carried a warning that China is upgrading its nuclear arms by developing new warheads and better intercontinental ballistic missiles.

On another issue, Mr. Speaker, I object strongly to repealing references in the Foreign Assistance Act which condemn the murder of Maj. Arthur Nicholson in 1985 in East Germany. This was a heinous act of cold blooded murder. Those responsible for Major Nicholson's death should be held accountable. I know of no apology to the major's widow nor any offer of financial restitution. Should not history report and continue to record our condemnation of this murder? Why should the Russians care, if they had nothing to do with it? And, of course, if they did, we should not be repealing the act. If they did not, the condemnation should stand.

The original vision of the bill, Mr. Speaker, contained a provision that repealed the requirement to submit annual reports of noncompliance of arms control agreements by successor states of the Soviet Union, and Russia is currently not complying with either START or the Convention on Biological weapons.

It is my understanding that the Committee on Armed Services did not object to this provision only because the act of the arms control reauthorization bill contains a similar reporting requirement. I think this report is an integral part of formulating our national security strategy and should scrupulously detail each and every arms control violation of all nations, including Russia.

Mr. Speaker, I want to reserve some time for the ranking member of this committee to state his views, and so I

will simply conclude this part of my remarks by pointing out that we have to distinguish between the people who used to run the Soviet Union, which was a Communist state engaging in activities antithetical to the interests of the West and of the United States, and the democrat leaders, including Boris Yeltsin, of the State of Russia and the other former states of the Soviet Union today. It takes nothing away from their efforts and our support for those efforts to retain on our books the condemnation of activities of the former Communist Soviet Union which ought to remain on the statutes and ought not be repealed by this legislation.

Mr. Speaker, I yield 6 minutes to the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Armed Services.

Mr. GILMAN. Mr. Speaker, I rise in support of the motion to suspend the rules and pass H.R. 3000, the Friendship with Russia, Ukraine and Other New Independent States Act.

The bill, H.R. 3000, was, as my colleague, the gentleman from Arizona, pointed out, referred to seven different authorizing committees. As he may know, the Foreign Affairs Committee did in fact meet, marked up and reported those provisions of the bill lying within its jurisdiction. Most of the remaining committees did, in fact, indicate to the Foreign Affairs Committee that they had reviewed their provisions and did not intend to meet on them.

Mr. Speaker, H.R. 3000 is meant to signal a new era in our relations with all of the New Independent States of the former Soviet Union. It had its genesis, however, in our particular concern over events in the Russian Federation throughout 1993.

As the major successor State to the Soviet Union—retaining much of its population, resources and nuclear armaments—Russia is a country in which the cause of democracy and economic transformation is a vital one, not just for the Russian people, but for the whole world.

President Clinton made a commitment to Russian President Yeltsin at his Vancouver summit in April that he would ask the Congress to repeal or revise United States statutes that might be outdated given the end of the cold war.

As a result, the Friendship Act was introduced by the gentleman from Illinois, the distinguished minority leader, Mr. MICHEL and the gentleman from Missouri, the distinguished majority leader, Mr. GEPHARDT, a clear signal of the bipartisan interest in supporting reform not just in Russia, but in Ukraine and the other New Independent States as well.

Mr. Speaker, today we are challenged to start out on a new relationship with each of those New Independent States that once were a part of the communist Soviet Union, our former cold war ad-

versary. I believe that it is time to meet that challenge.

At the same time, however, we cannot forget the many difficulties that we faced during the cold war, especially in the areas of communist espionage and subversion, the diversion of sensitive technology, the arms race, and the communist enslavement of entire nations.

I make this point to underline my belief that, while we are building new relationships with each of the New Independent States, we must nevertheless judge their actions carefully.

Mr. Speaker, I also fully understand the concerns of those who fear that H.R. 3000, by deleting or revising several statutes that have become more or less historical in nature, might send the wrong signal to certain elements within Russia.

I am referring, of course, to those in Russia who seem to believe that a Russian sphere of influence over its neighbors should now succeed the old Soviet Empire, and I have in mind the bill's reference to "Captive Nations Week" and the deletion of findings regarding United States policy.

Mr. Speaker, let me say this. I am confident that this Congress will closely monitor such factions within Russia and that United States foreign policy will be influenced by the degree to which they might exert any concrete influence over Russia's policies toward its neighbors.

At the same time, I believe that we can take this opportunity to underline our determination to build a new relationship with Russia and the other New Independent States—as symbolized by this bill—and that, by doing so, we will help combat the influence of such elements. After all, there is a great deal that is promising in our new relations with Russia. Russian-American exchange programs are being undertaken on a broad scale. American assistance is being provided to economic privatization and political democratization programs.

Our Defense Department is working to build its contacts with their Ministry of Defense and to help it securely store and dismantle nuclear armaments.

Accordingly, Mr. Speaker, I urge my colleagues to support the friendship with Russia, Ukraine, and other New Work States Act as we seek to build new relations with Russia and the other New Independent States.

□ 1710

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

Mr. Speaker, I just want to respond to the comments of the gentleman from Arizona. He made a number of expressions of concern with the fact that we had had no hearings, that objections had not been fully considered. I just want to let him know that the

first I knew of his objection to this bill was this afternoon.

This bill was introduced in August, introduced by the minority leader and the majority leader. I have checked with the staff here. We have had no indication of objection to this bill from the gentleman from Arizona.

I have also checked with the Committee on Armed Services, and they do not have any record of any objection. Maybe there was an objection. We just do not have a record of it.

But it does seem to me extraordinarily strange that the gentleman would not let the chairman of the committee handling the bill know of his objections prior to coming to the floor. We have leaned over backward to check with the chairman and the ranking member and the leadership on this bill, and it has been widely circulated and widely discussed.

Believe me, it is not my intention to bypass the gentleman. I just did not know of his objection.

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

Mr. HAMILTON. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Speaker, I cannot think of a Member of this body who is more fair, who is more objective than the chairman of the Committee on Foreign Affairs. I know that the chairman would never attempt to "slide one by" anyone. That certainly was not the implication that I intended to create.

But the Committee on Armed Services and I specifically was informed of this first this morning. I did not know that this bill was going to be on the floor of the House. While the bill had been referred to the Committee on Armed Services, our committee had never waived sequential referral, and I would just ask the chairman if it is not correct that it was not until today, this very day that the bill is now going to be voted on, that the objections of the members of the Committee on Armed Services were first dealt with and resolved; is that not correct?

Mr. HAMILTON. Mr. Speaker, it is my understanding that we have been in constant conversation with the staff of the Committee on Armed Services for the past month on this bill and that only in the last few hours have all of those objections been removed. That is my understanding, at least.

In any event, I want to assure the gentleman that it was not my intention to ignore him or to "slide it" by him, to use his words. We did all that we knew we could do to meet the objections.

I also want to emphasize that this bill is here today because the majority and the minority leaders have requested it and pushed it forward. It is their bill. And that bill comes out of their meetings with President Yeltsin and others, which they had in April of this year. We do not want to attach the

restrictions that applied to the Soviet Union to Russia.

As the gentleman from New York has said, we are seeking here, with this bill, to be very forward looking. We are not trying to excuse in any way the conduct of the Soviet Union. What we are trying to do is put the relationship with Russia, which, under international law, has responsibility for obligations of the Soviet Union, we are trying to put that relationship on a new footing and new foundation.

I wanted the gentleman from Arizona to understand how diligently we have worked to try to consult with all persons that we knew had an objection to the bill.

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

Mr. KYL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in qualified support for H.R. 3000.

The Soviet Union was a deadly enemy of the United States for many decades, especially for the last four decades. A democratic Russia, on the other hand, is our friend, and we should try to nurture the relationship with a democratic Russia.

□ 1720

Communists who control the Soviet Government were a threat to our way of life and a pariah to our free people. Those reformers who are now struggling to lay the foundation for democracy in Russia are allies of all free people. Actually, they should be heroes to all free people.

Ronald Reagan talked about relegating communism to the dustbin of history. He did not talk about relegating Russia to the dustbin of history. He did not talk about relegating the Russian people anywhere, he talked about communism, Communist tyranny.

The best way to relegate Communist tyranny to where it belongs is to do our best to recognize that it was communism that caused the problems, but the Russian people do not bear the blame, and certainly the current Russian Government that is trying to put communism behind them do not bear that burden of blame.

The faster we move to morally bolster the democratic reformers in the new democratic Russia, the safer this world will be, and this legislation is part of that process. This legislation lays the blame of tyranny and genocide to the Communists, who ran the Soviet Union, and now, by implication, blames the Communists who are the threat to the democratic reformers in the current democratic Russia.

Consistent with that thought, I have struggled and fought and worked to try to put an amendment on this bill, and I have the support of the chairman to try to build a monument to the victims of communism over these last seven

decades, a monument that would be built right here in Washington, DC, with private money, done by private people.

Mr. Speaker, that would be very appropriate. It would be something that would be symbolic for this, the land of freedom, to have a memorial to the victims of communism. We are going to try to get this in an amendment in the bill coming back from the Senate, but another way to build a memorial to those many millions of people who died at the hands of Communist tyranny would be to pass this legislation, because this legislation is itself a memorial to those people who died under Communist tyranny, by recognizing the changes in a new democratic Russia.

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

Mr. Speaker, I think that the gentleman from California [Mr. ROHRABACHER], while qualifiedly supporting the bill, has put his finger on the key point here. That is that I doubt that there is anyone in this body who does not want to try to support the democrats who lead and are attempting to lead the states of the former Soviet Union today. Part of that support is to demonstrate to them that we understand that they had little or nothing to do with the acts of the leaders of the Communist regime during the cold war when the Soviet Union engaged in activities which were contrary to the interests of the West and the United States, and that in keeping provisions of law that condemn the actions of the former officials of the Soviet Union, we in no way denigrate the efforts of those democrats who are attempting to bring about freedom and democracy and free markets in the former States of the Soviet Union today.

It seems to me unnecessary to repeal those provisions of law, and in fact, in a strange, ironic twist, almost in opposition to their efforts to fight the Communist regime, because there are still Communist elements left in Russia and in the other former States of the Soviet Union.

Mr. Speaker, for example, when in our statutes we condemned the murder of Maj. Arthur D. Nicholson, Jr., and that statute is on our books today, and we called upon the people who were responsible for that murder to apologize, and to indemnify the family of Major Nicholson, why should that provision not be left in U.S. statute? Why should we repeal that? Clearly, Boris Yeltsin had nothing to do with that. Clearly, the people in his regime and those responsible for the leadership of the other now democratic former States of the Soviet Union were not responsible for the murder of Maj. Arthur D. Nicholson, Jr.; so why should not our condemnation of that act remain in our statutes?

Mr. Speaker, under this bill, this is wiped from the face of U.S. law. It is

turned out. It will not exist any more. That does nothing to advance the cause of democracy in Russia, because I do not think any of us are suggesting that it is the Russian leaders who were responsible for this act. That is, in effect, what I am trying to say here today.

Mr. Speaker, if this bill had come up under regular procedure, rather than under suspension—and I doubt that anybody on our side, until the very latter part of last week, knew that this bill was coming up on suspension—if it came up under the regular rules we could amend out sections such as this, so these would be left in our law, and it would do no harm whatsoever to our relationship with President Yeltsin and others.

However, because this is a bill coming up on suspension, we cannot amend it. I suspect there are other provisions that even my colleague, the chairman of the committee, would like to clean up in this bill, so I would simply suggest this to my colleagues: we ought to defeat this bill on suspension today, allow it to go back and be cleaned up and come back before us and it can be done very easily before we adjourn. Then pass the bill, which I will gladly support when these provisions can be cleaned up, and we can pass the bill with appropriate amendments.

Until then, Mr. Speaker, I must oppose this bill on suspension, because it sends exactly the wrong message to the folks for freedom around the country, including those people in the former Soviet States that are trying so desperately to gain freedom in their countries and to put the past of the Communist regime of the Soviet Union behind them.

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

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I want to first congratulate the chairman of the committee and the ranking member and all the members who were involved in developing this legislation. When President Yeltsin met with President Clinton, the first and most important request that he made was that we take the action, or at least some of the actions, that we are talking today. This is a matter of building confidence among the reformers in Russia that we believe what they are doing is the right thing to do. They are saying to us: We need a sign of assurance from America that the cold war is indeed over, that these matters no longer apply and are relevant to the relationship between the two countries, and that we want to open up more commerce and trade and a stronger relationship.

Mr. Speaker, when the gentleman from Illinois, BOB MICHEL, and I, and the gentleman from Georgia [Mr. GING-

RICH] and the gentleman from New York [Mr. SOLOMON] were in Russia earlier this year, it was a matter of discussion again with President Yeltsin. He feels very strongly that this should be done substantively, and I think he feels very strongly that it would be a sign of confidence that the people in America and the Representatives of the people in America believe that what is happening in Russia is positive, and that we want the moves to democratization, the moves to private property, the moves to capitalism to continue.

Mr. Speaker, I think this is a very important piece of legislation. I believe it would have been even optimal if we could have passed it earlier in the year, but later is better than never. The Russians face a tough set of circumstances this winter, and the reformers are not yet out of the woods. They have a long way to go. President Yeltsin is right now trying to write a constitution for his country. He is trying to incorporate into that constitution the concept of private property, which is probably the most important reform that they can make, so that the collective farms can be privatized.

I urge Members to support this legislation. It will help the reformers in Russia; it will advance the cause of democracy and capitalism in Russia, and it will stand behind all of the rhetoric that we have made over the years about what we want to have happen in the former Soviet Union.

I commend the Members who have developed this legislation, and ask the Members on both sides of the aisle to support this very important legislation.

Mr. HAMILTON. Mr. Speaker, might I ask of the Chair how much time I have remaining?

The SPEAKER pro tempore (Mr. LAUGHLIN). The gentleman from Indiana [Mr. HAMILTON] has 7 minutes remaining.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished Republican whip.

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

Mr. Speaker, I very much respect what my friend, the gentleman from Arizona [Mr. KYL] is doing today. I think he has raised some issues that need to be dealt with. In discussing just now with the gentleman from New York [Mr. GILMAN], our ranking member, and with the gentleman from Indiana [Mr. HAMILTON], the chairman of the committee, I think I can assure my good friend, the gentleman from Arizona [Mr. KYL] that there will be a serious effort made in the other body to continue to improve and clean up any language which is involved.

□ 1730

But I want to take just a minute to reinforce what the majority leader just

said and express to the House why we are trying to get this to the other body as quickly as we can.

Frankly, it has been a little embarrassing, given our long process of legislation here, to have the Soviet empire gone, and to be blocked by our own laws from offering the kind of help and doing the kind of things particularly in the private sector which we want to do to help those parts of the former Soviet empire which are trying to become democracies, and which are trying to be in a position to have a greater opportunity to seek prosperity through free enterprise. And often various totally legitimate laws that we passed during the cold war now have become not only obsolete, but actively harmful to the process of trying to help democracy.

This bill is an effort to clean up that sort of legislative undergrowth that is left over from the cold war. It will now go to the other body where our hope is that action can be quick enough that prior to our leaving at the end of this session we can finally pass this bill, get it to the President to be signed, so that as we go home for Thanksgiving we also create a greater opportunity for the people of Russia and Ukraine and elsewhere in the former Soviet empire to have an opportunity to work toward their own thanksgiving and their own better future.

So I urge a yes vote. I appreciate very much what my friend from Arizona has done in bringing these questions to our attention. I very much appreciate the chairman and the ranking member's agreement to work to improve this bill in the other body.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Georgia.

I just wanted to respond to the concern of the gentleman from Arizona [Mr. KYL] with respect to the language of provisions regarding Lt. Col. Arthur D. Nicholson. He expressed two or three times his concern, I think appropriately. I want to let him know, as he may or may not know, that there were two provisions in the law relating to Arthur Nicholson's murder. This bill does strike one of those provisions, but one remains, and I will quote that language which remains to the gentleman.

I am quoting only part of the language, but I think it is the most pertinent part.

The death of Lieutenant Colonel Nicholson was an untimely, unnecessary, cold-blooded murder committed against a United States military officer in pursuit of his official duties by a member or members of the Armed Forces of the Soviet Union, in a painful and degrading manner.

The Congress deplores and condemns the cold-blooded murder of Lieutenant Colonel Arthur D. Nicholson, Jr. It is the sense of Congress that the Government of the Soviet

Union should apologize for and renounce the murder of Lieutenant Colonel Nicholson; and indemnify the family of Lieutenant Colonel Nicholson financially.

So in this bill, as amended, one of the provisions condemning the murder of Lt. Col. Arthur D. Nicholson will indeed remain in existing law, and I think it is appropriate that that is done, and it is done at the request of the Armed Services Committee.

Let me just simply reiterate what the minority leader and the minority whip and the majority leader have said. What we are trying to do with this bill is to create a forward-looking relationship with Russia. President Yeltsin has requested it, President Clinton has requested it, the majority leader has requested it, the minority leader has requested it.

We want to build a new basis of friendship. It is important that this bill go forward if that new basis is to be sustained and to continue.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 3000, as introduced by request by Majority Leader GEPHARDT and Minority Leader MICHEL, contained four provisions that fell within the jurisdiction of the Committee on Ways and Means First, section 201—Eligibility for Generalized System of Preferences [GSP]; second, section 203—Prohibitions and Restrictions on Importations of Strategic and Critical Materials into the United States; third, section 206—Lend Lease; and fourth section 207—Soviet Slave Labor. Three of these sections, 201, 203, and 206, were revenue provisions, and the Committee on Ways and Means therefore did not believe it was timely to include them in the amended version of H.R. 3000 the House is considering today. I would note that the revenue provision on GSP was identical to one that was signed into law in August as part of the Omnibus Budget Reconciliation Act of 1993.

The Committee on Ways and Means did not object to the inclusion, in the version of H.R. 3000 being considered by the House this afternoon, of the provision on Soviet slave labor since this is not a revenue measure. This provision would repeal section 1906 of the Omnibus Trade and Competitiveness Act of 1988. Section 1906 states the sense of the Congress that the President should express to the U.S.S.R. America's strong moral opposition to Soviet slave labor policies, and should instruct the Secretary of the Treasury to enforce the provisions, under section 307 of the Tariff Act of 1930, relating to the import of items produced by forced labor.

In an effort to expedite the legislative processing of H.R. 3000, the Committee on Ways and Means, in lieu of holding a formal markup of this bill, requested in writing that the Committee on Foreign Affairs not include the revenue provisions on GSP, the importation of strategic and critical materials, and lend lease in the amended version of H.R. 3000 on today's calendar. The Committee on Foreign Affairs agreed to drop these provisions, and I would like to take this opportunity to thank the distinguished chairman of this committee as well as its members for accepting the Committee on Ways and Means' recommended changes to H.R. 3000.

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

The SPEAKER pro tempore (Mr. LAUGHLIN). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the bill, H.R. 3000, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 305 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 305

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. All time yielded during the consideration of this resolution is for the purpose of debate only.

Mr. Speaker, House Resolution 305 is a simple rule facilitating the consideration of the conference report to accompany H.R. 2401, the Department of Defense Authorization Act. The rule waives all points of order against the conference report and its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, as Members know, the Congress sent the appropriations bill for the Department of Defense to the President last week. This rule will allow the House to take up the authorization for DOD so that it too may be sent to the President for his signature.

The chairman of the Armed Services Committee, Mr. DELLUMS, is to be congratulated for bringing this carefully crafted conference report back to the House. The chairman and his colleagues on the Armed Services Committee have fashioned a bill which reflects the national security needs of our Nation in this post-cold war world, as well as the necessity of cutting spending. I urge adoption of this reso-

lution in order that we may proceed to the consideration of this conference report.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Once again, I rise to join my friend from Texas in urging all Members to support the rule, but not necessarily the conference report that will follow it.

As the gentleman from Texas has indicated, this rule waives all points of order against the conference report for the national defense authorization and all points of order against its consideration.

This type of rule was requested by the appropriate Members from both sides of the aisle, and so Members can feel comfortable in supporting it.

Mr. Speaker, I must take this opportunity today to address many of the same thoughts I expressed last week when the conference report for Defense appropriations was considered.

First, I believe we must commend the work done by the new chairman and the new ranking Republican member of the Armed Services Committee.

They have some of the most difficult assignments of any Members in this House, and they truly do an outstanding job.

They have performed their tasks very well and have done the best they could under some extraordinarily challenging circumstances.

We must also be very appreciative of the fact that the authorizers on one hand and the appropriators on the other kept in contact with each other throughout their respective conferences and they both produced conference reports which are reasonably consistent and harmonious with each other.

All of that said, Mr. Speaker, I must state again my profound concern about the slippery slope down which our Nation is heading.

A moment ago I referred to extraordinary challenges that were presented to the conferees on this bill.

And I cannot repeat it often enough: The Clinton administration is proceeding with a 4-year plan of Defense spending which comes in far below what the administration's own bottom-up review has defined as the minimum amount necessary to protect the security of the country.

Mr. Speaker, that simple fact of life is going to come back someday and haunt this House and every Member in it—not to mention the other body and the White House itself.

And I am going to keep repeating it and challenging this House every chance I get—as a warning that our Nation is becoming increasingly unprepared to deal with a major crisis abroad and to protect our essential interests.

I refer right now to the Washington Post story in Sunday's edition entitled

"Army Challenges Clinton Defense Cuts." That is our U.S. Army challenging our President's defense cuts. The first paragraph of this article, Mr. Speaker, says,

The Army has mounted a vigorous challenge to the Clinton administration's program of defense cuts, warning in an internal document that planned reductions will leave the service "substantially weakened" and ultimately threaten national security.

□ 1740

Now, how does all that happen?

Here is another article from the New York Times, and I am including these articles, Mr. Speaker, at this point in the RECORD. The other article is entitled, "Pentagon's New Somalia Bill Is \$300 Million."

Mr. Speaker, I have heard you on this floor, I have heard good Democrats like the gentleman from Missouri [Mr. SKELTON], who is the chairman of the Armed Forces Subcommittee on Personnel, talk about the serious problems we are going to have with our national defense because of the drain that is taking place in Somalia and many other places around this world where we are involved in U.N. operations.

This is putting a severe drain on our national defense preparedness, Mr. Speaker, and something has got to be done about it.

I have grave doubts about the capacity of this administration to deal with a significant crisis that is taking place right now at the 38th parallel in a place called Korea, or in the former Soviet bloc, or the Middle East, just for examples. If the present trend continues, who knows what potentially disastrous situations a new administration will inherit in 1997 or whenever the inevitable crisis is finally at our doorstep.

I do not want anybody coming back here and saying they did not know.

Mr. Speaker, I urge Members to support the rule. The rule is a fair rule. We want to expedite the business of this House. I would ask for a "yes" vote on the rule when the time comes.

[New York Times, Sunday, Nov. 14, 1993]

PENTAGON'S NEW SOMALIA BILL IS \$300 MILLION

(By Eric Schmitt)

Washington.—The Pentagon plans to ask Congress for an additional \$300 million to pay for the military operation in Somalia through next March, when American forces are to withdraw, a senior Defense Department official said on Friday.

The official, who spoke on condition of anonymity, said the extra money was needed because the Somalia operation was being paid for with money earmarked for other activities, like routine training, in the 1994 fiscal year.

The request, which still needs White House approval, is in addition to the \$261 billion 1994 military budget approved on Wednesday and signed by President Clinton on Thursday. That budget sets aside no money for the Somalia mission.

The Pentagon has historically paid for military operations—war-fighting as well as

peacekeeping—through an account called operations and maintenance. The Pentagon sometimes recoups the costs of specific military missions through a supplemental appropriation.

Last year, for example, Congress approved \$750 million to help offset the \$981.5 million in incremental costs the military incurred in Somalia from December 1992, when the operation started, to September 1993.

The senior official said that if Congress did not approve the extra spending for this year, the Pentagon might be forced to reduce routine training and combat exercises, a step that Congress has vigorously opposed.

"The services are paying for Somalia by borrowing money they planned to spend in the third and fourth quarters of this fiscal year," the official said.

For that reason, Pentagon and Congressional officials say lawmakers would probably approve the extra financing. The United States now has about 7,450 troops in Somalia and 8,600 on ships offshore.

Combat readiness has become an increasingly important concern, both at the Pentagon and on Capitol Hill. Senior commanders recall with anguish that the military reductions after the Vietnam War in the late 1970's drastically cut training time and resulted in combat units fielded at levels well below full strength.

The Army, in particular, has complained that the Pentagon's long-term budget plan does not include enough money to execute the kind of missions that civilian policy makers envision.

The senior Pentagon official criticized the Army for not paring its costs in the same way the Navy and Air Force have.

U.S. WORKER IN U.N. IS SLAIN IN MOGADISHU

MOGADISHU, SOMALIA.—An American worker with the United Nations was killed and two other foreigners were wounded today in a carjacking as United Nations officials warned of possible terrorist attacks by a Muslim group.

The American, Kai Lincoln, was fatally wounded in a shootout when four gunmen stopped a vehicle carrying him and two other workers. One attacker was killed and the other foreigners, a Liberian woman and a Norwegian man, were wounded. The assailants sped off with the car.

Mr. Lincoln, who was 23, arrived in Mogadishu in May and had worked in the United Nations information and operations center.

Regarding possible attacks by Muslim terrorists, the United Nations military force said Gen. Mohammed Farah Aidid, the clan leader who controls southern Mogadishu, "will be held responsible."

Intelligence reports indicate "the presence in Mogadishu of an unspecified number of individuals, possibly Hezbollah fundamentalists, with expertise in car bombings," Maj. Dave Stockwell, spokesman for the United Nations force, said.

Neither Major Stockwell nor the American military spokesman, Col. Steve Rausch, would specify which country might be behind the threats.

[From the Washington Post, Nov. 14, 1993]

ARMY CHALLENGES CLINTON DEFENSE CUTS

(By John Lancaster)

The Army has mounted a vigorous challenge to the Clinton administration's program of defense cuts, warning in an internal document that planned reductions will leave the service "substantially weakened" and ultimately threaten national security.

The memorandum approved by Army Chief of Staff Gordon R. Sullivan identifies 57 major weapons and spending programs that will be eliminated and 63 that will be scaled back if the administration follows through on plans to cut the defense budget by \$88 billion over five years. "The outcome of these reductions may be a future force which does not possess the technological superiority required to prevail over all potential conflicts arising from the changing world order," said the document, which was completed last month and forwarded to the Pentagon's civilian leaders.

"The Army requires additional resources if it is to meet continual demands for a technologically superior response and, at the same time, maintain the ability to respond to" the likely range of threats.

Although some grousing from the military is inevitable given the scope of planned defense cuts, the Army document is noteworthy both for its strident tone and for its explicit warning that the reductions threaten the nation's ability to fight and win wars.

In that regard, the document is an explicit challenge to Defense Secretary Les Aspin, who recently unveiled the administration's plan for a smaller, more mobile post-Cold War military of 1.4 million uniformed men and women, compared with 1.6 million under the Bush administration's proposed "base force" plan. Aspin has said repeatedly that in spite of the cuts, the nation's military will retain its "combat readiness" and ability to fight and win two nearly simultaneous regional conflicts.

Aspin has described the "bottom up" review as a collegial, "broadly collaborative" effort in which the military services had substantial say. The memorandum makes clear, however, that the Army feels slighted by the process in comparison with the other services, especially the Marine Corps, which fares better under Clinton's plan than it did under President George Bush's proposal. The internal document was included as an unclassified addendum to the Army's secret Program Objective Memorandum, which outlines the service's proposed spending plan for the years 1995 through 1999. Portions of the addendum have begun to leak out in the defense trade press, and a copy was obtained by The Washington Post.

"We're not only on the razor's edge but in danger of falling off the razor's edge," said an officer on Sullivan's staff who asked not to be named. "I think there is a lot of recognition not only within the Army but outside the Army, on [Capitol Hill], that the bottom up review is flawed, that you can't get there from here."

A senior defense official, who also spoke on condition of anonymity, disputed such claims. He suggested the Army is feeling the pain of defense cuts more acutely than other services because it has not matched their successes in paring unneeded bases and overhead.

"I don't think the Army has done as much as the Navy and Air Force in looking at their infrastructure," the official said. "They haven't done as much in retooling their overhead. *** Why does the Army still have to have 17 separate branches. *** These are basically people who work in offices."

Most of the hard choices, in any event, have been postponed. On Wednesday, Congress passed a \$261 defense spending plan for fiscal 1994, shaving a modest \$2.5 billion from the administration's request but deferring serious debate on the recommendations in the bottom-up review until next year. The

budget is about \$12 billion smaller than the 1993 spending plan, Bush's last.

In a statement yesterday, Aspin thanked Congress for producing a budget that "largely protects the readiness of our forces."

Pentagon officials acknowledge, however, that over the long term Aspin will have a tough time fulfilling his pledge to maintain readiness, a broad category that includes everything from steaming hours logged by Navy ships to the availability of bullets and spare parts. At a briefing yesterday on the 1994 defense budget, a senior official said continuing military operations in places such as the Persian Gulf region and Somalia are draining operating funds that normally would be used to promote readiness. As a result, he said, the administration will ask Congress for a supplemental appropriation of \$300 million to cover U.S. military operations in Somalia through March 31, the planned withdrawal deadline for U.S. troops in that country.

"I'm going to have readiness problems if we keep having contingencies and I have to eat it out of operating funds," the official said. "I'm having to make hard choices right now which brigades go to the National Training Center in the Mojave Desert, where the Army conducts armored warfare exercises."

"Is there a readiness problem that we have right now?" the official added. "I don't think so. But I sure worry about it."

The Army memo is especially gloomy on the prospects for modernizing the force. "Army modernization * * * is driven by a severely constrained fiscal policy," the document said. "It forces the soldier's war-fighting capability far below the level of the Army's technological potential."

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend him for his excellent statement, a statement with which I concur. I shall not oppose the rule, either.

Mr. Speaker, I am opposing the defense authorization conference report because I am greatly disappointed in the overall course this bill and the Clinton defense plan sets for the future direction of our national defense. With all due respect to the chairman, who allowed a fair debate on the issues, this bill and the Clinton defense plan are failures.

The administration began the year by plucking a defense number out of thin air and then attempted to craft a national security strategy around it. The result is a number that can't be justified, a strategy that does not fit the funding profiles, and missions that cannot be carried out. That leaves this Nation with a defense plan that seriously undermines our ability to maintain a robust and effective fighting force.

I am also very dismayed that the defense bill now routinely funds non-defense activities at the expense of the men and women of the Armed Forces, and potentially at the expense of our national security. For example, \$1.1 billion was provided for dismantlement assistance to Russia despite the fact

not one single missile has been disassembled and only 5 percent of the \$800 million authorized in previous years has been spent. To support the aid for Russia, \$300 million was transferred from DOD's Drug Interdiction Program.

Other examples of nondefense expenditures include an increase of \$300 million above the administration's request for the Technology Reinvestment Program [TRP] and language that allows nonnational security-related technologies to be funded with defense conversion dollars. Additionally, community roads, ponds, sewers, and a plethora of other development projects are funded through this bill as well as duplicative medical research on everything from irritable bowel syndrome to Lyme disease. The Department of Defense is even paying for security at the World Cup Games and Olympics.

Increases in nondefense expenditures at the expense of defense research, production, acquisition, and manpower. This kind of defense mismanagement must not continue.

Finally, I am very disappointed that the conferees dropped a House provision which would have required notification to Congress prior to placing U.S. troops under U.N. command. In 1918, during World War I, Gen. John Pershing set a precedent that U.S. soldiers should remain in large units under U.S. command. The historical success of that precedent speaks louder than words we can utter today. Prudence dictates that we heed the lessons of history. The Clinton administration, however, is reportedly considering changing this precedent in Presidential Decision Direction No. 13, by allowing as a matter of formal policy the placement of U.S. forces under U.N. command for peacekeeping operations.

On its face, this policy projects a sense of gross indifference for the lives of American servicemembers. Such an indifference, whether real or perceived, risks undermining the very essence of our Armed Forces—their morale. We should all heed Gen. Douglas MacArthur's admonition that "morale will quickly wither and die if soldiers come to believe themselves the victims of indifference or injustice on the part of their government." I strongly oppose PDD 13 and believe that Congress should immediately address this issue.

For these and other reasons, I will not vote for the fiscal year 1994 defense authorization bill.

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

Mr. FROST. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DELLUMS. Mr. Speaker, pursuant to House Resolution 305, I call up the conference report on the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Clerk read the title of the bill. The Speaker pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 305, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, November 10, 1993, at page 28625.)

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

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

Mr. Speaker, I rise in support of the conference report on H.R. 2401, the national defense authorization bill for fiscal year 1994.

This report, this conference report, will provide \$261 billion for defense, some \$2.5 billion below the President's request, \$3.2 billion below the House-passed bill.

I believe my colleagues can support this conference agreement for several reasons: First, it puts people first by funding a 2.2-percent pay raise.

Second, it provides a significant installment on American economic security by authorizing \$2.9 billion for economic conversion.

And, third, it reallocates operation and maintenance spending to improve force readiness.

The agreement also reshapes tactical aircraft modernization and improves major procurement programs.

For example, the conferees agreed to end the debate between the B-2 and the B-1 by providing the necessary funds to allow the B-1 to become fully operational and to cap the B-2 at 20 aircraft at \$44.4 billion.

In exchange for the cap, the conferees agreed to use this conference report as the second vote to authorize additional aircraft.

Mr. Speaker, in my humble opinion, we have finally come to the end of the debate on the B-2 bomber. It is this gentleman's considered opinion that the conference agreement entered into will also end the discussion of the further need for the procurement of any additional bombers for the foreseeable future.

Mr. Speaker, in addition, the bill authorizes the continuation of the C-17 aircraft, a program, as you well know,

that was in significant difficulty. We did so at a production rate of no more than six a year, four this year with the ability for two more if certain production and test milestones are met.

There are a number of other limitations on this program. As you well know, it is a program in great difficulty.

We asked the Department of Defense to come back and give us their program for how they would put this program on track and how they would deal with the issue of airlift into the foreseeable future. They did that.

The House agreement, the conference agreement, is an installment on the Pentagon's effort to get a handle on that program.

The conference agreement allocates approximately \$197 million for a shipbuilding initiative and about \$10 billion for environmental cleanup.

The conferees also agreed to establish a commission on the roles and missions of the military and a Presidential study on controlling nuclear arms proliferation.

In research and development, the conference report funds the ballistic missile defense, formerly known as SDI, at \$2.7 billion, a reduction of almost \$1 billion from the President's request.

□ 1750

The conferees are particularly upset over the amount of earmarking that has taken place in the past and, frankly, continues to take place. Therefore, agreement was reached to urge the administration to use competitive and cost-sharing procedures wherever possible.

In this year's bill it is permissive, it went from shall to may. However, the House and the Senate agree strongly that we would jointly sponsor legislation next year to require that contracts and grants be awarded on the basis of merit, based upon competitive procedures, and to prohibit legislation earmarking the awards.

It is this gentleman's hope, Mr. Speaker, that not only will the Committee on Armed Services come to grips with the issue of earmarking but all authorizing committees in this House will come to terms with the issue of earmarking. It is a practice that has to be behind us; it is not, in this gentleman's opinion, good government.

In operations and maintenance, the conference report authorizes \$88.5 billion, including \$900 million in readiness enhancements.

Mr. Speaker, there were also two other provisions, one that passed the House overwhelmingly, known as the Andrews amendment, an amendment that would provide for a prohibition against using defense conversion funds to support weapons sales abroad. However, there was also, as we went into

conference, an amendment offered by the other body, known as the Kempthorne amendment. This provision on defense export funding, known as the Kempthorne amendment, would have provided the President authority to allow the Department of Defense to guarantee loans for the sale of defense products.

Frankly, Mr. Speaker, this was not palatable to this gentleman and many of us in the conference.

There were three options available to us. One option was that the other body would recede to the House on the Andrews amendment, a meritorious and noteworthy amendment that would not allow defense conversion funds to be used for the purposes of promulgating arms sales, and that this body would recede to the other body regarding the Kempthorne amendment. The position that we took was that this was too high a price to pay in order to maintain support for the Andrews amendment.

There were two other options. One was to throw both amendments over the side and agree to come back next year. Frankly, Mr. Speaker, that was an option that this gentleman would have preferred. In my opinion, the Kempthorne amendment does violence to the whole concept of arms proliferation, something that we need to get our hands on.

The problem was that in the context of the dynamics between this body and the other body, that option was not available because Members of the other body felt strongly that some compromise version of the Kempthorne amendment should be in this bill, which then led us to the third option, and that was, on the one hand the acceptance of the Andrews amendment and some compromise version of the Kempthorne amendment.

The conferees agreed to incorporate a House provision using defense conversion funds to support weapons sales abroad into a provision authorizing the President to provide \$25 million in loan guarantee in support of commercial weapons sales under certain conditions.

Because the administration opposed such authority, and frankly because we oppose such authority, the conferees agreed in the spirit of comity between the two bodies to make the funding contingent upon the President's certification to Congress that, one, he intended to exercise the authority; and, two, that such authority would be exercised with specific reference to the Arms Export Control Act; and, three, the exercise of such authority would be consistent with the policy of the United States in the areas of conventional arms sales and counter-proliferation efforts.

The President would have up to 180 days to make such a certification before any funds could be utilized. And if the President did not so certify, the authority would elapse.

I might point out, interestingly enough, Mr. Speaker, that the other day when this body passed the conference report on appropriations for the Department of Defense, they did not appropriate one dime for this provision. It is this gentleman's hope that that would be the way that this provision eventually gets dealt with.

Finally, Mr. Speaker, in other areas the bill also authorized \$10.6 billion for military construction and family housing, \$12 billion for the Department of Energy defense activities.

On balance, Mr. Speaker, the conference report reflects a well-reasoned and prudent approach to funding defense programs for the coming year. It has turned a very significant corner, has put significant dollars into economic conversion, significant dollars into environmental restoration, significant dollars in the hands of military forces by virtue of family quality-of-life issues, pay raise issues.

We have gotten a handle on tactical air. It seems to me we finally put a cap on the B-2 bomber. It is this gentleman's hope we have ended the debate on the bomber so we can use funds for other purposes.

There are a number of good things in this bill I think worthy of support.

Mr. Speaker, with those comments, I reserve the balance of my time.

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

Mr. Speaker, I would like to take this opportunity to express my thanks to my chairman, the gentleman from California, for his cooperation, fairness, and willingness to allow all sides to be heard during our many deliberations over the course of this past year.

I look forward to working with him in the future as we try to fulfill our responsibilities to provide for the national security needs of this country.

Mr. Speaker, having said that, this conference report cuts \$2.6 billion in budget authority and \$2.7 billion in outlays below President Clinton's request, a request that was already too low, in my opinion. The cuts in this bill reflect only about 10 percent of the 5-year defense cuts proposed by this administration. I do not see how it will be possible to cut an additional \$100 billion-plus during the next 4 to 5 years.

I remind my colleagues that these proposed defense cuts follow 9 consecutive years of reductions in defense spending.

We have already closed hundreds of bases in this country and abroad. We have cut back on people, weapons systems, readiness, procurement, and research and development.

Again, I repeat, Mr. Speaker, this year's DOD authorization bill will keep us in business. It could have been worse. During the next few years we are facing disaster if we carry through with the proposed budget of this administration.

I believe that people, readiness, and a strong industrial base have been responsible for the "second-to-none" U.S. military that has evolved over the past decade.

Yet personnel endstrengths continue to plummet, morale is down, recruiting is suffering, career uncertainty is up.

Despite the Clinton administration's opposition, we managed to provide the troops with a 2.2 percent pay raise.

In the area of readiness, deployments are up, non-traditional missions are increasing, elements of the force are stretched, and the military's ability to meet U.S. global commitments is suffering.

In readiness, we managed to reallocate approximately \$1 billion into "readiness enhancements" such as training dollars, maintenance backlogs, and European retrograde.

On the "people" and "readiness" fronts, the trends are not encouraging. As former Chairman of the JCS, General Powell, has indicated, the little "yellow warning lights" are beginning to blink. These are warning lights we should pay close attention to.

Relative to our industrial base. Excess capacity in the defense industrial base was already being aggressively reduced under the Bush defense cutbacks. For example, Secretary Cheney proposed, and Congress endorsed, termination of more than 100 weapons systems.

The procurement budget has been reduced by almost 50 percent in the past 4-5 years.

This very conference report cuts almost \$4 billion from the Research and Development account.

The heart and soul of a viable industrial base is its skilled workforce, which has been decimated by the past nine years of spending cutbacks. Not only are jobs being lost, but they are well-paying jobs encompassing unique engineering and manufacturing skills.

The Clinton administration's own Bureau of Labor Statistics estimates that the Clinton defense spending reductions will result in the loss of an additional 1.2 million defense-related jobs over the next 4-5 years.

The fiscal year 1994 defense budget has been referred to as a "treading water" budget—a budget that transitions from the Reagan-Bush defense reductions to the more dramatic Clinton cutbacks.

If this bill's \$15 million outlay reduction from last year's spending levels is merely a "transition" bill, we should all sit up and take notice of where President Clinton thinks our military ought to transition.

There are already indications that Secretary Aspin's recommended future force structure will be too small to meet U.S. defense strategy—and that even if it could, this smaller force structure is probably too expensive to maintain under Clinton-proposed defense spending levels.

Reducing defense spending is dangerous enough in my opinion. Perpetuating a gap between political rhetoric and military reality is criminal.

I repeat, this next year's DOD authorization bill will keep us in business, it could have been worse. However, during the next few years we are facing imminent danger if we carry through on the proposed defense budget cuts proposed by this administration.

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

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. Speaker, I rise in support of the conference report on H.R. 2401, the fiscal year 1994 DOD authorization bill. It is a balanced bill that meets the minimum needs of the military while recognizing the realities of the changing world and the realities of the Federal budget.

Mr. Speaker, I certainly commend our chairman, the gentleman from California [Mr. DELLUMS], and the ranking minority member, the gentleman from South Carolina [Mr. SPENCE], and their staffs for a job, as I say, a job well done.

Mr. Speaker, it has many provisions that are good for the military and I support them. It approves as requested in the budget, the strength levels for all components except the Marine Corps Reserve and the Navy Reserve, which were increased slightly. It sets a minimum force structure for the Army National Guard and provides about \$1 billion in procurement authorization to modernize the Guard and Reserves. It expands the reserve GI bill to authorize use for graduate studies, a provision I have been seeking for several years now. It is a good bill for the National Guard and Reserve.

Mr. Speaker, as I have said before, I believe we are going too far and too fast in reducing our military forces. We included in this bill a provision that requires a certification that the Army can meet its mission requirements before the active Army can be reduced below 550,000 in end strength.

I still believe that the defense budget is as low as it can go and still meet our national security needs. There are several items that eat up defense funds that are not strictly defense items, such as defense conversion, environmental cleanup, aid to the former Soviet Union, and counterdrug activities that total about \$15 billion. When you combine these programs with the required funding for the humanitarian relief operations such as in Somalia, Bosnia, and so forth, the real spending power of the defense budget is greatly reduced.

As we begin looking at the fiscal year 1995 budget, I will be working hard to

ensure we maintain a strong defense and don't damage our capability to provide for our national security. I urge my colleagues to support this conference report on the DOD authorization bill for fiscal year 1994.

Mr. SPENCE. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. DORNAN]

□ 1800

Mr. DORNAN. Mr. Speaker, first of all I want to sincerely thank both of our leaders. I want to thank the committee chairman, the gentleman from California [Mr. DELLUMS], not only for his hard work, but a fairness that has become his middle name in letting the minority or any dissenting Democrats have some impact on the process here.

Of course, I want to thank Captain U.S. Navy, retired, the gentleman from South Carolina [Mr. SPENCE] for his great leadership on our side.

In thanking them for all their hard work, it gives me a heavy heart to announce that, of course, I will be voting against this because of all the things the bill was unable to accomplish.

Over the weekend I flew to Dallas to talk to some doctors who live in fear about what the administration is going to do to make them second-class citizens. All the way there I had a chance to absorb about four national newspapers and what kind of new disorderly world we live in.

Is everybody in this House aware that 10,000 people have died in Kashmir in the northern provinces of India in the last few years, and we still have a U.N. peacekeeping force there since 1948 that we are paying about 35 percent of the bill for?

Do you know the death toll in Bosnia is now reaching into the tens of thousands and there is more mortaring of children and killing of women over the weekend, and we still talk about putting 25,000 troops in there, while we cut our defense budget, and the savage cuts are to come over the next 3 years.

Is everybody aware that over 35,000 people have died in Dushanbe—where the heck is that? Oh, it is Tajikistan. Does that help?

But we wonder if there is a U.N. peacekeeping role where we will do the dirty work. It will be our men doing the fighting, and now we are putting women into combat positions.

No, no; this is not the ideal defense bill.

But let us talk about the good stuff. There is a 2.2-percent pay raise restored. I say, "Thank you, Mr. Chairman." Thanks to the gentleman from South Carolina [Mr. SPENCE]. I had the first free standing bill in to accomplish that.

We do not start putting our young people in harm's way, and some of them not so young, all around the world and then chop their pay.

Homosexual ban maintained. This one I will have to go to the leadership on our side for hanging tough.

Ask the men that I have met recently in Fort Benning, Cairo West Airport, Mogadishu itself. It came up everywhere I went, Fort Bragg, Fort Campbell.

Let the fighting men and women in the field dictate this, or at least listen to them as we, the civilian rulers, make the decisions. I am very pleased that the ban in the main has stayed.

Of course, it is idiotic not to ask people to do recruiting, when after you have shaved his head and put him in baggy fatigues, you get some big grizzled sergeant saying, you better not be, because if you are, we don't want you, and you better go see the sergeant and get an administrative discharge, and we waste all that money.

Ask them like a gentleman or a lady up front, are you, or are you considering being homosexually active? It is not compatible with military service.

Six C-17 Globemaster-III aircraft, a true defense system of the post-cold war world, but every bit as dangerous and bloody a world, requested and approved. Great.

Single stage rocket technology. Revolutionary new space launch system, additional funding. Great.

There is \$900 million additional funding for readiness enhancements, including equipment repair. We are not going back to the Carter hollow army with ships that cannot sail and airplanes that you fly at your own risk. Check your G-suit and check your ejection equipment, because you may be using them, Lieutenant.

Now, many of these positive provisions should not have even been considered, the C-17, six of them, pay raises, homosexual ban, unless the committees were forced to deal with issues because of action or inaction by the current administration. We had to push and advance most of these things within the committee.

Despite these positive measures by the conference, many vital areas of defense have remained dangerously underfunded or totally ignored. Let us tick off some.

I went down to the Redstone Arsenal, Huntsville, AL, the home of the U.S. Army Space and Missile Defense Command.

Ballistic missile defense continues to be cut, leaving deployment of any system, the theater systems that we brag we support here or strategic systems, in doubt.

I reiterate again that a single wild missile with a nuclear warhead coming at this country anytime in the next 10 years, if not the foreseeable future beyond that, this country is utterly indefensible. We have no defense.

I repeat what I said, as the townspeople march on the fictitious mad Dr. Victor Frankenstein's castle to burn it down because of what he had done, citizens of this country will burn down this building, the way the British did

in August of 1814, if a nuclear missile ever takes out a chunk of North Dakota or New York or Miami or Los Angeles or Seattle or a big chunk of Alaska. They will burn this place down, because we are leaving our country without a deployable defense against any type of errant nuclear-tipped missile for all the rest of this century and probably years beyond. This is a disgrace.

Continued funding of nondefense pork type programs, such as the Olympic games support. The Olympic games in Atlanta have about 10 or 11 multibillion dollar corporation sponsors. Why did they not get one more sponsor to save our fellow Americans the tax dollars which snuck by me in my own city of L.A., which had great gains, to have our G.I.'s on our tax dollars going around having security and picking up paper to boot, which is what they did in L.A., at taxpayers' expense because we want to get this thing through conference and cannot stand up to certain good-guy Senators. That is pork.

A Women's Health Research Center, that should be NIH or CDC. Do not put this burden on the Defense Department.

We gave them \$210 million for breast research last year. I had a scare a couple years ago with my own wife on that. Of course I want money in this research, but the military was not prepared to spend 3 out of \$210 million.

So what does my own Republican colleague say in the other body? Just transfer it over to NIH. We decided we would on our own, transfer this money out of the Defense budget. That is not only pork, it is playing games with the appropriations and the authorizing process around here.

Inaction on desperately-needed modernization programs, such as the CV-22. That is the special operations area variant of the Marine Corps Osprey, the exciting tilt-rotor technology for the future.

When you have been plucked out of the water, as I was, 6 miles off the coast by a little HUP-1 Piasaki Guardian Angel helicopter, you tend to think in terms of rescue, and this long-range high-speed variant of a Czar bird to go in and rescue captured or shot-down pilots, to not have money in there is sad; but the program is alive. Maybe we can get it next year.

Suffice it to say, President Clinton plans to cut defense spending by over \$126.9 billion from 1994 through 1998.

The cuts in this budget are the tip of the iceberg in drastic defense reductions.

These are in addition to all the Reagan-Bush cuts which were approved, as difficult as they were, by this House from 1986 through 1989. This is about the 9th or 10th year of direct hard cuts to the military.

The Reagan-Bush cuts amounted to about a 27-percent reduction in defense

spending. Had the Bush plan through 1997 been implemented, the real decline would have been 32 percent. Now under Clinton we are planning to cut defense at least by 45 percent, almost in half, and still put people in Aided's way, in harm's way, and not give them the gunships or the ground armor backup.

Mr. Speaker, I vote against this Defense bill without any problem at all, but with great admiration for my chairman and my Republican leader.

I believe this committee took some very important steps to ensure that our military remains highly motivated and well equipped to deal with the broad spectrum of national security contingencies this Nation may face for the rest of this decade and well into the next century. However, despite these very specific steps to ensure the combat readiness of our armed forces, there are still some alarming shortcomings which could prove unacceptably dangerous to our troops in the future.

These shortcomings must be immediately addressed by both the Congress and the administration if we are to fulfill our obligation to these troops, and their families, who have volunteered to defend this Nation. I also am very concerned that despite some very positive action on specific areas of the defense budget, we as a committee seem to continue to ignore the obvious warning signs of drawing down the armed forces too far, too fast. If we do not immediately recognize this danger and take aggressive steps to preserve the readiness of our military, we will be unable to avoid the hollow forces of the past, which history has taught us make us unable to achieve victory on the battlefield without great loss of military and civilian life.

I would like to commend the committee first and foremost for the steps taken to maintain the high morale of our troops—the soldiers, sailors, airmen, and Marines who must deploy on a moment's notice to anywhere in the world in harm's way. After initially accepting the President's recommendation to freeze military pay in fiscal year 1994, members finally agreed to accept the recommendations of my legislation, H.R. 1670, The Military Pay Raise Act, and fully restored the 2.2-percent cost-of-living pay increase for members of the military.

Additionally, efforts by the administration to lift the ban against homosexuals in the military were soundly defeated as the committee adopted the goal of my bill, H.R. 667, The Military Readiness Act, which sought to codify the ban into public law. Both House and Senate Armed Services Committees included language which recognizes that homosexuality is incompatible with military service, allows commanders in the field to continue to use their own discretion in the investigation and enforcement of policies necessary to maintain good order and discipline, and seeks to prevent costly litigation in the courts. The primary purpose of the armed forces remains to prepare for and to prevail in combat, not social experimentation. Truly we have codified Ban +.

In the area of equipment modernization, I would like to commend the committee for fully embracing three high technology systems vital to preserving our future ability to project power.

First, the committee accepted the recommendations of myself and Congressman PETE GEREN of Texas to provide additional funding for the procurement of 36 OH-58D Kiowa Warrior Army helicopters. Despite a clear requirement for at least 100 additional aircraft, the Department of Defense failed to request any more OH-58D's. This advanced armed scout helicopter finally gives Army aviators the long-range optics and armament necessary to adequately perform the armed reconnaissance mission in low intensity, high intensity, and even counternarcotics operations.

Next, the committee accepted the recommendations of myself and my colleagues from California, Congressmen BROWN, ROHRBACHER, and MINETA, to transfer the promising single stage to orbit rocket technology [SSRT] program from the Ballistic Missile Defense Organization [BMDO] to the Advanced Research Projects Agency [ARPA] adding over \$75 million in new funding. Besides the obvious application to national security space launch requirements, SSRT is also a prime example of a dual use technology that is equally valuable to the civilian sector. SSRT has the potential, in the form of the Delta Clipper rocket, to make space launches as reliable and as inexpensive as air travel with the legendary DC-3 transport aircraft.

Finally, the committee clearly recognized the pressing requirement of immediately upgrading naval strike aviation by fully funding the F/A-18 C/D and E/F Hornet programs. Despite the clear need for these aircraft, Congress has failed in the past to aggressively fund replacement aircraft for the aging Navy and Marine air fleets. Combat proven in Operation Desert Storm, the F/A-18 will provide Marine and Navy forward deployed squadrons with the same flexibility and firepower as the fabled F4U Corsair and F4 Phantom II strike fighters of World War II, Korea, and the Vietnam conflict.

Despite these very positive moves, I am very disappointed that other very important proposals were not included in the bill. With regards to troop morale and readiness, the committee did not accept my amendment which would have required the discharge of noncombat assignable, nondeployable, HIV-positive servicemembers within 90 days. The retention of these members is not fair to other fully fit soldiers who must be deployed in their place and go in harm's way at an increased tempo. This does nothing to improve combat readiness, and is not a proper use of precious declining resources. Fortunately, Mr. DELLUMS and Mr. SKELTON agreed to hold prompt, future hearings on the issue.

The committee also rejected the request of both the Air Force and Department of Defense to proceed forward with the immediate development of advanced precision guided munitions [PGMs] for the B-2 Shadow intercontinental stealth bomber. Conventional upgrades to aircraft such as the B-2 are a very inexpensive but effective method of modernizing our military forces. Unfortunately, the committee rejected this request and instead continued to limit all funding for the overall program.

Both the committee and the administration continue to ignore the revolutionary capabilities of the V-22 Osprey tiltrotor aircraft. Al-

though the V-22 was funded at requested levels, the committee failed to provide modest funding or language directing that a special operations variant, the CV-22, be developed. Such action not only risks ignoring the speed and range requirements of special forces and search and rescue operations, but also ignores the revolutionary capability a fully developed V-22 could bring to Marine amphibious operations.

Finally, I am quite concerned that the committee did little to recognize the coming disaster in military readiness if we do not immediately address problems with maintenance and training. Without proper and adequate funding of specialized training schools such as the Air Force's Red Flag advanced fighter pilot flying unit, or proper and adequate equipment maintenance such as readily available spare parts, the greatest military force in the history of combat, the U.S. military, could suddenly come to a bloody and grinding halt on the battlefields of tomorrow.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], the distinguished chairwoman of the Subcommittee on Research and Technology of the Committee on Armed Services.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank him for his very hard work on this Defense authorization.

I want to say that I think everybody worked very, very well and we really owe a tremendous sense of gratitude to the gentleman from California who has worked tremendously hard to try to put together as fair an overall package as we could.

I am proud to say that even though \$4 billion came out of my account, and that was very painful, we have retained and added to the most pork-resistant program in the Defense Department \$300 million, and that is the conversion TRP program.

Now, you know and I know that nobody wants a pork resistant program. Everybody says they do, but when push comes to shove, they do not.

I am very, very pleased that we have been able to withstand all of this and for all the hits we took on earmarking and everything, it is not our committee that was doing it.

We have really retained the best pork resistant program I think yet to be found where we are building on the terrific research base that has been put out there for the Armed Services, and I am very proud of that.

I am also very proud of the women's health part. I heard the gentleman before say, "Why don't they just give it to the National Institutes of Health?"

I will tell you why, because women in the military have unique and very different problems. Women moving into the military are major players in the military. If you do not constantly focus on this, they tend to forget women are in the military, a big exam-

ple being this whole issue around the gulf war syndrome.

□ 1810

We are all very concerned about the gulf war syndrome, but they are about to go into testing on that without gender coding it, and women appeared to be having very different symptoms because of their metabolic differences than men were having. Well, if it is not gender coded, it does not make any sense. When do we start treating women as full participants and people we are very proud of? We put them in uniform, we send them everywhere, we have them taking care of everyone else's health care, and we are finally trying to catch up, so I am very proud that we have done that, and I think it is long, long overdue, and I thank the gentleman from California [Mr. DELLUMS] for his hard work in this whole area.

The fiscal year 1994 Defense Authorization Act authorizes the Secretary of Defense to establish a Defense Women's Health Research Center, to coordinate research on women's health issues related to service in the Armed Forces.

This provision builds upon two significant facts: the growing number of women in the military, and the historical underrepresentation of women in medical research protocols. Because the military health care system has a unique ability to track research subjects over long periods of time, the Women's Health Research Center can play a major role in advancing women's health care research.

Although the House provision made the center a mandatory program, at the insistence of the Senate, it is within the discretion of the Secretary of Defense whether to establish the center, or to use the authorized funds for women's medical research at existing DOD medical centers. Our intent is clear, however, that the purpose of this funding is to provide for a multidisciplinary, multiinstitutional research program coordinated under a single coordinating agent within DOD.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER], a real hard-working new member of our committee.

Mrs. FOWLER. Mr. Speaker, I rise today in support of the conference report on the Defense authorization bill. I want to congratulate Chairman DELLUMS and our ranking Republican member, FLOYD SPENCE, for their excellent work on this large and complex bill.

There are a number of important achievements in this year's bill. We have provided a much-deserved cost-of-living increase to our service personnel, enhanced critical logistics capabilities, and moved forward on our next generation of submarines. I am also especially pleased that we have opened up many new opportunities to women in the military.

At the same time, I must voice my deep concern about the severe cuts

that our national defense budget has sustained. This year's bill provides some \$13 billion less than the Bush administration had budgeted for this fiscal year, and it is clear there will be renewed efforts to cut defense spending even further next year. I want to stress that I will give my most careful scrutiny to the Bottom-Up Review and oppose plans to cut defense spending too deeply in the days ahead.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON], chairman of the Subcommittee on Military Forces and Personnel.

Mr. SKELTON. Mr. Speaker, on behalf of the Subcommittee on Military Forces and Personnel, I am pleased to report to the House on the personnel portions of H.R. 2401, the conference report on the Defense Authorization Act for fiscal year 1994.

At the outset, I want to commend all the members of the conference—especially the ranking members, JON KYL and DAN COATS and my counterpart in the other body, RICHARD SHELBY—for their diligence and hard work on the difficult issues before us this year. A special congratulations to our chairman, the gentleman from California [Mr. DELLUMS], for the first DOD bill under his leadership, plus a thank you to our ranking member, the gentleman from South Carolina [Mr. SPENCE].

In the middle of the conference, the Subcommittee on Military Forces and Personnel held a hearing on "The Impact of Peacekeeping on Army Personnel Requirements." Conducting such a hearing during conference was quite out of the ordinary. It may have been a first, yet the importance of the topic merited holding the hearing when we did. Among those who testified were retired Generals John Vessey, Carl Vuono, and Max Thurman, respectively former Chairman of the JCS, former Army Chief of Staff, and former Commander U.S. Southern Command. As a result of the hearing, we altered our work in mid-conference on Army end strength. We have serious concerns about Army force reductions and the two war strategy the administration says the Army can carry out, especially with forces engaged in peacekeeping. In effect, we have put the administration on notice.

Elsewhere, I am especially pleased with action taken on the matter of funding a full 2.2 percent military pay raise. It was done in a responsible fashion by finding offsets in the fiscal year 1994 Defense budget request. Many in the military have come to view a pay raise as symbolic of Congress' support for maintaining an adequate quality of life. This action will help maintain morale of service members in a time of turbulence.

On the issue of DOD policy on homosexuals, the conference elected to support the men and women of the Armed

Forces on this issue. I am very cautious about any change that threatens the morale and cohesion of our fighting force. We must not risk undermining the best military force in our Nation's history. Second best is not an acceptable option on the battlefield.

Based on the testimony of the Secretary of Defense, the Joint Chiefs, the general counsel of the Department of Defense, and the services' senior enlisted members during our hearings this past summer, I am convinced that the heart and soul of the pre-January 1993 policy has been preserved. The result is a policy that will change very little of the day-to-day life of service members. The bottom line remains the same as it always has been, homosexuals will be separated if they demonstrate conduct that is disruptive to morale and unit cohesion.

The language in the conference report codifies the critical elements of the old policy. The language includes a statement of congressional support for reinstating the practice of asking applicants about their sexual orientation if the Secretary of Defense determines that is necessary in the future.

I know we are all anxious to put this issue behind us and get on with the many other challenges ahead. I believe codification essential if we hope to put this divisive issue behind us. The language approved by the conference allows us to achieve that purpose.

On the issue of end strengths, the conference figures represent an active duty reduction of 104,800 below fiscal year 1993 levels, and a reserve reduction of 55,630.

Here are some other highlights. The conference report: directs the Army to develop a plan to test small unit integration; approves the Secretary of Defense's request to repeal the statutory restriction on the assignment of women to combatant vessels; and authorizes funding for an improved pharmaceutical benefit for dependents and retirees.

THOUGHTS ON DEFENSE IN GENERAL

Allow me now to address the overall defense picture. Quality people, modern weapons and equipment, tough training, and intelligent, well-educated leaders are the key elements that make for strong, capable and flexible armed forces. The investments of the early 1980's allowed us to raise, equip, train, and maintain military forces second to none.

The following facts should be kept in mind as we go through this examination of the fiscal year 1994 conference report. First, this is the ninth year of a real decline in defense spending. The current request of \$250.7 billion in budget authority is almost \$30 billion less than what had been planned for in fiscal year 1994 only two years ago. Second, over 120 major defense programs have been cut since the 1990 budget agreement. Third, we are reduc-

ing the size of our forces and the people who man them. Over the past 3 years the Army has eliminated four active Army divisions (from 18 to 14), the Navy 99 ships (547 to 448), and the Air Force 20 active duty squadrons (76 to 56). This year alone, personnel reductions will total 104,800 in the active component and 55,630 in the reserve component. Fourth, as many of our colleagues know, bases are being closed or consolidated at home and abroad, over 800 prior to this year. In Europe, our forces have come down from 314,000 in 1990 to 160,000 by the end of this year. Fifth, the resources freed for other needs in our society have been considerable. Outlays devoted to defense as a percentage of GNP reached 6.5 percent in fiscal year 1986. The figure for fiscal year 1993 is 4.6 percent, a drop of almost 2 percentage points. This is one way to measure the peace dividend. Another way to measure the peace dividend, the way I measure it, is in the war that was never fought—World War III with the Soviet Union.

As I noted earlier quality people are an important element, the most crucial element, in any military force. There are signs, however, that we are not maintaining the high standards of the past few years. High school graduates entering the services have dipped from 97 percent at the time of Desert Storm to 94 percent today. The comparable figure in 1980, the low point of the post-Vietnam era, was 68 percent. Similarly there has been some deterioration in enlistment test results. Today the figure for those who score in the upper half is 70 percent. During Desert Storm it was 75 percent. In 1980, it was 37 percent. Yes, we are in much better shape than we were in 1980, but there are some warning signs that we would be imprudent to ignore.

Last year I was concerned about the cuts in the operations and maintenance accounts [O&M]. These are the accounts that fund the kind of tough operational training our forces need if they are to maintain their readiness. I remain concerned but am reassured to some extent that measures are being taken in the fiscal year 1994 budget to protect direct readiness of units by the reallocation of funds to increase operating tempo and training for operational units. We will have to monitor this matter closely year by year.

My real concern relates to the size of the defense budget and the size of the force structure in future years. We have seen what has come out of Secretary Aspin's Bottom-Up Review. We still need the details. I understand the desire of some to shift resources from defense to domestic needs. My fear is that those who would urge accelerated cuts in defense spending and force structure will lead us to the same place we have found ourselves on past occasions in our history—with military forces ill-prepared to fight. This was

the case in Korea in the summer of 1950 and in the deserts of Iran in the spring of 1980. We need not repeat these sad experiences yet again in some other distant location, and I will work to the best of my ability to ensure that, at least in this era, past is not prologue. Americans want a reduction in defense spending, but they don't want to undo the great investments in time, effort, and money that have resulted in the finest military force in our Nation's history.

It is far better to maintain a larger military force than a smaller one if the larger force reduces the likelihood the nation will have to be used in a general war. George Washington was right: "To be prepared for war is one of the most effectual means of preserving peace." And in the long run cheaper, too.

Earlier this year, in a speech at West Point, President Clinton warned about cutting defense too much. "The budget cuts that have come at the end of the cold war were necessary, even welcome," he said. "But we must be mindful," he continued, "that there is a limit beyond which we must not go." In a press interview that same day the President described his intent as sending "a cautionary note to the House and Senate." He continued, "I think we have cut all we should right now." I believe the President is right on target.

Despite the cuts in both spending and force structure, I shall vote for this measure because I believe it maintains the strong, capable, and flexible armed forces for the 1990's and beyond that this Nation requires. The committee members have done their homework on the bill before you today, and I request that the House take great care in its efforts to re-fashion the committee's work.

I close by expressing my genuine pleasure with the work of the new committee chairman, the new ranking member, and the committee staff for the fine work done on the fiscal year 1994 defense bill. This committee continues to do first class work in a variety of important defense issues. The new chairman has led the committee in a manner that does credit to his well-deserved reputation for fairness. As did his predecessor, he has attempted to raise the sights of committee members from the line-item trees to the policy forest. He is having a fair measure of success. While there are still disagreements on line items and policies among the members, and between the Congress and the administration, the differences are to a greater degree based on well-articulated policy choices. This is how the work on national defense should be done, especially in the years ahead as the choices become tougher.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I would like to highlight one aspect of

this legislation which I believe will have a positive impact on many of our Nation's veterans.

Since I was elected to the House of Representatives in the 98th Congress, I have been working to enact legislation that would eliminate a 19th-century provision of law that requires a disabled career military veteran to waive the amount of his retired pay equal to the amount of his VA disability compensation.

Nationwide, more than 300,000 disabled military retirees must give up their retired pay in order to receive their VA disability compensation. In effect, they must pay for their military retirement, something no other Federal retiree is required to do.

For those of you who are not familiar with this offset, let me give you an example of its inequitable effect on military retirees. It is possible that two Federal retirees with the same service-connected disability suffered in the same battle, who have worked the same number of years in Federal service, will be treated differently. Why? Because one served all his years in the military and the other served only 2 years in the military and the remainder in civil service.

The military retiree must pay for his disability benefits from his retirement check. But the civil service retiree may receive both his civil service retirement and his VA disability in spite of the fact that his military service is included in calculating his civil service retirement, and in spite of the fact that he had been receiving VA disability during all his years as a civil servant.

The military retiree is unjustly penalized by the fact that he chose military service as his career. In effect, the military retiree is singled out solely because of his career choice.

Probably the most frustrating fact to me is that we have asked these brave men and women to serve during a time of need, under tremendous duress and danger, and yet the Government fails to abide by its commitment to provide full military retirement. How can we possibly expect to maintain a viable national defense if servicemembers realize that if they experience a service-connected disability, they cannot receive VA disability compensation and military retired pay?

In the House of Representatives, my legislation to eliminate the offset has received widespread bipartisan support. Moreover, this legislation is backed by the Nation's veterans organizations. Given this overwhelming support in Congress and in the veterans community, Congress should be compelled to take action on this matter.

Therefore, I am pleased that the conference report to H.R. 2401 takes the first step toward eliminating this discriminatory offset. The conference report provides that retirees with a 100-

percent disability rating would be eligible to receive retirement pay and disability compensation concurrently. This important provision will be effective January 1, 1994, unless the Department of Defense issues a report that Congress requested in the fiscal year 1993 Department of Defense Authorization Act.

While I would have preferred the language that was contained in the Senate bill, S. 1298, I believe that conference report is an important step forward toward correcting an unfair law.

The time has come to make sure that we keep our promises to those who have shouldered the burden of our Nation's defense. Retired veterans should be rewarded rather than penalized for having served their country for 20 plus years. I hope that soon they can receive the compensation they have earned.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY], chairman of the Subcommittee on Military Installations and Facilities, who negotiated all the military construction programs in the conference report.

Mr. MCCURDY. Mr. Speaker, I am pleased to rise in support of the conference report to H.R. 2401, the Defense Authorization Act for fiscal year 1994. I would like to compliment the chairman of the full committee, the Gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE], the ranking Republican, for their leadership of the committee and the conference report we bring to the floor today which should be commended to the body. With the completion of the Bottom-Up Review by the Department of Defense in the midst of the committee's markup process, the committee had no easy task in crafting a bill which comprised the basic tenets of the win-win strategy articulated by the administration.

Two key components of this new strategy are the conferee's support for the C-17 and the agreement to not reduce Army end strength without Presidential certification.

I have been a supporter of the C-17 for many years, and had the opportunity recently to fly in one of the test aircraft. The Bottom-Up Review has convinced me even more about the need for the C-17's capabilities. I share the concerns that my colleagues have with respect to performance and management issues associated with this plane and have been encouraged by the actions of the Department of Defense in undertaking a thorough review of this program. I am hopeful that this review will be able to put the C-17's problems behind us. The conferees' actions protect this option without prejudging the outcome of the review and I encourage my colleagues to support it.

I firmly believe that with the growing number of peacetime missions and

the need to effectively carry out the win-win strategy, the Army must not be placed in a position of not being able to effectively respond to these contingencies. I strongly support the conferees' decision not to reduce Army end strength to drastically reduced levels. We must ensure that our military leadership has the necessary resources available to carry out its missions.

The Subcommittee on Military Installations and Facilities, which I chair, has authorized over \$10 billion in much-needed active and reserve military construction projects for fiscal year 1994. Even with the decline in the defense budget, we must all understand the need for a modernized infrastructure in order that our All Volunteer Force can live and work in a decent environment. The conferees are also recommending a base closure assistance package, title 29, which comes to grips with the economic malady faced by local communities when a base closure is undertaken. The title provides for a uniform property conveyance process which will enable local entities to acquire property on closing installations in a quicker fashion and provides discretion to the Secretary of Defense to convey this property at less than fair market value if needed. This will greatly aid communities in their prospects for robust economic redevelopment. The conferees have also provided for fast track environmental cleanup and greater Federal interaction in further complementing the property reuse process.

Mr. Speaker, I would like to thank the gentleman from California [Mr. HUNTER], the ranking Republican, and all the members of my subcommittee, the conference panel, and my Senate counterpart, Senator GLENN, Ms. Alma Moore and John Reskovic on staff, for their hard work in providing a conference report which responds to the call for a strong national defense. I urge its adoption.

□ 1820

Mr. SPENCE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I rise in support of the conference agreement and urge our colleagues to support this effort. I want to start off by applauding the committee chairman for doing, I think, a fine job in his first year as chairman and working in a true bipartisan way to allow us to reach a decision and an agreement on a final Defense bill, and certainly our ranking member, the gentleman from South Carolina [Mr. SPENCE], for his leadership in working with members on the Republican side to reach an agreement in what was in many people's minds an impossible situation. I think we did the best we could, Mr. Speaker, in an impossible or very difficult situation.

My concerns about the final Defense bill that is before us today and before

the other body is that the numbers were basically pulled out of the air. The original numbers were not based on a real net threat assessment in terms of where we face problems around the world. Rather, this number was given to us and we were told to try to fit defense spending into that picture.

There are some in this country who have the mistaken impression that somehow we have increased defense spending dramatically over the last several decades. In fact, if we look at the current trend in defense spending and what we are currently spending this year, we are running a little bit above 3 percent of gross national product, which is down from a high of 9 percent of gross national product during the 1960's when John Kennedy was President.

If you look at defense spending as a percentage of total Federal dollars in outlays, it is about 17 cents of every Federal dollar this year, when back in the sixties it was somewhere over 50 cents of every Federal dollar. We in fact are decreasing defense spending. And, in fact, in this current environment where we are concerned about job loss, the Office of Technology Assessment and the Congressional Budget Office have both estimated that if we continue on the current trend that President Clinton has put out for us, and that is cutting defense spending by \$128 billion over 5 years, we will see a loss of somewhere between 1.5 and 2 million real jobs. These are both jobs in the military as well as jobs in the private sector in those companies that are doing defense contract work.

Mr. Speaker, I happen to think that we are on the wrong course. We should be basing our defense numbers on the problems that are out there, on the problems in the Soviet Union, the 64 hostile situations that are occurring around the world at this very moment.

We in this body want to commit our troops all over the world, whether it is Bosnia, whether it is Haiti, or whether it is in the Somalia situation, or whether it is in Macedonia. Unfortunately, these young men and women are feeling the impact of the cuts we are making already in this first year budget.

Earlier this year I was over in Somalia with some of our colleagues on a trip to meet with our troops and to get an assessment for how well the mission was going. What we heard from our young marines on the ground in Somalia was that they had been deployed three of the last four holiday seasons. And the reason is because we have cut back the marines, we have cut back our military so dramatically already that we are forcing these young people to stay deployed for longer lengths of time at more deployments around the world, which destroys their quality of life, and which ultimately impacts morale.

Mr. Speaker, we have to be aware of these things. We have to be aware that if we continue on the trend established by this President, ultimately I think our military preparedness is going to suffer.

So I urge my colleagues in supporting this bill, which is a bipartisan conference report, as I said before, worked out by our chairman and ranking member and the other body, to keep in mind in future years that our defense budget numbers need to be based on the real threat, not some arbitrary number handed to us. Our job as members of the committee is to assess the threat to the security of this Nation, not to take a number out of the air and try to force in our national security needs in some artificial way. That is in fact what we did this year, and we are going to pay the price for that unless we can turn this around in the outyears.

Mr. Speaker, I will be back next year, along with many of my colleagues on both sides of the aisle, to make sure that we truly respond to the needs that are out there in terms of what our defense spending numbers should be. But again I urge support for this conference agreement, and I applaud the leaders on both sides for the hard work and the coordination of the efforts among both sides of the aisle.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. HUTTO], the chairman of the Subcommittee on Readiness, who negotiated all the operations and maintenance matters in this conference agreement.

Mr. HUTTO. Mr. Speaker, I rise in support of the conference report on the fiscal year 1994 National Defense Authorization Act.

We worked hard this year in crafting a bill that protects the readiness of the Armed Forces in an austere budget. We added funds to ensure our forces would be effective and safe on the battlefield. At the same time, the conferees continued to attack waste and inefficiency.

Mr. Speaker, while some of us have concerns that we are drawing down our defense too much too soon, I congratulate Chairman DELLUMS for his leadership through the difficult deliberations this year. This conference report represents a good compromise on major issues affecting the national security of our Nation, and I urge my colleagues' support.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I want to thank the ranking member for recognizing me and letting me say a few words. I just want to compliment the gentleman from South Carolina [Mr. SPENCE] and our chairman, the gentleman from California [Mr. DELLUMS], for their excellent management of this conference.

I would classify this conference and the leadership that they exhibited and

my colleagues, the gentleman that just spoke, the gentleman from Florida [Mr. HUTO], and our ranking members on the Republican side and my chairman on the Subcommittee on Military Construction, the gentleman from Oklahoma [Mr. MCCURDY], and all of the members who attended the conference and worked the conference, I would classify this conference as excellent management of inadequate dollars.

Mr. Speaker, it is funny, a lot of us get up and continually make the case, fell that we need to make the case for a strong national defense. Yet our words are always superseded by events, because world events make a case for a strong national defense.

I think some of the euphoria that attended the falling of the Berlin Wall had died away now and we realize that large parts of this world are burning today.

So I want to say that I look on the dollars that we are cutting this year as a down payment on a \$219 billion cut in national security that the President has advocated, and I hope that this Congress reverses that course next year.

Just a few things in particular, I think the fact that we live in an age of missiles, we are going to see enemy missiles directed at ourselves or our allies in the near future. I think that is something we can count on. Yet our missile defense system is moving along with the same sense of urgency as a highway project. We are not going to see a capability until late in this decade, maybe early in the next century.

So I want to commend all my colleagues for their very hard work. I want to urge them to relook at the President's recommendation and reverse this course that we are presently on.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee [Mrs. LLOYD], who did an admirable job in negotiating and heading up the acquisition panel in the context of this conference.

Mrs. LLOYD. Mr. Speaker, it gives me great pleasure to rise in support of this conference report. The chairman is to be congratulated on his leadership. In his first conference as chairman, he was confronted with several controversial issues in need of resolution. The gentleman rose mightily to the task and it was inspiring to serve under him as one of his panel chairs. The chairman was fair, listened and gave all the members of the committee a chance to participate. To Chairman DELLUMS, my thanks. The staff, who perhaps put in even more hours, are equally deserving of our respect and thanks. In particular, Doug Necessary, Steve Thompson, Cathy Garman, Bruce MacDonald, Joan Rohlfing, Sharon Storey, Jim Anton, and Marilyn Elrod.

The acquisition panel was tasked with making many difficult procure-

ment decisions. While there were many areas in which the House and Senate were in agreement, there were equally as many that required negotiation. I would like to discuss some of the programs of interest to the Members.

The C-17. As many of my colleagues already know, the Department of Defense is facing a shortage of airlift capability when it comes to outsized cargo, landing space and overall airframe endurance. The C-17 aircraft was envisioned as the solution to this shortfall. However, program delays, missed milestones, failed wing tests, and poor program management—both from the contractor and the Air Force, have plagued this once promising program. We on the committee were faced with deciding its future.

After significant deliberations, we authorized the six aircraft requested. At the same time, we created a C-17 alternative program should the existing program continue to be problematic. Now, of the six aircraft authorized, two are linked to specific DOD milestones. If milestones are not met, the Under Secretary of Defense for Acquisition, may choose not to procure the remaining two aircraft in favor of some alternative. Congress is to be notified of any actions in this regard. We on the committee believe this approach yields the appropriate balance of flexibility and accountability so that we can salvage this program while also ensuring that our future airlift needs are met.

Many of my colleagues have been around for previous debates on the B-2 Stealth bomber. Like the C-17, this program has had a high profile media life. With past problems and cost overruns Congress attempted, in earlier defense bills, to gain control of this critical program. Specifically, Congress asked that certain criteria or hooks be addressed before we would consider funding the last five B-2 aircraft. DOD has responded to our request. The GAO, upon preliminary review, has concluded that the requirements at this point in the program have been met. Accordingly, with passage of this bill, the funding for the last five aircraft will be obligated. We have also included a \$44.4 billion cost cap on the B-2, effectively terminating the program at 20 aircraft.

With the B-1 adopting a conventional role, the committee fought for and won significant funding for the conventional upgrades to the B-1—the backbone of the bomber force. With over 90 aircraft in our inventory and a cap on the B-2 program at 20, the importance of the conventional bomber platform is stressed.

In the area of tactical aviation, several decisions have been made. In accordance with the Bottom-Up Review, the Navy AF/X and the Air Force multirole fighter [MRF] have been terminated. We fully funded the F/A-18E/F, the F-22, and we have authorized the

final 12 F-16 fighters. The committee also approved significant funding to develop a modified F-14 to replace the aging A-6 deep strike aircraft on our carrier decks. With the cancellation of the AF/X, this program takes on added importance.

Acquisition reform is every bit as important to the future of our national defense as the programs mentioned above are. For far too long we have asked vendors to navigate their way through a sea of duplicative, onerous, and archaic acquisition regulations to make a simple sale to the Department of Defense. Many of the conclusions and suggestions contained in the section 800 acquisition reform report are embodied in this bill.

Mr. Speaker, there is much more to the fiscal year 1994 Defense authorization than I have mentioned here. In my opinion, this legislation represents the best that we have to offer. It strikes that very delicate balance between what is right for our national security and what is right for our wallets. I urge support for this bill.

□ 1830

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I want to thank my colleague, the gentleman from South Carolina [Mr. SPENCE], who is one of the most decent and hard-working individuals in this institution, for yielding time to me for these brief remarks.

I also want to congratulate our chairman, the gentleman from California [Mr. DELLUMS], for his outstanding job on this bill. I think it is a bill which the House can certainly support and one that I think he has handled masterfully for his first bill as chairman of this committee.

Over the last decade, I have always been concerned about airlift and mobility. As we bring America's troops back to the United States, I think we all have to be concerned that we have the airlift and the sealift in order to redeploy them.

I want to commend the committee and the conference for adopting one of the most creative approaches to dealing with our airlift responsibilities. I have always supported the C-17 Program. And yet, I think every one of us worries about that program.

I think what the conference did, in creating an alternative, in calling for a competition and saying that we want them to go out and look at a nondevelopmental aircraft, either military or a commercial derivative.

I had the opportunity to be with Mr. Don Deutsch, our Assistant Secretary for Acquisitions, this weekend. He has told me that he has followed what the committee has done. He is going to start a program. We are going to have a competition, and I think it is going to be good for everyone involved.

I think we need to have an alternative to the C-17. I think we need to have an airplane to replace the C-141's, and I see this as a supplement, as a complement to the C-17.

I hope we can build a significant number of them, but I think we can take a commercial, off-the-shelf aircraft, like the 747 freighter, which, by the way, carries more in tons and pounds than does the C-5, and use it as a viable alternative for airlift purposes.

I commend the committee for their creative actions.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I rise in support of the conference report on the 1994 Defense authorization bill. I commend Chairman DELLUMS for his leadership in crafting a defense budget that preserves combat effectiveness while easing the transition to a civilian economy.

I regret the outcome of the debate over gays in the military, but the committee advanced the cause of equality by providing for the permanent assignment of women to Navy combat ships.

I also applaud the conferees for their foresight in authorizing \$2.9 billion for defense reinvestment and economic conversion activities, and \$562 million to clean up military installations. This funding is critical to communities like those surrounding Fort Devens, an Army base in my district that is about to close.

Another area of significant interest to me is funding for industrial base and technology programs. Massachusetts has a strong high-technology, highly skilled work force, and we must ensure a smooth transition from defense to commercial markets for some 296,000 workers in defense or defense-related jobs. That is why the \$624 million authorized in the conference report for the Technology Reinvestment Project is vital to economic recovery in Massachusetts. The conferees were wise to reject proposals to allow defense conversion funds to be used for arms sales.

I am pleased that the conferees adopted my language requiring the Secretary of Defense to develop and submit to Congress a detailed plan to coordinate development and implementation of theatre missile defense programs with our allies. This represents a reasonable first step in getting our allies to share in the cost of theatre missile defense research and development programs.

Finally, I want to express my appreciation to the chairman and his extremely capable staff for their hard work on this bill.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Ms. HARMAN].

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

My colleagues on and off of the Armed Services Committee all know how much hard work has gone into forging the agreement between the House and Senate. This agreement is the first step toward right-sizing the defense budget.

Congress has done many important things in this bipartisan bill. We have: Made tough choices among key tactical aircraft programs; reshaped missile defense programs to meet postcold war threats; increased defense conversion funding by two-thirds above last year's level; continued the Nunn-Lugar program and provided additional aid to the former Soviet Republics; opened new opportunities for women in the armed forces; and met our airlift needs by putting the C-17 Program on track and developing fallback options.

Mr. Speaker, the gentleman from California [Mr. DELLUMS] deserves great credit for these achievements.

During this long, hard process he has paid attention to detail and kept the committee focused on its top goal: shaping a rational, affordable and strong national defense. It is an honor to serve with him on the committee and in the conference.

Mr. Speaker, I urge my colleagues to support the conference report, which is an important reflection of his leadership.

Mr. DELLUMS. Mr. Speaker, for the purposes of entering in a colloquy with my distinguished colleague, the gentleman from California [Mr. FARR], I yield myself 2 minutes.

Mr. FARR of California. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. FARR of California. Mr. Speaker, in the interest of clarifying the provisions of title 29—which are now part of this conference report before us today—and how those provisions apply to the conveyance needs of the University of California and the California State University System at Fort Ord, I have several questions. I believe that the University of California and the California State University System are public entities and should be considered eligible as public entities and should be considered eligible as public entities for conveyance of property under title 29 of the conference report. Am I correct in this interpretation?

Mr. DELLUMS. The gentleman from California is correct and the conference report confirms the intent of Congress in this regard. I believe the intent of Congress in enacting this legislation is to reduce the complexity of the existing system by promulgating regulations which allow for innovative reuse programs. Therefore, I believe the gentleman from California is correct.

Mr. FARR of California. Mr. Speaker, if the gentleman will continue to yield, am I correct in my understanding that the conferees support the commitment

by the Department of Defense to convey the lands at Fort Ord to the California State University System and the University of California and that the conferees direct the Secretary of Defense to make this a priority item under the terms agreed to in a letter dated October 21, 1993?

Mr. DELLUMS. The gentleman from California is correct. The conferees are firm in their support of the commitment by the Department of Defense to convey the lands at Fort Ord as you have stated. Furthermore, the conferees believe that this transfer should be accomplished according to the terms of the letter you referenced and should be a priority item.

□ 1840

Mr. FARR of California. Mr. Speaker, am I correct when I state that you concur with the rationale for the withdrawal of the House language as embodied in my amendment, but remain prepared to pass specific legislation which would allow conveyance of lands at Fort Ord to the California State University System and the University of California under the same terms and conditions as outlined in the legislation which I have withdrawn?

Mr. DELLUMS. That is correct. The gentleman from California may be assured that I will move such legislation if the process to be established under title XXIX or the process allowed under existing statutes fails to provide the requisite vehicle to allow conveyance of lands at Fort Ord to the two universities as provided in your legislation.

Mr. FARR of California. Mr. Speaker, if the gentleman will continue to yield, may I express my appreciation for the efforts of the Department of Defense to find a means of supporting the conveyance needs of the University of California and the California State University System at Fort Ord. I am pleased with the progress made toward a successful reuse effort at Fort Ord and am impressed with the willingness of the Department of Defense to work for a reasonable and practical solution of our problems.

Mr. DELLUMS. Mr. Speaker, I join with the gentleman from California in expressing appreciation for the effort and commitment of the Department of Defense to find a solution to this problem.

Mr. FARR of California. I would like to commend the chairman for his outstanding work on this legislation and to again thank the distinguished chairman of the Armed Services Committee for his participation in this colloquy.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume, for the purpose of entering into a colloquy with my distinguished colleague, the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Will the gentleman yield?

Mr. DELLUMS, I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, first, I want to offer my sincere thanks to the gentleman for his cooperation with the leadership of the Committee on Merchant Marine and Fisheries in developing the National Shipbuilding and Shipyard Conversion Act of 1993, which is included in the conference report. This act is a superb example of how two committees can work closely together. This initiative will be extremely beneficial to revitalizing American shipyards and employing American shipyard workers.

I would like to confirm my understanding on one aspect of the initiative having to do with new loan guarantees under title XI of the Merchant Marine Act, 1936, for shipyard modernization. In guaranteeing these loans, the Secretary of Transportation must give priority to shipyards that have engaged in naval ship construction.

Mr. Speaker, the Fore River Shipyard in Quincy, MA, has had a long and admirable history of naval ship construction. It has built such prestigious naval vessels as the U.S.S. *Lexington* and the U.S.S. *Salem*. Am I correct that Quincy Shipyard would qualify for shipyard modernization loan guarantees based on its past construction of Navy ships?

Mr. DELLUMS. Mr. Speaker, the gentleman from Massachusetts is correct. A shipyard such as Quincy which built ships for the Navy in the past would be one of those yards which should have priority for shipyard modernization loan guarantees to be provided under the conference agreement.

Mr. STUDDS. Mr. Speaker, I thank the gentleman for this confirmation, and urge my colleagues to support the conference report.

Mr. Speaker, I want to express my personal thanks to the chairman of the committee for working so closely with my committee.

Mr. DELLUMS. Mr. Speaker, I would like to say that I thank my distinguished colleague, the gentleman from Massachusetts [Mr. STUDDS]. It was a wonderful opportunity to work with this gentleman. I believe that the provisions we are discussing now will redound to the benefit of millions of people in this country.

Mr. STUDDS. Mr. Speaker, I thank the gentleman.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume, for the purposes of entering into a colloquy with the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for yielding time to me.

Before engaging in a colloquy with the chairman of the committee, I want

to commend him for his distinguished service in bringing this legislation to the floor. I am honored to be engaged in a colloquy with him on this, his first DOD authorization bill as chairman of the committee. Congratulations, Mr. Chairman.

Mr. Speaker, I would say to the gentleman, it is my understanding that subsection (1) of section 2856 is simply a confirmation of Public Law 92-589 authored by Phillip Burton in 1972—that Presidio lands excess to the needs of the Department of Defense would be transferred for management by the National Park Service a part of the Golden Gate National Recreation Area. Is this your understanding?

Mr. DELLUMS. The gentlewoman is indeed correct.

Ms. PELOSI. Mr. Speaker, if the gentleman will continue to yield, it is my further understanding that this language is intended to be in keeping with the Base Closure Commission recommendations of 1989 and 1993, in which the Presidio was initially slated for closure, and in which the 6th Army was allowed to negotiate with the National Park Service for the retention of the 6th Army Headquarters at the Presidio.

Is that the gentleman's understanding?

Mr. DELLUMS. The gentlewoman is indeed correct.

Ms. PELOSI. I thank the gentleman.

Mr. DELLUMS. Mr. Speaker, might I inquire as to the remaining time on both sides of the aisle?

The SPEAKER pro tempore (Mr. CARDIN). The gentleman from California [Mr. DELLUMS] has 2 minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 8 minutes remaining.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY] for the purposes of entering into a colloquy with one of our distinguished colleagues.

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

I yield to the distinguished gentleman from Virginia [Ms. BYRNE].

Ms. BYRNE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I also thank the chairman and subcommittee chairman for the fine work they have done on this conference report.

Mr. Speaker, the Senate-passed Defense authorization bill for fiscal year 1994 contained a provision, section 2841, that would direct the Secretary of the Army to transfer, without reimbursement, approximately 580 acres comprising the Harry Diamond Army Research Laboratory to the Secretary of the Interior for incorporation into the Marumco National Wildlife Refuge in Virginia. It is my understanding that this provision is not contained in the final conference report. I would appreciate an explanation of the reasons the

conferees did not accept this provision and would request the assistance of the Conferees in encouraging this particular transfer.

Mr. MCCURDY. The conferees agreed that Senate section 2841 was a response to a provision in the Appropriations bill that would have transferred, contrary to the Defense Base Closure and Realignment Act, a portion of the Woodbridge facility to the Library of Congress. Since that time, we understand that an alternative site has been selected making this provision unnecessary. Let me assure the gentlewoman that the conferees believe that property affected by closure and realignment must be disposed of in a uniform fashion. The conferees have provided in title 29 of the conference report a conveyance process where property on closing installations can be obtained in a more expeditious manner. This legislation will allow the Secretary of the Interior the opportunity to obtain this property more quickly under the auspices of the Base Closure and Realignment Act. With respect to the transfer at the Woodbridge Research Facility, I can assure the gentlewoman of the conferees, support of the Interior Secretary's intention to obtain this property at the earliest possible day and urge the Secretary of the Army to be supportive of this transfer.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DELLUMS].

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] now has 2 minutes remaining.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just want to take this minute to thank the committee, both the majority and the minority side, for how they handled all the competing interests they had this year. I especially want to thank the chairman, my colleague, the gentleman from California [Mr. DELLUMS], for the manner in which he has handled the issue of the base closures and the military conversion in the San Francisco Bay area.

Whether it was his negotiations with the President of the United States or the negotiations in this committee, in this conference committee, the passage of this legislation, he has treated the problem of base closures as a problem that affects the entire San Francisco Bay area, and he has made a determination that this is a problem and a predicament that the entire bay area is going to have to survive, because it makes little difference where our constituents live, we will suffer the largest civilian job loss of any of the base closure recommendations this year.

Mr. Speaker, there are many things that need to be done to make these

properties valuable for re-use and an important part of the communities in which they reside. We took our first step with the passage of this legislation, with the shepherding of a number of provisions that affect both the base in my district, Mare Island, Alameda Naval Air, Treasure Island in the San Francisco Bay area. I just want to say on behalf of the Mare Island community, the residents of Vallejo, and the residents of the bay area, we want to say thank you very much to the chairman for how he has handled this, with dignity for all of us who were involved.

Mr. DELLUMS. I thank the gentleman.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] has 1 minute remaining, and has the right to close debate.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DELLUMS].

The SPEAKER pro tempore. The gentleman from California now has 3 minutes remaining.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

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

In this bill, Mr. Speaker, is the final verbiage concerning the stealth B-2 bomber. I wish to congratulate the chairman and the conferees for making this the final provision. This, of course, authorizes some 20 B-2 bombers for \$44.4 billion.

□ 1850

It also incorporates the fact that this vote on this conference report is comparable and is the same as the second vote that was required in last year's bill. That of course is a big plus.

Let me mention to the chairman and to this body that the first B-2 bomber will arrive in proper ceremonies at Whiteman Air Force Base near Knob Noster, MO, on the 17th day of December. That of course will be a major day not just for the people in the Pettis and Johnson County area of Missouri, but it will be a major day for the U.S. Air Force and for the national security of our country.

Mr. DELLUMS. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, we come to the end of our discussion on the conference report on the bill, H.R. 2401. At this time I first would like to thank all of my colleagues for their very generous remarks. Second, I would like to thank the gentleman from South Carolina [Mr. SPENCE], a very easy person to work with, an extraordinary gentleman, easy to communicate with. It has been a great opportunity to serve with the gentleman in this first year in my capacity as full committee chair.

I am proud of the fact, Mr. Speaker, that over 95 percent of the issues were resolved at the panel level. This is, as

I understand it, unprecedented. We also had freshmen Members on the conference, and I think what we brought back to the body is in the spirit of what left this House. We worked very hard to maintain the integrity of the House position, and I think those Members who voted for the bill as it left the House going into conference can indeed vote for it as it returns.

Mr. FARR. Mr. Speaker, I rise today in support of the conference agreement to H.R. 2401, the fiscal year 1994 DOD Authorization Act, and to commend the distinguished chairman of the House Armed Services Committee, Mr. DELLUMS for his hard work, and outstanding stewardship of the committee in his first conference as chairman. This conference agreement we are about to vote on is an excellent example of the direction that our Nation needs to take in the post-cold-war era. While authorizing \$2.6 billion less than the administration's fiscal year 1994 request, and \$12 billion less than fiscal year 1993 appropriations, the conference agreement continues to allow for sound investment in our post-cold-war military needs.

I want to take this opportunity to call your attention to an extremely important provision of the bill which would allow for the transfer of surplus real property at military bases to the local communities for the purposes of economic development. I commend the Department of Defense for its efforts to work out a suitable agreement for transferring the requested parcels of land at Fort Ord, CA, between all parties, and I thank the distinguished chairman of my committee for his guidance and assistance in this process, as well as for his strong support for seeing this initiative through, as illustrated in our earlier colloquy. The conference agreement before us will make possible the transfer of certain parcels of property at Fort Ord, CA, to the California State University [CSU] and the University of California [UC], for the purposes of developing a 4-year campus at the Fort Ord site, with a focus on the marine and environmental sciences, in conjunction with a science, research, policy and development center, focusing on the development of environmental remediation technology for use in the cleanup of former military bases. This provision in the conference agreement will make it possible to lay the foundation for the development of the Monterey Bay region as a world center for marine and environmental science and technology. While highlighting the marine environment of California's central coast, including the newly established Monterey Bay National Marine Sanctuary, this provides unparalleled opportunities to use our region's natural resources including the sanctuary, as a marine laboratory. In addition to providing viable economic growth opportunities for the impacted Fort Ord region, this project is evolving into a model success of defense base reuse, through a joint education/research venture which will provide for the development of public/private partnerships and alliances, through facilitating collaborative research opportunities and providing an interface between science, technology and policy, a most worthwhile endeavor.

Ms. SNOWE. Mr. Speaker, I rise in support of the Defense Department authorization con-

ference report, and would like to specifically point out several provisions under the defense conversion title that will help ensure that the Federal Government lives up to its responsibility to assist communities adversely impacted by the base closure and realignment process.

Everyone in this body understands the terrible economic dislocation which results from military base closures. Many of our bases are located in rural areas whose economies are largely dependent on the stimulus provided by the base. I speak from firsthand experience in this matter. Loring Air Force Base, in the district which I represent in northern Maine, is one of these bases.

The language approved by the conferees on the conveyance of base property is based on my amendment that was adopted by the House. My amendment allowed the Department of Defense to convey the property at closing military bases—specifically naming Loring Air Force Base, the military installations in Charleston, SC, the Naval Air Station and Depot in Alameda, CA, and Gentile Air Force Station in Ohio, in a pilot project—to the local redevelopment authorities without consideration. It would have permitted those designated organizations responsible for the re-use of a base to negotiate and/or solicit contracts for post-closure activities confident in the knowledge that the base will be turned over to them after it closes.

The conferees amended my language to give the Secretary of Defense the discretion to transfer some or all of a closing military base property that would provide special help for rural communities in facing their economic redevelopment challenges. The new conveyance language contained in this conference report is intended to allow the Secretary of Defense to transfer Loring's base property at no cost to the Loring Development Authority for the purpose of community redevelopment.

The language also requires the Secretary to develop criteria to be looked at—including the economic impact of closure on the community, the financial condition of the community and the prospects for redevelopment. When Loring closes in September of 1994, the local economy will lose \$70 million a year. This is about 25 percent of the economic activity in Aroostook County. The loss of Loring will be economically devastating and nearly 10,000 jobs will be at risk or simply lost. About 900 civilian and 3,000 military personnel are employed at the base, funneling more than \$130 million annually into the Maine economy. Another 6,000 civilian jobs are supported by the base, generating a total of \$240 million annually in personal income.

The language in the conference report will maintain the ability of rural communities facing base closure, like Loring, to help plan for their own future. After all, it is the local community that bears the brunt of closure and they should be given the tools—which in some cases includes the base property—to rebuild their economy.

Another critical provision of this bill establishes a contracting preference for local businesses in the vicinity of bases facing closure or realignment.

There are currently no laws or regulations which require the Defense Department to give preference for closure-related contracts to

local contractors. Thus, under the status quo, the DOD cannot legally give special consideration to businesses near a base selected for closure, even if the business is fully capable of performing the work at a competitive price.

DOD regulations, as well as the Small Business Act, do establish small business set-asides on certain jobs, but small businesses everywhere can apply for these contracts. There is no provision in the DOD's current regulations that explicitly gives preference to local businesses on small business set-asides.

The result of the present regulations on contracting is that perfectly qualified local businesses lose out on contracts to firms outside of the State. In fact this has happened at Loring. Earlier this year, a contract for constructing a landfill cover—a basic construction contract—was awarded to a firm in Michigan despite the presence in Northern Maine of several contractors who were capable of doing the work competently at a fair price. This kind of contracting policy makes no sense and it is grossly unfair to qualified local businesses facing the dire economic prospects of base closure.

To remedy the problems inherent in DOD contracting policy, I offered an amendment to the House version of H.R. 2401 which would establish a primary preference for local businesses in the vicinity of bases scheduled for closure or realignment; small businesses were also mentioned for special consideration. This amendment was accepted by the House.

Recognizing the problems with current DOD contracting policy, the conference has wisely retained my provision on local contracting preference. The conference report gives primary preference for contracts related to closure or realignment to businesses located in the vicinity of the installation. Small businesses and small disadvantaged businesses will also receive special consideration, but the language gives qualified local businesses the first preference.

The specific intent of the language is to avoid situations in the future where qualified local businesses lose out on closure-related contracts to businesses located far from the installation, not because these businesses are incapable of competently performing the work at a reasonable price, but because of flawed DOD contracting policy. With passage of H.R. 2401 and its provision on local contracting preferences, qualified local businesses—and in particular small and small disadvantaged businesses in the vicinity of the installation—will now have meaningful opportunities to win contracts. This provision will help local businesses survive the aftermath of base closure.

Base closure, or the impending closure of a base, is a traumatic experience for local economies and businesses. Communities that suddenly lose their economic lifeline need help to adjust and recover. The property conveyance and local contracting provisions of H.R. 2401 will reaffirm the Federal Government's responsibility to communities affected by base closure and help them weather the difficult economic transition.

Mr. HANSEN. Mr. Speaker, as the world's focus shifts away from super power military confrontation, America's role in humanitarian efforts around the world is in the spotlight. The C-17 Globemaster III airlifter substantially en-

hances this country's ability to lend assistance on a global basis.

In Somalia, for example, the C-17 could have used more airfields than the existing long-range airlifters—C-5 and C-141. It also could have allowed more cargo to be unloaded at major airfields such as Mogadishu, because four C-17s could have maneuvered into and parked on the same ramp that could only accommodate one C-5 and one C-141.

In the Alaskan oilspill, 17 C-5s and 2 C-141s were used to move oil cleanup equipment to Elmendorf Air Force Base near Anchorage. That equipment then had to travel 9 to 14 hours on the road to Valdez, a lengthy delay when the first 24 hours after a spill is critical to containing environmental pollution. Twenty-one C-17s could have delivered the same equipment directly into Valdez airport, eliminating the delays for ground travel time, and potentially preventing much of the spilled oil from spreading to the shoreline.

In Bosnia and Herzegovina, the airport at Mostar is normally long enough to accommodate any United States airlifter. However, the fighting there has cratered the runway, effectively cutting the runway in half, leaving less than 3,700 feet for operations. The C-17 could be able to deliver humanitarian aid and outsize equipment to assist relief operations to Mostar. Only the much smaller C-130 could operate at Mostar, and is not capable of delivering outsize equipment.

In the Armenian earthquake, C-17s could have been used to fly rescue teams and relief supplies directly to Armenia, rather than stopping in Turkey and unloading C-5s and loading C-141s for the final flight into Armenia. That capability would have gotten rescue teams on site on the first critical day to save lives, rather than 1 day later. The cargo and supplies could have been moved in 13 C-17 missions rather than the 32 missions that were flown with the C-141 and C-5s.

The C-17 is well suited to humanitarian operations. In the case of disaster relief operations such as earthquakes and floods, the C-17 could deliver large earthmovers and bulldozers too large for the C-130 and C-141 into small airfields—or damaged airfields—near the disaster area that are denied to the larger C-5. On the same mission, the C-17 could be quickly reconfigured to carry injury victims out of the area on the return flight, eliminating the need for a separate medical evacuation aircraft.

Because it was designed to operate from small, austere airfields, the C-17 could use landing strips without substantial ground support facilities that would be needed for other large aircraft. In addition, the designed-in reliability and maintainability would make it less likely that the C-17 would suffer a breakdown while on a humanitarian/disaster relief mission.

In addition, the C-17 is less expensive to fly—36 percent less per million ton-mile delivered than the C-141 and 19 percent less than the C-5. It requires fewer air crew and maintenance personnel, which means less additional cost for support of personnel during an operation. Lower maintenance costs mean the C-17 can be used more often and for more hours without increasing maintenance costs compared to current airlifters.

Whether for humanitarian efforts to save starving people in less developed nations of

the world or to carry large equipment to react quickly to natural disasters, the C-17 is an ideal aircraft. Its ability to carry large equipment and cargo loads directly to small fields or primitive landing areas enhances the Nation's ability to respond to humanitarian needs in this country and abroad. It can perform these missions at less cost to the taxpayer.

Mr. STARK. Mr. Speaker, the 1994 National Defense Authorization Act, H.R. 2401, contains three important amendments on nuclear nonproliferation.

First, the McCloskey-Stark-McCurdy amendment establishes a comprehensive integrated strategy to stop the spread of nuclear weapons. Today, the United States faces many new nuclear dangers, including:

North Korea refuses international nuclear inspections and may have enough plutonium for several nuclear weapons;

Ukraine continues to refuse to accede to the Nuclear Non-Proliferation Treaty [NPT] as it promised to do when it signed the Lisbon Protocols to the Start I treaty, potentially undermining the extension of the NPT in 1995;

Rumors persist about leakage of nuclear materials and technology from the New Independent States of the former Soviet Union;

China continues to assist nuclear and missile programs in countries like Pakistan and Iran, in violation of its repeated promises. The PRC recently conducted a nuclear test, ending the international testing moratorium;

Iran is aggressively seeking a nuclear weapons capability. Tehran is acquiring an advanced nuclear infrastructure, despite its immense reserves of oil and natural gas;

Iraq refuses to fully comply with the UN inspectors' demands on dismantling its nuclear weapons program;

India and Pakistan, who have fought three wars in the past, both have small nuclear arsenals that they can assemble on short notice; and

Britain, France, Japan, and Russia plan to produce hundreds of tons of plutonium for nuclear power over the next several decades, a costly energy policy that will create proliferation opportunities for terrorist groups and rogue-states like Iran and Libya.

All of this occurs at a crucial time, with the NPT coming up for review and extension in 1995. The United States needs a comprehensive nonproliferation policy to ensure a lengthy extension of the NPT and to address the treaty's weaknesses. The McCloskey-Stark-McCurdy amendment is the Congressional vision of how to accomplish these goals. The amendment had the bi-partisan support of the House Committees on Armed Services and Foreign Affairs. It sets forth a series of policy goals, including—

Successfully concluding all pending nuclear arms control agreements with all republics of the former Soviet Union;

Strengthening the International Atomic Energy Agency and improving nuclear export controls;

Utilizing diplomatic and regional security initiatives to reduce the incentives for non-nuclear countries seeking to acquire nuclear weapons;

Supporting indefinite extension of the Nuclear Non-Proliferation Treaty and conclusion of a comprehensive nuclear test ban treaty [CTBT];

Reaching agreement with the Russian Federation to not produce new types of nuclear warheads and supporting a global ban on production of weapons-usable fissile material; and

Pursuing a multilateral agreement to significantly reduce the strategic nuclear arsenals of all nuclear powers.

The amendment also requires a report from the administration that addresses the policy implications of an adoption of a United States policy of no-first-use of nuclear weapons and of a verifiable bilateral agreement with the Russian Federation, to be extended to all nuclear weapon states, under which both countries would dismantle all tactical nuclear weapons.

Together, these policies will close dangerous loopholes in existing international efforts against proliferation, while helping to garner the political support necessary from developing countries to extend the NPT.

The amendment calls for the Clinton administration to pursue a permanent fissile material production ban for military or civilian purposes, with all stockpiles placed under bilateral or international controls and all nuclear facilities of all countries placed under IAEA safeguards. This would cost millions of dollars but is far cheaper than the billions some propose spending on ballistic missile defense.

The only real barrier to building the bomb is getting the necessary few pounds of plutonium or highly enriched uranium. The more fissile material in circulation, the greater chance some will wind up in the hands of rogue-states or terrorists. A fissile material cut-off would close the NPT loophole that allows a North Korea or Iraq to produce bomb-usable material legally, and then withdraw from the treaty on short notice.

Last year, President Bush announced a unilateral fissile material production halt for U.S. weapons. A ban on fissile materials would not adversely affect the United States which long ago gave up plans to use plutonium in nuclear power reactors as dangerous and uneconomical. But India, for instance, which objects to the NPT as discriminatory, would have a hard time not joining such a universal agreement that treats all countries equally.

The amendment requires the President to report on the issue of "no first use." Keeping the option of nuclear "first use" open may have made sense during the cold war, when NATO feared being overrun by the Warsaw Pact's tanks. Today, the United States is the world's only conventional military superpower. Waving our nukes at Saddam or North Korea's Kim only demonstrates to these tyrants the bomb's value—i.e., if they had it, the United States would not feel so free to threaten them.

The United States should propose a multilateral agreement formally binding all nuclear weapons states not to be the first to use nuclear weapons. At the same time, positive assurances of aid in case of nuclear attack should be offered but only to NPT parties, creating strong incentive to join the treaty.

The McCloskey-Stark-McCurdy amendment once again puts Congress on record supporting a CTB and emphasizes the importance of a test ban in achieving our other nonproliferation goals. The CTB is critical to selling non-nuclear powers on a long-term extension of

the NPT. The essential deal in the 1960's treaty was that the nuclear weapons states would eventually eliminate their nuclear arsenals in exchange for the rest of the world not developing them. At previous NPT review conferences, many developing nations argued that a test ban is the minimal step required for the nuclear states to meet their end of the bargain.

The amendment also calls for further strategic nuclear reductions. After START I & II are ratified, the administration should seek a multilateral START III agreement to cut United States and Russian strategic arsenals to lower levels, perhaps in the range of 1000–2000 each, with lower levels for other nuclear countries. This level, proposed by the National Academy of Sciences in 1991, would retain strategic stability while reducing the risks of an accidental nuclear launch—and save billions of dollars as well. Finally, we should make clear that we will seek further verifiable reductions as international relations improve.

While many of these agreements have been elusive individually, they are easier to negotiate as part of a package in which all nations take on some additional restraints. If pursued seriously over the next 1½ years, these agreements should generate sufficient international support for a long-term and possible indefinite extension of the NPT, for a bolder and more aggressive IAEA—which could catch potential nuclear cheats like Iraq or North Korea, and for more stringent nuclear export controls to hinder would-be proliferators like Iran.

President Clinton has embraced many of the goals set forth in this amendment. I am hopeful that he will heed the call of Congress, and pursue a truly comprehensive strategy on stopping the spread of nuclear weapons.

A second amendment in H.R. 2401 addresses the immediate proliferation threat of North Korea. The amendment urges President Clinton, United States allies, and the U.N. Security Council to keep pressure on North Korea until it comes clean on its nuclear program. It also calls for the international community to press for more talks between North and South Korea to denuclearize the Korean peninsula, which will help reduce tensions in the region.

Finally, the Defense Authorization Act focuses on one other pressing nuclear proliferation issue—the plans of Britain, France, Japan, and Russia to produce tons of plutonium for commercial nuclear power. In the next few weeks, Britain will decide whether to start up its Thermal Oxide Reprocessing Plant [THORP]. THORP is expected to produce 59 tons of plutonium over the next 10 years. There is heated debate on this issue in Britain because the plant is uneconomical after the first decade and may require taxpayer subsidies even before then. The United Kingdom's energy and budget policies are not our business, but the United States does have the right to express concern about the proliferation and environmental threats posed by THORP. Leading scientists have pointed out that international safeguards cannot detect thefts or diversions of even large amounts of plutonium from a plant the size of THORP. There is the very real possibility that a terrorist group or rogue-state, working with a contact inside the

plant, could acquire enough plutonium for several dozen nuclear bombs and no one would know. The President should let the British know that THORP is an unreasonable and unacceptable threat to United States national security.

The Kennedy-Pelosi-Stark amendment in H.R. 2401 calls on President Clinton to do just that. The amendment says the President should take action to encourage Britain and other countries from starting up plutonium production facilities. President Clinton himself recently acknowledged the dangers of plutonium in a letter to Congress. The President said: "The United States does not encourage the civil use of plutonium. Its continued production is not justified on either economic or national security grounds, and its accumulation creates serious proliferation and security dangers." Given the President's concerns and the strong statement of Congress on the dangers of plutonium, I am hopeful that the administration will forcefully address this issue.

Mr. Chairman, I wish to thank the distinguished chairman of the Armed Services Committee, the gentleman from California, the distinguished ranking member of the committee, the gentleman from South Carolina, the distinguished chairman of the Foreign Affairs Committee, the gentleman from Indiana, and the distinguished ranking member of that committee, the gentleman from New York, for their support for these amendments and leadership on this important issue.

Mr. PICKLE. Mr. Speaker, I have high regard for the Defense authorization bill conference report, however, I want to make known my concern for a certain provision. I signed the report as a House Ways and Means Committee conferee on section 653, 705, and 1087 of the Senate amendment, and modification committed to conference. My concern is for the provision that ties the President's hands on trade embargoes to Serbia and Montenegro. I do not think it is right to restrict our President in making such decisions in foreign policy. I am aware that there is a waiver provision allowing the President to remove the sanctions only if our national security is threatened and other specified waiver conditions are met. I would hope that this type of restrictive action does not set a precedent because the President needs as much latitude as possible when dealing in foreign policy.

Mr. HAMILTON. Mr. Speaker, I rise in support of the conference report to accompany H.R. 2401, authorizing appropriations for the Department of Defense for fiscal year 1994.

The Committee on Foreign Affairs has jurisdiction over many of the provisions incorporated in this conference report. I would like to commend my good friend from California [Mr. DELLUMS] the chairman of the Armed Services Committee, and the ranking minority member [Mr. SPENCE] for their extraordinary efforts in working out the literally thousands of issues that were in disagreement between the House and the Senate in the context of this bill.

I would note, however, that there are several provisions in the conference report that remain of some concern to the Committee on Foreign Affairs. I insert a letter detailing these provisions in the RECORD at this point:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 15, 1993.

Hon. THOMAS S. FOLEY,

The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: We write in reference to H.R. 2401, the Department of Defense Authorization Act, Fiscal Year 1994, which was approved by the House on September 29, 1993, and the Senate amendment thereto, which was approved on September 7, 1993.

As you know, the Committee on Foreign Affairs has legislative jurisdiction over multiple provisions in this legislation. As conferees, we have signed the conference report on the bill, but we do so with reservations about the process, as well as several provisions. As outside conferees, we are vastly outnumbered on the conference committee. Thus, attempts to make changes in legislation in areas of importance to us, and well within our committee's jurisdiction, were difficult.

Specifically, we are concerned about the final language in the conference report on sections 547 and 1041 of the Senate amendment and sections 1041, 1047, and 1056 of the House bill. We address each below in the order of priority.

Senate section 1041 provides authority for the United States to use Department of Defense funds to pay U.S. peacekeeping assessments to the United Nations. The provision maintains language, included in existing law last year, that is intended to preclude use of this transfer authority. In conference, the provision was revised to include additional limitations on the use of such funds, without clarification that the United States is one of the U.N.'s largest debtors. In short, none of our suggested changes on the provision in the bill most important to United States foreign policy were accepted.

House section 1041 requires a detailed report to the Congress 30 days before U.S. forces were to be placed under the operational control of a foreign commander. We sought changes in this provision, removing the requirement for a prior report and adding expressions of the sense of the Congress that consultation and notification by the executive branch should occur before such decisions were made. These provisions incorporate our views on the necessity for timely consultations as prerequisite for the making of a better U.S. foreign policy. Yet, in the end, the provision was dropped in its entirety and replaced by report language discussing planned war powers reviews by the House and the Senate. While we support the war powers reviews both Houses will undertake, we do not see those reviews as a substitute for this provision.

Section 1056 of the House bill requires a report by the Secretary of Defense on the effect of the increased use of dual-use and commercial technologies on the ability of the United States to control exports of such items. This section was part of an amendment that Chairman Dellums offered on the floor during consideration of the bill (Amendment No. 112). The Committee did not separately request conferees for this item because it considered its request covered by the request for conferees on the Dellums' amendment. We were not named as conferees, however, on section 1056, which was further expanded in conference. Thus, the Committee on Foreign Affairs had no role at all in the crafting of legislative language which will affect areas solely within its legislative jurisdiction.

Section 1047 of the House bill expresses the sense of Congress regarding U.S. plutonium

policy. We specifically requested conferee status on this section. Our request was denied because the language, on its face, did not reference U.S. policy toward foreign countries that processed plutonium and thus could be construed as an entirely domestic provision relating only to plutonium processing in the United States. We argued at that time that the section should be interpreted to reference plutonium processing plants worldwide. In conference, the section was changed to make explicit its reference to plutonium processing activities in foreign countries and the effect of such activities on weapons proliferation. Again, the Committee on Foreign Affairs was denied any opportunity to affect such language because we were not named as conferees to this section.

Finally, Senate section 547 provides congressional consent to service by retired members of the U.S. Armed Forces in the military forces of newly democratic nations. We requested that this provision require that the executive branch notify the Congress before it makes its decisions on individual cases. The provision includes a notification requirement, but does not specify that such notification must precede the final executive branch determination on the case.

We understand that there is no specific action that can be taken at the time to address these concerns. We wish in this letter to record our concerns with a process that has hampered our ability to influence foreign policy issues of intense interest to our committee.

We believe that the Committee on Foreign Affairs should have sole conferee status on future defense authorization bills on issues in the sole jurisdiction of the Committee on Foreign Affairs and an equal number of conferees when the Committee on Foreign Affairs Committee and the Committee on Armed Services are joint conferees. Only in such a manner can foreign affairs issues be addressed satisfactorily in future years. We hope that we can work together in support of a better outcome in the next legislative cycle.

Thank you for your consideration of this matter.

With best regards,
Sincerely,

LEE H. HAMILTON,
Chairman.

BENJAMIN A. GILMAN,
Ranking Member.

Ms. WOOLSEY. Mr. Speaker, I rise today to vote against this conference report because I object to the excessive levels of defense spending—spending that is wasteful in the post-cold-war era. I am also opposed because of the offensive language restricting gays and lesbians in the military.

Twenty-five years ago, as a human resources director of a high-technology manufacturing firm, I instituted a strict policy of non-discrimination on the basis of sexual orientation.

I am appalled that, all these years later, I find myself in the Halls of Congress trying to do the same thing—preparing Congress for the 21st century.

I do not support the don't-ask/don't-tell/don't-pursue policy. I say don't ask me to support it, don't tell me that it's fair, and don't pursue it without rewriting it.

I say to my colleagues that this is an issue of civil rights at its most basic level. Until every man and woman has the same opportunity to serve their country unencumbered by

the prejudices of others, America is not truly the land of the free.

Ms. FURSE. Mr. Speaker, as a member of the Armed Services Committee, I want to comment on the fiscal year 1994 Defense Authorization Act which the House has just passed. As a new Member of Congress, I was involved in a number of initiatives in my first authorization bill.

I am particularly pleased that the conference report contains a provision I authored banning research and development of low-yield nuclear weapons, commonly referred to as mininukes. I especially appreciated the support of Chairman DELLUMS, Military Application of Nuclear Energy Panel Chairman SPRATT, and Representative STARK in gaining passage of this historic prohibition. This is the first time the United States has established a permanent unilateral ban of an entire class of nuclear weapons.

In addition, I am pleased that this bill contains three other provisions I initiated. One establishes the goal that 5 percent of Department of Energy defense programs' contracts be granted to small disadvantaged businesses and historically black colleges and universities and minority institutions. Another provision provides \$1.75 million in ARPA funding to complete development and conduct an evaluation and test of the advanced landing system, which will make smaller airports and remote locations instrument accessible. Finally, the national shipbuilding initiative is an important step to spur activity in our shipyards. It was a pleasure to work on this section as a member of the Merchant Marine and Fisheries Committee, and I spearheaded an effort to enable broader participation in the Loan Guarantee Program by reducing the tonnage limitation to 5,000 gross weight tons.

It is a real pleasure to serve on the Research and Technology Subcommittee with Chairwoman SCHROEDER. I was pleased to co-sponsor and advocate for her provision establishing the Defense Women's Health Research Center. It is high time we make the investments necessary to support the women who now make up 11 percent of our Armed Forces.

The field of supercomputing is one that is vital to future growth and development; it is especially important in my district, known as the Silicon Forest with its multitude of high-technology firms. I am pleased that, in great part due to my efforts on the House side, this bill enables open competition for funding among the vendors of various architectures. We need to have maximum flexibility and allow buyers to choose the supercomputer type most suited to their requirements. Another important item which I advocated for in this bill is the establishment of a pilot program to use National Guard personnel in medically underserved communities. My State, Oregon, would be one site for this pilot program.

Important arms control items in the bill I worked for include Representative EVANS' 3-year extension of the export moratorium on antipersonnel land mines and \$10 million to assist nations in clearing land mines; Representative MEEHAN's provision withholding 20 percent of the funding for theater missile defense until the President certifies that he has asked our allies to share in those development

costs; Representative STARK's nonproliferation policy guidelines calling for further reductions in nuclear weapons, a strengthened International Atomic Energy Agency, and achievement of a comprehensive nuclear test-ban treaty; and Representative DANNER's ban on funding for the Safeguard-C Program which conducts atmospheric, space, and oceanic nuclear tests prohibited by the 1968 Limited Test Ban Treaty.

I am pleased with the \$3.3 billion we provided in this bill for economic conversion. However, I am disappointed that my House-passed proposal that defense contractors be urged to develop conversion plans was not accepted in the final bill. I will introduce additional legislation next year addressing the need to diversify our defense-dependent industrial base to move viable work in the post-cold-war era.

The emphasis in this bill on environmental cleanup—with its \$10.8 billion in funding—is consistent with my focus on the importance of environmental technology. The improvements we made in quality-of-life programs for our personnel, including a pay raise, are also important.

At the end of day, however, I still believe that this bill's price tag is too high. The Department of Defense accounts for over half our discretionary spending. The cold war has ended, and we must establish a more appropriate balance between defense spending and our Nation's other pressing needs. I am willing to spend every penny necessary for a sound national defense, but I am not willing to spend 1 penny more. This budget does not yet accurately address the real security needs of the United States for the 21st century.

In addition, I am disappointed that this bill codifies the ban on gays serving in the military. We know gays and lesbians serve with distinction now, and we have the most capable Armed Forces in the world. We need to be realistic and recognize the great contribution being made by all the members of our Armed Forces.

I have tremendous respect for Chairman DELLUMS, and I look forward to working with him in future years as we continue to bring about affordability in our defense spending.

Mrs. SCHROEDER. Mr. Speaker, as chairwoman of the Research and Technology Subcommittee of the House Armed Services Committee, I want to comment further on one aspect of the fiscal year 1994 Defense Authorization Act. The act includes funding for technical risk reduction and engine development for the Marine Corps advanced amphibious assault vehicle program. The conferees consider this program central to providing an enhanced amphibious assault capability for the Marines. The propulsion system is one of the primary areas of risk to the system's successful development.

For several years, the authorizing committees have strongly supported the development of advanced engine technology for the advanced amphibious assault vehicle in the form of the stratified charge rotary engine. The conference report on the fiscal year 1994 defense authorization includes an increase of \$5.9 million to continue this development. Regardless of the funding level established for the advanced amphibious assault vehicle program,

we believe that the Marine Corps must continue work on the stratified charge rotary engine and other engine technologies until a choice among the competing propulsion systems can be made on the basis of actual testing of the full scale propulsion system. It is too early in the development, the required engine testing has not been completed, and the risk is too great to reduce the program to consideration of a single engine candidate.

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

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

The SPEAKER pro tempore (Mr. CARDIN). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. DELLUMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 273, nays 135, not voting 25, as follows:

[Roll No. 565]

YEAS—273

Abercrombie	Costello	Hall (OH)
Ackerman	Coyne	Hall (TX)
Andrews (ME)	Cramer	Hamilton
Andrews (NJ)	Danner	Harman
Andrews (TX)	Darden	Hastings
Applegate	de la Garza	Hofner
Bacchus (FL)	Deal	Hilliard
Baessler	DeLauro	Hinchey
Ballenger	Dellums	Hoagland
Barca	Derrick	Hobson
Barcia	Deutsch	Hochbrueckner
Barrett (WI)	Dicks	Holden
Bateman	Dingell	Horn
Becerra	Dixon	Hoyer
Beilenson	Dooley	Hughes
Berman	Durbin	Hutto
Bevill	Edwards (TX)	Insee
Bilbray	Emerson	Istook
Bishop	English (AZ)	Jacobs
Blackwell	English (OK)	Jefferson
Blute	Eshoo	Johnson (CT)
Bonilla	Evans	Johnson (GA)
Bonior	Farr	Johnson (SD)
Borski	Fazio	Johnson, E. B.
Boucher	Fields (LA)	Kanjorski
Brewster	Filner	Kaptur
Browder	Ford (MI)	Kasich
Brown (CA)	Ford (TN)	Kennedy
Brown (FL)	Fowler	Kennelly
Brown (OH)	Frank (MA)	Kildee
Bryant	Frost	Kleccka
Buyer	Galgley	Klein
Byrne	Gejdenson	Klink
Camp	Gekas	Kopetski
Cantwell	Gephardt	Kreidler
Cardin	Geren	LaFalce
Carr	Gibbons	Lambert
Castle	Gilchrest	Lancaster
Clay	Gonzalez	Lantos
Clayton	Goodling	LaRocco
Clinger	Gordon	Laughlin
Clyburn	Grandy	Lazio
Coleman	Green	Lehman
Collins (MI)	Greenwood	Levin
Condit	Gunderson	Lewis (GA)
Coppersmith	Gutierrez	Lipinski

Lloyd	Pelosi
Long	Peterson (FL)
Lowey	Peterson (MN)
Machtley	Pickett
Maloney	Pickle
Mann	Pomeroy
Manton	Porter
Manzullo	Portman
Markey	Poshard
Martinez	Price (NC)
Matsui	Pryce (OH)
Mazzoli	Quillen
McCloskey	Quinn
McCurdy	Rangel
McDade	Ravenel
McDermott	Reed
McHale	Reynolds
McKinney	Richardson
McMillan	Ridge
McNulty	Roemer
Meehan	Ros-Lehtinen
Meek	Rose
Menendez	Rostenkowski
Mfume	Roth
Miller (CA)	Rowland
Miller (FL)	Roybal-Allard
Mineta	Royce
Mink	Rush
Moakley	Sabo
Montgomery	Sangmeister
Moran	Sarpaluis
Murphy	Saxton
Murtha	Schenk
Natcher	Schroeder
Neal (MA)	Schumer
Neal (NC)	Scott
Oliver	Serrano
Ortiz	Sharp
Orton	Shepherd
Owens	Sisisky
Oxley	Skaggs
Pallone	Skelton
Parker	Slaughter
Pastor	Smith (IA)
Payne (VA)	Smith (NJ)

NAYS—135

Allard	Gilman	Michel
Archer	Gingrich	Minge
Armye	Goodlatte	Molinar
Bachus (AL)	Goss	Moorhead
Baker (CA)	Grams	Morella
Baker (LA)	Hamburg	Myers
Barrett (NE)	Hancock	Nadler
Bartlett	Hansen	Nussle
Barton	Hastert	Oberstar
Bentley	Hefley	Obey
Bereuter	Heger	Packard
Bilirakis	Hoekstra	Paxon
Billey	Hoke	Penny
Boehlert	Houghton	Petri
Boehner	Huffington	Pombo
Bunning	Hunter	Rahall
Burton	Hutchinson	Ramstad
Calvert	Hyde	Regula
Canady	Inglis	Roberts
Coble	Inhofe	Rogers
Collins (GA)	Johnson, Sam	Rohrabacher
Collins (IL)	Johnston	Santorum
Combest	Kim	Schaefer
Conyers	King	Schiff
Cox	Kingston	Sensenbrenner
Crane	Klug	Shaw
Crapo	Knollenberg	Shays
Cunningham	Kolbe	Skeen
DeFazio	Kyl	Smith (MI)
DeLay	Leach	Smith (OR)
Diaz-Balart	Levy	Smith (TX)
Dickey	Lewis (CA)	Solomon
Doolittle	Lewis (FL)	Spence
Dorman	Lightfoot	Stearns
Dreier	Linder	Stump
Duncan	Livingston	Thomas (WY)
Dunn	Margolies-	Walker
Edwards (CA)	Mezvinsky	Washington
Everett	McCandless	Wolf
Ewing	McCollum	Woolsey
Fawell	McCrery	Young (AK)
Fields (TX)	McHugh	Young (FL)
Fish	McInnis	Zeliff
Franks (CT)	McKeon	Zimmer
Franks (NJ)	Meyers	
Gallo	Mica	

NOT VOTING—25

Barlow	Foglietta	Sawyer
Brooks	Furse	Shuster
Callahan	Gillmor	Slattery
Chapman	Glickman	Stokes
Clement	Hayes	Thomas (CA)
Cooper	Mollohan	Wheat
Engel	Payne (NJ)	Wise
Fingerhut	Roukema	
Flake	Sanders	

□ 1911

The Clerk announced the following pairs:

On this vote:

Mr. Wheat for with Mr. Sanders against.
Mr. Foglietta for with Mr. Thomas of California against.

Mr. Glickman for with Ms. Furse against.

Ms. DUNN and Mr. FISH changed their vote from "yea" to "nay."

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was unavoidably detained for rollcall vote 565. If I was present, I would have voted "yes."

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 2401.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

NEGOTIATED RATES ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2121, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia [Mr. RAHALL] that the House suspend the rules and pass the bill, H.R. 2121, as amended.

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

RECORDED VOTE

Mr. LIPINSKI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 292, noes 116, not voting 25, as follows:

[Roll No. 566]

AYES—292

Ackerman	Gibbons	McKeon
Allard	Gilchrest	McMillan
Andrews (TX)	Gingrich	Meehan
Applegate	Gonzalez	Meyers
Archer	Goodlatte	Mica
Army	Goodling	Michel
Bacchus (FL)	Gordon	Miller (FL)
Bacchus (AL)	Goss	Mineta
Baesler	Grams	Minge
Baker (CA)	Grandy	Molinari
Baker (LA)	Greenwood	Montgomery
Ballenger	Gunderson	Moorhead
Barca	Hall (TX)	Moran
Barcia	Hamilton	Morella
Barrett (NE)	Hancock	Murphy
Barrett (WI)	Hansen	Murtha
Bartlett	Harman	Myers
Barton	Hastert	Natcher
Bateman	Hefley	Neal (NC)
Beilenson	Hefner	Nussle
Bentley	Heger	Obey
Bereuter	Hinchee	Ortiz
Bevill	Hoagland	Orton
Bilbray	Hobson	Oxley
Billrakis	Hoeckstra	Packard
Billey	Hoke	Parker
Blute	Horn	Pastor
Boehlert	Houghton	Paxon
Boehner	Huffington	Payne (VA)
Bonilla	Hunter	Penny
Borski	Hutchinson	Peterson (FL)
Boucher	Hutto	Petri
Brewster	Inglis	Pickett
Browder	Inhofe	Pickle
Brown (CA)	Istook	Pombo
Bunning	Jacobs	Pomero
Burton	Johnson (CT)	Porter
Buyer	Johnson (GA)	Portman
Calvert	Johnson (SD)	Price (NC)
Camp	Johnson, Sam	Pryce (OH)
Canady	Kanjorski	Quillen
Cantwell	Kasich	Quinn
Castle	Kennelly	Rahall
Clinger	Kim	Ramstad
Clyburn	King	Ravenel
Coble	Kingston	Reed
Collins (GA)	Kiecicka	Regula
Combest	Klein	Richardson
Condit	Klink	Ridge
Cox	Klug	Roberts
Cramer	Knollenberg	Roemer
Crane	Koibe	Rogers
Crapo	Kreidler	Rohrabacher
Cunningham	Kyl	Ros-Lehtinen
Darden	Lambert	Rose
de la Garza	Lancaster	Roth
Deal	LaRocco	Rowland
DeLay	Laughlin	Royce
Derrick	Lazio	Santorum
Diaz-Balart	Leach	Sarpalius
Dickey	Levin	Saxton
Dingell	Levy	Schaefer
Dixon	Lewis (CA)	Schenk
Dooley	Lewis (FL)	Schiff
Doolittle	Lightfoot	Schroeder
Dornan	Linder	Sensenbrenner
Dreier	Livingston	Sharp
Duncan	Lloyd	Shaw
Dunn	Long	Shays
Edwards (TX)	Machtley	Shepherd
Emerson	Maloney	Sisisky
English (OK)	Manzullo	Skaggs
Eshoo	Margolies-	Skeen
Everett	Mezvinsky	Skelton
Ewing	Markey	Slaughter
Fawell	Martinez	Smith (IA)
Fields (TX)	Matsui	Smith (MI)
Fish	Mazzoli	Smith (NJ)
Ford (TN)	McCandless	Smith (OR)
Fowler	McCollum	Smith (TX)
Frank (MA)	McCrery	Snowe
Franks (CT)	McCurdy	Solomon
Franks (NJ)	McDade	Spence
Galleghy	McDermott	Spratt
Gallo	McHale	Stearns
Gekas	McHugh	Stenholm
Geren	McInnis	Studds

Stump	Thurman	Waxman
Sundquist	Torkildsen	Weidon
Synar	Torricelli	Whitten
Talent	Traffant	Williams
Tanner	Tucker	Wolf
Tauzin	Upton	Woolsey
Taylor (MS)	Valentine	Young (AK)
Taylor (NC)	Volkmer	Young (FL)
Tejeda	Vucanovich	Zeliff
Thomas (WY)	Walker	Zimmer
Thornton	Walsh	

NOES—116

Abercrombie	Gejdenson	Nadler
Andrews (ME)	Gephardt	Neal (MA)
Andrews (NJ)	Gilman	Oberstar
Becerra	Glickman	Olver
Berman	Green	Owens
Bishop	Gutierrez	Pallone
Blackwell	Hamburg	Pelosi
Bonior	Hastings	Peterson (MN)
Brown (FL)	Hilliard	Poshard
Brown (OH)	Hochbrueckner	Rangel
Bryant	Holden	Reynolds
Byrne	Hoyer	Rostenkowski
Cardin	Hughes	Roybal-Allard
Carr	Hyde	Rush
Clay	Insee	Sabo
Clayton	Jefferson	Sangmeister
Coleman	Johnson, E. B.	Schumer
Collins (IL)	Johnston	Scott
Collins (MI)	Kaptur	Serrano
Conyers	Kennedy	Stark
Coppersmith	Kildee	Strickland
Costello	Kopetski	Stupak
Coyne	LaFalce	Sweet
Danner	Lantos	Swift
DeFazio	Lehman	Thompson
DeLauro	Lewis (GA)	Torres
Dellums	Lipinski	Towns
Deusch	Lowe	Unsoeld
Dicks	Mann	Velazquez
Durbin	Manton	Vento
Edwards (CA)	McCloskey	Visclosky
English (AZ)	McKinney	Washington
Evans	McNulty	Waters
Farr	Meek	Watt
Fazio	Menendez	Wilson
Fields (LA)	Mfume	Wyden
Fliner	Miller (CA)	Wynn
Ford (MI)	Mink	Yates
Frost	Moakley	

NOT VOTING—25

Barlow	Foglietta	Sawyer
Brooks	Furse	Shuster
Callahan	Gillmor	Slattery
Chapman	Hall (OH)	Stokes
Clement	Hayes	Thomas (CA)
Cooper	Mollohan	Wheat
Engel	Payne (NJ)	Wise
Fingerhut	Roukema	
Flake	Sanders	

□ 1929

Mr. HYDE, Mr. HUGHES, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DICKS changed their vote from "aye" to "no."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 412) to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 412

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undercharge Equity Act of 1993".

SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.

Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B) (i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(6) Notwithstanding paragraphs (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern or charitable organization, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (4), (5), or (6) of this subsection, the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination (which shall be made within 1 year after such challenge) as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (4) or (5) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day

after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

"(11) In this subsection—

"(A) 'charitable organization' means an organization which is exempt from taxation under section 503(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 503(c)(3)); and

"(B) 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et. seq.)."

SEC. 3. STATUTE OF LIMITATIONS.

(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment."

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues."

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 11712. Tariff reconciliation rules for motor common carriers of property

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as

required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of section 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section."

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property."

SEC. 5. EFFECTIVE DATE; APPLICABILITY.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

MOTION OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RAHALL moves to strike all after the enacting clause of the Senate bill, S. 412, and to insert in lieu thereof the provisions of H.R. 2121, as passed by the House.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: "A bill to amend title 49, United States Code, relating to procedures for resolving claims involving unfiled, negotiated transportation rates, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2121) was laid on the table.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, as one of the first cosponsors of the original legislation when it was introduced in the 101st Congress, and as a cosponsor and strong supporter of H.R. 2121, had I been present I would have voted "yea" on final passage.

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, due to personal family business, I was de-

layed in returning from the Veterans Day holiday. Accordingly, I missed two rollcall votes.

Mr. Speaker, I would ask that the RECORD reflect that on rollcall No. 565, I would have voted "aye," and on rollcall No. 566, I also would have voted "aye."

PERSONAL EXPLANATION

Ms. FURSE. Mr. Speaker, travel problems resulting from inclement weather prevented me from being present on the House floor for rollcall vote 565 and rollcall vote 566. Had I not been unavoidably detained, I would have voted "no" on rollcall 565 and "yes" on rollcall 566.

□1930

BUYING VOTES FOR NAFTA IS A NATIONAL DISGRACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this week here in Washington a very important debate about the future of jobs in North America and the United States will occur here in this House Chamber, and this debate should be on the merits of the agreement, whether it is what is right for our people, whether it is what is right for democracy building on the continent, whether it is right for the future of our country. In spending time in reading the legislation that is before us, however, what is truly tragic are the number of special deals that have been cut to literally buy votes in this institution. We, as a Nation, need to do better than this.

Tonight, Mr. Speaker, for the RECORD I am submitting the names of several individuals who have lobbied to cut these special deals from an article entitled, "Distorted Democracy. NAFTA, Revolving Doors and Deep Lobbying." Let me go through a few of these special deals tonight. These should not be in this agreement because basically what they represent is bought votes in this institution.

On page 183 of the agreement, lines 7 through 14, we hear about a new southwest regional animal health bio-containment facility, and such sums as are necessary to carry out this subsection are indicated. We are going to have to find the money for it somewhere down the road. I would like to know in which congressional district this new facility is going to go, how much it is going to cost and who is going to pay for it.

Then on page 271 of the agreement we have a new center for the study of Western Hemisphere trade. I do not know why we need a center. We have already passed a bill, if this thing goes through, to take care of trade. I would like to know in whose district in Texas

this is going, and how much it is going to cost and where we are going to get the money.

And here is one that is really close to my heart because for years we have been trying to get the Japanese to pay their fair share of taxes in this country, and in this bill there is \$17 million of tax forgiveness for Honda Motor Corp. Now my colleagues will remember when they did not follow the customs laws and they paid penalties, but all of a sudden on page 48 of the bill, and I cannot understand why this is in a trade bill, we have a nice little special deal where Honda Motor Corp. will have \$17 million forgiven.

Now I say, "You have to be a pretty good attorney to understand this provision, but what is interesting is who happened to lobby it through: Howard Baker and Peter Wallison." Some estimate the firms could have been paid up to \$1 million to get things fixed. What happened to candidate Clinton's promise to collect taxes from foreign multinationals, and why is this in this legislation if this is supposed to be a trade agreement?

Mr. Speaker, I hope Honda Motor Corp. writes me a letter tomorrow because I do not think the debate this week should have to do with who is able to cut special deals in this institution. We ought to have a clean bill. The Committee on Ways and Means ought to send a clean bill to this floor. This is outrageous, and the kind of stuff that is going on over at the White House is a disgrace to this Nation.

Mr. President, if you can't win votes on the merits, stop buying them.

[From the Multinational Monitor, October 1993]

DISTORTED DEMOCRACY—NAFTA, REVOLVING DOORS AND DEEP LOBBYING

(By Charles Lewis)

From 1989 to the present, Mexican government and business interests have spent at least \$25 million in Washington to promote the development and enactment of NAFTA. Mexico has employed a veritable phalanx of Washington law firms, lobbyists, public relations companies and consultants. This number is conservative—the cumulative total as reported to the U.S. Department of Justice. Based on statements made to the Center for Public Integrity by the most knowledgeable Mexican NAFTA official in Washington, Mexican interests will spend an additional \$5 million to \$10 million to promote NAFTA in 1993, bringing Mexico's total NAFTA-related expenditures in Washington to more than \$30 million by the time the dust settles.

Ironically, this massive effort has been waged by a country not known for its financial robustness. Before 1990, Mexico's spending on representation in Washington was mostly to promote tourism. In the context of lobbying by foreign interests on a specific issue, Mexico has mounted the most expensive, elaborate campaign ever conducted in the United States by a foreign government.

To comprehend the sheer dimension of this effort, it should be noted that to date, pro-NAFTA expenditures by Mexican interests already exceed the combined resources of the three largest, and best-known foreign lobbying campaigns waged in Washington during

the past quarter century: the operations mounted by South Korea during Koreagate, by Japanese interests during the Toshiba controversy, and by Kuwait following the Iraqi invasion.

Since 1989, to achieve maximum access to the U.S. political process, Mexican interests have hired at least 33 former U.S. government officials with experience throughout the federal government, from Congress to the White House, from the State Department to the Treasury Department. Some of those former officials include:

Bill Brock of the Brock Group. This former U.S. Trade Representative testified about trade issues before a Senate committee in 1991, made favorable comments about Mexico, but did not mention his financial ties to the Mexican government.

Timothy Bennett of SJS Advanced Strategies. This former Assistant U.S. Trade Representative who worked on U.S.-Mexican trade issues subsequently was retained by Mexican business interests regarding NAFTA.

Ruth Kurtz—This former International Trade Commission and Senate trade analyst was hired by Mexican business interests. She has had frequent contact with her former Capitol Hill colleagues, and organized several all-expense-paid trips for them to Mexico.

As a part of the unprecedented NAFTA campaign, during the past two years Mexican business interests have taken at least three members of Congress, a governor, and 48 congressional staffers on a dozen separate "fact-finding" trips to Mexico.

Two high-level appointments to the Clinton Administration, Charlene Barshefsky and Daniel Tarullo, have been paid by Mexican interests to do NAFTA-related work. But those are only the most recent Mexican connections to the Clinton administration.

After Mexico discovered George Bush might not win re-election, Bill Clinton and his thinking about NAFTA suddenly gained new urgency. Mexico began talking to Clinton campaign officials in the summer of 1992. Weeks after the election, two Clinton transition officials met with Mexico President Carlos Salinas' chief of staff, and on January 9, 1993, Salinas and Clinton met in Texas. The Mexican leader was the only head of state the President-elect saw during the transition period. At least two paid lobbyists for Mexico were on the Clinton transition team:

Joseph O'Neil of Public Strategies. This former top aid to Senator Lloyd Bentsen assisted the Treasury Secretary during the transition process. At the same time, he and his firm were on a six-figure retainer to Mexico.

Gabrielle Guerra-Mondragon of Guerra & Associates and TKC International. This former special assistant to the U.S. Ambassador to Mexico has been lobbying the Congress on behalf of Mexico, and while on retainer was also a Clinton transition advisor on national security issues.

Just as Mexican companies are aggressively promoting NAFTA, so too are U.S. companies. The U.S. business community has created a handful of new organizations and tapped some old ones to work on gaining support for the NAFTA. Because the disclosure laws are weak, it is difficult to calculate how much U.S. corporations and trade associations are spending in their effort to gain support for NAFTA. These groups are in contact with Mexican Embassy offices in Washington, and one key organization alone, USA*NAFTA, expects to spend at least \$2 million.

Canada, despite its traditionally strong lobbying presence in Washington, has not been particularly aggressive or active in its efforts to promote NAFTA. Canada, of course, already has a trade agreement with the United States. Other factors that help explain Canada's "silent partner" role in NAFTA include the political fallout that Prime Minister Brian Mulroney suffered in the aftermath of the U.S.-Canada Free Trade Agreement and Canada's current recession.

By any measure, the anti-NAFTA forces have been financially "out-gunned" by the Mexicans and the U.S. business community in this lobbying effort—because of the poor quality of existing public records and lax disclosure requirements it is impossible to gauge by precisely how much. But this motley collection of environmental and consumer groups, labor unions and conservative business organizations to date have spent a fraction of what NAFTA proponents have spent. In terms of grassroots organization NAFTA's opponents have millions of people's names on mailing lists, but it is unclear to what extent they have been contacted or organized regarding NAFTA. Meanwhile, the AFL-CIO has organized a few trips to Mexico for members of Congress, and three organizations which receive at least some labor money—the Economic Policy Institute, the Economic Strategy Institute and the Congressional Economic Leadership Institute—have sponsored fact finding trips to Mexico for members of Congress. Finally, in terms of both money and organization, the entry into the fray of billionaire former presidential candidate Ross Perot has markedly shifted the power equation and makes the legislative outcome of NAFTA somewhat less predictable.

At the most superficial level, as a general matter, when huge sums of money are injected into the political process, democracy usually becomes distorted. People or groups without the wherewithal to obtain influence and access to the corridors of power find themselves in effect disenfranchised.

Author William Greider has written about a sophisticated form of political planning he calls "deep lobbying," the purpose of which is to define public argument and debate. "It is another dimension of mock democracy—a system that has all the trappings of free and political discourse but is shaped and guided at a very deep level by the resources of the most powerful interests."

How does all of this relate to NAFTA? For starters, the debate is about something called the North American Free Trade Agreement. Not only have powerful interests managed to make their agenda America's agenda, they've even been able to help define public perceptions by labeling it with a positive-sounding name.

For years, the logic, the assumptions and the seeming inevitability of NAFTA have been carefully constructed—by prominent business interests in the three respective countries, their elected, responsive government officials and their legions of paid representatives. Getting presidents and prime ministers to think and talk about NAFTA, getting the trade negotiators together to hammer out the logistics, controlling how the actual agreement will be disseminated and thus described to the public and girding for battle legislatively, all require substantial sums of money and hired Washington insiders. But for the NAFTA proponents, it has been worth it, because the parameters of the political discourse and debate have been set, leaving the other side at a serious disadvantage.

Except for some token memberships on a few trade advisory committees, the more modestly-funded anti-NAFTA forces frequently have been ignored, reduced to the reactive role of eleventh-hour yammering naysayers. Because of deep lobbying, the NAFTA opponents automatically become trivialized as almost caricature-like figures, mere props in the trading game.

In the end, not only has the massive infusion of money once again distorted democracy, it has undermined the public's confidence and trust in the integrity of the decision-making process.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that comments should be addressed to the Chair.

NAFTA

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

Mr. PORTER. Mr. Speaker, if the economy of the United States were as strong and growing today as it was in the 1980's, there would be no doubt whatsoever that the NAFTA, the North American Free-Trade Agreement, would be easily adopted in both the House and the Senate.

□ 1940

It is the insecurity that is a result of the end of the cold war with adjustments from an economy that has been virtually on a wartime basis for the last 45 years, to a peacetime basis, that has led us to question our ability to face a free-trade future.

Mr. Speaker, anyone who looks at NAFTA honestly understands that on a trade basis, NAFTA is a win-win-win situation: A win for the United States of America creating new jobs, export jobs that pay better salaries than other jobs; a win situation for Mexico; and a win situation for the Canadian economy and people as well.

We must ask ourselves whether the United States, the most productive economy on Earth, the largest exporting economy in the world, the economy with the world's most productive workers, can trade with a weak economy to ourself and a teeny economy to our north freely. Can we afford as a people to do that? And the answer is obviously easily. Easily, Mr. Speaker.

There is nothing that we have to fear, and NAFTA is an agreement that is in our national interest. We give up far, far less under the agreement than does Mexico, whose trade barriers are far higher than our own and will be brought down under this agreement.

Protectionism is not what makes economies work. Protectionism does not create jobs. It robs the future, as a matter of fact, in exactly the same way

that deficits rob the future. It robs our children and grandchildren of the jobs that would be created through freedom.

We have to only look back in our own history, Mr. Speaker, and what we attempted to do at the beginning of a frightening period at the end of the 1920's and the early 1930's, to see what protectionism did to rob our future at that time.

We decided that what we had to do was to protect American workers and American jobs, and we passed the Smoot-Hawley tariff. It actually robbed us of a future, because we should have understood, but apparently did not, that other countries would put in the same kinds of protections in retaliation for ours, and as they did so, the lights went out all over Europe, all over the Far East, all over the United States, and jobs ceased to exist. It took us until the beginning of World War II to regain those jobs.

The kind of anti-NAFTA thinking that we see today is the same kind of thinking that said years and years ago that we cannot have new technologies, because new technologies will rob us of jobs in the future. This is the Luddite thinking. Had we followed that at the time, Mr. Speaker, we would have had sweat shops dominating our economy today instead of the growing economy that we have and are capable of having and will have under NAFTA.

People say, well, yes, it will create a net increase in jobs. But won't it mean some job losses?

Mr. Speaker, of course it will mean some job losses. The very understanding that we ought to have coming out of the end of the Cold War is that what works for people is freedom, and that State central bureaucracies that guarantee jobs for everyone really guarantee nothing but mediocrity and stagnation. In a dynamic economy you have winners and losers because you take risks. And, yes, we should not guarantee every single job, because that means stagnation. What we have to do is guarantee opportunity, take risk. And, yes, it is tough stuff, but we have had it throughout our history of freedom. People will have to train for better jobs that are created through exports. As we have seen over and over again, these are the good jobs, and Americans will have to work hard in order to compete and have them.

Mr. Speaker, on the environment, the Sierra Club and Friends of the Earth are wonderful organizations, but they are short-sighted organizations. Almost all the major organizations understand that there will be a net gain for the environment as a result of NAFTA; that our resources will be committed for the improvement of the environment on the border with Mexico; that Mexico will be led to enforce its environmental laws.

Mr. Speaker, this is a time for leadership. This is a time when, after urging

the world for 45 years that we must be free traders for the betterment of all peoples on Earth, we will lose that leadership, we will lose our values for democracy and human freedom and the rule of law if we do not pass NAFTA. If we turn away from our path of free trade and open markets by defeating NAFTA we lose credibility in the eyes of the world, and with it our ability to project our values of freedom democracy, human rights, the rule of law, and free markets overseas at the very moment our ability to influence positive change should be at its zenith.

I urge Members that they must vote for it.

ON NAFTA

The SPEAKER pro tempore (Mr. MENENDEZ). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise tonight to place in the RECORD a summary of the three separate individual hearings that the Committee on Banking, Finance and Urban Affairs under my direction called very early on the so-called North American Free-Trade Agreement. The reason for it was that up to the time we called the hearings, there was no mention at any time that this agreement contained anything but supposedly trade matters, much less very complicated and extensive banking, finance, and even securities sections. Chapter 14, for example, on banking and financial services, is very comprehensive and very far-reaching.

We thought that in order to inform the Members, at least of the committee, and as far as possible citizens, who up to now and even now have not had the benefit of knowing of these hearings, that they should be held. We were more or less blanked out by the media. Even the last hearing which we had some 10 days ago was not covered, other than incidentally in the foreign press.

So today I want to place in the RECORD a summary of the three hearings, because I think the Members should know when they vote on Wednesday exactly what in this area is involved.

Now, in a more comprehensive way, I deplore the pressure and emotionalism, and in fact I join the previous speaker, the gentlewoman from Ohio [Ms. KAPTUR], in condemning what otherwise would be out and out bribery attempts, when the President trades out such things as favors and pork and banks even for a vote. Why, if a businessman were to do that, he would have been accused of bribery, and it is very disturbing.

But the reason for it and the reason for the passion that has developed on this issue, which should be considered dispassionately and openly, is that the

whole process over the course of 14 months that led to the formulation of these agreements was in total and absolute secrecy. You cannot get your hands on minutes or a record of the transcript, if they have one.

Who was it that shaped the agreements? When we had the first hearing of the Committee on Banking, Finance and Urban Affairs, we had the Assistant Secretary of the Treasury, who said that he had participated in the negotiations on Chapter 14 on banking and financial services.

□ 1950

And I asked him how many members of the banking and financial community participated. He said, "Quite a number."

And I said, "Well, did they actually take part in the discussions?"

And he said, "Yes."

"Has anybody known who they are?"

"No."

I said, "Would you make the list available?"

He said, "Well, all right, I will do that, as far as that particular section is concerned."

So just 2 weeks ago, he sent the list. It has all the leading, most powerful megabanks and their attorneys. These are the guys that wrote that section.

Now, if anybody thinks that as a Member of this House he or she can delegate to that class to protect the general interest, then they are either very naive or willfully irresponsible. That has not been our experience in our oversight duties, as members of the Banking Committee.

But leaving that aside, if this has worked in secrecy, and there are other sections that are far more insidious in nature, in which, in effect, the whole basis of our Government since colonial times, based on representation, will be sacrificed for, my colleagues, if this is approved, we will be delegating to over a dozen commissions, quasi-judicial in nature, who will have the power to sue American business concerns in their courts and who will have an intrusive and an interfering force in what ought to be matters debated and carried out in open and free debate in the Congress.

Mr. Speaker, I include for the RECORD the summaries to which I referred:

A SUMMARY OF HEARINGS HELD BY THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS OF THE NORTH AMERICAN FREE-TRADE AGREEMENT

(Prepared by the Committee Staff, November 9, 1993)

Most of the debate surrounding the North American Free Trade Agreement ("NAFTA") has focused on its impact on labor and environmental concerns, with little consideration of the far reaching financial services provisions. As a result, the Committee held hearings on September 8 and 28, and November 8, 1993 on the financial services provisions (Chapter 14) of NAFTA and the ramifications for U.S. financial service providers.

namely banks, insurance companies and securities firms. The committee focused on the U.S.-Mexico relationship since the U.S.-Canadian trade relationship was previously negotiated in the U.S.-Canada Free Trade Agreement. During these hearings the Committee heard from a diverse group of witnesses, including U.S. financial services regulators, financial consultants and analysts, academics and American businesspersons and investors doing business in Mexico.

BACKGROUND

Chapter 14 of NAFTA sets out rules governing the treatment that each government must accord to those financial institutions in its territory that are owned by investors from other NAFTA countries. In general, U.S. banks and other financial services providers will be permitted to operate wholly-owned subsidiaries (by establishing a new subsidiary or purchasing existing Mexican firms) and will be able to operate under the same terms as their Mexican counterparts.

NAFTA calls for a transition period running from 1994 to 2000 during which time U.S. and Canadian banks would be able to grow in aggregate market capitalization from 8% to 15% of the capitalization of the Mexican banking system. Each individual bank's market share would be capped at 1.5% throughout this period. After the year 2000, all caps would be removed. However, Mexico could impose an optional one-time, three year moratorium on any further U.S. or Canadian bank expansion, should they attain a 25% share of the Mexican market before the year 2004.

SEPTEMBER 8, 1993: HEARING ON THE FINANCIAL SERVICES CHAPTER OF NAFTA

(Witnesses: Steven Davison, Senior Vice President of Ferguson and Company; Jack Guenther, Vice President and Senior International Affairs Officer, Citicorp/Citibank; Christopher Whalen, Senior Vice President, The Whalen Company, and Editor, *The Mexico Report*; Nikos Valance, economist and professor, Queens College of the City University of New York, Andres Penaloza, economist and Parliamentary Advisor of the Staff of the Commission on Budget and Planning of the Mexico Chamber of Deputies)

Summary: The volatility of the Mexican economic and political systems, along with broader bank powers, and an aggressive lending environment pose substantial safety and soundness risks to U.S. financial services firms operating in Mexico.

The Committee heard testimony from several witnesses about the possible risks associated with doing business in Mexico. The risks identified for banks include: greater potential credit exposure due to broader bank powers, and an aggressive and volatile lending environment. This environment has resulted in rising levels of troubled assets, not unlike the lending environment in the U.S. during the 1980s which caused problems for many banks. In addition, these witnesses identified several broader concerns which would apply to all financial service providers. Specifically, the volatility of the Mexican economy and its political system, and corruption which permeates Mexico's political and regulatory institutions.

During the debt crisis of the 1980s, the peso was devalued 30 percent and Mexico nationalized its entire banking system. Billions of dollars in deposits held by Mexican and foreign nationals were illegally seized and converted to dollars at the lower exchange rate. Recently the banks were returned to private hands under the direction of the government of President Salinas. Eighteen Mexican

banks currently operate in Mexico. Private investors paid an average of over three times the current book value or 21 times the book value of the institution at the time of nationalization. The prices were driven by investor perception that this was a unique opportunity considering the Mexican economy and the "underbanked" condition of the Mexican market. Mr. Stephen Davidson testified that the high cost of privatizing the banks has left these institutions thinly capitalized. The need to generate an adequate return for investors and justify the substantial acquisition premiums has created an incentive for risk taking by Mexican banks. In addition, Mr. Christopher Whalen testified that the privatization of the Mexican banking system simply converted state owned "monopolies" into private hands, while essentially leaving in place the highly cartelized industry. Mr. Whalen also expressed concern about the lack of public accounting for where the funds were obtained to buy these banks or how funds raised overseas in stock and bond offering have been deployed. Since the use of nominees to hold stock in Mexican companies is common, it is impossible to know who exactly owns these stocks.

Many of the witnesses agreed that U.S. banks would be entering an already aggressive and speculative Mexican banking environment, which includes rapid loan growths, with large non-performing assets ratios, reminiscent of the banking environment in the U.S. during the 1980's. U.S. bank subsidiaries operating in Mexico will have powers not currently available in the United States under the constraints of the Glass-Steagall Act. Banks will be permitted to underwrite securities, and engage in bond derivative product trading in Mexico through securities affiliates. Underwriting is generally considered to pose greater credit exposure than lending and is thus generally considered to represent a higher risk activity, especially in a volatile Mexican securities market. Mr. Davidson testified that there has been a steady increase in the problem loans held by Mexican banks. Analysts believe that the Mexican banks' non-performing loan ratios are anywhere between 7% to 30%, very high compared with that of the United States. In addition, Mr. Davidson expressed concerns that unless Mexican bank profits continue to be strong, it will be difficult to maintain aggressive growth and increase the bank capital ratios. Currently it is widely held that Mexican banks are thinly capitalized.

One of the most important aspects of U.S. financial institutions entrance into the Mexican banking system is the adequacy of regulatory supervision. Due to the recent privatization of the banking system, the regulatory system itself has simply been untested, especially in a crisis situation. According to Mr. Whalen, Mexican banks are essentially unregulated when it comes to activities and investments and are self-regulated with regard to disclosure of financial data, since private auditors hired by the banks, and not the regulators, perform assessments of loan portfolios and other aspects of bank operations. These audits are essentially "rubber stamped" by the Mexican National Banking Commission. Mr. Whalen notes that some Mexican banks are well managed, but contends for the most part the industry is characterized by management practices that are unacceptable in the U.S. such as unsafe accounting practices, high concentrations of loans to single borrowers, and dependence on dollar financing for peso activities. Mr. Jack Guenther testi-

fied on behalf of Citibank that the Mexican regulatory structure is "strict and well regulated." However, it is important to note that the Mexican system of self-regulation would be unacceptable in the United States. In addition, while Mexico is considering a deposit insurance system, there is currently no deposit insurance for Mexican deposits. Again, the American experience shows that in a worst case scenario, a crisis of confidence can result in a potential risk to the banking system.

Because of political corruption Mexico, Mr. Whalen contends that approval of NAFTA will expose American banks and financial companies to an environment in which they cannot succeed. A bank cannot reliably determine who owns a given financial asset or real property which is pledged as collateral.

Another issue of concern is the omission in NAFTA of an exchange rate stabilization mechanism. The European countries first efforts to unify focused on ways to stabilize their currencies. Both Mr. Nikos Valance and Mr. Andres Penaloza testified that the omission of an exchange rate stabilization mechanism in NAFTA was deliberate and a mistake. Mr. Valance argues that without an established exchange rate stabilization mechanism it is possible for foreign corporations to exert pressure on the Mexican government to devalue the peso, thus lowering wages in terms of other currency. In addition, Mr. Davidson cautions that the relatively volatile currency in Mexico poses increased potential exchange and interest rate risks to U.S. financial institutions. The fact that these issues are not addressed in NAFTA was of considerable concern to many of the witnesses.

U.S. financial services providers face considerable risks upon entering the Mexican market. These issues should be considered carefully by institutions seeking to enter Mexico and by U.S. regulators, most importantly the Federal Reserve, which is solely responsible for the supervision of foreign subsidiaries of U.S. banks.

SEPTEMBER 28, 1993: HEARING ON THE FINANCIAL SERVICES CHAPTER OF NAFTA

(Witnesses: John P. LaWare, Member of the Board of Governors of the Federal Reserve; Mary Schapiro, Commissioner, U.S. Securities and Exchange Commission; Alene Evans, Member of the Texas Board of Insurance, and Chairperson of NAFTA Working Group of the National Association of Insurance Commissioners; Barry Newman, Deputy Assistant Secretary for International Monetary Affairs, Department of Treasury; Ira Shapiro, General Counsel, Office of the U.S. Trade Representative)

Summary: The regulatory agencies have expressed little concern regarding the potential risks faced by the U.S. financial services industry post-NAFTA. The negotiating process of NAFTA raises serious concerns about the agreement.

The Committee heard testimony from U.S. government officials, including bank, securities and insurance regulators regarding the possible risks for U.S. financial services corporations entering the Mexican market. In addition, the Committee requested information on the negotiating process and participation of public and private individuals in the development of NAFTA.

Governor John LaWare of the Federal Reserve Board testified on the implications of NAFTA for the banking industry. An important component of NAFTA, which all the regulators agree, allows each country to grandfather certain provisions of existing law that do not conform to national treatment or most favored nation ("MFN") principles. Accordingly, the United States has

reserved a number of provisions of federal law that limit the national treatment available to foreign banks or individuals. The degree of discrimination in these laws cannot be increased and any future measures must conform to the national treatment and MFN principals.

Under NAFTA, a country would have right to a hearing on whether another country is abiding by its obligations under the agreement through the dispute settlement mechanism. If the dispute arbitration panel finds that a country's law or regulation violates NAFTA, the country may change the offending measure. If it does not, the complaining country has the right to suspend benefits to firms of the offending country that are commensurate with the harm suffered by the firms of the complaining country.

In addition, Governor LaWare outlined the "prudential carve-out" which provides that nothing in the services provisions of NAFTA shall be construed to prevent a country from adopting or maintaining reasonable measures for prudential reasons, which include among other things, the protection of consumers of financial services and the maintenance of the safety and soundness. Governor LaWare testified that NAFTA would not in any way diminish the ability of the U.S. to apply sound prudential standards to financial institutions from Mexico or Canada operating in the U.S. nor would it in any way affect the requirements imposed on U.S. banks in operations outside the U.S. In addition, he states that NAFTA cannot be used as a back door to engage in impermissible activities in the United States. Despite testimony received at the September 8th hearing, Governor LaWare did not identify issues regarding potential risks to U.S. financial institutions operating in Mexico after NAFTA.

Commissioner Schapiro testified concerning the securities aspects of NAFTA. U.S. securities laws and rules generally do not discriminate against or among firms or investors from other nations, including Canada and Mexico. Thus, U.S. securities laws essentially already provide the national treatment and MFN treatment required by NAFTA. Commissioner Schapiro also pointed to the "prudential carve-out" as an important aspect of NAFTA, which will allow the SEC to continue to regulate the U.S. securities markets in the current manner. Commissioner Schapiro's testimony did not address issues concerning potential risks for securities firms operating in Mexico post-NAFTA.

Alene Evans testified on the provisions and principles of NAFTA that relate to the business of insurance. Ms. Evans explained that the NAFTA Working Group has had particular concerns about State participation in the dispute resolution process. NAFTA does not provide for state participation in dispute resolution, leading to the potential for the undermining of State regulation on insurance. This is especially important in the area of insurance, since the states, and not the Federal government, are the primary regulators of the business of insurance.

Ms. Evans outlined a number of possible risks to U.S. and Mexican policy holders in purchasing insurance from an insurer operating under the laws of another country, including possible difference in asset value at the time of replacement, possible currency devaluation or currency cost, and differing legal standards and judicial systems. Under current Mexican law and after NAFTA, a Mexican policy holder would be forced to sue a U.S. company in the U.S. rather than in Mexico.

In addition, Mexico does not have a guaranty fund, as many States do in the event of insurer insolvency. Thus a resident of the U.S. who purchased an insurance policy from a Mexican insurance company would not be protected by a guaranty fund if the company went insolvent.

Information provided to the Committee by Mr. Newman, and Mr. Schapiro on the negotiating process raises considerable cause for concern. Over 100 private sector firms and their representatives were not just consulted, but were allowed to review drafts of the agreement while the negotiations were in progress. In light of the case of Mr. Robert Bostick (see November 8, 1993 hearing), a reason for concern exists about the possibility that one or more of these individuals and their firms may have sought to profit on the confidential information they received. No information was provided to the Committee about what, if any, ethical restrictions were placed on those individuals. In addition it is interesting to note that the agreement was negotiated in part at the Watergate Hotel.

NOVEMBER 8, 1993: HEARING ON ABUSES WITHIN THE MEXICAN POLITICAL, REGULATORY, JUDICIAL AND BANKING SYSTEMS AND IMPLICATIONS FOR THE NORTH AMERICAN FREE TRADE AGREEMENT

(Witnesses: Honorable Sarah Vogel, North Dakota Commissioner of Agriculture; Kaveh Moussavi, formerly IBM Corporation's Political Agent in Mexico; Alex Argueta, Developer from Tucson, Arizona; Lucia Duncan, Coordinator, American Investors in Mexico)

Summary: Corruption runs deep in Mexico's political, regulatory, judicial and banking systems. American investors and businesspersons doing business in Mexico face overwhelming dangers and risk to their investments and well-being.

The Committee's third hearing on NAFTA examined the nature and scope of corruption in the Mexican political, regulatory, judicial and banking systems. This topic is very relevant and important to the consideration of the agreement. The purpose of the hearing was to inform American investors and businesspersons of the dangers created by the pervasive corruption in Mexico's public and private institutions. Given the lack of attention given to this important issue in the public debate on NAFTA, the Committee invited individuals to testify who could discuss their experiences in or knowledge of corruption in Mexico.

Commissioner Sarah Vogel described to the Committee how Mexican banks are improperly profiteering off of a U.S. loan program administered by the Department of Agriculture. Under the GSM-102 loan program, U.S. banks offer federally insured loans to Mexican banks at 7-9% interest for a three year term. \$1.25 billion is insured annually under the program. The Mexican bank is then supposed to lend those funds to Mexican importers under the same terms for the purchase of American agricultural products. This benefits American farmers by supplying Mexican importers with a source of credit to purchase American agricultural products.

However, Mexican banks abuse the program by extending credit to the importers for only 180 days, instead of three years. The banks then take the repaid principal and loan it to other customers for two and a half years at 25% to 30% interest. During this period, the loan is still insured by the U.S. government and the Mexican bank makes a large profit on the interest rate spread. At any one time there are loans totaling approximately \$5 billion which are outstanding and insured by the Federal government

under the GSM-102 program. Thus, the Mexican importers, who have trouble with a 180 day repayment schedule, and American farm exporters, are not benefiting from the program, while the Mexican banks get rich off the program.

The corruption which confronts American businesspersons is not limited to the banking system. Mr. Kaveh Moussavi, who represented IBM Corporation in its bid for the contract to modernize Mexico's air traffic control system, testified as to the pervasive abuses within the government. Officials of the Salinas Government solicited a bribe from IBM through him in exchange for their assistance in securing the contract for IBM. When he refused to pay, the government canceled all bids and issued a new solicitation designed to ensure awarding of the contract to a different company.

IBM and Mr. Moussavi went public with their story and filed suit against Mexico in an English court. Soon thereafter, the government of Mexico sought to buy his silence by offering to help him win any other contract he was involved with in Mexico. When he refused this bribe, the Mexican government began a campaign of smear and intimidation. More troubling, he and his family have had their lives threatened. Currently, the Mexican government claims to be investigating the matter, and the air control system remains as unsafe as ever.

Another disturbing case involves the mistreatment of Mr. Alex Argueta. Mr. Argueta was an Arizona-based real estate developer who invested in some land and a processing plant in Mexico. The investment was financed through a Mexican bank, which sought to take an equity interest in the project. He declined their offer and soon his troubles began. The bank accused him of misusing loan proceeds and tried to take control of his investments. While such a dispute would be a civil matter in the United States, the bank and officials of the Mexican Attorney General's office colluded to bring criminal charges against Mr. Argueta.

While in Mexico seeking to respond to the claims against him, he was taken in the middle of the night from his hotel room and detained on false pretenses. The Mexican agents held him for two days, threatened him with bodily harm, and publicly defamed and humiliated him. He was eventually locked in a Mexican prison for sixteen months and deprived of assets worth approximately \$20 million. He has sought justice in the Mexican court system, but to no avail. He decided to publicize his plight out of hope that the Mexican government would be forced to compensate him and to warn future American investors of the dangers of doing business in Mexico.

In addition, the Committee heard testimony from Ms. Lucia Duncan, coordinator for American Investors in Mexico (A.I.M.). This group consists of American investors who in various and unrelated instances found themselves being mistreated by the corruption permeating Mexico's institutions. The investments members of AIM have at risk in Mexico ranged from a few thousand to many millions. She cautioned all potential investors that an American has few safeguards and many dangers in Mexico. She is opposed to NAFTA since it contains no safeguards or guarantees for American investors.

Finally, the Committee invited representatives of both the Justice Department and the Labor Department to testify on the case of Mr. Robert Bostick. Mr. Bostick was a high level Labor Department official who recently pled guilty to illegally seeking to profit from

NAFTA while he was a negotiator for the agreement. The Committee sought to determine whether or not American interests were compromised during the negotiations as a result of Mr. Bostick's activities. The Committee also asked the Justice Department to provide information on any other such investigations of individuals involved in the NAFTA negotiations. Both agencies refused to appear and testify, and Mr. Bostick's plea agreement has been sealed by the Court. Ironically, Mr. Bostick is scheduled to be sentenced on November 17, the day the House is scheduled to vote on NAFTA.

NORTH AMERICAN FREE-TRADE AGREEMENT IMPLEMENTATION ACT

Mr. GONZALEZ, from the Committee on Banking, Finance and Urban Affairs, submitted the following Adverse Report:

[To accompany H.R. 3450 which on November 4, 1993, was referred jointly to the following committees for a period ending not later than November 15, 1993: Ways and Means, Agriculture, Banking, Finance and Urban Affairs, Energy and Commerce, Foreign Affairs, Government Operations, the Judiciary, and Public Works and Transportation]
[Including cost estimate of the Congressional Budget Office]

The Committee on Banking, Finance and Urban Affairs, to whom was referred the bill (H.R. 3450) to implement the North American Free Trade Agreement, having considered the same, reports unfavorably thereon and recommends that the bill do not pass.

H.R. 3450

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "North American Free Trade Agreement Implementation Act".

(b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

SECTION X SECTION OF THE PRINCIPAL PROVISIONS WITHIN THE JURISDICTION OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

H.R. 3450, North American Free Trade Agreement Implementation Act

TITLE V, SUBTITLE D, PART 2

Sec. 541. North American Development Bank.

Authorizes the President to accept membership for the U.S. in the North American Development Bank. The U.S. may subscribe up to 150,000 shares of the capital stock of the Bank for which \$1,500,000,000 is authorized (\$225,000,000 of which may be used for paid-in capital and \$1,275,000,000 may be used for callable capital) without fiscal year limitations.

Limits funding for fiscal year 1995 to \$56,250,000 for the paid-in portion of U.S. capital stock and up to \$318,750,000 for the callable capital portion of the U.S. share of the capital stock of the Bank.

Sec. 542. Status, Immunities, and Privileges.

Clarifies that Article VIII of Chapter II of the Cooperation Agreement shall have full force and effect in the U.S., its territories and possessions, and the Commonwealth of Puerto Rico upon entry into force of the Cooperation Agreement.

Sec. 543. Community Adjustment and Investment Program.

Authorizes the President to enter into an agreement with the Bank that facilitates im-

plementation by the President of a program for community adjustment and investment in support of the Agreement. Establishes a Community Adjustment and Investment Program Advisory Committee.

Sec. 544. Definition.

Definition of Border Environment Cooperation Agreement.

EXPLANATION OF PROVISIONS WITHIN THE JURISDICTION OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

TITLE V, SUBTITLE D, PART 2, NORTH AMERICAN DEVELOPMENT BANK

The committee believes the Administration proposal to authorize a North American Development Bank (NADBank) is seriously defective and therefore reported out the proposal unfavorably.

The committee notes the fundamental problems with the proposal that were raised at the hearing organized by the Subcommittee on International Development. A major concern of the committee—highlighted by the testimony of Rep. David Obey—is the uncertainty as to how the proposal would be funded, especially in view of the fact that the United States is in arrears on authorized commitments to existing international financial institutions by about \$819 million. The committee is also extremely concerned that NADBank financing would need to be more concessional than the Administration assures and that the capital contribution would therefore not support the \$2 to \$3 billion of loans anticipated by the Administration.

The committee is also troubled by the logic and precedent of allowing an institution with substantial representation of foreign interests to participate in determining how the United States would use funds within its own borders. The committee also questions the proposal's focus on water pollution and municipal solid waste and neglect of other environmental problems such as air pollution and toxic waste dumps. Finally, the committee is concerned that much of the pollution in the area is attributable either directly or indirectly to the maquiladoras and that they would assume an appropriate degree of responsibility for mitigating their impact on the environment.

STATEMENTS MADE IN ACCORDANCE WITH HOUSE RULES

In accordance with clauses 2(1)(2)(B), 2(1)(3) and 2(1)(4) of Rule XI of the Rules of the House of Representatives, the following statements are made.

COMMITTEE VOTE

(Rule XI, Clause 2(1)(2)(B))

On November 10, 1993. The Committee on Banking, Finance and Urban Affairs, with a quorum present, ordered H.R. 3450, reported adversely by voice vote.

OVERSIGHT FINDINGS AND RECOMMENDATIONS
(Rule XI, Clauses 2(1)(3) (A) and (D), and Rule X, Clauses 2(b) (1) and (2) and 4(c)(2))

On October 27, 1993, the Subcommittee on International Development, Finance, Trade and Monetary Policy held a hearing on the proposed North American Development Bank and other issues within the jurisdiction of the Banking Committee.

Accordingly, the Committee recommends that the House not enact any provisions of H.R. 3450 within the jurisdiction of the Committee on Banking, Finance and Urban Affairs.

ADVISORY COMMITTEE STATEMENT

(Section 5(b) of the Federal Advisory Committee Act)

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

INFLATION IMPACT STATEMENT

(Rule XI, Clause 2(1)(4))

The Committee finds that the bill will not have any impact on any inflationary trends in the national economy.

COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SECTION 403 OF THE CONGRESSIONAL BUDGET ACT OF 1974

(Rule XI, Clause 2(1)(3)(C))

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown in part 1 the report, filed by the Committee on Ways and Means.

U.S. CONGRESS,

CONGRESSIONAL BUDGET OFFICE,

Washington, DC, November 15, 1993.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3450, the North American Free Trade Agreement Implementation Act.

Enactment of H.R. 3450 would affect direct spending and receipts. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 3450.
2. Bill title: North American Free Trade Agreement Implementation Act.
3. Bill status: As ordered reported by the House Committee on Banking, Finance and Urban Affairs on November 10, 1993.
4. Bill purpose: H.R. 3450 would approve the North American Free Trade Agreement (NAFTA) entered into on December 17, 1992, with the governments of Canada and Mexico. It would provide for tariff reductions and other changes in law related to implementation of the agreement. The bill also would create a transitional adjustment assistance program for affected workers, require the use of an electronic fund transfer system for collecting certain taxes, and increase certain customs user fees. It also would authorize appropriations for a number of agricultural and other programs.
5. Estimated cost to the Federal Government: The following tables summarize CBO's estimate of the budgetary impact of H.R. 3450. Table 1 shows the impact of the bill on direct spending and revenues. Table 2 details the estimated costs that depend on future appropriation actions.

TABLE 1.—CBO ESTIMATES OF CHANGES IN REVENUES AND DIRECT SPENDING ASSOCIATED WITH H.R. 3450

(By fiscal year, millions of dollars)¹

	1994	1995	1996	1997	1998	5-year total
CHANGES IN REVENUES (Net)						
Reduction in tariff rates	-214	-489	-547	-609	-672	-2,531
Electronic Federal Tax Deposit System ²						
On-budget	49	262	272	371	1,207	2,161
Off-budget						
On-budget	23	116	135	146	701	1,121
Customs Enforcement Initiative	17	22	22	23	23	107
Customs Modernization Provisions	-3	-3	-3	-3	-3	-15
CHANGES IN OUTLAYS						
Increases in						
Customs fees (offsetting receipts)	-93	-203	-221	-241	0	-758
Increased spending for Current Trade Adjustment Assistance Program ³	10	25	25	20	25	105
New trade adjustment assistance benefits	(4)	7	8	9	9	33
Effects on agricultural price support programs	-64	-86	-66	-1	33	-184
North American Development Bank	0	54	2	0	0	56
Customs modernization provisions	-5	-5	-5	-5	-5	-25
EFFECT ON DEFICIT						
Net increase or decrease (-) in deficit:						
On-budget	-1	0	-1	0	-493	-495
Off-budget	-23	-116	-135	-146	-701	-1,121

¹ This table does not include any discretionary spending that would be associated with NAFTA.² Estimate provided by the Joint Committee on Taxation.³ Trade adjustment assistance (TAA) for training costs is currently limited by law to a maximum of \$80 million a year. This estimate assumes that this cap is maintained. If it were raised or eliminated, CBO estimates that TAA costs resulting from NAFTA would be a total of \$25 million higher over the 1994-1998 period than shown above.⁴ Less than \$500,000.

TABLE 2.—CBO ESTIMATES OF AUTHORIZATIONS OF APPROPRIATIONS ASSOCIATED WITH H.R. 3450

(By fiscal year, in millions of dollars)

	1994	1995	1996	1997	1998	5-year total
Agriculture programs:						
Estimated authorizations	96	22	22	22	22	184
Estimated outlays	18	61	34	37	22	172
North American Development Bank:						
Estimated authorizations	0	0	56	56	56	168
Estimated outlays	0	0	56	56	56	168
Other authorizations:						
Estimated authorizations	21	16	11	11	11	70
Estimated outlays	16	18	10	11	11	66
Total authorizations:						
Estimated authorizations	117	38	89	89	89	422
Estimated outlays	34	79	100	104	89	406

Basis of Estimate:**CHANGES IN REVENUES**

Tariff rate reductions: Under NAFTA, all tariffs on U.S. imports from Mexico would be

eliminated by 2008. Tariffs would be phased out for individual products at varying rates according to one of six different timetables from immediate elimination to elimination over 15 years for some goods. Based on the composition of imports from Mexico in 1991, tariffs would be eliminated on about 60 percent of dutiable goods on January 1, 1994, and tariff revenue would be reduced by about 65 percent in calendar year 1994. By 1998, duties on about 70 percent of goods that are currently subject to duty would be eliminated, and tariff revenue would be about 85 percent lower than under current law.

Goods currently afforded duty-free treatment under the Generalized System of Preferences (GSP) would receive permanent duty-free treatment under NAFTA. Under current law, the GSP program is scheduled to expire after September 30, 1994. Therefore, this estimate includes the revenue loss from extending duty-free treatment in GSP goods imported from Mexico past the GSP's expiration date under current law.

CBO estimates that the provisions of NAFTA that reduce tariff rates would reduce revenues by \$2.5 billion over 1994 through 1998, net of income and payroll tax offsets. This estimate is based on Census Bureau data for 1991 and 1992 on imports from Mexico. This estimate includes the effects of increased imports from Mexico that would result from the reduced prices of imported products in the U.S.—reflecting the lower tariff rates—and has been estimated based on the expected substitution between U.S. products and imports from Mexico. In addition, it is likely that some of the increase in U.S. imports from Mexico would displace imports from other countries. In the absence of specific data on the extent of this substitution effect, CBO assumes that an amount equal to one-half of the increase in U.S. imports from Mexico would displace imports from other countries.

Electronic Federal Tax Deposit System: The new federal tax deposit system would electronically transfer tax deposits to the Treasury, eliminating the need for banks to process paper coupons and checks. The change, which would be phased in gradually over several years, would allow deposits to be credited to the Treasury on the day of deposit instead of the day after deposit. Adoption of this system would not change the amount of taxes paid by taxpayers, but would shift the receipt by the Treasury of certain tax revenues from the beginning of one fiscal year to the end of the preceding year. The Joint Committee on Taxation has estimated that these changes would increase on-budget receipts by \$2.2 billion and off-budget receipts by \$1.1 billion over the fiscal years 1994 and through 1998.

Customs Enforcement Initiative: The bill would allow Customs Service auditors to access IRS income tax return information. This would allow auditors to use businesses' tax information on the valuation of imports and is expected to result in higher customs duty audit assessments. CBO estimates, net of income and payroll tax offsets, that the access to the information would result in increased receipts of \$107 million over fiscal years 1994 through 1998.

Customs Modernization: Title VI of H.R. 3450 would expand the base of goods eligible for customs duty drawbacks and would allow increased exemptions from duty on certain personal articles, decreasing customs duties by \$7 million each year. Title VI also would require payment of interest on merchandise revaluations after entering an item through U.S. Customs, increasing receipts by \$4 mil-

lion each year. CBO estimates, net of income and payroll tax offsets, these provisions would decrease receipts by \$3 million each year.

CHANGES IN DIRECT SPENDING

Customs User Fees: H.R. 3450 would make several changes to user fees charged by the U.S. Customs Service, which are recorded in the budget as offsetting receipts. For the fiscal years 1994 through 1997 only, the current \$5 passenger fee would be increased to \$6.50 and the exemption granted to passengers arriving in the United States from Canada, Mexico, and the Caribbean would be removed. For fiscal years 1999 through 2003, customs user fees would be extended at the current \$5 rate. (Under current law, these fees sunset at the end of fiscal year 1998.) CBO estimates that the \$1.50 passenger fee increase and the removal of the exemption would result in additional fee collections of \$758 million over the fiscal years 1994 through 1997.

Current Trade Adjustment Assistance (TAA) Program: Under current law, the TAA program provides cash assistance and training to workers who can demonstrate that increased imports contributed importantly to the loss of their job. If NAFTA were to be approved, CBO estimates that approximately 4,500 additional workers annually for fiscal years 1995 through 1998 would become eligible for TAA. The additional workers would not qualify for TAA immediately because workers must exhaust their unemployment benefits prior to collecting TAA. The fiscal year 1994 estimate assumes approximately 1,000 workers would qualify for TAA, assuming that NAFTA becomes effective January 1, 1994. Under current law, TAA recipients are required to participate in job training unless they receive a waiver. Currently, about 60 percent of the recipients train and 40 percent receive waivers. The average training cost is approximately \$4,000 per person. Based on an average cash benefit of \$4,800, CBO estimates the additional TAA cash assistance would be \$5 million in 1994 and \$20 million each year for fiscal years 1995 through 1998, and we estimate the additional TAA training benefits would be \$5 million in 1994 and \$10 million each year for fiscal years 1995 through 1998, if all newly eligible workers were to receive their full training benefit.

Nevertheless, the TAA training program is a capped entitlement. The training benefits are capped at \$80 million in fiscal years 1994, 1995, 1996, and 1998. In fiscal year 1997, the cap on funding for TAA training is \$70 million. Because CBO's baseline is \$5 million below the cap in fiscal years 1994, 1995, 1996, 1998 and equal to the cap in fiscal year 1997, the estimated increase in TAA training costs with the existing caps would be \$5 million each year in fiscal years 1994, 1995, 1996, 1998 and zero in fiscal year 1997.

New Trade Adjustment Assistance Benefits: The bill would add a new subchapter to the TAA program to allow workers who lose their job because their firm shifts production to Mexico or Canada to qualify for TAA. In addition, workers would be required to enter a job training program by their sixteenth week of unemployment or their sixth week of TAA certification, whichever is later, to be eligible for benefits. Unlike the current TAA program, beneficiaries under this subpart could not receive a waiver from training and still collect cash assistance. TAA cash and training benefits under this amendment would be available to those who are displaced from their jobs between January 1, 1994, and September 30, 1998. CBO estimates

that fewer than 1,000 workers annually would qualify for TAA payments under this provision. The average training benefit would be \$4,000 per person, and the average cash benefit would be approximately \$6,000 per person. CBO estimates that total TAA payments under this new subpart would be less than \$500,000 in fiscal year 1994, \$7 million in fiscal year 1995, \$8 million in fiscal year 1996, and \$9 million in each of the fiscal years 1997 and 1998.

Effects on Agricultural Price Support Programs: Gradual reductions in tariff and non-tariff barriers on agricultural products under the North American Free Trade Agreement are expected to result in increased trade between the United States and Mexico. An estimated net increase in U.S. exports of commodities currently supported by agriculture programs would result in higher market prices and a reduction in government support payments. While lower acreage reduction program (ARP) requirements (to compensate for increased demand) would mitigate some of the price increase, the ARP level could not be reduced in some years.

The bill also would require end use certificates for imports of wheat and barley. Such certificates would tend to discourage imports and raise the price for domestically produced grain, resulting in slightly lower program payments.

CBO estimates that increased exports and higher prices, combined with the requirement for end use certificates on imports of wheat and barely, would reduce federal expenditures on agricultural programs by \$184 million during 1994 through 1998. The majority of these savings would be derived from higher prices and lower program payments for feed grains. The dairy sector and other grains would benefit noticeably from increased exports, leading to a reduction in federal support purchases and lower program costs.

North American Development Bank: Section 542 would authorize the President to accept membership in a North American Development Bank. The bank would be a multilateral bank with stock held by member states. The bill would authorize the United States to subscribe to 150,000 shares of capital stock and the appropriation of \$1,500 million to purchase the stock. It would appropriate \$56.25 million in 1995 for the first paid-in stock subscription, and would provide an authorization of appropriations for the remaining amount without fiscal year limitation.

The North American Development Bank would have the same structure as other regional development banks. Only 15 percent of the bank's stock would be paid-in or purchased, by the member states. The balance would be callable capital. Callable capital would secure borrowing by the bank in private capital markets. The bank would relend the funds. Member states would make payments on callable capital subscriptions only to the extent that the bank could not service its debt from earnings on its investments.

The estimate assumes the U.S. government would subscribe to the capital stock in four equal annual installments. The first installment would be funded by the \$56.25 million appropriated for paid-in capital and the authorization for callable capital subscriptions provided in section 541(a)(3) of this bill. The estimate assumes that the final three installments of paid-in capital would be provided in appropriations acts in 1996, 1997, and 1998. The estimate assumes that the appropriation for paid-in capital would represent outlays in the year provided. The authorization to subscribe to the callable capital

stock is not expected to result in any appropriations or outlays during the period of the estimate.

Section 543 authorizes the President to enter into an agreement with the Bank to receive 10 percent of the paid-in capital actually paid to the Bank by the United States. The bill would authorize the President to use these funds, without further appropriation, to make loans or loan guarantees through existing federal programs to support the community adjustment and investment program defined in the Cooperation Agreement. CBO estimates this provision would result in a receipt to the government from the Bank of \$5.6 million in 1995, and subsequent spending of the same amount through existing community development loan and loan guarantee programs.

Customs Modernization: H.R. 3450 would make several changes in the administrative procedures of the Customs Service. Customs would be allowed to release unclaimed merchandise for sale or destruction after six months rather than the one-year period mandated by current law. CBO estimates that this provision would decrease storage costs by \$6 million annually. In addition, the number of entries that could be filed informally would be increased. Informal entries are assessed a lower customs user fee, and we estimate that this provision would decrease fee collections by \$1 million annually. The net effect of these changes would be an outlay reduction of about \$5 million a year.

SPENDING SUBJECT TO APPROPRIATIONS ACTION

Agriculture: Sections 321 and 361 of the bill would authorize a number of program changes that could increase federal outlays in agricultural programs by an estimated \$172 million over the 1994-1998 period. The majority of costs would reflect authorizations for assistance for farm workers in markets adversely affected by increased trade with Mexico (\$20 million per year) and the construction of a containment facility for agricultural products from Mexico. Other provisions would require the Secretary of Agriculture to provide information and reports on various agriculture markets and to monitor end use certificates.

North American Development Bank: Beyond the amount appropriated for 1994, H.R. 3450 would authorize additional appropriations of \$168 million for paid-in capital of the bank.

Section 543 would authorize the President to enter into an agreement with the Bank to receive 10 percent of the paid-in capital paid to the Bank by the United States. The bill would authorize the President to use the 10 percent portion to make loans or loan guarantees through existing federal programs to support the community adjustment and investment program defined in the Cooperation Agreement. CBO estimates this provision would result in a receipt to the government from the Bank of \$5.6 million annually over the 1996-1998 period, and subsequent spending of the same amount through existing community development loan and loan guarantee programs.

NAFTA Secretariat: Title I would authorize the appropriation of up to \$2 million to fund the United States section of the secretariat established by the agreement. These funds would be used to pay for the activities of the secretariat, as well as the commission, several committees and subcommittees, and various working groups subordinate to the secretariat. It also would allow the U.S. section to retain and spend reimbursements from the Mexican or Canadian section. We assume that the U.S. section of the secretar-

iat would be established within the International Trade Administration of the Department of Commerce (DOC), and that the secretariat and the various committees under its jurisdiction would use the full \$2 million authorized to pay for personnel and other costs.

Commerce Department Fees: Title III (sub-title E) would require the DOC to make available to the public certain information relating to sanitary procedures and would permit the DOC to charge reasonable fees for this information. Such fees would raise \$1 million to \$2 million annually and would be available for spending under existing authority.

Customs Automation Program: H.R. 3450 would establish the National Customs Automation Program, an automated and electronic system for processing information on commercial imports. We estimate that this program would cost \$3 million in fiscal year 1994, assuming appropriation of the necessary funds.

Tax Collection Expenses: The bill would authorize the Harbor Maintenance Trust Fund to use, for the first time, up to \$5 million annually to cover the administrative costs of collecting the harbor maintenance tax. We estimate that this would result in costs of \$5 million annually, assuming appropriation of the necessary funds.

Commissions: Section 532 would authorize an annual appropriation of \$5 million for 1994 and 1995 for the United States contributions to the annual budget of the Commission for Environmental Cooperation. This commission is described in article 43 of the North American Agreement on Environmental Cooperation; its purpose is to address environmental issues affecting the continent. Section 533 would authorize annual appropriations of \$5 million, starting in 1994, for the Border Environment Cooperation Commission (BECC) that is established by the Border Environment Cooperation Agreement. This commission would assist in developing solutions to environmental problems in the U.S.-Mexico border region. The BECC would certify environmental construction projects for the North American Development Bank (established by section 541) and other financial institutions.

International Trade Commission: Various provisions of the bill would require the International Trade Commission to monitor certain imports and to investigate and determine petitions for relief from imports benefiting from the agreement. Based on information supplied by the commission, CBO estimates that these duties will require an additional authorization of less than \$1 million per year.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 3450 would affect direct spending and receipts. Therefore, pay-as-you-go procedures would apply to the bill. The following table summarizes CBO's estimate of the pay-as-you-go impact of H.R. 3450. These figures represent the direct spending estimates in Table 1, excluding the effects on off-budget revenues.

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998
Change in outlays	-152	-208	-257	-218	62
Change in receipts	-151	-208	-256	-218	555

7. Estimated cost to state and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On November 4, 1993, CBO prepared an estimate, based on draft language, of the direct spending and revenue effects of the North American Free Trade Agreement Implementation Act. That estimate of revenues and direct spending is identical to the estimate for H.R. 3450.

10. Estimate prepared by: Kim Cawley, Mark Grabowicz, Mary Maginniss, Eileen Manfredi, Ian McCormick, John Webb, and Robert Sunshine (226-2860), Cory Oltman (226-2820), Melissa Sampson (226-2720), Linda Radey (226-2693) and Joseph Whitehill (226-2940).

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

ANOTHER BIG NEWS STORY

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

Mr. WELDON. Mr. Speaker, over this past weekend, where we celebrated Veterans Day, many of us were involved with our constituents. There were two news stories regarding manipulation of minority voters in the recent election of November 2.

One of these stories had unbelievable national coverage. I saw the news stories on Sunday in which the news commentators were talking about the outrageous comments and supposed, alleged actions, although he has now denied it, of the consultant, Ed Rollins, to Christine Todd Whitman in winning the New Jersey gubernatorial race.

Let me say at the outset that I was appalled by his comments and feel that if he did anything remotely near what he said that he should be subject to the proper action of our legal system.

I heard commentator after commentator alleging that Republicans typically try to suppress ethnic votes and in all elections. I saw Jesse Jackson and Al Sharpton with a major national news conference standing up and, with the Democratic Party in New Jersey, saying how outrageous it was that these alleged actions would take place, although to this day no specific instances of these actions have been brought forth.

There was a second story, Mr. Speaker, that was on the front page of the Philadelphia Inquirer on Sunday, which was not the subject of national news media stories and analysis. This had to do with the race for the Second Senatorial District in Pennsylvania in the city of Philadelphia, which will determine the political control of our State senate.

On election night, when the machines were opened, Republican Bruce Marks, out of 40,000 votes, won the election by 562. However, when the absentee ballots were opened, there were 1,391 Democrat votes and 366 Republican votes, which switched the tide of that election, and, even though it is being challenged in our State courts, indicate

that now Bill Stinson is, in fact, the winner.

The Philadelphia Inquirer, last week, spent 3 days in the Latino areas of the Second Senatorial District. They have documented cases that are outlined in detail naming people in this front page story with the headline across the paper directly under the banner, where people admitted to voting twice, where people were approached and told they could vote at home, where people were told to put their X by the Democrat place on the ballot because they thought they were announcing they were members of the Democratic Party when, in fact, they admitted in statements given to the Inquirer that they wanted to vote for Bruce Marks but ended up voting, by absentee ballot, for Bill Stinson.

Manipulation of Latino, Hispanic voters in Philadelphia, why is there no national outrage? Why is there no calling for a Federal investigation? Why is there no outrage on the part of Jesse Jackson and Al Sharpton in Philadelphia saying we should investigate this?

Manipulation of any minority voter is wrong, whether it is by Ed Rollins or whether it is by the Democratic candidate for the Senate seat in Philadelphia.

Mr. Speaker, I, today, call for a full Federal investigation of the Second Senatorial election in the city of Philadelphia and the State of Pennsylvania. There are factual details of people who have given statements to the Philadelphia Inquirer that their vote was manipulated, that they were told one thing. Committee people, Democratic committee people who said they had never seen such fraud in an election. I ask this body, as it debates the issue of fairness for all people in the election process, to be fair in terms of what party we are talking about. Manipulating black or Hispanic voters is wrong when it is done by either party, and we as a people should stand up against the allegations against Ed Rollins, as we should the allegations, as documented by the Philadelphia Inquirer on Sunday.

I urge my colleagues, Mr. Speaker, to focus some attention on the two major stories that broke this past weekend and to get the facts and to follow through with the appropriate justice in both cases, regardless of the political party involved.

A NEW NAFTA AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, NAFTA government and NAFTA corporate culture are two phrases I learned in reading the Washington Post Outlook section on Sunday. The proponent of the North American Free-

Trade Agreement [NAFTA] claim the agreement is about free trade and nothing more.

That myth was been laid to rest yesterday in an article by William A. Orme, Jr., entitled "NAFTA Is Just One Facet of a Growing Economic Cohesion." Mr. Orme has excellent credentials for his subject. He was a special correspondent to the Washington Post in Mexico City from 1981 to 1988. He is the author of "Continental Shift: Free Trade and the New North America."

I believe that some of the statements in the Orme article are so important that I will quote them without editorializing and let you judge for yourself just what it means. His article is a condensation from his book, "Continental Shift." He stated:

When NAFTA was first proposed, critics in all three countries—Canada, Mexico and the United States—claimed that its hidden agenda was the development of a European-Style common market.

Yet the critics were essentially right. NAFTA lays the foundation for a continental common market, as many of its architects privately acknowledge.

Part of this foundation, inevitably, is bureaucratic: The agreement creates a variety of continental institutions—ranging from trade dispute panels to labor and environmental commissions—that are, in aggregate, an embryonic NAFTA government.

Border environmental and public works problems are being addressed by new regulatory bodies, and new financial mechanisms are being developed within the NAFTA framework. These institutions won't be just concepts, or committees, but large buildings with permanent staff.

The environmental commission is to be housed in Canada, the labor commission in the United States, and the coordinating NAFTA Secretariat in Mexico. With their trilateral personnel and a mandate to work collectively and independently, these agencies should develop a distinctive NAFTA corporate culture.

NAFTA would be a consortium of 92 states, and provinces, plus scattered federal districts, territories and dependencies.

More important than formal trade reforms will be the informal progress toward market unification, with revamped transportation networks, new trade corridors and population centers, and new industrial specializations.

NAFTA would restructure the continent, with lines of people and goods running north-to-south as well as east-to-west, and once-fixed borders blurring in overlapping spheres of economic influence and political power.

You may draw your own conclusions from the article, but the glossary of terms is interesting. I saw the terms:

Foundation for a Common Market—bureaucratic—continental institutions—embryonic NAFTA government. I also saw new financial mechanisms—new regulatory bodies—large buildings with permanent staffs—market unification—and restructure the continent.

This sounds like something more extensive than just lowering tariffs so free trade can flow.

As I read this story, I questioned who would knowingly vote to set in motion

a new government, as Mr. Orme indicated. What we do on NAFTA could forever change the face of America. Something of this gravity for the country should be fully debated, not only in Congress, but in every town meeting hall across America. No longer can supporters of NAFTA point a finger of protectionism at their opponents. We have the true story now.

□ 2000

A CALL FOR A FAIR AND JUST SETTLEMENT IN NORTHERN IRELAND

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

Mr. NEAL of Massachusetts. Mr. Speaker, tonight for the next hour we are going to have an opportunity, Democrats and Republicans alike, to renew our call for a fair and just settlement in Northern Ireland. It is hard to imagine in this tiny northeast corner of Ireland, where 1.5 million people live in an area that is approximately the size of the State of Connecticut, that we could witness the longest standing political dispute in the history of the Western World. Just think of it. Think of what has happened during the last 4 years internationally. We have witnessed the demise of the Soviet Union, the yoke of Marxism has been lifted from the necks of the people of Eastern Europe, the Berlin Wall has been dismantled in front of our very eyes, Russian troops are leaving Lithuania, and majority rule is coming to South Africa.

Yet, in this small province of six counties in Northern Ireland, the killing and the maiming goes on and on. Tonight we are going to speak of one certain fact, and that is that there is no wisdom in the status quo.

From all that I see, Ireland may well be at a crossroads. There now exists a real opportunity for peace. The pain and suffering have gone on for too long. The continuing death and destruction is more than any small community anywhere in the world should have to bear. It is not surprising, therefore, that there is a great current of opinion in Ireland and here in the United States as well which insists that this opportunity must not be allowed to pass. The time must be grasped. To do so will require political courage and political conviction.

Albert Reynolds, the Irish Prime Minister, asked the question clearly last week: Who is afraid of peace? The answer to this question is equally clear. Peace is in the interests of everybody. It is in the interests of the people of Ireland, North and South. It is in the interests of the British people, and it is something that we in the United States have been yearning for for many decades.

If there is even a glimmer of hope that peace can be achieved, that prospect must be relentlessly pursued. John Hume is a deeply respected democrat, much admired across Ireland, in Europe, and throughout the United States. In recent sad decades in Northern Ireland's troubles there is no one who has stood taller or more authoritative and no one who has commanded such a breadth of vision. His recent talks with Gerry Adams may yet prove to offer a real chance of lasting peace in Ireland. The Hume-Adams talks have opened a door, and it is the responsibility of all those involved to keep that door open and to ensure this initiative, which was so courageously embarked on by John Hume, is developed to the full.

Mr. Speaker, I yield to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I am pleased to join in this special order to discuss prospects for a united Ireland. At the outset, I want to commend Mr. NEAL for reserving time to discuss this important issue. The recent surge in sectarian violence in Northern Ireland serves to remind the international community that while Northern Ireland may not be a front page story, the intractable conflict which has cost countless lives, both Catholic and Protestant, through violence, despair, and hunger strikes, still rages on.

Mr. Speaker, although efforts to bring peace to Northern Ireland have been launched many times during recent years, the British Government has used its power to block most meaningful efforts. Recently Gerry Adams, president of Sinn Fein, and John Hume, leader of the SDLP Party who together represent the majority of Catholic voters in Northern Ireland, proposed a peace initiative which was designed to bring peace to the six counties of the North. Unfortunately, the Hume-Adams plan was quickly dismissed by the British Government.

The British Government continues to stick by its long-held view that the problems of Northern Ireland should be solved by bilateral negotiations between the British Government and the Government of the Republic of Ireland. Not only has this approach failed to achieve even a modicum of success the many times it has been tried before, it is based on the unreasonable assumption that the problems of Northern Ireland can be solved without the input of the people who live in Northern Ireland playing a significant role. To me, the British approach to solving the Northern Ireland problem smacks of a colonial mindset. They simply believe they know what is best for the people of Northern Ireland.

While the British Government continues to believe they can lead Northern Ireland, by any unbiased standard, the more than 20-year tenure of direct British rule in Northern Ireland, which

has transformed the six counties of the North into a virtual British colony, has been a failure. Even if we discount the political and moral arguments against continued British rule, it is clear that ending the status quo is an economic necessity. It is clearly time for the British to go.

According to Patrick Mayhew, Britain's Secretary of State for Northern Ireland, the province costs the British 3 billion pounds, or \$4.44 billion, a year. Mayhew also acknowledges that England has no economic or strategic interests there. Mayhew has stated however, that as long as the majority wishes to remain in the United Kingdom, the British Government will continue to pay the steep annual costs without complaining.

While the British Government may be willing to continue this spending without complaint, the British public is not. All public opinion polls in Britain for more than 20 years have shown a majority of the British favor withdrawing troops from Ireland. The public also fails to share the British Government's unwavering interest in controlling peace negotiations there. Around 80 percent favor peace talks that would bring all parties in the North and South to the table to negotiate peace.

In addition to financial support, the British currently provide considerable military commitment to the six counties of the North; 19,000 troops are currently stationed in Northern Ireland. These soldiers are not peacekeepers but rather participants in a war that has lasted 25 years, and cost more than 3,000 lives, created in excess of 31,000 injuries and untold billions of dollars in property damage. If the same proportion of the populations of England, Scotland, and Wales had been affected, it would have left 100,000 dead and well over 1 million injured and maimed.

Mr. Speaker, it is clear that every policy the British Government has tried to exert its rule in Northern Ireland has failed. This thesis is not just the view of the Catholic minority but is supported by formidable independent authorities. According to Amnesty International, the European Commission, and European Court of Human Rights, the United Kingdom has the worst human rights record in Europe. What has become routine practice by the British, the founders of our own system of jurisprudence, in Northern Ireland may shock some Americans. In Northern Ireland, the British practice: internment without trial, have eliminated the right to a jury trial and an accused's right to silence, and impose state-sponsored censorship. According to these respected human rights organizations, British rule is also responsible for a series of unjustified killings by members of security forces, police sponsored torture, and the inhuman and degrading treatment of prisoners.

The pattern of violence in the North of Ireland has almost overwhelming repercussions in the Republic of Ireland. There, an already struggling economy must spend four times as much per capita as the United Kingdom on security costs related to Northern Ireland to contain the conflict to the North. As a result of the toll this struggle has taken on the Republic's economy, the principal export of the Republic is its educated young people.

After a quarter century of conflict and economic disaster, a substantial peace dividend would accrue to all involved parties if this war could be ended. Not only would military security and other related expenditures be available to help reconstruct Ireland's economy, but a well-educated work force would benefit from foreign investment in enterprises that would prosper in a peaceful climate.

Mr. Speaker, the decision of how the whole of Ireland should be governed is a question which should be decided not by foreign governments, but by the people of Ireland. But to say this is not enough. To realize this goal, the people of the Republic and Northern Ireland, just like the South Africans and Namibians, and Palestinians and Israelis need help and encouragement from abroad. The United Nations, the Conference on Security and Cooperation in Europe, the European Community, the International Monetary Fund, the World Bank, and most of all the United States must work to demonstrate to all the parties including the Unionists in the North that a united Ireland makes economic, social, and political sense. I hope we have begun this effort today.

□ 2010

Mr. NEAL of Massachusetts. I thank the gentleman from New York.

Mr. Speaker, I yield to another gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

I would like to take this opportunity to commend my colleague from Massachusetts, Mr. RICHARD NEAL, for organizing this special order on the problems in Northern Ireland.

At a time in history when the world has experienced such extraordinary events as the fall of the Berlin Wall, the breakup of the Soviet Union, Nelson Mandela being released from prison, and the recent signing of a peace agreement between the PLO and Israel, this is the time to redouble our efforts in trying to resolve the hostility in Northern Ireland. We in the United States have the moral responsibility to speak out on human rights wherever they may be violated throughout the world, and clearly Northern Ireland falls into that tragic category.

Last year, it was gratifying to note that the Irish agenda took a prominent place in the Presidential campaign.

Now our job is to make certain that it retains that priority, and to ensure that the Congress continues to do all it can to bring about peace and justice in Northern Ireland.

In September, I was pleased to join with the gentlemen from New York, Mr. MANTON and Mr. FISH in chairing a meeting between the Ad Hoc Committee for Irish Affairs and the leaders of the major Irish organizations, including the Ancient Order of Hibernians. One theme which was repeated throughout that meeting was that we must take advantage of and harness the energy and enthusiasm generated by the peace treaty for the Middle East, and translate that momentum for peace into a new beginning for Northern Ireland.

Our priorities must continue to include the MacBride principles, seeking a special envoy to Northern Ireland, and working toward the end of human rights abuses both in Northern Ireland and, as many Irish-American nationalists can attest to in our own country.

Moreover, let us also focus on the recent Hume-Adams initiatives. While the details of their discussions have remained closely guarded, we all hope that their talks will lead to a positive change in Northern Ireland. We must work to see that this window of opportunity does not close. In particular, I urge the British Government to remain open to those discussions, and not dismiss them out of hand.

As my colleagues may know, the current situation in Northern Ireland is tense, and may become worse before it becomes any better. With the Unionists reacting to the Hume-Adams talks with terrorist attacks in Northern Ireland, and the IRA conducting a stepped-up bombing campaign, the situation is highly explosive. Nevertheless, the majority in Northern Ireland truly is longing for peace. This opportunity must not be thrown away because of the tragic acts of a few.

Be assured that our House Ad Hoc Committee on Irish Affairs will continue to work toward peace and justice in Northern Ireland. And I encourage our colleagues who are not members of the ad hoc committee to join with us in pursuing this problem, actively seeking solutions to this far too long conflict.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, I yield to another gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, permit me to commend the distinguished gentleman from Massachusetts [Mr. NEAL] for calling this important and timely special order.

For as long as I have served in the Congress, the violence which continues to beset Northern Ireland has deeply troubled me. Children are forced to grow up surrounded by fear, never

knowing whether today is the day that they or a friend, or a relative will accidentally be caught in a fracas of bullets.

These children cannot help but wonder why they have been singled out, to live in a country occupied by soldiers, in a land forced to subordinate its own self-determination to archaic remnants of imperialism.

A place where tanks roam the streets, and where children witness the humiliation of their parents being searched and harassed by foreign troops as they go through certain sections of their own town on their way to their own homes.

Those of us who follow Northern Ireland closely were elated to learn that John Hume and Gerry Adams were willing to talk to each other. We were dismayed to learn that the hopes such talks represented were diminished by a British Government which refuses to deal with those whom they refer to as terrorists.

Mr. Speaker, even Yitzhak Rabin and Yasir Arafat are talking to each other. None of us ever expected to see that happen. Why cannot this intolerable situation in the north of Ireland see the beginning of an end as well? Why can't we do more to encourage dialog among the parties involved? And if we indeed want that dialog and if we want the parties to talk to each other, why did we not give a visa to Gerry Adams? Is it not entirely un-American to prevent an individual from presenting their views, and hypocritical at that, considering our other utterances?

In just a few days, Irish Deputy Prime Minister and Foreign Minister, Richard Spring will visit the House Foreign Affairs Committee. He has presented a white paper outlining six key principles for achieving peace in Northern Ireland. I believe these principles should be seriously considered.

It is paradoxical to note that the beautiful towns of Northern Ireland are often the names used to denote the death and destruction that has occurred there. It is tragic that this land of lush greenery is so often thought of in terms of blood and death and destruction. We must do what we can to end this.

Let me conclude by commending my friends and colleagues in this body who have shared this interest and concern over conditions in Northern Ireland. It is time to end the occupation of Northern Ireland. It is time to allow the people of that land to pursue their own course without fear, and it is time for the violence to end.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York.

I yield to another gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I would like to thank my distinguished colleague and good friend and classmate,

the gentleman from Massachusetts [Mr. NEAL] for requesting the time for this very important special order.

□ 2020

As an American legislator of Irish descent, in my career, I have supported the disinvestment of our Nation's businesses in South Africa to end apartheid. I have supported Lech Walesa in his quest to make Poland a free country again. I have cheered watching Estonia, Latvia, Lithuania, and the Ukraine rebuild and be reborn as free nations. I have supported the discussions between the Palestinians and the Israelis which may lead to peace. I have supported democracy movements in Nepal where I served in the Peace Corps and watched the kingdom end and an elected government take shape, and in Nicaragua.

Now, my colleagues, it is Ireland's turn.

The Catholic minority in Northern Ireland is suffering from the bigotry and prejudice that has existed in many countries including our own for centuries. We cannot as a people or as a nation erase all prejudice from the minds of others, but we can conduct our Nation in a way that encourages military allies, friends such as NATO, as well as our foes, to work toward alleviating the poverty that is so often spawned by government action or inaction. In Northern Ireland, there needs to be an initiative. I believe one has been proposed and I believe the United States should undertake our own initiative, if only to complement the current Adams-Hume initiative.

There has never been an American initiative. We have been successful in helping other nations, such as South Africa to eliminate apartheid. We should look to one of our strongest allies, Great Britain, and to our own people, roughly 15 percent of whom have their Irish ancestors to thank for their American citizenship, for ideas and pledges of cooperation. The spotlight of attention needs to shine on this troubled land. If for nothing else than for the children who are growing up only to be bitter, if they are growing up at all.

As we encourage the Israelis and Arabs to come together, so too should we encourage good people in Northern Ireland to ignore the bombings, the terror, the insidious hatred espoused so publicly by the parties bent only on personal gratification and revenge, to come together and find a way to succeed.

We in the United States get sidetracked by many issues. When news is of Somalia, we, being good people, want to help. We motivate our leaders to send aid. In some cases, to send the military. We are not now talking about sending military aid. We may be talking about sending the right signals to all parties involved, and that may in-

volve money in the long run, but right now we can do the most good by sending the signal that we are paying attention. That we know of the Adams and Hume proposal. And that we expect results. The message needs to go out to the American people as well. The focus is peace, how we can help, and that there is hope.

It's not often that we can accomplish something so important coming on the heels of the Berlin Wall falling, the death of communism, apartheid, and Israeli-Arab animosity in the Middle East. We can do something that will not create a single job, will not garner a single vote nor maybe even create a single headline. But our support, however directly or indirectly we can deliver it, may leave us gratified that we contributed to solving an ancient struggle, a solution which has evaded problem-solvers for generations.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, I now yield to the gentlewoman from Connecticut [Mrs. KENNELLY], one of the distinguished leaders of our party.

Mrs. KENNELLY. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. NEAL] for bringing us here tonight. I so well remember the evenings that our former chairman of our Irish group, Congressman Brian Donnelly, would gather us in this well to speak about Ireland, to talk about what might be done that the people there and in our forefathers' country could have peace. I thank the gentleman from Massachusetts [Mr. NEAL] for continuing this tradition. And as we all know, former Congressman Brian Donnelly is now Ambassador Donnelly and is carrying on this fight and is having his own time of being able to represent what we have all tried to represent and what we are trying to do tonight.

Mr. Speaker, in this ever-changing post-cold war world, the international spotlight has focused on the situations in Russia, Bosnia, Somalia, and Haiti, to name several. The attention we have given to these countries has allowed developments in other regions of the world to go largely ignored. One such example is the continued strife in Northern Ireland. I would like to take a few moments to share some of my thoughts on this situation with my colleagues.

In the past 24 years, an estimated 3,000 lives have been lost in the conflict in Northern Ireland. Over the years Congress has continuously introduced resolutions addressing issues relating to Northern Ireland. United States administrations have traditionally avoided the issue because our country's close relationship with Britain. I was pleased to hear then-candidate Bill Clinton discuss possible policy changes toward Northern Ireland, including a

proposal to send a United States peace envoy to Northern Ireland.

I am encouraged by the discussions which began earlier this year between John Hume, leader of the Social Democratic Labor Party [SDLP], and Sinn Fein leader Gerry Adams. These talks have been widely criticized because of Sinn Fein (Sinn Fenn)/Irish Republican Army [IRA] violence. However, after years of stalemate which have led to massive loss of life, such discussions are at least a step in the right direction and should not be dismissed out of hand.

I urge the Clinton administration and Congress to support continued discussions between British Prime Minister John Major and Irish Prime Minister Albert Reynolds. Irish Foreign Minister and Deputy Prime Minister Dick Spring, who will be on Capitol Hill tomorrow, recently introduced a six-step peace plan to end the violence in Northern Ireland. The United States should seize this opportunity to publicly pledge its assistance in furthering peace efforts in Northern Ireland.

I am very aware of the cultural, religious, and political difference which tear this region apart. However, earlier this year I sat on the White House lawn and watched Israeli Prime Minister Rabin and Palestinian Liberation Organization Chairman Arafat shake hands and agree to work toward Arab/Israeli peace. I remember thinking on that day, that if these ancient enemies can come together for the common good of their people and the world, then anything is possible.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield to the gentleman from New York [Mr. KING] who, again, like the rest of us, has had a longstanding interest in this issue.

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

Mr. Speaker, at the very outset, I want to commend the gentleman from Massachusetts [Mr. NEAL] for the outstanding job he has done in scheduling this special order this evening, and I think, more importantly, for the dedication and effort that he has given to the cause of peace and justice in Ireland.

Because, very frankly, it is not a popular issue. It is not a particularly politically correct issue, but it is one that all of us who are concerned about human rights should rally behind.

I want to emphasize that this is not a partisan issue. It is not a Republican or Democrat issue, not is it a Catholic or Protestant issue. Indeed, it is a human issue, and it is an issue which troubles the conscience of all people concerned about the violations of human rights.

I think I should state at the outset that when we are talking about the situation in Northern Ireland that it is very important to emphasize what the gentleman from New York [Mr. MANTON] said earlier this evening, and that

is that the British Government has been cited by the European Commission on Human Rights, the European Court of Human Rights, and Amnesty International as having the worst record for human rights violations of any country in Western Europe, and that is the basic cause of the violence.

In the past 25 years since this latest round of troubles began in Ireland, British policies have only exacerbated and caused an increase in the violence in the north of Ireland, and it is the British who are carrying out state terrorism against the people in the occupied six counties.

That is why it is so essential that we get away from conventional diplomacy, that we get away from letting the British determine who it is that is going to come to the peace table, because it is the British who are the cause of the problem, and because they are the cause of the problem, they cannot be the solution to it.

It is so important that we, the United States and, indeed, all governments throughout the world, encourage the recent peace initiative by John Hume and Jerry Adams. These two gentlemen together represent the Irish Catholic constituency in the north of Ireland, and how outrageous it is for the British Government to say that they are not going to sit down with Jerry Adams.

□ 2030

Who are they to decide who should sit at the peace table when it is their policies which are ultimately responsible for the violence in the north of Ireland?

Mr. Adams represents a party which, in the last local elections, received more votes than any other party in Belfast. It is the British who have said we should turn to democracy rather than to violence. And yet, when we have a political leader such as Mr. Adams, who was elected three times to the British Parliament and represents a party which has such a wide range of support in the north, now they say they will not allow him to come to the peace table.

Well, the British do not have clean hands; they do not have the moral standing to deny anyone the right to come to the peace table. Indeed, I would say that, if I were Mr. Adams, I would be reluctant to sit down with the British because they are the ones who have the blood of thousands of innocent people on their hands.

The fact is all of us want to reach a resolution of this crisis. I have been to the north of Ireland a number of times and I have never met more decent people than the people who live in the occupied six counties, and that applies to Catholics and Protestants alike. All of them suffer under the yoke of British oppression.

So I would urge our Government, I urge the President, I would urge the

State Department, I would ask the leaders of this House and the leaders of the other body and all molders of public opinion to encourage the Adams-Hume peace initiative. This could be the last best hope for peace in Ireland.

Let us get behind a course for peace and let us get away from the British policy and the outdated policies of repression and oppression.

I would just say also parenthetically—and this again is not a partisan issue because no one is more critical of the Republican administrations than I have been—but I must say that I would ask President Clinton to reverse his policy of denying a visa to Jerry Adams. If Yassir Arafat can stand on the south lawn of the White House, certainly Jerry Adams should be allowed in this country to explain his position, to explain to the American people why he and John Hume have a plan and a formula for peace and why with all the parties in Ireland, Catholic and Protestant alike, north and south, why if they come to the table peace will be at hand.

There is an expression in the north of Ireland, and I am not going to ruin the translator's night by saying it in Gaelic, but translated it means, "Our day will come."

And, yes, the day of peace will come when America uses its best interests and its resources and its power to urge our supposed closest ally, Britain, who after 800 years of oppression finally do the right thing and give peace and justice and unity to all the people of Ireland.

I thank the gentleman for yielding to me.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I yield to a great friend of Ireland as well, the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. I thank the gentleman for yielding to me and for bringing about this special order.

Mr. Speaker, I support strongly renewed efforts to resolve the dispute over Northern Ireland. It is my hope that the United States Government will take an active part in a diplomatic campaign to achieve peace and justice for all of Ireland.

Conflict in Northern Ireland between Catholics and Protestants has brought tragedy and death to both sides, with over 3,000 killed in the past 25 years. The latest outbreak of violence last month involved a bombing in Belfast that killed 10 and sparked a round of retaliation by Protestant extremists which resulted in the death of a dozen Catholics. It is exactly this cycle of violence which must be stopped by all sides of this conflict.

The people of Northern Ireland can have no illusions about the fact that peace and justice will not be won with bombs, killings, and tit for tat retaliation.

There is a clear and absolute need for active dialog involving all parties to secure peace and justice in Northern Ireland. A settlement of the dispute over Northern Ireland can be achieved if there is respect for the democratic rights of the people of Ireland to self-determination.

It is in this context that the United States should welcome Republic of Ireland Foreign Minister Dick Spring who will be visiting Washington, DC, this week. Foreign Minister Spring will be discussing with the Clinton administration and Members of Congress the latest efforts to achieve a just and lasting peace in Northern Ireland.

The latest round of public efforts to negotiate a peaceful settlement to the strife in Northern Ireland involves two separate efforts. Both the Government of the Republic of Ireland and the Government of Great Britain have been discussing ways to promote justice and a respect for human rights in Northern Ireland. There have also been discussions by two major Irish political leaders, Gerry Adams and John Hume, about how to resolve the basic disputes which divide Northern Ireland from the Republic of Ireland.

These talks are and should be of great interest to the United States. Millions of Americans take pride in their Irish heritage and look forward to the day when there will be a united Ireland. It is important that the Government of the United States do everything in its power to promote a dialog on Northern Ireland which seeks to achieve peace and justice in that troubled land. It is my hope that President Clinton will renew his campaign commitment to name a special envoy to support this dialog.

Mr. Speaker, the world has witnessed amazing events over the past several years such as destruction of the Berlin Wall, the end of the cold war and historic peace efforts in South Africa and the Middle East. I remain hopeful that the world will also have an opportunity soon to celebrate peace in Northern Ireland. Now is the time for all parties in this conflict to rededicate themselves to this goal.

I thank the gentleman for yielding to me.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. COYNE] for his comments.

Mr. Speaker, once again, to demonstrate how broad the support in this House of Representatives is for the current peace initiative in Ireland, I yield to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentleman very much for yielding to me.

Mr. Speaker, as Americans we cherish our birthright, the first amendment. I want to repeat that because I am exercising it at this very moment.

For those who are observing our deliberations here on the floor whether by electronic means or in person here in our gallery, Members who may be watching our listening, we take for granted what seems to us to be the obvious, our first amendment rights, the most fundamental. The first amendment, not the second, third, or fourth, though all of those are important to us, but what was first? Free speech. It makes the difference between tyranny and freedom.

Let me quote to you just a few lines from an article in the Washington Post of November 2 of this year. That is November 2; this is not ancient history, this is right now. This is with respect to the aforementioned Jerry Adams and the Sinn Fein Party.

As a result of his being considered a nonperson by the British Government, a nonperson, television and radio stations are banned by law from broadcasting his voice.

Now, this is not the South Africa apartheid days, this is not the Iraq of Saddam Hussein, this is England, this is our supposed ally. He is forbidden to be on television or radio in person or otherwise, and his voice, when interviews are conducted with him, must be dubbed by an actor.

I dare say that many people in this country are hearing this for the first time and are scarcely able to believe their ears when I say it. Regardless of what you think about the Sinn Fein or any of the competing parties or interests in Northern Ireland, I submit to you that they themselves are far better able to come to a conclusion as to what is best for Ireland, Northern Ireland, than a British Government that goes so far and fears so much what Mr. Adams or any other member, any other Irish nationalist, may say, that they are forbidden from appearance on television or radio to the point that their voices are dubbed by actors. This is the reality, this is the reality. And this comes at a time when it is not difficult at all in the United States of America to find pictures of Princess Diana in a gym, to have CNN and other news outlets publish ad nauseam photos and commentary with respect to the architectural opinions of Prince Charles or the difficulties that the royal family may be having with divorce.

□ 2040

But when it comes to murder and mayhem, it comes to the occupation of Northern Ireland, when it comes to a judicial system as totalitarian, as dictatorial as any on the face of the Earth, as any in history, we are unable to get anything other than the dubbed words of an actor.

Our first amendment and its mandate of freedom of speech and a free press is something that our Founding Fathers and Mothers knew only too well, is something that tyrants want to silence.

They also knew that dialog and the open exchange of new ideas is the very backbone of our success, the essence of democracy and freedom.

Gerry Adams is the leader of a legal political party in Ireland and the United Kingdom. He previously was elected a member of the British Parliament, the equivalent of myself and any other Member of this floor.

Think of it, that if we had a disagreement on this floor, that your words, Mr. Speaker, would have to be dubbed by an actor, that you would be prevented from appearing and making your views known in the United States of America.

As leader of the Sinn Fein Party, he represents the will, as has previously been noted, of almost half the population of Northern Ireland; but because he is visible and will not publicly condemn the Irish Republican Army, he has been branded its leader, and therefore dubbed a terrorist.

He has been denied, as has been indicated, a visa to visit the United States of America. We, of all countries of the world, we should be anxious to have those with whom we might agree or disagree come to our shores in a spirit of free debate.

I do not intend to plead Mr. Adams' case one way or the other, but as an American, as a Member of the U.S. Congress, as someone who has sworn to uphold and defend the first amendment and all our Constitution, I believe with all my heart that we should hear for ourselves the basis for the denial of Mr. Adams' visa. All we have been told is that there is information in his file, whatever that is and wherever that is and whoever keeps it, but it has convinced the President ostensibly that he is a dangerous man. Well, there are lots of dangerous people in the world. I think the greatest danger is not being able to hear him.

Mr. Adams has never been convicted nor has he been charged with a crime. He was, however, interned, Mr. Speaker, for 7 months in the 1970's, without ever being charged with a crime, 7 months. That is British justice, and we wonder why the people of Ireland claim injustice. His only crime appeared to be then and now that he is an Irish Nationalist and that he refuses to condemn the IRA.

Americans should be allowed to hear the views of Sinn Fein and its President and make up their own minds.

Dozens of Members of Congress, Republican and Democrat, liberal and conservative, you have seen that tonight, have petitioned the President on numerous occasions for his admittance. The President himself, as a candidate, voiced loud support for and promised action on the Adams visa.

I want to conclude, Mr. Speaker, by saying that it has been said that "in war, truth is the first casualty." Let us do justice to the vision and the wisdom

of our Founding Fathers and Mothers as set forth in that first amendment to the Constitution. Let us put an end to this un-American censorship and restore truth to our immigration policy. Let the intelligent people of America make up their own minds, Mr. Speaker, and Mr. President. Grant Mr. Adams permission to enter the United States.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Hawaii, and it demonstrates again broad geographic support for this position.

Mr. Speaker, I yield to the gentleman from Washington State [Mr. MCDERMOTT], a classmate of mine who came here via Chicago.

Mr. MCDERMOTT. Mr. Speaker, I want to first commend the gentleman from Massachusetts [Mr. NEAL] on putting together this special order, because I think it is an issue that many of us who have been active in civil rights and human rights around the world have always felt in our hearts that we did not say anything about Ireland. This is a time, I think, when things are opening up that it makes good sense for us to speak out.

The question we have to ask ourselves is how many times have we been told that the problems in Northern Ireland are a dispute between the Protestants and the Catholics? How many times have we seen the issue reported in the press as a religious conflict?

All knowledgeable commentators tell us that this is a dispute of politics, competing interests, competing nationalisms. That, at the core, this is the outworking of the long out-of-date imperialism of the British Empire.

Yes, it is true that most loyalists are Protestant and most nationalists are Catholic. That's a function of history and geography. On the ground, today's dispute is rarely over religious doctrine. In fact, interreligious marriage is now commonplace.

We knew that the differences between Israel and the Palestinians were rooted in religion, but nurtured by political struggle. We refused to accept religion as a justification for oppression, or for violence.

Ecumenical programs and groups holding all manner of religious views are active in the struggle to find a just and peaceful solution to the problems of Northern Ireland. Let us actively avoid characterizing this dispute as a religious one. Let us acknowledge that this misconception will only be perpetuated until we take some personal responsibility for putting it to rest. Let us support efforts by those of good will to find solutions to this tragic political tangle. Let us resolve to help all parties find common ground on which to build a lasting peace.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Washington.

Mr. Speaker, I yield to another gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I, too, would like to commend my colleague, the gentleman from Massachusetts [Mr. NEAL] for organizing this special order on such an important issue, and also thank him for his assistance to me as a freshman Member of the U.S. Congress.

During his campaign for the Presidency, Bill Clinton stated that he deplored British Government actions to manipulate our judicial system in cases tied to Northern Ireland. He referred specifically to the case of Joseph Doherty, in which the Justice Department, at the instigation of Britain, pursued unprecedented legal positions on the subject of extradition.

So extraordinary were these efforts, that U.S. Federal courts—on more than one occasion—commented adversely on their startling nature. In one case, the court actually characterized as a threat the British-orchestrated suggestion that repeated attempts would be made to get Doherty if requests for extradition were denied.

What troubled Mr. Clinton, and what troubles me, is that this unseemly subservience to the politics of a foreign government was justified by the United States on the grounds of foreign policy. I object. Our policies can stand or fall on their own feet. And who should be granted the power to keep our judicial system from granting the full benefit of our law to anyone who stands at its bench?

Now, however, we must ask the question: Has the President forgotten the matters which so troubled him? I suggest, as a start, that he formally request that the British Government grant Doherty credit for the time he served here fighting extradition. Doherty was subsequently deported and such credit has been refused to date.

And I implore all of us to take as our personal responsibility any future fights to keep foreign governments—friend or foe—from interfering with our judicial system.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts for his comments.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. MENENDEZ].

□ 2050

Mr. MENENDEZ. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. NEAL] for organizing this event. I also want to thank the other Members who are so concerned about the North of Ireland, especially the gentleman from New York [Mr. MANTON] and the gentleman from New York [Mr. FISH], the cochairs of the Ad Hoc Congressional Committee for Irish Affairs.

THE TROUBLES

The North of Ireland is at a watershed moment in its history. A peace

process is underway which may hold the solution to the troubles in the North of Ireland.

The troubles is what the British call the sectarian violence in the North of Ireland which has followed the massive civil rights demonstrations of 1968. And troubles they are; more than 3,000 lives and 35,000 injuries have been claimed thus far.

But the real trouble is the British presence in the North. It has been so for centuries, and it remains so today. Unless the real trouble is addressed, the other troubles will not go away.

THE UNITED STATES AND THE PEACE PLAN

Now, just as the violence is escalating, Sir John Hume, a British Member of Parliament for the Social Democratic Labor Party, and Gerry Adams, leader of the Sinn Fein Party, have drafted a peace plan. This plan promises an end to the violence and the beginning of self-determination and a new day for the people of Ulster. Just as the United States supports the peace plan put forward by the Palestine Liberation Organization and the Israeli Government, so should we support full implementation this peace plan.

Recently, the ability of America's diplomacy and her resolve to act as a world leader has been called into question. One of the ways the United States can answer critics is to lead the effort for peace, justice, and human rights in the North of Ireland. What the United States does diplomatically—or fails to do—during this crucial time, will influence the political status of the North for years to come.

In the wake of the Middle East Peace Initiative, the President declared that to every manmade problem there is a manmade solution. I hope the President would use the good offices of the United States to help solve the manmade problem—the manmade tragedy—in the North of Ireland.

Tonight, I join my colleagues in calling on the President and Secretary Christopher to engage our British friends in a process that would lead ultimately to a satisfactory resolution of this tragedy.

First, the President should make good on his campaign promise of appointing a Special Envoy to Northern Ireland. He does not need British permission to do so.

Second, the United States must practice a policy which equally condemns atrocities on both sides. If we will deny Gerry Adams a visa due to his alleged IRA ties, then we should also deny a visa to the Reverend Ian Paisley, the firebrand British Member of Parliament who has alleged ties to Protestant terrorist groups in the North. These two short steps would go a long way toward letting the British know that we mean business.

Third, just as the United States supports the peace plan put forward by the Palestine Liberation Organization and

the Israeli Government, so should we support full implementation of the Hume-Adams peace plan.

BRITISH POLICIES

And yet, the going won't be easy. The North of Ireland has been dominated by Great Britain for centuries and has been governed and occupied by her since 1922. Today 17,300 British troops are on patrol in the North. I have said it before and I will say it again tonight: There will not be peace in the North of Ireland until the last boot of the last British soldier leaves the North of Ireland.

Unlawful British rule is supported by an entrenched system of justice that is best described as a system of injustice. A juryless, one-judge Diplock court system denies citizens the basic right to trial by a jury of their peers—something we and British subjects outside Northern Ireland take for granted.

I personally observed this system of injustice at work last September during a personal visit to Belfast, Northern Ireland. Along with the group, "Voice of the Innocent," I witnessed the preliminary presentation of the prosecution's case in the trial of the Ballymurphy Seven.

Seven boys from the Ballymurphy section of west Belfast, ages 17 to 21 at the time of arrest, are on trial for the dubious charge of "suspicion of attempted murder." They are charged in connection with a coffee-jar bombing in Belfast on August 2, 1991, in which no one was hurt. There is not a shred of forensic evidence against them, nor any eyewitnesses. All of these boys except one have been held without bail since August 1991. In every case, prosecution is based on confessions that each boy claims was forced through physical or mental torture during interrogations in which no attorney was present. From the moment these boys were lifted, or arrested, they entered a lose-lose situation.

Unlike American citizens and British subjects outside of Northern Ireland, Catholics in Northern Ireland are at a disadvantage when they choose to remain silent after being arrested. The Diplock judges may presume guilt when a person refuses to answer questions. Nor do they have attorneys present during interrogation.

These unjust practices violate international fair standards. Sadly, there is an even darker side of Britain's policy toward Northern Ireland. Emergency laws permit the British Army and security forces to harass and abuse civilians, including women and children—in many cases with impunity.

I will cite just one example. The respected human rights group, Helsinki Watch, in its 1993 report found that children were, frequently stopped on the street, kicked, hit, insulted, and abused by security forces. Children under 18 and adults were threatened,

tricked, insulted, and frequently physically assaulted by police during interrogation.

Beating up these youths, torturing them in prison, forcing confessions from them for acts they did not even commit—these actions not only dash the hopes and destroy the dreams of an entire generation of Irish youths, but it also helps the IRA to recruit many of them.

Recently a former British Army captain and intelligence officer, Fred Holroyd, told a group of Members of Congress that the British are pursuing a hidden and dirty little war against Catholics in the North. Captain Holroyd explained that the M16 British security forces in which he served are vital to a strategy of aiding and abetting the terrorist acts by Protestant extremists. For voicing his conscience, Captain Holroyd was smeared and dismissed from the British Army.

The British continue to prefer bullets to dockets to mete out justice in Northern Ireland. British Members of Parliament, British courts, and the British press all corroborate this. For example, last month, Ken Livingstone, a British Member of Parliament, testified in San Francisco that all Members of Parliament are aware that British security forces in Northern Ireland have a shoot-to-kill policy toward Irish nationalists. This kill-them-first-sort-them-out-later policy is barbaric by any standard.

Mr. Livingstone's colleague, MP Bernadette Devlin McAliskey testified in the same courtroom that she had been told by the Royal Ulster Constabulary [RUC], the Northern Irish police, that she risked assassination if she came to San Francisco to testify.

END THE CRYING GAME

Despite these blatant injustices, I cannot condone terrorist attacks on innocent civilians by anyone, anywhere. So, I cannot and I do not condone the violence of the IRA. But I cannot either condone terrorist attacks by Protestant extremists, with the complicity of British intelligence, upon Catholics in the North of Ireland.

If she is to help the people of Northern Ireland, America must stop looking at Northern Ireland through British lenses. Instead we must look at Northern Ireland through the sure lens of peace, justice, and respect for human rights.

One of the pillars of this administration's foreign policy is human rights. All over the world we defend and promote human rights. If this pillar is to remain standing, if the United States wants to remain credible as the world's human rights champion, then we must stand up for human rights whether it is with a friend or a foe.

We must insist to our British friends that it is time to right the wrongs in Northern Ireland. By not standing up to the British as we ought to in this

matter, we are participating in their legacy of disgrace.

For the people of North of Ireland the troubles are indeed a crying game. For the British Government those same troubles are a crying shame. Tonight I call on the President to help put an end to the suffering and the pain in the North of Ireland.

Mr. NEAL of Massachusetts. Mr. Speaker, just weeks ago I stood on the south lawn of the White House and watched Yitzhak Rabin, the Prime Minister of Israel, shake hands with Yasser Arafat, and I never believed in my lifetime that I would witness such a historic moment. But there is a simple truth tonight, and that is that the history that has unfolded in front of us over the last 4 years across this globe has stood still in Northern Ireland because the forces of 800 years are still at work.

There is another harsh reality tonight, and that is the simple truth that partition does not work. It did not work in Korea, it did not work in Vietnam, and it did not work in Pakistan and India, and it certainly does not work in those six tiny provinces of North Ireland.

Ireland's friends in the United States share the priority that is now emerging, and that priority is peace. It is needed now. Peace in Ireland would transform the political landscape. It would usher in a new era with new political arrangements for the island where its relationship with Britain could be successfully developed.

Let nobody doubt the sincerity of those of us in the Congress who are concerned with Ireland and its people. We have a passionate interest in the well-being of the people of Northern Ireland, fair treatment of the people of Northern Ireland and in freedom from discrimination and the desire to ensure that human rights violations do not occur. I believe, in addition, that peace will improve the prospects of achieving a durable political settlement, and I cannot think of anything that would be more roundly applauded here than to see all Irishmen sitting down in an environment of peace to discuss their political future.

In the United States we follow developments in Ireland with deep interest and deep concern, and President Clinton has recently welcomed the efforts to reinvigorate the negotiations for peace in Northern Ireland. He said that the United States stands ready to support that process in any appropriate way. The President is to be commended for his interest. His words of encouragement and support strike a deep chord in Ireland. The British Government listens to Irish-Americans and to those of us in this Congress who are concerned about Irish issues.

I think our message is a clear one. It is that peace processes must be given every opportunity to develop. The Brit-

ish should know that our interests will not cease and our concern will not ease until such time as there is a fair, balanced and lasting solution to the continuing tragedy of Northern Ireland.

Mr. DORNAN. Mr. Speaker, if the gentleman from Massachusetts [Mr. NEAL] would yield briefly, I just found out that my distinguished colleague has about 4 minutes left, and, before it is all eaten up, Mr. Speaker, I want to associate myself with all of his remarks.

I agree that for particularly bright, advanced people partition is even more unseemly and unworkable than anywhere else in the world. I was shot with a rubber bullet there on February 20, 1992. That is 2½ years ago. I was there in May of 1969 when all of this began coming back from Biafra. I have gone up the Shankill. I have talked to people on both sides in every neighborhood, and they are dying for a solution because they miss their old friendships. It is more an economic struggle than a religious one. With each passing year it becomes more inane. Too many people are frozen in concrete in London. We need such imagination.

Mr. Speaker, I appreciate all of the insights and imagination the gentleman from Massachusetts has brought to this, and it is an honor to be associated with this excellent special order tonight.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for his unyielding support on this issue.

Mr. Speaker, tomorrow Foreign Minister and Tanaiste Dick Spring will be visiting Washington. Those of my colleagues who are interested in Northern Ireland look forward greatly to hearing from him on how he sees the opportunities for peace on the political horizon, but I want to close this special order, Mr. Speaker, in the manner that I began this special order and to thank my colleagues from across this Nation tonight that have stood with us in support of peace in Northern Ireland and, hopefully, the eventual unification of those counties with the Republic of Ireland.

□ 2100

In the last 4 years we have seen Yitsak Rabin shake hands with Yasser Arafat on the White House lawn; we have seen the Berlin Wall come down and Russian troops leave Lithuania; we have seen the Soviet Union disintegrate, Marxism die, and the yoke of that Marxism being lifted from the necks of the people of Eastern Europe. There have been free elections in Nicaragua and El Salvador during this period of time.

Why is it that after 800 years, we cannot see a peaceful settlement in this tiny part of northeast Ireland, people that comprise 1.5 million in number, in a geographic region the size of the State of Connecticut?

Mr. Speaker, I want to thank all Members tonight for their attention to this matter and the vigor which they have brought to this issue.

Mr. HOKE. Mr. Speaker, during the recent July congressional recess, I fulfilled a campaign pledge made to West Side residents of Irish descent who are concerned about the state of affairs in Northern Ireland. With the assistance of the U.S. State Department and Cleveland City Councilman Pat O'Malley, I was privileged to gain an extraordinary exposure to Ireland's expansive landscape of political views and opinions during a visit to Belfast at my own expense from July 6 to 10.

I met with party leaders representing the entire spectrum of major political parties from Gerry Adams, leader of pro-unification Sinn Fein to Ian Paisley, the leader of the Democratic Unionist Party [DUP] which represents the most extreme loyalist, pro-British element.

Unlike our American political parties, the political parties in Northern Ireland are not distinguished primarily by their commitment to economic or social principles. Whereas our political parties debate ideological differences over the legitimate and appropriate size of government, the role of regulation, how much we should tax ourselves, and so forth, the Irish parties are distinguished first and foremost by their various commitments to the future geopolitical status of Northern Ireland.

At one end of the political spectrum are the pure Republicans, the Catholic faction which demands that Northern Ireland become part of the Republic of Ireland to the south. This is the position held by the Sinn Fein party, which received about 12 percent of the popular vote in the last election. At the other end of the spectrum is the Protestant faction which believes Northern Ireland should always be a part of Britain. They are represented by the DUP which received about 17 percent of the vote in the last election. In the middle are three other parties which have the majority of popular support, although none has a majority by itself. The Social Democratic Labor Party [SDLP], led by John Hume of Derry, is the pro-nationalist, pro-unification party that gathered about 22 percent of the vote. The Ulster Unionist Party is a pro-union centrist party with 29 percent of the vote. Finally, there is the appropriately named Alliance Party, the only political party with substantial numbers of both Catholics and Protestants, which predictably is also the smallest party and received only about 8 percent of the vote.

In addition to meeting with political leaders, I met with representatives of the court system, the Royal Ulster Constabulary, and the Northern Ireland Office—the British government's representative. I also met with Jean Kennedy Smith, the United States Ambassador to the Republic of Ireland, as well as a host of community development, socioeconomic, and business groups.

It's been said the first indication that one is beginning to understand the problems in Northern Ireland is a sense of complete confusion. By that standard, I'm fast becoming an expert. The fact of the matter is there are no simple solutions to these very complex problems. It is at once both axiomatic and profoundly unfortunate that if the problems of Northern Ireland were simple and lent them-

selves to simple solutions, they would have been resolved long ago.

Lending to the confusion is the practice by nearly every political leader I met in Ireland of using historical events to prove his or her point, reaching back as far as needed to illustrate it. To put this in perspective, bear in mind that Saint Patrick converted the Celts to Christianity in AD 432 and the British came to northern Ireland nearly 400 years before Columbus sailed for the Americas.

It is not unusual for Americans visiting Northern Ireland to be struck by the similarities between Ireland's current situation and our civil rights movement of the 1960's. The primary difference being that Ireland suffers not from a history of racial discrimination, rather from a history of religious discrimination, specifically discrimination against Catholics by Protestants. What is unfortunate is that the Irish have not yet benefited from the lessons of the politics of inclusion that we have here in the United States.

Instead of including all political groups with popular support in the political process, the British government has actually aggravated the natural political polarities by excluding those of dissenting views, specifically the Sinn Fein party. To the extent that all groups are brought within the process and thereby made responsible and accountable for outcomes, society succeeds in pulling dissenting elements into the social and political mainstream. Certainly the past 250 years of American history convincingly illustrate this point.

If I had to single out one flaw in British policy toward Northern Ireland over the past 20 years, it would be its ignorance of this political truth. By way of example, I had the privilege of touring the Conway Mills Project, an established community center that was founded by Father Des Wilson in 1982, a supporter of the re-unification of Ireland. It has applied and been turned down for grants from the international Fund for Ireland [IFI], a program for commercial development in Ireland that receives half of its funding from the United States and the other half from the European community.

Father Wilson is working in the poorest section of Catholic West Belfast on a number of initiatives designed to improve peoples' lives through economic development, education, and hunger relief. The Conway Mills Community Center includes classrooms and a small business incubator. Actively involved in special community projects, it also has a small theater, a day care center, and an inexpensive snackbar. Frankly, it reminded me of the community center in the Cleveland neighborhood of Tremont.

But the British government had indicated to the IFI that it did not want Conway Mills to be funded in any way because of the politics of Father Des Wilson. I personally spoke to the Director of the IFI and requested that the Conway Mills grant request be reconsidered. Bear in mind that 50 percent of the IFI's funding is appropriated by the U.S. Congress. I explained that I thought it was not only important to support Conway Mills because of the value of its programs, but equally important to draw it out of the underground and into the mainstream. This will profoundly impact not only how the individuals involved with Conway Mills

are viewed by outsiders, but how those individuals view themselves and their own relation to the larger society in which they live.

Because of the polarized environment and rigid positions held by Ireland's parties, I'm relatively discouraged regarding the prospects for near-term reconciliation of these differences. That notwithstanding, I was tremendously impressed and inspired by one group with whom I met, the Northern Ireland Commission for Integrated Education (NICIE). Led by Fiona Stephens, this is a parent-driven initiative which has established integrated schools with student bodies composed of about equal numbers of Protestants and Catholics. It is tragic that the vast majority of the people of Northern Ireland grow up never meeting or getting to know people of different religious faiths except in brief commercial transactions, feeding the development of deep-seated prejudice at a very young age. NICIE has only been around for a few years, yet it already has over 18 schools with 4,000 students. While this represents only 2 percent of Ireland's student population, it was the most hopeful indication I saw that these differences will eventually be worked out.

The untenability of the British position is that they built a political and economic system which exploited the religious differences and rivalries between two communities in order to serve and maintain their own colonial purposes. Now in a vastly changed 1990's European Community, Northern Ireland finds itself saddled with the rotting remnants of an unjust foundation. No lasting and equitable solution will be possible without the full inclusion and participation of all political parties. The British and Dublin Governments are clearly in the positions of leadership to initiate a new era of reconciliation and cooperation in which the politics of pride and paranoia are replaced by the politics of inclusion and reason.

Mr. CONYERS. Mr. Speaker, I rise today to urge the Governments of Ireland and Great Britain to work more actively for a true and lasting peace in Northern Ireland. The governments in both Dublin and London must work with political and sectarian parties in Northern Ireland to move beyond the senseless violence toward establishing a reconciliation process.

For more than 2 decades, secular violence has torn Northern Ireland, leaving over 3,000 dead. The last 2 weeks have been among the bloodiest in the conflict, claiming 24 victims of ruthless bombings and reprisal shootings. These indiscriminate attacks are deplorable, and cannot be justified.

At the same time, I commend the courage and commitment of Sinn Fein Party president Gerry Adams and Social Democratic and Labour Party leader John Hume who have continued to meet secretly in an attempt to iron out a peace initiative. Unfortunately their efforts have been stymied by the government of Prime Minister John Major, who refuses to accept any solution sought by Mr. Adams unless he renounces violence despite his continued denials of any involvement in terrorism.

Like most of my colleagues here, I do not condone violence by anyone. The attacks of the past 2 weeks must not continue. However, it is important to point out the Amnesty International Report for 1993 which attributes

human rights violations to Protestant and Catholic extremists and the Government of the United Kingdom. Now is the time for all groups to end violence, and for all groups to sit at the peace table and agree to a fair and lasting peace in Northern Ireland. If Israel and the Palestinians can come to terms on self rule, certainly the gap between the parties in Northern Ireland can be bridged.

Mr. Speaker, I also wish to take this opportunity to urge President Clinton to follow through with his campaign promise to appoint a special envoy to Northern Ireland. The United States has taken an active leadership role in resolving conflicts around the globe. From El Salvador to Israel, American administrations have used their influence to bring ideological enemies to the bargaining table. Now is the time for President Clinton to afford Northern Ireland the same opportunity. As with the Middle East peace process, perhaps an outside mediator can help the sides come to an agreement by bringing fresh thoughts and viewpoints to the table. Certainly it cannot hurt.

All of us, especially John Hume and Gerry Adams, can take consolation in the words of John Pentland Mahaffy, who once said: "Ireland is a country in which the probable never happens and the impossible always does."

Mr. KENNEDY. Mr. Speaker, I want to thank Representative NEAL for organizing this special order tonight. I think it is important that those of us in this body who have been concerned with peace and justice in Northern Ireland gather to recommit ourselves to this search.

At the end of October a cycle of extremist violence, including the IRA bombing in Belfast and a number of shootings by Loyalist paramilitaries, plunged Northern Ireland into the bloodiest period in half a decade. One of those killed by the IRA bomb on October 23 was Leanne Murray, a 13-year-old girl on a shopping errand for her mother. Leanne had spent this past summer in the United States on a program where she befriended Roisin Coulter, a Catholic girl also from Belfast.

The two were unlikely to meet each other in Northern Ireland, where Catholic and Protestant communities are segregated in housing and education. Leanne's death is particularly painful because of the hope and basic humanity she had shown in trying to reach across the divide that runs through her homeland.

When loyalist paramilitaries opened fire a week later on a Halloween party at a bar in Greysteel, they were attacking not only individuals, but also the hope embodied in the simple but profoundly important effort of their Catholic and Protestant victims to find a way to live their lives together when so much around them would pull them apart.

I have joined others in condemning the death and destruction brought by violence from both the IRA and the loyalist bands that have achieved the macabre distinction of claiming even more victims than the IRA this year and last.

But this tragedy would only be deepened if recent attacks are allowed to undermine the prospects for peace. We will do little to advance the cause of peace if the cycle of violence is followed by nothing more than the usual condemnations. If the violence is to be

brought to an end, then every opportunity for dialogue must be explored.

Several people tonight have spoken about the initiative that has been crafted by John Hume and Gerry Adams. Hume and Adams argue that the proposal they have crafted could lead to dialogue involving all the parties, including Sinn Fein, in a situation without violence. This opportunity must not be missed. In measuring the proposal it is essential to set aside the question of whether it fits with our longstanding positions on the issue of Northern Ireland. We must ask instead whether it can open a process leading to a desperately needed peace.

Today, once again, I would urge the British and Irish Governments to search for a way, whether in public or private, to adopt a more welcoming posture to the Hume-Adams initiative. A more generous approach by those governments would involve some political risk. But Mr. Hume and Mr. Adams are putting themselves at personal and political risk in making their proposal. Anyone who sets this proposal aside must take upon themselves the responsibility of putting forward a concrete and believable plan to achieve the same ends.

If the British and Irish Governments are unsuccessful over the coming weeks in restarting broad-based talks that can lead to a durable peace, then I think it will be time for the United States to seriously consider the appointment of a special envoy to Northern Ireland. This would be a clear signal of U.S. commitment to bringing about a solution to the conflict. The Envoy could encourage negotiations among all parties who agree to end the use of violence and could use his or her good offices to facilitate those negotiations as a neutral party.

While our attention has been riveted in the past weeks on the need for peace in Ireland, we must never lose view of the need for justice as well. The tragedy of Northern Ireland today is not just the extremist violence. The tragedy is also the discrimination and deprivation that mark the lives of the Catholic community in the North day in and day out.

As we labor to keep open the path to dialogue and peace, I would urge my colleagues to involve themselves as well in the struggle for equal justice and fair employment in the North.

Since the partition of the island of Ireland in 1921, the government of the United Kingdom has had the responsibility of ensuring fundamental human rights and civil liberties for the people of Northern Ireland. Instead, that government has contributed greatly to the systematic denial of these rights through perennial renewal and reinforcement of "emergency" legislation.

Under these conditions too many residents of Northern Ireland are denied basic human liberties and rights, including freedom of speech, freedom of the press, protections against self-incrimination, the right to trial by jury and guarantees of due process of law. The denial of these rights, and the misapplication of justice fuel the cynicism of those who resort to violence. A system of justice that cannot win the confidence of every community in the North undermines those who advocate political and peaceful means to seek justice.

I would invite my colleagues to join me in a resolution that calls upon the President to urge

the British government to move toward reconciliation in Northern Ireland by initiating a process for the declaration and constitutional incorporation of human rights and civil liberties, similar to the United States bill of Rights and European Convention on Human Rights. The resolution also calls upon the President to urge the European Community to take action to ensure that the Government of the United Kingdom is brought up to par with the rest of the community's member nations in the oversight and protection of human rights and civil liberties in Northern Ireland.

Finally, I think it is essential that we keep our focus on the fundamental problem of employment in Northern Ireland. The Catholic community has known horrendous discrimination for decades. Catholic unemployment remains at 18 percent, twice the level in the Protestant community.

Friends of Ireland in the United States must keep up the pressure for specific goals and timetables for recruiting Catholics and women in the North's civil service. Because investment with fairness must be part of our nation's policy for bringing peace with justice to Northern Ireland, we should seek expanded support for the MacBride principles campaign and continue our efforts to ensure that firms who receive United States Government contracts make every affirmative effort to break down the discrimination in recruitment, training, and promotion. In our discussions with the British and Irish Governments we must push them to target investment in the North to those areas that have suffered generations of high unemployment.

The need for peace in Northern Ireland is urgent. The agenda for justice is no less pressing. At this time of sorrow but also of enormous hope, I am proud to stand today with my colleagues in the Congress, and with the people in Northern Ireland, in their courageous struggle for justice and peace.

Mr. FISH. Mr. Speaker, I would like to thank my colleague Mr. NEAL and the American Irish Political Education Committee for organizing this opportunity to speak about the need for action to promote peace and justice in Northern Ireland.

As has been stated this evening, the theme for this week is "Peace Is Possible. I Can Help." This is a motto I have followed not just this week, but every week for the past 15 years.

My first contact with Ireland came in the early 1950's when I served as a Vice Consul of the United States Foreign Service in Dublin. I then returned in 1978, as the ranking minority member of the Immigration Subcommittee, to investigate reports of visa denials to British subjects of Irish descent by United States consular posts in London, Dublin, and Belfast.

That Judiciary Committee trip forever changed my outlook on Northern Ireland. Despite the thorough briefings we had on the situation prior to our departure, we were totally unprepared for what we saw during our 4 days there. We were especially struck by the violation of human rights the people of Northern Ireland are subjected to day in and day out.

Since that time, I have worked with my colleagues as one of the cochairs of the Ad Hoc Committee on Irish Affairs, to realize the goals of peace, justice, freedom, and an end to all discrimination in Northern Ireland.

The ad hoc committee was extremely encouraged by five promises candidate Clinton made to the Irish-American community during his campaign: First, to support the MacBride Principles—on the Federal and State levels—and other efforts to end anti-Catholic discrimination in the workplace; second, to appoint a special envoy to Northern Ireland to facilitate the peace process; third, to implement an equitable visa policy which does not deny protection to Irish political refugees, including granting a visa to Sinn Fein President Gerry Adams; and fourth, to improve human rights and help bring about a lasting solution to the strife in Northern Ireland. To date, unfortunately, President Clinton has failed to take action to fulfill these important pledges.

Certainly a solution which has eluded men not just for decades, but for centuries, will not be easy. But peace and justice in Northern Ireland are possible if leadership is exhibited, policies are developed to end the great economic injustices there, and all violence is ended. President Clinton has an opportunity to exhibit the necessary leadership by appointing a special envoy, granting a visa to Gerry Adams and advocating for passage of MacBride Principles legislation.

Peace is possible, and I will help by continuing to press the President to fulfill these promises.

GENERAL LEAVE

Mr. NEAL of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

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

There was no objection.

NAFTA FACTS

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

Mr. DREIER. Mr. Speaker, I have taken out this special order this evening to talk about an issue which we will be voting on in this House within the next 48 hours. In fact, I hope that within 48 hours we will have cast our votes here and put over the top the initiative which is designed to break down tariff barriers, expand export opportunities for United States-manufactured products, to expand opportunities for United States consumers, to bring down the magnet which draws people illegally from Mexico to the United States, and I hope very much we will be able to pass the NAFTA.

We have for the past several weeks and months been talking regularly about it here during these special orders. Over the last several weeks I have been sending out to my colleagues facts on NAFTA. I do not mean f-a-x, I mean f-a-c-t-s. Because this debate has really boiled down to basically fear versus facts.

I think we all saw that in the debate held on the Cable News Network the other night. We have seen a wide range of debates on this issue, and we know that as the American people learn more and more about the North American Free-Trade Agreement, they naturally become more and more supportive of it.

This afternoon we got the word from the Washington Post-ABC News Poll which showed that the American people are equally divided. It was 42 percent that support the NAFTA, and 42 percent oppose it.

Contrary to what many of us have found, people often say because the opponents have been so vociferous in their opposition and the noise level has been very high, but the fact of the matter is, when the American people learn what this really is, they move toward support of it.

We found, of course, the same thing taking place here in the U.S. Congress. I am pleased to say that as I have spoken with many of our colleagues, they often say that it is the right thing to do, but they are still having a difficult time facing the politics of the North American Free-Trade Agreement.

I am looking forward to being joined by a number of my colleagues who have indicated an interest in speaking out here on the floor again tonight, as they often have. I would like to take just a few minutes to go through a number of the facts that I have been sending out every day. I have a stack of them here, and I will not go through all of them, but I would like to refer to a few of them to underscore again that this is an argument of facts versus fear.

I would like to begin by referring to NAFTA Fact No. 1, in which I said the latest evaluation of the Organization of Economic Cooperation Development, known as the OECD, ranks Mexico as the world's 13th largest economy and the 10th largest consumer base.

Of course, the reason I mention that is that when we heard Mr. Perot in the debate the other evening, he said there are 85 million people in Mexico who are so poor they cannot afford to buy anything. The fact of the matter is, Mexico ranks as the 13th largest economy and the 10th largest consumer base.

NAFTA Fact No. 2: The congressional Office of Technology Assessment in October of 1992 released a study which found that it was cheaper to build a car in a United States auto plant than in a Mexican auto plant. That is contrary to what so many people have said. They say all of these cars are being produced very cheaply in Mexico. The fact of the matter is, the cost of building the average automobile in a United States plant is \$8,770; the cost in a Mexico auto plant is \$9,180. That is a fact about NAFTA.

NAFTA Fact No. 3: Today Mexican tariffs on chemicals and petrochemicals average 15 percent, while Amer-

ican tariffs average just 2 percent. Both will be phased out to zero under the North American Free-Trade Agreement, with Mexico giving up seven times more production than the United States. That is a fact about NAFTA.

NAFTA Fact No. 4: In 1992, the United States exported \$13.5 billion of capital goods to Mexico, which accounted for 33.6 percent of all American exports to Mexico. The reason I say that is we so often hear of our colleagues decrying the fact that so many capital goods are going down to Mexico. But the fact of the matter is, in comparison, capital goods account for 58.5 percent of United States exports to Canada, 53.5 percent of exports to Germany, 53.5 percent of exports to Australia, and 32.2 percent of exports to Japan.

Basically, what we have seen is that the argument that has been provided about this tremendous flow of capital goods to Mexico from the United States is not as large as it is to many other countries around the world, and, quite frankly, it is not necessarily a bad thing. That is a fact about the North American Free-Trade Agreement.

NAFTA Fact No. 5: A bipartisan group of 276 leading American economists, including 12 Nobel laureates in economics, have written the President in support of the North American Free-Trade Agreement. In their statement they say the agreement will be net positive for the United States, both in terms of economic employment creation and overall economic growth. That is a fact about the North American Free-Trade Agreement.

NAFTA Fact No. 6: The Economic Policy Institute, which is a think tank, released one of the few studies that predicts that NAFTA will hurt our economy. But the Economic Policy Institute received almost all of its funding from large national unions, and it has six union presidents on its board of directors.

Now, we all know where organized labor stands on this issue. They have come out in opposition to it, and they have funded the one major economic study from the Economic Policy Institute which has come out in opposition to the North American Free-Trade Agreement. That is a fact about NAFTA.

NAFTA Fact No. 7: No provision of the North American Free-Trade Agreement requires the United States to change or compromise truck safety standards, weight limits, vehicle size restrictions, or operator license requirements. We continue to hear from many people that what would happen under NAFTA is we would see all these old heaps roll across the border and come in and create accidents here in the United States. But it is a fact that any truck that comes over has to comply not only with the standards for the trucks, but the driver must comply

with all of the operator standards that we have here in the United States. That is a fact about the North American Free-Trade Agreement.

NAFTA Fact No. 8, which is a very important one for us to recognize, Mr. Speaker, and that is that during the negotiations on the North American Free-Trade Agreement, the Bush administration held over 1000 meetings and briefings with Members of Congress and staff, private sector advisory committees, and trade associations.

So many people have said that the NAFTA is something that is being rushed through. As my friend from Tucson knows very well, I was privileged to join with him six and one-half years ago introducing a resolution calling for the breaking down of tariff barriers between the United States and Mexico.

I am happy to yield to my friend.

Mr. KOLBE. I appreciate the gentleman yielding. I think you make a very good point and one that I think our colleagues ought to pay special attention to, because one of the arguments that we hear most frequently from those who are opposed to NAFTA is why is this thing 2000 pages long? Why is it so complicated?

Of course, the answer is because, unfortunately, our tariff laws are very complicated. They refer to every single item that might be sold or traded, and it refers to what levels of tariffs we have.

So we are taking down these tariffs. So it does take a lot of language, a lot of pages in a piece of legislation, in order to do that.

But I think my friend made a very good point, and that is that there has been a tremendous amount of consultation on this. I was a part of one trip that went down to Mexico with our then United States Trade Representative, Carla Hills, which included a whole lot of the industry groups, a whole lot of the advisory groups.

□ 2110

And there were literally thousands of people that were advising the U.S. Trade Representative on this and talking to the Members of Congress as we went through this process so there was input all the way along the line. I think that is one of the really misunderstood things about the fast track process. It is not fast. It is called fast track, because at the end of it, once it is negotiated, you have a single vote. And that is for very logical reasons, so that when the agreement is done, both sides know the agreement is done and either there is going to be a yes or no to that. It is not going to be picked apart. But there was ample consultation with Members of Congress.

I know that Ambassador Hills was coming up here as often during the final months of the negotiations, as often as 15 and 20 times a month to

talk to Members and groups about this so it was not as though there was not consultation, nor that interest groups were involved in this.

Mr. DREIER. Mr. Speaker, I thank my friend for his contribution. We have got to remember that fast track passed this House 2½ years ago.

Mr. KOLBE. May 1991.

Mr. DREIER. We have seen a long negotiating process, and I believe it is somewhat disingenuous of many of the opponents of NAFTA, who have continued to argue not this NAFTA, we had over 1,000 meetings held by the negotiators with Member of Congress, private sector organizations. They had, as my friend says, all kinds of input in the negotiating process as it proceeded. And we hear people say, throw this NAFTA out.

My response is, put together a North American Free-Trade Agreement that will have the support of Jesse Jackson and Pat Buchanan, of Ralph Nader and Ross Perot, of Jerry Brown.

As you look at the people who have been opposing, the coalition that has been opposing this, it would be virtually impossible to strike an agreement that would have the kind of input that the Bush administration put into the North American Free-Trade Agreement. I think that has to be recognized to those who continue to say, as we often see in the posters behind these anti-NAFTA rallies, not this NAFTA.

Mr. KOLBE. I think that is an excellent point and one that I think needs to be emphasized. That is another one of the great myths that I think we are hearing from people.

I think, as you suggested, it is very disingenuous when people say, I am really for free trade; I am really for a North American Free-Trade Agreement. It is just this agreement I do not like.

They know perfectly well that there is not going to be another agreement. There is not going to be another agreement in a generation, in probably in the lifetime of you or me or most of the people that might be listening this evening or of our colleagues.

The reason for that is fairly simple. A tremendous amount of political compromises and sacrifices and give and take went into this agreement on both sides, and if we are to say no to this, if we are to slap the Mexican Government and the Mexican people in the face by saying, we negotiated this, now we are saying no to it, it is politically not realistic to assume that the Mexican Government would turn around, having been slugged in the face, and say that was so much fun, let us try it again.

There is not going to be another agreement.

Mr. DREIER. The fact of the matter is, there are many people who stand up there under a poster that says, "Not this NAFTA," who admit that they want no NAFTA. There are a few peo-

ple in this House who have said they are protectionists and they do not want to see us expand trade. And those are people who have stood under the sign that says, "Not this NAFTA."

Mr. KOLBE. My colleague is quite right. Many of these people do not want to have a North American Free-Trade Agreement, they are just opposed to a Free-Trade Agreement.

Mr. DREIER. Mr. Speaker, I am happy to yield to my friend, the gentleman from Hickory, NC [Mr. BALLENGER], who has been a strong advocate of the North American Free-Trade Agreement, who has fought for human rights and political pluralism and free market throughout Latin America, and his efforts on behalf of NAFTA will finally help us reap the benefits of the many years of effort that he has put into trying to bring about free and fair elections in Latin America.

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding.

I would like to tell the folks back home that basically in my real life, before I came up here, I was a manufacturer who supplied packaging to the textile industry. And what really surprises me is for Ross Perot to come out and say, after NAFTA, there is going to be this great sucking sound.

My company has been supplying the textile industry for 40 years. And for 40 years, each year we lose another customer, another one of these sweater plants or dress plants. They do not go to Mexico. Very few of them went to Mexico. The large majority of them went to the Far East.

They are all in Hong Kong, Thailand, Malaysia. Those folks there use their thread, they use their cloth, and they cut it and sew it and sell it in this country for a small amount.

Mr. KOLBE. And they use their packaging.

Mr. BALLENGER. Yes, which hurts terribly.

But in the meantime, suppose NAFTA passes and the jobs that are now in the Far East could be brought to Mexico, because of the fiber arrangements we have. You have to look at it from the viewpoint that I come from. I have got 60,000 textile workers that work in my district. But if they bring it back from the Far East to Mexico and, because of the fiber forward arrangements in that, they would be using our thread and our cloth and creating more jobs in our industry here in the United States.

Mr. DREIER. Of course, it becomes extraordinarily difficult for businesses in the Pacific rim and the Far East and businesses in Europe and any other part of the world that are not part of the North American Free-Trade Agreement to get in. Why? Because the tariff barriers that exist today for the United States, your business is sending products to Mexico, actually, will continue

for those countries in other parts of the world that are not part of the NAFTA.

Mr. BALLENGER. I am not worried about that great sucking sound. Because for 40 years, that sucking sound has been going to the Far East.

Mr. KOLBE. I would like to respond. I think the gentleman from North Carolina has made another very good point that needs to be remembered by our colleagues, and that has to do with specifically with the textile provisions in this bill.

There are provisions that are very, very favorable to the textile industry in this country, because you referred to the fiber forward part of the agreement. Now, that is going to be malarkey or black magic to most of the people that would be listening to this and even to a lot of Members. I think it is important to understand what that means.

When we talk about fiber forward, that means in order for the product to be considered a North American product, and thus be duty free and not have to pay the duty as it moves between Canada, Mexico, and the United States, it must at least have the fabric, the sewn fabric used in it. Now, the cotton can come from another location outside the country, but the fabric has to be made in this country. That means because we have very, very competitive and very low-cost producers of the fabric, because of the, as you well know, because of the capital investment in that, we are going to have a tremendous advantage in using the Mexican labor force in terms of the sewing of these products. We will be supplying the fabric that now is being sewn in the People's Republic of China, and the fabric is being made there as well or maybe the fabric is being made in Taiwan and taken over to the PRC. But we get none of the business now.

Mr. BALLENGER. There is nothing to lose, as far as the textile industry is concerned, as far as this agreement is concerned.

Mr. DREIER. I would like my friend to read this very helpful letter.

Mr. BALLENGER. This came out on November 15, which is a resolution to the Board of Directors of the American Textile Manufacturers Institute and it resolved that its member companies "pledge not to move jobs, plants or facilities from the United States to Mexico as a result of the North American Free-Trade Agreement."

Common sense says, the investment that they have in this country and the productivity of our workers is such that if you remove the tariff barrier, there is no reason to move plants to Mexico.

Mr. KOLBE. I cannot think of anything that might happen that would be a better break on these jobs moving out than to have this arrangement with Mexico that allows us to take ad-

vantage of what we do so well in this country and what Mexico can do so that we can produce shirts and blouses and coats and slacks and raincoats and everything else, and we can produce these goods that we can sell to Europe and we can sell to Japan, and that now we do not have a competitive edge in doing that.

I think there is going to be a tremendous advantage in the textile industry and in the textile and apparel manufacturing industry for the United States.

□ 2120

Mr. BALLENGER. I hate to just use my own industry in my own area.

Mr. DREIER. We do not mind one bit hearing about your industry.

Mr. BALLENGER. My two big industries are textiles and furniture and fiber optics, where we have no problem. But ever since Mexico began being involved in getting into the GATT treaty, they started reducing their tariff, and since 1987, let me just give the growth in our sales just from North Carolina to Mexico in a period since 1987.

Textile products have increased by 946 percent; apparel, even, and that is where everybody says we are going to lose all these jobs, apparel has increased by 523 percent. Furniture, unbelievably, again one of my State's largest industries, 6,800 percent in a period of five years. That is unbelievable growth as far as North Carolina is concerned in shipments to Mexico.

If we remove that last tariff barrier, there is no reason in the world this growth could not continue. It is just unbelievably one of the greatest possibilities that we have, at least as far as North Carolina is concerned, and the country.

Mr. KOLBE. If the gentleman will yield further, it is important that we note that Canada and Mexico are the two largest export markets for the United States textile and apparel products. It is estimated that those jobs or those exports to those two countries support 72,000 textile-related jobs in this country, and that is growing very, very rapidly.

Our exports of fibers, of textiles and apparel, to Mexico have increased by more than 25 percent, on average, every year since Mexico joined the GATT. Compound that, 25 percent each year. It is now more than \$1.5 billion of textiles that go to Mexico alone, so we have a tremendous amount. Canadian and Mexican markets represent more than 28 percent of our total exports in textiles.

Mr. BALLENGER. Our country at the present time, if we did not have the export market that we have, this recession that we are supposedly coming out of right now would have been one of the worst recessions in the history of the country.

Mr. DREIER. We know in this country people working in the export sector

earn 17 percent higher than those who are working in areas that are simply for domestic consumption in the United States.

I am going through my NAFTA facts. Knowing that you were talking about this issue of productivity, I flipped ahead to NAFTA Fact No. 12. It basically states that a study by the Hudson Institute compared manufacturing wages and productivity in the United States and Mexico. The findings showed that United States manufacturing compensation was 4.7 times higher than in Mexico, while United States manufacturing productivity was 4.6 times higher than in Mexico, basically saying that the marketplace is working, here.

The American worker, as my friend, the gentleman from Hickory, is going through his tremendous experience in the manufacturing business, knows that the American worker is far more productive. We are hoping, and if one believes, if anyone here believes in what we have been arguing for the past four decades as a country, encouraging free markets throughout the world, we know that what we are doing is we are getting towards a market level and wage rates are going to increase on both sides, making this a win-win arrangement, which is very positive for us.

Mr. BALLENGER. If the gentleman will yield further, it is not surprising to the two of you that the one organization that should profit more from this whole kit and caboodle is the United Auto Workers, and their workers in Detroit, MI?

My understanding is at this point we ship less than a thousand cars a year, and remove the tariff, we are projecting that we would sell 60,000 cars.

Mr. DREIER. In the first year, the first year projections are that 60,000 automobiles will be sold to Mexico, and according to Robert Holdman, the executive vice president of General Motors, that number will exceed even beyond that in years to come. Why? In Mexico there is 1 automobile for every 123 Mexicans. In the United States there is 1 automobile for every 2.5 Americans.

Mr. BALLENGER. I would ask the gentlemen, have they ever thought of the idea that basically the opponents to NAFTA are looking back, they are looking at the past, they are worried about what happened to them in the past, and nobody is looking to the future?

I think that those of us that are supporting NAFTA are looking to the future and the growth of our country.

Mr. DREIER. We are, and we have been joined by our very able new colleague, the gentleman from Pine Bluff, AR [Mr. DICKEY], who has done a spectacular job in leading his class on behalf of the North American Free-Trade Agreement.

I am happy to yield to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. I thank my distinguished colleague from Claremont, California. Is that correct?

Mr. DREIER. Yes.

Mr. BALLENGER. The gentleman is close.

Mr. DICKEY. I have something I want to add to this, if I may. Those of us who do not take PAC money are in somewhat of a different position in this discussion than we are in other discussions for these two reasons. One is that there is no influence that can get to us. I think the voters need to know that, that the people who do not take PAC money, the PAC's do not have any way of coming in and saying "We want to collect, or give you a better chance of reelection next time," because we were reelected on the basis of the people's votes and not any of the lobbyists.

A second point is that the reason we do not take PAC money is because we are for the little person. The little person is out there, the average person is out there saying, "I want my Representative to give me a straight opinion, with no reference to what somebody has given him from the northern States or the PAC's or groups of people who have gathered this mass amount of money together."

How does that relate to NAFTA? I want the people of America to know and I want you all to know that it is the average person that I am representing when I am saying I am for NAFTA. It is the people who have jobs, who want more security in their jobs, and people who do not have jobs. Those are the same people that I am trying to represent when I say no to PAC money. I am saying yes to NAFTA. I am saying to those people, they should be given a chance to have better jobs and better opportunities.

There is one other point that I want to make. I have spent some time in athletics, particularly in basketball. I know that when you try to freeze a ball on a basketball team, you lose, usually. You might win that game, but if your attitude of your team is that once we get ahead we are going to hold onto the ball, then you somehow lose the spirit of the team. You lose the competitive edge.

When we try to build a fence around this country and we say we are just going to hold onto what we have, we are going to suffocate our job supply. We are going to suffocate our attitude and our spirit of competitiveness. I believe that is mainly the part that I want to emphasize.

Mr. KOLBE. If the gentleman will yield, a great deal has been made of this issue of PAC money. I really admire the fact that the gentleman does not take any PAC money, that you run your campaign using just individual contributions from citizens. I think that is very commendable.

I think it needs to be pointed out, however, that for those who have been critical of contributions made by political action committees to those who might be in support of NAFTA, that the same can just as easily be said of the other side. I am sure the gentleman is very well aware of that. The labor unions have been very, very strong in their support of those who are opposed to NAFTA. They have given a large number of contributions to Members who are opposed to it.

Similarly, as we know, this morning's Wall Street Journal has a very interesting article about Roger Milliken who is a very famous and large textile manufacturer, and the way that he has consistently been fighting free trade and for protectionism throughout the years with the money that he has used to fund various think tanks and operations here in Washington against free trade.

There are plenty of people and organizations on the other side that have been very free in spending their money to try to defeat this. In fact, I dare say, there is a lot more money out there being spent to defeat this than there is money being spent to try to pass this.

Mr. DICKEY. I think that, too, because in the debate we tried to find out how much Mr. Perot had been spending on this, and I guess to date we do not know, is that right?

Mr. DREIER. He did not answer the question when it was posed to him by Vice President GORE on Larry King Live the other night. Maybe he has provided the answer since then. If he has, I have not seen it.

Mr. KOLBE. The Perot organization has been very careful not to ever, or very clear that they are not going to reveal any of the sources of their money, or how they get it, and where they spend it. I think that is important for the American people. They have become a major player in the American political scene, and yet we have no idea what the sources of their money are, and how they are spending it.

Mr. BALLENGER. He did not bring that material with him. It was one of those things that he happened to overlook, that he was not sure they were going to ask that question, so he did not bring that.

Mr. KOLBE. That is right. He just did not have that information with him, but it still has not been made public.

Mr. DREIER. I am happy to further yield to my friend from Pine Bluff, AR [Mr. DICKEY].

□ 2130

Mr. DICKEY. The other thing I want to emphasize is market share. It is difficult for any country or any business, if you step back one step from that, to try to get a market, a new market, and to try to get one that is free and open.

We have an 85 million person market here that we can service. It is on our

border. We do not have to cross the seas. We do not have to do anything except just lay down the tariffs and cross the border and deliver what goods we have, and what goods we are making in the United States with American jobs.

That is not where it ends though. We can go from there to Central America and to South America, and we have 700 million people who we can start pulling for to lift their standard of living so that we can then sell them more.

I just do not see how we can lose in that situation.

Mr. DREIER. I think my friend makes a very good point on this issue when he raises the point of we can start pulling, because historically there has been more than a little friction between Latin America and the United States of America, and there is a great attempt being made today to unite this hemisphere and the North American Free-Trade Agreement is the first step on that route toward establishing the elimination of trade barriers with Chile, which wants to embark on a free-trade agreement just as soon as we complete the NAFTA, and many other countries in the region. The Andean Pact will be going into effect in 1995 where we will see five Latin American countries coming together in a free-trade area.

Yesterday's Washington Post had a fascinating editorial written by President Gaviria of Colombia who referred to the fact that a free-trade arrangement between a Latin American country and the United States has been extraordinarily beneficial in growth on both sides. That is the example to which we should be looking as we consider embarking on this kind of an agreement.

I am very happy that we have been joined by a friend who traveled with us to Mexico just about a week ago now to talk about this arrangement with business people, American business people in Mexico, Mexican business people, opposition leaders in Mexico and Mexican Government officials, and even consumers in the Wal-Mart store in Mexico City.

I am happy to yield to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished gentleman from California for yielding.

Before I comment, let me just say the excellent leadership that you and Congressman KOLBE have given on our side, and of course Congressman MATSUI, Congressman RICHARDSON, and Congressman GIBBONS on the Democratic side show that this is truly a bipartisan issue, and we are going to work very hard to pass the NAFTA bill on Wednesday.

The item I would like to talk about a little bit is this whole question that has been debated back and forth about either the creation or the loss of jobs. As the gentleman from California [Mr.

DREIER] pointed out earlier this evening, every study that has been done on the job impact, except one, has said there is going to be a positive job creation if we pass NAFTA.

To put that in simple terms, and just to walk through some of the numbers, we have a trade surplus with Mexico this last year. We have data that we exported about \$5.4 billion more in goods and services in Mexico than they exported to us.

Mr. DREIER. To those 85 million poor people who cannot afford to buy anything?

Mr. BARTON of Texas. As you well know, they actually average about \$450 per person.

Mr. DREIER. Is that not more than Japan and Western Europe?

Mr. BARTON of Texas. It actually is, substantially more.

Mr. DREIER. It sounds to me like they are not quite as poor as we have been led to believe.

Mr. BARTON of Texas. That is right. They buy about one-third more.

But the point is if we are already exporting more to Mexico than we are importing, then we are creating jobs in this Nation. And if, as you so well know and the other distinguished gentleman from North Carolina knows, if their tariffs are 20 percent on average and our tariffs are 4 percent on average, if we reduce their tariffs to zero, or in stages, then we are going to export even more. So we have to create jobs in this country. And every study but one, which was primarily funded by the labor unions, has indicated that that is the case, that we are going to create jobs in this country.

So the people who are opposed to NAFTA because they fear they may lose their jobs, and that is a sincere concern, there is no question about that, I think they have a very exaggerated case being made to them about the impact of the loss of jobs. And if in fact they are in an industry that might lose jobs to Mexico, the reality is that if you are trying to produce in Mexico, sell in the United States, as you so well know, and the other gentlemen know so well, they can do that today under the maquiladores program. And a very important fact in the maquiladores program is between 1979 and 1990 the United States lost about 3 million manufacturing jobs. During that same time period we created 16 million net jobs overall, but we did lose about 3 million manufacturing jobs.

The maquiladores plants in Mexico employ 380,000 people, so the jobs that are lost in manufacturing, they did not all go to Mexico. In fact, only 380,000 jobs are in the maquiladores zone right now.

And in spite of the fact that we lost 3 million manufacturing jobs, we actually increased our productivity in the United States in the manufacturing sector. We are the most, as you well

know, the most productive manufacturing economy in the world. We are 30 percent more productive than the No. 2 nation, which is Japan.

Mr. BALLENGER. If the gentleman will yield on that point, while you are speaking of the maquiladores operation, that is 380,000 jobs, according to what you said. But at the present time we are shipping to Mexico right now without removing the barrier that we have and there are 700,000 in this country today that exist because of what we are selling in Mexico.

Mr. BARTON of Texas. And on that basis we are creating jobs, but I am just trying to point out, as you talked about in the opening statements, talking about the facts and the facts of NAFTA, we are a net job creator because of exports to Mexico. The jobs that have been lost in the manufacturing sector have gone all over the world.

We still have the most productive manufacturing sector in the world, and by creating a market, as you so well know, of the 85 million consumers in Mexico, we are going to create even more jobs.

Mr. KOLBE. If the gentleman will yield for one moment, I know we have had others who have joined us here, and I want to get them in on this discussion, but I think there is a very important kernel in what the gentleman has just said there that needs to be recognized.

I am prepared to concede, frankly, that both the proponents and the opponents of NAFTA have used some hyperbole when it comes to the jobs issue. It has been hyped just a little bit, this whole issue, and I think you have to put this in perspective.

Let us say it gains 250,000 jobs. Let us say it loses 500,000 jobs. Do my colleagues know what the average number of jobs that are lost and created each week in the United States is?

Mr. DICKEY. It would be several hundred thousand.

Mr. KOLBE. It is 400,000. 400,000 jobs every week are lost and gained, and we know that because when the number of new unemployment compensation applications rises above 400,000, unemployment goes up; when it falls below that, unemployment goes down.

So, in other words, the net that is changing every week, that is the equilibrium, is 400,000. So even if we are talking about losing 250,000 jobs, and I believe that clearly it is a net job gainer, but even if we are talking about losing that over 5 years, we are talking about 3 days' worth of what the job gain and loss is in this country today.

Mr. BARTON of Texas. If the gentleman will yield, the worst case scenario, the worst case scenario for jobs lost directly attributable to NAFTA is 500,000 jobs lost over a 15-year period.

Mr. KOLBE. That is right. That is why I say I think that point is very important, that when you put it in the

perspective of what is churning within the job market every single week, that it is not that significant. I think it has a tremendously positive effect in terms of net job creation over the long period as it generates more sales, and I think it is a net job gainer. But I think that point needs to be kept in mind.

Mr. DREIER. The economy of Mexico is one-twentieth the size of the United States economy. It needs to be realized that as many people seem to be scared to death of the Mexican economy, we are the largest, most productive economy in the world, and our workers are by far and away the most productive on the face of the Earth. And these figures that we have as facts demonstrate that, plus all of us here represent 600,000 people, and we know that in the districts which we are privileged to represent that we have many of those hard-working, capable people.

Mr. BARTON of Texas. If the gentleman will yield, I think the economy of the great State of California, of which you are I believe one of 52 distinguished Members, is twice as large as the economy of Mexico. That is, your State's economy is approximately twice as large as the entire economy of Mexico.

□ 2140

Mr. DREIER. Our State's economy is actually the sixth-largest economy on the face of the Earth.

Mr. Speaker, I am pleased to yield to one of those 52 Representatives who has been a great leader in the effort to pass the North American Free-Trade Agreement. He represents many union members in his district, and he knows the North American Free-Trade Agreement is going to be a benefit to them, and I am happy to yield to my friend from Long Beach, the gentleman from California [Mr. HORN].

Mr. HORN. I thank the gentleman very much.

There is no question but there is a plus for everyone in this. There might be temporary dislocation, but what gets me as we are coming down here to the wire and going to vote in 2 days on this agreement, and I regard this agreement as one of the two most significant issues of the 1990's that face this Nation, and we are going to step up to the bat and bat a home run for history and the future of this Nation, or we are going to be completely paralyzed by fear and intimidation.

I know that each of us here have been talking to various colleagues in both parties to make sure we have that majority to win this battle for the good of our children, our grandchildren, and those to come.

What I hear as I talk to people are some of the really strangest arguments I have ever heard on any public issue in 35 years. I do not doubt the sincerity of people and all that on the other side.

But a lot of them are making up their mind simply because of political

intimidation. In one case today I heard descriptions of violence in his constituency and threats of that. You know, enough is enough. We have got to rise up, make these decisions based on our conscience, not simply our constituency, and today I have put in the RECORD, because I did not want to put my colleagues to sleep here, a little bit that relates to what we are doing to what Edmund Burke once said in the English Parliament, which every one of us has used, that, "I owe the constituency my judgment, and I do a disservice in essence if I do not provide that judgment."

All of us are going to stand for election in the fall of 1994, and for all of us, this might be an issue. I suspect this will not be much of an issue.

We are going to go on to health care, which is equally, if not more, controversial, and to me it is the other key issue of the 1990's. We have both of them in this particular Congress.

But what worries me is that some people are simply putting their finger to the wind and being swayed by a small group that when you get information out to the full electorate they simply vote for NAFTA.

We saw this in the Gore-Perot debate when there was a shift of 20 points between the people that made a judgment prior to hearing the debate and the people that watched the debate, and then did they change their mind after.

Mr. DICKEY. If the gentleman will yield, considering the Perot debate and considering the fact that we have these people who are so adamantly against our position in this issue, I would like to bring up two things that were not answered in that Perot debate.

One was: What would you add to make this NAFTA better? That question was asked and it hung in that debate, and it still has not been answered.

Second was brought up indirectly.

Mr. DREIER. The response, by the way, was, "Work on it."

Mr. DICKEY. Yes. I think the other part of it was that the 6-month termination was available to us at any time. If it is as bad as you think it is, no answer has been given to that in this discussion yet by the opponents, and all we get is fear and intimidation and threats.

Mr. DREIER. My friend is absolutely right. I think that at this point along the lines of what my friend from Long Beach said, I would like to ask the gentleman from Tucson to report on the town hall meeting he had just this past weekend.

One of the things we found is in going into meetings one would conclude that everyone in the room opposes the North American Free-Trade Agreement. Why? Because the volume level of the opponents is so high, and at this point I yield to my friend from Tucson, the gentleman from Arizona [Mr. KOLBE], to report on that.

Mr. KOLBE. I appreciate your yielding.

The gentleman and I had a little conversation about this.

Obviously I have been a supporter of NAFTA for a long time. It was hardly any surprise in my district for me to be talking about it as I have been for the last several years.

But I felt that it was incumbent to do a town hall specifically on this subject before we had the vote, so I scheduled a town hall last Thursday. I went through a presentation, and actually I thought it was quite good, not only my presentation, but we had products lined up behind us, products from southern Arizona that are exported to Mexico, either distributed through Arizona or manufactured there and sent down there, and then I had a panel of three business people tell us about how their exports and how their business has increased because of doing business with Mexico. After they finished that and I finished my explanation, we immediately launched into a dialog, and there were people all over the room, and there were about 150-200 people there who were standing up shaking their fists and shouting about how bad NAFTA was, as though they had not heard a single word that had been said in its defense there, and this went on and on and on for an hour and a half, and at the end of the evening, I thought that I had better find out here where people really are, because you would have thought there were not five people in the entire room that were in favor of NAFTA.

We took a straw poll, and it was almost 3 to 1 in favor of it.

The problem is that it is the opponents that make all the noise in this thing.

Mr. DICKEY. I think you can hear it in this body right here.

Mr. KOLBE. That is right.

Mr. BARTON of Texas. Take a vote right now.

Mr. KOLBE. While I am on this topic, I wanted to mention one of our colleagues, another Member from the great State of California that I was talking to just a few minutes ago, and he was watching us from his home or from his office, and I am talking about the gentleman from California [Mr. CUNNINGHAM], and he announced that he was going to be in favor of the North American Free-Trade Agreement.

It has been a tough decision for him to make that, because there are a lot of Perot people, a lot of union people down there in the San Diego area that have been against it, but as he said, "I have studied this thing very, very carefully, and I made the decision that I am making," he said, "because I have looked at the facts, and the facts are very, very clear that this works to the benefit of the American worker. It works to the benefit of the American

consumer. It works because it is going to help provide jobs." He said, "I just wish you would convey to our friends over there on the floor that are with you tonight that I have made this decision not as one who was caught by any special-interest group." Indeed, if he was going to cast the easy political vote, he would have been deciding against this. But he came out for it because he recognized that it is in the interests of the American worker and the American consumer, and that is what is going to be good for America in all of this.

I just think that all of us are very appreciative of having the gentleman from California [Mr. CUNNINGHAM] come out in favor of this. We admire his courage that he has shown through the years as a fighter pilot, as a POW, as he has been a great person, and I think that we are very appreciative.

Mr. DREIER. I thank my friend for his contribution and his excellent report on another brilliant Californian who has made a very wise decision.

Demonstrating that this is a bipartisan issue, I am very happy to see that we have been joined by our friend, the gentleman from Texas [Mr. GEREN], and I am happy to yield to him at this time.

Mr. PETE GEREN of Texas. I appreciate the gentleman yielding. I thank him for giving me the opportunity to join my colleagues in this discussion of, I think, one of the most important issues that Congress is going to consider this year or for many years to come.

I just came from my office where I got a call from a constituent. I heard from him what I know many of you all have heard from your constituents. They have example after example of plants that have closed and moved to Mexico, and they say that you cannot be for NAFTA because of this that happened yesterday and the year before and the year before that.

It seems to me that our biggest problem in selling NAFTA is not what NAFTA is going to do but what has happened up until now. All of the economic insecurity out there is really what has stemmed from what has happened pre-NAFTA, not what NAFTA offers.

I wanted to just share a conversation that I had with the former Speaker of the House that I think goes a long way toward addressing some of these concerns. I was talking about this issue with Jim Wright, somebody who certainly has had a long and distinguished record of supporting the labor movement in this country and somebody who strongly supports NAFTA and is working very hard for its passage.

He said, in responding to the concerns that people have had about plants that have gone to Mexico, he said that NAFTA has nothing to do with them. He said that with NAFTA,

plants can go to Mexico, but NAFTA does not affect that decision one way or the other. What NAFTA does, if we pass NAFTA, we will be able to sell American products in Mexico without the high tariffs, the high penalties, that Mexico is putting on American products. That is what NAFTA is all about.

It is about tariffs. It is about penalizing American goods. It is not about whether or not a plant can or cannot move to Mexico. NAFTA does not touch that.

I just wanted to come and join you all after this latest conversation that I had with a constituent, but it is one that I know you all have heard over and over again, and I think Speaker Wright with his distinguished record of support for the labor movement did such a great job of explaining what NAFTA is truly all about.

Mr. HORN. If the gentleman will yield further, I agree with what the gentleman has said, that NAFTA is not responsible, obviously, for the plants that have moved there for the last 30 years.

On the other hand, NAFTA, when implemented, will take away at least one reason why a plant might move to Mexico, and that is it will eliminate the Mexican law that says that if you want to sell in certain areas in Mexico, you must have a plant there.

Am I not correct?

Mr. DREIER. My friend is absolutely correct. There is another reason, and the fact of the matter is, as the gentleman from Texas [Mr. GEREN] has said, the plants have moved to Mexico without NAFTA, and they will move to Mexico with NAFTA.

□ 2150

But we need to realize that contrary to many of the reports that are out there that U.S. businesses move to Mexico to simply use its cheap labor as an export platform to send products back to the United States, that is not the case. Seventy percent of the business that is done by United States-owned operations that are in Mexico is done to take advantage of the Mexican consumer market. Why do they go there to do that? Because the tariffs are so high that they have no choice.

We found that 55 percent of the items that are on the shelves of the Wal-Mart store are U.S.-manufactured products. But the prices of those products in Mexico are sometimes 3 times greater than they are on the shelves of the Wal-Mart store in the United States. Yet they are still selling there.

So when we reduce that tariff barrier, many businesses which have had to move to Mexico so that they can gain access to those consumers will not have to go. They will be able to stay in the United States.

One of the best examples from our State is IBM. The tariff structure that

exists right now on computers is as high as 20 percent. The chief executive officer of IBM has said if NAFTA is defeated, they will have no choice but to move some of their operations from California to Mexico. Why? Because Mexico is one of the largest and growing markets for computers, computer software, electronic goods, and they will not have to move down there to take advantage of that. If NAFTA passes, they would not have to. They will be able to stay in California.

Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. BALLENGER. The gentleman mentioned buying groceries and things at the Wal-Mart. But unless I am mistaken, there are several people here who have States right on the border: Is it not true that Mexicans came across the border to buy our products because they want our products but cannot get them down there?

Mr. DREIER. I yield to my friend from Arizona.

Mr. KOLBE. Not long ago, and some of my colleague have heard me tell the story but I think it is a very good one, not long ago I visited one of the largest Safeway stores in the State of Arizona, which is not in Phoenix, not in the Tucson area, it is down in a little community called Douglas, a town of about 10,000 people on down on the border.

This Safeway is gigantic, huge. You ask how could they have a store of that size in a community of 10,000? Well, 80 to 85 percent of their business is being done with people coming across the border from the neighboring State of Sonora and the little town of Agua Prieta, who are coming across there in order to shop at this store in Douglas, AZ.

Now, I went there and walked to the back of the store to the meat department. Now, in a Safeway store, on average 14 percent of the dollar volume of a Safeway store is in meat. Meat is the high end of your grocery market, as you all know, when you go out and buy steak or chuck or anything else; it is on the high end. Well, 24 percent of the dollar volume in this Safeway store comes from the meat department. There were nine butchers back there. Safeway is unionized. These are all union workers, union butchers. Nine of them back there, they were sawing, they were chopping, they were grinding, they were wrapping, they were packing, they were shoving that meat out there as fast as they could out into those coolers where it was being picked up by the Mexicans who were coming across the line to buy that. They are coming across because the meat is better quality and it is a cheaper price than they can get at home.

Do not tell me we cannot compete with union wages. We are doing it every day. And that is a good example. Do not tell me that Mexicans do not have the money—Agua Prieta is a very

poor town, by the way—do not tell me Mexicans do not have money. They have an insatiable desire for American products, and they are spending the dollars that they have on American goods, American products.

They spend already more on a per capita basis than the Europeans do or the Japanese do, despite the fact that they have an income about one-sixth or one-seventh of the Japanese or the Europeans.

Imagine when Mexico is transformed and they truly have an economy that is close to the European country or close to Korea, let us say, which is maybe one-half or one-third of what we have today—and that is not too far in the future when that will be the case—imagine how many more dollars they are going to have to spend on United States products.

Mr. DREIER. You know, when my friend talks about this huge level of income, the huge income levels, one is struck by the fact that our competition in this country does not come from poor nations, it comes from nations like Germany, where the wage rates are 60 percent higher than the wage rates right here in the United States. The competition comes from Japan, where wage rates are about on par with wage levels in the United States.

It does not come from these very, very poor nations that we see throughout the world. That is why I cannot understand why so many of our colleagues are fearful of that.

I yield to my friend from Texas.

Mr. BARTON of Texas. I thank my friend.

Now I have a comment, and then I want to ask a question of my colleague, the gentleman from Texas, from Fort Worth, TX.

Many of United We Stand groups had protests, picketing operations over the weekend. I know Congressman GEREN was picketed in his office. I am a member of the United We Stand, and so I received the information to picket my own office.

I called up the coordinator, had my staff call the coordinator for my district, and said, "Instead of having a demonstration, why don't we have a debate," as the gentleman had in his town meeting.

Well, we had a debate in a bowling alley. The opponent, against NAFTA, was a very well-read young man named Lyndon Johnson, believe it or not. So Lyndon Johnson took the negative that NAFTA was bad, and JOE BARTON took the affirmative that NAFTA was good. Of the undecideds in the room, and there were approximately 75 people, of which maybe 15 were undecided, at the end of the debate the overwhelming number of those people came up to me and said they were going to support NAFTA.

But my question, when I heard Congressman GEREN talking about speaking with Jim Wright, the former

Speaker, being for NAFTA, my question is: Is that just private conversation, or has the former Speaker, formerly strongly in support of NAFTA and in some way publicized that he is strongly insupport of NAFTA?

Mr. DREIER. I yield to the gentleman from Texas.

Mr. PETE GEREN of Texas. Mr. Speaker, former Speaker Wright is not only working for this agreement privately, he is working quite publicly. In fact, he has written an editorial that appeared in the Wall Street Journal recently. The former Speaker has taken a good deal of his own personal time to come to Washington and is actively going door to door calling on Members, trying to impress upon them the importance of this agreement, not just to our State of Texas but to the whole country.

It is an issue that he believes passionately in, and he is, though a private citizen now, is taking his own private time, his own personal expenses, and coming up here working the halls of Congress trying to get this agreement passed.

Mr. BARTON of Texas. And before I yield back, as the gentleman from California pointed out a minute ago, there is no question that many of the people who are opposed to NAFTA are absolutely totally sincere in their opposition. But when you really sit down and spend time with them, I have found that if they really understand the facts in a, I would say, reasonable number of times they will go, if not from being totally negative, they will go at least to being undecided.

Mr. DREIER. My friend is absolutely right. That was confirmed, as I said earlier tonight, by the Washington Post/ABC News poll which was released showing 42 percent of the American people support NAFTA and 42 percent oppose NAFTA. So it is evenly split now, contrary to the reports that we have gotten in the past about all of this opposition.

The difference is that the American people have begun to focus in on this. The whole point of this special order this evening was to talk about specific facts about the North American Free Trade Agreement.

I yield to my friend from Long Beach.

Mr. HORN. One of the perceptions that I have is that a lot of our colleagues and a lot of the voters have a misperception of what is the modern Mexico. Certainly it is not as advanced as the superpower to its north. On the other hand there is a substantial middle class, and it is rising regularly. And yet the perception seems to be there is a few rich people living behind 30-foot walls that own most of the country and everybody else is in a rural village with a dirt road, does not have a job, and wants to head to the United States.

The reality is you have got professional people, highly educated people,

raising families, giving them a proper education, becoming part of the skilled technological force of Mexico, occupying offices, doing all the things we know the American middle class does.

As my colleague mentioned, the purchasing power that is seen in that Safeway store in Arizona is pent-up purchasing power, wanting quality goods, and it is people who have money to spend and can be major consumers. The vision of every ex-President and the current President and most of us in this debate is of a common trade zone that stretches from the North Pole, someday, to the South Pole and truly is an integrated economic institution with a huge market where everybody can have not only economic freedom but political freedom.

Mr. DREIER. I thank my friend for his very helpful contribution.

For the last hour we have been focusing on the facts of the North American Free Trade Agreement versus the fear propounded by the opponents of NAFTA. My time has expired, but I know that my friend from Arizona has time, and we have a gentleman from Pine Bluff who is anxiously looking forward to being recognized.

With that, I yield back the balance of my time in hopes that the gentleman from Tucson will be as generous as I have been.

□ 2200

MORE FACTS ABOUT NAFTA

The SPEAKER pro tempore (Mr. MENENDEZ). Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes.

Mr. KOLBE. Mr. Speaker, continuing where we were in this discussion of the North American Free Trade Agreement, I am happy to yield to my friend, the gentleman from Pine Bluff, AR [Mr. DICKEY].

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

I would like to give in this discussion something that builds off what the distinguished gentleman from California has mentioned, and that has to do with the alignment all the way from Alaska to the Yucatan Peninsula, an alignment that would be not only an economic bloc that would rival anything in the world, but would indirectly amount to military strength or result in equal military strength. I think that is one of the strongest points of this whole discussion, at least one of the most far-reaching points of this discussion, that if we get that many people together, we bind them together economically, we do not have to have gunboat philosophies and procedures. We can do it economically. We then represent a large number of people who can match other nations that might be threats to us in numbers and in

strength. I think that is another point that needs to be brought up.

I would like to hear the comments of the rest of the gentlemen here.

Mr. KOLBE. Well, Mr. Speaker, I certainly agree with the gentleman. I think that it has a lot to do with strengthening our competitive edge.

You know, we live in a world in which we are under increasing pressures from other countries in the marketplace. We cannot simply put our heads in the sand and assume that we are going to be able to be competitive if we are not out there fighting to remain competitive.

One of the ways that we can do that is to join forces with countries that are in our own hemisphere, such as Canada and Mexico, the same as the European community has done, although they have gone much farther than this agreement would go. I think that is one of the great misunderstandings sometimes raised by Pat Buchanan and those who talk about this being an American Maastricht. This is not a European-style economic union. It is simply a free-trade agreement, but to the extent that they have joined together in order to create a marketplace and to the extent that Japan is joining together with other Asian countries, such as South Korea, Taiwan, Singapore, and Hong Kong, to form an alliance of the Asian manufacturing nations and they are more competitive, by doing that the United States, Canada, and Mexico, have an opportunity here to create the world's largest trading bloc, larger than the European community, larger than those Asian communities that we just talked about.

This agreement really represents only the hinge on the door to all of Latin America. Chile is standing in the wings right now ready today to join in a free-trade agreement with the United States, so that they can have access to our markets and we can have total access to their markets.

Venezuela is close behind them. Columbia is interested in it. Argentina, the other countries of Latin America and Central America, are all there interested and waiting, but we have told them, wait. First let us complete NAFTA. Let us get Mexico, Canada and the United States together, and then the other countries can follow behind them.

So what kind of a signal do we send to those countries of Latin America, each one of whom we have joined with in a bilateral framework agreement that calls for these countries to make changes to their economy, that says, "If you will reduce your public debt, if you will reduce your inflation rate, if you will open up your marketplace, if you will privatize, if you will bring down tariffs, there will be a reward at the end, and the reward is going to be more trade with the United States."

That is what we have said to every one of these countries, and yet somehow those who oppose NAFTA must understand that we are slamming the door on those countries, not just on Mexico, but on all of Latin America who seeks to join with us in this agreement in order to make themselves and us and the Western Hemisphere a gigantic marketplace, not one that excludes other countries. I am not into this thing of excluding Europe or Japan or being anti-Japanese, but when that creates a very, very competitive marketplace for us. That I think is absolutely critical in this debate.

Our colleagues simply cannot ignore the consequences of what a negative vote will mean in terms of our trade relationships with the rest of the Americans and our political relationships with those countries.

Mr. Speaker, I yield to the gentleman from Fort Worth, TX, Mr. PETE GEREN. Mr. PETE GEREN of Texas. Mr. Speaker, I thank the gentleman for yielding to me.

There are two points that I have come across in trying to persuade those who are against NAFTA to support NAFTA that I feel our opponents have made the most of. One is blaming NAFTA for job losses that occurred long before NAFTA was even considered. I think we have discussed that in some detail.

The other myth that has been perpetrated on the American public is that the Mexican country has no buying power. The gentleman made a number of points that illustrate that is not true.

I would like just to raise two other points that help explain to the American people that not only do the Mexican people have buying power, they have a significant buying power, and buying power that has the potential to allow us to reap great rewards in selling American products down there.

I represent Fort Worth, TX. Every single day of the year a Union Pacific train leaves Fort Worth. It is a mile long, a mile long going to Mexico. Five years ago they had a train about once a month that went to Mexico. This train carries American-made goods to Mexico every single day, a mile of American goods going down there to be purchased by Mexican consumers.

Another point is American automobile purchases.

Mr. KOLBE. Mr. Speaker, if the gentleman will permit, what kind of products are on that train that are going down there to Mexico?

Mr. PETE GEREN of Texas. Many types, many agricultural products, grain and other foodstuffs grown in this country, manufactured products.

What is exciting about that particular train is not what it carries now, but what it can carry after NAFTA, oilfield supplies which currently are blocked

from the market down there, one of the most booming oil markets in the world and we are the best in the world in making oilfield supplies. We cannot sell them to Mexico right now unless you make them in Mexico. We will be able to fill up another train with oilfield products that will be carried from Texas into Mexico and be carried from the Midwest of our country.

Mr. KOLBE. Most auto parts are another example that are excluded today.

Mr. PETE GEREN of Texas. Absolutely. As far as Mexico's current consumption or purchase of automobiles, last year in 1992 there were 700,000 new vehicles sold to people in Mexico. Over 400,000 were automobiles. The rest were trucks and vans.

Mr. KOLBE. I believe that is a doubling of the market in 5 years. They doubled their new auto sales in 5 years there.

Mr. PETE GEREN of Texas. Absolutely, and what a different picture that paints of Mexican buying power than we have heard from all the opponents of NAFTA. To listen to the opponents of NAFTA, you would think that everyone in Mexico lived in a mud hut and walked to work. There were 700,000 vehicles sold last year.

Do you know how many were American? One thousand. One thousand was all that we were able to get into the market. Imagine with the strength of the American automobile industry what kind of opportunities we will have down there after NAFTA. That means tens of thousands of jobs.

This is not a big business issue. This is a United Autoworker issue. This is an issue of American workers being able to make cars to sell into Mexico.

I think it is so important that this myth about Mexico's poverty is exploded between now and the time of the vote. Mexico has tremendous buying power, and they have a middle class and upper class that is greater than the whole population of the country of Canada. It is a great opportunity for American products.

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman shedding some light on that, because I think my memory kind of rings a bell with me, when the gentleman talked about some people saying they all live in poverty there.

I think it is a gentleman who lives in a little city just next door to the gentleman there that in the debate last week had a big picture saying this is how all the Mexicans lived, showing this very, very poor cardboard shack community, which certainly does exist in Mexico, and he says this is how all Mexicans live.

I cannot tell you the number of comments I have had from my friends in Mexico who have called up absolutely outraged at the idea that he would try to foist on the American public the idea that every Mexican lives that way.

It really is such an insult. It certainly does not contribute to our understanding of the problems and what is happening down there.

Mr. Speaker, I am happy to yield to the gentleman from Long Beach, CA [Mr. HORN].

Mr. HORN. Mr. Speaker, I was fascinated by the point the gentleman from Texas made, because he is absolutely correct. We only sold 1,000 American automobiles in Mexico, and the estimates of Ford, Chrysler and General Motors, are that the first year after the implementation of the North American Free-Trade Agreement they will sell 60,000 cars in Mexico.

□ 2210

There has been a pent-up demand for it. Tariffs, and all sorts of nontariffs, and everything else, have kept the American automobile out of Mexico.

And on the gentleman's point, which is quite correct, of this complete misperception of what is the modern Mexican citizen, it seems to me the other misperception related to that is that there is no such thing as expanding economic growth.

It seems to me there is a mindset of some in this Chamber, and a lot outside this Chamber, that there is one pie of fixed diameter and fixed radius, and, no matter what happens, the argument is how to divide the pie into pieces. It is sort of the old labor bit of the 1930's: management gets so much, labor gets so much. The fact is the whole economics and dynamics of trade are that there is mutual benefit for all parties to that trade or there is not going to be mutual trade over time.

Mr. Speaker, it just cannot be dumping of one nation that is more powerful on another. There has got to be need expressed in economic terms, and with that comes economic productivity, and with 19,600 workers behind every single billion dollars we export somewhere, obviously there is economic growth, just as we have had without NAFTA with Mexico: \$10 billion in 1986-87; \$40 billion in 1992.

That benefits both nations. That is not the same pie that was present in 1986-87. It is a much larger pie to the mutual interests of both countries.

Mr. KOLBE. Mr. Speaker, I appreciate the comments of the gentleman from Long Beach, CA, and, as I listen to our discussion here tonight, I am struck by what seems so obvious to me and that these arguments make so much logical sense that they are so obvious, so commonplace, so correct that it seems to me that every one of our colleagues should find this a very easy vote, that they would be for the North American Free-Trade Agreement. It is a vote about reducing taxes on our products that are sold in Mexico and products that are sold up here in the United States, and that is good for consumers, that is good for producers, and that is good for jobs.

I wonder if my colleagues might just share with me their thoughts about what is it in this debate that makes this so difficult. How can this vote be hanging literally in the balance just 48 hours from now, and why is it that others have not seen this? And I would be happy to yield to the gentleman.

Mr. HORN. I think every one of us that have talked to Members of both persuasions, for NAFTA, against NAFTA, realize that, if there were a secret ballot in this institution, and none of us want a secret ballot in the institution, but, if there were, NAFTA would overwhelmingly pass the House of Representatives. This is the reality.

Mr. KOLBE. So what is it out there with the public that they have not seen these arguments?

Mr. HORN. It is the fear of losing their seat, it is the intimidation, it is a little bit of anti-Hispanic, anti-Latino, et cetera, that is also there. I am not saying all opposed are saying that, but we pick up a few here, a few there, that obviously have different motives for what is ruling their behavior.

For those of us that believe in term limits, if we go after 2 years, it will not matter to us. In California law you will go after 6 years, and in the proposal most of us want in this Chamber you would go after 12. But, as the gentleman knows, some Members feel the whole Nation and statecraft of America will collapse if their presence is not in this Chamber, and, therefore, it becomes very easy to rationalize when they feel the pressure at home, which I am convinced does not represent the majority of most constituencies, just as the gentleman's experiences show.

I had the same experience. I listened to a lot of shouting and yelling one night, and all I had to do was look at the eyes of the other two-thirds of the audience, and they were not with it. But they do not want to stand up and get into a fight with their neighbor.

Mr. KOLBE. Well, I am quite sure the American public will not be in jeopardy if this gentleman is not there, but I am not so sure that it would not be in jeopardy if the gentleman from Long Beach was not in this House.

I am happy to yield to the gentleman from Pine Bluff.

Mr. DICKEY. Mr. Speaker, I thank the gentleman from Arizona [Mr. KOLBE].

I want to mention two things, and it starts with Dr. Demmings' philosophy that he took to Japan and we rejected, and that is a win-win situation. Dr. Demmings, as I heard him expound in a seminar here, states that there should not be winners and losers in economic competition, and I want my colleagues to think also. Go back with me a minute or two to when Henry Ford developed the assembly line and the mass production vehicle. He finally came to the realization that he had to pay his

workers so his workers could buy the cars. He came up with a \$5 a day wage for his workers, which was pretty revolutionary at the time. It fueled the consumer buying power, and then we were off and going as far as developing cars.

Now we go back to Henry Ford and Dr. Demmings. The way it works now is for us to be pulling for the Mexicans, be pulling for the Central Americans, be pulling for those people in South America to elevate their station in life, and I think something very significant, very significant, is that the law now in Mexico is that the minimum wage is not based on an index. It is based on a reference to productivity and inflation. If that particular minimum wage comes up and those wages do increase, we benefit. I do not want anybody in the United States to think that we want to suppress or oppress these people and keep the minimum wage down. We want the minimum wage to come up because we are selling to the Mexicans. We are not taking our productivity, sending it down there to get back. We are only getting 25 percent back as it is now. We are trying to reach that market. If that market is prospering, we will prosper, and that has to do with environmental concerns, too.

So, Mr. Speaker, I would like for us to acknowledge openly that we are accepting Dr. Demmings' philosophy that it is win for America, it is win for Canada, and it is win for America. If it is not, we got 6 months termination. Any nation can get out of it.

Mr. KOLBE. Well, I think the gentleman, when he talks about Dr. Demmings, simply reflects what Adam Smith had told us all along, and I think that Adam Smith's basic tenets about trade are still applicable in this debate and in this issue, and that is that trade is not a win-lose situation. It is a win-win situation. Both sides gain as you trade more with each other. The consumer gains. Each of the countries gains from that. And I think that point is very well taken.

I think it is also important to note, and I am sure some of our colleagues may not be aware of this, that Mexican real wages have risen quite dramatically in the last few years. Since Mexico joined GATT; that is the General Agreement on Tariff and Trade, Mexican wages have increased 28 percent. That is real wages. That is after inflation is factored out of it. Wages have increased 28 percent since Mexico joined GATT. Now there are a lot of us in this country that wish that our wages had increased in real terms 28 percent.

The result is Mexico has gone, Mr. Speaker, from a ratio in 1987 of about one-thirteenth of United States wage rates to today, about one-sixth or one-seventh, and they are poised for another fairly substantial increase in their real wages that will close that

gap even more. In fact, it will close that gap in such a way that some companies now locating in Mexico will begin to look elsewhere for locating their plants, to look to other countries that are lower-wage countries just as Japan relocated some of its factories in South Korea. Those factories have now relocated in the People's Republic of China or relocated in Malaysia, and Malaysia is becoming a little high, so they are relocating now to Indonesia. And so it is a spillover effect, and that is the reality of the world we live in today.

I do not mean that we do not have jobs here. We have the high end of the jobs. We have the jobs we ought to want to keep in this country, and I think that is important for us to keep in mind.

I am happy to yield to the gentleman from Fort Worth.

Mr. PETE GEREN of Texas. In responding the gentleman's question of why is NAFTA such a hard sell today, and there is tremendous anxiety all over this country. I cannot speak for the whole country. I can only relate what has been told to me by my colleagues. But I know that is certainly true in the district I represent. We have had tremendous job loss. We have had plants close. We have been hit awfully hard by the recession. Plants have moved to Mexico, to China, to wherever, and there is the erroneous perception that somehow NAFTA is going to make that easier to do, going to make it easier to pack up and move to Mexico, pack up and move offshore and export American jobs.

That is an erroneous perception. NAFTA has nothing to do with that, and our success in selling NAFTA depends on overcoming that misperception, as we have talked earlier. NAFTA will not make it easier to move a plant to Mexico. NAFTA will make it easier to sell America goods to Mexico.

□ 2220

In fact, NAFTA will take away the tariff incentives that currently exist to move a plant to Mexico.

Mr. KOLBE. As the gentleman knows, a tariff is a tax. It is a tax on our products today we are trying to sell in Mexico. It is a tax on Mexican products that are being sold here in the United States. So, you know, we talk a lot about trade between Mexico and the United States, as though somehow the United States Government was selling this good to the Mexican government.

That is not the way trade works, as you well know. Trade is between people. It is between businesses and people. One person in Mexico selling a product to somebody here in the United States, an American producer selling products to somebody down there in Mexico who is consuming them. It is people selling to each other. And tariffs

are erected by governments as a barrier to that trade.

So I think our good friend and former colleague, Jack Kemp, has made that point very, very well when he says this really has a lot to do with economic freedom, with your ability to make choices, to be able to choose to do what you want, to do your business without the artificial restraint of government.

Mr. PETE GEREN of Texas. I think a good way to understand the impact of tariffs is look at it like a sales tax. It would be like walking into a Wal-Mart and you are going to buy a weed eater. The weed eater that says made in USA has a 10, 15, or 20 percent sales tax. The weed eater made in Mexico has no sales tax. Which product has the advantage on the shelf? That is what the Mexican citizen is faced with when he goes into a Wal-Mart. The biggest Wal-Mart in the world is in Mexico City. The American product has a 10 to 20 percent sales tax on it. The Mexican product does not have a tax on it. After the 15-year phase-in, that American product is going to be able to compare equally with that Mexican product on that shelf.

That is what NAFTA is about. It does not make it easier to move a plant to Mexico. It makes it easier to sell American goods in Mexico.

Mr. KOLBE. Remarkably, even with the fact that Mexico still remains tariffs as high as they do, the fact they have brought them down from an average of 50 percent down to an average of about 11 percent today has stimulated a tremendous amount of those sales that you are talking about. So actually the two weed eaters, side by side, it is remarkable how many of them will go ahead and pick the U.S.-made weed eater, with a tax of 20 percent on it, simply because they believe that it is a better quality product. They have had experience in the days when Mexico protected its own electronics industries and other consumer products industries. They have had experience with bad products down there. And so there is a natural desire to buy the U.S. product.

But your point is well-taken. If you take that 20 percent tax off of there, you have reduced the price by 20 percent. How many more goods are you going to be able to sell if you reduce the price by 20 percent.

I yield to the gentleman from California [Mr. HORN].

Mr. HORN. I agree with the gentleman's point on that. And while we can hope that plants will not leave the United States for any other country, if a plant leaves and has a choice of Korea and Hong Kong and Taiwan and Malaysia and Singapore, I would hope that plant would locate in Mexico or Canada, for one very simple reason: when a plant locates there, whether it is a Mexican plant internally or a plant from another country, they are going

to buy their major capital goods and major needed products to have an efficient plant from the neighboring superpower. And if you go to Korea or Taiwan, the likelihood is you will buy from Japan. If you went to Europe, the likelihood is you would buy from Germany, France, Italy, or Great Britain perhaps. And I think it is very important to again stress that plants have gone to Mexico before Mexico joined the General Agreement on Tariffs and Trade in 1986. For more than 30 years, major plants have been in Guadalajara. Plants have gone to Mexico since they joined GATT, but without the North American Free-Trade Agreement on the books.

Again, NAFTA takes away one reason why you have to go to Mexico. People that relocate their plants are not always interested in lower labor cost. In this case, they had to go there, many of them, to get access to the market.

My colleague from Arkansas also mentioned another trigger word, which is I think about misperceptions in this chamber. It is sure related to it. That is the environment.

Everybody says, "Well, if you agree with NAFTA, the environment will be worse."

The environment is horrible without the North American Free-Trade Agreement. The one hope for overcoming the sewers that are some of the rivers that are bordering both the United States and Mexico is to agree to the North American Free-Trade Agreement, which has a process to do something about it, and hopefully will keep both countries' feet to the fire, if you can do that to a country, and see that something is done about the environment.

You would think, listening to some of our colleagues in special orders and elsewhere, that environmentalists are unanimously against the North American Free-Trade Agreement. Environmentalists are not unanimously against it. Indeed, the majority of members of environmental groups are in groups that support the North American Free-Trade Agreement, the National Wildlife Federation, among them, and many others.

Mr. PETE GEREN of Texas. Is not the Audubon Society and the Environmental Defense Fund?

Mr. KOLBE. A lot of organizations are out there that have been supportive of it.

Mr. HORN. They recognize the obvious, that we do have a mess on our hands in some of these areas. Some of our colleagues from San Diego talk about that. We at least will be able to clean them up, with the cooperation of both nations.

Mr. KOLBE. The gentleman makes I think very well the point, the abstract point, or the point in an abstract way very well, about how indeed we have a comparative advantage if we reduce

our tariffs and plants are located here and components are being brought from the United States.

I would like to illustrate it with a very practical example. Some of my colleagues have heard this before, but I think it bears repeating. That is not long ago I visited a plant being built in Sierra Sonora, the capital of the state directly to the south of my State of Arizona. This plant being built was being built under license to a toy manufacturer, I think it was Mattel Toy manufacturer, and they were going to relocate from the People's Republic of China all the production of the Barbie dolls, all the production in the world of Barbie dolls, to this plant.

Now, why were they moving it from the PRC to Hermosillo, and how the heck does that help us here in the United States?

Well, the answer is fairly simple. Eighty-five percent of the value in the Barbie doll is not in the paint, but is in the plastic that goes into the doll. That is the value. Because Mexico had reduced its tariffs down to about 10 or 12 percent I believe on plastic, and they had the prospects of it coming down to zero, it was now cost effective, cost efficient, for them to move that production from China to Mexico, to buy the plastic from the United States, take it down to Mexico, produce it or put the pieces together, package it, and ship it to the United States and all over the world from Hermosillo, Mexico.

But 85 percent of the value of that Barbie doll is going to be coming from work that is produced here in the United States. While today if you go out on the shelf of the store and get a Barbie doll for your daughter or granddaughter, not 1 percent, not 0 percent of it, is going to be produced in the United States.

So I say to those who say we are losing some of these jobs to Mexico, I say we are gaining some of these jobs, and they are the kind of jobs we ought to want. We ought to be more interested in the job of the person that is producing that very important plastic than the person who pastes the hair on top of the head of the Barbie doll. Some of us do not have as much hair up there, but Barbie dolls do have some hair on top of their heads there. Those are the jobs we ought to be more concerned about.

Mr. DICKEY. I think both your points are excellent, and excellent in this respect: I would like to expand on that a minute. Five to six percent of our finished product in the United States is made up of component parts made in other countries. Japan's finished product has 30 percent that have been brought in from other countries. Thirty percent versus 6 percent, let us say.

Now, what the problem we really are having, and the automobile industry is an indication of this, the problem we

are really having in the world market is price, not so much as quality, but price. And the automobile industry showed us that when we were building great big gas guzzlers. And every labor agreement that was coming, management came into them and said, "We will pass it on to the consumer." Management was not paying anything, the consumer was. We had two sets of eyes watching us on price and quality, and that was Japan and Germany. They just waited until that thermometer went up, until it got high enough where they could compete.

If we can take this component part theory you all just mentioned and bring in, and let some of these components be made outside of our country, we can bring them in, and, just say in the automobile, bring our component level up to 30 percent, we can produce a lower priced car and we can reclaim the market share in America.

□ 2230

And in doing that with an automobile, we can do it with other things, too. All we have to do is let go a little bit to receive, and we can find that. When Mexico's gets up or when the cost in Mexico gets so high, we can move to other places, hopefully, Central America or South America. But then we have, again, a win-win situation. I think we ought to look at that. We ought to look very carefully at that. But if we let labor costs get out of hand, or any costs get out of hand and price, again, is our enemy, we are going to get beat on the world market. The global competition is going to beat us, like it should. So I say we can join with Mexico to become stronger even in acquiring our own American market share back, and that is more jobs. That is the higher paying jobs; 17 percent more is paid for export jobs than other jobs.

Mr. KOLBE. I think that is a very good point.

Mr. HORN. Your comment reminds me of the fact that the Ford Motor Co.'s International Division was highly competitive with the Japanese and, indeed, kept them out of many countries due to being more competitive, Brazil in particular. And the problem came in the domestic production in the United States with, as you called it, those gas guzzlers that they were about 10 years behind facing up to. And the time that Ford was finally turned around to even give GM a run for its money was when they brought the International people back that know what competition was, had the ideas, had built the smaller, more efficient cars, and they started turning Ford around with the Sable and other products that the American people did want to buy.

Mr. KOLBE. When we talk about manufacturing and the fear that we are losing our manufacturing base in this country, that turns out, on closer in-

vestigation—and we will have some more discussion of this in a couple of days—that turns out, on closer investigation, that that is simply not true.

As a matter of fact, the United States, the percent of our gross domestic product that comes from manufacturing today is about the same or even a percent higher than it was 40 years ago, around 1950. So we are still producing as much of our wealth from manufacturing as we were back then.

The difference, of course, comes in the employment levels. Employment levels are down by more than 50 percent, and that has been necessary in order to keep that manufacturing sector productive and competitive. That comes from productivity. That is what keeps our head above water. That is what keeps us competing with countries like Malaysia or Indonesia or Mexico or other countries.

We are still producing as much of our wealth from manufacturing as we ever did. We are doing it with less people. It does not mean we have less jobs in this country, because of course, there are many more jobs than there were in 1950. They are different kinds of jobs. And many of them, most of them are very good jobs. They are often not as hard. They are not as physically hard, as physically dangerous with as much noise and as much heat and with as much physical labor as many manufacturing jobs in 1950 required. But they are very good-paying jobs, but they are different kinds of jobs.

I think that is the reality of what we are facing today.

Mr. PETE GEREN of Texas. I thank the gentleman for being so generous in sharing his time with all of us, as we discuss this important issue in front of us as a Congress and as a country.

I want to discuss an example of a specific employer where we will see American job growth, if NAFTA passes.

As I think everybody in this country knows, the oil and gas industry in our country has been devastated over the last 10 years. We have lost over half a million jobs. They are not J.R. jobs. We are talking about good-paying, blue-collar jobs, making oil field equipment, putting it in the ground.

We had a huge segment of the Southwestern, Southern, and Florida economy that was dependent upon the oil and gas industry. Well, when it went away, so did these jobs.

There is a company in the district that I represent, that currently employs 160 people. It nearly went broke during the downturn, but rather than going broke and accept the fate that befell so many companies that were faced with the downturn in the oil and gas industry, this guy decided he was going to export.

He now exports to Indonesia, to Russia, to China, to the Middle East. And this company that had been around 300, went down to almost 20, because of ex-

ports is up to 160 employees, 160 very good, well-paid, blue-collar jobs for people who need them very badly.

You notice when I mentioned the countries that he exports to, I did not mention our neighbor to the south, one of the biggest oil-producing regions in the world.

He wanted to sell into Mexico. He contacted the Mexican oil industry down there and said, I have got some tools that would be good for your oil industry and your country. It could make it more productive.

Mexico said, you can sell those down here if you will build a plant down here, if you will build a factory in Mexico.

He, wanting to grow his company, went to Mexico and tried to put together a plant down there. Finally, because of many circumstances, he just threw up his hands and said, it is not possible, went back to Texas and continued to sell around the world, does not sell a single piece of equipment into the country of Mexico, a neighbor just a few hundred miles to the south.

He has already estimated that if NAFTA passes, he will double his work force of blue-collar workers from 160 to 320 people almost overnight, 160 to 320 good-paying blue-collar jobs, full health care benefits, retirement plan. And that is not speculation. Those are jobs unquestionably that will come to one of the most hard-hit areas of our economy in this country, if NAFTA passes, good blue-collar jobs.

This is not benefiting big business. This benefits 160 workers who are right now out of work and looking for a way to pay the bills.

Mr. KOLBE. I appreciate the gentleman from Texas bringing this information to our attention. I think you make a point that is well worth keeping in mind, and that is the opportunities that exist in the energy-production field.

Admittedly, there are some disappointments. We did not get as much as perhaps we would have liked out of this agreement. We are not able to invest in an equity position in energy production in Mexico, but we knew going into the negotiations that for sensitive political reasons that have very long historical backgrounds, as I think my friend from Texas knows, that was not going to happen.

But what we do have is the opportunity to sell equipment and services, geological services, drilling services, contracts and equipment in Mexico. And the Mexican oil industry is very much in need of a huge infusion of capital investment. Pemex and the Mexican Government understand this. They know that they have an extraordinarily inefficient, an extraordinarily inefficient producer of oil today, one of the very high-cost producers, as a matter of fact, in the world. They need to take steps to be more competitive and

to get their costs down with a product, the price for which is set on the world market.

There is no separate price set for Mexican oil as opposed to Saudi oil or Nigerian oil. It has got to compete in the world marketplace.

If their costs are high, they are not going to be able to compete. So Mexico understands that, and they are taking steps to do that. And they are going to be making a huge investment in the years ahead in new drilling, new exploration, new equipment, new refineries, all of those things that our technological know-how in the United States—and most particularly in the State of Texas—will be able to benefit from.

Mr. PETE GEREN of Texas. Unquestionably, that is one of the areas where Mexico's need for investment is going to mean good-paying blue-collar jobs for Americans. And it is, again, it is not theoretical. We can specifically point to out-of-work Americans who had good jobs, could support their family well. And because of forces totally outside of their control, they lost their way to make a living.

When we are able to open up Mexico to the sale of American goods and services in the energy sector, we are going to put a whole lot of folks back to work that need the jobs and that deserve jobs. That is a reason to support NAFTA.

Mr. KOLBE. I appreciate the gentleman's contribution.

Mr. DICKEY. So that we will keep this focus on jobs, I would like to describe, as the gentleman from Texas did, what it is going to be like in south Arkansas. We have the soil and the climate and the conditions that allow us to grow the finest yellow soft pine in the world. And that is structural lumber and timber for the development of a country like Mexico in its essence.

□ 2240

We also have agricultural products that are grown in surplus right now, in excess, crops that are kept in storage bins. All of these things are grown in Arkansas and cannot be moved to Mexico. The threat is not to move those to Mexico, as you could a plant. We have those things there. We will sell because of our proximity to the border of Mexico, and because of the infrastructure that we already have in place, we will sell more timber products and more agriculture products, particularly rice.

I want the Members to know that rice is a big part of our economy. That is going to mean nothing but jobs and prosperity for our little area of the world in Arkansas. I cannot but help but believe in the same things in Tucson and in California, where we will create jobs.

I would like for us to keep our attention on the fact that we are creating jobs and people do not have to move to

Mexico. People do not like to travel across the world, trying to relocate their homes and their residences just because of money, if that is the case. I will say this, we do not want people to invest in Mexico. I do not care if they say that nobody but Mexicans can ever own their land, because we want to keep our people at home. We want to increase their level of living, because we will be sending export jobs down there, give them more security, because we are going to have more jobs. There are going to be more jobs available for our work force.

I would like to keep this, as I bring in the example of Arkansas, as we heard about Fort Worth. It is jobs, jobs, jobs that we are going to protect and create, and also benefit by doing so the nation of Mexico, hopefully Central America and South America.

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman's contribution and his comments. Of all the arguments in this whole debate that to me make little sense, of the arguments coming from the other side in this debate, I should say, is the argument that somehow NAFTA is going to increase this flood of illegal immigration into the United States. For the life of me I cannot even understand the logic of that argument, how it is constructed, much less being unable to see any facts which would support such an argument.

The fact of the matter is that in the long run, the only solution, the only solution to solving the problem of the flood of illegal immigration from a country like Mexico, on our border, which has an income, a per capita one-seventh of ours, the only solution is for that country to grow and to be able to provide jobs, good paying jobs, for its own people, much as Canada on our other border can do.

If that occurs, there then will be less incentive for those people to come to the United States. How the opponents of NAFTA can argue, if we can just keep Mexico poor we will be better off from an immigration standpoint, is absolutely beyond me to understand. Maybe my academic friend, the gentleman from California [Mr. HORN] can explain to me how some of these people come to this conclusion.

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

Mr. KOLBE. I am happy to yield to the gentleman from California.

Mr. HORN. Mr. Speaker, I was one of the first in the country to call attention to the illegal immigration in the 1970's. I have talked to several Presidents of the United States as to what ought to be done, until the current President, a Democrat, and I am a Republican, he finally suggested what I suggested in the 1970's, a counterfeit-proof social security card, so we could keep track of who is crossing our border and who wishes to be employed in the United States.

The facts of life are that the turning down of NAFTA is what will create more illegal immigration to this country. It is the exact reverse of what the opponents have said. Right now we do have several thousand a night pouring over the southern border. Nobody talks much about the Canadian border, but we have had illegal immigration pouring over that border for all of the 20th century, waves coming down into Maine, to Michigan, to New York, whenever there is a depression or a recession in Canada, to work in wood cutting or to do other things that were somewhat blue collar type activities.

The facts are that they have got it all backwards; that unless we get the economy of both the United States and Mexico going, there will be many more people coming here illegally. Our parents came here legally, or when there were no immigration laws in this country.

The problem with illegal immigration is that there are hundreds of thousands of people throughout the world waiting to be admitted legally to the United States, and that three-quarters of a million people come in here legally each year. We admit more people to our country than all the rest of the world combined.

We have a lot of things to do to stop illegal immigration. A lot of us, I am sure my colleague and I and various others, there are dozens of us on pieces of legislation here to help do it, whether it be the counterfeit-proof social security card, whether it be limiting benefits in the United States, whether it be amending the Constitution to straighten out whether children of illegals can be citizens of the United States, all of those things, plus the fact that we are finally facing up in this Chamber to more power for the Border Patrol and more strength, when we voted \$60 million a few months ago to be added to the Border patrol to stop the tide of illegal immigration.

All I can say is if people want to promote illegal immigration, please vote down NAFTA on November 17th and you will have much more illegal immigration than you have ever wanted.

Mr. KOLBE. I appreciate the leadership of my friend, the gentleman from California [Mr. HORN] on this subject. He really has been a leader on the issue of immigration and of illegal immigration.

Mr. Speaker, I think we need to remember that what drives these people to come from Mexico, there are many motivations, and some certainly come because they like the freedom that exists here, although Mexico is a relatively free and open society. However, I think all of us would agree the overwhelming primary motivation for Mexicans who come to this country is because they want a better life for themselves and their families. They do not leave their families behind in

Michoacan or Guanajuato, the states down in Mexico, they do not leave their families behind down there because they want to abandon them and go to a country with a foreign language and foreign culture. They go because they want the jobs that are provided up here, that will enable them to make some money and take it back to their families there.

In the long run, if we can create an environment in their own country where they have good paying jobs, then there will be less reason for them to have to sneak out those jobs here in the United States. It is as straightforward and simple as that. We can either help Mexico grow, not by taking away growth from the United States, but by growing ourselves, but we can help Mexico grow and reduce the illegal immigration, or we can keep Mexico as poor as we possibly can. For sure, then, we are going to have more illegal immigration.

Mr. HORN. And they will not be buying our products.

Mr. KOLBE. They will not be buying our products under those circumstances.

Mr. DICKEY. If the gentleman will continue to yield, I really think the point is good, and we are getting into some social problems and some social attitudes. I want to carry that thing a little further in this respect.

What we need to do is look at the leadership of Mexico right now, when they say, "We need to decide this issue by January 1. We need to decide the issue of whether or not we are going to be in this pact with Canada and the United States or not." The significant thing we have to hear is, they have spent four years talking to their people, saying, "Yes, we can deal with the United States; yes, we can lower the barriers and prosper. Watch this." Then they brought them down a little bit, they saw, and they had the encouragement.

The reason we need to make this decision now is that it is not reasonable to expect the Mexican Government to be able to hold their populace together when we say no to NAFTA and they perceive it as a rejection of the Mexican people. You mentioned that a while ago in your discussion, STEVE.

I think what we have got to do is, we have to encourage them and say, "Yes, your improvements need to be more," but, for sure, if they sense rejection from the powerful neighbor from the north, there will be more immigration this way. We will get the best that the Mexican people have, the ones who are ambitious, the ones who are not lazy, who are family people, who want to contribute. They are going to be going and taking the risk of coming across here. The Mexican Government wants to keep them there. They are asking us to say yes.

If we do not, if we say no, we have the risk that there is a rejection and

we will never be able to put it together again. If we say yes, and by some reason all of these fears, facts, and tactics and everything else are correct, we can always get out of it. The risk is this. We say yes to NAFTA, we say yes to the Mexican people, "We are going to help you pull yourselves up by your bootstraps. If in fact we are making a mistake, you all can get out of it. If we are using you as a door mat, you can get out of it," or we can get out of it.

The other side of it is a negative. It is freezing the ball. It is just holding onto it. It is getting out of the game. It is taking our competitive challenges away, and I think it is going to hurt us in the long run, and it is going to cost us jobs. I want to get back to that.

□ 2250

It is going to cost us jobs. People are going to want to move there.

Mr. KOLBE. President Salinas has said it very very well I think when he said, "I have a choice. I can either send goods to you or I can send people to you. I can ship one or the other." He said, "I would rather sell products to you rather than send people to you." And I think he understands very well what the answer to keeping people at home in Mexico, the best and the brightest, as my friend from Arkansas referred to them, to keeping those people there, and that is being able to provide opportunities for them there.

We are running close to the end of our time, but I am happy to yield to my colleagues for one last comment before we wrap up.

Mr. HORN. Our comments on immigration remind me of one red herring that was recently dragged across the trail in an attempt to get more anti-NAFTA votes, and that is the claim that more drugs will come into the country as a result of NAFTA.

Now what we are talking about is there will be greater trade because of NAFTA; therefore, more containers, more trucks crossing our borders, more containers coming into the port of Long Beach and the port of Los Angeles, which happen to be in my particular congressional district, the largest port complex in America, and one of the largest in the world. And there is no question that the opportunity will be there. With more trade there are more products coming in, more boxes and more containers. That is obvious. And we are obviously going to have to do something about drugs.

But it has no relationship to whether we approve or disapprove NAFTA any more than any other trade agreement between countries that ease trade coming here, and we obviously have to be alert. We need to increase our programs that educate young people against the need for drugs, and we need to be more vigilant in terms of different types of either drug, FBI, Customs, so forth that inspect particular

products coming into the United States of America.

Mr. KOLBE. Listening to the comments that the gentleman from California makes, it seems to me that if we follow that line of reasoning we ought to be ready to take it to the next logical step. If more trade with Mexico is going to result in more opportunities for drugs to come across in legitimate traffic of goods coming from Mexico, then surely we ought to be willing to stop trade with other countries. We should stop ships from sailing into our ports. We should stop planes from flying across oceans. We should try to shut ourselves off, much as China did thousands of years ago when they found that that was not successful either. You could not shut out the rest of the world. China, thousands of years ago, was a lot easier to shut out when there were miles and thousands of miles and only horseback to get from one part of the world to another. Today it is much more difficult, and we cannot simply realistically assume that we are going to shut out drugs by shutting out trade with the world.

I think the gentleman has made that point very well.

Mr. DICKEY. Another point, if I may say so, as Mexico is the doorway to Central and South America, it is also the doorway to Colombia where we know the drug traffic is created in so many instances. I want my colleagues to think about this. If we go forward and we get into an economic agreement with Colombia, through Mexico, delivery across the Mexican country and Central American countries, then we are going to have economic leverage.

We have been trying to do it militarily, have we not? We have been trying to do it with arrests, with power or gunboat philosophy. Now we can do it economically. It may take longer, but it is going to be more solid, and I think we can get to the drug problems economically, but we cannot do it by saying no to NAFTA.

Mr. KOLBE. I appreciate the gentleman's comments.

I am happy to yield if the gentleman would like to make a final closing comment. Otherwise we will close this debate here.

Mr. HORN. We yield to you and your eloquence to close the debate.

Mr. DICKEY. Do your best for us, if you will.

Mr. KOLBE. First of all, I want to thank the gentlemen for their contributions here this evening. I think in the course of these last almost 2 hours we have had at least seven Members from both sides of the aisle, politically speaking, on this subject, and again demonstrating the bipartisan nature of this debate.

In about 48 hours from now the American people will have an answer to a question, a very important question that is being asked right here in

the House of Representatives: Does the Congress of the United States, do the American people have the courage to face our future, to go forward, to compete in the world, or are we going to try to wall ourselves off from the rest of the world in what will be a futile attempt to somehow keep a fortress America in an area when there is no fortress America, because there is no fortress world out there? The debate that we will have in the course of these last 2 days will be extraordinarily important. I believe this vote will say everything about the future of this country, the direction that we are going to go in the next several years, to have the confidence to face that future, to believe that America can compete.

I know that this debate is going to be one of the most important that any of us will ever engage in, and I know that my colleagues understand that this vote is not only one of the most difficult they will ever cast, but it is also one of the most important, perhaps the most important vote we will cast in our entire careers in the Congress of the United States. And I believe that when that vote is taken in about 48 hours, I believe I know what the answer will be, because I believe I know what the American people will want their representatives to say, and that is that we have confidence in the future, we believe in ourselves, we believe that we can compete with the world.

But during the course of these next 48 hours, we will have an opportunity to go over some of these arguments again, and tomorrow evening, the last night on the eve of this great and historic debate and historic vote in this body we will have an opportunity once again to outline some of the arguments why the North American Free-Trade Agreement is good for America. It is good for American consumers, it is good for the American workers, it is good for our relationship with Mexico and all of Latin America, it is good for our children's future.

I thank the gentlemen for their contribution in this debate this evening.

NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore (Mr. MENENDEZ). Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 60 minutes.

Mr. POSHARD. Mr. Speaker, as a Member of Congress who has studied this issue nearly 2 years, having attended literally hundreds of meetings and engaged my staff in much research, I concluded some time ago that the NAFTA was wrong for our country. And I know that honorable people looking at the same set of facts can disagree. Many of the folks that just spoke to us here are some of my best

friends in this Congress, and I have honest disagreement with them in regard to this particular issue.

I have held 12 public forums of 3 hours each in every part of my district over the past month to discuss and debate this agreement. I want to restate the major arguments for this NAFTA, many of which have just been made, and explain why I disagree with those arguments.

The first argument for NAFTA from those who favor this agreement is that this is a free-trade agreement and it will create thousands of jobs in this country by ending tariffs and creating more exports to Mexico to satisfy a growing Mexican market.

Well, true free-trade means that an industry competes for market share by building a better product than its competitor. When American firms compete in Europe or here at home, they have to win market share by wise management and by being more creative or more resourceful because our economies are nearly equal. There is no inherent advantages with respect to wages or benefits, or energy costs, or supplies and so on. True free trade does not win over our competitors by building a product at one-tenth the wages others must pay. But under NAFTA, a company can beat its competitor in this country by simply moving to Mexico and taking advantage of low wages and nonenforcement of environmental laws of that country.

The Mexican Government, which controls every variable of the Mexican economy, including wages and prices, purposely holds down wages and refuses to enforce environmental laws to entice United States manufacturers to Mexico.

□ 2300

I have here a copy of the article in the Business Week magazine of April 19, 1993, entitled "The Mexican Worker." It is describing the skill and the conditions of the Mexican worker in Mexico. It says, and I am reading in the Business Week article,

As Arriega and millions of other Mexican workers pursue their careers, few realize how closely their progress is monitored and controlled by government officials. Every Thursday morning for the past 6 years, a cadre of economists, including six cabinet members and top business leaders and union officials, has gathered around a large table in the Labor Secretariat offices in Mexico City. There they thrash out agreements that control prices and wages and brainstorm on ways to boost productivity. It is the kind of social pact that has been tried in many other Latin American countries, but only in Mexico with its one-party rule have such agreements stuck. Mandated by the country's leading economist, President Carlos Salinas, the goal is to lift the productivity of Arriega and his fellow workers to first-world levels. In their drive to modernize Mexico, Salinas and his planners command nearly every variable of the economy. To smother inflation and to preserve Mexico's huge labor-cost gap with the U.S. and other producers, Salinas

fixes salaries through a complex business-labor agreement that is known as 'El Pacto.' He annoints and boots out labor union bosses and state governors alike. Salinas' technocrats juggle import duties and steer investment from one region to another.

Total, absolute government control of all wages and prices, the very thing that the supporters of this NAFTA in this Congress would never agree to the American Government engaging in.

The Mexican worker has a minimum wage of 57 cents per hour and an average wage in the high-technology United States plants in Mexico of \$1.27 per hour with 34 cents per hour in benefits. Their wages were cut in half when President Salinas took office in the 1980's.

To this point in time, 5 years later, they have gained back only 13.5 percent of the 50 percent of the wages they lost while the productivity rate in Mexico has grown at 24.5 percent over that same 5-year period, a phenomenal growth.

The folks who just spoke here talked about a rising middle class in Mexico. How can there be a rising middle class when the minimum wage is 57 cents an hour? The workers in the United States factories there are making \$1.61 an hour, and 90 percent of the Mexican laborers make less than \$22 per day.

Their system allows United States manufacturers to build or move plants to Mexico which would otherwise be located in this country, costing us thousands of jobs in the process. Those same plants in Mexico ship their products back to this country and undercut American manufacturers who cannot compete with the low wage base and lax environmental enforcement in Mexico, again costing us additional thousands of jobs.

I have here a list of communities that I have represented over the past 5 years that have lost jobs to these cheap exports: Brown Shoe Co. in Murphysboro, IL, estimated employees, 500 people; Joe Mack Glove Co., 125 employees; Intuitions in Carbondale, 360 employees; Cal Crest Outerwear in Murphysboro, 200 employees; International Shoe in Chester, IL, Florsheim Shoes in Anna, IL, Good Luck Gloves in Metropolis, IL; Forest City Co., which has had plants in DuQuoin and Pinckneyville and many others, over 1,500 employees in the textile industries alone that have lost their jobs to these cheap imports flooding back into this country.

In 1992 the great majority of all American exports to Mexico were capital goods, that is, materials and machinery for building and operating American industrial plants in Mexico, and intermediate goods, raw materials, supplies and components for manufacturing, assembling, and exporting back to the United States.

The gentlemen before made the comment about the percentage of capital goods from this country going to other

countries of the world is just as high as it is, or as those that are going to Mexico. True. But capital goods from this country are not going to other countries to produce products for the U.S. market. They are being sent there to make products for the host country.

Barely over one-third of our exports to Mexico were targeted for the Mexican consumer market. Nearly two-thirds were targeted for the United States consumer market.

Herein lies the most significant difference between the pro-NAFTA and anti-NAFTA groups. It is the character of trade, which is the issue here.

Mexico is not building an economy based on satisfying its own consumer market which is what true free trade would do. It is building an export-platform-based economy meant primarily to satisfy the 260 million people in this country who have the highest purchasing power of any country in the world, equal to nearly all of the nations of Europe put together, and it is building that economy by siphoning off United States industries.

It means extremely high profits for the industry that move there, but a declining job base in America.

Many of our industries cannot compete against the flood of cheap imports and will either be forced to move to Mexico or drive down the wages of their employees in this country to stay in business.

NAFTA supporters claim that additional jobs will be created from increased exports. But when you factor in the job losses from the diversion of investment from this country to Mexico and the job losses from imports coming back into this country from Mexico, the net effect is a loss of jobs in this country.

The gentleman who just spoke admitted that we lost 3 million manufacturing jobs during the last decade, but only 130,000 of these to Mexico. Well, the others were lost to other low-wage countries.

We believe that NAFTA, with the additional provisions that it provides for security in Mexico, will simply exacerbate the flow of those jobs.

The administration points out that because of the more open trade in Mexico under the Salinas administrative reforms, we are now running a trade surplus of \$5 billion a year with Mexico, whereas before we were running a deficit.

Again, let us consider the whole picture. First, we ran large trade surpluses with Mexico from 1970 to 1981 before any of these so-called reforms.

I have here a diagram that the U.S. Trade Representative's office uses showing us in deficit with Mexico from 1983 until about 1991, and then going into a surplus of the last few years. But what you do not see and what is not being shown to you is that if you go all the way back to 1970, and you can see

that from 1970 through 1981, we were running a surplus with Mexico then, before any of these so-called reforms that have led to our surplus now.

Many economists believe that the surpluses that we ran in the 1970's and the surpluses we are running now, as well as the deficit that we ran in the 1980's, were caused by manipulation of the peso. Many economists, including Mr. Hufbauer of the Institute for International Economics, whom the proponents must often quote in favor of NAFTA, warn us that Mexico, which has overvalued the peso to finance its high debt with foreign capital and United States investment, will likely devalue the peso after the 1994 elections somewhere between 10 and 20 percent.

Just a 10-percent devaluation of the peso will wipe out any gains we may have achieved from eliminating the Mexican tariffs which average about 10 percent on our United States exports.

□ 2310

Second, nearly two-thirds of that \$5 billion surplus represents materials that are headed straight back to the United States. This contention that the average Mexican consumer now spends over \$450 per year on United States products, second only to Canada, is absolutely misleading. The administration arrives at this figure by dividing total United States exports to Mexico of \$40.5 billion by the 90 million Mexican citizens and concludes that each citizen spends \$450 per year on our goods. The great majority of our exports to Mexico never enter the Mexican consumer market; they are sent back here. The rest are consumed disproportionately by the people of Mexico who have the economic wherewithal to do so, but certainly not the Mexican laborer, 90 percent of which make less than \$22 per day.

Again, when you examine this agreement with respect to the character of trade, it is not a free-trade agreement which seeks to satisfy a growing consumer market in Mexico. It is a protected investment agreement to encourage United States manufacturers to move to Mexico to satisfy the consumer market in this country.

The second argument that is made in favor of NAFTA is that low wages in Mexico reflect low productivity. Firms are not moving to Mexico, so this argument goes, for low wages but to take advantage of the Mexican consumer market.

Well, many United States businesses publicly admit that they are going to Mexico for lower wages. Here is one ad, and I am sure many people in this country have seen it, which is run in trade magazines by the Mexican Government, citing its low wages in advertising for foreign investment. It shows an American businessman sitting at his desk scratching his head and he is

saying, "I can't find good, loyal workers for \$1 an hour within a thousand miles of here." At the bottom it says, "Yes, you can, Yucatan." It goes on to say that, "We are only 460 miles and 90 minutes by air from the United States. Labor costs under \$1 an hour, including benefits, far lower than in the Far East, and the turnover rate is less than 5 percent a year, and you can save over \$15,000 a year per worker if you had an offshore production plant here. So if you want to see how well you or your client manages while making your company more competitive, call for a free video tour of the state of Yucatan. And when the United States is too expensive and the Far East too far, yes, you can in Yucatan."

Here is an American firm, the Americas Industry Relocation Services, in Philadelphia, that sent a letter to a firm in my district in Effingham, IL. Here is the letter that they sent to him. It says,

DEAR SIR: With the pending passage of the North American Free-Trade Agreement, Mexico represents one of the best areas to expand your industrial base, market products, and substantially reduce your labor costs. The agreement will benefit all sectors, including the woodworking industry. We can set up new offshore operations 100 percent owned by you or in a joint venture with a Mexican partner. We can have your company successfully set up a facility in Mexico. We have a team of corporate, legal, and fiscal professionals, both United States and Mexican nationals, with years of experience in Mexico and Latin America.

They go on to send another sheet with this invitation that is a pro forma labor-savings worksheet, asking the owner of this company to fill this out. They give an example here of the difference in cost of labor in Mexico and the United States.

They say,

Assume you have U.S. labor with fringes at \$15 an hour times 40 hours' work per week, that is \$600 cost per worker per week in the U.S. If you have 100 employees times \$600 weekly wages 52 weeks a year, that is \$3,120,000 in wages and benefits you are paying in the U.S. Now, in Mexico, at \$1 an hour with fringes times 40 hours worked per week, that is \$40 cost per worker per week in U.S. dollars times 100 employees at a \$40 weekly wage, 52 weeks a year, that is \$208,000 yearly labor cost for 100 workers in U.S. dollars. So your saving per year in Mexico is \$2,912,000.

They already work it out for you and ask you to apply this worksheet to your own company. This is what is going on all over this country.

The Vice President said the other night that the Mexican worker is one-fifth as productive as the United States worker. Again let us consider the whole picture. NAFTA supporters combine the very poor, inefficient, non-productive agricultural sector of Mexico with the new high-technology visibility there by American manufacturers, and by doing so this pulls down the average productivity rate for the country as a whole. But when you compare

the export-based high-technology factory in Mexico with its counterpart factory in this country producing the same product, it is 85 to 100 percent as productive and the wages are 10 to 15 percent of the United States level.

The previous gentleman spoke about the American automobile manufacturing industry. You see the ads being run right now by Mr. Iacocca. They have said that we are selling 6,000 cars per year to Mexico; but by the year 2000 we will be selling 100,000 cars a year under this NAFTA.

What they do not tell you is that by the year 2000 we will be importing 1 million cars a year from Mexico. If it is cheaper to build a car in Mexico—or if it is cheaper to build a car in the United States than in Mexico, as was indicated, then why have 200,000 American manufacturing jobs moved there to manufacture cars? That is if we are only selling 6,000 cars per year there.

We are not moving there to satisfy the Mexican consumer market; we are moving there to build and assemble the cars and send them back into this market.

The export-based economy is what Mexico is building and it is United States investment that is building it, to the detriment of our own manufacturing base. The effect of this agreement will be to further depress wages in this country and to exacerbate wage competition between the United States and Mexican workers.

The result will be not to bring Mexican wages up to United States levels, but just the reverse.

The third argument from the pro-NAFTA side says that the cost of labor is only one element, maybe as low as 20 percent, in the cost of making a product. This is too small a factor for business to go to Mexico for labor costs.

But direct labor costs are only one factor. Indirect labor costs—in the form of cheaper construction costs, business services and lower taxes because of cheaper and fewer government services—also reflect cheaper labor in Mexico. Direct labor represents by far the largest share of what the employer considers controllable costs. It is assumed that business is already getting the lowest possible price for supplies and components, materials, energy, interest rates and so on, if they are managing their business correctly. If wages were not important, businesses would not spend high sums lobbying against anything which may increase them.

Firms which move to Mexico will actually gain the added advantage of buying components and supplies from firms in Mexico whose labor costs are also lower than they would be in the United States. Right now it is primarily the large manufacturers that are moving their factories to Mexico.

□ 2320

They can afford the loss of one or two factories if the Mexican Government

fails or chooses to nationalize their firms. They are not going out of business. The smaller supplier firms which may only have one or two factories or perhaps one or two patents on the product that they produce, they cannot risk the move.

Under NAFTA there are guarantees that nationalization of American companies will not happen and intellectual property rights are protected. Smaller and medium-size supplier firms all over this country will now have the security they need to move to Mexico and they will be under pressure from the large corporate plants they supply to move closer to the main assembly plant in Mexico. If the supplier plant does not want to move, it can easily be built in Mexico to take additional advantage of the low wage base.

Another argument that is put forward is that companies can move to Mexico. NAFTA will not stop the flight.

Well, NAFTA provides a psychological boost. It gives the U.S. Government's seal of approval here.

I mentioned earlier the protection of intellectual property rights which does not presently exist, which will be given security under this NAFTA, protection from nationalizing U.S. industries which does not currently exist will give security under this NAFTA. Other barriers will be removed, such as the remaining tariffs, but just as importantly, there will be guarantees that tariffs will not be raised.

All these things together are significant conditions that do not now exist and given the right agreement, all of these things would be welcomed and would be encouraged. Under the right circumstances of free trade, these things would be very desirable, but under this NAFTA which promotes an export platform based economy, these will only have the effect of further encouraging industry to leave this country.

Another argument. These jobs will eventually be lost anyway to low-wage countries, so it is better to lose jobs to Mexico than to Asia. We just heard that.

There are some jobs that would go to Asia if there were no low-wage alternatives in Mexico, but it is just as likely that NAFTA will divert Asian and European investment to Mexico that otherwise would have come to the United States and created jobs here. In any case, we can not be indifferent to the fate of whole industries.

I hear this comment all the time as I talk to folks who support this agreement. Well, there will be some winners and there will be some losers, as though people were just statistics.

Those hundreds of people that I just mentioned a moment ago in the textile industry who have already lost their jobs in apparels and textiles, they are not just statistics. They are real people

with real families and real needs and they are out of work now because of this policy and what this Agreement will continue to encourage. Other industries will face the same fate.

And what is our saving grace for the so-called statistics who are just going to be the losers? Well, it is retraining funds, and even under this Agreement that is being promoted the retraining funds have been cut back over half of what they were in the original agreement.

I represent on the southern end of my district coal miners. I watched the Clean Air Act being passed through this assembly. I heard about the saving grace then or retaining funds, of how we were going to retrain all these miners who were going to be put out of work, and in my state that is about 13,000 jobs.

Show me one miner today anywhere in my district after three years and thousands of job losses, show me one that has been retrained for a job anywhere near the \$30,000 to \$35,000 they were making before that Federal piece of legislation passed. And these folks will meet the same fate. We just brush them off as if they are just statistics.

The fourth argument, that NAFTA will slow down illegal immigration into the United States. Well, this is the same claim that was made under the Maquiladora plan nearly 30 years ago, and that arrangement has actually increased immigration by drawing Mexican workers to the border areas. Much of Mexico's growth under this NAFTA will continue to occur in the border areas because of its nearness to the United States markets.

In addition, under NAFTA 800,000 to 3 million Mexican farm families will be dislocated because of the agricultural products coming from this country into Mexico and because of the reforms that have already been initiated there in getting these people off the public lands and larger corporate agricultural interests farming both lands.

How many of these families will be flooding the border areas looking for work?

If Mexico had a decent wage base, these workers could stay in Mexico and sustain their families there, but on \$1.27 an hour with 34 cents an hour benefits, they will be crossing the border illegally and putting further pressure on American taxpayers to pay the bill.

Another argument, if we do not agree to this NAFTA, Mexico will make some sort of deal with the Japanese.

The key issue in NAFTA is increased access to the United States market. The Japanese are not going to give Mexican products increased access to their market. If we cannot get into Japan by threatening access to our consumer market, the largest in the world, how are the Mexicans going to do that with an economy 4 percent the size of ours?

Does anyone really believe that Japan is going to open up its doors in exchange for a tiny impoverished Mexican market? It is just as liable to believe that Japan would welcome this agreement so they could use Mexico as an export platform to ship their goods into the United States even easier.

The important point here is for the United States to maintain control over access to our own markets to use as leverage for getting better treatment in international trade.

The next argument, we must support President Salinas because he is a reformer. Well, President Salinas has made reforms in Mexico, but I am not sure most Americans would agree with many of those reforms.

Would most Americans agree to our government cutting every wage in the country by 50 percent, as President Salinas did when he took over?

Would most Americans agree for the government to maintain absolute control over wages and prices in the entire country?

Would most Americans agree to one party harassing and jailing opposition party members in order to maintain strike one-party control? I do not think so.

This week in this House you will see many hours of debate on NAFTA televised worldwide. You will not see one second of debate in the Mexican General Assembly, because there will be none. Opposition to NAFTA is not allowed there.

I cannot tell you the number of people who have testified before our committees here, who have spoken to us personally, journalists, professors, priests, who tell us that any stated opposition to NAFTA in Mexico is forcefully repressed. Almost every major human rights group has condemned the Salinas administration as being one of the most abusive governments in this hemisphere. Many of the Catholic Bishops in Mexico and over 300 religious organizations in this country have condemned this agreement.

Here is an ad that was run in a paper just last week here in Washington: "Reject this NAFTA, U.S. religious leaders appeal to Congress."

It is signed by hundreds of religious organizations in this country and Mexico who disagree with this agreement because of the abusiveness to Mexico's own people by this administration.

□ 2330

The European Economic Community faced a similar situation in building their free-trade agreement. They had four Third World economies with primarily one-party-rule government on their borders: Portugal, Spain, Greece, and Turkey. They knew, as it has been shown in Eastern Europe and the former Soviet Union, that totalitarian government, and free enterprise and trade cannot exist together. It is de-

mocracy and the free enterprise system which complement each other. The EEC demanded democratic reforms from these countries as a first priority for entrance into their free-trade alliance. We should learn from the European Economic Community.

Is it right to ask that democratic reforms take place in Mexico since we are going to be so heavily vested there? Under NAFTA it is the American taxpayer who will at least partially be responsible for the billions of dollars spent in infrastructure development in Mexico. Our banks, insured by the taxpayers of this country, will be underwriting and guaranteeing the security of billions of dollars of investment in factories in Mexico. Our taxpayers will be footing the bill for additional billions in environmental cleanup that presently exists because Mexico will not enforce its own environmental laws, and its claim of violation of national sovereignty in the side agreements will make future enforcement nearly impossible.

Not one Republican who supports this agreement, Mr. Speaker, has proposed a single new tax to pay for it, and not one Democrat who supports this agreement has proposed a single cut in other programs in our budget to pay for it. Additional cuts in our budget are supposed to go toward reducing our own \$4 trillion debt. The cost for this agreement is borne totally by the American taxpayer, not the industries who benefit most by moving there.

My colleagues, this agreement will be a model for the rest of this hemisphere. Mexico is the first pitch in the first inning. Central America and South America will be the next to join. The agreement is only a first step, and we need to get it right from the beginning.

It is not in our interest, and we should never encourage any other country in the world by entering into a free-trade agreement with them, to suppress the wages of their people or to ruin their own environment by maximizing the profits for anybody in the world. That is not what we stand for as a people. We have never stood for that. Is it not to our long range advantage to have a politically stable, democratically reformed government on our borders? Is it not to our advantage not to condone an abusive one-party-rule form of government? We have an opportunity here, by leveraging access to our own markets, to enact both economic and governmental reform which will ensure greater security for our future, but this NAFTA will not do that.

Mr. Speaker, this country is the bastion of democracy for the entire world, and yet we are giving a nod and a wink to a government in a free-trade agreement, so called, to further suppress their people, and what do my colleagues think the outcome of that will be for the other countries of Central

and South America who are waiting and who must come into this agreement eventually? Those of us who oppose this agreement know that we need a North American Free-Trade Agreement, we know that there will be competition from the Pacific Rim nations and the EEC in the future, we know we have to compete. The question is not a free trade agreement. It is what kind of free trade agreement.

My colleagues, I just want to share for a moment information from my own State of Illinois, information that came out before all of the incredible claims now of thousands of jobs being created in this place or that place or even, on the other side, of hundreds of thousands of jobs being lost. This is the Illinois Department of Employment Security's estimate of jobs for Illinois under this NAFTA that came out some time ago.

The North American Free-Trade Agreement is expected to increase Illinois jobs sustained by exports to Mexico by approximately 6,200 jobs from 1994 to 2000. These are just jobs created from exports, but they do not include the subtraction of jobs that we will lose from imports coming back into this country replacing our own jobs here or the diversion of investment away from this country to Mexico in the process.

The United States Council of Mexico-United States Business Committee, which represents the joint Chambers of Commerce between the two countries, says while the national job impact relative to total employment is expected to be small, the positive impact on Illinois is expected to be significant. The \$457 million increase in Illinois because exports generated from increased investment in Mexico is expected to expand employment by more than 10,300 new jobs over 10 years, 1,030 jobs a year after the NAFTA is fully implemented, that is, after at least 10 years. Illinois' net employment rolls will be over 4100 jobs greater than they would have been in the absence of NAFTA, 410 jobs per year, and those are the folks who are promoting this agreement, who support this agreement, 410 jobs a year, and I will not even deal with the job losses that are being claimed from the other side.

How significant an impact really is that to put the country through this type of an agreement? I represent a lot of oil and gas producers, small independents. I met with them this past week. Here is the assessment of the effect on their industry under this agreement.

A long term result of the above could be greater United States exports of crude oil from Mexico and possibly of refined products as well. These independent gas and oil producers which represent hundreds of jobs in our area, every time they meet with me they say that the only thing that is going to

save their industry is to shut off the cheap oil imports coming to this country or to put an oil import fee on them. Under this agreement we are going to get more foreign oil flooding this country. What is that going to do to the smaller independents?

The agriculture community in my district favors this agreement, and I understand that. I just want to read something to my colleagues. The administration funding plan assumes that NAFTA will increase commodity prices for U.S. farmers, thus decreasing the need for deficiency payments under the Commodity Credit Corporation by \$183 million over 5 years. However, USDA statistics show that the assumption of higher commodity costs resulting from increased export opportunities under NAFTA is not supported by past commodity price data.

□ 2340

The USDA statistics show, and I have them right here, from the USDA, the ERS, Economic Research Services of the USDA. And what do they show? They show that between 1984 and 1992, U.S. agriculture imports increased 14 percent, from 38 billion to 42 billion. However, during the same period average corn prices dropped 23 percent, from \$2.67 per bushel in 1984 to \$2.05 per bushel in 1992. Soybean prices dropped 8 percent, wheat 4 percent, and milk 2 percent between 1984 and 1992. Those are figures from the economic research statistics of the U.S. Department of Agriculture.

There is not necessarily a positive correlation between increased exports and increased farm prices to the farmer in the field. If that were true, the prices of agriculture products should have been going up during those years instead of going down while exports were increasing.

I favor a free-trade agreement, one which pays the Mexican laborers a decent wage so they can sustain themselves in their own country and truly become greater consumers of American products, including agriculture products from the State of Illinois.

Does it not stand to reason that if people were making more than \$1.27 an hour in wages and 34 cents an hour in benefits, if they were making \$3 an hour or \$3.50 an hour, that they could buy more agriculture products from any State in this country? That is what those of us who want a different NAFTA feel we need to be negotiating here.

We will sell more agriculture products with this NAFTA, but imagine how much more we could sell to a consumer in Mexico who has real earnings, a rising standard of living, and genuine buying power?

I favor a free-trade agreement, a free-trade agreement which requires Mexico to pay for the cleanup of its own mess and subscribes to enforceable environmental standards.

I favor a free-trade agreement, one which requires democratic reforms as the insurance for protection of the billions of dollars of American taxpayer investment in Mexico and for obvious future political stability in this hemisphere.

These are my views. I respect the views of those who disagree with me, both Democrat and Republican, for this is not a partisan issue.

On this floor tonight you heard some very conservative Republican friends support this agreement. Your heard some very conservative Republican friends oppose this agreement, Mrs. BENTLEY and others.

But I will be voting against this NAFTA because I do not think this is the right agreement for our country. Ladies and gentleman, I sat for 2 hours and listened to the previous speakers in favor of this agreement. I heard them ask the question, why is this NAFTA such a hard sell? And they suggested several things. They suggested that, well, it is political fear that we have, those of us who are opposed to this NAFTA. Others suggested that it is because we are beholden to PAC's. Others said that if we had a secret vote, NAFTA would win, implying, as the President did, that we are somehow voting against our conscience here. Another said that if we had term limits, we would not worry about our jobs and we would be voting for this agreement.

Well, I have never said this on the floor of the United States House of Representatives before. It is not something that I want to deal with here all that much with my colleagues. But I am against this particular agreement. I think we can negotiate a better deal. And I do not take one penny of PAC moneys.

I have been here 5 years. I do not take a penny, not from labor, not from business, not from anybody.

When I ran for office in 1987, I told the people of my district then that I do not want to be a career legislator. I am a government teacher. I have taught my children in the classroom about the concept of the citizen legislator, that we train ourselves for a profession, we serve in this national assembly for a time, and we voluntarily get out of here and let other folks have their shot at solving the problems.

I said if I am fortunate enough to be elected for 10 years by the will of the people, I will not serve any longer than that.

I am against this agreement, and I voluntarily limited myself to 10 years in this House, it so be the will of the people. The same thing that the folks who are suggesting that if there were term limits available, we would all be voting for this.

To suggest that the people of this great body, after all you have got to do through your life to get here, to want to be a part of helping to resolve and

solve some of the problems of this nature, to suggest that we would do anything on an issue this serious, to sell our votes or sell our soul just to get re-elected or because we are afraid of somebody, to even insinuate that is something that I would never do to another colleague, ever.

This is the greatest deliberative body on the face of the Earth. I think the people that serve here for the most part love this institution. We love this country, and we want to do what is right by this Nation. We weigh in balance sometimes for months and years, as in the case of this issue, so we can come to some understanding and some decision that is right with our conscience and right, at least on balance, in our judgment. And we ought never be accused by our colleagues or the President of the United States or anyone else of sacrificing our conscience or our judgment for our jobs.

The people who oppose this NAFTA oppose it because we think we can do better. We think this is wrong for our country. We have seen others do it differently and do it right. And we are simply asking, why cannot we negotiate an agreement that raises the wages of the Mexican laborer so they can buy more of our products and truly be consumers? Why can we not negotiate an agreement that gives each nation the responsibility of cleaning up its own mess? Why can we not negotiate an agreement, as the Europeans did, which would bring about political stability in a domestic fashion on our borders, for our children and future generations? Is there something wrong with wanting to do that?

Mr. Speaker, I do not think there is. I want a free-trade agreement, but I cannot in my conscience and I cannot in my judgment support this NAFTA. Therefore, I cannot vote for it in this House of Representatives.

□ 2350

IN OPPOSITION TO NAFTA

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

Mr. KLINK. Mr. Speaker, I apologize to those who are here for prolonging the evening, but it is an important debate which has occurred. And earlier, as my colleague from Illinois [Mr. POSHARD] said, we sat here and listened to those on the other side of the issue as they talked about all of the good arguments for this North American Free-Trade Agreement.

I agree with the gentleman from Illinois. I, too, am a free trader. I, too, would like to see a NAFTA agreement, but one that does not create problems, but one that solves problems.

As a founding member of the anti-NAFTA caucus, I thought that I had

calculated all of the problems with the North American Free-Trade Agreement. It became very evident to me that NAFTA is going to cause the export of hundreds of thousands of United States jobs. And there will be, as the previous speaker spoke, massive environmental degradation, a sharp decline in health and in safety standards. I really thought that I had enough reasons to vote against this NAFTA, but I will tell my colleagues, I really want to focus my comments this evening on what we have heard in the Banking, Finance, and Urban Affairs Committee, on which I serve.

We have heard several weeks of testimony concerning abuses within the Mexican political, regulatory, judicial, and financial services sector. What I am going to talk about this evening is not the opinion of this Congressman from Pennsylvania, but I am going to talk about the testimony that we have heard, what others are saying, others who have their own expertise about this NAFTA.

We heard testimony from Ms. Lucia Duncan, who described several accounts of Mexican courts allowing seizure, without cause, of property owned by Americans. I will talk more about that a little later on.

We also heard from IBM's political agent in Mexico, Mr. Kaveh Moussavi, who has been named public enemy number one by the Salinas government simply for filing a formal fraud complaint with the Mexican Government. When Mr. Moussavi contacted a Mexican attorney, because he wanted to obtain judicial redress in that nation, the attorney told him, and I quote her, "Your naivete is touching. This is not the United Kingdom, nor is it the United States."

Mr. Moussavi decided to go public with his case, again, which I will describe. He was threatened over the telephone that if he were to testify before this United States Congress about the corruption that he had found in Mexico, when he returned to Britain, which is where he lives, he would have one less child.

Mr. Alex Argueta, a developer from Tucson, AZ. He testified before the Banking Committee also, and he said that he is living proof that large, centralized banks in Mexico defraud their clients and then steal their savings. Mr. Argueta testified that gangster tactics were used against him after he obtained a \$20 million loan from a Mexican bank.

After he was held incommunicado in Mexico for 2 days, he was then imprisoned for 16 months. He was released only after he signed a promissory note which changed the terms of that loan, and subsequently, \$20 million of Mr. Argueta's money was confiscated by the Mexican Government. He has yet to get back his \$20 million.

These examples, along with a lack of banking regulations and a large vol-

ume of drug money being laundered by Mexican banks, give more and more reasons to oppose this NAFTA agreement.

I want to talk a little bit more about some other testimony that we have heard and just go over it in brief.

Mr. Chris Whelan, is a consultant from here in Washington, DC, at the Whelan Company. And essentially, when he came before the Banking, Finance and Urban Affairs Committee, he started off by saying, and this is pretty much a direct quote, I am a civil libertarian. He said, "I am an economic free trader. I want to see a free-trade agreement signed between Mexico and the United States."

But he then went on to say that the current economic policies of the Salinas government are to blame for stealing jobs from American workers. He said that Mexico has no commitment to civil liberties. They have no commitment to the protection of property rights and/or the rule of law.

Mr. Whelan went on to tell us that signing the NAFTA agreement with Mexico, in his words, "Mafia government," is going to undermine and corrupt the American financial and industrial operations by opening our economy to a system that is compromised by drug money, political fraud and of rising violence.

Mr. Whelan also told us that approval of the NAFTA will expose American banks and financial companies to an environment in which they cannot reliably determine who owns a given financial asset or real property and where there is no recourse in the event of default. That goes back to the comments I made about the previous witnesses.

NAFTA would eventually allow U.S. banks to purchase Mexican banks, to purchase Mexican insurance companies and even commercial entities. The NAFTA agreement would allow consumers to purchase financial services across the border. Mexican banks essentially are unregulated, when it comes to activities in investments. Mexican law allows the banks to affiliate with security firms, with insurance companies or even those commercial concerns.

The Mexican banks are essentially self-regulated insofar as the disclosure of financial data is concerned. The Mexican banks are allowed really to utilize private auditors that come in and make assessments of the loanportfolios and other aspects of the banking operations. Those audits, we have heard testimony, are simply rubberstamped by the National Banking Commission.

Now, when you take into account the issue of how the Mexican banks finance their operations, the banks in Mexico have deliberately followed a strategy of crossfunding their high-yield pesos loans along with credit card receiv-

ables and other local currency assets with less expensive dollar CD's, with overnight borrowings and with the issuance of foreign bonds dominated by the dollars and other currency.

Publicly available information has suggested the level of dollar liabilities in some of the bigger Mexican financial institutions runs as high as 30 percent in total liabilities, even though the Government regulations limit those dollar liabilities to only 20 percent.

We have also found that capital adequacy in the Mexican banks is not good. The Mexican banks do not follow generally accepted accounting principles. To operate in Mexico or even to acquire Mexican financial institutions is going to expose the United States banks to potentially huge losses, while increasing the process of political and societal corrosion in the United States due to narcotics trade and to related problems.

The other problem with this is that the FDIC still stands, that is the American taxpayers, stills stands behind the American banks. So this NAFTA allows our banks here to go down and invest in financial institutions, in insurance firms, and in other operations in Mexico while the American taxpayer stands behind those institutions in the form of FDIC guarantees.

We have had, Mr. Speaker, one savings and loan bailout. We do not need savings and loan bailout No. 2.

According to estimates, and again I am going back to Mr. Whelan's report to the Banking Committee, he said, according to estimates from sources inside Mexican and American law enforcement agencies, the total revenues from the production of marijuana and heroin in Mexico and the transshipment reached an astronomical total of \$100 billion in 1992.

I want to talk just briefly, too, about the comments of another witness before us. This was Mr. Andros Penlosi. He is an economist and parliamentary adviser on the staff of the Commission of Budget and Planning in the Mexican Chamber of Deputies. And he had some very interesting things to say.

He said that members of the State Party, the PRI Party, the Commission for Financing and Development of State Property, whose funds covered part of Carlos Salinas de Gortari's campaign costs, are now owners and are the principal beneficiaries of the sale and concessions of State businesses and services. That is right. The people who have contributed to President Salinas, the people who have been part of his party, who have helped him maintain his control of the Government, are now getting the sale and the concessions of State businesses and services.

To go on again with Mr. Penlosi's testimony before Banking, he said,

These entrepreneurs continue to influence national economic policies. They impose

their personal as well as group needs. They introduce self-serving measures and subsidies. The government supports them in opening markets and maintaining monopolies, in reducing and controlling competition, in setting prices and tariffs, in stimulating speculative activities with extraordinary profits.

□ 2400

Again, going back to Mr. Penaloza's comments, he calls it a Salinastroika system which he says has handsomely paid its sponsors, according to Forbes magazine, among the wealthiest persons in the world. There are now 13 Mexican super millionaires. That is 11 more than there were back in 1991, just in the past 2 years, 13 Mexican super millionaires. This number is surpassed only by the United States, Germany, and Japan.

To go back to what he is talking about is the fact that these people have supported the Salinas government, and as a result of being so supportive of their government, they have been able to buy into these businesses that are being sold off by the Mexican Government. The list, he said, includes various financiers: the Garza Sada family, which controls Vitro and G.F. Serfin. The third most important financial group in Mexico is on this list.

Carlos Slim, who, besides being the majority stockholder of Telmex, is now head of the recently authorized Banco Inbursa, which already includes some financial firms. The Garza Leguera family, along with other families, which control Bancomer, which is No. 2 in the Mexican financial system, these as well as other investor groups directed by Eugenio Garza Leguera control the Visa group. This is a conglomerate of 100 companies in various different fields: beer and soft drinks, other industrial, commercial, and service activities.

Many others, such as Alferdo Harpo Helo, which is Slim's cousin, and Roberto Hernandez, owner of largest Mexican financial group, Banamex, have been very active in the present administration.

Only 2 years after these financial groups have been formally established and reinforce the sale of banking systems, they handled more than 97 investment funds and some 60 financial firms, especially stock brokerage and banks, but the groups also hold retail stores, leasing companies, currency exchanges, billing companies, underwriters, insurance companies, investment funds, real estate companies, and other services.

Remember, under this NAFTA, banks from the United States will be doing business directly with these people who hold these financial institutions in Mexico.

He goes on to say, "There is a quid pro quo, and that is now the United States financial institutions," as I said, "will be able to do business in

Mexico that they cannot currently do in this country," and that is important. They can operate as financial groups. We know that the total assets of the Mexican financial system are equal to those of most important United States banks.

"Of the total financial resources in North America," and again, I am going back to Mr. Penaloza's testimony, he says, "Of the total financial resources in North America, the United States handles 95 percent, Canada 4 percent, and Mexico, with almost three times the population of Canada, has only 1 percent."

He goes on to say, "These terrible differences are reasons in themselves to deny the equality of competitive opportunity which, in certain moments in certain areas, might be applied. The most-favored-nation status," he says, "should be accompanied by the developing nation status in order to justify non-discrimination."

There again are a lot of other problems, and I will not go on at this moment into Mr. Penaloza's testimony, but it is quite extensive. I will talk, though, about what a lot of people thought was really a great idea. That was the creation of this North American Development Bank. As a result of this bank, we know that at least one Member of the House has decided to vote in favor of NAFTA. This was a wonderful thing, he said, the North American Development Bank. It gave him the cover to vote. We understand some other people said this may give them the cover.

Let me just tell the Members what happened last week in the Committee on Banking, Finance and Urban Affairs as we met to mark up the North American Development Bank Group. The chairman of the Subcommittee on International Development, Finance, Trade and Monetary Policy of the Committee on Banking, Finance and Urban Affairs, the gentleman from Massachusetts, BARNEY FRANK, reported back and recommended that that bill, the bill developing the NAD Bank, be turned out negative. I just want to read part of the letter he wrote to the chairman of the full Committee on Banking, Finance and Urban Affairs, the gentleman from Texas, HENRY B. GONZALEZ.

He says, "As presented, the proposal received virtually no responses from Members who attended the hearing and it is unclear how the administration could alter the proposal to make it more appealing." No. 1, "the basic concern—emphasized in the testimony of Representative DAVE OBEY—" of Wisconsin "was the uncertainty as to how the proposal would be funded."

We have heard this before: How are we going to pay for NAFTA, especially in view of the fact the United States is in arrears on the authorized commitment to existing international finan-

cial institutions by about \$819 million. We are in arrears to other financial international institutions by \$819 million, but to get a couple of votes for NAFTA we are going to create a new North American Development Bank. Mr. Speaker, it makes no common sense.

The gentleman from Massachusetts [Mr. FRANK] then goes on to say that an additional concern was that the NAD bank financing would need to be more concessional than the administration assumes and that the capital contribution would therefore not support the \$2 billion to \$3 billion of loans anticipated by the administration.

The subcommittee also believes that Members also questioned the logic and precedent of allowing an institution with substantial representation of foreign interests to participate in determining how this country, the United States, would use funds within its own borders.

No. 4, another issue about the NAD Bank was the issue of the proposed focus on water pollution and municipal solid waste, and it neglects other environmental problems, such as air pollution and toxic waste dumps.

Finally, the committee, in the letter to the gentleman from Texas [Mr. GONZALEZ], says, "It was suggested that much of the pollution in the area is attributable either directly or indirectly to the maquiladoras, and they should assume more responsibility for mitigating the impact on the environment." The companies that are making the money are making the pollution, in short, and they are not, under this NAFTA, responsible for paying for that clean up.

I want to go now to some other testimony before the Committee on Banking, Finance, and Urban Affairs. This is by John P. LaWare. For those who do not know Mr. LaWare, he frequently testifies before congressional committees and subcommittees. He is a member of the Board of Governors of the Federal Reserve, certainly someone who knows something about financial institutions. He talks about each country in this NAFTA agreement agreeing to allow financial institutions of other countries to establish and to operate in its market through subsidiaries.

He says, "Thus, a Mexican or a Canadian bank in the United States would be treated as a United States banking organization, and any non-banking activities of the affiliates of the bank will continue to be subject to provisions of the Bank Holding Act."

However, we should note that American companies, United States of America companies that move to Central America, move down to Mexico, will be able to end run banking laws. I will get into that a little bit further in the testimony.

One of the things that we also want to talk about is that those American

banks and security companies that go down there are going to have opportunities to provide sophisticated financial services to United States companies, as well as to Mexican firms, and that they will increasingly need the type of innovative services which the United States financial services companies excel in. We agree with that.

Mr. LaWare goes on to say, "Of course, the United States banks and bank holding companies will be subject to the same regulation of their Mexican operation by the Federal Reserve System as currently apply to all of their foreign operations." In other words, we are supposed to monitor what the United States banks do in Mexico. When in fact there is no regulation of the Mexican banks in their own country, how are we going to monitor and enforce laws in another nation? It simply does not make sense.

Again, the chairman, the gentleman from Texas [Mr. GONZALEZ] has talked about, in some of his testimony in the committee, and he has talked about it on the floor of this House of Representatives, some of the things that he is afraid as chairman of the full Committee on Banking, Finance and Urban Affairs will occur. One of the things that we are all afraid of that are on the committee is that large banks which have been very eager to bypass the Glass-Steagall Act, a law which prohibits bank holding companies from buying security firms or from buying insurance companies, that they now could buy Mexican banks, and that in Mexico they could operate a security firm or an insurance company, as well as leasing and managing the subsidiaries.

NAFTA limits United States participation in Mexico to subsidiaries of United States institutions until the United States permits interstate branch banking, which, of course, we have not done. We may, in the Committee on Banking, Finance and Urban Affairs be addressing interstate branching within the next few weeks, hopefully before this session of Congress is finished.

The biggest American banks will be able to engage in high-risk investments and there is no requirement in this NAFTA for these banks to put up adequate reserves should these investments go sour. Again, Mr. Speaker, this could lead to another bailout of the financial industry by the American taxpayer. It is another price of NAFTA that you will not hear those that are in favor of this NAFTA agreement ever refer to on the floor of this House.

NAFTA would result in even more difficulty, we have heard, in the Committee on Banking, Finance and Urban Affairs, of tracking money laundering.

□ 0010

I want to go to some more testimony, and again, this is not testimony by this

Member of Congress, but testimony before the Banking Committee by those who have come before us and have various expertise relating to the NAFTA. This is Mary Schapiro, who is the Commissioner for the U.S. Securities and Exchange Commission. She talks about the purchase and sale of Mexican securities by United States investors. They have jumped from \$363 million a year back in 1982 to a decade later, 1992, \$19 billion. Indeed, the largest Mexican company, Telmex, is more actively traded in New York than it is in Mexico City.

What you have to understand is that American companies, the multi-billion-dollar corporations, have found out that there is a gold mine in Mexico, and that, in my opinion, is what this NAFTA agreement is. It is what those who support this NAFTA agreement want.

In response to the increased cross-investment activities, the SEC has strengthened its relations with the security regulators in Canada and Mexico, but we have to wonder if they have done it enough.

Again, continuing with the testimony, and this is really one of the things that bothers me because, as you study the lack of enforcement in Mexico of their own laws, again I remind Members this is Mary Schapiro, Commissioner of the United States Securities and Exchange Commission, who says, "If the increase in securities activities among the three NAFTA countries leads to any need for increased enforcement of U.S. securities laws, the SEC's counterparts in Canada and Mexico will assist the SEC in their enforcement efforts." That is laughable, and we will talk about the enforcement in Mexico a little bit later on.

I want to talk again just briefly, we are getting only to the issues coming before the Banking Committee. There are some issues we have talked about, the interstate commerce, the trucks coming from Mexico, the usurping of the States' rights to set laws as it pertains to truck safety requirements, to weights, to lengths of trucks. I also get into the same issue, and Eileen Evans, a board member of the Texas Board of Insurance, chairperson of a NAFTA working group, testified before us. She really talked about, again, how big this NAFTA is. She said in her testimony, "It provides a framework for linking the insurance markets of the United States, Mexico, and Canada, thus forming the largest regional insurance market in the world, 38 percent of the world's insurance premiums." That is a whole bunch of money, and there is a lot of money to be made.

But one of the questions that came up, technical questions at the end of her testimony, was are the States' anti-trust laws affected, and the answer is this, that the Treasury Department's response has been that "State anti-

trust laws should not be impaired unless they are inconsistent with NAFTA." In other words, if they are inconsistent with NAFTA, we have a problem, and the States are left out in the cold.

Going to further testimony, this now gets into some of the regulation that we are going to have a problem with. I have this testimony by Steven Davidson, his testimony before our Banking Committee. He was the senior vice president of Ferguson & Co. What he talked about in his testimony, and I will just read one brief paragraph, he said, "In short, we must rely primarily on United States bank regulators to bear responsibility for adequate supervision of foreign operations of our financial institutions. Do not count on those regulators in Mexico taking care of us." He said it is his understanding that NAFTA does not explicitly address or require the exchange of examination and regulatory information between Mexican and United States banking authorities. I will repeat that again. It is his understanding, in testimony, that NAFTA does not explicitly address or require the exchange of examination or regulatory information between Mexican and United States banking interests.

Now one of the other things we are very concerned about is the devaluation of the peso, and we have heard some of that testimony this evening. In fact, the gentleman from Illinois [Mr. POSHARD], talked about that. I want to talk about this again. It goes back to Mr. Whalen. He wrote an article entitled "Coming Mexican Devaluation." And I want to read just parts of it. He talks about how in Europe the hard-currency block, led by Germany, still seemed to be moving toward some type of cohesive currency union. Yet, strangely enough, he says, "In the face of the movement in Europe toward a single trading and payment system, the question of a common monetary unit has not been included in the debate over the North American Free-Trade Agreement." Mr. Whalen continues saying, "Part of the reasons for this omission lie in the obvious fact that Canada, and to a much lesser degree Mexico, are already dependent on the U.S. economy, and thus are tied de facto to the dollar standard. Ottawa," he said, "acknowledges the need to maintain rough purchasing power parity between the Canadian dollar and the greenback and has been forced to take action in recent weeks and months to defend the Canadian dollar against its southern counterpart. Mexico's monetary posture, however, is far less wedded to any stable measure of purchasing power parity, and Mexico has historically been tied very closely to the availability of external financing, and more recently a short-term portfolio investment."

Now I want to talk again just briefly and sum up what Mr. Whalen has said.

And there are some very succinct points in this. "Strangely, in fact, in the face of the movement in Europe toward a single trading and payment system as they form the common market, the question of a common monetary unit has not been included in the NAFTA debate. Salinas is in the incredibly untenable position of defending a fundamentally weak currency, while imports of raw materials and of manufactured goods pour across Mexico's newly opened borders. The rising trade deficit and what it implies for Mexico's ability to earn badly needed foreign exchange is ominous. After reaping almost \$10 billion in the first 6 months of this year, the overall deficit now seems to be headed for about \$20 billion. The recent decision by the Mexican Government to increase the rate of devaluation of the peso to roughly 5 percent annually represents a turning point in the economic stability program forged by the Salinas government, but the downward move in the peso is not going to be the last."

I will read testimony from some other people who also agree with this, and who are well able to make that determination.

"Even with the obvious need for Mexico to adjust its competitive position, there is no monetary mechanism either actual or in prospect in the NAFTA to smooth the way for the inevitable adjustment of the value of the peso. Mexican companies are increasingly turning to the foreign bound market in an effort to raise funds not available from the foreign equity markets or the domestic peso capital markets. By using inflows of foreign investment and private borrowings to finance Banco de Mexico's dollar funding, the Salinas government is essentially mortgaging Mexico's future in terms of future inflation and investor confidence."

In fact, what they are trying to do is hold off devaluation until after we vote this week on the NAFTA.

"In order for the peso-based non-maquiladores industries to attract badly needed capital, they must be profitable. The first ingredient needed to ensure a favorable investment environment is a competitive peso/dollar exchange rate, which does not exist now."

I want to go back to an article from March of this year, and things have not changed. In fact, I think you will see that more has happened to really prove this true over the course of the year. And the headline reads "Some Fear Sharp Peso Devaluation After NAFTA." The subhead line is "Mexico's move would reduce surplus with U.S." And this was in the *Journal of Commerce*. It starts out saying that "several trade experts are warning that Mexico could sharply devalue the peso after the North American Free-Trade Agreement takes force, and thereby reduce the U.S. trade surplus with Mexico."

Again, we have heard testimony in the Banking Committee that backs this up. They say in the article that "Mexico could play a 'nasty trick' on its U.S. supporters through such a devaluation." That is according to Jorge Castinada, a Mexican visiting professor at Princeton University who warned a House committee last week when he said such a devaluation would aim to sharply reduce United States exports to Mexico. Now Mr. Castinada is one of several trade experts who is anticipating a peso devaluation.

The United States, which until 2 years ago was in chronic deficit with Mexico, last year scored a record \$5.4 billion surplus. That is according to the U.S. Commerce Department reports.

□ 0020

Worldwide, Mexico's worldwide merchandise trade deficit last year jumped to about \$20 billion, according to unofficial estimates, and some economists believe it will swell further even this year.

Partly behind those trade patterns, though, is the overvalued peso. Although the Mexican Government is methodically letting the peso depreciate against the dollar by nearly 5 percent a year, it does not offset Mexican inflation which last year was about 12 percent. An overvalued peso reflects a deliberate Mexican effort to contain inflation.

Now, Gary Hofbauer, who is a senior fellow at the Washington-based Institute for International Economics, said that he anticipates a fairly substantial devaluation in the peso sometime next year. He doubts there will be a devaluation before the U.S. Congress acts to bring NAFTA into force.

Now, this article is from March. We are going to vote on NAFTA this week, and you may see something next week, but he thinks that otherwise they may also hold off until after the Mexican elections next year. Otherwise he is expecting a significant peso devaluation, and he is believing that devaluation could be somewhere between 10 and 20 percent, and it might be politically timed to occur shortly after the Mexican election for President which is in August of 1994.

He estimates that a 10- to 20-percent devaluation, and this is again Gary Hofbauer, the senior fellow of the Washington-based Institute of International Economics, his estimate is that this 10- to 20-percent devaluation would stop the United States trade surplus with Mexico from growing, or would reduce it modestly.

Again, going into other testimony before the Committee on Banking, Finance and Urban Affairs, and this is Gregory Woodhead from the Trade Task Force, again, going into the same idea of devaluation of the peso and how this is going to affect the trade balance

between the United States and Mexico. Again, Mr. Woodhead says that first there is a significant economic pressure to devalue the peso relative to the dollar. The overvalued peso is contributing to a surge in imports pushing Mexico's current-account balance into deficit.

Secondly, he said there is an extreme political pressure to maintain an overvalued peso at least until President Salinas' successor has been elected and NAFTA has been ratified.

To devalue sooner would reduce confidence in the Mexican development program, place the issue of succession in doubt, and would raise another obstacle to the implementation of a North American Free-Trade Agreement.

In recent history of Mexican exchange rate policy, together with present economic pressure suggests that this devaluation is going to occur.

Now, let us just talk about the peso in recent history. By the end of 1987, there were four traumatic devaluations of the peso in just over a decade, with Mexico trapped in a vicious cycle of peso overvaluation, then sharp devaluation, and then flaming inflation led to peso overvaluation. In February of 1977 the peso devalued from a fixed rate of 1 U.S. dollar to 12.5 pesos to 1 U.S. dollar to 22.7 pesos. By the end of 1987, 1 U.S. dollar was worth 2,209 pesos. It continued to devalue to, by the end of 1992, 1 U.S. dollar was worth 3,100 pesos.

Again, going back to Gregory Woodhead from the Trade Task Force, he says in his testimony before our committee there is now substantial economic pressure again to devalue the peso. In 1992, Mexico's merchandise trade deficit jumped to \$21 billion, and the trend is to grow further with devaluation running at a rate of 2.5 to 4 percent a year. The current devaluation rate does not offset the difference between United States and Mexican rates of inflation.

Again, that rate of inflation for Mexico last year was 12 percent.

When I first began, I talked about several different cases, that just testified before us, and I think a week or so ago. One of the gentlemen who testified before us was from IBM. His name was Kevin Moussavi, and as I said during my introduction of this special order, Mr. Speaker, he has been named Public Enemy No. 1 by the Salinas government. This is someone who worked for IBM who was down there trying to put a bid in on upgrading their air traffic control system in Mexico which is really defective.

What he got for his trouble was a solicitation for a bribe of \$1 million which IBM, being a good government citizens, turned down, would not pay,

and when they went public, he was declared Public Enemy No. 1 by the Salinas government, had his life threatened, and the lives of his family members threatened.

I want to read just a few segments of a letter that he wrote to our chairman, the gentleman from Texas [Mr. GONZALEZ], chairman of the full Committee on Banking, Finance and Urban Affairs. He said, "I have represented American and other foreign companies in Mexico." These are the words of Mr. Moussavi, "and other developing countries for many years. This experience," says Mr. Moussavi, "leads me to draw your attention to important issues with respect to public procurement that have a direct bearing on whether Mexico can or will live up to its commitments within the broader framework of a NAFTA. I speak in particular," he says, "about the bidding process which Mexico began last August in order to upgrade that country's air traffic control system. The urgency of the task," he says, "was underlined by the fact that in Mexico City alone the volume of daily traffic, air traffic, has grown from less than 100 landings per day in 1988, 5 years later, they have 500 planes landing per day." He said that in November of last year after the first round of bids, and again Mr. Moussavi was representing IBM, they put a bid in on the new equipment.

He said he was approached by three individuals who, without a shadow of a doubt, had extremely close connections to the Ministry of Communications and Transport. Those men asked Mr. Moussavi to pay a \$1 million bribe in order to assure that IBM would win the contract. Now, the men did not ask him to give them the money. Listen where they wanted this money to go: They wanted that million dollars taken and specifically made in the form of a donation to the Solidarity Corps, or the public works program that was started by President Carlos Salinas 3 years earlier. He said, "I refused the request, and 10 days later the Mexican Government suddenly, and without a meaningful explanation, canceled the tender on the grounds that none of the companies participating had met the necessary technical specifications, and a few days later the Mexican Government invited these very same companies to submit new bids for the same project."

He says that the terms and the specifications for the new tender were so dramatically changed that he and IBM had little doubt that the earlier tender had been canceled by someone with great political influence, someone who needed a way of reducing the price to win the deal. He says that there was no question that the enormous influence-peddling, favoritism, and unfair bid-rigging of bids had been taken against his client, IBM, and that this was the explicitly stated opinion of IBM offi-

cers who were with him on the scene at the time of the tender.

Now, the five losing bidders in this were some well-known companies. Raytheon was one; Comequip of Miami; WestinghouseCorp.; Siemens; some very well known companies.

Each one of these companies and the countries from which those companies are based filed written protests with the Mexican Government saying that the bidding had been mishandled and that their bids fully met all required technical specifications.

The embassies of the United States, the United Kingdom, and Japan also protested to the Mexican Government.

The Canadian Trade Minister, Mr. Michael Wilson, formally wrote to the then Transportation and Communications Director complaining about the irregularities in this tender.

Mr. Moussavi goes on to say that based on this intimate personal knowledge of these bids he can say that most of the losing proposals submitted were superior to that of the package that was ultimately chosen, and yet the protests were all brushed aside by the Mexican Government even though they were filed formally by the embassies of these countries.

No meaningful investigation took place by the Government of Mexico. Mr. Moussavi says that, "IBM and I decided to go public with our concerns. Apart from the irregularities of the tender, we were anxious about the safety aspects of the award and the potential danger to anyone flying into Mexico who as dependent upon this air traffic control system."

He says with the support of IBM early, back in the early part of this year, 1993, he briefed the Financial Times of London, and he described the events that surrounded the bidding for the new air traffic control system for Mexico. This then led to the publication of a number of stories on the episode starting back on February 3, 1993.

He says that after publication of the first story, officials of the Mexican Government began extremely hostile public campaigns in an attempt to discredit Mr. Moussavi.

He says that he himself was the victim of bribery, but he found himself on the defensive. They were attacking him simply for coming forward and saying a bribe had been made or had been offered. His sole offense was to report that attempted bribe and to raise serious questions about a process for procuring a computer and a radar system vital for protecting the safety of tens of thousands of people who travel through Mexican airspace.

□ 0030

And yet senior officials in the Mexican Government, he says, preferred to attack him on television and the press, threatening him. In May of this year he said he received a copy of a letter

dated March 17 from the Technical Assessment Group to President Salinas. The letter made a number of very important points, essentially decrying any of the previous attempts to really upgrade the Mexican air traffic control system. He says apart from the sustained campaign of libel and character assassination engaged in by the Government of Mexico, he also has had to suffer death threats; that is, he and his family. In his own country he had to obtain special police protection. The Government of Mexico threatened journalists who tried to interview him.

Consular officials of the Mexican Government had, in fact, intervened directly to intimidate journalists from Mexico, at least one of whom subsequently lost her job as a result of taking interest in the Moussavi/IBM case. All of these incidents have been brought to the attention of the authorities in the United Kingdom.

Now, I have a serious problem, Mr. Speaker, when anyone is threatened with their life or the life of a family member for testifying in front of the U.S. Congress. We cannot have anyone intimidated, anyone threatened for coming to the U.S. Congress and giving us information pertinent or otherwise.

We will make the determination, but we need as much information not only on NAFTA but on any issue that this House of Representatives must decide. For any entity anywhere in the world to threaten those witnesses if they come before the Congress is absolutely deplorable and, I think, should be condemned.

I want to get away from Mr. Moussavi for just a second and talk about some other people who testified before us. Their testimony was equally disturbing.

The next witness I want to talk about again was just here 2 weeks ago. Her name was Lucia Duncan. She resides in Las Vegas, NV, and is a coordinator for a group, American Investors in Mexico. She said she is of Mexican ancestry, speaks fluent Spanish, has lived in Mexico for many years both as a child and as an adult. Therefore, Mexico was always one of her favorite countries. She loved to go there.

She told us that she and her husband both share a great love for the Mexican culture, for the music, the food, the life style. Several years ago after traveling extensively in Mexico, they finally realized their dream of owning property in Mexico. After a lot of comparison shopping, they purchased a condo in the Baja Peninsula. Almost immediately, Mr. Speaker, they encountered a barrage of problems. They say their problems were not devastating, but, you have to remember here is someone who knows Mexico, someone who knows the language, someone who can handle herself. She said the first problem came up shortly after they purchased their unit, again a condo in the

Baja. They offered it as a vacation wedding gift to some friends. When they arrived at the condo, they were informed—on their honeymoon—by the staff that the room was not available. This was only the first problem.

You have to remember they owned the unit, but when they get there, people down in Mexico say, "I am sorry, the room is not available." They had rented it out.

Now, this is only the first of many similar problems. They said these problems began to take their toll on them.

They said they had another problem with the management company, involving mismanagement of funds.

This time, they were able to file a complaint with a newly formed consumer protection agency. Filing this complaint, though, involved many hurdles, one of which was the need to resubmit the complaint in Spanish. They said it was extremely difficult and frustrating. It took months to eventually resolve the problem.

She went on to say that she feels she succeeded only because she is familiar with Mexican customs and was able to translate the letters into Spanish herself.

One of the other stories she tells is a problem down there about who owns what property. One serious problem, she said, relates to land controlled by the Ejido. Ejido are basically local Indians who have been granted the right to occupy and to use certain property under Mexican law. They have the right to lease the property to others on a relatively short-term basis, but they cannot transfer title of land.

In addition, they have the right to extend the lease and to continue occupying the land even after constructing substantial improvements, basically at the whim of the Ejido Indians.

While in Mexico, they met a man who had acquired property from the Ejidos, at least he thought he had acquired the property. This property consisted of a gutted, abandoned structure built over 40 years earlier. The gentleman invested 10 years of his life and virtually all of his assets to create a charming and economically successful hotel with an additional 34 custom homes, an investment that represented millions of dollars for him and for the American families who invested in these homes. Now that the hotel is completed and is successful, a local businessman in Mexico and the Ejido Indians have decided they want the land back, including the hotel, including the 34 homes, and of course they want it back for free. This poor man has exhausted his health, he has exhausted his wealth, and he has fought the confiscation of his property. In spite of his efforts and in spite of the obvious injustices of this situation, it is very possible that he is going to lose everything that he has worked for.

And, again, going back to Ms. Duncan's testimony, she talks about an-

other case involving a group of approximately 150 investors from the United States who purchased hotel suites in Puerto Vallarta. After investing \$8,000, they found that the Mexican management group was time-sharing their units, the units that they thought they owned. Even struggling years later they still cannot find anyone in the United States who will listen to their problems or offer any real help except to put the person directly responsible for their problems in charge back in Mexico. She said as one of the homeowners succinctly put it, it was like putting the person in charge of our problems is like putting the fox in charge of the chicken coop. She said one of the members was actually ordered out of the homeowner meeting at gunpoint.

Again, she says most of the cases she is familiar with involve individuals, but there are other stories. She talked about an amazing story about a gentleman named Bill Flanagan, who is a Houston businessman who was awarded a judgment against Pemex and others. The judgment totaled over \$450 million. Mr. Flanagan spent many years of his life involved in this dispute and, in spite of the validity of his claims, in spite of the fact that he won the judgment, he has been unable to collect \$1 of the money that is due him.

What do you say to individuals who have spent years of their lives and struggled with injustice and they go down to Mexico to make investments and then they have no recourse? That is the testimony that we heard.

I just want to talk briefly, too, about one other incident which I think has not received as much notification as it does. I will wrap up after this. This is a news release when we were away on the August recess. We were away and not a lot of attention was given to NAFTA and other issues.

This release came out of the U.S. Department of Justice, the office of J. Ramsey Johnson. "United States Attorney J. Ramsey Johnson announced that Robert Bostick, the former Associate Deputy Undersecretary for International Labor Affairs at the United States Department of Labor pleaded guilty in the United States Department of Labor pleaded guilty in the United States District Court today for agreeing to accept 10 percent of the net profits from a Mexican worker housing project to be constructed on the United States/Mexican border." He is working for us, but he wants 10 percent kick-backs.

Again he pleaded guilty.

"Mr. Bostick entered into the agreement while he was a Department of Labor official with responsibilities that included", Mr. Speaker, Mr. Bostick's responsibilities included "negotiating on the North American Free-Trade Agreement," the agreement that we are going to vote on 2 days from

now. He is one of the negotiators on that. He pleaded guilty to taking kick-backs to housing programs that are going to be built on the Mexican-United States border.

A spokesperson for the United States attorney noted "Mr. Bostick pleaded guilty to agreeing to accept a percentage of the net profits from a project that was at one time anticipated to generate up to \$10 million in net profit. Mr. Bostick faces a maximum sentence of 5 years in prison and a fine of \$250,000. Mr. Johnson praised the investigators from the Office of the Inspector General and everyone else who was involved."

But how much have we heard about this, someone working on the North American Free-Trade Agreement on our side pleads guilty and he is going to prison and is going to have to pay a big fine?

□ 0040

I want to read just a little bit if I can again from the U.S. District Court document which came down. It says, repeating again:

As part of his responsibilities, the defendant, Robert Bostick, was involved in an effort to promote low-income housing subsidized by the Mexican government for low-paid Mexican workers living along certain sections of the United States-Mexican border. Mr. Bostick's responsibilities included oversight for technical assistance programs concerned with Mexican labor standards and their enforcement.

Mr. Bostick's responsibilities also included working on the North American Free Trade Agreement by (1) assisting in the actual negotiating on NAFTA, by (2) developing an adjustment assistance program, and (3) managing a technical assistance program and cooperating with Mexico to help address concerns regarding Mexican labor standards and their enforcement.

So we keep hearing, Mr. Speaker, about how this agreement is going to be fixed. There are going to be special concessions to peanut farmers, to sugar farmers, to financial resources, to flat glass, all these holes in this fast-track agreement are going to be fixed, yet we see this gentleman, Mr. Bostick, who was one of those people who was supposed to be in there fixing this agreement, negotiating this agreement, but he wants 10 percent of \$10 million that is going to be made when this low-income housing for the Mexican workers is going to be constructed.

The document goes on to state how he talked with four executives, identified only as Executive A, B, C, and D, and how he conspired and set up really a fraudulent way of getting this money to him. They had different names, an intermediary's name put on the document, later Mr. Bostick's name was put on the document instead of the intermediary, but he was supposed to get the money.

But again, he pleaded guilty. He said, "I did it."

But how many times, Mr. Speaker, have we heard the proponents of the

North American Free-Trade Agreement talk about these problems, talk about those who know about the devaluation of the Peso taking place, 10 to 20 percent, and what that is going to do to our balance of trade with Mexico.

Mr. Speaker, there are so many other reasons why we should vote "no" on this North American Free-Trade Agreement. I am sure that over the debate that is going to take place this week we will be hearing a lot of those.

I just want to say to the other Members of the House who may be watching this late at night, to others who may be watching on C-SPAN, I have only talked tonight about the testimony in front of one committee, the Committee on Banking, Finance and Urban Affairs; one set of issues, but Mr. Speaker, you can see not only the devaluation of the Peso, but the banks and other institutions of this country going to Mexico and running our banking laws, creating the possibility of another bailout by the American taxpayer.

We need a North American Free-Trade Agreement. I really believe that, but this is a flawed agreement. We cannot change this agreement. We cannot make it better. We have got all these side agreements which the administration keeps waving in front of everyone and the proponents keep waving, but you have heard by what I have read here tonight here from the testimony, there is no enforcement in Mexico.

The gentleman I told you about won a \$450 million settlement. He cannot get a dime.

Mr. Argueta, \$20 million of his money was taken simply because he would not do business the way the Mexican Government wanted him to do business.

Mr. Speaker, again I probably will be rising and taking my position against the NAFTA many times over the next couple of days as we try to get as many votes as we can, and then pledge to work very hard after we defeat this NAFTA to go back and secure an agreement that will work for the people on both sides of the border.

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

The SPEAKER pro tempore (Mr. MENENDEZ). The Chair would caution Members against addressing their remarks to a television audience.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLEMENT (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. TALENT, for 60 minutes, on November 18.

Mr. GUNDERSON, for 30 minutes, on November 18.

Mr. WELDON, for 5 minutes today, in lieu of previously ordered 60 minutes.

Mrs. BENTLEY, for 5 minutes today, in lieu of previously approved 60 minutes.

(The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes each day, on November 15, 16, 17, and 18.

Mr. GONZALEZ, for 5 minutes each day, on November 15, 16, and 17.

Mr. WISE, for 5 minutes, on November 16.

Mr. KOPETSKI, for 60 minutes each day, on November 16 and 18.

Mr. MILLER of California, for 60 minutes each day, on November 15 and 16.

Mr. DE LA GARZA, for 60 minutes each day, on November 15 and 16.

Mr. MARTINEZ, for 60 minutes, on November 16.

Ms. NORTON, for 60 minutes, today.

Mr. FALCOMAVEGA, for 60 minutes, on November 16.

Mr. KLINK, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes each day, on November 18 and 19.

Mr. JOHNSON of Georgia, for 60 minutes each day, on November 17, 18, 19, and 20.

Mr. HINCHEY, for 15 minutes, on November 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. HORN.

Mr. SOLOMON.

Mr. GILMAN.

Mr. PACKARD.

Mrs. MORELLA.

Mr. LEWIS of California.

Mr. HYDE.

Mr. HANSEN.

Mr. BATEMAN.

Mr. ROHRBACHER.

(The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. HAMILTON.

Mr. BONIOR.

Mr. ROSTENKOWSKI.

Mr. TRAFICANT.

Mr. SHARP.

Mr. BRYANT.

Mr. OBEY.

Mr. ENGEL in two instances.

Mr. MORAN.

Mr. BLACKWELL.

Mr. NADLER.

Mr. ANDREWS of Texas.

Mr. LEWIS of Georgia.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. DE LA GARZA.

Mr. RICHARDSON in two instances.

Mr. NADLER.

Mr. BATEMAN.

(The following Members (at the request of Mr. KLINK) and to include extraneous matter:)

Ms. WOOLSEY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1621. An act to revise certain authorities relating to Pershing Hall, France; to the Committee on Veterans' Affairs.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 142. Joint resolution designating the week beginning November 7, 1993, and the week beginning November 6, 1994, each as "National Women Veterans Recognition Week."

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On Nov. 9, 1993:

H.R. 175. An act to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information; and

H.R. 1345. An act to designate the Federal building located at 280 South First Street in San Jose, CA, as the "Robert F. Peckham United States Courthouse and Federal Building."

ADJOURNMENT

Mr. KLINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes a.m.), the House adjourned until today, Tuesday, November 16, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2132. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting the Commission's study of swaps and off-exchange derivatives trading, pursuant to Public Law 102-546; to the Committee on Agriculture.

2133. A letter from the Comptroller General, the General Accounting Office, transmitting a report of deferrals of budget authority in the General Services Administration building programs that should have been, but were not, reported to the Congress by the President, pursuant to 2 U.S.C. 686(a) (H. Doc. No. 103-168); to the Committee on Appropriations and ordered to be printed.

2134. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of November 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103-167); to the Committee on Appropriations and ordered to be printed.

2135. A letter from the Under Secretary of Defense, transmitting Selected Acquisition Reports [SARS] for the quarter ending September 30, 1993, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

2136. A letter from the Director, Congressional Budget Office, transmitting their report on evaluating DOD's certification regarding expansion of the CHAMPUS Reform Initiative into Washington and Oregon, pursuant to Public Law 102-484, section 712(c) (106 Stat. 2436); to the Committee on Armed Services.

2137. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report of activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking, Finance and Urban Affairs.

2138. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-141, "Water Main Break Fund Establishment Temporary Act 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2139. A letter from the Auditor, District of Columbia, transmitting a copy of the report "Lawrence Street Warehouse Lease," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2140. A letter from the Auditor, District of Columbia, transmitting a copy of the report "Contracting Out For Prison Cell Space," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2141. A letter from the Secretary of Education, transmitting notice of final funding priorities—Rehabilitation Short-Term Training, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2142. A letter from the Secretary of Education, transmitting the 15th annual report on the implementation of the Individuals with Disabilities Education Act, pursuant to 20 U.S.C. 1401, et seq; to the Committee on Education and Labor.

2143. A letter from the Secretary of Energy, transmitting the annual report on the State Energy Conservation Program for calendar year 1992, pursuant to 42 U.S.C. 6325; to the Committee on Energy and Commerce.

2144. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the CCNAA for defense articles and services (Transmittal No. 94-09), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2145. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 94-06), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2146. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 94-05), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2147. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Singapore for defense articles and services (Transmittal No. 94-04), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2148. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the United Arab Emirates (Transmittal No. DTC-43-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2149. A communication from the President of the United States, transmitting a report on developments since his last report of June 30, 1993, concerning the national emergency with respect to Haiti, pursuant to 50 U.S.C. 1703(c) (H. Doc. No. 103-165); to the Committee on Foreign Affairs and ordered to be printed.

2150. A communication from the President of the United States, transmitting notification that the emergency regarding export control regulations for chemical and biological weapons is to continue in effect beyond November 16, 1993, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 103-166); to the Committee on Foreign Affairs and ordered to be printed.

2151. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2152. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 1548 and H.J. Res. 228, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

2153. A letter from the Treasurer, Army and Air Force Exchange Service, transmitting the actuaries' report for the retirement plan for employees of the Army and Air Force Exchange Service; for the supplemental deferred compensation plan for members of the executive management program; and the general information sheet for the retirement savings' plan and trust for employees of the Army & Air Force Exchange Service, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2154. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2155. A letter from the Secretary of Labor, transmitting the ninth report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

2156. A letter from the Assistant Attorney General for Legislative Affairs, and Assistant Secretary of Marketing and Inspection Services, USDA, transmitting a corrected re-

port on the extent and effects of domestic and international terrorism in animal enterprises, pursuant to Public Law 102-346, section 3(b); jointly, to the Committees on Agriculture and the Judiciary.

2157. A letter from the Under Secretary for Acquisition, Department of Defense, transmitting the third quarter calendar year 1993 report identifying contracts awarded with a waiver of the prohibition on contracting with entities unless they certify that they do not comply with the secondary Arab boycott of Israel, pursuant to Public Law 102-396, section 9069(b)(2) (106 Stat. 1917); jointly to the Committees on Armed Services and Appropriations.

2158. A letter from the Assistant Secretary for Environmental Restoration and Waste Management, Department of Energy, transmitting the report of the record of decision on "Decommissioning of Eight Surplus Production Reactors at the Hanford Site, Richland, Washington"; jointly, to the Committees on Armed Services, Merchant Marine and Fisheries, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3225. A bill to support the transition to nonracial democracy in South Africa; with an amendment (Rept. 103-296, Pt. 3). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3445. A bill to improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes; with an amendment (Rept. 103-358). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2121. A bill to amend title 49 United States Code, relating to procedures for resolving claims involving unfiled, negotiated transportation rates, and for other purposes; with an amendment (Rept. 103-359). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 3485. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996 (Rept. 103-360, Pt. 1). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3450. A bill to implement the North American Free-Trade Agreement (Rept. 103-361, Pt. 1). Ordered to be printed.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3450. A bill to implement the North American Free-Trade Agreement; adversely (Rept. 103-361, Pt. 2). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3450. A bill to implement the North American Free-Trade Agreement (Rept. 103-361, Pt. 3). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 2620. A bill to authorize the Secretary of the Interior to acquire certain lands in California through an exchange pursuant to the Federal Land Policy and Management Act of 1976; with amendments (Rept. 103-362). Referred to the

Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3286. A bill to amend the act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and for other purposes; with amendments (Rept. 103-363). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 1137. A bill to amend the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1027), and for other purposes; with an amendment (Rept. 103-364). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 433. An act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes; with an amendment (Rept. 103-365). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with amendments (Rept. 103-366, Pt. 1). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with amendments (Rept. 103-366, Pt. 2). Ordered to be printed.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with amendments (Rept. 103-366, Pt. 3). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with amendments (Rept. 103-366, Pt. 4). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with amendments (Rept. 103-366, Pt. 5). Ordered to be printed.

Mr. ROSE: Committee on House Administration. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with an amendment (Rept. 103-366, Pt. 6). Ordered to be printed.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with amendments (Rept. 103-366, Pt. 7). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with amendments (Rept. 103-366, Pt. 8). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with amendments (Rept. 103-366, Pt. 9). Ordered to be printed.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3400. A bill to provide a more effective, efficient, and responsive government; with an amendment (Rept. 103-366, Pt. 10). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Submitted November 12, 1993]

The Committee on Government Operations discharged from further consideration of H.R. 881; H.R. 881 referred to the Committee of the Whole House on the State of the Union.

[Submitted November 15, 1993]

The Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Foreign Affairs, Government Operations, Energy and Commerce, Permanent Select Committee on Intelligence, and Ways and Means discharged from further consideration of H.R. 3400; H.R. 3400 referred to the Committee of the Whole House on the State of the Union.

The Committees on Agriculture, Foreign Affairs, Government Operations, Judiciary, and Public Works and Transportation discharged from further consideration of H.R. 3450; H.R. 3450 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. BYRNE:

H.R. 3506. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to interest on amounts recoverable under that act; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. PARKER (for himself, Mr. MONTGOMERY, Mr. WHITTEN, Mr. OBERSTAR, Mr. HANCOCK, Mr. JEFFERSON, Mr. PENNY, Mr. SABO, Mr. EMERSON, Mr. TAUZIN, Mr. LIVINGSTON, Mr. FIELDS of Louisiana, Mr. THOMPSON, Mr. TAYLOR of Mississippi, and Mr. POMEROY):

H.R. 3507. A bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 3508. A bill to provide for tribal self-governance, and for other purposes; to the Committee on Natural Resources.

By Mr. STUDDS (for himself, Mr. MANTON, Mr. YOUNG of Alaska, and Mr. FIELDS of Texas):

H.R. 3509. A bill to approve a Governing International Fisheries Agreement; to the Committee on Merchant Marine and Fisheries.

By Mr. WASHINGTON:

H.R. 3510. A bill to eliminate segregationist language from the second Morrill Act; to the Committee on Agriculture.

By Mr. GILMAN (for himself, Mr. MURTHA, Mr. SOLOMON, and Mr. HYDE):

H.J. Res. 292. Joint resolution to approve and encourage the use by the President of any means necessary and appropriate, including diplomacy, economic sanctions, a blockade, and military force, to prevent the development, acquisition, or use by North Korea of a nuclear explosive device; to the Committee on Foreign Affairs.

By Mr. MORAN (for himself, and Ms. BYRNE):

H.J. Res. 293. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Capt. Francis Gary Powers; to the Committee on Post Office and Civil Service.

By Mr. ACKERMAN (for himself, Mr. FALEOMAVAEGA, and Mr. LEACH):

H. Con. Res. 180. Concurrent resolution expressing the sense of the Congress with respect to the South Pacific region; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. SAM JOHNSON.

H.R. 163: Mr. GALLO and Mr. BACHUS of Alabama.

H.R. 349: Mr. KILDEE and Mr. WHEAT.

H.R. 401: Mr. KYL.

H.R. 429: Mr. GALLO.

H.R. 546: Mr. NEAL of North Carolina and Mr. TORRES.

H.R. 760: Mr. NADLER.

H.R. 1047: Mrs. THURMAN, Mr. MORAN, Mr. COPPERSMITH, Mr. KLUG, Mr. FINGERHUT, Mr. BARRETT of Wisconsin, Mr. SWETT, Mr. CLEMENT, Mr. HAMBURG, Mr. ROYCE, Mr. KANJORSKI, Mr. GENE GREEN of Texas, Ms. PELOSI, Mr. SHAYS, Mr. ANDREWS of Maine, and Mr. SANDERS.

H.R. 1168: Mr. MCHALE.

H.R. 1276: Mr. HYDE.

H.R. 1295: Mr. BAKER of Louisiana.

H.R. 1595: Mr. ENGEL.

H.R. 1620: Mr. ZELIFF.

H.R. 1622: Mr. ZELIFF.

H.R. 1627: Mr. BLUTE and Mr. ENGEL.

H.R. 1719: Mr. JOHNSON of South Dakota.

H.R. 2059: Mr. ZELIFF.

H.R. 2121: Mr. ZELIFF, Mr. STEARNS, Mr. FRANKS of New Jersey, and Mr. ENGEL.

H.R. 2135: Mr. TRAFICANT, Mr. POMBO, Mr. SLATTERY, Mr. JEFFERSON, Mr. SHAYS, Mr. SKEEN, Mr. LIVINGSTON, and Mr. DE LUGO.

H.R. 2159: Mr. GORDON.

H.R. 2161: Mr. ZELIFF.

H.R. 2173: Mr. FLAKE.

H.R. 2219: Mr. ZELIFF.

H.R. 2227: Mr. KINGSTON, Mrs. CLAYTON, Mr. DIAZ-BALART, and Mr. FISH.

H.R. 2292: Mr. BILIRAKIS.

H.R. 2335: Mr. ENGEL.

H.R. 2365: Mr. ZELIFF, Mr. KREIDLER, Mr. UPTON, Mr. DEAL, Mr. ANDREWS of Maine, Mr. GLICKMAN, Mr. SLATTERY, Ms. LAMBERT, and Mr. JOHNSON of Georgia.

H.R. 2429: Ms. WATERS, Mr. GREENWOOD, Mr. SANDERS, Mr. MURPHY, Mrs. MINK, Mr. BECERRA, Mr. LANTOS, Mr. BEILENSON, Ms. FURSE, Mr. DIXON, Mr. PALLONE, Mr. GEJDESON, Mr. STRICKLAND, Mr. HALL of Ohio, Mr. HORN of California, and Mr. PETE GEREN of Texas.

H.R. 2443: Mr. KLUG, Mr. GEJDESON, Mr. CARDIN, Mr. LEWIS of Georgia, Mr. YOUNG of Alaska, Mr. ROGERS, Mr. DIXON, Mr. VIS-CLOSKY, Mr. MENENDEZ, Mr. FAZIO, Mr. WELDON, Mr. MICA, Mr. TUCKER, Mr. CLYBURN, Mr. PARKER, Mr. GREENWOOD, Mr. TRAFICANT, Mr. TAUZIN, Mr. FORD of Michigan, Mr. SCHIFF, Mr. FAWELL, Mr. SISISKY, Mr. HALL of Ohio, Mr. BARTON of Texas, Mr. QUILLEN, Mr. SKELTON, Mr. MCHALE, Ms. ROS-LEHTINEN, Mr. SABO, Mr. HUGHES, Mr. REYNOLDS, Mrs. VUCANOVICH, Mr. BOUCHER, Mr. VOLKMER, Mr. GOSS, Mr. BLACKWELL, Mr. MCKEON, Mr. HUNTER, Mr. THOMAS of California, and Mr. INHOPE.

H.R. 2461: Mr. COYNE.

H.R. 2469: Mr. OBERSTAR and Mr. MINGE.

H.R. 2541: Mr. ZELIFF.

H.R. 2599: Mr. ANDREWS of Maine and Ms. BYRNE.

H.R. 2622: Mr. GALLEGLY and Mr. BARCA of Wisconsin.

H.R. 2663: Mr. KOPETSKI, Mr. GINGRICH, Mr. ABERCROMBIE, and Mr. DEFazio.

H.R. 2788: Mr. BISHOP.
 H.R. 2789: Mr. SHAYS, Mr. KIM, and Mr. EMERSON.
 H.R. 2803: Mr. JEFFERSON, Mr. DOOLEY, and Mr. BREWSTER.
 H.R. 2831: Mr. SANDERS.
 H.R. 2835: Mr. RAMSTAD.
 H.R. 2898: Mr. HINCHEY.
 H.R. 3017: Mr. SMITH of Oregon.
 H.R. 3086: Mr. ZELIFF, Mr. UPTON, and Mr. JACOBS.
 H.R. 3097: Mrs. CLAYTON and Mrs. THURMAN.
 H.R. 3098: Mr. LAZIO, Mr. GUTIERREZ, and Mr. COPPERSMITH.
 H.R. 3137: Mr. SANTORUM, Mr. ZIMMER, Mr. TORRES, Mr. ANDREWS of Texas, Mr. EMERSON, Mr. GILLMOR, Ms. BYRNE, and Mr. LEWIS of Florida.
 H.R. 3205: Mr. TAYLOR of Mississippi, Mr. TORRES, and Mr. GLICKMAN.
 H.R. 3206: Mrs. LLOYD.
 H.R. 3213: Mr. FISH.
 H.R. 3216: Mr. UPTON, and Mr. BARRETT of Wisconsin.
 H.R. 3328: Mr. UNDERWOOD.
 H.R. 3363: Mr. BARLOW.
 H.R. 3370: Mr. WASHINGTON.
 H.R. 3398: Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, and Mr. JEFFERSON.
 H.R. 3424: Mr. WALKER, Mrs. JOHNSON of Connecticut, Mr. KING, Mr. BAKER of California, Mr. CRANE, Mr. DEUTSCH, and Ms. BYRNE.
 H.R. 3457: Mr. MORAN and Mr. DURBIN.
 H.R. 3498: Mr. SAXTON and Mr. SMITH of New Jersey.
 H.J. Res. 113: Mr. ROWLAND.
 H.J. Res. 131: Mr. SAWYER, Mrs. VUCANOVICH, Ms. SCHENK, Mr. OBERSTAR, Mr. SCHUMER, Mr. ROWLAND, Mr. CALLAHAN, Ms. WATERS, Mr. LANTOS, and Ms. LOWEY.
 H.J. Res. 139: Mr. SAWYER, Mr. TRAFICANT, Mr. APPELATE, Mr. HALL of Texas, Mr. LIGHTFOOT, and Mr. BACCHUS of Florida.
 H.J. Res. 165: Mr. WHITTEN, Mr. GOODLATTE, Mr. DEAL, Mr. LEWIS of California, Mr. SKEEN, Mr. KNOLLENBERG, Mrs. MALONEY, Mr. LEWIS of Florida, Mr. BAKER of Louisiana, Mr. SHAYS, Mrs. MORELLA, Mr. BILIRAKIS, Mr. BAESLER, Mr. BROWN of Ohio, Mr. COBLE, Mr. GALLO, Mr. CONYERS, Mrs. BENTLEY, Mr. DICKS, Mr. GUNDERSON, Mr. GILCREST, Mr. HANSEN, Mr. EWING, Mr. COOPER, Mr. CHAPMAN, Mr. HASTERT, Mr. DUNCAN, Mr. PACKARD, Mr. CALVERT, Mr. ROTH, Mrs. MINK, Mr. RIDGE, Mr. RAMSTAD, and Mr. HOBSON.
 H.J. Res. 216: Mr. McNULTY, Mr. DICKS, Mr. BLUTE, Mr. CASTLE, Mr. OWENS, Mr. OBERSTAR, Mr. KINGSTON, Mr. LEWIS of Florida, Mr. HOKE, Mr. BROWN of Ohio, Mr. CRAPO, Mr. SCHIFF, Mr. EVERETT, Mr. DEFazio, Mr. LANCASTER, Mr. SKELTON, Mr. KIM, Mr. BONILLA, Mr. GUNDERSON, Mr. KNOLLENBERG, Mr. GREENWOOD, Mr. TALENT, Mr. YOUNG of

Florida, Mr. BORSKI, Mr. HEFNER, Mr. GIBBONS, Mr. MILLER of California, Mr. MURPHY, Ms. PELOSI, Mr. ROSE, Mr. COLLINS of Georgia, Mrs. FOWLER, Mr. HUTCHINSON, Mr. MANZULLO, Mr. MILLER of Florida, Mr. PETRI, and Mr. QUINN.
 H.J. Res. 239: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of Texas, Mr. ANDREWS of Maine, Mr. APPELATE, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BARCA of Wisconsin, Mr. BARRETT of Wisconsin, Mr. BATEMAN, Mr. BECERRA, Mr. BEILSON, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BISHOP, Mr. BLILEY, Mr. BONIOR, Mr. BOUCHER, Mr. BREWSTER, Mr. BROOKS, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BRYANT, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CARDIN, Mr. CARR, Mr. CHAPMAN, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. COLEMAN, Mrs. COLLINS of Illinois, Mr. CONDIT, Mr. CONYERS, Mr. COPPERSMITH, Mr. COYNE, Mr. CRAMER, Mr. CRANE, Mr. CUNNINGHAM, Ms. DANNER, Mr. DARDEN, Mr. DEFazio, Mr. DE LA GARZA, Ms. DELAULO, Mr. DELAY, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKEY, Mr. DICKS, Mr. DINGELL, Mr. DUNCAN, Mr. DURBIN, Mr. EDWARDS of California, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. EVERETT, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FIELDS of Texas, Mr. FISH, Mr. FLAKE, Mr. FOGLETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mrs. FOWLER, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GALLO, Mr. GEJDENSON, Mr. GEKAS, Mr. GEPHARDT, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILMAN, Mr. GINGRICH, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GOODLING, Mr. GORDON, Mr. GUNDERSON, Mr. GUTIERREZ, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS, Mr. HAYES, Mr. HEFNER, Mr. HERGER of California, Mr. HOKE, Mr. HOLDEN, Mr. HORN of California, Mr. HOUGHTON, Mr. HOYER, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. INSLEE, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mr. KIM, Mr. KLECZKA, Mr. KLINK, Mr. KOLBE, Mr. KOPETSKI, Mr. LANCASTER, Mr. LANTOS, Mr. LEACH, Mr. LEHMAN, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. LIVINGSTON, Ms. LOWEY, Mr. McCLOSKEY, Mr. MCCOLLUM, Mr. McDADE, Mr. McDERMOTT, Ms. MCKINNEY, Mr. McNULTY, Mrs. MALONEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MEEHAN, Mrs. MEEK, Mr. MFUME, Mr. MICHEL, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORAN, Mr. MURPHY Mr. MYERS of Indiana, Mr. NADLER, Mr. NATCHER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ,

Mr. ORTON, Mr. OWENS, Mr. OXLEY, Mr. PACKARD, Mr. PARKER, Mr. PASTOR, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Florida, Mr. PETRI, Mr. PICKETT, Mr. PICKLE, Mr. POMBO, Mr. PORTER, Ms. PRYCE of Ohio, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. REGULA, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROEMER, Mr. ROGERS, Mr. ROHRBACHER, Mr. ROSE, Mr. ROSTENKOWSKI, Mr. ROWLAND, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SAXTON, Mr. SCHIFF, Mr. SCHUMER, Mr. SERRANO, Mr. SHARP, Mr. SHAYS, Ms. SHEPHERD, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of Iowa, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STEARNS, Mr. STENHOLM, Mr. STOKES, Mr. STUMP, Mr. STUPAK, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TALENT, Mr. TAUZIN, Mr. THOMAS of Wyoming, Mr. THOMPSON, Mr. THORNTON, Mrs. THURMAN, Mr. TORKILDSEN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mrs. UNSELD, Mr. VALENTINE, Ms. VELAZQUEZ, Mr. VENTO, Mr. VISCLOSKEY, Mr. VOLKMER, Ms. WATERS, Mr. WAXMAN, Mr. WELDON, Mr. WHEAT, Mr. WHITTEN, Mr. WILSON, Mr. WISE, Mr. WOLF, Ms. WOOLSEY, Mr. WYDEN, and Mr. YOUNG of Alaska.

H.J. Res. 257: Mr. BLILEY, Mr. HILLIARD, Mr. LIPINSKI, Mr. BEVILL, Mrs. BENTLEY, Mr. DE LUGO, Mr. DORNAN, Mr. FALEOMAVAEGA, Mr. GILMAN, Mr. GEKAS, Mr. COX, Mr. HALL of Ohio, Mr. HAYES, Mr. KASICH, Mr. ACKERMAN, Mr. FAWELL, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. DOOLITTLE, Mr. HUNTER, Mr. YOUNG of Alaska, Mr. GRAMS, Mrs. THURMAN, Ms. PRYCE of Ohio, Mr. HUTCHINSON, Mr. McCLOSKEY, Mr. MURPHY, Mr. OWENS, Mr. OBERSTAR, Mr. RAVENEL, Mr. SPRATT, Mr. McDADE, and Mr. SLATTERY.

H. Con. Res. 3: Mr. WALSH, Mr. SPENCE, and Mr. MOORHEAD.

H. Con. Res. 126: Mr. WELDON and Mr. LEWIS of Georgia.

H. Con. Res. 148: Mr. DIAZ-BALART, Mr. CALLAHAN, Mr. HEFLEY, and Mr. EMERSON.

H. Con. Res. 154: Mrs. MALONEY, Mrs. LLOYD, Mr. HUNTER, and Mr. LINDER.

H. Con. Res. 167: Mr. PAYNE of New Jersey, Mr. FRANK of Massachusetts, Mr. LEVY, Mr. HOCHBRUECKNER, Mr. DELLUMS, Mr. HAMBURG, Mr. SCOTT, Mr. TOWNS, Mr. SCHUMER, and Mrs. CLAYTON.

H. Con. Res. 179: Ms. MOLINARI.

H. Res. 255: Mr. BACHUS of Alabama.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3325: Mr. FRANK of Massachusetts.

EXTENSIONS OF REMARKS

U.N. PEACEKEEPING—PART IV

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. HAMILTON. Mr. Speaker, in a continuing effort to keep my colleagues informed on U.N. peacekeeping, I am today submitting a list provided by the Department of State on November 5, 1993, of all U.N. peacekeeping forces and related missions.

Each peacekeeping mission is briefly described, along with the total U.N. cost—of which the United States pays 30.4 percent—as well as the number of United States and other forces involved in each mission.

U.N. PEACEKEEPING FORCES AND RELATED MISSIONS¹

MIDDLE EAST

UN Truce Supervision Organization (UNTSO).

Established: 1948; Personnel: 219 (17 U.S.); Estimated Cost (1993): \$31 million.

UNTSO was established with a mandate of indefinite duration to supervise the truce in the Arab-Jewish hostilities called for by the Security Council at the end of the British mandate in Palestine. It has performed a variety of tasks since then, including assisting UNDOF and UNIFIL. Approximately twenty countries furnish observers.

UN Disengagement Observer Force on the Golan Heights (UNDOF).

Established: May 31, 1974; Personnel: 1,130 (0 U.S.); Estimated Cost (1993): \$43 million.

UNDOF monitors the buffer zone between Israeli and Syrian forces on the Golan Heights. Its six-month mandate has been renewed each November and May. Troops are provided by Austria, Canada, Finland and Poland.

UN Interim Force in Lebanon (UNIFIL).

Established: March 19, 1978; Personnel: 5,264 (0 U.S.); Estimated Cost (1993): \$153 million.

UNIFIL was established to assist in restoring peace in southern Lebanon. Its six-month mandate has been renewed each January and July. Fiji, Finland, France, Ghana, Ireland, Italy, Nepal, Norway, Poland and Sweden furnish troops.

UN Iraq-Kuwait Observation Mission (UNIKOM).

Established: April 9, 1991; Personnel: 333 (15 U.S.); Estimated Cost (1993): \$75+ million.

UNIKOM monitors the demilitarized zone between Iraq and Kuwait set up in the aftermath of the Gulf War. Thirty-three countries furnish observers. Its mandate continues indefinitely until all five permanent Security Council members agree to terminate its operations. Difficulties in finding troops and funding have delayed its planned expansion.

UN Force in Cyprus (UNFICYP).

Established: March 4, 1964; Personnel: 1,005 (0 U.S.); Estimated Cost (1994): \$47 million.

UNFICYP was created in 1964 to halt violence between the Turkish Cypriot and

Greek Cypriot communities and to help maintain order on the island. In 1993, troop contributors, unreimbursed by the UN for many years, demanded a down-sizing of the force and a switch from voluntary to assessed contributions. After the Greek and Cypriot governments agreed to pay more than half of the \$47 million annual cost of a reduced force proposed by the Secretary General, the Security Council agreed to fund the balance through assessments. Austria, the United Kingdom and Argentina currently are the major troop contributors. UNFICYP's six-month mandate has been renewed each May and December.

UN Protection Force (UNPROFOR) (former Yugoslavia) (Chapter VII with the exception of Macedonia).

Established: February 21, 1992; Personnel: 24, 822 (647 U.S.); Estimated Cost (1993): \$900 million.

UNPROFOR was initially established with a twelve-month mandate as an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis. Through subsequent Security Council resolutions, functions were added to its mandate, including providing security at Sarajevo airport, monitoring certain areas in Croatia, protecting humanitarian convoys, deploying observers in Macedonia, and enforcing an arms embargo on Bosnia-Herzegovina. More than twenty nations contribute personnel. Its current mandate expires March 31, 1994.

UN Observer Mission in Georgia (UNOMIG).

Established: August 24, 1993; Personnel: 88 authorized (0 U.S.); Estimated cost: \$16 million for six months.

UNOMIG is to monitor compliance with the cease-fire agreement reached between the Republic of Georgia and Abkhaz separatist forces on July 27. Its mandate is for six months, but it is to extend beyond ninety days only after consideration by the Security Council of a report from the Secretary General on whether the parties are making progress toward implementing peace. Four military observers and four civilian staff had been deployed when recent fighting initiated by Abkhaz forces in violation of the cease-fire agreement caused the UN to suspend deployment.

ASIA

UN Military Observer Group in India and Pakistan (UNMOGIP).

Established: January 5, 1949; Personnel: 38 (0 U.S.); Estimated Cost (1993): \$5 million.

Created to assist in the implementation of the cease-fire agreement of January 1, 1949, between India and Pakistan, UNMOGIP observes, reports, and investigates complaints from the parties on violations of the cease-fire. States providing personnel are Belgium, Chile, Denmark, Finland, Italy, Norway, Sweden, and Uruguay. UNMOGIP's mandate is of indefinite duration.

UN Transitional Authority for Cambodia (UNTAC).

Established: February 28, 1992; Personnel: 12,669 (4 U.S.); Estimated Cost (1993): \$1.9 billion.

UNTAC's mission was to restore and maintain peace, promote national reconciliation, and ensure the exercise of the right to self

determination of the Cambodian people through free and fair elections. Its mandate expired with the formation of a new government in September 1993. The withdrawal of UNTAC's personnel is to be completed by November 15, 1993. More than thirty countries provided troops or observers.

AMERICAS

UN Observer Mission in El Salvador (ONUSAL).

Established May 20, 1991; Personnel: 362 (0 U.S.); Estimated Cost (1993): \$49 million.

Its initial mandate to monitor the human rights agreement between the Government of El Salvador and the Farabundo Marti National Liberation Front (FMLN) was expanded on January 14, 1992 to include monitoring the cease-fire, separating combatants, observing the dismantling of the FMLN military structure, and observing the reintegration of the FMLN into Salvadoran society. The Security Council recently extended its mandate through the scheduled March 1994 elections. Seventeen countries have personnel in ONUSAL.

UN Mission in Haiti (UNMIHAT).

Established: September 23, 1993; Personnel: 1,267 authorized, to include approximately 600 U.S. Sea Bees and military trainers. Estimated Cost: \$50 million for first six months.

On August 31, 1993 the Security Council approved an advance team of not more than 30 persons for not more than 30 days to prepare for a possible deployment of the proposed 1,100 plus mission. On September 23, the Security Council approved the Secretary General's recommendation that the full mission consist of about 567 international police monitors to accompany local Haitian security force personnel, approximately 700 military construction personnel and a 50-60 person military training unit. The U.S. will contribute forces to the latter two elements of the mission.

The mission is for a period of six months, with the proviso that it be extended beyond 75 days only upon review by the Security Council of a report by the Secretary General that substantive progress has been made toward implementation of the Governors Island accords.

Deployment of forces was suspended October 14 after an armed gang blocked a ship carrying peacekeepers from docking in Port au Prince.

AFRICA

UN Mission for the Referendum in Western Sahara (MINURSO).

Established: April 29, 1991; Personnel: 349 (32 U.S.); Estimated Cost (1993): \$80 million.

MINURSO was charged to conduct a referendum on whether Western Sahara, a former colony from which Spain unilaterally withdrew, should become independent or integrated into Morocco. Its mandate was expected to terminate in January 1992, but failure by the parties to agree on procedures for the conduct of the referendum has led to an extension of MINURSO's deployment. Twenty-eight countries have provided civilian or military personnel. The UN Secretary General's plan calls for an ultimate deployment of approximately 2,900 military and civilian personnel to help conduct the referendum.

¹ Costs estimates are for UN total. Personnel data is as of August 31, 1993.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

UN Angola Verification Mission (UNAVEM II).

Established: May 30, 1991; Personnel: 74 (0 U.S.); Estimated Cost (1993): \$173 million.

UNAVEM's original mandate was to monitor a cease-fire between government forces and UNITA rebels, assist in preparations for elections in September 1992, and monitor the polls. Elections proceeded relatively well, but UNITA rebels disavowed the results and resumed full-scale warfare. Although the United Nations has sought to encourage dialogue between UNITA and the government of Angola, it has been unsuccessful. UNITA forces appear intent on consolidating their military gains. The Security Council approved a three-month extension of UNAVEM II's mandate on September 15 and imposed sanctions, including an arms embargo, on UNITA. Approximately twenty-four countries have participated in the military operation.

UN Operation Mission in Somalia (UNOSOM II) (Chapter VII).

Established: April 24, 1992; Personnel: 23,331 (2,805 U.S.); Estimated cost (1993): \$1.5 billion.

UNOSOM's original mandate was to monitor a cease-fire in Mogadishu and to provide security for humanitarian assistance personnel. After the situation on the ground deteriorated, the Security Council on December 3, 1992, authorized, under Chapter VII of the Charter, member states to utilize "all necessary means" in establishing a secure environment for humanitarian relief operations. This became the U.S.-led Unified Task Force (UNITAF). The post-UNITAF UNOSOM II's objectives were established in UNSCR 814 of March 26, 1993, and include promoting national reconciliation, assisting Somalis in re-establishing their political institutions and economy, providing humanitarian assistance, and assisting in the repatriation of refugees. UNOSOM's current mandate expires on November 18.

On October 7, President Clinton announced that all but a few hundred non-combat support troops would be withdrawn from Somalia no later than March 31, 1994.

UN Operation in Mozambique (ONUMOZ).

Established December 16, 1992; Personnel: 6,498 (0 U.S.); Estimated Cost (1993): \$330 million.

ONUMOZ is to assist in the implementation of the agreement between the Government of Mozambique and Mozambique National Resistance (RENAMO) to end Mozambique's civil war. The UN forces will monitor the cease-fire and demobilization of combatants and provide security for humanitarian relief missions. ONUMOZ's mandate expires on November 5, 1993, but is likely to be extended through the elections now planned for no later than October 1994. Italy, Uruguay, Zambia, Bangladesh and Botswana are major troop contributors.

UN Observer Rwanda/Uganda Mission (UNOMUR).

Established: June 22, 1993; Personnel: 81 authorized Estimated Cost (1993): \$6-8 million.

UNOMUR's mission is to deploy on the Ugandan side of the border and verify that no military assistance to Rwandan rebels is transported across the border from Uganda. UNOMUR's initial six-month mandate expires December 21, 1993, and in any case no later than new national elections in Rwanda. It will soon be integrated within UNAMIR, which (see below) was established on October 5, 1993.

UN Assistance Mission for Rwanda (UNAMIR).

Established: October 5, 1993. Personnel: 800 authorized. Estimated Cost for six months: \$63 million.

UNAMIR's mission is to deploy lightly-armed UN peacekeepers to Rwanda to monitor observance of the August 4 peace accords leading to national elections within 22 months and to assist with mine clearing, repatriation of refugees, and the coordination of humanitarian assistance activities in Rwanda. UNOMIR's initial six month mandate expires on April 5, 1994, but could be extended until the end of December 1995. No UNAMIR troops have yet been deployed to Rwanda.

UN Military Observers in Liberia (UNOMIL).

Established: September 22, 1993; Personnel: 650 (330 military, 320 civilian) requested; Estimated cost for seven months: \$140 million for seven months.

On August 10, the UN Security Council authorized the immediate deployment of 30 UNOMIL observers to Liberia as an advance party for a UNOMIL force, which the Security Council subsequently approved on September 23 in UNSC Resolution 866. The Secretary General proposed 330 military observers plus an equal number of civilians. Since 1990 the U.S. has given extensive support to the OAU and the Economic Community of West African States (ECOWAS), which have had peacekeepers in Liberia (the cease-fire Monitoring Group known as ECOMOG). There are about 11,000 ECOMOG peacekeepers currently deployed in Liberia. In his report of September 9 to the UN Security Council, the Secretary General affirmed that ECOMOG should retain the lead in peacekeeping in Liberia, supplemented by UNOMIL.

UNOMIL has a seven month mandate, subject to first review by the Security Council in December, 1993.

CONSCIENCE OR CONSTITUENCY? NAFTA AND THE DILEMMA OF THE REPRESENTATIVE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. HORN. Mr. Speaker, I recently had conversation with a constituent who was very upset that I was strongly supporting the North American Free-Trade Agreement [NAFTA]. After making the usual criticisms of NAFTA—and after admitting that quite possibly there were some good reasons to support it—he said, "but none of this matters. If the people of your district want you to vote a certain way, then it is your duty to vote that way."

I answered that, in the absence of a reputable poll, no one really knew what the voters of the 38th Congressional District felt about NAFTA—my feeling is that, like elsewhere in the country, opinion is about evenly split. I then asked him the following: "Let's say that an overwhelming majority of people in the district were for NAFTA, but that I had studied the issue and was absolutely convinced that NAFTA would be a disaster for America. Would you want me to vote for it?"

After a long pause, this constituent—a thoughtful, hard-working follower of Ross Perot—said, "You should do what the people want you to do." I praised him for being consistent, but told him that I could not agree that a Representative should ever knowingly vote for something that he or she believes is wrong for the country—even if a majority of constitu-

ents favors it, and even if opposing it costs the Representative his or her job at the next election.

What this constituent expressed is the view that an elected Representative is nothing more than the extension of the popular will and should not exercise independent judgment. Historically, under this theory, a Representative is only necessary as a messenger of the people because the size of the population or the extent of the territory makes it impractical for all the people to vote on every issue.

In the modern age, with polls and interactive media, it may be possible to truly gauge "the will of the people" or to let the people actually decide issues at the national level. This is technically possible, but is it desirable?

Is public opinion—the views of the people on an issue at a certain point in time—capable of governing the country? Quite apart from the difficulties of accurately measuring public opinion, and the additional problem of changes in that opinion—do we repeal a law as soon as a few percent switch from support to opposition—there are two major flaws in governing by popular will:

First, the people can be wrong. Reasonable people can differ on what is good or bad for the country, but a majority of the people can occasionally be wrong. Anyone who doubts this will have to defend racial, ethnic, religious, and gender discrimination, the internment of Japanese-Americans, and many other policies that virtually everyone would now agree were morally wrong.

Second, governing by public opinion provides no accountability. This is perhaps the greatest objection. If the public simply wants their Representatives to do what the public is thought to desire, then any politician has an automatic excuse to avoid accountability: "The public wanted it. The public made me do it. How can you be angry at me when I only did what you, the public, wanted me to do?" By being completely representative the Representative becomes completely unaccountable for the consequences of his or her votes.

More recent notions of electronic democracy—national town halls as forums for decisionmaking—have all the same flaws that governing by public opinion has with the added complication that a small minority might be able to exercise disproportionate influence on the results. More important, there is a real danger of manipulation of the issues by master demagogues whose ability to arouse emotion far exceeds their ability to muster a sound argument.

Another theory of the proper role for a representative was expressed most famously by a member of the House of Commons of Great Britain, Edmund Burke. In his "Speech to the Electors of Bristol" in 1774, Burke said, "Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

Our constitutional Framers unquestionably held to the same theory as Burke; the Representative is elected—and thus accountable—to represent the values and interests of the people, but should exercise judgment and discretion on specific issues. Further, the Representative must uphold the Constitution—itself both a grant of rights to all and a limitation of the rights of the majority.

Our constitutional system was designed by imperfect people to allow an imperfect society to prevent as many grave errors as possible, and to correct eventually those errors that are made. That is why each branch of Government is designed to check the others. And, that is why the people are given the ultimate power of changing the direction of Government through elections, or by amending the Constitution itself.

However, the constitutional framework was also designed to check the popular passions of the people. Indeed, the Framers presumed that most of the dangers to liberty would be the result of popular passions overwhelming the judgment of the legislature, or usurpations by a power-hungry executive possibly acting in concert with a temporary majority of the people.

For better or for worse, the Framers created a system that often relies on political courage to make it work. A largely forgotten story illustrates the beauty of the system, the occasional fallibility of the people we elect to lead us, and it shows that majority opinion can be wrong.

In 1946, Harry Truman, a man of immense political courage, and a friend of organized labor, got into a fight with the striking steelworkers union. In addition to great courage, President Truman was also a man of great temper. Thus, his solution: draft all the steelworkers into the Army. The public supported Truman. The House debated all of 2 hours and gave him the authority to do this by a vote of 306 to 13. Then, Senator Robert A. Taft of Ohio, regarded by organized labor as their greatest enemy, but also a man of immense political courage, brought his Senate colleagues to their senses. The proposal to give the President the authority to draft striking workers was defeated.

Political courage, simply stated, is the willingness to do what one believes is right when it is not in one's political self-interest to do so. It has been the absence of political courage and leadership by Congress in recent years—often called gridlock and mistakenly blamed on having a President of one party and a Congress controlled by the other—that has fueled much of the frustration that led to the Perot phenomenon in 1992 and thereafter. However, with respect to NAFTA, what the supporters of Ross Perot want from Congress is not courage and leadership, but blind followership.

Mr. Perot has been eloquent in his denunciation of lobbyists, special interests, and Political Action Committees [PAC's]. As one who refuses all PAC money, I commend him for his stand on campaign finance reform. It is ironic that many of those same special interests are the strongest opponents of NAFTA. Their pressure has helped all too many legislators rationalize opposition to NAFTA. Indeed, despite the media attention paid to Mr. Perot and other high-profile opponents of NAFTA, the most effective opposition has been the sheer power of some labor and business interests in protected industries which have threatened to cut off contributions by their Political Action Committees. One undecided Congresswoman has said publicly that she was told a vote for NAFTA "would mean a divorce with organized labor, and the divorce is final."

Privately, a majority of Representatives favor NAFTA because they know it is right for

America, and they know the criticisms are specious. Publicly, since Congress is—wisely—not allowed to vote in secret, NAFTA is behind and may well lose. Some who oppose NAFTA do so on frankly protectionist grounds. Although I disagree with their view and think it is shortsighted, I do not question their sincerity. Many others, however, who are not protectionist—and know what a disaster protectionism has been for this country—are really against it because of fear for their political lives.

There are no guidelines other than one's conscience as to when it is time to be courageous. Elected officials have been known to ask themselves: "Is this issue really worth losing my office? After all, if I am not reelected because of this single issue, then all the other worthy positions I stand for will be sacrificed." The danger, of course, is that one can compromise oneself so much that simply trying to stay in office is all that's left.

I believe NAFTA is one of the most important issues America will face in this decade and that it is certainly worth risking one's office to fight for it. Win or lose, I am far more concerned about what this debate has degenerated into. If NAFTA is rejected, the real tragedy will not simply be for trade or foreign policy. It will also be for Congress and the constitutional system and, thus, for the American people. The judgment on Congress will be that we were given a clear choice in the Nation's best interest but we lacked the courage to make the right decision.

The question now before us is whether enough Members are willing to take responsibility, vote their conscience, and set a bright course for the American future. For Congress, that is what the vote on NAFTA has become.

THE 10TH ANNIVERSARY OF THE LIFEPAGE PROGRAM

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. SHARP. Mr. Speaker, I would like to inform my colleagues in Congress of the 10th anniversary of an important, lifesaving service of the paging industry that means freedom and hope for organ transplant candidates.

Today, November 15, 1993, marks a decade of service for the LifePage Program, which provides free pagers and paging service to patients waiting for organ transplants. Administered through the Science and Education Foundation for Telocator, the Personal Communications Industry Association, LifePage has helped more than 50,000 transplant hopefuls lead normal, active lives while awaiting the notification call that could mean life or death.

LifePage was officially announced at a Capitol Hill news conference 10 years ago by ALBERT GORE, Jr., then a Representative from Tennessee with a keen interest in the organ donation issue. As author of the legislation which led to the National Organ Transplant Act, GORE praised LifePage for freeing patients from the chains of their telephones as they waited for word of an organ match.

What began as a pilot program in California with 300 pagers has evolved into a nationwide service which distributes more than 500 pagers per month. Thanks to the generosity of more than 450 paging companies, equipment manufacturers, and foundation contributors, tens of thousands of patients have been helped, and thousands more currently carry LifePage pagers.

Every 30 minutes, someone is added to the national transplant waiting list. Coupled with the fact that the preservation time for organs is extremely limited, patients may have as few as 20 minutes to respond to notification that an organ is available, before it must be offered to the next patient on the list. The stress posed by this limited reaction time can be overwhelming. LifePage offers these patients a sense of security and peace of mind. Perhaps Vice President GORE said it best during his remarks at the recent Telocator convention when he congratulated the paging industry on the success of the program, calling LifePage terrific technology matched with big hearts.

I would like to join him in saluting the LifePage Program. It is in the interest of furthering the humanitarian goals of the LifePage Program that we commemorate the work of those who make it possible.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service Agent Joseph Occhipinti, I submit into the RECORD additional key evidence in the case.

EXHIBIT 1

STATE OF NEW YORK,

County of Queens, ss:

Manual DeDios, being duly sworn, deposes and says:

I am a former editor of El Diario/La Prensa Newspaper and am currently the editor of a weekly newspaper published in the Spanish language known as Canbyo.

During the course of my work for Canbyo, I undertook to write an expose concerning criminal complaints brought against an Immigration and Naturalization Service Supervisory Special Agent named Joseph Occhipinti by various members of the Federation of Dominican Merchants and Industrialists of New York.

During the course of my investigatory work in researching for the article, I interviewed numerous individuals who are members of the Federation of Dominican Merchants and Industrialists of New York. These individuals confided to me that Mr. Occhipinti had been set up by the Federation and that the complaints against him were fraudulent. These individuals have indicated to me that they are in fear of their safety and as a result would not go public with this information.

I would be more than willing to share my information with any law enforcement agencies or Courts concerned with these matters and would cooperate fully in any further investigations.

MANUAL DE DIOS.

EXHIBIT 2

STATE OF NEW JERSEY,
County of New Jersey ss:

Alma Camerina, being duly sworn, deposes and says:

1. I am currently employed as a legal assistant with a law firm. I have previously been employed as a Police Officer in Puerto Rico and as a legal assistant with the law firm of Aranda & Gutlein. I am currently a registered informant with the New York City Police Department, Immigration and Naturalization Service, United States Customs Service and the Federal Bureau of Investigation. I have been instrumental in the development of numerous prosecutions.

2. I am familiar with Joseph Occhipinti and have known him since October 1988. At that time, I provided Mr. Occhipinti with certain information relating to the homicide investigation of Police Officer Michael Buzcek which was being conducted by Mr. Occhipinti and other law enforcement officials. I also provided Mr. Occhipinti with information concerning his investigation of the drug cartel of an individual known as Freddy Then. At this particular time, I was employed as a law assistant by Aranda & Gutlein.

3. In the early part of 1989, I informed Mr. Occhipinti and other law enforcement agents that my employers, Mr. Aranda and Mr. Gutlein, were involved in a number of criminal activities including but not limited to official corruption and drug and weapon trafficking. Mr. Gutlein, who is a former Assistant United States Attorney in the Southern District of New York, had told me on numerous occasions that he has a number of important contacts in the United States Attorney's Office.

4. Based upon the information that I gave to Mr. Occhipinti, I had at least two (2) meetings with Assistant United States Attorney Jeh Johnson. Mr. Occhipinti, as well as other law enforcement agents, was present at these meetings. During the course of these meetings, I provided Mr. Johnson with information concerning Mr. Aranda and Mr. Gutlein. I also informed Mr. Johnson that Freddy Then was buying up bodegas in New York for the purpose of using them as a vehicle for drug trafficking and money laundering which involved illegal aliens.

5. In or about March 1989, I heard a conversation at the law offices of Aranda & Gutlein. During the course of this conversation, Mr. Aranda complained to Mr. Gutlein about the fact that Mr. Occhipinti was putting tremendous pressure on the illegal activities of their Dominican clients. Mr. Aranda told Mr. Gutlein that he would like to have Mr. Occhipinti "eliminated". Mr. Gutlein stated to Mr. Aranda that having Mr. Occhipinti "eliminated" was not the right thing to do. Mr. Gutlein stated instead that they should think up a plan to set Mr. Occhipinti up and have him prosecuted for violating the civil rights of the Dominicans. Mr. Gutlein stated that he had contacts at the United States Attorney's Office and they should be able to help in prosecuting Mr. Occhipinti.

6. In August of 1989, I reported this conversation to Jeh Johnson. Although Johnson took the information down, he did nothing to follow it up and I never heard from him again concerning it.

7. Approximately one (1) month after I spoke to Mr. Johnson at the United States Attorney's Office concerning the threats to Mr. Occhipinti, a co-worker of mine by the name of Alma Monte, told me to be careful for my safety because Mr. Gutlein had been informed by friends of his at the United

States Attorney's Office that I was providing information concerning Mr. Gutlein's activities. Ms. Monte further informed me that I was going to be physically harmed. For these reasons, I have since taken up residence out of state.

8. I would be more than happy to cooperate with law enforcement officials in any manner concerning the information contained in the within Affidavit.

ALMA CAMERINA.

EXHIBIT 3

STATE OF NEW YORK,
County of Bronx, ss:

Raul Anglada, being duly sworn, deposes and says:

1. I am a Detective currently employed by the New York City Police Department.

2. I am currently assigned to the 40th Precinct Detective Squad located at 257 Alexander Avenue, Bronx, New York.

3. In or about August to September 1989, while I was assigned to the 34th Precinct, I accompanied an Informant named Alma Camerina to the Office of the United States Attorney for the Southern District of New York.

4. At that time, we met with Assistant United States Attorney Jeh Johnson. Ms. Camerina informed Mr. Johnson that she had overheard a conversation between Mr. Aranda and Jorge Gutlein.

5. Mr. Aranda and Mr. Gutlein, according to Ms. Camerina, were talking about setting up Joseph Occhipinti.

6. I also wish to state that I can confirm that Project Bodega arose from the Freddy Then prosecution. During the course of my official duties, I accompanied Mr. Occhipinti on several visits to bodegas. I never observed Mr. Occhipinti do anything which was either illegal or improper.

7. Approximately one (1) year ago, I was interviewed by an FBI Agent named Lionel Barron. Mr. Barron advised me that he was conducting an informal investigation into allegations that Mr. Occhipinti was innocent of the charges that he had been convicted of. Subsequent to that time, I was never contacted by any Federal Official with reference to such an investigation. I do not know what resulted from Mr. Barron's investigation.

RAUL ANGLADA.

CELEBRATING GLENS FALLS, NY,
IN WARREN COUNTY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. SOLOMON. Mr. Speaker, I live in a city, Glens Falls, NY, which for nearly 50 years has been known as "Hometown, USA." It is located in a region we all refer to, quite matter of factly, as "God's Country."

A visit to Warren County would reveal why we are so proud of the area. This year, Warren County is celebrating 180 years of existence, and it has been an interesting 180 years.

Warren County was formed by an act of legislature on March 12, 1813. The first sessions were held at Lake George, but in 1815, James Caldwell donated property along the lakeshore for a permanent headquarters. The first courthouse was built in 1817 and functioned until destroyed in an 1843 fire. It was replaced by

a brick structure which remains as an architectural landmark to this day.

The county itself is named for Revolutionary War hero Joseph Warren. Bloody colonial warfare gave way to settlements and communities that persevered through the hardships and eventually prospered. The 19th century and its technological innovations led to an economic boom based on lumber and other natural resources. As the population swelled, tourism also emerged as an important industry.

But this growth made all too obvious the need for expanded county facilities. After years of debate and study, the Warren County Municipal Center opened on the 150th anniversary of the county. The modern complex, located between Lake George and Glens Falls, houses all government services with the exception of the highway department and infirmary.

The exterior has changed little in the last 30 years, but the interior has undergone significant renovations to allow the country government to grow with the times.

Warren County also has changed, but the influx of new industry has not substantially altered the picturesque scenery and attraction to tourists. The municipal center will remain a symbol of the determination to meet the future while preserving the essential character of Warren County.

This Friday, November 19, 1993, Warren County will rededicate the municipal center. Mr. Speaker, I ask all Members to join me in saluting both Warren County and the far-sighted supervisor of her 11 towns.

TRIBUTE 'TO THE LITERACY COUNCIL OF MONTGOMERY COUNTY, MD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the Literacy Council of Montgomery County, MD, on the occasion of its 30th anniversary on November 13, 1993. The literacy council was founded by Mrs. Beth Kilgore, and is a nonprofit organization supported by public funds and private contributions.

Since the council's inception in 1963, the volunteer tutors have taught approximately 7,000 illiterate adults to read, write, and speak English. Dedicated volunteers act as administrators, office workers, speakers, and fundraisers, as well as tutors, and devote about 40,000 hours per year to the battle against illiteracy.

The literacy council has two primary programs: Basic literacy, for English-speaking adults who have failed or have not had the opportunity to learn to read and write; and English as a second language, for foreign-born adults who need to learn English. At any given time, the council has about 800 students and about 625 tutors participating in these programs.

The socioeconomic rewards of the services provided by the literacy council are invaluable. Newly literate adults become more involved and effective parents, encouraging their children to aspire to more promising lives. Literacy skills enable these adults to acquire jobs

and become productive members of society. For example, the ability to read a want ad in the newspaper or the danger signs at a railroad crossing is vital.

Mr. Speaker, I congratulate the Literacy Council of Montgomery County, MD, for 30 years of dedicated service to our community. It is a proud moment for me to pay tribute to the winning combination of staff, volunteers, and students of the council who have devoted their time and their energies to wiping out illiteracy in our Nation.

LONG DISTANCE: PUBLIC BENEFITS FROM INCREASED COMPETITION

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. BRYANT. Mr. Speaker, we are in the midst of an information revolution which is changing the way Americans live, learn, work, and play.

As we seek to promote this whirlwind of future technological change, it is useful to look to the past as prolog. It was not that long ago when all Americans used black rotary dial telephones and heard echoes and static, or experienced other technical problems during their conversations. Long-distance telephone calls for most households were a major budget expense and placed only on special occasions.

Business used long distance only where there was an immediate need to communicate and where a letter or a face-to-face meeting was out of the question. That was how we communicated in an era when the Nation's telecommunications system did not provide that one key ingredient identified the world over with American life: choice.

Not that long ago, we did not have choices to serve our telecommunications needs. Today, with the advent of competition in manufacturing and long-distance—mostly as a result of the divestiture of AT&T in 1984—we have choices in most of our telecommunications markets, and in those where choice exists, things are markedly different.

Generally speaking, the only area where consumers do not have choice is in local exchange service. The cost of a long-distance telephone call has plummeted, and calls to friends or family members living across the country or around the globe are as clear as calls made to a neighbor down the street.

The dramatic technological and marketplace changes and the benefits competition has brought cannot be taken for granted.

The long-distance market, with the breakup of the old Ma Bell System, moved from a highly regulated monopoly to a market with active and aggressive competition among numerous service providers. As long-distance competition has intensified, significant benefits have been produced for both business and residential customers—sharply lower prices, greatly improved quality and an unparalleled diversity of product choices.

These benefits are now so commonplace, that we have forgotten just how hard won they were. There are some who would have us ig-

nore all of these consumer gains in order to again permit local telephone monopolies to participate in the competitive long distance marketplace.

This argument is premised on the notion that competition does not really exist in the long-distance industry and that the entry of the Bell telephone companies into the competitive long-distance marketplace will drive prices down and result in thousands of new jobs.

Robert E. Hall, a professor of economics at Stanford University and a senior fellow at the Hoover Institution takes these misguided arguments head on in his recently published study, "Long Distance: Public Benefits From Increased Competition."

The study reports that: "The performance of the industry in the past decade has been a clear success, with substantial declines in prices relative to other products and the rapid development and dissemination of advanced technologies by the competitive long-distance carriers." It concludes further that: "The divestiture of AT&T and the opening of the long distance market to effective competition have produced a vibrant, successful long-distance industry in the United States."

According to the Hall study, consumers have benefited from long-distance competition in the following ways:

Prices have plummeted. Since 1985, real long-distance prices have fallen by 63 percent. Net of access charges paid to local telephone companies, the revenue per minute of the three largest long-distance carriers fell by 66 percent between 1985 and 1992 after adjustment for inflation.

Quality has improved dramatically. Reductions in noise, cross-talk, echoes, and dropped calls have made the usefulness of 1 minute of telephone conversation rise at the same time that the price of that minute has fallen.

New technology has been deployed at an unprecedented pace. Fiber optics now carry the bulk of long-distance traffic, at lower cost and higher quality than earlier technologies. The transmission speed of state-of-the-art fiber optic cable has doubled every 3 or 4 years. Total fiber-miles of U.S. long-distance carriers rose from 456,000 in 1985 to 2.4 million in 1992, of which less than half is owned by AT&T. In addition, long-distance carriers have led the way in digital switching and common channel signaling.

The industry has created new innovative long-distance services to improve the efficiency of communication for consumers and businesses, large and small.

Concluding that long distance competition is working, the Hall study asserts that structural separation of local and long-distance service is economically efficient. It warns that joint control of local and long-distance service by the Regional Bell operating companies [RBOCs] will compromise the existing conditions for effective competition among long-distance carriers.

Competition in the long-distance industry succeeded because the AT&T consent decree separated the local telephone monopoly from the competitive long distance market.

The local telephone companies still maintain their monopoly, bottleneck control over transmission facilities in the local exchange, despite all their protestations to the contrary.

The Hall study reaffirms what should have been perfectly obvious from the start—competition works in telecommunications markets. We would do well to remember this conclusion as we usher in the Information Age, because it directs our attention to where our principal focus should be in this debate—how to make local monopoly markets competitive and not how to make competitive markets less so.

TRIBUTE TO TH PRODUCTIONS OF ATLANTA, GA

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay tribute to one of the most dynamic music production teams around. These two producers are about to take the industry by storm.

I-ROCC and EZ-Tee, better known as TH Productions, are the talented Atlanta-based duo to which I am referring. TH Productions' credits include working with Keith Sweat to cowrite and produce the tunes for Silk's smash debut album. They also had the honor of coproducing the theme song for Atlanta's Olympic dream team.

What makes TH Productions so different from other production teams is the unique flavor they bring to all of their artists. With the capacity to give each group its own sound, the possibilities for them are endless.

The two partners moved to Atlanta about 6 years ago, while playing in a band called Heart to Heart. Through the band, they met Keith Sweat and began working on various projects with him. I-ROCC and EZ-Tee both live in metropolitan Atlanta and do much of their production work in an in-house studio there.

As for their other projects—expect the unexpected. These gifted producers can put out everything from rap to alluring ballads. Get ready for the next mega-producing team in Atlanta—TH Productions.

PRO-NAFTA, PRO-JOBS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. PACKARD. NAFTA, a free trade initiative, is a basic issue. It offers economic opportunities which will stimulate economic growth and create jobs in the United States. America will be better off under the North American Free-Trade Agreement.

Exports is one sector of the U.S. economy that is booming. Time and time again, free trade has proven to be a winner. Pivotal border States like California have much to gain by increasing their current trade level with Mexico. NAFTA will create the world's largest free market, some 390 million consumers. The market is projected to have a total economic output of \$6.5 trillion, far larger than the European Community or the Pacific rim.

NAFTA will increase trade by eliminating tariffs, and by doing so, the United States will be able to export their products easier. United States manufacturers will have more access to Mexican markets, and increased consumer demand means more jobs.

An old rule of thumb says that 19,000 American jobs are created by every \$1 billion in exports. With this in mind, our current \$40 billion-plus in sales annually to Mexico supports about 750,000 American jobs. Jobs associated with exports to Mexico are 12 percent higher than the average United States wage. In short, NAFTA will create more jobs at higher wages in the United States, and help create a stronger economic and political environment in Mexico.

NAFTA's enemies, labor leaders, demagogues and radical environmentalists are using scare tactics to drum up opposition among workers fearful of lost jobs. The most pervasive distortion is that NAFTA would cause a massive flight of America jobs and capital to Mexico, known as the "giant sucking sound". United States jobs are leaving the country because of current tariffs under the Mexican Government.

There is in fact nothing to stop United States corporations from moving their plants to Mexico now. NAFTA will not increase the attractiveness of the Mexican market. The economic reality, supported by study after study, is that NAFTA will increase the number of goods in route to be sold in Mexico. California can anticipate an economic growth due to lowered tariffs.

NAFTA has the potential to provide the momentum to vault Mexico ahead of Canada and even Japan as California's largest foreign market. Already, more than 70 percent of Mexico's merchandise imports come from north of the Rio Grande, and an astonishing two-thirds of that, or 25 billion dollars worth of goods a year, come from California and Texas. According to the California Office of Planning and Research, State exports to Mexico should more than double by the end of the decade, after having quadrupled in the past decade. The soaring trade will create an estimated 30,000 to 40,000 jobs.

The issue is whether neighboring countries can set aside their fears and prejudices long enough to make a deal that is sure to be a winner for all concerned. We must ask ourselves—are we going to compete and win or withdraw? For a nation that has further hope of prospering, the answer to that question is simple and straightforward. NAFTA will give us a strong foothold. It will make the United States more competitive, and more prosperous, in the global economy of the 21st century.

TAKE A SECOND LOOK AT H.R. 3400

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, the House of Representatives is scheduled to consider H.R. 3400, the Government Reform and Savings Act of 1993, on November 20, 1993. I urge my colleagues to think twice about the

merits of this bill, and to take the time to understand exactly what is being proposed before voting aye or nay.

H.R. 3400 has a laudatory goal—further deficit reduction. It was developed by the administration to help the House leadership deliver on a commitment to a number of our colleagues who, back in August, hesitated to support the budget reconciliation bill because they wanted more deficit reduction.

I agree that additional, responsible, deficit reduction is one of the best steps we can take to assure the long-term economic health of our country. I have made this point time and again—in speeches, by my votes on the floor, and in my committee. My views are no secret. My commitment to deficit reduction is clear. You all know that. And you know you can count on my vote—and my muscle—on any deficit reduction plan that makes sense.

Unfortunately, in my view, H.R. 3400, as introduced, just doesn't make sense. Not now. Not with these provisions. Not using this procedure. Let me explain why.

First, there are always complaints when we stray from regular order. The natural instinct to protect your turf always surfaces. Sometimes, however, we bypass normal procedure because time simply won't allow our normal deliberative process. That doesn't seem to be the case here. What's the urgency? Why now?

Other times, we resort to short cuts when it seems clear that the regular procedure won't produce the outcome that is desired. The greatest risks we run when we don't allow those among us with the expertise—be it in tax policy or rural water policy—to carefully consider the legislation before us are these: well meaning but poorly executed legislation, counterproductive and occasionally embarrassing policy, and shoddy law.

H.R. 3400 suffers from all of these problems. It was introduced on October 28, 1993 and referred to 17 committees of jurisdiction for 18 days—until November 15, 1993—in order to allow a House vote before we adjourn this session. When developed by the administration, this bill was estimated to save more than \$10 billion, not a huge sum but deficit reduction, nonetheless. As is customary, the Congressional Budget Office is preparing its own estimate of the bill. Word is that they will conclude that H.R. 3400 will reap only a fraction of the savings predicted by OMB. As I said at the outset, I am all for responsible deficit reduction, but is it really worth enacting bad law for such a small contribution to a lower deficit?

H.R. 3400 is equally vulnerable to criticism on policy grounds. As introduced, it contains questionable debt management policy that will increase the deficit, undermine the debt management responsibilities of the Department of Treasury, and increase the potential risk of a future Federal bailout for Bonneville and other power administrations.

The bill also proposes a complete overhaul of the laws governing the relationship between the Medicare Program and the contractors that handle payment of claims and beneficiary inquiries. This despite an already low Medicare administrative cost and CBO's conclusion that changes—already underway—in electronic processing of claims will produce savings but

that, in the near term, modifications to Medicare contracting rules will save nothing. And consider the disruption—to beneficiaries and providers alike—that would result from the changes in contracting.

H.R. 3400 contains a number of Social Security amendments, designed to save \$700 million over 5 years. However, they fail to do so. For example, according to CBO, the proposed modifications for spending on continuing disability reviews won't actually result in more reviews being done, hence there will be no savings. Further, the debt collection provisions impose a heavy new burden on current Social Security beneficiaries and may release confidential IRS information to private debt collection agencies. That's something we ought to think quite carefully about before we grant such authority.

The bill also extends—to veterans programs—a troubling new data collection program just authorized in the Omnibus Budget Reconciliation Act of 1993. I am worried that this new program won't work and hesitate to add to its responsibilities before we have thoroughly tested it.

Mr. Speaker, the proponents of H.R. 3400 are well-intentioned but the bill as introduced won't achieve their goals. It won't produce real deficit reduction. But it will unnecessarily confuse and complicate our laws. We can and should do better than H.R. 3400 and I expect that process to begin again next year when the President submits his fiscal year 1995 budget to us. That is the appropriate forum for this debate.

For the benefit of all Members, the following is an analysis of the provisions of H.R. 3400 that are within the jurisdiction of the Committee on Ways and Means. Read it carefully. You may be surprised by what you learn. In tomorrow's CONGRESSIONAL RECORD I will share with you my analysis of the provisions of the Penny-Kasich amendment to H.R. 3400 which are within the jurisdiction of the Committee on Ways and Means. That amendment has even more troubling implications for our long-term economic performance, and health reform.

THE GOVERNMENT REFORM AND SAVINGS ACT OF 1993

H.R. 3400

ANALYSIS OF PROVISIONS

DEBT BUYOUT FOR BONNEVILLE POWER ADMINISTRATION

Section 4202 would authorize the Administrator of the Bonneville Power Administration to issue bonds and other instruments of indebtedness to raise funds to repay obligations to the Department of Treasury for the appropriated capital investment made in the Federal Columbia River Power System. This section gives broad authority to the Administrator to decide the terms and conditions for bond issuance: the form, the time of sale, the maturity periods, prices, yields, any discounts, etc. The provision states explicitly that the "full faith and credit of the United States" does not stand behind the Bonneville bonds.

The proceeds of the bond sales will be "transferred" to the Treasury as repayment for the amounts used originally and later borrowed from Treasury to build the Bonneville hydroelectric facilities. The calculation of the "transfer" amount would be based on the present value of the principle and interest owed (plus \$100 million). This amounts to about \$4 billion.

The current outstanding obligation is \$6.6 billion. Bonneville Power has considerable flexibility in how it repays that debt to Treasury. All sums repaid come out of receipts from ratepayers for electricity purchased. Ratepayers pay considerably less for electricity from Bonneville Power than those who buy from private power plants because the government does not recoup its costs of providing the electricity, including the costs of the original capital investment. Several proposals have been advanced since 1980 to raise rates to electricity users, so that they will cover the costs of providing the electricity. These proposals have not met with success.

Analysis: This provision represents very unwise debt management policy and will increase the deficit, not reduce it.

First, the moral full faith and credit of the United States always stands behind debt issued by a federal agency. So, the statement in the bill that the bonds "are not secured by the full faith and credit of the United States" is not meaningful. That the government would default on any of its obligations, whether issued by Treasury or by another agency, is difficult to imagine. Therefore, allowing the Bonneville Power Administrator to issue bonds directly, instead of through the Department of Treasury, increases the potential risk of a future federal bailout.

Second, the statutory language gives very broad latitude to the Administrator of Bonneville Power. Because there are virtually no restrictions on the Administrator's actions, it is possible that sale of Bonneville Power bonds could conflict with the larger debt management plans of the Department of Treasury. Treasury is the federal agency charged with responsibility for issuing U.S. debt. Treasury decides on the terms and conditions of debt issuance, and does so in the context of managing all the nation's debt in such a way as to minimize the government's cost of borrowing. The Bonneville Administrator will not necessarily have the broader government-wide point of view of the Treasury Department. He will be allowed to make decisions that the full-time professional debt managers at Treasury may consider unwise. The Bonneville bonds will compete with Treasury bonds in the marketplace. This is simply not adequate debt management.

Third, this could also permanently waive the federal government's right to charge to recoup the remainder of its investment in Bonneville Power. Why should the government give up its option to raise the price of the power it sells in an attempt to break even? Requiring that payment of the "transfer" amount to Treasury means the "repayment obligation is fully and forever satisfied" makes no economic or financial sense.

Fourth, this debt buyout option will increase the deficit. Treasury debt is the least-cost method of borrowing available to the federal government. Agency debt is always more expensive. Thus, allowing the Bonneville Administrator to issue debt directly will result in higher government debt service costs. They will be approximately 50 basis points higher than Treasury rates. Additionally, Bonneville Power will have to contract with brokerage houses to sell the bonds in the market. This will cost the government more, as Bonneville Power will have to pay transactions fees to these investment houses for their underwriting services. For the \$4 billion debt issuance contemplated by the bill, this will cost the government another \$40 million.

Fifth, the American taxpayer will not benefit from this at all. Bonneville Power may

benefit. The investment houses that underwrite the bond sales will certainly benefit from \$40 million in transaction fees that the government will pay them. But, the American taxpayer will be worse off because the deficit will be higher.

Sound debt management requires that any refinancing of Bonneville debt be done through the Treasury Department so that it can be done in the context of all other federal debt issued and at the lowest cost.

DEBT BUYOUT FOR OTHER POWER ADMINISTRATIONS

Sections 4207-4210 would authorize the Administrators of the Southeastern, Southwestern, and Western Power Administration to issue bonds and other instruments of indebtedness to refinance existing debt. These sections give broad authority to the various Administrators to decide the terms and conditions for bond issuance: the form, the time of sale, the maturity periods, the prices, yields, any discounts, etc. The provision does state explicitly that the "full faith and credit of the United States" does not stand behind these bonds. These sections of the bill are very similar to the Bonneville Power Administration debt buyout provisions described above.

Analysis: Just like the Bonneville Power provision, these sections represent bad debt management and will increase the deficit.

The Congress has worked, in recent years, to consolidate the government's debt management efforts to produce better cost-efficiency and effectiveness. These provisions could undermine that effort.

In addition, all five flaws of the Bonneville debt buyout scheme apply here. The present value of the debt outstanding of these 3 power administrations is \$3.4 billion. Thus, any underwriting fees paid to investment houses would increase the deficit by \$34 million. In addition, these sections of the bill will create a Power Marketing Administration Sinking Fund, which makes the repayment of the bonds a direct spending account, scorable on the PAY-GO scorecard. Thus, this is another effect of the bill that increases the deficit.

CHANGES IN CONTRACTING FOR MEDICARE CLAIMS PROCESSING

Section 5001 makes a series of changes affecting the administration of the Medicare program. Subsections 5001(a) through 5001(e) would repeal the requirement that carriers be insurance companies, eliminate the ability of providers to nominate fiscal intermediaries, eliminate special provisions for termination of contracts, allow the Secretary to require that contractors match Medicare data with data on privately insured patients, and repeal requirements for cost reimbursement contracting. Subsection 5001(f) would abolish the authority of the Railroad Retirement Board (RRB) to contract with a separate Medicare carrier for railroad retirees.

Analysis: These provisions represent a complete overhaul of the contractor system which could impose hardship on beneficiaries without achieving meaningful savings. All the provisions are scored by CBO as zero savings, with the exception of the RRB provision, which has minimal associated savings.

These provisions represent a complete overhaul of the requirements governing the relationship between the Medicare program and the contractors that process claims, perform audits, and respond to inquiries from beneficiaries.

According to the Congressional Budget Office, these provisions would generate no sav-

ings to the Federal government other than minimal savings associated with the RRB provision. The larger savings the Administration associates with these provisions result only from the implementation of a new automated system for electronic processing of claims—a system that is under development and can go forward without any changes in the law.

While the Administration's proposal may be well-intentioned, it could lead to serious problems for seniors and providers. The proposal would give the Secretary broad authority to change Medicare contractors, to award contracts on the basis of the lowest bid, and to contract for claims processing services with organizations that have never before processed insurance claims.

Past experiences with similar approaches have led to massive confusion and disruption for Medicare beneficiaries and providers.

For example, in order to test the concept of competitive bidding for Medicare contracting, a demonstration program was established in Illinois in 1979. The contract was awarded to an organization that has no prior experience in processing claims.

A flood of complaints from Medicare beneficiaries and Medicare providers led to an investigation by the General Accounting Office. GAO found evidence of a claims backlog that reached 454,000 claims during the first 6 months of the contract. After two years in operation the contractor had failed 55 of 84 standards which Medicare contractors are required to meet.

A claims backlog of this magnitude directly affects senior citizens as well as hospitals, physicians and other health care providers. Many Medicare claims are still "unassigned", meaning that Medicare beneficiaries pay the bill and are reimbursed by Medicare. In the Illinois case, some seniors on limited fixed incomes had to wait many months before receiving payment and in some cases physicians used collection agencies to pursue them for payment.

One of the notable deficiencies was the contractor's lack of responsiveness to beneficiary inquiries, including what GAO referred to as "the use of ominous form letters to request information from beneficiaries".

In an April 1986 report, GAO reported that it took over two years to get performance under the Illinois contract to acceptable levels. According to GAO, the contractor " * * * made estimated payment errors of \$67.6 million during the first two years of the contract and beneficiaries and providers had to devote considerable time and effort to obtain satisfactory settlement of their claims."

In conclusion, the GAO stated that " * * * a major change in the method of contracting used in the Medicare program is not justified because the competitive fixed-price experiments have not demonstrated any clear advantage over cost contracts presently used to administer the program. HHS' current authority, if properly used, allows for effective program management and provides sufficient opportunities to achieve greater administrative efficiencies."

The Medicare program already has low administrative costs. In 1994, CBO projects that spending on health care services under the Medicare program will total \$169.7 billion. The fiscal year 1994 appropriations for contractors to administer the program is \$3 billion, less than 2 percent of total program costs.

The most important focus of our efforts with respect to fiscal intermediaries and carriers should be to ensure that we provide the funds necessary to safeguard payments under

the program. The General Accounting Office has repeatedly recommended that funding for these efforts be increased. According to GAO, for every dollar we spend on improving payment safeguards, we can save ten taxpayer dollars in return on our investment.

Earlier this year, the House passed a provision to adjust the discretionary spending caps under the Budget Act to allow increased appropriations for payment safeguards. This would ensure that the Congress would not be discouraged or penalized under the budget process for appropriating funds on activities that will generate savings in the Medicare program. Unfortunately, that provision was not agreed to in conference due to procedural obstacles in the Senate.

The Administration believes the changes in section 5001 are needed in order to implement the new Medicare Transaction System [MTS] more efficiently. At best, this conclusion is premature. The contract for designing the MTS has yet to be awarded, and the system is years away from implementation.

Section 5001 (f) would repeal the authority of the Railroad Retirement Board to contract with a separate carrier to process Medicare claims for railroad retirees. This proposal has been rejected by the Congress in the past.

The Administration is proposing this change despite a complete lack of evidence that the current Medicare carrier for railroad retirees has failed to perform well either in terms of cost efficiency or beneficiary services. In fact, representatives of railroad retirees are very satisfied with the service provided by the current carrier. Moreover, changing from a single national carrier to 50 carriers throughout the country would be disruptive and would impose hardship on disabled and elderly railroad retirees.

WORKERS' COMPENSATION DATA PILOT PROJECT

Under Section 5101, the Social Security Administration would be authorized to establish pilot projects with up to three States under which workers' compensation payments would be reported to SSA directly by the State. Under current practice, SSA relies on disability beneficiaries to report their receipt of workers' compensation. Participating States would be reimbursed by SSA out of the Social Security trust fund for the costs of participation.

FEDERAL CLEARINGHOUSE ON DEATH INFORMATION

Section 5201 would amend the Social Security Act to expand the authority of the Secretary of Health and Human Services to negotiate contracts with States to obtain death information and disseminate this information to other Federal agencies. Currently, SSA receives death certificate information from States and matches the information against its benefit rolls to delete the names of deceased individuals. Thirty-four States have entered into restrictive contracts which prohibit SSA from sharing the collected death information with other Federal agencies. The Omnibus Budget Reconciliation Act of 1993 prohibited access to Federal tax return information under section 6103 of the Internal Revenue Code to any State that would not allow SSA to share its deaths information with other Federal agencies.

Two States were exempted from the OBRA requirements. The President's proposal would eliminate that exemption. In addition, the proposal would permit the Secretary of HHS to provide technical assistance on the effective collection, dissemination and use of

death information to any Federal or State agency that provides Federally funded benefits.

Analysis: Any alteration of section 6103 of the Internal Revenue Code should be done by a direct amendment to that code section, and not be an amendment outside the code.

The provision seeks to overrule two specific provisions of section 6103 by amending the Social Security Act. That is inappropriate. While the proposal's effort to improve the OBRA provisions is laudatory, the provision is poorly drafted and needs revision.

EXPENDITURES FOR CONTINUING DISABILITY REVIEWS

Section 5301 would amend the Social Security Act to set a specified, minimum level of SSA administrative funds for performing continuing disability reviews [CDR's] of disability beneficiaries over the next 5 years. The mandated amounts would be \$46 million in 1994, with an inflation-adjusted amount for years thereafter. The total amount for the 5-year period would be \$295 million.

Analysis: This provision does not reduce the deficit as intended, and there are more effective ways to fund continuing disability reviews.

In principle, the President's objective of requiring more CDR's is a laudable one. Because of a shortage of administrative funding, SSA has fallen behind by more than 1 million reviews. The integrity of the disability program depends critically on assuring that benefit payments are ceased without delay when beneficiaries recover or return to substantial gainful work. The President is acting responsibly in insisting that continuing disability reviews be performed regularly.

However, there is a technical problem with this provision as it is now drafted. The Congressional Budget Office has concluded that it will not produce any savings about those that would occur under current law. Apparently, the administration has underestimated the costs of performing CDRs and, as a consequence, has earmarked too few administrative dollars to ensure the increase in CDR activity that it intends.

In addition, it is possible that the provision may drain essential resources away from the processing of disability applications. At present, there are large backlogs of disability cases at both the initial intake stage and the Office of Hearings and Appeals.

With more time to work on the legislation, a creative solution to this problem could be found—a solution that provides the increase in CDR activity that the President desires, without reducing funds for SSA's processing of initial disability applications. For example, some of the benefit savings from CDR's could be set aside in a special account to cover the administrative cost of more reviews the following year. This kind of approach makes sense. Unfortunately, the tight schedule for consideration of this bill made it impossible to develop a workable alternative.

HELIUM USER FEES AND MINERAL ROYALTIES

Sections 7001 and 7101 would give authority for the appropriate agencies to levy user charges and set up appropriate and efficient collection mechanisms to pay for the activities of the agencies.

Analysis: In order to ensure that these sections of the bill are true user fees and not taxes generating general revenue, these sections should be rewritten. We should ensure that transactions in which the Government will collect these fees and royalties are simply the economic equivalent of a normal

market-based transaction among voluntary buyers and sellers, in which the benefits realized by those who purchase helium and mineral rights from the Government are approximately equal to the amount of fees and royalties they pay. This will make them true user fees and avoid additional general-revenue taxes.

USER FEES FOR HEALTH SERVICES

Section 8001 allows the Attorney General to charge nominal user fees of prisoners for medical care provided. The fee may be withheld from a prisoner's account without the prisoner's consent. The Attorney General may waive or refund the fee for good cause.

Analysis: This section of the bill is much too loosely written and does not ensure that this is simply a user fee. The language should be rewritten to do so. The criteria described above, under Helium Fees and Mineral Royalties, should be satisfied by tighter statutory design.

MEDICARE AND MEDICAID DATA BANK

Section 12201 would authorize the disclosure of health insurance information maintained by the new Medicare and Medicaid Data Bank to the Department of Veterans Affairs. The information would be used by the Department of Veterans Affairs to identify and collect reimbursements from private payers responsible for items and services provided to veterans.

OBRA '93 mandated that every employer that provides health benefits to its employees file information returns to the Secretary of Health and Human Services. The information to be filed includes: the name and taxpayer identification numbers of all participants, including dependents, covered under the employer's group health plan, the type of health plan elected by the employee, the period during which coverage is elected, and the name and taxpayer identification number of the employer.

The OBRA '93 requirement applies to health benefits provided beginning January 1, 1994, with the first filing occurring on February 28, 1995.

Analysis: The Medicare and Medicaid Data Bank established under OBRA 1993 imposed a significant, new administrative burden on employers that provide health insurance coverage to their employees. For the first time, employers will be required to file detailed information to the Secretary of HHS concerning coverage under their employer group health plan. Most employers do not currently collect the data required by OBRA '93, particularly with respect to the dependents of employees covered under the employer group health plan.

The provision of H.R. 3400 to extend the application of the Data Bank would also impose a new and burdensome requirement on the Health Care Financing Administration. The Health Care Financing Administration has been unable to begin implementation of the Data Bank, and has asked for additional resources to fund this new and vast data collection effort. This proposal to compound the requirements of the Data Bank, before it is actually up and running, is premature.

Further, this proposal would permit access to confidential employee health benefit data beyond the scope of health programs administered by HHS. Although OBRA '93 contains essential safeguards regarding disclosure and privacy rights that would carry over to the use of the data by the Department of Veterans Affairs, it is unclear how such safeguards would be monitored.

Careful consideration should be given to the necessity and advisability of this Data

Bank within the context of health care reform. Few would dispute the importance of administrative simplifications as part of any health reform plan. As part of such a reform, many proposals, including the President's Health Security Act, would create a consolidated system to monitor health insurance coverage. If such a system is established, then this Data Bank will be unnecessary and should be repealed.

This provision was incorrectly included in title XII of the bill, rather than title V with other provisions that concern the Department of Health and Human Services. While the proposed changes would result in additional information provided to the Secretary of Veterans Affairs, the proposed change in law requires changes that affect responsibilities of the Secretary of HHS.

AUTHORITY TO INCREASE EFFICIENCY IN REPORTING TO CONGRESS

Section 15001 would allow the Director of the Office of Management and Budget (OMB) to make recommendations for consolidation, elimination, or adjustment in frequency and due dates of reports to Congress and its committees. OMB would have to consult with appropriate congressional committees before making these recommendations and would have to provide an individualized statement of the reasons that support each recommendation. The recommendations would take effect only if approved by law.

Analysis: Although section 15001 does strengthen the position of OMB over other agencies, the requirements that OMB must consult with appropriate committees, that OMB must provide reasons for each recommendation, and that the recommendations would not go into effect unless approved by law are important safeguards against the executive branch single-handedly going away with reports of importance to Members of Congress. The statutory language should be tightened to clarify that "appropriate Committees" means those Committees that requested or mandated the reports, and to clarify further that any law making changes to a report based on OMB recommendations would have to be referred to the Committee that originally requested the report. It would be even more effective for Congress and the Administration to work together to identify overdue and obsolete studies and reports that could be stricken from current law.

DEBT COLLECTION REVOLVING FUND

Section 16501 provides authority for appropriations for agencies to enhance debt collection activity by allowing agencies to retain a specified percentage of the amount of delinquent debt collected.

Analysis: The provision requires careful review to determine its impact on individual Federal agencies.

This measure would affect several agencies under the jurisdiction of the Committee. Given time limitations, the impact of the provision on debt collection by each of the departments and agencies under the Committee's jurisdiction cannot be determined.

DEBT COLLECTION AGAINST CURRENT AND FORMER SOCIAL SECURITY BENEFICIARIES

Section 16502 applies the requirements of the Federal debt collection law to Social Security benefits. Under the proposal, the Secretary of Health and Human Services would be required to assess interest and penalties against individuals who have been overpaid by SSA. In addition, the proposal would permit the Secretary to report delinquent debtors to private credit bureaus and would authorize contracts with private collection

agencies to collect outstanding debt. Finally, it would require the Secretary to report to OMB on the status of its receivables and would authorize other Federal agencies to use administrative offset procedures to collect other Federal debt from Social Security benefits. These provisions of the debt collection law would apply to both current and former Social Security beneficiaries, with the exception of the provision authorizing the use of private collection agencies, which would apply only to former Social Security beneficiaries.

Analysis: The provision should not apply to current Social Security beneficiaries. The provision places an unconscionable burden—in the form of interest and penalties—on a group of people who may be living on limited income and who may have incurred the debt through no fault of their own. Moreover, SSA can already deduct any debts directly from the beneficiary's check.

There are several problems with the proposal. First, in many cases, overpayments of Social Security benefits result from errors made through no fault of the beneficiary. Some are errors made by SSA—such as the miscalculation of benefits. Some errors result from beneficiaries' misunderstanding of complicated eligibility rules. The majority of errors result from the operation of the Social Security retirement test. Under that test, beneficiaries are asked to estimate annually the level of their earnings for the upcoming year. Because of the near impossibility of predicting exact earnings in advance, thousands of beneficiaries receive overpayments each year through no fault of their own.

Second, many Social Security beneficiaries are living on limited incomes. Penalties and interest would add to their financial insecurity. Moreover, while the provision requires beneficiaries to pay interest if the government has paid the beneficiary too much, it does not require the government to pay interest if the government has paid the beneficiary too little.

Finally, SSA already has the authority to collect debt owed by a current beneficiary from the beneficiary's monthly check. The proposal is, therefore, redundant.

NOTIFICATION TO AGENCIES OF DEBTORS' MAILING ADDRESSES

Section 16503 would amend Title 31 of the U.S. Code to provide that certain Federal agencies in the refund offset program may obtain and use the mailing address of a delinquent debtor. Such address may be used for Federal-agency administered debt collection purposes, including referral of the debt to the Justice Department for litigation. The statutory amendment includes the following off-Code amendment to IRC section 6103: "Provision of this information is authorized by section 6103(m)(2) of the Internal Revenue Code."

Analysis: Any alteration of section 6103 of the Internal Revenue Code should be done by a direct amendment to that Code section, and not by an off-Code amendment. The Congress should also make sure that no tax return information is funneled to private collection agencies or any other private parties under this provision.

HONORING THE ASSOCIATION OF RIVERDALE COOPERATIVES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. ENGEL. Mr. Speaker, the neighborhood of Riverdale in my congressional district remains one of the most vibrant and viable areas of New York City, mainly because of the dedicated residents who remain involved in their community. Ten years ago, a small group of these residents formed the Association of Riverdale Cooperatives, and I rise today to congratulate them for a decade of positive activity.

Ted Procas, the group's president, and Assemblyman Oliver Koppell started ARC with 10 member buildings in 1983 to address concerns associated with major conversions from rental to co-op units. Today, ARC encompasses 55 buildings, representing some 20,000 residents and \$370 million in assets.

ARC has held more than 75 seminars on topics as diverse as controlling fixed and variable costs to instituting recycling programs. It acts as the facilitator of important information among building managers, board members, and tenants. The group has been helpful to me by providing evidence in support of eliminating tax liabilities on reserve funds, as well as other important housing finance issues.

ARC provides a common thread that connects the residents of cooperatives and condominiums in Riverdale. This contributes greatly to the stability of the neighborhood, an accomplishment for which the leaders and members of ARC should be thanked and commended.

NAFTA WILL BENEFIT CHEMICAL, TELECOMMUNICATIONS INDUSTRIES

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. ANDREWS of Texas. Mr. Speaker, too much of what we have heard about NAFTA has been based on unjustified fear, rather than on rigorous economic analysis. Just last month the Congressional Budget Office reaffirmed the previous work by the International Trade Commission demonstrating that NAFTA will benefit U.S. workers and consumers. Superb examples of the agreement's potential benefits can be seen in the U.S. chemical and telecommunications industries. These diverse industries, which employ millions of Americans, will be among the many industries which will flourish under NAFTA.

CHEMICALS

The U.S. chemical industry is one of the most competitive industries in the world, and it boasts some of the most impressive statistics among U.S. industry. More than 1 million Americans are employed in the chemical industry, producing nearly 2 percent of our gross domestic product. Production workers in this industry earn wages one-third above the

U.S. average. The industry's investments in R&D, plant, and equipment reach new highs every year and totaled \$37 billion in 1992.

As the Nation's largest exporter, the chemical industry accounts for 10 percent of total exports of manufactured goods, amassing a major trade surplus every year. Exports to Canada and Mexico are one-quarter of the industry's total, and chemical exports to our immediate neighbors create roughly 38,000 U.S. chemical industry jobs. On the reverse side of the equation, imports from Mexico are well under 1 percent of the United States market; Canadian imports are only 1.8 percent of the domestic market.

Under NAFTA, over two-thirds of Mexico's average 9 percent chemical duties will be immediately removed. The remaining tariffs will be removed over 10 years. Mexico's primary and secondary petrochemical markets, currently closed to United States companies, will be fully opened with very few exceptions. The International Trade Commission expects that under NAFTA chemical exports to Mexico will grow eight times as much as imports from Mexico.

The chemical industry expects that NAFTA will generate an additional \$1.3 billion in exports to Mexico by the end of this decade. This will create roughly 5,800 additional U.S. chemical industry jobs, which in turn will lead to the creation of 6,400 jobs in other U.S. industries. NAFTA will clearly be a boon for this already prospering industry.

TELECOMMUNICATIONS

NAFTA will open Mexico's \$6 billion telecommunications market to U.S. firms offering everything from central office equipment and voice mail to private networks and data processing. Our telecommunications industry is the world leader; like the chemicals industry, it provides millions of Americans with well-paying jobs. NAFTA will help this key industry compete more effectively and grow even stronger.

NAFTA calls for the quick phaseout of most trade investment barriers affecting telecommunications goods and services. Mexico will be obligated to remove tariffs, which average 10 percent for manufactured goods. In return, the United States will remove its tariffs on Mexican goods, which average 4 percent. This will provide U.S. telecommunications equipment manufacturers with a competitive edge in a market historically considered a European stronghold. The majority of Mexico's tariff and nontariff barriers on telecommunications equipment will be eliminated immediately, including those on private branch exchanges, cellular systems, satellite transmission and Earth station equipment, and fiber-optic transmission systems. Tariffs on central office switches, now at 20 percent, will be phased out over 5 years, making Mexico's telecommunications equipment market, estimated to exceed \$1 billion in 1992, more accessible to United States companies.

Providers of enhanced services—such as voice mail, electronic mail, data transmission, remote data processing, private networks, and database services—also will benefit greatly from NAFTA. These services are critical to efficient business operations, regardless of location. Under NAFTA, all restrictions on providing these services are lifted, and providers of

enhanced services can serve the growing Mexican market from databases located in the United States. The cross-border enhanced services market is currently worth more than \$27 million annually; the U.S. Department of Commerce expects that NAFTA will push the market past the \$100 million mark by 1995.

Long distance companies like AT&T and MCI will also benefit greatly from the tremendous increase in traffic—voice, data, and video—between Canada, Mexico, and the United States. Moreover, local exchange companies in all three countries will benefit from additional network-access revenues.

The Mexican market for telecommunications is already booming. In the past 2½ years, Telmex, the national phone company that was privatized in 1990, has added more than 1.7 million new customers, replaced nearly a million antiquated lines, and installed 64,000 pay phones. In the next 3 years, Telmex will install 132 digital central office switches to handle the Mexican market's increased demand for quality service. This is clearly a golden opportunity for the U.S. telecommunications industry.

As you can see, a careful analysis shows that NAFTA will increase the competitiveness of and create jobs in these important U.S. industries. I hope that as my colleagues consider the facts about the agreement, they will come to share the view that NAFTA is clearly in the best interest of our country.

HOUSE JOINT RESOLUTION 292, THE INTRODUCTION OF NUCLEAR NONPROLIFERATION IN KOREA RESOLUTION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. GILMAN. Mr. Speaker, North Korea's relentless effort to develop a nuclear bomb has reached crisis proportions. Director of Central Intelligence R. James Woolsey testified before Congress earlier this year that North Korea is the most urgent threat to our national security in East Asia, that there is a real possibility that North Korea has produced enough nuclear material to build at least one bomb, and that possession by North Korea of such a bomb would threaten United States allies in all of Asia as well as United States forces in the region.

The administration has acknowledged the seriousness of the threat, but so far has been unable to persuade North Korea to permit fullscope inspections by the International Atomic Energy Agency of all suspected nuclear weapons sites. Without such inspections, there can be no assurance that North Korea is not continuing to produce nuclear material, much less that it is not using the material it already has to build a bomb.

The administration has indicated that it is prepared to take stronger measures if North Korea does not promptly comply with its obligation as a party to the Nuclear Nonproliferation Treaty to permit fullscope inspections. Most discussion of stronger measures focuses on the possibility of a U.N.-imposed embargo.

The President has recently refused, however, to rule out the possibility of military action.

To underscore Congress' concern about this matter, I am today introducing the nuclear nonproliferation in Korea resolution. My resolution expresses Congress' approval and support for the steps at the administration has taken to date. Further, it approves and encourages the use by the President of any additional means necessary and appropriate, including diplomacy, economic sanctions, a blockade, and military force, to prevent the development, acquisition, or use by North Korea of a nuclear explosive device.

Approving use by the President of all means necessary and appropriate to prevent North Korea from obtaining nuclear weapons, including military force, is a step that Congress cannot take lightly. But neither can the threat posed by North Korea's determination to obtain nuclear weapons be taken lightly. I believe my resolution is a response commensurate to the threat.

In introducing my resolution, I do not express an opinion as to whether it would be appropriate at this time for the President to employ any of the means to which it refers. Indeed, I understand that there is a serious question whether some of those means, particularly military force, would be effective now or at any time in the future. My resolution refers to the President regarding which means are necessary and appropriate to prevent North Korea from obtaining a nuclear weapon. It is intended to make clear that he will have the support of Congress for any necessary and appropriate measures that he employs.

Last week the House of Representatives debated the question of when United States forces should be withdrawn from Somalia. It was repeatedly argued during that debate that Congress should not call upon the President to withdraw United States forces from Somalia because the regime in North Korea might misinterpret such action to mean that Congress will not support the administration's efforts to prevent nuclear proliferation in Korea.

Nothing could be further from the truth. Congress' concerns about open-ended United States involvement in Somalia have nothing to do with the situation in Korea, or anyplace else in the world where vital United States interests are threatened. It is precisely because the United States has no vital interests in Somalia that so many Members of Congress have pushed for the prompt withdrawal of United States forces from that country. Where vital U.S. interests are threatened, however, I am confident that a large majority of Members will support appropriate U.S. action.

There should be no doubt about this anywhere in the world. Enactment of my resolution will ensure that there is no doubt about it in North Korea.

**NAFTA: ANOTHER VICTORY FOR
CHARLES DARWIN**

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. OBEY. Mr. Speaker, before members consider a vote for NAFTA, I hope they will

read the following article which appeared in Sunday's New York Times by Jonathan Schlefer, a former editor of Technology Review, who is presently doing research on NAFTA at MIT.

[From the New York Times, Nov. 14, 1993]

HISTORY COUNSELS "NO" ON NAFTA

(By Jonathan Schlefer)

In their votes on the North American Free Trade Agreement this week, many members of Congress think they must take a stand for or against free trade. Nothing could sound more obvious and yet be more wrong.

While free trade could benefit North America, the specific provisions in the fat volumes of the treaty before Congress raise serious threats to society and should be defeated. A look at social struggles in the late 19th and early 20th centuries suggests why.

For most of the 19th century, capitalism was vibrant and wholly unregulated. Growth was tremendous, but there was no protection for labor, health or the environment. As companies competed through lower costs, the result was Dickensian working conditions, child labor, poisoned air and bad food. With the advent of the steamship and the railroad, global competition grew particularly fierce, and social conditions worsened.

Something had to give. But what? To require companies to hew to rules protecting workers and the environment would also hobble international competitiveness. To neglect regulation would preserve competitiveness, but would make the world filthy and impoverish the working class.

Finally, beginning in the 1870's in Europe and a generation later in the United States, a policy began to take shape. Advanced nations gradually imposed laws to improve working conditions and to protect consumers from bad food and drugs. Unions were authorized and the foundations of the welfare state were laid.

But, at the same time, tariffs were raised to shield companies from low-cost foreign competitors who did not have to follow such costly rules. Indirectly, the tariffs protected the social regulations as well, for without tariffs domestic pressure to weaken the regulations would have grown.

This tariff strategy made such sense that virtually all advanced nations employed it.

Of course, labor, health and environmental regulations are also the subjects of the "side" agreements upon which NAFTA's fortunes may hinge in Congress. Tariffs—the 19th-century solution to the competition-or-regulation conundrum—are unavailable for NAFTA because it is a trade treaty that removes tariffs. So, NAFTA uses side agreements instead.

Specifically, the side agreements seek to insure that the three members—Canada, Mexico and the United States—follow their own regulations. This national focus is troubling, because regulations are uneven continentwide and particularly lax in Mexico. It creates an obvious incentive for companies to take advantage of national differences.

This incentive will be greatly strengthened by NAFTA's property-rights provisions. Little-reported and of unprecedented scope, these provisions will make capital much more mobile continentwide and will turn NAFTA into something far broader than a treaty on trade.

Traditionally, Mexico has not defined property rights in the same way as the United States. When peasants demanded land after the Mexican Revolution, for example, the state simply confiscated vast (though

poor) areas for them. For decades, too, the Government controlled steel prices by setting them at its own mills. And during a financial crisis in the 1980's, the Government just took over the banks.

Foreign companies were treated similarly. They had to obey detailed Governmental "performance requirements"—what inputs to buy locally, how much to export, how much to manufacture. Nor was expropriation impossible.

Mexico's President, Carlos Salinas de Gortari, has deepened Mexico's deference to property rights. But as NAFTA loomed, American corporations and investors wanted more. They knew that what Mr. Salinas could do, his successors could undo. So they exerted pressure on Mexico to guarantee American-style property rights.

The efforts succeeded. Under NAFTA, if a signatory country confiscates a business, imposes performance requirements or violates property rights in other ways, the owners can appeal to an international tribunal for damages. NAFTA even requires Mexico to adopt an American-style legal system to enforce intellectual-property rights. And if Mexico's state enterprises engage in anti-competitive behavior, the tribunal can order the Government to cease or face hefty trade sanctions.

In short, NAFTA's property rules are so strong that its label—a trade agreement—is a misnomer. While it will raze trade barriers, NAFTA does much more. It extends United States property rights continentwide. Under NAFTA, investors can move almost as freely and as confidently from the United States to Mexico as from Ohio to Kentucky.

By easing capital movements, these property rules enable investors to avoid meaningful labor and environmental regulation, if possible. And it is possible, for the NAFTA side agreements to apply weak enforcement rules to a region where the strength of such regulation is uneven.

The Heritage Foundation's Wesley R. Smith says the agreements have "little more than vague language" and set up commissions "with little or no power of enforcement." He opposes the agreements—but is unconcerned because "they are largely meaningless."

Unlike NAFTA's property provisions, the side agreements have weak enforcement mechanisms. For example, a nation cannot be attacked for one failure to enforce its laws; only a "persistent pattern" of non-enforcement can be disputed.

What's more, only Governments, not private parties, can dispute another Government's nonenforcement under NAFTA. If a NAFTA panel does find nonenforcement, the offending Government must devise an "action plan" to mend its ways—a potentially noncommittal exercise. And if the offender cannot manage that much, it is fined up to \$20 million—a piddling sum even for Mexico.

Of course, these weaknesses would not matter if there were strong social regulations throughout North America. But there aren't. All three nations have serious lapses—the Los Angeles area has only 30 Federal workplace inspectors, for example—but the Mexican lapses are particularly grave.

Lilia Albert, a Mexican toxicologist, estimates that about 99 percent of her country's hazardous wastes are "stored or buried as company sites, taken to municipal landfills, burned clandestinely, dumped into urban waste-water systems, or illegally buried." These estimates are rough—in part because Mexican environmentalists have no legal right to information.

Labor protections are also scanty. With few exceptions, Mexican unions are part of the ruling party. Repeatedly, the main union congress has helped fire local labor leaders who sought to improve wages and working conditions. Strikers have often been beaten and shot.

Imagine an American company in the post-Nafta world. It is struggling to pay good wages and to buy legally required pollution equipment. Wouldn't it want to move south? A 1992 Roper poll of 455 executives found that 40 percent were "likely or somewhat likely" to move some manufacturing to Mexico after NAFTA. And wouldn't pressure grow in America to cut wages and to ignore costly rules?

These were the kinds of questions industrial nations faced in the late 19th and early 20th centuries. Their answer—the tariff—is unavailable today, but it is still an instructive guide. What did the tariff do? It turned the nation into a distinct economic unit that could establish social regulations and also shield its companies from their unregulated competitors.

Under NAFTA—particularly given its unprecedented strong property rules—the economic unit is the North American continent. With no continental tariff barriers, social regulations can only be effective if they extend throughout this unit. For Mexico, Canada and the United States to have different labor and environmental rules is as nonsensical as if half the United States regulated air pollution, and half did not.

TRIBUTE TO BLANCHE E. FRASER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Blanche Fraser, superintendent of the Mount Clemens school district. Blanche is being honored by the Daughters of Isabella at a testimonial-roast on Wednesday, December 1.

Taking an active role in our community is a responsibility we all share, but few fulfill. Blanche has devoted herself to this task as an educator and administrator for many years. Her dedication and professionalism have earned her respect and recognition. She has received numerous awards, most recently being named the 1992 Michigan Superintendent of the Year.

Each year the honoree of the Daughters of Isabella testimonial-roast selects a charity to receive proceeds from the dinner. This year the recipient is the Mount Clemens Schools Education Foundation. Because of the generosity of the organizers and the honoree, this event will help improve education in our community. I applaud their efforts to make Mount Clemens a better place for all of us to live.

On this special occasion, I am pleased to pay tribute to both Dr. Fraser and the Daughters of Isabella. I ask that my colleagues join me in saluting the accomplishments of Blanche Fraser and the Daughters of Isabella. May they continue to prosper and promote education in our community.

THE FIL-AM IMAGE MAGAZINE
HONORS 20 OUTSTANDING FILI-
PINO-AMERICANS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. BLACKWELL. Mr. Speaker, on Saturday, November 13, 1993, the Filipino-American magazine, *Fil-Am Image*, will host its fourth annual dinner in honor of outstanding Filipino-Americans in the United States and Guam. The editor and publisher of the magazine, Nonoy Mendoza, has worked tirelessly, together with his wife, Aida and three daughters, Rochelle, Roxanne, and Rhonda to make this important event possible.

The dinner will take place at the Renaissance Hotel at Tech World, in Washington, DC, and will begin at 7 p.m., sharp. This fourth annual dinner caps a weekend of activities for the honorees that began on Thursday, November 11, 1993, with their arrival in Washington, DC and has included a congressional luncheon, a reception at the Philippine Embassy, and a guided tour of the White House.

The honorees form an impressive group of individuals from across the United States and include one person from Guam. In alphabetical order, the honorees are: Ms. Laureana Abano of Piscataway, NJ; Ms. Vi Baluyot of Silver Spring, MD; Dr. Carlos Borromeo of Merchantville, NJ; Ms. Gene Canquel-Liddell of Lacey, Washington; Dr. Ulysses M. Carbajal of Azusa, CA; Attorney Juan G. Collas, Jr. of San Francisco, CA; Dr. Eduardo R. Del Rosario of Tamuning, Guam; Mr. Raoul Donato of Atlanta, GA; Mr. Cipriano L. Espina, Jr. of New Orleans, LA; Dr. Enrico Garcia of Terre Haute, IN; Attorney Thelma G. Buchholdt of Anchorage, AK; Dr. Manny Hipol of Virginia Beach, VA; Dr. Nacienceno T. Largoza of Philadelphia, Pennsylvania; Dr. Edith Milan-Hipol of Briarwood, NY; Ms. Luisita Nillas of Brooklyn, New York; Dr. Ben Oteyza of Bel Air, MD; Mr. Leo Pastor of San Diego, CA; Attorney Rodel Rodis of San Francisco, CA; Ms. Sally S. Siroy of Shelbyville, IL; Dr. Victor Vitug of Cleveland, OH; and, last, but not least, a member of my own staff, Mr. Fred Parawan of Philadelphia, PA.

These 20 outstanding individuals join 60 others who have been honored by the *Fil-Am Image* magazine since 1990. It is fitting that we honor those who come from a nation that has a 100-year history of alliance and cooperation with the United States. The Philippines is a nation that has worked in partnership with our Nation for more than a century.

Few Americans are aware that within 2 hours of the bombing of Pearl Harbor, locations in the Philippines were also bombed. Filipino soldiers fought and died, side by side with American soldiers under the command of Gen. Douglas MacArthur. Following the war, the Rescission Act of 1946 became law. That act contained a rider which expressly barred Filipino veterans from all rights, privileges, and benefits under the GI Bill of Rights, thus creating an unequal system for Filipino World War II veterans. That is why I introduced legislation to establish a commission to review and correct this system, and I will not surrender until that legislation becomes law.

Similarly, Mr. Speaker, the withdrawal of United States military forces from the Philippines left in its wake thousands of impoverished children who are half American. These abandoned and neglected Amerasian children lack real hope for the future without our intervention. On October 22, 1982, Public Law 97-359, known as the Amerasian Immigration Act of 1982, was approved, allowing children of American servicemen known as Amerasians, from Thailand, Korea, Vietnam, Laos, and Cambodia to emigrate to the United States in the care of financially responsible American families. Philippine Amerasians, however, like Philippine World War II veterans were excluded from the law. That is why I introduced H.R. 2429, which will amend the Amerasian Immigration Act of 1982, to provide preferential treatment in the admission process to the United States for those Filipino Amerasian children who choose to take advantage of it.

Filipinos should not be treated differently than others. They have proven themselves to be loyal to the United States and, as evidenced by those who have been honored and will be honored on Saturday night, they have made and are making significant contributions to the fabric of our Nation. I invite my colleagues to join with me in saluting this year's 20 outstanding Filipino-Americans and in applauding Mr. Nonoy Mendoza of the *Fil-Am Image* magazine for his dedication and commitment to this vital cause.

HELP HONOR AMERICAN HERO
CAPT. FRANCIS GARY POWERS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. MORAN. Mr. Speaker, I rise today to ask for my colleagues' support in honoring Capt. Francis Gary Powers and his historic flight into the Soviet Union with a commemorative stamp.

Captain Powers served as a U.S. U-2 pilot during the cold war. On May 1, 1960, Captain Powers' plane was shot down while performing a reconnaissance mission over the U.S.S.R. After ejecting himself from his plane, Captain Powers was taken into custody by the Russians and subjected to hours of interrogation. Captain Powers followed his CIA regulations and only revealed to the Russians what they already knew or assumed about his mission and his plane. At no point did Captain Powers reveal classified information, and he even misled the Russians about some important features of his top secret airplane.

Unfortunately, while Captain Powers was honorably serving his country over in Russia, rumors spread in America that he had betrayed the United States, and had revealed privileged information to the Soviets. These rumors were not true. Meanwhile, Captain Powers was tried for espionage by the Russians, convicted on this charge, and imprisoned for 21 months. When he finally returned to the United States, Captain Powers sought to clear his name, but was never fully exonerated by the CIA. He lived his life knowing that there were people who would always believe that he

had betrayed his country. It was not until after his death that Francis Gary Powers was awarded the Distinguished Flying Cross and promoted to the rank of captain.

Captain Powers served his country, as he was trained to do, and he did it with honor, integrity, and bravery. Today, I have introduced legislation which will do the right and just thing and repair Capt. Francis Gray Powers' name and reputation forever by honoring both himself and his historic flight over the Soviet Union on a commemorative stamp. I ask that you join me in honoring Captain Powers by becoming a cosponsor of this important legislation.

H.R. 3490, COOPERATIVE AGRICULTURAL PROGRAMS EXTENDED RETIREMENT CREDIT ACT OF 1993

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. DE LA GARZA. Mr. Speaker, I want to bring to my colleagues' attention the bill H.R. 3490, the Cooperative Agricultural Programs Extended Retirement Credit Act of 1993 [CAPERCA], which I recently introduced.

This legislation has two objectives. First, it would facilitate the downsizing of the U.S. Department of Agriculture [USDA] by providing an added incentive for certain current USDA employees to take early retirement through the proposed buy-out option. The Clinton administration has proposed reducing the number of full-time equivalent employees at USDA by 7,500 people.

Second, the bill would provide civil service retirement credit for certain USDA employees and retirees who previously worked as State employees or as employees of private agencies designated to carry out certain Federal and Federally-funded programs. These USDA employees or retirees are currently not allowed to have those years in public service calculated toward their annuity benefits. The bill would allow these persons to receive credit toward retirement benefits for the years they performed a Federal function as a State or private agency employee.

Under CAPERCA, an individual would be eligible to receive credit toward retirement for service performed as a State employee for certain specified cooperative Federal-State programs if the individual subsequently became subject to the Civil Service Retirement System [CSRS]. In order to claim full benefits from the extended credit, an eligible individual would be required to pay into CSRS the amount—with accrued interest—that would have been deducted from his or her paycheck had the individual been covered under the system at the time service in the cooperative program was performed.

The cooperative Federal-State programs at USDA under which employment would be covered by H.R. 3490 are:

The cooperative Federal-State programs at USDA under which employment would be covered by H.R. 3490 are:

Agricultural research of State agricultural experiment stations;

Forestry research under section 2 of the McIntire-Stennis Act;

Agricultural research at the 1890 land grant colleges, including Tuskegee Institute;

Cooperative agricultural extension carried out under the Smith-Lever Act of 1914;

Vocational education training—including vocational agriculture and home economics;

Marketing service and research authorized by the Agricultural Marketing Act of 1946 and programs of inspection and weighing services authorized by the U.S. Grain Standards Act performed by delegated State agencies and designated private agencies;

Control of plant pests and animal diseases under various statutes;

Forest protection, management, and improvement performed under the authority of various statutes;

Emergency relief including State rural rehabilitation corporation programs, established for the purposes of the Federal Emergency Relief Act of 1933;

Veterans' educational programs, including part-time instruction in on-the-farm training program; and

Wildlife restoration and fish restoration and management authorized by various statutes.

For individuals who continued to carry out these programs after conversion to Federal employment status, service currently creditable towards Federal retirement began at the time of conversion. Consequently, some individuals have found that their prior service was either lost for retirement purposes because the service period did not satisfy the State's vesting requirement, or became insignificant in terms of the contribution towards any benefit for which the employee may have been eligible under a State's pension system.

Mr. Speaker, under Congressional Budget Act scoring, CAPERCA would result in pay-as-you-go costs and therefore requires offsetting savings. However, because the effect the bill will have on lowering current USDA employment at a time when vacancies are not being filled and full-time equivalent employees are expected to be reduced for the long-term, its enactment should result in overall taxpayer savings. Because the savings will be from discretionary accounts, they cannot be counted to offset the retirement annuity costs under current scorekeeping conventions. I am committed to working with my colleagues on the Committee on Post Office and Civil Service to find a way to claim these savings in spite of the procedural obstacles.

Mr. Speaker, the enactment of CAPERCA would provide Federal retirement benefits affecting more than 1,000 current Federal employees and retirees, and it would also contribute to the overall goal of reducing the Federal work force.

**NAFTA IS GOOD FOR AMERICA
AND OUR NEIGHBORS TO THE
SOUTH**

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. ROHRBACHER. Mr. Speaker, former U.S. Ambassador J. William Middendorf II our

Ambassador to the Organization of American States is by virtue of his experience one of the most qualified people to determine what is in the interests of both the United States and our southern neighbors.

I call to the attention of my colleagues, particularly my conservative friends, an excellent column from today's paper in support of the NAFTA trade agreement. All Members should read this article and then vote for NAFTA.

I insert the article in the RECORD at this point.

[From the Washington Times, Nov. 15, 1993]

**CONSERVATIVES' MISGUIDED CASE AGAINST
NAFTA**

(By J. William Middendorf II)

Conservatives certainly have plenty of areas in which they disagree strongly with Bill Clinton and his administration. There is one issue, however, on which conservatives should cheer the president—the North American Free Trade Agreement. In pressing for NAFTA, Mr. Clinton is standing up to his natural liberal-labor constituency in order to achieve a major breakthrough in U.S. relations with Latin America and bring dramatic benefits to U.S. business. These efforts deserve wholehearted conservative support.

Yet I'm repeatedly astounded by opposition from some conservative quarters to NAFTA, even though the agreement achieves some of our cherished goals: free markets and unfettered trade. I'm especially disturbed because the implementation of NAFTA is directly related to our larger goals of opening markets in Japan, the rest of Asia, Europe—and ultimately in all nations under the umbrella of the General Agreement on Tariffs and Trade (GATT).

We conservatives must judge NAFTA on a number of key points:

U.S. sovereignty. Lately, I've heard my fellow conservatives bemoan NAFTA's 1,200 pages and its alleged creation of 50 new bureaucracies that will, to quote some, "rule our lives." This is simply not the case. The NAFTA text explicitly details the terms by which the three countries will eliminate trade barriers. Most of its 1,200 pages are transition rules, including detailed schedules for phasing out import duties. By the end of the transition period, these provisions will be inoperative and the agreement will be much simpler. The other major portion of the agreement deals with origin rules. These are designed to prevent non-NAFTA countries, principally in the Far East, from establishing export platforms and otherwise "freeloading" on benefits reserved for North Americans.

Nothing in NAFTA or its side agreements requires any country to observe anything other than its own laws. As economist Edward Hudgins writes in an analysis for House Republicans: "American citizens in U.S. territory are subject only to American-made laws. No local mayor will answer to an international body. No CEO of an American firm operating in the U.S. will be subject to laws or regulations that have not been approved and passed by the American people through their representatives." As a recent report by the Cato Institute concludes, "Charges that NAFTA poses an unprecedented threat to American sovereignty are specious and unsupported by the facts."

Codification of free-market principles. Mexico's courageous President Carlos Salinas de Gortari has taken important steps toward creating a free-market economy over the past five years, including a significant reduction in tariffs. The United States has bene-

fited from this in the form of skyrocketing exports and the creation of hundreds of thousands of new U.S. jobs. It should be the goal of every conservative to make certain these free-market principles, which have been so advantageous to the United States, are codified so future Mexican governments cannot reverse them.

There has been much talk that a NAFTA defeat could lead to the return of the Smoot-Hawley protectionist policies that deepened the Great Depression in the United States. However, there has been little consideration of the possibility this same phenomenon could also operate in Mexico, closing that market to U.S. goods. One could well imagine that Mexican frustration with the United States in the wake of a NAFTA defeat, combined with Mexican desire to strike compensating deals with Japan and Europe, could lead to selective duty increases on major U.S. exports and ultimately complete closure of the Mexican market. Retaliation by the United States would be inevitable, just as the Europeans retaliated in the early 1930s to the Smoot-Hawley tariffs.

My experience as ambassador to the Organization of American States also convinces me NAFTA can be a valuable "economic wedge," bringing free-market principles to the rest of the hemisphere. Since 1955, I have personally seen at least three cycles toward—and away from—free markets in Latin America. Import substitution and high tariff barriers where the failed economic model for Latin America in the post-war period. NAFTA will stop this ebb and flow in favor of free markets once and for all.

Competition from Europe and Japan. A failure to ratify NAFTA will surely encourage our Asian and European competitors to usurp the trade advantage we now have, not only with Mexico, but in the entire Latin market. Mexico, needing capital and technology will have no choice but to encourage this development.

No NAFTA, no opening of Japanese markets, no GATT. The day after the House is scheduled to vote, President Clinton will go to Seattle for trade talks with Asian leaders, some of our toughest competitors. Indeed, some of these countries, and not Mexico, are the real cause of U.S. trade deficits that have cost U.S. jobs. This fact has been lost in the NAFTA debate. A NAFTA defeat would run counter to our goal of maintaining American strength in trade negotiations and would render the president toothless in the face of the Asian Tigers just when he needs to be strongest to pry open their markets.

Furthermore, although the GATT negotiations have been largely completed, the hardest work is on the 15 percent that remains to be done. Final negotiations scheduled before Dec. 15 could complete seven years of complex bargaining and unleash a worldwide trading system that would boost the global economy by a staggering \$270 billion. My dealings with the Europeans convince me that if U.S. Trade Representative Mickey Kantor arrives at these final talks following a NAFTA defeat, his ability to negotiate a good deal for the United States on the remaining items will be dead on arrival. In fact, if the final deal turns sour for us, there goes GATT, there goes \$270 billion in new world trade.

Wouldn't it be ironic if some conservatives, through a serious misreading of NAFTA, were to set off a chain of events that led to our losing these historic opportunities for increased trade?

JUDGE WILLIAM J. BAUER;
PILLAR OF THE LAW

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. HYDE. Mr. Speaker, all of us from Du Page County take pride in the success and recognition of that success of a native son—in this case that of Chief Judge William J. Bauer of the 7th Circuit U.S. Court of Appeals.

Steve Neal, the widely read political columnist of the Chicago Sun-Times had some appropriate commendatory remarks concerning Judge Bauer in the November 12 issue and I thought my colleagues would appreciate reading them:

[From the Chicago Sun-Times, Nov. 12, 1993]

JUDGE WILLIAM J. BAUER: PILLAR OF THE LAW

William J. Bauer has come a long way from Brookdale. Bauer, who was born on the South Side, grew up in Brookdale, which is between Woodlawn and South Shore. When he was 15, the Bauers moved to Elmhurst in Du Page County, where he graduated from Immaculate Conception High School.

An Army veteran of World War II, Bauer served in the Pacific, then attended Elmhurst College on the GI Bill. He also played on the college football team and graduated with honors. He studied law at DePaul and was admitted to the Illinois bar in 1951.

Bauer is being honored next Thursday, along with other former U.S. attorneys for the Northern District, by the Constitutional Rights Foundation. Bauer will accept the Bill of Rights in Action Award from former U.S. Attorney General Edward Levi in Preston Bradley Hall of the Chicago Cultural Center.

His achievements are considerable. In the last 41 years, he has served as an assistant state's attorney, first assistant state's attorney, Du Page County state's attorney, Circuit Court judge, U.S. attorney for the Northern District of Illinois, U.S. district judge and chief judge of the 7th U.S. Circuit Court of Appeals. Bauer, a judge with a keen sense of history, is a pillar of the law.

"I don't single out one area of the law as more important to enforce than any other. They are all important and will be equally enforced by my office," Bauer said when he took office in 1970 as U.S. attorney.

Setting a new standard for the U.S. attorney's office, Bauer took on organized crime, corporate polluters, corrupt public officials and suburban real-estate developers who were discriminating against blacks. He was the mentor for a new generation of prosecutors, including James R. Thompson, Sam Skinner, Anton Valukas, Dan K. Webb and Tyrone C. Fahner. Bauer set a standard for excellence.

As a judge, Bauer has a reputation for fairness, civility, and a concern for human rights and for moving carefully on constitutional issues. "The man who tinkers with the Constitution for his own philosophical reasons does the liberal cause no good," Bauer once said. "The Bill of Rights was designed to protect human rights. So a conservative interpretation results in a liberal stance. A conservative interpreter becomes a civil libertarian."

When the National Right to Work Committee sought to limit the political role of organized labor by promoting a lawsuit against the United Auto Workers, Judge Bauer dis-

missed the lawsuit as no business of the court. Bauer held that the unions have a right to spend funds for political and social purposes.

Earlier this week, Bauer and Chief Judge Richard Posner voted to dissolve district Judge Charles Kocoras' waiver of the state law forbidding the Chicago public schools to operate without a balanced budget. Bauer doesn't believe in using the court as a replacement for the Legislature.

"The dispute between the School Board and the finance authority is entirely a matter of state and local law and politics," the opinion stated. "There is no federal issue."

Bauer is a straight shooter and a jurist of principle. He has spent a lifetime seeking to foster justice and protect our country's freedoms.

(Steve Neal is the Chicago Sun-Times political columnist.)

A TRIBUTE TO DR. ROBERT PERCY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. LEWIS of California. Mr. Speaker, it is with a great deal of pride and no small amount of emotion that I bring to your attention the fine work and outstanding public service of my best friend, Dr. Robert W. Percy. Dr. Bob is retiring from a successful 31-year dental practice. It is my privilege to join his family and many friends to honor him on this occasion.

Robert Wayne Percy was born on August 31, 1933, in San Bernardino, CA. He and I have often shared the thought that if it were not for great parents and the grace of God, we might have gone down a different pathway in life. Bob graduated from Colton Union High School and then served a stint in the Army Medical Corps. Following San Bernardino Valley College, he spent a brief but glorious year at UCLA. The University of Southern California rose to almost unimaginable heights when it attracted this talented young man where he received his doctor of dental surgery degree in 1961.

Bob has always had it in the hands as it were. This was first demonstrated when he became the sensational drummer of the Howard Roberts band and again on the football field for Colton High. If but for a knee injury, his beloved Trojans might have never lost a game—even to the mighty Bruins.

When I first met Bob, he was demonstrating dexterity one more time with a paint brush in hand helping decorate his first dental office on D Street in San Bernardino. We went to lunch to talk a little life insurance and the world has never been the same since.

Dr. Bob Percy has always advocated the highest possible quality dental care and has expected the highest standards of himself and his colleagues. As a pioneer in his profession, he established one of the first group dental practices in 1966. As the leader of the Wildwood Dental Group, Bob oversaw the fantastic growth of that practice while designing and developing a teaching plan for dental practices in a group setting. His expertise in this field led to teaching postgraduate courses on the conception, birthing, and nurturing of a dental group practice.

Over the years, Bob has been actively involved in a number of civic and community based organizations including the Uptown Kiwanis, board of directors of the Junior Chamber of Commerce, and drives for the YMCA, Visiting Nurses Association, and Goodwill Industries. Bob Percy has served on the San Bernardino School Board, the California State Board of Public Health, the California State Health Advisory Council and serves on the California State University at San Bernardino President's Advisory Board.

To say the least, Bob has also been involved in numerous professional groups including the American Academy of Group Practices, the American Academy of General Dentistry, the Western Academy of Dental Group Practice, and the American Society for Preventive Dentistry. He has also served as a member of the American Dental Association, the California Dental Association, and the Dental Advisory Board for Blue Cross of California.

A moment we will always remember—November 22, 1963—with tears running down our cheeks, we sat in the D Street office sharing the shock and tragedy of the assassination of President John Kennedy. It was then that Bob and I made a commitment to public service that in many ways has changed our lives. During endless sessions over hamburgers and hops at the Curve Inn or the Clover Club, Bob has been a most trusted adviser. Committed to public affairs that help people, his voice has always been heard on behalf of those we have the privilege to serve.

Mr. Speaker, I ask that you and my colleagues join me along with Bob's parents, Charlie "Red" and Alma Percy, his wife—the ever-wonderful Jan, along with their children Keith "Jerry," Ken, Cathie, and Chuck and their three grandchildren in recognizing the vast and diverse contributions of this wonderful guy. As a personal friend, there is no equal. Bob's professionalism and dedication to our community is admired and appreciated by people throughout California. It is indeed fitting that the House pay tribute to Dr. Robert W. Percy on this great day.

TIME FOR A THOROUGH
INVESTIGATION OF IRAQGATE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. NADLER. Mr. Speaker, I rise today to bring to my colleagues' attention recent revelations in a series of scandals known generally as Iraqgate. In the last week, in testimony before the House Banking and Urban Affairs Committee, in the pages of the New York Times and in a recently published book, "The Secret History of How the White House Illegally Armed Iraq," by Alan Friedman, a series of disturbing revelations have pointed to involvement by officials at the highest levels of the Reagan and Bush administrations in Iraqgate.

In particular, Mr. Friedman, who has reported on these events in the London Financial Times since 1989, provides details and

documents which appear to support his account of misrepresentations by top officials of the Reagan administration to Congress concerning the transfer of arms, militarily useful equipment and by the Bush administration concerning the transfer of high technology, as well as materials helpful in the Iraqi nuclear weapons program. There is also evidence which appears to support the allegation that the Central Intelligence Agency misled Congress about the extent of its knowledge of secret loans from the Atlanta branch of Banca Nazionale del Lavoro (BNL) to Baghdad that helped to finance Saddam Hussein's Scud missile, nuclear and chemical weapons programs.

Finally, Mr. Friedman's book reports and documents the alleged personal involvement of former President George Bush and former National Security Advisor Brent Scowcroft in White House attempts to launch a coordinated effort to withhold from Congress documents relating to the Bush administration's relations with Iraq before Operation Desert Storm.

I believe that the following article by Mr. Friedman, which appeared in the New York Times on November 7, provides details which are both startling and which make a strong case for a stepped up effort by the Justice Department to get to the bottom of Iraqgate.

[From the New York Times, Nov. 7, 1993]

THE PRESIDENT WAS VERY, VERY MAD
(By Alan Friedman)

The full truth has not yet been told about how the White House illegally armed Iraq during the Reagan Administration and then engaged in a wide-ranging cover-up that personally involved President George Bush and his national security adviser, Brent Scowcroft.

Getting that truth out may seem politically awkward for the Clinton Administration at a time when it needs to work with Republicans on issues like health care reform and free trade. But information about to be made public should prove that a serious investigation—by the Justice Department or, preferably, a special prosecutor—is urgently needed.

Until now the scandal known as Iraqgate has revolved mainly around the court case of a lowly bank manager in Atlanta who provided \$5 billion in loans to Iraq that fueled Saddam Hussein's nuclear and chemical weapons projects. That manager, Christopher Drogoul of the Atlanta branch of the Banco Nazionale del Lavoro of Italy, has spent the last year and a half without bail in a Federal penitentiary in Atlanta; he is scheduled to appear for the first time on Tuesday before the House Banking Committee, where he is likely to testify that his superiors in Rome and U.S. officials knew what he was doing. Yet there was far more to America's dangerous embrace of Mr. Hussein than the Lavoro loans.

I have been investigating the flow of arms to Iraq since 1989, when I was first told of C.I.A. involvement in the Lavoro money machine by a senior executive at the bank's Rome headquarters. Now, after four years of investigation, hundreds of interviews and the accumulation of thousands of pages of Government and banking documents from the U.S., Italy and Britain, it is clear that a far more serious abuse of power, including violations of law, occurred at the White House. Here are some of my findings:

Off-the-books arms transfers to Iraq were kept from Congress from 1982 to 1987, in violation of the law.

President Ronald Reagan personally asked the Italian Prime Minister in 1985 to help arm Iraq.

The C.I.A. knew of and was involved in the flow of money through the Lavoro bank to Iraqi arms procurers, despite its statutory obligation to notify U.S. law-enforcement agencies of such activities.

Despite the Bush Administration's flat denials, James Baker's State Department approved of U.S. exports that helped Iraqi efforts to develop nuclear weapons.

Former White House officials say, and notes of their meetings confirm, that in 1991 Mr. Bush and Mr. Scowcroft joined in a prolonged and unusually aggressive effort to withhold documents from Congress.

It is already known that during the long war between Iran and Iraq in the 1980's Washington tilted toward Mr. Hussein to staunch Iran's Islamic fundamentalism. But the American people, while suspecting that "we armed Iraq," have never known the breadth and depth of the illicit manner in which the Reagan and Bush Administrations helped create Saddam Hussein's war machine and bring on the trauma of the 1991 Persian Gulf war.

What has never been made public is that officials at the Reagan White House, working with the C.I.A. Director, William Casey, broke the law requiring that Congressional intelligence committees be notified of clandestine operations. They did this by directing the transfer of U.S. arms to Iraq in operations that were carried out by covert agents outside the Government, thus also evading arms-export control legislation.

Howard Teicher, a former member of the National Security Council staff, told me he learned of this "dirty policy" while serving at the Reagan White House. He recalled that officials would pick up the phone and "clear" the deployment of plane loads of ammunition, spare parts, electronics and computers to Iraq.

Although the law required not only the notification of Congress but also an explicit Presidential finding that such a covert operation was in the interest of national security, Mr. Teicher said it was all done "off the books"—and with great regularity. "Yes, they were illegal," he said of the transfers. The public may have thought that the Iran-contra affair was something unique, he went on, but "it wasn't; it was just the one that went public."

Among those who knew about the operations, Mr. Teicher said, were William Clark, Mr. Reagan's second national security adviser, and Mr. Bush, then Vice President. Mr. Clark told me he had "no recollection" of any involvement; Mr. Bush declined to speak with me for the book.

So convinced were White House officials that they knew what was best, regardless of the law, that some clandestine shipments were even sent to Iraq straight from NATO weapons stockpiles, including the U.S. base at the Rhein-Main airport in Frankfurt.

The Reagan and Bush Administrations did not work alone as they sought to build up Iraq's military in the 1980's. The British played their part, with the knowledge of 10 Downing Street. So did the Italians. Last spring I spoke with Giulio Andreotti, the former Italian Prime Minister. He confirmed in a taped interview what two other eye-witness participants had told me about a March 1985 Oval Office meeting between Mr. Andreotti (then Foreign Minister), Bettino Craxi (then Prime Minister) and Mr. Reagan. I asked Mr. Andreotti if Mr. Reagan had sought help from Rome in arming Iraq. "Yes," he replied, "that is true."

The Italian Government then approved the sale of land mines that went by a circuitous route to Iraq, with help from the Lavoro bank's Singapore branch. But it was the Atlanta branch that really opened the financial floodgates after 1985. The supposedly secret Atlanta loans, which the Bush Administration claimed were masterminded by the branch manager, Mr. Drogoul, not only helped Iraq in its efforts to make missiles that could carry nuclear weapons; it even helped enhance Scud missiles.

A U.S. intelligence officer involved in monitoring the arms trade told me: "B.N.L.'s work with the Iraqis was known about for a long time. The C.I.A. knew about it, and so did the Defense Intelligence Agency."

Then there is the Jordanian connection. King Hussein, I learned through interviews with U.S. intelligence officers and former diplomats, served as a channel for covert U.S. arms transfers to Iraq. And his friend Wafai Dajani was a key Jordanian middleman among Baghdad, the Lavoro bank in Atlanta and the U.S. Government. Mr. Dajani denies having worked for the C.I.A., but Mr. Teicher said Mr. Dajani performed services for the C.I.A. He ended up as an unindicted co-conspirator in the Lavoro case after aides to Mr. Baker told the Justice Department in February 1991 that indicting him could damage U.S. relations with Jordan.

As for Mr. Drogoul, who recently agreed to a plea bargain in the Lavoro case, he should be asked in Congress about a dinner with U.S. and Iraqi officials at a restaurant in Washington just before the 1988 Presidential election. There, he told me in a prison interview, he heard U.S. officials urge the Iraqis to sign up for more U.S.-backed loans because if Michael Dukakis were to defeat George Bush, "the Democrats will cut you off."

After Mr. Bush took office, he turned the previous tilt to Baghdad into a bear hug, approving a secret National Security Directive (N.S.D. 26) in October 1989 that stepped up military and financial aid to Saddam Hussein even though the Iran-Iraq war had ended more than a year before. Mr. Baker nonetheless rushed to implement the secret policy by brushing aside repeated warnings that Mr. Hussein was using U.S. loan guarantees in violation of the law.

Documents show that the Secretary of State not only pushed through a further \$1 billion in credits and kowtowed to Mr. Hussein in the process; his State Department also approved exporting U.S. equipment and technology to Iraq even though it was clearly suggested in a November 1989 memo that the goods were likely to go into Mr. Hussein's nuclear weapons project. (The State Department wished away this obvious danger by recommending that each export license carry the words "no nuclear use"—as if the U.S. could control what was done with the equipment.)

In early 1990—just 11 months before the United States went to war with Iraq, partly for the stated purpose of stopping Saddam Hussein from building atom bombs—a Baker aide drafted a letter to the Commerce Department to suggest that such concerns were not all that serious. The letter, prepared for Under Secretary Robert Kimmitt, cited "explicit Presidential authority" to improve trade with Iraq. And it said the Government's scrutiny of exports that could bolster Baghdad's nuclear ambitions "needs to be balanced by other considerations, including our duty to support U.S. exporters who can right our trade imbalance with Iraq and the broader needs of the overall relationship."

One wonders how the American people would have felt during Operation Desert Storm if they had known about that attitude then.

After the war, Congressional investigators started looking into allegations of improprieties in pre-war dealings with Baghdad. The Bush Administration first tried to hang it all on Mr. Drogoul in Atlanta, and then aides to the President tried to thwart Congress. Starting on April 8, 1991, Mr. Scowcroft's legal adviser, Nicholas Rostow, joined the White House counsel, Boyden Gray, and lawyers from the C.I.A., the State and Commerce Departments and other agencies in a series of meetings that devised ways to withhold Iraq-related documents from Congress for many months.

The mechanisms they decided upon marked one of the most robust assertions of White House prerogatives since the days of Richard Nixon. Even the language used by participants was reminiscent: a State Department official who attended the sessions recalled a "bunker mentality." A White House aide who took part in the meetings said there was a high level of discomfort about the process. "People already suggesting a cover-up," he said. "Everybody was nervous."

Mr. Gray suggested bringing in Cabinet officials "to see the President" to discuss specific requests for documents from Congress. He told me that he didn't consider the process a cover-up and that he could remember Mr. Bush's becoming "involved personally" in only one decision. But three other participants at the spring 1991 meetings said the President and Mr. Scowcroft had been the driving forces behind the efforts to stop Congress from getting the documents. Handwritten notes from the meetings bear this out. "Protect," read one of the minutes. "Pres has decided to." Those lines were then crossed out and replaced with the notation "B.S. has decided to review EP"; Brent Scowcroft has decided to review executive privilege. Other notes describe conversations between Mr. Scowcroft and Mr. Bush about specific documents that were being withheld. They report that the President was "very, very mad."

Last year, when a Federal judge in Atlanta and the House Judiciary Committee demanded an investigation of the suspected abuse of tax-financed programs and U.S. export laws, and of attempts by the Bush administration to obstruct justice and Congress, they were given the cold shoulder. As candidates, Bill Clinton pledged to get to the bottom of Iraqgate and Al Gore termed the whole business "worse than Watergate." This year Attorney General Janet Reno promised to look beyond the Lavoro case to determine if other wrongdoing occurred. Indeed, the first indictments of U.S. companies that helped to arm Iraq are said to be in the pipeline already.

There is a tendency to shrug off Government malfeasance on the ground that we are so inured to such behavior that it almost doesn't matter. Yet the story of Iraqgate goes well beyond policy blunders; it is a story of flagrant disregard for the law at the highest levels of Government. No matter how awkward it may be, the Clinton administration needs to live up to its promises and broaden its investigation. The rule of law is not an expendable principle.

Clearly, any one of these allegations would be cause enough for the Justice Department to step up its investigation of these matters. The breadth and seriousness of these recent revelations, and the apparent extent to which they have been documented, make it impera-

tive that a complete and thorough investigation be conducted, and that appropriate actions be taken by the Department based on its investigation consistent with applicable laws and procedures.

I would also point out that we have lately been hearing a great deal of overheated rhetoric from the other side of the aisle about the need for full disclosure and aggressive independent investigations whenever even a suggestion of wrongdoing is raised about a Member of the House. I hope that now those same colleagues will recognize that the need for independent investigation and openness in government must apply to the executive branch too. I urge my colleagues to join me in working for a swift reauthorization of the independent counsel law early in the next session.

Mr. Speaker, the American people have a right to expect their government to be open and honest. Last year they demanded change: An end to the lies, the secret arms deals, the obstructed investigations, the secret foreign policies. The time has come to air the facts, to let in the light and to let the chips fall where they may, regardless of who might be implicated. That is why I have urged Attorney General Reno to step up her investigation into Iraqgate and why I believe we must reauthorize the independent counsel law.

HONORING THE YONKERS CHAMBER OF COMMERCE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. ENGEL. Mr. Speaker, I rise today to acknowledge the 100th anniversary of the Yonkers Chamber of Commerce.

As the fourth largest city in New York State, Yonkers is the home of several important companies, as well as many equally vital small businesses. The Yonkers Chamber of Commerce serves as a focal point where all the business interests of Yonkers meet. Members share information on emerging trends and pool their resources to address the concerns of the community.

As our local and national economies continue to grapple with a changing world, the role played by our Chamber of Commerce organizations continues to be important. Anytime business leaders and community interests come together, the resulting action is bound to reflect the true needs of the people.

In Yonkers, the Chamber of Commerce has been an active part of the community for a century and, I am sure, it will continue to work for the best interests of the city for many years to come. On behalf of my constituents, I congratulate the current president, Robert Galterio, and all the Yonkers Chamber of Commerce leaders and member businesses who have contributed to the success of the organization over the past 100 years.

THE TRIBAL SELF-GOVERNANCE ACT OF 1993

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing the Tribal Self-Governance Act of 1993.

In 1988, the Congress considered, as part of the amendments to Public Law 93-638, the Indian Self-Determination Act, the self-governance demonstration project. The tribal self-governance project was authorized by the Congress under title III of Public Law 100-472. The self-governance project allows participating Indian tribes to enter into an annual funding agreement with the Secretary of the Interior. These agreements allow the Indian tribes to plan, consolidate, and administer programs, services, and functions currently administered by the Bureau of Indian Affairs. It also allows tribes to redesign programs, functions, and services. The self-governance project provides Indian tribes with the flexibility to develop programs and establish funding priorities to meet their specific needs.

Indian tribes in the self-governance project are allocated funds pursuant to the annual agreements on the basis of what the Indian tribes would have received from the Bureau of Indian Affairs in funds and services. These funds are allocated out of agency area, and central office accounts of the Bureau of Indian Affairs. In negotiating self-governance compacts, Indian tribes are eligible to receive funds for programs, services, functions, and other activities as well as any direct program costs or indirect program costs incurred by the Secretary in delivering services to the tribe and its members. Specifically, exempted from the self-governance project are funds from the Tribally Controlled Community College Assistance Act, the Indian School Equalization formula and the Flathead Irrigation Project.

In 1991, the Congress amended the demonstration project so that 10 additional Indian tribes could participate and the project was expanded to include the programs of the Indian Health Service.

The legislation I am introducing today makes the self-governance project a permanent part of Federal Indian policy. Our Subcommittee has heard from Indian tribes across the country that the self-governance projection in the Department of the Interior is a tremendous success. We should now take the model at Interior and make it permanent. In future years, we will expand self-governance to other departments of the Federal Government.

The participating tribes have told our Committee that the self-governance compacts provide true self-determination and allows the tribes to prioritize spending as they see fit. Indian tribes, not the BIA, are the best equipped to determine the spending priorities and the needs of the tribes. Under the self-governance concept, the BIA maintains its trust responsibility to tribes, but the tribes carry out BIA responsibilities. Of course, the Department of the Interior must continue to monitor these projects carefully. However, the Demonstration Project has shown the great capacity participating tribes have for self-governance and

they have acted responsibly in prioritizing their own spending.

This bill is the product of 200 years of failed Federal Indian policies, 18 years of capacity building under the Indian Self-Determination Act and 5 years of experimental under the self-governance demonstration project.

The Self-Governance Act was a proposal developed in Indian country by Indian tribes themselves. It is the right direction at the right time. This bill is nothing less than the future of Indian affairs.

I urge my colleagues to support it.

**ANNOUNCING HIS SUPPORT OF
LEGISLATION TO IMPLEMENT
THE NORTH AMERICAN FREE-
TRADE AGREEMENT**

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. BATEMAN. Mr. Speaker, on Wednesday, the House is scheduled to debate and vote on legislation to implement the North American Free-Trade Agreement [NAFTA]. I understand the importance of good information and thoughtful analysis as the basis for responsible decisionmaking and sound public policy. Accordingly, I have spent countless hours over the past several months trying to carefully and intelligently consider the facts and arguments in this extremely important and emotional debate over NAFTA.

During my efforts to learn more about this complex trade agreement, I have talked with a number of my constituents to hear their opinions and thoughts on NAFTA. I have reviewed the hundreds of letters, telephone messages, and materials sent to my offices by constituents and others explaining why they either support or oppose NAFTA. I have attended administration briefings and congressional hearings to garner more knowledge about the accord. I have traveled to Mexico City and the United States-Mexico border region to see for myself the likely economic, political, social, and environmental impacts of this agreement. And I have met personally with Ross Perot in my Washington office and his supporters in the First District to listen to their concerns about the trade pact.

Needless to say, this effort has been time consuming. But it has been time well spent, for I felt it was important to take advantage of as many opportunities as possible to discuss this matter fully. In making my decision, I have taken into account the consequences of not agreeing to NAFTA. I believe they are significant and adverse. I also have put what I believe is best for the United States and my district ahead of any special interests or partisan advantage.

Based upon what I perceive as the bill's merits, I have concluded that NAFTA will serve our Nation's and the First District's best interests by reducing barriers to trade, opening growing markets to U.S. exports, creating new jobs for American workers, fostering an environment conducive to sustainable economic growth and development, and enhancing our Nation's ability to compete in the global econ-

omy. For these reasons, I will vote for the legislation necessary to implement NAFTA.

WHAT IS NAFTA?

From the perspective of the United States, NAFTA is at bottom, as its name suggests, an agreement that primarily reduces tariffs and opens Mexican and Canadian markets to American exports. The reason that Mexico has received so much attention and scrutiny in this debate is because the United States and Canada already entered into a free-trade agreement in 1989 to reduce existing tariffs.

A tariff is a tax on U.S. goods—a tax collected by foreign governments at their borders, artificially raising the price of U.S. exports. Reducing these tariffs and other barriers to trade is a significant benefit for the United States because Mexico's taxes on American goods average 10 percent, or about 2½ times as high on average as those imposed by the United States on Mexican products.

Economic growth in the United States is increasingly driven by exports, accounting for approximately 70 percent of the growth in our Nation's economy since 1989. By leveling the playing field between two of the United States' most important trading partners, NAFTA will turn the \$6.5 trillion North American economy into the world's largest trading block with nearly 360 million consumers. Under the terms of the agreement, scheduled to begin on January 1, 1994, half of all United States goods sent to Mexico will be immediately eligible for export without Mexican tariffs. Within the first 5 years of NAFTA, two-thirds of United States industrial exports will enter Mexico duty free. When NAFTA is fully implemented in 15 years, no United States exports will be competitively disadvantaged by Mexican border taxes.

BENEFITS FOR VIRGINIA

Canada and Mexico are important export markets for Virginia. Canada is Virginia's largest export market. Virginia's exports to Canada and Mexico were worth \$1.1 billion in 1992, 76 percent greater than the 1987 level of \$623 million. These exports of manufactured goods to Canada and Mexico support an estimated 21,185 jobs in Virginia, according to the United States Department of Commerce. Approximately 8,680 of these have been created since 1987 by growth in Virginia's manufactured exports to Canada and Mexico.

Virginia's exports to Mexico are growing rapidly. Between 1987 and 1992, Virginia's exports to Mexico grew 286 percent, 226 percent faster than export growth to the rest of the world. Moreover, in 1992 Mexico ranked 18th among Virginia's 199 export markets, up from 27th place in 1987. This increase in trade with Mexico has been diverse and has strongly benefited important Virginia industries. In fact, most sectors have seen dramatic increases in exports to Mexico, and 19 sectors have seen their exports to Mexico more than double since 1987. For example: paper products up nearly 5,300 percent to \$6.1 million; transportation equipment up almost 2,500 percent to \$41.7 million; food products up over 1,110 percent to \$13.9 million; textiles up over 770 percent to \$2.8 million; and industrial machinery and computers, up nearly 350 percent to \$28.7 million. Further reductions in Mexican trade barriers under NAFTA will benefit Virginia's businesses, workers, and economy.

International trade through U.S. ports creates a tremendous positive economic impact at the local, regional, and national levels. According to recent figures from the U.S. Department of Transportation, in 1991 commercial port activities resulting from cargo operations created 1.5 million jobs, contributed \$70 billion to the gross national product, provided personal income of \$52 billion and generated Federal revenues of \$14 billion and \$5.3 billion in State and local taxes. This is why the American Association of Port Authorities strongly supports NAFTA.

Of particular importance to those in the Hampton Roads area, NAFTA immediately eliminates the 10 percent tariff on United States coal that is sold to Mexico. This tariff removal, coupled with the plans of the state-owned electric utility to increase its capacity, means a potential market of 21 million metric tons of steam coal. Removing this trade barrier will also help Virginia's metallurgical coal become more competitive. Last year, 53 million tons of coal were exported from Hampton Roads, with 60 percent of that being metallurgical. This is good news for the workers at the Port of Hampton Roads, as it is the largest coal-shipping port in the United States.

Throughout Virginia's first district, businesses and their workers will benefit from the immediate elimination or phase-out of Mexican trade barriers. With NAFTA, for example:

Discriminatory tariffs against fish oil will be eliminated. This will be good news for a fish processing plant and its workers on the Northern Neck;

Licensing restrictions will be phased-out over 10 years, enabling 95,000 tons of poultry to enter Mexico duty free. This will be good news for the poultry industry and its workers on the Eastern Shore;

Restrictive automotive regulations, including Mexican content requirements, export requirements and high tariffs will be steadily eliminated. This will be good news for the U.S. automobile industry and its workers at the General Motors parts plant in Spotsylvania County; and

Intellectual property rights for protecting U.S. copyrights, patents and other inventions will be strengthened. This will be good news for an automated manufacturing technology company in Newport News.

The defeat of NAFTA would seriously jeopardize all that Virginia and its workers stand to gain from the removal of Mexico's high tariffs and other barriers to trade.

JOBS

I understand that many of my constituents—and workers across America—are anxious and unsure about their jobs and their families' economic future. In the context of dramatic changes and general economic uncertainty prevalent today, fears about losing jobs are understandable. However, the United States did not become the world's wealthiest and most prosperous nation by closing itself off from the world; it did so by opening its markets to goods and products from abroad while persuading others to follow. The result was the certain on jobs and the boosting of the standard of living for the American people as well as for those around the world.

Opponents of NAFTA have centered their arguments on the assertion that, with NAFTA,

United States jobs will be lost because American companies will have a greater incentive to move their manufacturing plants to Mexico to take advantage of lower wages. If I thought this would be the most likely outcome, I would not, indeed could not, support NAFTA. But I am not convinced that NAFTA will result in the loss of more jobs than will be created. I think the reverse is more likely.

Any United States company that believes it will benefit by hiring cheaper labor in Mexico can go there now; nothing is stopping them. In fact, because of Mexico's high tariffs, the status quo actually encourages United States companies to locate in Mexico if they want to avoid the 10 percent border tax and boost their ability to sell in the Mexican market. If NAFTA is defeated, the status quo will continue. Mexico's current domestic content requirements would remain in effect—and perhaps increase—forcing United States businesses to increase their activities in Mexico if they wish to remain competitive in that market.

If NAFTA is approved, however, it will create a level playing field by uniformly phasing out barriers to free and fair trade that Mexico now imposes on United States goods. There will be less—not more—of an incentive for American businesses to move their plants and jobs to Mexico. With NAFTA, United States companies will be able to stay in the United States while enjoying unfettered access to 88 million consumers in Mexico who already spend more per capita on American goods than do Europeans. This in spite of the existing 10 percent Mexican tax on our goods and products.

While I have listened carefully to the arguments about the specter of cheap Mexican labor taking jobs away from decent, hard-working Americans, it is important to remember that the cost of labor—or wages—are not the only thing that determines where a business chooses to locate a plant. Low wage rates do not automatically equate with increased productivity, job skills, quality, or innovative talent. Nor can it compensate for lack of infrastructure or access to raw materials. If wages were the only factor of paramount concern to businesses in siting a manufacturing plant, impoverished nations like Bangladesh and Haiti would be magnets drawing away United States jobs.

It is true that the average Mexican worker is paid about eight times less than his American counterpart. It is a legitimate question to ask how America can expect its jobs to survive. I believe the answer lies in the reason for their survival thus far: American workers are more than eight times as productive. U.S. workers remain the most productive in the world because they're smart, they're imbued with a strong work ethic, and they've got superior technology with which to work. They are worth the higher wages because they can do the same job more quickly and make better quality products than other workers.

Besides considering wage rates and worker productivity, businesses also take into consideration other factors in deciding whether or not to relocate to Mexico. For example, the cost of shutting down a plant, idling equipment, and laying off workers is enormous. It is increased further by the expense of locating a site in Mexico, building new facilities, setting up

equipment and training a new work force. It would take years for other workers to become as productive as U.S. workers. Relocating to Mexico just doesn't make sense for most manufacturers. NAFTA even offers an incentive for some United States plants in Mexico to close and manufacture their products here in the United States.

Virtually every credible economic study shows that NAFTA will be a net creator of U.S. jobs. The administration and others project that NAFTA will create as many as 200,000 export-related jobs by 1995. They will be the sort of high-wage, high-skill jobs this country needs to create and maintain. The beneficiaries of NAFTA will not just be huge corporations as some have argued. As I have said earlier, they do not need NAFTA to close up shop here and move jobs south to Mexico or other low wage countries.

The true beneficiaries under NAFTA will be the thousands of small companies and entrepreneurs who could not previously afford to sell their products in Mexico because they did not have unfettered access to that growing market. These small businesses, which fire our Nation's economic engines and have created most of the increases in the U.S. jobs since the early 1980's, will be better situated with NAFTA to focus their entrepreneurial talents on expanding their businesses and creating even more jobs for Americans.

Those who oppose NAFTA may well ask: suppose you are wrong? To them I would point out that if the United States does not like the results, we can get out of NAFTA by just giving 6 months written notice to Mexico or Canada. But if we reject NAFTA and are wrong in doing so, the damage would be done and the harm could not be remedied for many years.

U.S. SOVEREIGNTY

Like all significant trade agreements, NAFTA includes a dispute resolution mechanism to determine if a member government has violated the agreement. Some NAFTA opponents have ignored the facts regarding NAFTA's dispute resolution process and regularly claim that NAFTA involves an unprecedented surrender of U.S. national sovereignty. Such charges are without foundation.

Under NAFTA and the supplemental agreements, the United States retains all sovereign rights to take actions it considers necessary and appropriate to protect the health and welfare of its citizens. Federal, State and local authorities in the United States will maintain sole responsibility for the enforcement of U.S. environmental and labor laws. The Federal Government and the States will maintain the right to establish their own environmental and labor policies and priorities and, as deemed appropriate by each, to adopt or modify laws and regulations in these areas. Article 904, paragraphs 2 of NAFTA expressly states:

Notwithstanding any other provision of this Chapter [9], each Party may, in pursuing its legitimate objectives of safety, of the protection of human, animal or plant life or health, the environment or consumers, establish the levels of protection that it considers appropriate.

Under NAFTA, Mexico and Canada will not be able to reduce the authority of Americans over their own affairs. I agree with the analysis

of former appellate court justice and constitutional scholar Judge Robert Bork, who concluded that the United States does not give up its sovereignty under NAFTA.

ILLEGAL IMMIGRATION

One of the most troubling issues in our relations with Mexico is the tide of illegal immigration that has crossed our 2,000-mile border. I agree with those who believe that NAFTA will elevate the Mexican economy as it will our own. Expansion of their economy will create opportunities for individual Mexicans and their country as a whole. With this growth, there will be fewer Mexicans so desperate for a way to support their families that the incidents of Mexican immigration to the United States will be less—not greater—under NAFTA. My concern over the high numbers of illegal immigrants, which are adding to the costs of our Nation's social services, is an important reason for my support of NAFTA.

MEXICO

NAFTA's opponents like to talk about Mexico as a poor, impoverished country, inhabited by people who cannot afford American goods. This is simply not true. Mexico is the world's twelfth largest economy in the world and will soon become one of the world's top ten markets. It is already America's third largest trading partner.

After Mexico unilaterally began to reduce its trade barriers and open its markets in 1986, exports from the United States to Mexico more than tripled—from \$12.4 billion in 1986 to \$40.6 billion in 1992. In Virginia alone, merchandise export almost quadrupled in this time period from \$41 million to \$158 million. Moreover, our Nation's \$5.7 billion trade deficit with Mexico in 1987 has been transformed into a \$5.4 billion surplus in 1992. Today, more than 700,000 U.S. jobs are supported by exports to Mexico.

Although its economy is little more than one-twentieth the size of the United States, Mexican consumers definitely like—and buy—United States products. They spend 15 cents of every dollar earned on U.S. goods, with the average person buying \$450 of U.S. goods and services each year. This compares to \$299 for the average European who earns twice as much, and \$385 for the average Japanese who earns five times as much. We sent a record \$40.6 billion in exports to Mexico last year. Purchases will only increase as the trade barriers are removed and the economic stimulus of free trade creates a wealthier consumer market in Mexico.

AMERICA'S RELATIONSHIP WITH MEXICO, LATIN AMERICA AND THE WORLD

President Salinas of Mexico and his administration have made a bold and historic decision in agreeing to NAFTA and entering into a partnership with the United States. They have reversed the traditional anti-United States gringo bashing stance of the Mexican Government for the past many decades. Mexico has staked its future on free and open markets. Since 1988, these changes have brought significant increases in Mexican workers' earnings, enabled Mexico to pay off 25 percent of its foreign debt and led to a dramatic decrease in the level of inflation.

If the United States Congress rejects NAFTA, it will be an affront to Mexico that will cast a dark cloud over our relations with it and

all of our neighbors in Latin America for decades. NAFTA is a historic opportunity that should not be squandered. The future of our Nation's foreign relations with Latin America—far more important than many Americans realize—will suffer greatly if NAFTA is not approved. NAFTA firmly places the United States on the side of market reforms, regional cooperation, broad-based economic development, democracy, and the principle of trade not aid.

Rejection of NAFTA will adversely affect upcoming trade talks with the nations of the Pacific rim which are being held the week of November 15 in Seattle, WA. Even more potentially damaging to United States interests would be the impact, if NAFTA is defeated, on the success of the ongoing Uruguay round of world trade talks which must be concluded by December 15, 1993.

It would be profoundly unwise to undermine our credibility and commitment to free, open, and fair trade on a level playing field by rejecting NAFTA. Such an action would send a clear message that Americans are retreating from their position of international leadership and advocacy for free and open competition without artificial barriers to trade. My vision of America convinces me that it would be a tragic mistake to reject NAFTA and send a message that we have lost faith in ourselves and our ability to compete successfully in global markets.

CONCLUSION

America's greatest growth has always occurred when trade with other nations was actively encouraged by strong U.S. leadership. For 50 years, American leaders have supported the systemic expansion of global free trade. Within this framework, the United States has prospered enormously. However, the opposite occurred when Congress enacted the Smoot-Hawley Tariff Act of 1930, short-sighted, protectionist legislation that raised barriers to trade. Although well intentioned, this act of isolationism served to close off the U.S. market, caused a worldwide trade war and consequently deepened the Great Depression. We must not let this sad chapter of our Nation's history repeat itself.

With NAFTA, we not only have the opportunity to create and maintain good jobs for America, but we also place ourselves in a better position to strengthen our international leadership in the Western Hemisphere and around the world. In the final analysis, I believe NAFTA is a positive step forward that will enable us to better compete and win in today's global economy.

There are, I am told by opponents of the accord, negative political consequences in supporting NAFTA. My intense study of this issue persuades me that supporting NAFTA is in the best interest of America and of Virginia's First District. I have always believed that why I was elected was much more important than whether I was elected. In this spirit, confident that it is the right thing to do, I will vote on Wednesday for NAFTA.

CELEBRATING THE 20TH ANNIVERSARY OF NWPC-MARIN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today to pay a special tribute to a group of women in my district who have done wonderful work for the past two decades. This month, the National Women's Political Caucus of Marin is celebrating 20 years of commitment to increasing women's participation in the political process, both as voters and as candidates.

The National Women's Political Caucus [NWPC] is the only multipartisan, grassroots organization focused on ensuring that women have fair representation in public and appointed offices throughout our Nation. They made significant contributions to the success of the "1992 Year of the Woman," and are working toward making the 1990's the "Decade of the Woman."

In pursuit of its goals, NWPC Marin is dedicated to attaining equality for women, ensuring reproductive freedom, and eradicating discrimination on the basis of gender, race, religion, age, sexual orientation, disability, or poverty.

Since their founding in 1973, NWPC Marin has enjoyed success at all political levels and is proud to have a founding member and a past president in the U.S. Senate, my colleague Senator BARBARA BOXER. They also have Members in the House of Representatives, the California State Assembly, and the Marin County Board of Supervisors. Many of their members have been elected to city councils and school boards as well.

Many warm congratulations to NWPC Marin for its outstanding work in the field of women and politics. I wish them many more years of success.

PEROT IS WRONG ABOUT MEXICO AND NAFTA

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 15, 1993

Mr. DE LA GARZA. Mr. Speaker, as the House of Representatives prepares to vote on the North American Free-Trade Agreement [NAFTA] this week, I want to call to my colleagues' attention an editorial that appeared in the November 13, 1993 edition of the Valley Morning Star, published in Harlingen, TX, one of my south Texas district's leading newspapers.

Like my fellow residents who live along the United States-Mexico border, I have been appalled and ashamed of recent characterizations of Mexico. I sincerely hope none of my colleagues here in the House will associate themselves with the misleading, fear-mongering, anti-Mexican rhetoric being heard in the debate on NAFTA.

[From the Harlingen Valley Morning Star, Nov. 13, 1993]

PEROT'S MEXICO NOT THE REALITY

The pathetic picture Ross Perot painted of Mexico in his debate with the vice president

on Tuesday may once have rung true, but not now. Mexico today is rapidly changing from a socialist backwater to a modern market economy. At stake in next week's vote on NAFTA is whether the United States will bless this change or curse it.

In trying to make his convoluted case that Mexico is too poor to be a trading partner, Perot described Mexico as an impoverished dictatorship where three dozen families control most of the wealth. Perot said the typical Mexican dreams of having running water and an outhouse. He asked why we would want to trade with such a poor neighbor anyway. "People who don't make anything cannot buy anything," he quipped.

Residents of the Valley know Perot is wrong. Many merchants here depend heavily on purchases by our neighbors to the south, just as many businesses on the Mexico side of the border count on the dollars of Americans. A recent study by professors at the University of Texas-Pan American found Mexican nationals put about \$1 billion into the Valley economy, four times that spent by Winter Texans. As they account for about one-third of total retail expenditures here, it seems Mexican nationals manage to buy at least a few things.

Like much of what Perot has claimed about the North American Free Trade Agreement, his portrait of Mexico is divorced from reality. In the past decade Mexico has made dramatic strides in freeing its economy from the shackles of state control. Under the leadership of President Carlos Salinas de Gortari, hundreds of state-owned enterprises, including the giant telephone company, have been sold to private investors. Economic controls have been loosened and import barriers lowered. In other words, the free market has been allowed to work.

Mexican workers and families have been the chief beneficiaries. While Mexico remains a poor country relative to the United States, its per-capita income has risen smartly in the past decade to \$3,700, putting it on a par with emerging East Asian countries such as Malaysia and Thailand. Real wages in Mexico have risen steadily since 1987, and today about 15-20 percent of its 85 million people are in the middle class.

Mexico's lower trade barriers and rising prosperity have whetted the country's appetite for American goods. Since 1986, American exports to Mexico have soared from \$12.6 billion to \$40.6 billion last year. Those exports support an estimated 750,000 jobs in the U.S.

Approval of NAFTA would reinforce every one of these positive trends. It would encourage greater economic ties between the United States and Mexico—to the benefit of people on both sides of the border. It would create the "level playing field" advocates of fair trade say they want. It would nurture Mexico's emergence into the modern global economy, gradually replacing its slums with productive consumers.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose

of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 16, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 17

- 9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nominations of Anthony A. Williams, of Connecticut, to be Chief Financial Officer, Grant B. Buntrock, of South Dakota, to be a Member of the Commodity Credit Corporation, and Wally B. Beyer, of North Dakota, to be Administrator of the Rural Electrification Administration, all of the Department of Agriculture, and John E. Tull, Jr., of Arkansas, and Barbara Pedersen Holum, of Maryland, each to be a Commissioner of the Commodity Futures Trading Commission. SR-332
- Labor and Human Resources
Business meeting, to mark up S. 1595, Bone Marrow Donor Program Reauthorization, S. 1597, Organ Transplant Program Reauthorization, S. 1040, Technology for Education Act, S. 244, National Community Economic Partnership Act, and S. 784, Dietary Supplement Health and Education Act, and to consider pending nominations. SD-430
- 9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business. SD-366
- Governmental Affairs
To hold hearings to examine the role stolen military parts may play in incidences of gun violence. SD-342
- 10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the consolidation of regulatory agencies. SD-538
- Commerce, Science, and Transportation
To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions. SR-253
- Finance
Business meeting, to consider miscellaneous no-cost legislative provisions relating to health and welfare that were omitted from the Budget Reconciliation Act. SD-215
- Labor and Human Resources
To continue hearings on the Administration's proposed Health Security Act, to establish comprehensive health care for every American, focusing on how to

meet the health care needs of all Americans. SD-430

- Select on Intelligence
To hold hearings on the use of commercial imagery. SH-216
- 3:30 p.m.
Foreign Relations
To hold hearings on the nominations of M. Douglas Stafford, of New York, to be Assistant Administrator for Food and Humanitarian Assistance of the Agency for International Development, and L. Ronald Scheman, of the District of Columbia, to be U.S. Executive Director of the Inter-American Development Bank. SD-419

NOVEMBER 18

- 9:00 a.m.
Judiciary
To hold hearings on pending nominations. SD-226
- 9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 316, to expand the boundaries of the Saguaro National Monument in Arizona, S. 472, to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands, and S. 1631, to revise the Everglades National Park Protection and Expansion Act of 1989. SD-366
- Indian Affairs
Business meeting, to mark up S. 1618, to establish Tribal Self-Governance, H.R. 1425, to improve the management, productivity, and use of Indian agricultural lands and resources, S. 1501, to repeal certain provisions of law relating to trading with Indians, and proposed technical amendments; to be followed by a hearing on S. 1345, to provide land-grant status for tribally controlled community colleges and postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College. SR-485
- 10:00 a.m.
Armed Services
To hold hearings on the nominations of Togo Dennis West, Jr., of the District of Columbia, to be Secretary of the Army, Joe Robert Reeder, of Texas, to be Under Secretary of the Army, and Richard Danzig, of the District of Columbia, to be Under Secretary of the Navy. SR-222
- Foreign Relations
Business meeting, to mark up S. Res. 160, regarding the October 21, 1993, attempted coup in Burundi, and proposed legislation on reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other New Independent States, S. 1627, to implement the North American Free Trade Agreement (NAFTA) (Subtitle D with regard to

supplemental agreements), proposed legislation with respect to the compliance of Libya with United Nations Security Council resolutions, S. 1625, the Anti-Economic Discrimination Act, S. Con. Res. 50, relating to the Arab-Israeli boycott, and to consider pending nominations and treaties. SD-419

- Labor and Human Resources
To continue hearings on the Administration's proposed Health Security Act, to establish comprehensive health care for every American, focusing on the needs of rural America. SD-430
- 10:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine arson research, prevention, and control issues. SR-253
- 2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to examine the impact of recent diesel fuel price increases on the motor carrier industry. SR-253
- Energy and Natural Resources
To hold hearings on the nomination of Christine Ervin, of Oregon, to be Assistant Secretary of Energy (Energy Efficiency and Renewable Energy). SD-366
- Finance
International Trade Subcommittee
To hold hearings on proposed legislation on the effects of foreign shipbuilding subsidies on the U.S. shipbuilding industry. SD-215
- 2:30 p.m.
Labor and Human Resources
To continue hearings on the Administration's proposed Health Security Act, to establish comprehensive health care for every American, focusing on the role of the pharmaceutical industry. SD-430
- Indian Affairs
To hold hearings on H.R. 734, to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona. SR-485
- NOVEMBER 19
- 9:30 a.m.
Armed Services
To hold hearings on the nomination of Morton H. Halperin, of the District of Columbia, to be Assistant Secretary of Defense for Democracy and Peacekeeping. SH-216
- Finance
Social Security and Family Policy Subcommittee
To hold hearings to examine welfare reform issues. SD-215
- Indian Affairs
To hold hearings on S. 1526, to improve the management of Indian fish and wildlife and gathering resources. SR-485
- 10:00 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
Closed briefing on North Korea's intransigence on the nuclear inspection issue. S-116, Capitol

Labor and Human Resources

NOVEMBER 22

NOVEMBER 30

To continue hearings on the Administration's proposed Health Security Act, to establish comprehensive health care for every American, focusing on the needs of Americans with disabilities.

SD-430

9:30 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings to review the Federal meat inspection programs.

SR-332

10:00 a.m.

Labor and Human Resources
Labor Subcommittee

To hold hearings on the Administration's proposed Health Security Act, focusing on retiree health benefit coverage.

SD-430

9:30 a.m.

Indian Affairs

To hold hearings on S. 1216, to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation.

SR-485

HOUSE OF REPRESENTATIVES—Tuesday, November 16, 1993

The House met at 12 noon.
His Excellency Anthony Sablan Apuron, archbishop of Agana, Agana, Guam, offered the following prayer:

Lord, God, whose goodness fills our hearts with joy, You are blessed for bringing us together this day to work in harmony, in peace, and in justice. Send Your blessings upon our U.S. House of Representatives, who generously devote themselves to the work of our Nation and territories in the laws they make. In times of difficulty and need grant them strength to transcend personal interests and seek after the common good of all. Strengthen them with Your grace and wisdom so that everything they do begin with Your inspiration, continue with Your help and by You be happily ended. Grace us with Your saving presence and aid us with Your constant blessing. All glory and praise be to You, God, forever and ever. Amen.

THE JOURNAL

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

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

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

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

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 157, not voting 26, as follows:

[Roll No. 567]

YEAS—250

Ackerman	Becerra	Brown (FL)
Andrews (ME)	Bellenson	Brown (OH)
Andrews (TX)	Berman	Bryant
Applegate	Bevill	Byrne
Archer	Bilbray	Cantwell
Bacchus (FL)	Bishop	Cardin
Baesler	Bonior	Carr
Barca	Borski	Castle
Barlow	Boucher	Clayton
Barrett (WI)	Brewster	Clyburn
Bateman	Browder	Coleman

Collins (IL)	Johnson (SD)
Combest	Johnson, E. B.
Condit	Johnston
Conyers	Kanjorski
Cooper	Kaptur
Coppersmith	Kasich
Costello	Kennedy
Coyne	Kennelly
Cramer	Kildee
Danner	Kleczka
Darden	Klein
de la Garza	Klink
Deal	Kopetski
DeFazio	Kreidler
DeLauro	LaFalce
Dellums	Lambert
Derrick	Lancaster
Deutsch	Lantos
Dicks	LaRocco
Dingell	Laughlin
Dixon	Lehman
Dooley	Levin
Durbin	Lewis (GA)
Edwards (CA)	Lipinski
Edwards (TX)	Livingston
English (AZ)	Long
English (OK)	Lowe
Eshoo	Maloney
Evans	Mann
Farr	Manton
Fazio	Margolies-
Fields (LA)	Mezvinsky
Filner	Markey
Fingerhut	Martinez
Fish	Matsui
Foglietta	Mazzoli
Ford (MI)	McCloskey
Ford (TN)	McCurdy
Frank (MA)	McDermott
Frost	McHale
Furse	McInnis
Gejdenson	McKinney
Gephardt	McNulty
Geren	Meehan
Gibbons	Meek
Gillmor	Menendez
Gilman	mfume
Glickman	Miller (CA)
Gonzalez	Mineta
Gordon	Minge
Green	Mink
Greenwood	Moakley
Gutierrez	Mollohan
Hall (OH)	Montgomery
Hall (TX)	Moran
Hamburg	Murtha
Hamilton	Myers
Harman	Nadler
Hastings	Natcher
Hayes	Neal (MA)
Hefner	Neal (NC)
Hinche	Oberstar
Hoagland	Obey
Hochbrueckner	Olver
Holden	Ortiz
Houghton	Orton
Hoyer	Owens
Hughes	Pallone
Hutto	Parker
Inglis	Pastor
Inslee	Payne (NJ)
Jefferson	Payne (VA)
Johnson (GA)	Pelosi

NAYS—157

Allard	Bentley	Burton
Armey	Bereuter	Buyer
Bachus (AL)	Bilirakis	Callahan
Baker (CA)	Bliley	Calvert
Baker (LA)	Blute	Camp
Ballenger	Boehlert	Canady
Barrett (NE)	Boehner	Clay
Bartlett	Bonilla	Clinger
Barton	Bunning	Coble

Penny	Collins (GA)	Inhofe	Quinn
Peterson (FL)	Cox	Jacobs	Ramstad
Pickett	Crane	Johnson (CT)	Ravenel
Pickle	Crapo	Johnson, Sam	Regula
Pombo	Cunningham	Kim	Ridge
Pomeroy	DeLay	King	Roberts
Poshard	Diaz-Balart	Kingston	Rogers
Price (NC)	Dickey	Klug	Rohrabacher
Rangel	Doolittle	Knollenberg	Ros-Lehtinen
Reed	Dornan	Kolbe	Roth
Reynolds	Dreier	Kyl	Roukema
Richardson	Duncan	Lazio	Royce
Roemer	Dunn	Leach	Saxton
Rose	Emerson	Levy	Schaefer
Rostenkowski	Everett	Lewis (CA)	Schiff
Rowland	Ewing	Lewis (FL)	Schroeder
Roybal-Allard	Fawell	Lightfoot	Sensenbrenner
Rush	Fields (TX)	Linder	Shaw
Sabo	Fowler	Machtley	Shays
Sangmeister	Franks (CT)	Manullo	Shuster
Santorum	Franks (NJ)	McCandless	Skeen
Sarpaluis	Gallely	McCollum	Smith (OR)
Schenk	Gallo	McCrery	Smith (TX)
Schumer	Gekas	McDade	Snowe
Scott	Gilchrest	McHugh	Solomon
Serrano	Gingrich	McKeon	Spence
Sharp	Goodlatte	McMillan	Stearns
Shepherd	Goss	Meyers	Stump
Sisisky	Grams	Mica	Sundquist
Skaggs	Grandy	Michel	Talent
Skelton	Gunderson	Miller (FL)	Taylor (MS)
Slaughter	Hancock	Molinari	Thomas (CA)
Smith (IA)	Hansen	Moorhead	Thomas (WY)
Smith (MI)	Hastert	Morella	Upton
Smith (NJ)	Hefley	Murphy	Vucanovich
Spratt	Herger	Nussle	Walker
Stark	Hobson	Oxley	Walsh
Stenholm	Hoekstra	Packard	Wolf
Stokes	Hoke	Paxon	Young (AK)
Strickland	Horn	Petri	Young (FL)
Studds	Huffington	Porter	Zeliff
Stupak	Hunter	Portman	Zimmer
Swett	Hutchinson	Pryce (OH)	
Swift	Hyde	Quillen	

NOT VOTING—26

Abercrombie	Engel	Sawyer
Andrews (NJ)	Flake	Slatery
Barca	Goodling	Taylor (NC)
Blackwell	Hilliard	Torkildsen
Brooks	Istook	Tucker
Brown (CA)	Lloyd	Weldon
Chapman	Peterson (MN)	Whitten
Clement	Rahall	Wise
Collins (MI)	Sanders	

□ 1223

So the Journal was approved.
The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret that I was not present on Tuesday, November 16, 1993, to vote on rollcall vote No. 567 to approve the Journal. I was en route to Washington from Pennsylvania following a morning event at Spring Grove Area Middle School commemorating "American Education Week."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. DE LA GARZA). The Chair recognizes our distinguished colleague, the gentleman

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from Guam [Mr. UNDERWOOD] to lead the House in the Pledge of Allegiance.

Mr. UNDERWOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING ARCHBISHOP APURON

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

Mr. UNDERWOOD. Mr. Speaker, I rise today on a most meaningful occasion, for me personally and for the people of Guam. I am here to introduce a man who is a symbol of hope for some, of aspiration for others, and most importantly, he is a man of spiritual guidance for my constituents on the island of Guam. Archbishop Anthony Sablan Apuron, son of Manuel Taijito Apuron and Ana Santos Sablan, both now deceased, was born in Agana, Guam on November 1, 1945. He attended Mongmong Elementary School, Cathedral Grade School, and Father Duenas Memorial High School Seminary on Guam prior to entering the Capuchin Novitiate at St. Lawrence Friary in Milton, MA.

While completing his college studies at St. Anthony Friary in Hudson, NH, where he received his BA degree in scholastic philosophy, he went on to continue his theological studies at Mary Immaculate Friary in Garrison, NY. He was ordained a Capuchin priest on August 26, 1972 at the Dulce Nombre De Maria Cathedral by the Most Rev. Felixberto C. Flores, bishop of Agana. After being ordained, he returned to New York to complete two masters of arts degrees one in theology, and the other in liturgical instruction. On February 19, 1984 he was ordained auxiliary bishop of Agana and appointed vicar general. After the death of Archbishop Flores, he was named apostolic administrator of the Archdiocese and subsequently appointed second archbishop of Agana by Pope John Paul on March 22, 1986.

Today, Mr. Speaker, I humbly introduce Archbishop Apuron of Agana, Guam to my fellow colleagues. It is an honor and great privilege to introduce a man of his stature to address this august body. He is here today to pray for our Nation and for the House of Representatives.

Thank you bishop, sir, for your presence now and your blessings. Long live our faith, long live the Pope, and long live the people of Guam.

ANNOUNCEMENT BY THE HONORABLE TIM VALENTINE

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

Mr. VALENTINE. Mr. Speaker, it is with mixed emotions that I announce today that I do not plan to seek reelection to Congress.

Over the last 12 years, I have faced many tough battles in Congress and in my elections. I have truly enjoyed the challenges and the debates. I have sincerely worked to represent the people of the Second Congressional District of North Carolina to the very best of my ability. There is no greater feeling of achievement than that gained by someone who has worked to make his world a better place.

Coming to this decision has been rough. I have no doubt that I would win reelection were I to run again. In recent months, we have received very strong support from constituents attending citizens' meetings across the district. Financially, we have retired the campaign committee's debt. Every indicator shows support for another term to be higher than at any time since the creation of the current Second Congressional District. As confident as I am that we would win again, I look forward to not having to raise the enormous amount of money necessary to run a contentious reelection campaign.

I have chosen to leave at the end of this term for several reasons:

First, I believe that we are entering a new era in Government—one that I am pleased to have the opportunity to usher in as a Member of the 103d Congress. We are bringing the focus of our Government back to the people—back to meeting the needs of Americans today, as well as that of our children and grandchildren. Having helped to set the agenda of the nineties—I believe it is time to offer an opportunity to a new generation of leaders who can move our country along toward a more responsive and fiscally responsible Government.

North Carolina will remain in capable hands. It has truly been a pleasure to serve with my colleagues in the State's delegation. I can assure the people of our State that our delegation has best interests of our State at heart.

In the coming months and years, North Carolina will face some tough legislative battles. We will be required to pit the experience and leadership of our delegation against the power of overwhelming numbers found in delegations from California, New York, and Texas. Anyone who favors term limits should pay close attention. The only chance a small State like North Carolina has against a State like California, with more than 50 Representatives, is to gain the clout of seniority. North Carolina will continue to be well served by a capable and talented delegation.

Second, I have been privileged to enjoy two careers thus far in my life—the first as a country lawyer in Nashville, NC and the second as a Rep-

resentative in the Congress of the United States. Both have been valuable experiences which I will cherish for the rest of my years. I am looking forward to a third career—one of a former Member of Congress. I intend to combine a return to the practice of law with a full time enjoyment of my friends, my family, and my home in Nashville.

I am looking forward to being able to spend more quality time with my wife, Barbara, and with my children, step-children, and grandchild. Without the full support of my family, I could not have devoted the past 11 years to serving in the House. I am deeply grateful to each of them.

I can say with relative assurance that I do not plan to seek another elective office. But, while I may be leaving a career in politics, I do not plan to leave the life of politics. I intend to continue to serve the people of North Carolina in any way I can. As a former Member of Congress, I will also reserve the right to offer an opinion on anything and everything—another fringe benefit of leaving this job.

Third, I have chosen to announce my retirement now in fairness to those in the Second Congressional District who might seek the honor of serving their fellow citizens in this office. The second district is fortunate to have many qualified and dedicated individuals who may wish to offer their services as a candidate for the House of Representatives. I hope that those interested in serving will take advantage of my early notice as they prepare for the 1994 campaign.

Finally, I want to use the next year to say thank you to the people of North Carolina who have supported me, challenged me, and guided me as I have struggled with the decisions that have faced this country over the past 11 years. I can never express fully my gratitude to those who have allowed me to serve as their Representative. It is an honor to be cherished for the rest of my days. For the next year, I intend to continue to serve the people of the second district to the best of my ability as we attempt to steer the ship of state toward greater prosperity and responsibility.

REAL REFORM NOW

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

Mr. DELAY. Mr. Speaker, in electing Republicans at the recent elections America voted for real reform now, because Democrats have simply not succeeded in delivering the kind of changes voters want. This is especially evident in the area of regulatory reform.

Federal regulation is conservatively estimated to have cost the economy between \$595 and \$667 billion in 1992,

amounting to thousands of dollars per American household. The Office of Information and Regulatory Affairs [OIRA], within OMB, is the only Federal entity whose purpose is to minimize the cost of Federal regulations on the private sector. It has been highly successful, reducing the time spent filling out Government paperwork by almost 600 million man-hours per year since its creation in 1981, and generating total annual savings of at least \$6 billion.

The President recently signed an Executive order "reaffirm[ing] the primacy of Federal agencies in the regulatory decisionmaking process"—essentially ending OIRA's critical role as a restraint on excessive regulation. OIRA will be permitted to review only those regulations that will have a significant impact, as determined by it or the agencies themselves. However, AL GORE—an outspoken environmentalist who has never been known for his leadership in cutting redtape—is given the lead role in shaping regulatory policies and settling disputes between agencies and OIRA over what is significant.

I would like to know how the President concluded that reducing OIRA's ability to protect the private sector from the host of regulations that Federal bureaucrats promulgate daily is going to help reform Government. Obviously Democrats have no idea what the word "reform" really means.

□ 1230

THE NAFTA TURKEY

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

Mr. DEFAZIO. Mr. Speaker. We are going to celebrate Thanksgiving a week early here in the House of Representatives and the centerpiece is a 15-pound turkey—a turkey fattened by special interests, raised by George Bush behind a veil of secrecy and served by President Clinton.

Here it is, the NAFTA turkey. But even its admirers admit it needed some dressing up, so President Clinton whipped up some side agreements on labor and the environment. There will be much debate about the adequacy or inadequacy of the side agreements. But no matter what your opinion of the side agreements, you might be surprised to learn that they are not even going to be on the table when we sit down to feast on NAFTA tomorrow.

Here are the side agreements—notice no bill number—the side agreements will not be part of the legislative package. The side agreements—all those so-called labor and environmental protections—will be executed only by executive agreement. They will have no force of law behind them. In fact, because they were not specifically legis-

lated, any attempt by the United States to enforce the side agreements would violate the commerce clause of the Constitution.

So if you predicated your support of NAFTA on the side agreements, you will not be celebrating an early Thanksgiving tomorrow; rather it will be April Fools Day for you.

QUESTIONS ABOUT HEALTH CARE

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

Mr. THOMAS. Mr. Speaker, I want to talk a little bit about health care. I think this is an issue that affects everyone in the country, and despite all the hoopla, I suspect it affects more jobs than NAFTA.

The health care debate needs to focus on the real issues, not somebody's political agenda or somebody's Presidential platform. We must focus on the needs of Americans, whether they be in cities or small towns or rural areas all over this country.

I believe there are some real questions that need to be addressed. One of them is what are the legislative goals and the legitimate goals. Certainly it is access, cost and maintenance of quality.

I think we should ask what is broken and what needs to be fixed, as opposed to the idea of simply uprooting the largest delivery system in this country to substitute it for something else.

I think we should ask ourselves are we prepared to pay for all that is being promised.

And finally, how much government do we want in the health care system. How much of the decision do you want being ceded to bureaucrats.

These are the questions we need to ask during the next year.

AGREEMENTS ON NAFTA

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

Mr. TRAFICANT. Mr. Speaker, supporters say that NAFTA will solve our immigration problems and create jobs. I agree. Americans will be jumping the border trying to get jobs down in Mexico.

Supporters say that NAFTA will help the American farmers. I agree. American farmers will be pumping out welfare cheese day and night, Mr. Speaker.

NAFTA supporters say it is going to lower taxes in America. I guarantee, that is true. We will have another 5-year deal.

NAFTA supporters say that it is going to open up trade with Central and South American countries. Think about it, Nicaragua, Columbia, the CIA can negotiate that great treaty for us.

Mr. Speaker, I liken NAFTA to putting Evander Holyfield in the ring against the Mexican lightweight champion. With all the great heart of Evander Holyfield, it looks great for America, except when you find out that they tied his hands behind his back and put shackles on his legs.

Think about it. There is a lot at stake here tomorrow, Congress, and it is the responsibility of Congress to regulate commerce with foreign nations, not one single person on Pennsylvania Avenue.

FANTASY VERSUS REALITY

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

Mr. HEFLEY. Mr. Speaker, Disney announced recently it wants to build a major American theme park 30 miles west of the Capitol. What better place for a fantasy land than Washington, DC.

To the American people it must seem Goofy that Congress is taking only Minnie-sculc actions on the matter of congressional reform. Not that Congress is full of Sleeping Beauties. Far from it. Rather, the Democrat leadership acts as though it is in some sort of Fantasia, where Mickey-Mousing and dancing around public accountability like Hippos in Tutus substitutes for real action.

The House Democrats will not be able to Duck pressure for reform for long, Mr. Speaker. Americans can see when nothing has come from their calls for change in Congress. Because, Mr. Speaker, it is a Small, Small World and ultimately, the angry voters are the Fairest of Them All.

DEFEAT THIS NAFTA

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

Mr. ROEMER. Mr. Speaker, we need a trade region to compete with Pacific rim and with an increasingly unified Europe. We need fair and free trade, and we need new jobs in America; but this NAFTA Agreement achieves none of those three objectives.

I am opposed to this agreement, but I do think, Mr. Speaker, we need an eventual NAFTA, one that works closely with the Mexican Government and the Mexican people, one that will maybe sweep South America and include Argentina and Brazil coming together in 1995, and one that works with the new Mexican President elected in 1994 and one that has a vision for managed trade for America.

Defeat this NAFTA so that we get a better NAFTA for America and for Mexico.

CHILD PORNOGRAPHY

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

Mr. DOOLITTLE. Mr. Speaker, the good news is that President Clinton has finally started paying attention to what his Justice Department is doing to weaken the Federal child pornography law.

The bad news is that he is blaming Congress for the problem, when the problem lies squarely within the Clinton Justice Department. Rather than admit that his Justice Department has wrongly interpreted congressional intent in the case of Knox versus the United States, President Clinton wants to rewrite the law.

This rewrite is a convenient way for him to try to distance himself from his Attorney General's mistaken position on this issue.

Recently by a vote of 100 to 0, the other body voted against this interpretation of the Justice Department.

Now it is the turn of the House to reaffirm congressional intent on this issue. Our message to President Clinton is that the current law is sufficient and we do not need to enact new legislation.

I hope my colleagues will join the gentleman from New Jersey [Mr. CHRIS SMITH] and me in cosponsoring House Resolution 281 to request Justice Department reversal of its decision to weaken the Federal child pornography law.

□ 1240

SMALL BUSINESS SUPPORTS
NAFTA

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

Mr. SKAGGS. Mr. Speaker, small businesses want a "yes" vote on NAFTA. Here is what the owner of one small manufacturing firm in Colorado, Hierath Automated Systems, wrote me in a recent letter:

DEAR CONGRESSMAN SKAGGS: Please vote to support NAFTA. I am the founder of a 30-person Colorado owned manufacturing company located in Wheat Ridge, Colorado. Although we have already exported our systems to 18 countries, we need your help so we can develop business in Canada and Mexico. If NAFTA is approved, we will still do all of our manufacturing in Colorado. Further, with the benefits of the NAFTA agreement, I project that we will add 25 percent to our production staff in the next two years, to handle the additional business.

The NAFTA job loss projections are grossly exaggerated * * * [and show] no appreciation for the talent and responsiveness of small firms such as ours. Thousands of small firms like ours will benefit from removal of the trade barriers. I strongly recommend that you vote to support NAFTA.

Small businesses are the backbone of this economy, creating the majority of

new jobs in communities across America. We should listen to companies like Hierath which are asking for fair access to expanding markets and urging a "yes" vote on NAFTA.

EMPOWERING WELFARE RECIPIENTS
TO BECOME SELF-SUFFICIENT

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

Mr. HOKE. Mr. Speaker, last week House Republicans introduced a comprehensive package of welfare reforms that would cut Federal spending by \$20 billion over 5 years while empowering welfare recipients to become self-sufficient. This welfare reform package is a tough, but compassionate, approach to controlling skyrocketing welfare rolls and costs while restoring the hope for dignity, which is every citizen's birthright.

This legislation would prepare mothers and fathers on welfare to enter the work force. It would establish paternity standards to assist in child support enforcement. It denies benefits for a child born to a mother already receiving AFDC and end welfare benefits to all illegal aliens and most noncitizens.

Mr. Speaker, the ultimate goal of welfare programs should be to help people move off the welfare rolls and onto payrolls, not to create a permanent welfare class. My colleagues and I know that the majority of people now on welfare want to support themselves and their families and will do exactly that given the right kind of support, encouragement, and incentives. Our plan does just that.

SMALL BUSINESS AND NAFTA

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

Mr. COPPERSMITH. Mr. Speaker, yesterday I received a letter from a constituent named Wes Sprunk. Mr. Sprunk is president of Tire Service Equipment Manufacturing Co. and Saf-Tee Siping & Grooving, Inc., a small business in Phoenix that has 18 employees and sales of about \$2 million a year. They make tire inflators, changers, and jacks. Mr. Sprunk voted for Ross Perot in the last election and joint United We Stand America, but he now thinks that Mr. Perot is just flat wrong on NAFTA.

Mr. Sprunk watched the debate last week and objected to Mr. Perot's main argument, that the standard of living and pollution problems in Mexico mean that we should not trade with them. However, if those are reasons for not trading, there are very few countries in the world that we could trade with. Second, as far as jobs moving, Mr.

Sprunk just attended a National Tire Dealers convention in Mexico. He saw personally no reason in the world why anyone that ever wanted to go to Mexico and build a factory is not already there. What NAFTA does is improve a market for U.S. products. And finally, when Mr. Perot said that people who do not earn anything cannot buy anything, well, Mr. Sprunk was just in Mexico, saw the world's largest Walmart, saw a country that is one of the few countries in the world where we have a large positive trade balance—one that will increase with NAFTA.

Small business says vote yes on NAFTA.

TOP 10

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

Mr. BOEHNER. Mr. Speaker, here are the top 10 reasons House Democrats are stonewalling reform:

No. 10. Like having all Members of the Democrat caucus being named Mr. Chairman.

No. 9. Sunshine hurts their eyes.

No. 8. Want to give the public a real good reason to support term limits.

No. 7. Ross Perot will need another issue after the vote on NAFTA.

No. 6. Do not want to live under those pesky laws Congress imposes on the rest of the country.

No. 5. Want to break the Communist Party's record of 75 years of one party control.

No. 4. Would miss all those prime time cameras on the beaches in the Bahamas.

No. 3. Want to see how close Congress can get to a zero approval rating.

No. 2. The Democrat majority is used to the hypocrisy that permeates the Capitol.

No. 1. It is not an election year.

SHRIMP AND SUGAR IMPORTS ARE
KEY ISSUES IN "NO" VOTE ON
NAFTA

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

Mr. TAUZIN. Mr. Speaker, each one of us will make a very personal decision this week on the NAFTA with Mexico. I have reached my own conclusion today.

For years now, we in south Louisiana have watched as shrimp imports have devastated fishing families—much of these imports coming from Mexican fishing fleets which do not pull Turtle Excluder Devices and which enjoy subsidies on fuel provided by the Mexican Government agency PEMEX. We have asked our Government to use its discretionary authority to end the unfairness of this trade and our Government

has turned a deaf ear. Instead our Government has continued to levy \$10,000 fines on Louisiana fishermen for real or imagined violations of rules the Mexican fishermen are not required to follow.

Now we are told to trust a discretionary side letter which purports to protect the 25,000 sugar farmers and families of my district from excess Mexican exports of sugar. And we learned this weekend that NAFTA will on January 1, 1994, allow unlimited amounts of Mexican sugar in the form of candy to come into our country duty free. Fool us once—your fault; fool us twice, our fault.

Mr. Speaker, the so-called sugar letter may read "Dear Sweetie" today, but tomorrow we fully expect it to say "Dear John." Despite sincere efforts to find adequate assurances from the administration, I have unfortunately concluded that NAFTA could well damage if not destroy the livelihoods of those 25,000 families of my district. Tomorrow, I will vote "no" on NAFTA.

VOTE FOR THE FUTURE—VOTE FOR NAFTA

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

Mr. BARTON of Texas. Mr. Speaker, I would like to give my colleagues a few facts about NAFTA which they may not have heard in the debate.

Fact No. 1 is that the North American Free-Trade Agreement is patterned after the Canadian Free-Trade Agreement which has been in existence since 1989. It has made Canada our largest trading partner and also made the United States-Canada's largest trading partner.

Fact No. 2 is Mexico, seeing the benefits of the trade agreement with Canada, has begun to unilaterally lower their trading barriers to American-made goods. As a consequence, trade has doubled between the United States and Mexico, turning a \$5 billion trade deficit into a \$5.5 billion trade surplus for the United States. This surplus has helped to create 700,000 jobs in this country.

Fact No. 3, as Mexico has increased their trade with the United States, they have been able to cut their inflation rate from over 200 percent to less than 10 percent, and they have balanced their Federal budget, which is something that we have not been able to do in this country since 1969. Lowering the inflation rate and balancing the budget has raised their standard of living. In fact, the average Mexican wage has tripled since 1987.

We should vote for the future. We should vote for NAFTA, and this Member of Congress is going to do that tomorrow evening.

MYSTERIOUS WHEELING AND DEALING FOR NAFTA

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

Mr. STUPAK. Mr. Speaker and Members, for those of my colleagues that voted against President Clinton's budget because they could not support tax increases, even for the benefit of this country, I hope they are paying attention because, under NAFTA, they are going to vote for increasing taxes on their constituents, this time to support the Mexican economy. The financing mechanism of NAFTA is perhaps its greatest mystery. I cannot even begin to tell my colleagues how we are going to financially pay for this agreement, and I fear that we will pay for it in other ways such as no protections against the diversion of Great Lakes water, no protections to stop the flood of illegal immigration, and no incentives to help the American manufacturing base which will be devastated under NAFTA. None of these protections are in the agreement. None of those protections are part of all the back-room deals that are going on, in all honesty, with all the wheeling and dealing and with all the side deals. Congress does not even know what is in the side deals. We do not know the cost of the side agreements.

Mr. Speaker, what we do know is that once again the American taxpayer is asked to pay for something that his or her elected Representative does not even know about. The side deals have changed NAFTA and increased its cost to the American taxpayer. Therefore, Mr. Speaker, I say no to the side deals, no to unknown costs, no to increased taxes, no to this NAFTA.

ASTRONOMICAL NUMBERS OF THE CLINTON HEALTH PLAN

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

Mr. EWING. Mr. Speaker, the numbers on the Clinton health plan are out of this world.

The cost of the plan is estimated to be \$700 billion over just 5 years.

The taxes needed to pay for the plan are estimated by the White House at \$160 billion.

The GAP between the two is more than just one of credibility. It's the reason for the administration's weekly revision of how many Americans will pay more for health coverage.

Health and Human Services Secretary Donna Shalala says 40 percent of Americans will pay more.

OMB Director Leon Panetta then came back that only 30 percent of Americans would pay more. Not to be outdone, health czar Ira Magaziner says only 15 percent will pay more.

In spite of all the administration's fancy footwork with its mathwork,

Senator MOYNIHAN warned that "we face the prospect that perhaps half the population will find itself paying more in health premiums."

Because the administration is debating with itself, it is pretty evident that they have no idea of the cost of their plan.

□ 1250

IN SUPPORT OF NAFTA

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

Mr. GLICKMAN. Mr. Speaker, in my role as chairman of the House Intelligence Committee. I have given a great deal of thought to America's long-term national security interests, both political and economic, in the whole NAFTA debate.

Last week, I decided to vote for the agreement. While I didn't start out that way the passage of NAFTA has become a critical and yes, symbolic test of U.S. leadership in the post-cold-war era. If Congress fails to ratify NAFTA, our country will be dramatically weakened—politically and economically. The defeat of NAFTA will enhance the power of Asia and the European Community to move into our historic and natural territory, and our ability to be an economic and political powerhouse may be a thing of the past.

NAFTA's failure will further alienate out Latin American allies, at a time when our neighbors offer the greatest economic promises of any area in the world. To vote the agreement down threatens America's position in the global economy, and could be one more step in making the United States a second-rate power.

Further, NAFTA's failure could have profound consequences for many industries. The potential Latin American market for commercial jet aircraft will exceed \$28 billion by the year 2010. The defeat of NAFTA would eliminate any market access advantage the United States expects to gain in Latin America and jeopardize the ability of Boeing and McDonnell-Douglas to compete against the Europeans Airbus consortium. That means tens of thousands of jobs in the United States.

The politics of this issue weigh clearly in favor of a "no" vote—at least in the short term. However, my belief is that the future of America is best protected by supporting and ratifying this agreement. I realize a "no" vote may be a short-term political positive, but a "yes" vote in the long term is the soundest and politically safest, vote.

CRIME BILL DEBATE SUGGESTS A NEW STRATEGY FOR HEALTH CARE REFORM

(Mr. BILIRAKIS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, believe it or not, there is agreement in Congress on how to resolve our national health crisis.

Most health bills introduced in Congress this year address administrative streamlining, insurance portability, antifraud and antitrust reform, protection for those with preexisting conditions, and medical malpractice reform. Now is the time to act—now is the time to enact a consensus health package.

Mr. Speaker, this is not an unreasonable or unworkable solution. Take the crime bill, for example. In this body, we are currently debating crime legislation bill by bill. It appears to be working—the issues are being debated on the House floor and legislation is being approved in a timely fashion.

Why not adopt a similar strategy for health reform? Health care, like crime reform, is an issue that touches all Americans—it can mean the difference between life and death. Let us show the American people that we will not let them down, that we will not tolerate people losing their health insurance because they have changed jobs or, even worse, because they become ill.

So many Americans would benefit if we enacted into law these important consensus items. I urge my colleagues to show the American people we want change by supporting action now on health reform.

NAFTA AND THE FREE TRADE SWINDLE

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

Mr. OWENS. Mr. Speaker, NAFTA is one more deadly step in the slow strangulation of the American economy. In the last 12 years the great free trade swindle has choked the industrial might of America into a coma. NAFTA will tighten the noose around the neck of American workers to the point of no recovery. Two things are certain about the free trade swindle: the rich move their factories to low wage areas and get richer while the workers lose their jobs and get poorer. American cities and towns lose their tax bases and everybody suffers from this steady strangulation. Instead of free trade we need balanced trade; we need reciprocal trade. NAFTA does not represent progress. NAFTA will mean a greater sharing of the bounty by the greedy elite jet-set of the world while the standard of living of the workers in this Nation will drop to the level of the Third World.

The concept of human rights must be expanded to include the right to participate in the production of the goods you need for daily living. American

consumers must demand the right to also be the producers. Stop the strangling of the American economy now. Don't let NAFTA tighten the noose. Vote "no" on NAFTA.

ANATOMY OF THE SOMALIA FIASCO

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

Mr. INHOFE. Mr. Speaker, I rise today in order to share with the American people the travesty that took place in this Chamber last week.

The House was considering House Concurrent Resolution 170, which expressed the sense-of-the-Congress that United States troops should be removed from Somalia by March 31, 1994. The passage of an amendment offered by my colleagues, Mr. GILMAN and Mr. SPENCE, which would have moved the date of departure up 2 months to January 31, 1994, left many of us with the hope that the House would actually respond to the will of the people by taking this positive step toward ending our involvement in Somalia. It was much later, however, when the House then passed an amendment by Mr. HAMILTON which reestablished the President's date of March 31, 1994. How could this happen?

It happened because the liberal Democrat leadership was determined not to let those of us who want to end the fiasco in Somalia, embarrass the President. The Gilman/Spence amendment passed by a vote of 224 to 203. The Hamilton amendment passed by a vote of 226 to 201. Logic would have it, that if a member voted to bring the troops home in January, that they would then oppose subsequent efforts to keep them there until March. It is called political cover to make the people at home think that we want to bring them home, when in fact we do not.

Furthermore, the timing of this vote was no coincidence. To those of us who have watched the leadership schedule unpopular votes late enough so it cannot be covered on the nightly news, last week was business as usual. While the majority of Americans were focusing their attention on the NAFTA debate, the Democrat leadership quietly structured the debate and strong-armed several of their most liberal allies to protect the President. You would think they would be more interested in the safety of our troops.

While we all might disagree as to what date the United States involvement in Somalia should end, surely we can agree that this type of misrepresentation and tactical scheduling is a slap in the face of all those young men and women who have answered this Nation's call in Somalia.

Let us hope and pray that no more American lives will be lost just to pro-

tect the President's flawed foreign policy mistakes.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

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

Mr. MENENDEZ. Mr. Speaker, for months I waited for the President to reveal the side agreements to NAFTA. When he sent them to me, I read them. I have weighed the merits, and come to a decision. When we vote on the NAFTA tomorrow, I will vote "no."

Yes, the United States can make any trade agreement into a winner—a winner not only for North America, but for all of the Americas. But this agreement is just not in our best interests.

Why will I vote "no?" Let us look at the merits. Will NAFTA raise the standard of living of the American people? No. Will NAFTA mean better jobs and better wages for American workers? No. Will NAFTA protect the environment? No. Will lower tariffs in Mexico make United States companies invest more here at home? No. Mr. Speaker, the entire Mexican market is smaller than my home State of New Jersey's market. Will NAFTA cost us billions in lost revenue and related costs? Yes.

I will not vote against the best interests of the American people. And I will not vote against the best interests of my constituents. Say "no" to this NAFTA.

AMERICAN BUSINESS SUPPORT OF NAFTA IS SHORTSIGHTED

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

Mrs. BENTLEY. Mr. Speaker, in recent weeks, each of our offices has been deluged on NAFTA. As a matter of fact, mine has received more correspondence in a shorter time period than on any other issue.

And, here is the reason. Computer generated letters, each with a different name and address, but all make reference to Citibank, and everyone has the same handwriting for the signature.

My question is, Do these individuals even know that their names have been used? If the issue is so critical to these persons why could they not each write directly to us?

It is my belief that American companies have given up on manufacturing in the United States—that they no longer want to deal with ever-increasing taxes, unfunded mandates, and endless regulations. But these companies see a light at the end of the tunnel, and that light is shining in Mexico. These companies will have the best of both

worlds—with lower taxes, fewer regulations, but still access to the American market. So they will move to Mexico.

But these companies appear to forget that only wage earners have money. If the jobs move, so does the capacity to buy products.

I believe American business is shortsighted, and should wage its war here in Washington instead of running away to Mexico.

Is this the handwriting of the New World Order? And is it signing the death warrant to highpaying American jobs?

A TIDAL MOVEMENT TOWARD SUPPORT FOR NAFTA

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

Mr. INSLEE. Mr. Speaker, the American people are moving toward NAFTA, and that tide has been reflected in the polls, and that tide has been reflected by the many Members who have come out for NAFTA in the last few days.

This tidal movement is not the result of anything going on in Washington, DC.

□ 1300

It is the result of the American people finally having access to the truth about NAFTA, that NAFTA knocks down Mexican trade barriers to zero, where they belong; that NAFTA continues the direction of progress in Mexico; that our job creation will accelerate through NAFTA. In the last moment, when the chips are down, Members will step forward in this Chamber, stand up with conviction, and say with this vote that they will lead the world not just in free speech, not just in the free exercise of religion, but also in the fight for free trade. And when we do so, we will have done what we have come here to do—make the world's borders as free as America's.

DECLARATION OF SUPPORT FOR NAFTA

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

Mr. GEKAS. Mr. Speaker, I rise today to announce my support for and my vote for the North American Free Trade Agreement. During the last several weeks I have held several extensive discussions with every group in my constituency, farm groups, labor groups, industrial groups, manufacturers, small business, clerical workers, and retailers. You name it, we have talked. And although the argument can be made pro or con and when you put it on the scales it appears even Steven, the one theme that goes through all the arguments and which is acknowledged by even the sternest opponents

of NAFTA, is that the result of NAFTA will be the expansion of markets for American workers.

Mr. Speaker, once you put that truth into the mix and into the argument, there is no choice but to support NAFTA, because in the final run, it is American spirit and American competitiveness that will prevail and make NAFTA work.

INTEGRITY AND DIGNITY OF CONGRESS HINGES ON REJECTION OF NAFTA

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

Ms. VELÁZQUEZ. Mr. Speaker, I rise today, on the eve of a crucial vote on the North American Free-Trade Agreement, in hopes that as my colleagues cast their votes they will remember that we are sworn Members of this Congress, and as such, we represent the American people. We cannot allow narrow self-interest to guide our decision on such an important issue.

The passage of NAFTA would mean the loss of close to one-half million jobs in this country. Is a bridge, or a highway, or two C-17 bombers worth this price? Is this the future that we give to our children and our Nation?

Let us remember what it is this Congress stands for and the American people whom we have sworn to serve. The temptations that pro-NAFTA leaders offer are great, but when we cast our votes tomorrow, let us make sure that we do so in the interest of the American people. I urge all Members to vote "no" on NAFTA and insure the integrity and dignity of this Congress.

PASS NAFTA NOW

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

Mr. BALLENGER. Mr. Speaker, there is a lot of misinformation being circulated about NAFTA. Opponents say the trade accord will hurt United States industries and cause American jobs to be lost to Mexico. This is simply not the case in my State of North Carolina. In fact, since Mexico partially reduced its protectionist trade barriers in 1987, North Carolina has seen just the opposite; an increase in demand for North Carolina goods and services, resulting in more jobs.

As the chart here shows, increased North Carolina exports to Mexico are directly linked to the partial reduction of trade tariffs, from 30 percent to 15 percent. In 1987, North Carolina exports to Mexico equaled \$95 million. In 1992, total exports to Mexico equaled \$440 million, a 365-percent increase.

Over the 5-year period, the furniture industry had a 6,800-percent increase,

textile mill products, a 946-percent increase, the apparel industry, a 524-percent increase. Increased exports result in increased jobs. These numbers are fact, not fiction.

Mr. Speaker, all of these occurred on a partial reduction of tariffs. Can you imagine what total reduction would do? Passing NAFTA will create new jobs in North Carolina and across America, and I urge my colleagues to pass NAFTA.

KEEP RACISM AND BIGOTRY OUT OF NAFTA DEBATE

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

Mr. DE LA GARZA. Mr. Speaker, as we enter the final hours of the debate on NAFTA, I am concerned with something that is happening outside of this body, and I take the floor to ask my colleagues to disassociate yourselves from this endeavor.

I picked up from the Wall Street Journal of yesterday an article about a group fighting NAFTA that are called no-namers. Let me quote from it—they have dinners—it says:

The atmosphere turns xenophobic with anti-Mexican slurs. It is kind of amusing and kind of frightening, one attendee says.

Mr. Speaker, we have not done this with China and we have not done it with the Soviet Union. We have not done it with any country that we have trade or disagreements with.

Mr. Speaker, I share Mexican blood; I share Mexican ancestry. But there are some half truths and more that are becoming part of the debate. I do not know if it is so or not, but anti-Mexican slurs to kill a piece of legislation that should be debated solely on its merits, and solely on the personal interests of our Members. I ask my colleagues, do not in any way associate yourselves with this truth, because Mexico, the Mexican people, and one of your colleagues that shares their blood, do not deserve that kind of treatment.

"YEAH, BUT'S" ON NAFTA

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

Mr. WYNN. Mr. Speaker, I rise today in opposition to the North American Free-Trade Agreement. I have noted, however, as the debate progressed, that we have had an onslaught of a new species, a species called the "Yeah, but's." Not rabbits, "Yeah, but's."

You see, every time you point out that if we pass NAFTA we are going to have job loss, you hear, "Yeah, but." If you say that 55 percent of American businessmen have said if NAFTA passes they would actually consider

moving to Mexico, you hear it again, "Yeah, but." If you say that we will lose jobs for low and medium skilled workers in textiles, electrical machinery, trucking, agriculture, glass, toys, sporting goods, and consumer products, once again you hear "Yeah, but." If you talk about the fact that NAFTA will lower our standard of living, that the wages in Mexico are 10 to 15 percent of United States wages, and that our companies will be going to Mexico for cheap labor, once again, "Yeah, but."

If you talk about the fact that this so-called trade surplus is misleading, if you talk about the fact that the Mexican peso is overvalued so we are given a false impression that Mexico is a great trading partner, you will hear, once again, "Yeah, but."

If you talk to conservative "Yeah, but's" about the cost, they, "Yeah, but."

So I hope that tomorrow when we vote on this agreement, that we can put the "Yeah, but's" out of their misery and kill the North American Free-Trade Agreement.

NAFTA DANGEROUS TO SMALL BUSINESS

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

Ms. FURSE. Mr. Speaker, I am here to read a letter from a CEO from my home State of Oregon. This is what he has to say:

The proposed NAFTA agreement will be disastrous to our company. We are a small apparel manufacturer in Portland, OR. NAFTA will directly cause the loss of the jobs of 200 employees, and indirectly impact service and other employment related to our industry.

He goes on to say:

I have reviewed the plan in detail and there is no question about the negative impact on our company. In short, our company and our employees are totally against NAFTA. We would appreciate your looking at this again from a realistic standpoint and defeating NAFTA.

□ 1310

NAFTA IS STILL DISASTA

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

Mr. FILNER. Mr. Speaker, tomorrow this House will vote on this NAFTA. Proponents say one of its many benefits will be cleaning up the United States-Mexico border. However, as the Congressman who represents San Diego, CA—the largest city on the border—I can tell you that this "trickle-down" treaty will not work. Under NAFTA, the border will continue to be trickled on.

For 30 years, raw sewage has been flowing from Tijuana, Mexico into San Diego. Today, 50 million gallons a day of the stuff runs through my district—fouling neighborhoods, polluting beaches, and threatening the health of my constituents.

NAFTA supporters say, "NAFTA will clean this up." Yet nothing in NAFTA guarantees a nickel for such cleanup.

On the contrary, NAFTA codifies and accelerates the very corporate activities which created this environmental disaster in the first place.

Let us start addressing these infrastructure needs directly—together. Let the real needs of our people be the true object of our economic agreements—not a hoped for side effect of a treaty that merely makes the world safe for multinational corporations.

NAFTA HURTS AMERICAN WORKERS

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

Mr. MANTON. Mr. Speaker, I rise today to express my opposition to the North American Free-Trade Agreement.

I have concluded that this agreement is not in the best interest of workers in New York City or the rest of the country. The working people in my District have already seen thousands of manufacturing jobs leave New York City. Their fears about NAFTA are genuine and are justified.

Even NAFTA supporters concede that we will lose many labor-intensive jobs in the short term. I cannot encourage the escalation of this trend by voting for NAFTA. I cannot, in good conscience, support a trade agreement which threatens the very livelihood of those I represent.

I believe that implementing NAFTA will reinforce artificially low wages in Mexico exerting downward pressure on United States wage levels. Those who are fortunate enough to keep their jobs will likely see their wages go down. Lower wages will make it increasingly difficult for my constituents in Queens and the Bronx to provide the essentials for their families and maintain a decent standard of living.

Mr. Speaker, we need a trade agreement that promotes our economic security and job growth in the United States. NAFTA is not that agreement and I urge its defeat.

THE COMMONWEALTH OF PUERTO RICO

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

Mr. DE LUGO. The Commonwealth of Puerto Rico conducted the first plebi-

scite in 26 years Sunday on the political status its people want for their island.

The vote was an outstanding exercise of the democratic process. Over three-quarters of the electorate may have participated. This is an extraordinary number for a plebiscite or a referendum. It is the highest to participate in this type of exercise in the history of Puerto Rico, and there were no incidents; 48.4 percent of the vote was for commonwealth, 46.2 was for statehood, and 4.4 was for independence.

The island's status remains a serious issue requiring our attention, and the Congress of the United States cannot ignore this magnificent democratic expression by the American people of Puerto Rico.

The Congress has a constitutional obligation to acknowledge the will of the people of Puerto Rico and give it serious and constructive consideration. The Federal Government should consider the specific developments proposed and the various views expressed by the American citizens of Puerto Rico.

Mr. Speaker, as chairman of the Subcommittee on Insular and International Affairs, I am advising my colleagues that the committee will hold a hearing on the results of the plebiscite and recommendations regarding them.

IN OPPOSITION OF NAFTA

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

Mr. STRICKLAND. Mr. Speaker, I think those of us who have the privilege of serving in this body also have a moral obligation to consider our vote a sacred trust. There are literally thousands of people in this country who are expressing their views about NAFTA, yet only 435 of us can cast a vote tomorrow for or against the treaty.

As Members of this House, we must approach NAFTA responsibly, rationally, and with an open mind, willing to listen to both sides of the debate.

But, Mr. Speaker, we ought not to vote against our better judgment for narrow self-interested reasons, and our role in casting votes in Congress should not include caving in to the big deal.

Are there some pluses for NAFTA? Absolutely. Will the world come to an end if NAFTA passes? Probably not.

But on balance, this NAFTA is a bad deal for this country. We can do better. We can negotiate a better treaty. We can stand up for the working men and women of this country. We can protect the environment, and we can foster positive political change in Mexico.

We have time to do this correctly, but not with this NAFTA, not now.

AMERICAN SAMOAN SOLDIERS

(Mr. FALEOMAVAEGA asked and was given permission to address the

House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, I have just returned this past weekend from Fort Bragg, NC, after visiting my Samoan constituent soldiers who proudly serve as members of the 82d Airborne Regiment, or are members of the elite Ranger and Special Forces units. I am proud to say to my colleagues that our American Samoan soldiers are capable warriors of the first order, and are committed to defend our country in time of war.

Mr. Speaker, I rise today to express my concerns with Gen. Carl Mundy's recent statements on the CBS show "60 Minutes" during which he said minority officers do not shoot, swim, or land navigate as well as white officers.

Mr. Speaker, it is unfathomable to me that in 1993 we still have high-ranking military officers, apparently as high as the Commandant of the U.S. Marine Corps, who continue to maintain the false stereotype that minority officers are incapable of performing as well as white officers when given similar training and circumstances.

While I have had the opportunity to review General Mundy's apology, I remain troubled because a statement of that nature, by an officer of flag rank, on prime-time national television says a lot about where the Marine Corps is today.

I am pleased to learn that our chairman of the House Armed Services Committee and the Secretary of the Navy is looking into the issue of unequal promotion rates of minorities within the Department of the Navy and the Marine Corps and hope that at least some good will come out of yet another offhanded, offensive remark by a very senior military officer.

I include for the RECORD, Mr. Speaker, this article from the Washington Post:

[From the Washington Post, Nov. 16, 1993]
MARINES: RACIAL FIGURES BACK MUNDY;
VALIDITY DISPUTED

(By John Lancaster and Barton Gellman)

The Marine Corps yesterday released test results that it said support a recent statement by the service's top officer that black officers do not shoot, swim or navigate as well as whites. But the differences in most categories were small and statisticians said their significance is unclear.

In the study of junior Marine officers, whites outperformed blacks in 17 of 19 different military skills, such as target shooting, first aid and night navigation. Marine officials said yesterday that Marine Commandant Gen. Carl E. Mundy Jr. was referring to that data when he made his controversial statement in an Oct. 13 broadcast of the CBS program "60 Minutes."

Mundy's remarks prompted criticism from civil rights leaders and others, who compared his remarks to suggestions by former baseball executive Al Campanis that blacks do not have the "necessities" to become team managers. Mundy, however, quickly apologized and Marine officials emphasized

that he was merely expressing concerns about racial inequities he wants badly to correct.

In any event, they said, Mundy should not be vilified for talking openly about measurable differences in performance among blacks and whites at the service's Basic School at Quantico, where newly minted Marine officers attend a nine-week training course. They released the supporting data in response to queries from news organizations.

The significance of the data remained unclear. In the sample of 1,000 whites and 85 blacks who attended the Basic School over the past two years, the gaps between average black and white scores on individual skills are so narrow that they are statistically insignificant, said David Banks, a statistics professor at Carnegie-Mellon University who examined the data at the Washington Post's request.

Banks said, however, that while the comparisons in individual skill areas do not appear to mean much, "there is a tendency for the differences to be all in one direction and this is puzzling." Blacks outperformed whites in two skill areas: the "double obstacle course" and radio communication.

Senior civilians at the Pentagon said there is better evidence that blacks have a harder time getting promoted than they do competing with whites on job performance or military skills.

Edwin Dorn, the Defense Department's top official for personnel matters, said in an interview last night that the jury is still out on whether black Marines fall short on any meaningful test of military skill. The "one bit of data that is bothersome to us," he said, is that in an analysis of 1993 officer selections, "minorities, and particularly blacks, appear less likely to get promoted from captain to major than are whites."

Gen. Walter E. Boomer, the assistant commandant of the Marines, said in an interview yesterday that Mundy "feels in his heart of hearts" that he was quoted out of context on the CBS broadcast. What he was trying to say, Boomer said, was that "we are making a very dedicated attempt to encourage young black officers to go into the combat arms fields * * * and he expressed concern that from looking at the data from the Basic School, some of the black officers had a more difficult time swimming."

"You and I know that's not a cultural thing, it's an economic thing, because young black males don't have the opportunity * * * to have access to swimming pools or country clubs," Boomer said. "There's nothing about a black person that has anything to do with swimming, inherently."

Boomer said Mundy was trying to say "we're going to devote more time to helping them learn how to swim," but "it came across as blacks can't shoot, can't swim, can't read a compass. And that's not what he meant."

Blacks account for 5.6 percent of Marine officers, compared with 11 percent in the Army. The respective figures for the Navy and Air Force are 4.7 percent and 5.6 percent, according to Air Force Lt. Col. Doug Hart, a Pentagon spokesman.

Though some black leaders expressed anger over Mundy's remarks, there were signs that most were not treating his comments as a major offense. One aide to a member of the Congressional Black Caucus said Mundy's remarks had been "more of a gaffe than an offense."

COMMERCE SECRETARY RON BROWN

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

Mr. BURTON of Indiana. Mr. Speaker, for some time now we have been trying to get from the White House, from the Justice Department, from the Commerce Department information concerning the Ron Brown affair.

Mr. Brown, the Secretary of Commerce, is accused of taking a \$700,000 bribe from the Vietnamese Government to normalize relations with our country, even though we have not had a full accounting of the 2,200 POW/MIA's.

These allegations are very serious. They are so serious there has been a grand jury empaneled down in Miami to look into these allegations.

Mr. Brown testified before the Committee on Foreign Affairs on some trade issues, and we believe he misled the Congress, maybe inadvertently. Maybe he lied. I do not know. But we need to get to the bottom of this thing.

We have written to all these agencies, and we have been stonewalled. So before this Congress adjourns, I implore the President, Mr. Speaker, and the Secretary of Commerce and Ms. Reno, the head of the Justice Department, to give us all the information that we need so we can get to the bottom of this.

If there is nothing to it, it will be cleared up. But if Mr. Brown is guilty, as alleged, then he should be removed as quickly as possible.

IN SUPPORT OF NAFTA

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

Mr. PAYNE of Virginia. Mr. Speaker, the House of Representatives will vote tomorrow on whether or not to approve NAFTA. This is an important and an historic vote.

I support NAFTA because I believe it will create jobs, good jobs, in my congressional district, and across the country.

Some concerns have been raised about how NAFTA will affect the textile and apparel industries—large employers in my Virginia district.

Included in NAFTA's implementing legislation in an amendment I offered in Ways and Means which strengthens the rules of origin for textiles and apparel.

This amendment helps our United States textile and apparel workers by guaranteeing that under NAFTA, duty-free treatment will apply only to textile and apparel products that are spun, woven, and sewn in North America—not China, not Pakistan, not India.

This means that the United States will be more competitive in the world textile and apparel markets.

And that means jobs—new jobs and good jobs—for American workers.

I urge my colleagues, especially those who represent large numbers of textile and apparel workers, to support NAFTA.

□ 1320

NAFTA: MORE THAN JOBS AND TRADE

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

Mr. PORTER. Mr. Speaker, the values we cherish deeply, democracy, human rights, the rule of law, and free economics, are on the ascent everywhere in the world. With the end of the cold war our influence is at its zenith, and the eyes of the world are watching to see whether we have the vision and the courage to lead.

Americans can rise up, as we have so often in our proud history, to embrace the challenges of the global economy and aggressively work to promote our values all over the planet.

Alternatively, we can turn inward, and as Ross Perot and the American labor movement urge us to do, shut off from the rest of the world and maintain barriers to protect ourselves from the uncertainties of change.

After 45 years of exhorting all nations toward free trade, under Democrat and Republican administrations alike, we are asking ourselves the question: Can we afford to freely trade with a weak economy to our south and a tiny economy to our north?

What message will it send about America, Mr. Speaker, if we say no?

NAFTA MUST PASS ON ITS OWN MERITS, NOT WITH THE HELP OF PORK

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

Ms. KAPTUR. Mr. Speaker, if this NAFTA deal were so good, it would pass on its own merits. The problem is those proponents of the agreement have to buy it.

I find it interesting that Prime Minister Brian Mulroney of Canada, who shoved it down the throats of the Canadian working people and his own parliament, was given a board appointment on Archer Daniels Midland, one of the biggest concerns, multinational companies, right after he left office. Most interesting is what is going on here. There are two trade agreements that are going on. One is NAFTA, and the other, trading votes for pork which is now going on within the bowels of the White House.

We cannot believe what they are trading. Some people are going to trade

America and our working people for peanuts, some for citrus, some for sugar, some for home appliances, some for grazing fees, some for rapid transit systems, roads, bridges, harbors, airplanes, banks, and even helium facilities.

If we read pages 48 to 52 of the agreement and the supplementary chapters, will find Honda Motor Corp. will get a \$17.5 million tax forgiveness because this agreement will supersede the United States-Canada Free-Trade Agreement.

What is going on here is wrong. I say to the President of the United States, "Win it on the merits, not the pork."

NAFTA SEEN AS BENEFICIAL TO CALIFORNIA AND THE NATION

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

Ms. ESHOO. Mr. Speaker, over the past months, I have listened to compelling arguments on both sides of the NAFTA debate. Constituents from my district have spoken out on NAFTA revealing both their hopes from the future and their fears of losing what they already have.

After much analysis and reflection, I have determined that NAFTA is good for the people of the 14th Congressional District, for California, and our country. My decision is one of hope, not of fear—it looks to a better future while correcting failures of the past.

My district is where much of our Nation's future is shaped. Those who make products in the 14th District—home of Silicon Valley—have the opportunity to compete in an expanded market under NAFTA and will do particularly well with this agreement.

For California, exports to Mexico are responsible for creating over 150,000 jobs in our State. NAFTA will help secure these jobs and create new ones.

NAFTA will increase our exports, improve competitiveness, strengthen our Nation's foreign policy.

This is an agreement that is worthy of support, and one which I believe exports the best of America—our products, our democratic principles, and our values—not our jobs.

NAFTA: BAD FOR THE UNITED STATES, GOOD FOR HONDA

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

Ms. DELAURO. Mr. Speaker, let us be clear on who NAFTA hurts and who it helps. It hurts U.S. workers. It opens U.S. trade to a country with a direct policy of keeping workers' wages low. Low-wage workers, who have no power to demand health care or other benefits, mean a lower cost of doing busi-

ness. That will lure many United States businesses to Mexico. The Mexican Government knows it, supports it, and advertises it as an asset when trying to attract United States businesses.

Against all conventional economic wisdom, Mexican wages have failed by a wide margin to keep up with the productivity of Mexican workers. And contrary to recent statements, no formal Mexican policy is in place to change this. None; in fact, just the opposite. Mexican Government and businesses officials continue "El Pacto"—their pact to keep wages low despite gains in productivity.

And who does the agreement help? Honda. Yes, Honda. The agreement allows \$17 million in tax forgiveness for that Japanese automaker. This was money Honda was fined because it violated the domestic content provisions of U.S. trade law. But NAFTA gives Honda a \$17 million dollar break.

Mr. Speaker; it is difficult to imagine that the best we can do, the best NAFTA we can negotiate, will cost the jobs of United States workers, but helps Japanese automakers. I urge my colleagues to weight their decision carefully and vote "no" on NAFTA.

URGING MEMBERS TO VOTE NO ON THIS NAFTA

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

Mrs. UNSOELD. Mr. Speaker, each of us understands that by virtue of geography, the American and Mexican futures are linked, but we must also understand that America's interests are not served when Mexicans are denied hope for a decent future.

Indeed, this was at least in part a conscious strategy of the Bush administration that drafted NAFTA. Then-United States Secretary of Commerce Mosbacher distributed materials at a meeting of business investors interested in Mexico, encouraging them to move south of the border, and he forecast even more cheap labor in the future because of a prospective increase in the gap between the United States minimum wage and the Mexican direct wage.

This NAFTA paints a grim future for Mexico's workers. It does nothing to end the Mexican Government's policy of suppressing wages. It does nothing to end its policy of denying basic labor rights. We must have a NAFTA that is in the best interests of all the workers of North America. Vote no on this NAFTA.

AMERICA IS NOT AFRAID TO COMPETE

(Mr. DURBIN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, after months of deliberation, I have reached a decision on the North American Free-Trade Agreement. I will cast my vote in favor of NAFTA. This is my reason. American cannot continue to be a great Nation if we are gripped in fear of the future.

We have nothing to apologize for in this country. We have the most productive workers in the world, we have the best farmers in the world, and we are blessed with the best natural resources we could ever ask for.

America has shown that it can compete and it will compete. If we live in fear of cheap labor markets, let me tell the Members, those cheap labor markets are always going to be there. Companies that want to leave the United States to find cheap labor will always have someplace to go. But we have to look to the future, not to excuses, but to exports. We have an opportunity with NAFTA to open a market for American workers and American farmers.

As far as I am concerned, the theme song for the anti-NAFTA group is "Make the World Go Away." It will not go away. This is a world for global competition, and Americans are not afraid to compete.

NAFTA DISREGARDS THE INTERESTS OF THE AMERICAN WORKER

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

Mr. MILLER of California. Mr. Speaker, this NAFTA should be rejected because this NAFTA was never negotiated with the interests of American workers. For the past 20 years we have watched the workers of this country, some of the most productive workers in the world—in our automobile industry, our electronics industry, our airline industry, in our defense industries—be hit with wave after wave of unemployment. In each and every case they have basically been told to fend for themselves.

As we now address the notion of international trade with this NAFTA agreement, and later with the GATT agreement, nowhere on the table, either at the time of negotiating these agreements or today, as we consider voting for them, were the interests of the American workers taken into consideration.

We still live with the system in this country where, if you are unemployed because of trade or because of downsizing or leveraged buy-outs or any cause at all, you and your family essentially must become poor and start over again.

There is something very wrong that after what we have seen, after the last

20 years, we will consider doing this again to tens of thousands of workers who must start over, lose their homes, take their children out of school, and catch as catch can.

□ 1330

That cannot be the future of the American family and the American worker. There has got to be a labor component, a worker component, a family component to NAFTA and its ramifications. This NAFTA does not have that.

NORTH AMERICAN FREE-TRADE AGREEMENT

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

Ms. CANTWELL. Mr. Speaker, Washington State is an outstanding example of what can happen when an economy and a people embrace the challenge and opportunity of international trade. Washington is America's beachhead for trade to Asia and the Pacific rim. We share a border with Canada, and our trade with Mexico rose by 577.5 percent between 1987 and 1992. Today, approximately one of every four people in Washington earn their living from export-related jobs.

NAFTA will help Washington State and it will help America. I have met personally with more than 1,000 of my constituents on this issue. Dozens of companies in my district have convinced me that NAFTA will increase their sales, create hundreds of high-wage jobs, and strengthen their relationships with America's other trading partners.

Mr. Speaker, NAFTA is not the only important trade decision being made this week. In Seattle, the United States is hosting the Asia-Pacific Economic Cooperation conference in an effort to strengthen trade policies and relationships with 15 member nations from Asia and the Pacific rim—a market that buys 52 percent of all U.S. exports.

If Congress fails to pass the North American Free-Trade Agreement tomorrow, what kind of leverage will Mr. Clinton have at the APEC conference in Seattle?

How can the United States hope to be effective in future trade negotiations—or convince other nations of our sincere desire to open new markets—if this Congress is unwilling or unable to agree to more open trade with our two closest neighbors?

I urge my colleagues to vote yes on NAFTA and open the door of opportunity.

MYTHS EXPOSED

(Mr. DREIER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the dictionary definition of myth is: A fiction or half-truth, especially one that forms part of the ideology of a society.

The opponents of NAFTA are trying to make their opposition to this agreement part of the ideology of our society. But their efforts are based on several fictions and half-truths that must be exposed.

Myth No. 1: Jobs will go to Mexico: Not true. If NAFTA is passed, Mexican tariffs will be reduced, allowing companies to stay in America to manufacture their products meant for Mexico.

Myth No. 2: The environment will be hurt: Not true. Only if NAFTA is passed will we be able to work with our neighbors to improve our hemisphere's environment.

Myth No. 3: NAFTA will reduce wages of U.S. workers: Not true. Actually, export-related jobs pay 17 percent more than the average wage, and NAFTA will be responsible for creating at least 200,000 more of those jobs in the next 24 months.

Mr. Speaker, let us dispense with the myths. The truth is that NAFTA is good for American workers, good for the world environment, and good for jobs in this country.

UNANSWERED QUESTIONS ON THIS NAFTA

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

Mrs. KENNELLY. Mr. Speaker, tomorrow this body will vote on a complex trade agreement, the North American Free-Trade Agreement. It has now become a very controversial trade agreement. I would like to just set the record straight, because I received a number of calls in my office and they say, "BARBARA, AL GORE won the debate. Why aren't you with AL GORE?" I am with AL GORE but not with this treaty.

I have been on the Ways and Means Committee for a number of years. I've had this Treaty before me for some time. I met with Mrs. Carla Hill, our U.S. Trade Representative time and again. This piece of legislation came first to Ways and Means. It was attached to our General Agreement on Tariffs and Trade. It was on a fast track, the North American Free-Trade Agreement.

Many of us voted for this trade agreement because of the importance of GATT. We did say at that time over 2 years ago that we had reservations about NAFTA, about workers' wages, we had reservations about animal protections, we had reservations about the environment. There were a number of questions unanswered, but we voted "yes" to let the process work internationally as far as GATT was concerned.

Since that time, hours and hours and hours have been spent on side agreements, and yet for some of us our questions were not answered. And as a result, in my mind, any agreement, policy or directive entered into by this country, whether foreign or domestic, must have one goal, one priority, and that is the improved quality of life of the American people.

Mr. Speaker, this NAFTA does not pass that test.

CRIME LEGISLATION

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

Mr. FORD of Tennessee. Mr. Speaker, I rise today to say that on Saturday the President was in my district of Memphis, and he reminded us that the civil rights struggle of the 1960's was not fought so that we could rob, rape, assault, and murder one another with weapons of our choice in the 1990's. Too many of our communities, he indicated, were under siege, and it was unacceptable that children cannot go to school, or go to playgrounds, or go to swimming pools without fear of being shot. It was unacceptable that sounds that fill our communities are the sirens of ambulances and police cars and the wails of grieving families. It is unacceptable that the 11-year-olds are planning their funerals and asking to be buried in prom clothes that they do not believe that they will have an opportunity to wear.

Mr. Speaker, we call upon the Congress to take whatever action is necessary for certain components of the crime bill, but also let us look long and hard at job creation in this Nation. We need jobs in our urban areas, we need jobs in our rural areas to address some of the crime problems that we are faced with.

COMPANIES NOT FUNDING BENEFITS PACKAGES

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

Mr. PICKLE. Mr. Speaker, yesterday General Motors announced their intention to put considerable additional assets into their seriously underfunded pension plan for hourly employees. This additional contribution would total some \$5 billion to \$6 billion. I think that is a good step, and I hope it can be approved by the administration. At least it appears they are willing to put back into their most seriously underfunded plan about as much money as they gave away last month when they negotiated the last labor contract.

While that sounds good, we should remember that we still have a serious

problem with unfunded pension liabilities. In less than 1 year the underfunding in General Motors' pension plans has gone from \$19 billion to \$24 billion. This latest proposal by General Motors will reduce that indebtedness some but, even if it is ultimately approved, the plans will still be seriously underfunded. The administration has proposed legislation that will address many of the problems we face in this area, however, we still must put a stop to the fact that companies can promise more and more benefits even when they have failed to fund their existing pension promises. We must stop that.

NAFTA IS A BAD DEAL

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

Mr. BROWN of Ohio. Mr. Speaker, if the North American Free-Trade Agreement is so great, why can it not pass on its merits?

If the North American Free-Trade Agreement is so great, why cannot the proponents of it win the minds and the hearts of the American people?

If the NAFTA is so great, why did the Mexican Government spend \$30 million in a historically unprecedented move to lobby the Members of this Congress by hiring every top-notch lobbyist in this community?

If NAFTA is so great, why must USA NAFTA spend tens of millions of dollars on television ads and on people flying to Washington, and paying people and lobbyists all over this town, and all over this country to lobby Members of Congress?

And if NAFTA is so great, why to get this passed did Honda need a \$17 million tax break?

And if NAFTA is so great, why are people in this institution for NAFTA having their votes bought, and why is there the buying of votes for this bill, for the C-17 spending \$1.4 billion for airplanes that do not fly, by creating a national North American Development Bank? Why do they have to buy those votes of Members in Congress in order to pass the North American Free-Trade Agreement?

And Mr. Speaker, we do not even know what all of the deals are, and we are expected to vote on this bill tomorrow when we do not know what kind of deals are made, we do not know what kind of offers are coming from the administration. It does not smell good. It is not a good thing for the American public, it is not a good thing for any of us. It is a job killer. It hurts communities, it hurts small business.

NAFTA is a bad deal.

□ 1340

NAFTA NOT IN BEST INTERESTS OF UNITED STATES

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

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to urge my colleagues to reject the North American Free-Trade Agreement.

The goal of any trade agreement, including this NAFTA, must be to expand economic growth, enhance the export opportunities of American businesses, and promote a higher standard of living so that businesses can create more family supporting jobs for American workers.

A good agreement would help us to accomplish these goals, but this NAFTA certainly does not.

NAFTA was not negotiated on the most favorable terms to the United States. Any gains that the United States will make into the Mexican market will come at a substantial cost. The United States has racked up more than a \$1 trillion trade deficit since 1974 due in part to having negotiated trade agreements that have given up a lot in order to gain a small amount of market access.

We are not likely to realize the gains purported because under this NAFTA, the standard of living of Mexican workers will not grow to provide them with the needed purchasing power to buy American goods and services.

And the side agreements, which were designed to address this concern through enforcement of Mexican labor and environmental laws, lack real enforcement mechanisms to ensure we provide American businesses and workers with at least somewhat of a level playing field.

Mr. Speaker, the first step to negotiating an agreement that does allow us to accomplish the goals of free and fair trade is to set aside this NAFTA and then begin negotiating a better and more promising agreement. That is the course that I hope we will follow.

IS NAFTA GOOD FOR AMERICA?

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

Mr. DEUTSCH. Mr. Speaker, if the North American Free-Trade Agreement is approved, it would be the first time in the history of the world that a developed country entered into a free-trade agreement with an undeveloped country. Supporters of NAFTA point to the free-trade agreement of Portugal and Germany as a parallel. There are, however, fundamental differences between that agreement and NAFTA.

First, the wage ratio between Portugal and Germany was 1-to-4. The wage ratio between Mexico and the

United States is closer to 1-to-8. Second, before Portugal, Spain, and Greece were allowed to enter the European Community market they were required to change labor standards to make them more in line with the standards of the more developed European countries. More importantly, Portugal and Greece were required to change their systems of government before they were allowed to enter the European Community.

Mexico remains essentially a dictatorship. Economic theory has shown that wages go up and working conditions improve with productivity in a democracy but not in a dictatorship. If productivity increases in Mexico are not matched with wage increases and improved working conditions, the wages of American workers will not only not increase but will go down. The living standards of Americans will also go down.

Free trade is a critical value to secure our economic security, our national security, and even our freedom. This NAFTA, however, is not a free-trade agreement.

As Senator MOYNIHAN of New York has stated, "You cannot have a free-trade agreement with a country that is not free."

There is only one criteria for me in voting on NAFTA: "Is NAFTA good for America?" I must answer that question "no."

VOTE "NO" AGAINST NAFTA

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

Miss COLLINS of Michigan. Mr. Speaker, why would some Members of this Congress attempt to sell the American worker down the river with NAFTA? Why would some Members of Congress vote for NAFTA which will only line the pockets of the fat cats at the expense of the American workers?

Mr. Speaker, 2 weeks ago 20,000 people in the city of Detroit lined up at the U.S. Post Office for applications for jobs that will not be filled for another 5 years. Last week, 10,000 Detroiters lined up for applications for a casino that has not even been built yet.

The American worker is suffering and suffering for jobs in this country, and the American middle class is dying.

This Congress, instead of serving our people, some of my colleagues are delivering the fatal blow. Remember who sent you here, and remember why you were sent here.

Defeat NAFTA. Vote "no" against NAFTA, and I ask all of my colleagues to let your conscience be your guide. Do not sell out to the higher bidder.

I do not care where it is or who he is, remember your constituents. Vote "no" against NAFTA.

WHEAT DEAL IS INADEQUATE

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

Mr. POMEROY. Mr. Speaker, it is my privilege to represent one of the richest wheat-producing areas in the world in this House of Representatives.

In light of yesterday's announcement on a wheat deal as part of the NAFTA negotiations, people have asked me whether I will be inclined to support this deal. My answer is a clear and unequivocal "no."

I have two major problems with the so-called wheat deal. The first is that it is not a NAFTA issue. In fact, the linkage of these issues should worry any agricultural commodity or product with protection placed in this trade treaty.

The experience of wheat has been that treaty protections do not mean anything unless and until the administration becomes desperate for votes from Representatives from impacted rural areas.

Second, the wheat deal is totally inadequate. Canadian wheat imports have risen 500 percent since the ratification of the Canadian free-trade agreement. We do not need further study of this problem. What we need is an emergency section 22 action against Canada to stop another flood of imports occurring now and in coming months.

When it comes to wheat, my position remains the same: No new trade agreement until meaningful steps have been taken to fix the last one.

The wheat deal announced yesterday does not come close to being an adequate response.

RENEGOTIATE NAFTA

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

Mr. LEVIN. Mr. Speaker, in the Wall Street Journal today there is a little article. It is headlined "Hedging a Pledge: Mexico May Dilute Productivity-Linked Wage Boost."

Why is this significant? Because it relates to the weakest link in this NAFTA, the 1-to-10 differential in wages and salaries, a State-directed policy of Mexico to combine low wages with high productivity to lure more investment to Mexico.

Well, the answer has been that Mexico will somehow amend this policy and link wages to productivity, but as this article indicates, there is no legal link between them. And if there were, what would it mean when the minimum wages in Mexico are 60 cents an hour?

This divisive, bitter battle over NAFTA is not one that had to be, and that is the tragedy of this. The best an-

swer is to renegotiate NAFTA, and to do it right.

HOOR OF MEETING ON TOMORROW

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that, when the House adjourns today, it adjourn to meet at 9 a.m. on tomorrow, Wednesday, November 17, 1993.

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

There was no objection.

AUTHORIZING PLACEMENT OF A MEMORIAL CAIRN IN ARLINGTON NATIONAL CEMETERY HONORING VICTIMS OF TERRORIST BOMBING

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 129) to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, VA, to honor the 270 victims of the terrorist bombing of Pan Am flight 103.

The Clerk read the title of the Senate joint resolution.

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

Mr. STUMP. Mr. Speaker, reserving the right to object, I yield to the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, for a brief explanation of the resolution.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 129, legislation authorizing the Department of the Army to place a memorial cairn on the grounds of Arlington National Cemetery to honor the memory of the 270 victims who lost their lives in the terrorist bombing of Pan Am flight 103. One hundred eighty-nine of the 270 victims were U.S. citizens, representing 21 States and the District of Columbia.

I consider Arlington National Cemetery to be especially appropriate for this memorial since 15 of those killed were active duty service members and at least 10 others were veterans. A small plot of land unsuitable for gravesites at Arlington has been proposed for the placement of the cairn.

I want to thank the Honorable JOE KENNEDY, a very able member of our committee, for bringing this matter to my attention and commend him for its efforts to get this resolution adopted.

I also want to thank my colleague, GEORGE SANGMEISTER, the very able chairman of our Subcommittee on Housing and Memorial Affairs, DAN BURTON, the ranking minority member of the subcommittee, and BOB STUMP, the ranking minority member of the full committee, for allowing the resolution to be taken up today.

I, of course, wish to thank the distinguished chairman and ranking minority member of the Senate Veterans' Affairs Committee, JAY ROCKEFELLER and FRANK MURKOWSKI, for their support.

Mr. Speaker, Senate Joint Resolution 129 has the full support of President Clinton and Secretary of Defense Les Aspin. In addition, major veterans organizations, including the American Legion, Disabled American Veterans, and Veterans of Foreign Wars, support the proposal.

The people of Scotland are to be commended for their generous donation of the materials to erect the cairn. No costs are to be borne by the Government. I urge my colleagues to support the Senate joint resolution.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I rise today to speak on behalf of the victims of terrorism on the night of December 21, 1988. It was on that evening that college students from Syracuse University's Semester Abroad Program were excitedly winging their way home after a semester of discovery and wonder in one of the world's great urban centers, London. There were 35 of them and they never made it home. Imagine the horror of the parents who awaited them at John F. Kennedy International Airport in New York when they were told the news: Their beloved children, students, lovers of beauty and art and travel, were gone now, erased from the sky by—no one knew. But now we do.

The students were among 270 persons from 21 countries. They paid a price for their American citizenship, we have been told. Because it was terrorists who placed a bomb on that particular flight, bound for New York, oblivious to the personal pain they would inflict, joyful over the wound they would register against a great nation. Our great Nation.

As we now seek to bring the perpetrators to justice, we need to remember those who are now American heroes because they indeed died for our country. I am an original cosponsor of Mr. KENNEDY's resolution to place a memorial cairn in Arlington National Cemetery.

The cairn is a gift of the people of Lockerbie, Scotland, the exact location of the explosion, that faraway place which has become legendary in central New York. It is fitting that we honor my former constituents, their families, and all the victims of the flight 103 tragedy.

Mr. Speaker, I urge the adoption of Senate Joint Resolution 129.

□ 1350

Mr. STUMP. Mr. Speaker, reclaiming my time, I share the profound regret, sympathy, and loss associated with the appalling violence committed on De-

cember 21, 1988, over Lockerbie, Scotland, by an act of terrorism.

Personally, however, I am concerned that the placement of this memorial in Arlington National Cemetery goes outside the purpose of this national shrine.

Arlington, as a national shrine, holds a very unique place in the eyes of the American people. There must, of necessity, be some restrictions on burials and monuments at Arlington.

Specifications and guidelines established at Arlington state that the design of memorials to commemorate events or groups should aspire "to honor heroic military service as distinguished from civilian service however notable or patriotic."

I will not object to this unanimous-consent request. I do hope, however, that the chairman will sit down to draft legislation to establish in statute once and for all the criteria for burial and memorial at Arlington National Cemetery.

I am hopeful that we can do this to avoid exceptions in the future that stray even further from the stated purpose of Arlington National Cemetery.

Mr. SANGMEISTER. Mr. Speaker, I am pleased to lend my support to Senate Joint Resolution 129. This resolution would authorize the Department of the Army to erect a memorial cairn at Arlington National Cemetery to honor the 270 victims of terrorism on Pan Am flight 103.

Mr. Speaker, it is more than 4½ years since the terrorist bombing of Pan Am flight 103, on December 21, 1988. Although only one of the 189 U.S. citizens is from my home State of Illinois, I view terrorists attacks against any Americans as actions against the United States. I want to congratulate the people of Scotland, especially those from Lockerbie, and recognize their generosity in donating the memorial cairn. No costs for the cairn are to be borne by the U.S. Government.

As subcommittee chairman of the Veterans Housing and Memorial Affairs Committee, officials of Arlington National Cemetery have assured me that the placement of the memorial will not take away from available gravesites at the cemetery. The cairn is simply a small way for our Nation to memorialize each citizen who died on Pan Am flight 103.

Veterans service organizations, including the American Legion, Disabled American Veterans, and the Veterans of Foreign Wars have expressed support for the resolution, as both active duty personnel (15) and veterans—at least 10—were killed in the terrorist act.

Letters in support of Senate Joint Resolution 129, have also been received from the White House and the Department of Defense.

I urge adoption of the resolution by the full House.

Mr. KENNEDY. Mr. Speaker, the terrorist bombing of Pan Am flight 103 marks a tragedy in our Nation's history that must not be forgotten. For this reason, I bring forward a joint resolution to authorize the placement of a memorial in Arlington National Cemetery to honor the victims of Pan Am flight 103. Arlington National Cemetery is an appropriate location for

a national memorial to honor our citizens who lost their lives as a result of an attack that was unquestionably waged on America.

We are all aware that the tides of terrorism are encroaching upon our shores—our own soil is not immune from terrorist threats. The World Trade Center bombing in February and the recent alleged plot on the U.N. building and the Holland and Lincoln Tunnels drive home the fact that we, as a Nation, must maintain our resolve against future terrorist acts.

On December 21, 1988, 189 United States citizens were killed by the terrorist bombing of Pan Am flight 103 over Lockerbie, Scotland. Fifteen active duty and at least 10 veterans of the U.S. armed services were on the flight. Thousands of Americans were chilled by the loss of a family member, a friend, a loved one—many of whom were traveling home to the United States for the holidays. Together, they were innocent victims of a truly heinous act.

The families left behind have suffered an incalculable loss. Their loved ones were senselessly killed in an act of war; a terrorist war in which none of them played a role until they became its casualties. I admire the strength that the relatives and friends of the victims have demonstrated by working to prevent further terrorist acts against the United States, and also to prosecute the terrorists responsible for the bombing.

The families have selected a small, vacant tract of land, unsuitable for gravesites, for the cairn's location in Arlington National Cemetery. The people of Scotland have graciously donated the memorial cairn. Any of the funds required for placing the cairn will be raised through fundraising by the families at no Federal expense.

This monument will serve as a point of healing, a point of remembrance, and a point of reference in our continuing quest to prevent terrorist acts. The placement of this memorial in Arlington National Cemetery is appropriate for an act of war against the United States, and it will serve to heighten national recognition against terrorism.

The sorrow and pain caused by terrorist acts will never be erased. However, our determination to end terrorism must remain strong. The memorial cairn will always serve as a powerful symbol that the vigilance against terrorism must go on. I urge my colleagues to support this important initiative.

Mrs. ROUKEMA. Mr. Speaker, I commend to my colleagues attention legislation the House passed earlier today, authorizing the placement of a memorial cairn in Arlington Cemetery, to honor the victims of Pan Am flight 103. There can be no more fitting monument to the 270 lives lost in this barbaric act of terrorism.

This memorial will be erected in Arlington National Cemetery, on a plot of land identified by the families of the victims of Pan Am 103. Stones for the monument have been donated by the people of Scotland, and the families of the victims have indicated that they will raise any additional moneys involved in its erection.

This memorial cairn will serve foremost to honor the memory of those who lost their lives in this bombing. No words can convey the horror of this senseless act, or the pain so many

families felt when their children, husbands, wives, and parents were killed that day. In my own district, so many of the losses were young men and women, whose potential and life will never be known. The loss of a child is perhaps the most singular grief a parent can know, and 4 years later, our sympathy and thoughts remain with the families of these innocent victims.

Furthermore, this monument serves to recognize these families, and all those who lost loved ones. As many of my colleagues know, the families of Pan Am 103 have worked tirelessly since the tragedy to make certain no such horror ever happens again. Their diligent efforts to improve airline security, heighten our awareness and defense against international terrorism, and ensure that justice is served affects every American. The families of Pan Am 103 have taken their grief and anger, and made the most selfless act of putting it to positive use. Every American owes them a debt of gratitude.

Each of my colleagues should join me in support of this memorial. The Pan Am flight 103 memorial cairn will serve to remind Americans for years to come of the sacrifice of these victims and their families, and of the need to remain ever vigilant in our war against terrorism. There can be no more fitting honor.

Mr. STUMP. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S. J. RES. 129

Whereas Pan Am Flight 103 was destroyed by a bomb during the flight over Lockerbie, Scotland, on December 21, 1988;

Whereas 270 persons from 21 countries were killed in this terrorist bombing;

Whereas 189 of those killed were citizens of the United States including the following citizens from 21 States, the District of Columbia, and United States citizens living abroad:

ARKANSAS: Frederick Sanford Phillips;

CALIFORNIA: Jerry Don Avritt, Surinder Mohan Bhatia, Stacie Denise Franklin, Matthew Kevin Gannon, Paul Isaac Garrett, Barry Joseph Valentino, Jonathan White;

COLORADO: Steven Lee Butler;

CONNECTICUT: Scott Marsh Cory, Patricia Mary Coyle, Shannon Davis, Turhan Ergin, Thomas Britton Schultz, Amy Elizabeth Shapiro;

DISTRICT OF COLUMBIA: Nicholas Andreas Vrenios;

FLORIDA: John Binning Cummock;

ILLINOIS: Janina Jozefa Waido;

KANSAS: Lloyd David Ludlow;

MARYLAND: Michael Stuart Bernstein, Jay Joseph Kingham, Karen Elizabeth Noonan, Anne Lindsey Otenasek, Anita Lynn Reeves, Louise Ann Rogers, George Watterson Williams, Miriam Luby Wolfe;

MASSACHUSETTS: Julian MacBain Benello, Nicole Elise Boulanger, Nicholas Bright, Gary Leonard Colasanti, Joseph Patrick Curry, Mary Lincoln Johnson, Julianne Frances Kelly, Wendy Anne Lincoln, Daniel Emmett O'Connor, Sarah Susannah Buchanan Philipps, James Andrew Campbell Pitt, Cynthia Joan Smith, Thomas Edwin Walker;

MICHIGAN: Lawrence Ray Bennett, Diane Boatman-Fuller, James Ralph Fuller, Kenneth James Gibson, Pamela Elaine Herbert, Khalid Nazir Jaafar, Gregory Kosmowski, Louis Anthony Marengo, Anmol Rattan, Garima Rattan, Suruchi Rattan, Mary Edna Smith, Arva Anthony Thomas, Jonathan Ryan Thomas, Lawanda Thomas;

MINNESOTA: Philip Vernon Bergstrom;

NEW HAMPSHIRE: Stephen John Boland, James Bruce MacQuarrie;

NEW JERSEY: Thomas Joseph Ammerman, Michael Warren Buser, Warren Max Buser, Frank Ciulla, Eric Michael Coker, Jason Michael Coker, William Allan Daniels, Gretchen Joyce Dater, Michael Joseph Doyle, John Patrick Flynn, Kenneth Raymond Garczynski, William David Giebler, Roger Elwood Hurst, Robert Van Houten Jeck, Timothy Baron Johnson, Patricia Ann Klein, Robert Milton Leckburg, Alexander Lowenstein, Richard Paul Monetti, Martha Owens, Sarah Rebecca Owens, Laura Abigail Owens, Robert Plack Owens, William Pugh, Diane Marie Renevich, Saul Mark Rosen, Irving Stanley Sigal, Elia Stratis, Alexia Kathryn Tsairis, Raymond Ronald Wagner, Dederica Lynn Woods, Chelsea Marie Woods, Joe Nathan Woods, Joe Nathan Woods, Jr.;

NEW YORK: John Michael Gerard Ahern, Rachel Maria Asrelysky, Harry Michael Bainbridge, Kenneth John Bissett, Paula Marie Bouckley, Colleen Renee Brunner, Gregory Capasso, Richard Anthony Cawley, Theodora Eugenia Cohen, Joyce Christine Dimauro, Edgar Howard Eggleston III, Arthur Fondiler, Robert Gerard Fortune, Amy Beth Gallagher, Andre Nikolai Guevorgian, Lorraine Buser Halsch, Lynne Carol Hartunian, Katherine Augusta Hollister, Melina Kristina Hudson, Karen Lee Hunt, Kathleen Mary Jermyn, Christopher Andrew Jones, William Chase Leyrer, William Edward Mack, Elizabeth Lillian Marek, Daniel Emmet McCarthy, Suzanne Marie Miazga, Joseph Kenneth Miller, Jewell Courtney Mitchell, Eva Ingeborg Morson, John Mulroy, Mary Denise O'Neill, Robert Italo Pagnucco, Christos Michael Papadopoulos, David Platt, Walter Leonard Porter, Pamela Lynn Posen, Mark Alan Rein, Andrea Victoria Rosenthal, Daniel Peter Rosenthal, Joan Sheanshang, Martin Bernard Caruthers Simpson, James Alvin Smith, James Ralph Stow, Mark Lawrence Tobin, David William Trimmer-Smith, Asaad Eldi Vajdany, Kesha Weedon, Jerome Lee Weston, Bonnie Leigh Williams, Brittany Leigh Williams, Eric Jon Williams, Stephanie Leigh Williams, Mark James Zwynenburg;

NORTH DAKOTA: Steven Russell Berrell;

OHIO: John David Akerstrom, Shanti Dixit, Douglas Engine Malicote, Wendy Gay Malicote, Peter Raymond Peirce, Michael Pescatore, Peter Vulcu;

PENNSYLVANIA: Martin Lewis Apfelbaum, Timothy Michael Cardwell, David Scott Dornstein, Anne Madelene Gorgacz, Linda Susan Gordon-Gorgacz, Loretta Anne Gorgacz, David J. Gould, Rodney Peter Hilbert, Beth Ann Johnson, Robert Eugene McCollum, Elyse Jeanne Saraceni, Scott Christopher Saunders;

RHODE ISLAND: Bernard Joseph McLaughlin, Robert Thomas Schlageter;

TEXAS: Willis Larry Coursey, Michael Gary Stinnett, Charlotte Ann Stinnett, Stacey Leanne Stinnett;

VIRGINIA: Ronald Albert Lariviere, Charles Dennis McKee;

WEST VIRGINIA: Valerie Canady;

UNITED STATES CITIZENS LIVING ABROAD: Sarah Margaret Aicher, Judith Bernstein Atkinson, William Garretson Atkinson III,

Noelle Lydie Berti, Charles Thomas Fisher IV, Lilibeth Tobila Macalooloo, Diane Marie Maslowski, Jane Susan Melber, Jane Ann Morgan, Sean Kevin Mulroy, Jocelyn Reina, Myra Josephine Royal, Irja Syhnove Skabo, Milutin Velimirovich;

Whereas 15 active duty members and at least 10 veterans of the United States Armed Forces and members of their families were among those who lost their lives in this tragedy;

Whereas the terrorist bombing of Flight 103 was unquestionably an attack on the United States;

Whereas a memorial cairn honoring the victims of the bombing of Flight 103 has been donated to the people of the United States by the people of Scotland;

Whereas a small, vacant plot of land, unsuitable for gravesites, has been located in Arlington National Cemetery, Arlington, Virginia; and

Whereas Arlington National Cemetery, Arlington, Virginia, is a fitting and appropriate place for a memorial in honor of those who perished in the Flight 103 bombing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to place in Arlington National Cemetery, Arlington, Virginia, a memorial cairn, donated by the people of Scotland, honoring the 270 victims of the terrorist bombing of Pan Am Flight 103 who died on December 21, 1988, over Lockerbie, Scotland.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on Senate Joint Resolution 129, which was just considered and passed.

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

There was no objection.

REPEALING REQUIREMENT THAT UNDER SECRETARY FOR HEALTH IN DEPARTMENT OF VETERANS AFFAIRS BE A DOCTOR OF MEDICINE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the Senate bill (S. 1534) to amend title 38, United States Code, to repeal a requirement that the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. STUMP. Mr. Speaker, reserving the right to object, I yield to the gentleman from Mississippi for the purpose of explaining this legislation.

Mr. MONTGOMERY. I thank the gentleman for yielding to me.

Mr. Speaker, the Senate bill would lift the requirement in current law that the VA Under Secretary for Health be a physician.

The committee concurs in principle with the apparent aim of that proposal, to provide the latitude for appointment of the most qualified person available to the important position of VA Under Secretary for Health. But the committee believes that that latitude must be balanced against the need to ensure that the highest levels of VHA management retain physician leadership.

The Senate bill was apparently based on a legislative proposal advanced by the Department of Veterans Affairs on September 16, 1993. The Department submitted that proposal to the House and Senate after a reportedly unsuccessful search of many months' duration for a new Under Secretary, and requested the introduction and enactment of legislation to lift the physician requirement for that position. The Department framed this request in terms of a quest for greater latitude to find the most qualified person for this important position.

VA has been well served by physicians occupying the most senior positions in the Veterans Health Administration and the Department of Medicine and Surgery. This committee does not lightly turn away from the vital and unique contributions physician-leaders can and do provide the Veterans Health Administration. Whether in the role of advising a Secretary of Veterans Affairs on the Department's Research Budget, negotiating with physician peers in other Federal departments or appearing before committees of the Congress, a physician brings a unique expertise, insight, and stature.

Yet there is force to the view that VHA needs the most able leadership. Dramatic changes are underway within the national health care system which, even without enactment of a national health care reform bill, will require reforming the VA health care system. The inevitability of such change, and the prospect that that change may be sweeping and complex, underscores the importance of assuring the most able VHA leadership. While physicians have long provided that leadership, it could conceivably also come from another clinical perspective or another sector.

With respect to the Under Secretary post, the Department's request that Congress lift the physician requirement, however, raised questions. Its request provided no insight into the kind of analysis that led the Department to the specific legislative solution it proposed. Moreover, the request provided no insight into the nature of the proc-

ess by which the search itself had been conducted, or the basis on which a search committee would proceed under the proposed legislation. The Department offered no hint, for example, as to how it envisioned the search committee would weigh physicians against non-physicians in identifying the most qualified candidate.

It became clear to the committee that the Department's administration of the search process was flawed. The Committee on Veterans' Affairs would have anticipated that that process would be thorough, methodical, and constituted so as to avoid any reasonable criticism. The evidence suggested otherwise. The committee found particularly disturbing, for example, the Department's failure to furnish the members of the search commission any criteria by which to evaluate candidates other than the requirements of the law itself. The significance of that failure was all the more striking in light of the committee's understanding that of some 54 candidates judged to be qualified only 8 were interviewed.

The composition of the search commission is set by law, and includes substantial representation from activities affected by the Veterans Health Administration. VA gains immeasurably from the experience and insight of eminent professionals who participate in such a process. But it is unreasonable for the Department to abdicate taking a role which extends much beyond establishing the search commission and hosting its meetings. In fairness to the commission members themselves, the Department owes them substantial guidance on the criteria they should employ in conducting their evaluations and their determinations on whom to interview. Absent specific, sound criteria, the process is open to the criticism that it is not free from the potential for arbitrary and capricious decisionmaking. Neither the Secretary nor the Commission members could tolerate a process open to such a perception.

In the belief that the Department would share that view, the Subcommittee on Hospitals and Health Care sought assurances from the Secretary that the Department would address these and related concerns regarding the search process. Regrettably, the Secretary has declined to do so or to provide assurances to that effect.

The above concerns led the committee on November 9, 1993, to address these issues legislatively in a committee amendment to H.R. 3400, the Government Reform and Savings Act of 1993, which it ordered reported as amended. In so acting, the committee sought, through amendments to title 38, to address its concerns regarding the conduct of the search process, while at the same time providing greater latitude in filing the position of Under Secretary for Health. My proposed amendment to S. 1534 would in-

corporate the pertinent provisions of the committee amendment to H.R. 3400. The amendment would provide in essence that, if at the time a search commission were established, the positions of Deputy and Associated Deputy Under Secretary were held by physicians, the Under Secretary could be a nonphysician. In either case, however, the amendment would require the Secretary to develop and furnish to the search commission specific criteria which the commission shall use in evaluating candidates. The amendment would further require that, in the case where the physician requirement was not applicable in filing the Under Secretary position, the commission shall accord a priority to the selection of a physician over a nonphysician.

This physician priority requirement does not mean that nonphysicians may only be considered if the commission cannot identify a physician who meets the specific criteria developed by the Secretary. It does contemplate, however, that the criteria reflect and give weight to clinical experience and particularly to that of a physician. The committee would expect that the criteria would also be weighed in a manner that would ensure that those individuals recommended for appointment would have a background which would provide a level of sensitivity to patients' needs comparable to that gained from clinical practice.

The physician priority should also be read in the context of the requirement in law that the commission recommend at least three individuals for appointment. It is inconceivable that a meaningful priority could have been afforded physicians if such a list of recommended candidates included only a single physician or failed to include any.

The committee does not presume to dictate to the Secretary the list of criteria that official should establish. Such criteria should, however, take account of VA's potential role as a competitor under health reform. They should also recognize VA's broad and relatively unique role as a provider of long-term care and psychiatric care, and should give additional weight to candidates with such experience.

As regards the two positions immediately subordinate to the Under Secretary, the measure would also amend section 7306 of title 38 to permit the appointment of a non-physician to either the Deputy or Associate Deputy Under Secretary positions when two of the top three positions in the Veterans Health Administration are held by physicians.

My proposed amendment to S. 1534 reflects discussions between the House and Senate, and I urge my colleagues to support the amendment.

Mr. STUMP. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1534

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

SECTION 1. REPEAL OF REQUIREMENT THAT UNDER SECRETARY OF VETERANS AFFAIRS FOR HEALTH BE A DOCTOR OF MEDICINE.

(a) REPEAL.—Subsection (a)(2) of section 305 of title 38, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking out “shall be a doctor of medicine and”; and

(2) in subparagraph (A)—

(A) by striking out “in the medical profession,”; and

(B) by striking out the comma after “policy formulation”.

(b) TECHNICAL CORRECTION.—Subsection (a)(1) of such section is amended by striking out “a Under Secretary” and inserting in lieu thereof “an Under Secretary”.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MONTGOMERY: Strike all after the enacting clause and insert the following:

SECTION 1. MODIFICATION TO PHYSICIAN REQUIREMENT FOR CERTAIN SENIOR VETERANS HEALTH ADMINISTRATION OFFICIALS.

(a) UNDER SECRETARY.—Section 305 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by striking out “shall be a doctor of medicine and shall be” and inserting in lieu thereof “shall (except as provided in subsection (d)(1)) be a doctor of medicine. The Under Secretary shall be”;

(2) in subsection (d)—

(A) by adding at the end of paragraph (1) the following: “If at the time such a commission is established both the position of Deputy Under Secretary for Health and the position of Associate Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed by the President as Under Secretary for Health may be someone who is not a doctor of medicine. In any case, the Secretary shall develop, and shall furnish to the commission, specific criteria which the commission shall use in evaluating individuals for recommendations under paragraph (3).”;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after the first sentence of paragraph (3) the following: “In a case in which, pursuant to paragraph (1), the individual to be appointed as Under Secretary does not have to be a doctor of medicine, the commission may make recommendations without regard to the requirement in subsection (a)(2)(A) that the Under Secretary be appointed on the basis of demonstrated ability in the medical profession, but in such a case the commission shall accord a priority to the selection of a doctor of medicine over an individual who is not a doctor of medicine.”; and

(D) by designating the sentence beginning “The commission shall submit” as paragraph (4).

(b) DEPUTY AND ASSOCIATE DEPUTY UNDER SECRETARY.—Section 7306 of such title is amended—

(1) in subsection (a), by inserting “(except as provided in subsection (c))” in paragraphs (1) and (2) after “and who shall”;

(2) in subsection (c)—

(A) by inserting “(1)” after “(c)”; and

(B) by adding at the end the following:

“(2) If at the time of the appointment of the Deputy Under Secretary for Health under subsection (a)(1), both the position of Under Secretary for Health and the position of Associate Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed as Deputy Under Secretary for Health may be someone who is not a doctor of medicine.

“(3) If at the time of the appointment of the Associate Deputy Under Secretary for Health under subsection (a)(2), both the position of Under Secretary for Health and the position of Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed as Associate Deputy Under Secretary for Health may be someone who is not a doctor of medicine.”.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Mississippi [Mr. MONTGOMERY].

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

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

The title of the Senate bill was amended so as to read: “An Act to amend title 38, United States Code, to allow one of the three senior officials in the Veterans Health Administration of the Department of Veterans Affairs to be an individual who is not a doctor of medicine.”

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just considered and passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote

is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

VETERANS HEALTH IMPROVEMENTS ACT OF 1993

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3313) to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to agent orange, to expand the scope of services that may be provided to veterans through vet centers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3313

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Health Improvements Act of 1993”.

TITLE I—WOMEN VETERANS HEALTH IMPROVEMENTS

SEC. 101. SHORT TITLE.

This title may be cited as the “Women Veterans Health Improvements Act of 1993”.

SEC. 102. HEALTH CARE SERVICES FOR WOMEN.

(a) ENSURED PROVISION OF SERVICES.—The Secretary of Veterans Affairs shall ensure that each health-care facility under the direct jurisdiction of the Secretary is able, through services made available either by individuals appointed to positions in the Veterans Health Administration or under contracts or other agreements made under section 7409, 8111, or 8153 of title 38, United States Code, or title II of Public Law 102-585, to provide in a timely and appropriate manner women's health services (as defined in section 1701(10) of title 38, United States Code (as added by section 3)) to any veteran described in section 1710(a)(1) of title 38, United States Code, who is eligible for such services.

(b) ROUTINE HEALTH CARE SERVICES.—The Secretary shall ensure that each health-care facility under the direct jurisdiction of the Secretary that serves a catchment area in which the number of women veterans described in section 1710(a)(1) of title 38, United States Code, makes it cost effective to do so shall provide routine women's health services directly (rather than by contract or other agreement). The Secretary shall ensure that each such facility is provided appropriate equipment, facilities, and staff to carry out the preceding sentence and to ensure that the quality of care provided under the preceding sentence is in accordance with professional standards.

(c) CONFORMING REPEAL.—Section 302 of the Veterans' Health Care Amendments of 1983 (Public Law 98-160; 97 Stat. 1004; 38 U.S.C. 1701 note) is repealed.

SEC. 103. WOMEN'S HEALTH SERVICES.

(a) WOMEN'S HEALTH SERVICES.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting “women's health services,” after “preventive health services,”; and

(2) by adding at the end the following:
 "(10) The term 'women's health services' means the following health care services provided to women:

- "(A) Papanicolaou tests (pap smear).
 "(B) Breast examinations and mammography.
 "(C) General reproductive health care (including the management of menopause), but not including infertility services (other than infertility counseling), abortions, or pregnancy care (including prenatal and delivery care), except for such care relating to a pregnancy that is complicated or in which the risks of complication are increased by a service-connected condition.
 "(D) The management and prevention of sexually-transmitted diseases.
 "(E) The management and treatment of osteoporosis.

"(F) Counseling and treatment for physical or psychological conditions arising out of acts of sexual violence.

"(G) Early detection, management, and treatment for cardiac disease, in the case of women who are determined to be at risk of cardiac disease."

(b) **REPEAL OF SUPERSEDED AUTHORITY.**—Section 106 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1710 note) is amended—

(1) by striking out subsection (a); and
 (2) by striking out "(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—" before "The Secretary".

(c) **EXTENSION OF ANNUAL REPORT REQUIREMENT.**—Section 107(a) of such Act is amended by striking out "Not later than January 1, 1993, January 1, 1994, and January 1, 1995" and inserting in lieu thereof "Not later than January 1 of 1993 and each year thereafter through 1998".

(d) **REPORT ON HEALTH CARE AND RESEARCH.**—Section 107(b) of such Act is amended—

(1) in paragraph (1), by striking out "services described in section 106 of this Act" and inserting in lieu thereof "women's health services (as such term is defined in section 1701(10) of title 38, United States Code)";

(2) in paragraph (2)(A), by inserting "(including information on the number of inpatient stays and the number of outpatient visits through which such services were provided)" after "facility"; and

(3) by adding at the end the following new paragraph:

"(5) A description of the actions taken by the Secretary to foster and encourage the expansion of such research."

SEC. 104. MAMMOGRAPHY QUALITY STANDARDS.

(a) **IN GENERAL.**—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7319. Mammography quality standards

"(a) A mammogram may not be performed at a Department facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary. An organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

"(b) The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities of the Department of Veterans Affairs consistent with the requirements of section 354(f)(1) of the Public Health Service Act.

Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act and shall be prescribed during the 120-day period beginning on the date on which the Secretary of Health and Human Services prescribes quality standards under section 354(f) of the Public Health Service Act (42 U.S.C. 263b(f)).

"(c)(1) The Secretary, to ensure compliance with the standards prescribed under subsection (b), shall provide for an annual inspection of the equipment and facilities used by and in Department health care facilities for the performance of mammograms. Such inspections shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Service Act.

"(2) The Secretary may not provide for an inspection under paragraph (1) to be performed by a State agency.

"(d) The Secretary shall ensure that mammograms performed for the Department under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

"(e) For the purposes of this section, the term 'mammogram' has the meaning given such term in section 354(a)(5) of the Public Health Service Act (42 U.S.C. 263b(a))."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7318 the following new item:

"7319. Mammography quality standards."

(b) **TRANSITION.**—(1) Subsection (a) of section 7319 of title 38, United States Code, as added by subsection (a), shall take effect on the date on which standards are prescribed by the Secretary of Veterans Affairs under subsection (b) of such section.

(2) During the transition period, the Secretary may waive the requirement of subsection (a) of section 7319 of title 38, United States Code, as added by subsection (a), to any facility of the Department. The Secretary may provide such a waiver in the case of any facility only if the Secretary determines, based upon the recommendation of the Under Secretary for Health, that during the period such a waiver is in effect for such facility (including any extension of the waiver under paragraph (3)) the facility will be operated in accordance with standards prescribed by the Secretary under subsection (b) of such section to assure the safety and accuracy of mammography services provided.

(3) The transition period for purposes of this section is the six-month period beginning on the date specified in paragraph (1). The Secretary may extend such period for a period not to exceed 90 days in the case of any Department facility. Any such extension may be made only if the Under Secretary for Health determines that—

(A) without the extension access of veterans to mammography services in the geographic area served by the facility would be significantly reduced; and

(B) appropriate steps will be taken before the end of the transition period (as extended) to obtain accreditation of the facility as required by subsection (a) of section 7319 of title 38, United States Code, as added by subsection (a).

(c) **IMPLEMENTATION REPORT.**—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a re-

port on the Secretary's implementation of section 7319 of title 38, United States Code, as added by subsection (a). The report shall be submitted not later than 120 days after the date on which the Secretary prescribes the quality standards required under subsection (b) of that section.

SEC. 105. RESEARCH RELATING TO WOMEN VETERANS.

(a) **INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.**—(1) In conducting or supporting clinical research, the Secretary of Veterans Affairs shall ensure that, whenever possible and appropriate—

(A) women who are veterans are included as subjects in each project of such research; and

(B) members of minority groups who are veterans are included as subjects of such research.

(2) In the case of a project of clinical research in which women or members of minority groups will under paragraph (1) be included as subjects of the research, the Secretary of Veterans Affairs shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

(b) **POPULATION STUDY.**—Section 110(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948) is amended by adding at the end of paragraph (3) the following: "If it is feasible to do so within the amounts available for the conduct of the study, the Secretary shall ensure that the sample referred to in subsection (a) constitutes a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women."

SEC. 106. SEXUAL TRAUMA COUNSELING.

(a) **EXTENSION OF PERIOD OF AUTHORITY TO PROVIDE SEXUAL TRAUMA COUNSELING.**—Subsection (a) of section 1720D of title 38, United States Code, is amended—

(1) by striking out "December 31, 1995," in paragraph (1) and inserting in lieu thereof "December 31, 1998,"; and

(2) by striking out "December 31, 1994," in paragraph (3) and inserting in lieu thereof "December 31, 1998,".

(b) **PERIOD OF ELIGIBILITY TO SEEK COUNSELING.**—(1) Such subsection is further amended—

(A) by striking out paragraph (2); and
 (B) by redesignating paragraph (3) (as amended by subsection (a)(2)) as paragraph (2).

(2) Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

(c) **REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF COUNSELING.**—Section 1720D of title 38, United States Code, is further amended—

(1) by striking out subsection (b); and
 (2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(d) **INCREASED PRIORITY OF CARE.**—Section 1712(i) of title 38, United States Code, is amended—

(1) in paragraph (1)—
 (A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling under section 1720D of this title, for the purposes of such counseling" before the period at the end; and

(2) in paragraph (2)—
 (A) by striking out ", (B)" and inserting in lieu thereof "(B)"; and

(B) by striking out “, or (C)” and all that follows through “such counseling”.

(e) PROGRAM REVISION.—(1) Section 1720D of title 38, United States Code, is further amended—

(A) by striking out “woman” in subsection (a)(1);

(B) by striking out “women” in subsection (b)(2)(C) and in the first sentence of subsection (c), as redesignated by subsection (c); and

(C) by striking out “women” in subsection (c)(2), as so redesignated, and inserting in lieu thereof “individuals”.

(2)(A) The heading of such section is amended to read as follows:

“§ 1720D. Counseling for sexual trauma.”

(B) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

“1720D. Counseling for sexual trauma.”

(f) INFORMATION BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c) of title 38, United States Code, as redesignated by subsection (c) of this section, is amended to read as follows:

“(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number), and”.

(2) In providing information on counseling available to veterans as required under section 1720D(c)(1) of title 38, United States Code (as amended by this section), the Secretary of Veterans Affairs shall ensure that the Department of Veterans Affairs personnel who provide assistance under such section are trained in the provision to persons who have experienced sexual trauma of information about the care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations.

(3) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone assistance service required under section 1720D(c)(1) of title 38, United States Code (as so amended). The report shall set forth the following:

(A) The number of persons who sought information during the period covered by the report through a toll free telephone number regarding services available to veterans relating to sexual trauma, with a separate display of the number of such persons arrayed by State (as such term is defined in section 101(20) of title 38, United States Code).

(B) A description of the training provided to the personnel who provide such assistance.

(C) The recommendations and plans of the Secretary for the improvement of the service.

SEC. 107. COORDINATORS OF WOMEN'S SERVICES.

(a) FULL-TIME STATUS.—Section 108 of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948; 38 U.S.C. 1710 note) is amended—

(1) by inserting “(a)” before “The Secretary”; and

(2) by adding at the end the following:

“(b) Each official who serves in the position of coordinator of women's services under subsection (a) shall serve in such position on a full-time basis.”

(b) EMPOWERMENT.—The Secretary of Veterans Affairs shall take appropriate actions

to ensure that the coordinator of women's services at each facility of the Veterans Health Administration—

(1) is able to carry out the responsibilities of a coordinator in ensuring that women veterans receive quality medical care and, to the extent practicable, have equal access to Veterans Administration facilities; and

(2) has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 108. PATIENT PRIVACY.

(a) IDENTIFICATION OF DEFICIENCIES.—The Secretary of Veterans Affairs shall conduct a survey of each medical center under the jurisdiction of the Secretary to identify deficiencies relating to patient privacy afforded to women patients in the clinical areas at each such center which may interfere with appropriate treatment of such patients.

(b) CORRECTION OF DEFICIENCIES.—The Secretary shall ensure that plans and, where appropriate, interim steps, to correct the deficiencies identified in the survey conducted under subsection (a) are developed and are incorporated into the Department's construction planning processes and given a high priority.

(c) REPORTS TO CONGRESS.—The Secretary shall compile an annual inventory, by medical center, of deficiencies identified under subsection (a) and of plans and, where appropriate, interim steps, to correct such deficiencies. The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, not later than October 1, 1994, and not later than October 1 each year thereafter through 1996 a report on such deficiencies. The Secretary shall include in such report the inventory compiled by the Secretary, the proposed corrective plans, and the status of such plans.

TITLE II—CARE FOR VETERANS EXPOSED TO TOXIC SUBSTANCES

SEC. 201. AUTHORITY TO PROVIDE HEALTH CARE.

(a) AUTHORIZED INPATIENT CARE.—Section 1710(e) of title 38, United States Code, is amended to read as follows:

“(e)(1)(A) Subject to paragraph (2), a herbicide-exposed veteran is eligible for hospital care and nursing home care under subsection (a)(1)(G) for any disease specified in subparagraph (B).

“(B) The diseases referred to in subparagraph (A) are those for which the National Academy of Sciences, in a report issued in accordance with section 2 of the Agent Orange Act of 1991, has determined—

“(i) that there is sufficient evidence to conclude that there is a positive association between occurrence of the disease in humans and exposure to a herbicide agent;

“(ii) that there is evidence which is suggestive of an association between occurrence of the disease in humans and exposure to a herbicide agent, but such evidence is limited in nature; or

“(iii) that available studies are insufficient to permit a conclusion about the presence or absence of an association between occurrence of the disease in humans and exposure to a herbicide agent.

“(C) A radiation-exposed veteran is eligible for hospital care and nursing home care under subsection (a)(1)(G) for—

“(i) any disease listed in section 1112(c)(2) of this title; and

“(ii) any other disease for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between occurrence of the disease in humans and exposure to ionizing radiation.

“(2) Hospital and nursing home care may not be provided under or by virtue of paragraph (1)(A) after September 30, 1996.

“(3) For purposes of this subsection and section 1712 of this title—

“(A) the term ‘herbicide-exposed veteran’ means a veteran (i) who served on active duty in the Republic of Vietnam during the Vietnam era, and (ii) who the Secretary finds may have been exposed during such service to a herbicide agent;

“(B) the term ‘herbicide agent’ has the meaning given that term in section 1116(a)(4) of this title; and

“(C) the term ‘radiation-exposed veteran’ has the meaning given that term in section 1112(c)(4) of this title.”

(b) AUTHORIZED OUTPATIENT CARE.—Section 1712 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking out “and” at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

“(D) during the period before October 1, 1996, to any herbicide-exposed veteran for any disease listed in section 1710(e)(1)(B) of this title; and

“(E) to any radiation-exposed veteran for any disease covered under section 1710(e)(1)(C) of this title.”; and

(2) in subsection (i)(3)—

(A) by striking out “(A)”; and

(B) by striking out “, or (B)” and all that follows through “title”.

SEC. 202. SAVINGS PROVISION.

The provisions of sections 1710(e) and 1712(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, shall apply with respect to hospital care, nursing home care, and medical services in the case of any veteran furnished care or services before such date of enactment on the basis of presumed exposure to a substance or radiation under the authority of those provisions.

TITLE III—READJUSTMENT SERVICES

SEC. 301. SCOPE OF SERVICES PROVIDED IN VET CENTERS.

(a) EXPANSION OF SERVICES.—Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)(1) by inserting “and, to the extent otherwise authorized by law, may furnish such additional needed services as described in subsection (i)” in the first sentence after “life”;

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting after subsection (g) the following new subsections:

“(h) The Secretary may, to the extent resources and facilities are available, furnish to any veteran who served in combat during World War II or the Korean conflict counseling in a center to assist such veteran in overcoming the effects of the veteran's combat experience.

“(i) In operating centers under this section, the Secretary may provide (1) preventive health care services, (2) medical services reasonably necessary in preparation for hospital admission, and (3) referral services to assist in obtaining specialized care. The Secretary shall provide such services through such health care personnel as the Secretary determines appropriate.”

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report relating to the implementation of the amendments made by

subsection (a). The report shall include the following:

(1) The number of veterans provided services described in section 1712A(i) of title 38, United States Code, as added by subsection (a).

(2) The number of centers which provided services described in that section.

(3) An assessment of the effect providing such services has had on access to and timeliness of service delivery.

SEC. 302. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following new section:

“§ 1712C. Advisory Committee on Veterans Readjustment Counseling

“(a)(1) There is in the Department the Advisory Committee on Veterans Readjustment Counseling (hereinafter in this section referred to as the ‘Committee’).

“(2) The Committee shall consist of 18 members. The members of the Committee shall be appointed by the Secretary and shall include individuals who are recognized authorities in fields pertinent to the social, psychological, economic, or educational readjustment of veterans. An officer or employee of the United States may not be appointed as a member of the Committee. At least 12 of the Committee shall be veterans of the Vietnam era or other period of war. Appointments of members of the Committee shall be made from among individuals who have experience with the provision of veterans benefits and services by the Department or who are otherwise familiar with programs of the Department.

“(3) The Secretary shall seek to ensure that members appointed to the Committee include persons from a wide variety of geographic areas and ethnic backgrounds, persons from veterans service organizations, minorities, and women.

“(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

“(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

“(2) In providing advice to the Secretary under this subsection, the Committee shall—

“(A) assemble and review information relating to the needs of veterans in readjusting to civilian life;

“(B) provide information relating to the nature and character of psychological problems arising from military service;

“(C) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

“(D) provide on-going advice on the most appropriate means of responding to the readjustment needs of future veterans.

“(3) In carrying out its duties under paragraph (2), the Committee shall take into special account veterans of the Vietnam era and the readjustment needs of those veterans.

“(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

“(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

“(B) a review of the programs and activities of the Department designed to meet such needs; and

“(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

“(2) Not later than 90 days after the receipt of each report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

“(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

“(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.”

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1712B the following:

“1712C. Advisory Committee on Veterans Readjustment Counseling.”

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 1712C of title 38, United States Code (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee established under that section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary shall carry out such appointments as soon as is practicable. The Secretary may make such appointments from among such original members.

SEC. 303. PLAN FOR EXPANSION OF VIETNAM VETERAN RESOURCE CENTERS PILOT PROGRAM.

(a) PLAN.—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan for expansion of the Vietnam Veteran Resource Centers program established by section 1712A(h) of title 38, United States Code. The plan submitted shall be a plan which the Secretary would implement if resources for such implementation were available.

(b) SUBMISSION OF PLAN.—The plan, together with an analysis setting forth in detail the resources required for the implementation of the plan, shall be submitted under subsection (a) not later than four months after the date of the enactment of this Act.

TITLE IV—SERVICES FOR MENTALLY ILL VETERANS

SEC. 401. AUTHORITY TO ESTABLISH NONPROFIT CORPORATIONS.

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1718 the following new section:

“§ 1718A. Nonprofit corporations

“(a) The Secretary may authorize the establishment at any Veterans Health Administration facility of a nonprofit corporation (1) to arrange for therapeutic work for patients of such facility or patients of other such Department facilities pursuant to sec-

tion 1718(b) of this title, and (2) to provide a flexible funding mechanism to achieve the purposes of section 1718 of this title.

“(b) The Secretary shall provide for the appointment of a board of directors for any corporation established under this section and shall determine the number of directors and the composition of the board of directors. The board of directors shall include—

“(1) the director of the facility and other officials or employees of the facility; and

“(2) members appointed from among individuals who are not officers or employees of the Department of Veterans Affairs.

“(c) Each such corporation shall have an executive director who shall be appointed by the board of directors with concurrence of the Under Secretary for Health of the Department. The executive director of a corporation shall be responsible for the operations of the corporation and shall have such specific duties and responsibilities as the board may prescribe.

“(d) A corporation established under this section may—

“(1) arrange with the Department of Veterans Affairs under section 1718(b)(2) of this title to provide for therapeutic work for patients;

“(2) accept gifts and grants from, and enter into contracts with, individuals and public and private entities solely to carry out the purposes of this section; and

“(3) employ such employees as it considers necessary for such purposes and fix the compensation of such employees.

“(e)(1) Except as provided in paragraph (2), any funds received by a corporation established under this section through arrangements authorized under subsection (d)(1) in excess of amounts reasonably required to carry out obligations of the corporation authorized under subsection (d)(3) shall be deposited in or credited to the Special Therapeutic and Rehabilitation Activities Fund established under section 1718(c) of this title.

“(2) The Secretary, in accordance with guidelines which the Secretary shall prescribe, may authorize a corporation established under this section to retain funds derived from arrangements authorized under subsection (d)(1).

“(3) Any funds received by a corporation established under this section through arrangements authorized under subsection (d)(2) may be transferred to the Special Therapeutics and Rehabilitation Activities Fund.

“(f) A corporation established under this section shall be established in accordance with the nonprofit corporation laws of the State in which the applicable medical facility is located and shall, to the extent not inconsistent with Federal law, be subject to the laws of such State.

“(g)(1)(A) The records of a corporation established under this section shall be available to the Secretary.

“(B) For the purposes of sections 4(a)(1) and 6(a)(1) of the Inspector General Act of 1978, the programs and operations of such a corporation shall be considered to be programs and operations of the Department with respect to which the Inspector General of the Department has responsibilities under such Act.

“(2) Such a corporation shall be considered an agency for the purposes of section 716 of title 31 (relating to availability of information and inspection of records by the Comptroller General).

“(3) Each such corporation shall submit to the Secretary an annual report providing a detailed statement of its operations, activities, and accomplishments during that year.

The corporation shall obtain a report of independent auditors concerning the receipts and expenditures of funds by the corporation during that year and shall include that report in the corporation's report to the Secretary for that year.

"(4) Each member of the board of directors of a corporation established under this section, each employee of such corporation, and each employee of the Department who is involved in the functions of the corporation during any year shall—

"(A) be subject to Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions; and

"(B) submit to the Secretary an annual statement signed by the director or employee certifying that the director or employee is aware of, and has complied with, such laws and regulations in the same manner as Federal employees are required to.

"(h) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the number and location of corporations established and the amount of the contributions made to each such corporation.

"(i) No corporation may be established under this section after September 30, 1999.

"(j) If by the end of the four-year period beginning on the date of the establishment of a corporation under this section the corporation is not recognized as an entity the income of which is exempt from taxation under the Internal Revenue Code of 1986, the Secretary shall dissolve the corporation."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1718 the following new item:

"1718A. Nonprofit corporations."

SEC. 402. EXTENSION OF DEMONSTRATION PROGRAM.

Section 7 of Public Law 102-54 (105 Stat. 269; 38 U.S.C. 1718 note) is amended—

(1) in subsection (a), by striking out "1994" and inserting in lieu thereof "1998";

(2) in subsection (c)—

(A) by striking out "no more than 50"; and

(B) by striking out "under this subsection." and inserting in lieu thereof "under this subsection—

"(1) at no more than 58 sites during fiscal year 1994;

"(2) at no more than 70 sites during fiscal year 1995;

"(3) at no more than 82 sites during fiscal year 1996;

"(4) at no more than 94 sites during fiscal year 1997; and

"(5) at no more than 106 sites during fiscal year 1998."

SEC. 403. SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Veterans Administration, acting through the Under Secretary for Health of the Department of Veterans Affairs, shall establish in the Veterans Health Administration a Special Committee on Care of Severely Chronically Mentally Ill Veterans (hereinafter in this section referred to as the "Special Committee"). The Under Secretary shall appoint employees of the Department with expertise in the care of the chronically mentally ill to serve on the Special Committee.

(b) FUNCTIONS.—The Special Committee may assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of severely, chronically mentally ill veterans. In carrying out that responsibility, the Special Committee shall—

(1) monitor the care provided to such veterans through the Veterans Health Administration;

(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

(3) identify specific facilities within the Veterans Health Administration at which program support is needed to improve treatment and rehabilitation of such veterans; and

(4) identify model programs which have had demonstrated success in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

(c) ADVICE AND RECOMMENDATIONS.—The Special Committee shall—

(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of the severely, chronically mentally ill; and

(2) make recommendations to the Under Secretary—

(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

(C) regarding research needs and priorities relevant to the care of such veterans; and

(D) regarding the appropriate allocation of resources for all such activities.

(d) ANNUAL REPORTS.—(1) Not later than April 1, 1994, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall include the following:

(A) A list of the members of the Special Committee.

(B) The assessment of the Under Secretary for Health, after review of the findings of the Special Committee, regarding the capability of the Veterans Health Administration, on a systemwide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of severely, chronically mentally ill veterans.

(C) The plans of the Special Committee for further assessments.

(D) The findings and recommendations made by the Special Committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

(E) A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of severely, chronically mentally ill veterans.

(2) Not later than February 1, 1995, and February 1 of each of the three following years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted under this subsection before the submission of such report.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

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

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3313, and also on the next bill, H.R. 3456.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from Mississippi?

There was no objection.

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

Mr. Speaker, H.R. 3313, as amended, would provide improved health care services for women veterans, expand the authority of the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to radiation or agent orange, expand the scope of the services that may be provided to veterans through the vet centers, and improve services to veterans suffering from mental illnesses.

I want to thank our ranking minority member, my good friend, the gentleman from Arizona [Mr. STUMP], for his usual cooperation and support. I certainly want to thank the chairman of the subcommittee, the gentleman from Georgia [Mr. ROWLAND], chairman of the Subcommittee on Hospitals and Health Care, and also the ranking minority member, CHRIS SMITH, for their fine work on the bill.

Mr. Speaker, this is a very comprehensive bill, especially for women veterans, and I urge my colleagues to support the bill.

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

Mr. ROWLAND. I thank the chairman for yielding this time to me, and I want to express to him my very firm appreciation for all the work he has done on this legislation as well.

I want to also thank my good friend, the gentleman from Arizona [Mr. STUMP], the ranking minority member, and the ranking minority member on the subcommittee, the gentleman from New Jersey [Mr. SMITH], for the good work they did on this bill as well.

Mr. Speaker, H.R. 3313, as amended, is an omnibus health care bill which tackles a broad spectrum of issues affecting special veteran populations—women, veterans exposed to agent orange and radiation, veterans with war-related readjustment problems, and those suffering with chronic mental illness.

Title I of that bill will substantially improve the scope and quality of women's health care services in the VA. Among its provisions, title I would require that the Secretary ensure that each VA health care facility is able to provide women's health services—a term defined in the bill—to eligible

veterans in a timely and appropriate manner, either directly or through sharing arrangements. The bill includes an expansive definition of the term "women's health services," which identifies the services VA is to provide women veterans eligible for medical services under chapter 17 of title 38, United States Code. Consistent with a longstanding policy specifically articulated in Public Law 102-585, the bill explicitly identifies certain services which may not be provided. These are infertility services—other than infertility counseling—abortions, or pregnancy care, including prenatal and delivery care. Historically, the foundation of the VA health care system is its role of providing care and treatment for service-incurred disabilities. Central to that role, even as the scope of VA's mission has expanded to caring for those with limited financial means, has been an eligibility system based on caring for veterans' disabilities with priority to service-connected disabilities. With the most limited exceptions, VA has not had authority to provide comprehensive care for men or women, particularly not for outpatient care. For example, many veterans cannot now receive routine maintenance treatment for chronic conditions like diabetes and hypertension, because existing law limits VA intervention to care to obviate a need for hospitalization. Such limitations have long prompted calls for reforming the laws governing VA health care eligibility.

Routine pregnancy is not a disability. Thus, VA has not had authority to cover such care. VA similarly lacks authority to overcome a disability, such as through provision of services like in vitro fertilization. VA does treat disabilities, and thus may treat damaged fallopian tubes, for example, which cause infertility. In retaining longstanding limitations in law, the committee concurs with VA Secretary Jesse Brown that we should defer action on far-reaching changes in VA's health care mission such as provision of routine pregnancy care until we consider national health reform legislation.

While dedicated to expanding women veterans' access to VA care, the committee recognizes that it may not be cost effective for VA to provide routine women's health services directly at each of its health care facilities. H.R. 3313, as amended, does call for VA facilities to provide routine women's health services directly if the facility serves an area with a sufficient number of eligibles to make it cost effective to do so. In limiting that requirement to routine services, the committee recognizes that workload or other considerations may conceivably make it impractical for a VA facility with a women's clinic to have costly in-house mammography equipment, for example, and that it would be appropriate to

provide mammograms through an agreement with an affiliated institution or other sharing partner.

To help ensure that the goals of improved services for women veterans reflected in the bill are, in fact, realized, the bill calls on the Department to strengthen or empower its hospital-level coordinators of women's services to carry out their responsibilities. Such officials must, for example, have access to top management of the facility to be effective advocates.

Among its many important provisions, title I would also extend and strengthen the program of sexual trauma counseling authorized under Public Law 102-585. The bill would also attempt to ensure that women veterans who elect care through the VA receive safe, accurate mammograms. Those provisions would require that: First, VA establish quality assurance and quality control standards for performing and interpreting mammograms and for using mammography equipment in VA facilities; second, VA facilities be accredited in order to perform mammograms; third, VA facilities undergo annual inspections to ensure compliance with the quality standards; and, fourth, any entity providing mammograms to VA under contract meet the quality standards prescribed under the Mammography Quality Standards Act of 1992.

While availability, safety, and reliability of services are critical, the Department must also assign a priority to identifying and correcting deficiencies at its health care facilities which compromise women patients' reasonable expectations of privacy. Accordingly, the bill would require VA to employ a process under which it would survey its facilities to identify deficiencies relating to privacy of women patients, develop remedial plans which assign a high priority to such remedial efforts within the construction planning process, and report annually to Congress on its inventory and the status of its plans for corrective action.

Title II of the bill would establish special eligibility for veterans who may have been exposed to agent orange or radiation in service. Currently, there exists special authority in law applicable to veterans who may have been exposed in service to agent orange or to radiation. VA is authorized to provide such veterans hospital care and limited outpatient treatment for certain conditions, which are not attributable to a cause other than such exposure. That special authority, first established in 1981 when relatively little was known about the health effects of exposure to agent orange in particular, will expire at the end of the year. Much has been learned since 1981.

In that regard, Public Law 102-4 required VA to enter into an agreement with the National Academy of Sciences [NAS] to conduct a comprehensive re-

view and evaluation of the available scientific and medical literature regarding the health effects of exposure to herbicides. The NAS, through a 16-member committee with expertise in the areas of occupational and environmental medicine, toxicology, epidemiology, pathology, clinical oncology, psychology, neurology, and biostatistics, conducted an extensive review of the literature and produced a report which reviewed and summarized the strength of the scientific evidence concerning the association between herbicide exposure during Vietnam service and each condition suspected to be associated with that exposure. The NAS Committee found sufficient evidence to conclude that there is a statistical association between exposure to herbicides or dioxin and several health outcomes. The committee found evidence suggestive of an association between exposure and three types of cancer, but stated that this association may be limited because of chance, bias, or other factors. For many other diseases, the scientific data were not sufficient to determine whether an association exists. Finally, for a small group of cancers, the committee concluded that several adequate studies are mutually consistent in not showing a positive association between these cancers and either herbicide or dioxin exposure. The bill specifically applies the Academy's scientific findings to both radiation and agent orange exposure and would thereby identify certain specified diseases which would be considered service-incurred for treatment purposes. The bill gives veterans every benefit of the doubt, and would authorize VA treatment even for the many diseases where science provides insufficient evidence to determine whether there is any relationship between the diseases and exposure to herbicides. With regard to radiation-exposed veterans, the bill would authorize care and treatment to those with illnesses listed in section 1112(c)(2) of title 38 as well as illnesses which the Secretary, based on advice from the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between exposure and manifestation of the disease. The bill also generously expands the scope of outpatient treatment for these veterans; covered conditions are effectively considered as though service-incurred for treatment purposes. In view of the considerable body of scientific literature and the work already undertaken by the National Academy, the bill imposes no sunset on the provisions applicable to radiation-exposed veterans. As regards the special eligibility provided herbicide-exposed veterans, the measure authorizes care and treatment through September 30, 1996, in light of the NAS' ongoing responsibilities under Public Law 102-4 to continue to review relevant scientific literature

and report to the Congress, with the next report due in or about July 1995. This sunset provision will enable the committee to reauthorize care based on the NAS' biennial analysis of the scientific evidence. Finally, even for diseases where science finds no link to exposure, title II of the bill assures that no veteran who has received VA care for such a condition under the expiring authority will be denied continued care.

Other titles of the bill would expand the scope of services that may be provided to veterans in vet centers and assist in the rehabilitation of the chronically mentally ill. For example, the bill would authorize VA to furnish counseling in vet centers, to the extent resources and facilities are available, to veterans of World War II or Korean conflict combat. Such counseling is authorized only to assist such veterans in overcoming the effects of the combat experience. The bill would also expand the scope of any vet center's operations to include furnishing its clients limited medical services to include preventive services and services to prepare for hospital admission.

Title IV of the bill would lay the foundation for expanding certain highly effective rehabilitation programs which have served chronically mentally ill veterans. It would authorize VA to establish nonprofit corporations at VA medical facilities for the purpose of arranging and administering therapeutic work for patients under compensated work therapy programs and as vehicles to seek and administer grants and gifts to foster patient rehabilitation programs. The bill would also extend and expand VA's therapeutic transitional residency program established under Public Law 102-54. Finally, it would require that VA establish a special committee composed of VA clinicians and other VA experts on the care of chronically mentally ill veterans.

Mr. Speaker, I urge Members to support H.R. 3313.

□ 1400

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

Mr. Speaker, I rise in strong support of H.R. 3313, as amended, the Veterans Health Improvements Act of 1993. This legislation includes provisions which will go a long way toward addressing the concerns of women and other veterans.

I want to commend Chairman MONTGOMERY for his leadership and also Dr. ROWLAND and CHRIS SMITH for their leadership and expertise on these issues, as well.

I urge my colleagues to support H.R. 3313, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the ranking minority member on the Subcommit-

tee on Hospitals and Health Care for the Committee on Veterans' Affairs, for an explanation of the bill.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my colleague for yielding this time to me.

Mr. Speaker, I am pleased to see the House take up consideration of H.R. 3313. I would like to thank our excellent chairman, the gentleman from Georgia [Mr. ROWLAND] for his leadership during the hearings and the markup of this legislation in the many meetings that we had in trying to work out differences. He has shown tremendous leadership, and I want to thank him for that. Also I want to thank the chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the gentleman from Arizona [Mr. STUMP]. As usual, they are operating on a bipartisan basis on behalf of our veterans, and that is as it ought to be.

Mr. Speaker, H.R. 3313 is an omnibus bill which includes several measures approved in the Hospitals and Health Care Subcommittee. I am proud to have written and sponsored the provisions on health care at vet centers and commend Chairman ROWLAND for his bipartisan cooperation in developing both title I, the women veterans health improvements, and title II section on the care of veterans exposed to toxic substances.

Mr. Speaker, the legislation before the House makes great strides in the provision of health care to women veterans. This measure contained in the bill, coupled with last year's effort, will help remedy several serious shortcomings in VA medical services as they relate to women veterans.

Under H.R. 3313, accreditation of mammograms is required for the VA. Furthermore, when appropriate, the VA shall include women and minorities as subjects in clinical research.

This bill also authorizes specific women's health services including: Pap smears, mammography, the management and treatment of sexually transmitted diseases and osteoporosis, and counseling and treatment for victims of sexual violence.

Mr. Speaker, H.R. 3313 incorporates the recommendations and the findings of the National Academy of Sciences [NAS] regarding the exposure of veterans to agent orange and other herbicides. The bill delineates eligibility for medical care and provides—for the first time—priority access to these veterans for outpatient care. I am pleased that the bill will properly grandfather any veterans who may currently be receiving medical care based upon agent orange exposure. This will ensure that we do not deny care for those presently under the care of VA physicians.

The vet center language in H.R. 3313 which I offered during markup would authorize the VA to provide preventive health care services, pre-admission

screening and referral services at vet centers for those veterans currently eligible for readjustment counseling. Under this bill, for the first time, the VA would have clear legal authority to place physicians, nurses or other health care providers in the vet centers. Veterans would be able to seek certain limited medical services at their local vet centers rather than being required to travel great distances to VA medical centers for routine services. The VA has enjoyed great success with its pilot program that placed health teams in vet centers on a part-time basis. In fact, a pilot program has operated at the Linwood, NJ, vet center for 7 years. It is now time to apply those lessons elsewhere in the VA. It has been tested and passed with flying colors and needs to be rolled out to every vet center.

The subcommittee approved an amendment I offered which will permit the VA to provide readjustment counseling services to World War II and Korean war veterans where resources are available. We know that post traumatic stress afflicts veterans of all wars, not just Vietnam veterans. My amendment would also authorize the VA's establishment of an Advisory Committee on Veteran Readjustment Counseling. Finally, the amendment requires the VA to submit a plan for expanding the Vietnam Veteran Resource program which provides assistance to veterans in claiming VA benefits. This language reflects a compromise on the readjustment counseling bill sponsored by Congressman LANE EVANS.

In conclusion, Mr. Speaker, I want to commend Congressman KREIDLER for his work in crafting the provisions on services to mentally ill veterans. The creation of nonprofit corporations to provide therapeutic work will go a long way toward helping these particularly needy veterans.

Mr. Speaker, during the Subcommittee on Hospitals and Health Care consideration of women veterans health care legislation, an amendment was debated which would have required the VA to perform abortions. The amendment was defeated.

Mr. Speaker, VA health care has always been—and should always be—all about healing, curing, nurturing, rehabilitating, in a word, affirming the basic dignity of human life.

I have served on the Hospitals and Health Care Subcommittee for 13 years and know that efforts to provide the very best health care for our veterans within the parameters imposed by budgeting has been the bipartisan goal of the subcommittee. Dr. ROWLAND continues that fine commitment. The abortion amendment addressed in the subcommittee, however, radically departs from that hallowed tradition by regarding unborn children not as patients, but as diseases or infections to be vanquished.

The harsh, undeniable consequence if the amendment becomes law is that more children will be put at risk of suffering violent deaths

from abortion. Sanitize it if you like, but abortion methods either rip the child apart with razor blade tipped hose connected to a suction device or destroy the infant with an injection of chemical poison.

Poison shots and child dismemberment don't strike me as nurturing life.

Mr. Speaker, let me just say to Members who may disagree with my pro-life position on abortion that they still might want to vote "no" on legislation providing abortions in the VA. I ask you to take into consideration the tens of millions of taxpayers who don't want to be forced to pay for abortion, or to facilitate it in any way.

Perhaps some of my colleagues will appreciate the view that no one should be compelled to provide the means and wherewithal by which a child's life is snuffed out. Don't make us a party to this grisly business.

I would remind members that virtually every public opinion poll clearly shows that most Americans simply do not want their tax dollars being used for abortion.

As just one example, I cite a New York Times/CBS News nationwide poll that found that 72 percent of Americans don't want abortion covered by the national health care plan. Only 23 percent want abortion covered.

Even White House pollster Stan Greenberg admits that most people "abhor the act and are opposed to using tax dollars for abortions."

Mr. Speaker, it seems to me that, turning the VA's 171 hospitals and 350 outpatient clinics into abortion mills has no popular support among Americans, it tangibly cheapens life and would result in many wanton child deaths.

Likewise, Mr. Speaker, I want my colleagues to know the details of a veiled attempt to impose in vitro fertilization on the VA.

Mr. Speaker, I strongly believe that serious moral, ethical and fiscal issues must be raised, debated and settled before this Congress authorizes taxpayer funds under the auspices of the VA for in vitro fertilization [IVF].

At the outset, my colleagues may find it of interest to know that the issue of test tube babies remains so explosive and fraught with so many ethical quandaries—and is so expensive—that Mr. Clinton's health care proposal specifically excludes IVF from the basic plan.

Experts in the field say the average cost of treatment is approximately \$8,000 per treatment cycle with absolutely no assurance of success. As a matter of fact, failure rates for a treatment cycle are as high as 80–90 percent.

According to Dr. Mishell, professor and chairman of the department of obstetrics and gynecology at the University of Southern California, "the woman must be prepared to undergo at least six treatment cycles to improve chances of success."

At a time when this Congress is struggling to find every available penny for VA health care, I seriously question the wisdom of subsidizing a procedure with such a cost and an extremely poor efficacy rate. Would a veteran be entitled to as many of these costly IVF treatments as wished? Regardless of ethical and cost issues?

Then there is the ethical issue of destroying test tube babies or embryos that don't fit into the game plan.

In a Washington Post article a few years ago, Dr. Robert Stillman, director of the IVF program at George Washington University, and a strong proponent of test tube babies, said:

We just continue to let it grow until it becomes nonviable * * * we are stepping out of the active role of destroying it. It just stops growing. It does that on its own. It is its own fault. But even with these measures, discarding a pre-embryo, is a shameful and wasteful act. It gives us pause.

The doctor doesn't explain, of course, how a newly created human being can be faulted for not being provided the environment necessary to continue living.

Surely no one has ever asked to be conceived, but the presumption must be in favor of nurturing life. Arbitrarily destroying thousands of embryos by dumping them in the garbage or failing to provide a suitable environment simply cannot be condoned.

Moreover, we should not be surprised where IVF may take us in the future.

Recently, according to the Washington Times, Dr. Stillman, head of IVF at GW, as crowing about the successful cloning of human embryos at GW hospital. "If a woman has only a single egg to be fertilized, the chances of a successful pregnancy are only about 10 percent," said Dr. Stillman. "But if doctors could clone that embryo into quintuplets, the likelihood of the women successfully giving birth would rise dramatically."

Arthur Caplan, director of the Center for Biomedical Ethics at the University of Minnesota said, "you can get the child of your choice. If you like the way a particular child turns out, they could tell you that they've got 10, 11, or 12 more just like it frozen in liquid nitrogen somewhere."

I would remind Members that freezing embryos isn't futuristic, but a present day reality at many IVF clinics.

According to a Congressional Office of Technology Assessment report, "Infertility, Medical and Social Choice," two dozen or more IVF programs in the United States have stored frozen embryos.

Again, even proponents appear to have some reservations about this dehumanizing process. The OTA report notes that the American Fertility Society deems the transfer of embryos from one generation to another "unacceptable."

While the ethical premise for this view isn't explained, the society raises a pertinent question concerning how long it would countenance freezing human life. If it's OK to freeze beings for a year or 10 years—why not 50 or 100 years?

And then there is the high mortality rate associated with freezing. Most embryos die during the thawing process or soon thereafter. Also, no one really knows whether the freezing process causes retardation or other anomalies in a child.

In 1988, Dr. John Gronvall, Chief Medical Director of the Veterans Administration asked a number of pertinent questions. He testified:

No other federal program provides benefits of this type and the limits of such a program would be difficult to set. How many unsuccessful attempts to achieve pregnancy would be authorized. (It is estimated that seven attempts at in vitro fertilization provide a 50%

chance of live birth.) If a couple is successful in having a child through a government sponsored program, are they entitled to other attempts to have a second child? Would the VA set limits on family size or be able or required to consider age or health status in eligibility for continuing benefits? Would so called "experimental" procedures be authorized if that was the only hope for a specific couple? * * * Would ever more aggressive or controversial technology come to be considered routine and therefore available to veterans eligible for this benefit? What would the VA's liability be in the case where the infertility was successfully treated and an offspring was born with major birth defects requiring a lifetime of expensive medical and custodial care?

The bottom line, Mr. Speaker, is that the multitude of unanswered questions regarding IVF and attendant technologies demand comprehensive and frank answers before this questionable technology is sanctioned or funded.

I am very pleased that both abortion and in vitro fertilization was excluded from H.R. 3313. However, I want my colleagues to fully understand the issue involved in these two matters for we may again debate these questions in the future.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I am pleased to rise in support of H.R. 3313, legislation that will expand and improve the medical care that our Nation's servicemen and women receive. I commend the gentleman from Georgia [Mr. ROWLAND] and the subcommittee's ranking member, the gentleman from New Jersey [Mr. SMITH], for introducing this worthwhile legislation, and I praise the commitment that House Committee on Veterans' Affairs has shown to the issues that affect our Nation's veterans. Under the leadership of its distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the distinguished ranking minority member, the gentleman from Arizona [Mr. STUMP], the 103d Congress has approved a number of significant legislative initiatives that will significantly benefit our Nation's veterans.

It is most appropriate that today, as we return from the Veterans Day holiday this past weekend, that the House is discussing H.R. 3313, worthy legislation that expands veterans health care by addressing female veterans' health concerns and by extending health care to veterans who have been exposed to agent orange. In a continuing effort to improve the services that our Nation's veterans receive, H.R. 3313 will establish advisory committees to study the issues that affect our Nation's veterans, including the ability of combat veterans to readjust to civilian life and the needs of chronically ill veterans.

To address the health concerns of our servicewomen, H.R. 3313 will require all VA health care facilities to provide women's veterans health services, such as routine Pap smears and mammograms. H.R. 3313 will also provide for the counseling and treatment of physical or psychological conditions that arise out of acts of sexual violence. This measure is long overdue. Our Nation's VA health care facilities are dedicated to providing the highest quality health services. Through progressive legislative initiatives, such as H.R. 3313, we will ensure that all of our Nation's veterans—men and women—receive the medical care that they need.

It was gratifying to learn recently that the Secretary of Veterans Affairs announced that Vietnam veterans suffering from Hodgkins disease and porphyria cutanea tarda will be eligible for disability payments based upon their presumed exposure to agent orange. The Secretary's decision was based upon a recently released report issued by the National Academy of Sciences. In an effort to continue to serve our Vietnam veterans, H.R. 3313 authorizes treatment for Vietnam veterans with diseases that have been found to be caused by exposure to herbicides. H.R. 3313, by extending the requirement for mandatory hospital care from December 31, 1993, to September 30, 1996, sends an important message to our Nation's veterans, who have given so much to our Nation.

I encourage my colleagues to join in supporting H.R. 3313 and to make certain that we provide the finest of health care to all of our Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

I want to reiterate again what has been said by the gentleman from Georgia [Mr. ROWLAND], the gentleman from New Jersey [Mr. SMITH], the gentleman from Arizona [Mr. STUMP], and the gentleman from New York [Mr. GILMAN].

This bill is geared toward helping our female veterans in our medical care facilities and outpatient clinics, also our hospitals and nursing homes.

So Mr. Speaker, I would urge our colleagues to totally support this legislation.

Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise to express my support for the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER], who has shown a great interest in this legislation.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this bill.

I certainly want to recognize all the hard work that went into this bill and thank those who were involved.

Mr. Speaker, I rise today in support of H.R. 3313. This bill will make great strides toward improving the health services we offer to our country's women veterans, whose needs have historically been neglected. I would like to commend the gentleman from Mississippi, Chairman MONTGOMERY, and the gentleman from Georgia, Chairman ROWLAND, for their work on bringing this measure to the floor.

As important as this legislation is, I am disappointed that the committee stopped short of providing truly equal health services for women veterans. As Chair of the Women's Health Task Force of the Women's Caucus, I must point out that for women, obstetrics and gynecology are not luxuries—they are health necessities. Denying women the full range of treatment they need to stay healthy shows a lack of gratitude for the service and sacrifice they offered to our country when they were in uniform. Women deserve the same generous level of health benefits we offer to their male counterparts. They should not be told to settle for less.

In committee, an amendment was offered to add comprehensive obstetrics and gynecological care to H.R. 3313. Unfortunately, this proposal was turned down. I might note, however, that all three women on the committee voted in favor of the amendment. Twenty-one Congresswomen joined me in writing to the committee to urge that this issue be revisited in the near future.

And, so, Mr. Speaker, I rise in support of H.R. 3313, but it is qualified support. I wish we were discussing a bill this afternoon that would offer health benefits to women veterans which are comparable to those offered by private insurance policies.

Congress must quickly remedy this inequity. Meanwhile, I urge my colleagues to support H.R. 3313, a promising first step in that direction.

Mr. MONTGOMERY. Mr. Speaker, I would like to thank the gentlewoman for her interest, and the other Members in the House for their support.

Mr. STUMP. Mr. Speaker, I urge my colleagues to support H.R. 3313.

Ms. BROWN of Florida. Mr. Speaker, the good news is that H.R. 3313, the Veterans Health Improvements Act of 1993 ensures that veterans who were exposed to agent orange receive priority health care, and expands the services provided at vet centers, which are the first places our veterans go for help.

The bad news is that this bill continues to treat women veterans as second-class citizens. When women veterans go to the VA for non-service related care, they will be denied access to the comprehensive reproductive health care that they need and want. Service-connected and poor women will not be able to get gynecological services, contraceptive services, infertility services and pre-natal care.

On the other hand, male veterans are able to get medical implants and treatment for prostate problems.

It is clear that the health of our women veterans is not taken seriously at all. In fact, Congress was able to appropriate \$10 million dollars last year to establish smoking rooms in all 171 VA medical centers, but only \$7.5 million was allocated to women veterans' health.

When is this committee and this Congress going to get it? These women who have

fought for our country, cared for our men, and protected the home front must be treated as well as our male soldiers. This new member of the VA committee will continue to fight for them.

Mr. EVERETT. Mr. Speaker, I rise in support of an important measure before the House today—H.R. 3313, the Veterans' Health Improvements Act of 1993. As a member of the Veterans' Affairs Committee, I feel that we must enact this legislation which would provide much-needed care and benefits to our veterans.

Mr. Speaker, I know that many veterans feel that the Federal Government has been slow to move on recognizing agent orange veterans and I am pleased with the provision in H.R. 3313 that would expand the VA's authority to treat this class of veterans in accordance with the most recent findings of a study conducted by the National Academy of Sciences, [NAS]. This bill provides that agent orange veterans can retain their eligibility for continued treatment even if they have received care under the VA's expiring authority to treat radiation and herbicide exposure. H.R. 3313 gives these veterans a higher priority for care than exists in current law. I am also pleased that this bill provides critical services for our women veterans including mammograms, treatment for osteoporosis, and counseling for acts of sexual violence and requires that each VA health facility have a full-time women's health services coordinator.

H.R. 3313 also addresses the special needs of those in the veteran community suffering from mental illness by establishing non-profit corporations for the purpose of providing this care in the community. The VA is directed, under this proposal, to establish a special committee on care of the severely chronically mentally ill for the purpose of evaluating the current VA mental health care system. This special committee will report to Congress before April 1, 1994 with their recommendations for changes needed to improve the quality of services provided by the VA. I am pleased with the provisions in this bill that I have outlined, and I believe they are another step toward keeping our promise to our veterans to ensure they are provided with quality care.

Mr. Speaker, I would be remiss if I did not also express my gratitude for the hard work of the chairman of the full committee, Mr. MONTGOMERY, and the distinguished ranking minority member, Mr. STUMP, in bringing this proposal before the House. Mr. Speaker, I urge my colleagues to support this important piece of legislation to ensure that our veterans receive the care they deserve.

Mr. KREIDLER. Mr. Speaker, I would first like to express my appreciation to Mr. ROWLAND for his hard work on H.R. 3313. This bill contains a number of provisions that will provide better health care to our Nation's veterans, including new services for our women veterans. I hope that in the future the Veterans' Affairs Committee will be able to strengthen its commitment to medical care for women veterans.

I am particularly thankful to Mr. ROWLAND for including in H.R. 3313 language from a bill I had previously introduced to extend and expand the VA's compensated work therapy and

therapeutic residency programs and, in conjunction with them, create non-profit corporations.

I believe these programs provide VA medical centers important tools to help our veterans who are suffering from addictions and mental illnesses. These programs offer social, living, and working skills that enable veterans to re-enter society as productive and self-sufficient citizens.

In group and individual counseling settings, staff help recovering veterans work through self-defeating behaviors, learn or relearn social skills, and understand the medical and psychological implications of recovery. Successful program completion is measured by continued recovery and stable work experience leading to gainful private sector employment.

Important to the success of these programs is the ability to contract with non-federal entities for work opportunities. Currently, DVA is limited in its ability to contract with large private companies for work projects, and cannot compete for private sector grants. H.R. 3313 allows the Secretary to authorize the establishment, at any Veterans Health Administration facility, of a nonprofit corporation for the purposes of therapy.

Nonprofit corporation status will enhance the ability of compensated work therapy programs to bid for work and grants in the private sector. This ability allows for a greater diversity in the work patients can do, and introduces them into the private sector where they will work after completing the program. Meaningful and remunerative work is vital for the successful treatment of these veterans.

Mr. Speaker, I am proud to be a cosponsor of H.R. 3313 and I urge my colleagues to support it today.

Mr. KYL. Mr. Speaker, I rise today in support of H.R. 3313, the Veterans Health Improvements Act. Let me highlight some of the key provisions in the bill.

First, title I of the bill provides women veterans with comprehensive health services. It requires the VA to make women's veterans health services available either directly at VA facilities or by contracting with other health care providers or institutions. Specifically, it will ensure access to such critical services as pap smears, mammograms and breast exams, general reproductive care, STD prevention and management, treatment of osteoporosis, and sexual violence counseling and treatment.

H.R. 3313 includes many other important measures such as a toll free number for veterans seeking counseling and a provision that will ensure that women and minorities be included in appropriate research.

Title II of the bill incorporates the recommendations of the National Academy of Sciences regarding the exposure of veterans to agent orange and other herbicides and authorizes appropriate treatment and priority access to outpatient care. Title III of the bill allows vet centers to provide counseling to veterans who served in combat during World War II and the Korean conflict. The final title of the bill includes important provisions to expand services for mentally ill veterans.

Mr. Speaker, I am very pleased to support this bill which includes so many improvements of vital importance to our Nation's veterans, and of particular interest to me.

Mr. SLATTERY. Mr. Speaker, I rise in strong support of H.R. 3313, a comprehensive health care package that would improve the health care services provided for women veterans, expand current authority for the VA to provide priority health care for veterans who were exposed to radiation and herbicide agents, expand the scope of services offered by vet centers, and provide improved services to veterans with mental illnesses, including veterans of World War II and the Korean conflict.

I am particularly pleased that the bill authorizes specific health care services for female veterans, including Pap smears, management and treatment of sexually transmitted diseases and osteoporosis, mammography, and treatment and counseling for victims of sexual violence. These are the types of services that have been long overdue and I am very pleased to see us moving in the direction of providing a full spectrum of routine care for these veterans.

I am also pleased that the bill would provide for special health care eligibility for veterans who were exposed to radiation or agent orange while in the service. There already exists authority in law for the VA to treat these veterans on an inpatient basis. However, this bill expands the scope of outpatient services available to these veterans and authorizes care for disabilities consistent with findings and recommendations of the National Academy of Sciences on the health effects of exposure to herbicides. There may be many remaining questions regarding these effects, but this bill takes another step towards insuring that full authority is provided to meet the health care needs of such veterans.

I strongly support this measure and will work with my Chairman, SONNY MONTGOMERY, and our Hospitals and Health Care Subcommittee Chairman, ROY ROWLAND, to insure its swift passage in the other body.

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

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 3313, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SURVIVING SPOUSES' BENEFITS ACT OF 1993

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3456) to amend title 38, United States Code, to restore certain benefits eligibility to unremarried surviving spouses of veterans, as amended.

The Clerk read as follows:

H.R. 3456

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surviving Spouses' Benefits Act of 1993".

SEC. 2. SPECIAL DEATH GRATUITY FOR UNREMARIED SURVIVING SPOUSES.

(a) IN GENERAL.—Chapter 13 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 1319. Special death gratuity

"In any case in which benefits under this chapter have been terminated or denied as the result of a marriage by a surviving spouse and in which such marriage has subsequently been terminated by a death or divorce, a special monthly death gratuity shall be payable to an unremarried surviving spouse in an amount equal to the amount payable under section 1311(a)(1) of this title, subject to a reduction of \$1 for each \$1 of income countable under section 1315(f)(1) of this title."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1318 the following new item:

"1319. Special death gratuity."

SEC. 3. RESTORATION OF PENSION ELIGIBILITY FOR UNREMARIED SPOUSES.

Section 1501 of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(5) The term 'surviving spouse' includes the spouse of a deceased veteran whose eligibility for benefits under this chapter as a surviving spouse was terminated or denied by reason of a subsequent remarriage if such subsequent remarriage is terminated by death or divorce."

SEC. 4. RESTORATION OF BURIAL ELIGIBILITY FOR UNREMARIED SPOUSES.

Section 2402(5) of title 38, United States Code, is amended by inserting "(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)" after "surviving spouse".

SEC. 4. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by sections 2 and 3 shall take effect on December 1, 1994.

(b) CONTINGENCY.—The amendments made by sections 2 and 3 shall not take effect if there has not been enacted as of December 1, 1994, a law providing a cost-of-living adjustment in the rates of compensation payable under chapter 11 or dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, for fiscal year 1995.

SEC. 5. 6. POLICY REGARDING COST-OF-LIVING ADJUSTMENT IN COMPENSATION RATES FOR FISCAL YEAR 1995.

(a) ROUNDING DOWN.—The fiscal year 1995 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title will be no more than a percentage equal to the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), with all increased monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower dollar.

(b) LIMITATION ON FISCAL YEAR 1995 COST-OF-LIVING ADJUSTMENT FOR CERTAIN DIC RECIPIENTS.—(1) During fiscal year 1995, the

amount of any increase in any of the rates of dependency and indemnity compensation in effect under section 1311(a)(3) of title 38, United States Code, will not exceed 50 percent of the new law increase, rounded down (if not an even dollar amount) to the next lower dollar.

(2) For purposes of paragraph (1), the new law increase is the amount by which the rate of dependency and indemnity compensation provided for recipients under section 1311(a)(1) of such title is increased for fiscal year 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

□ 1410

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

Mr. Speaker, H.R. 3456, as amended, would restore certain benefits to unremarried surviving spouses of veterans, and I want to thank the gentleman from Kansas [Mr. SLATTERY], chairman of this subcommittee, as well as the ranking minority member, the gentleman from Florida [Mr. BILIRAKIS], for their hard work on this legislation. I also want to thank the ranking minority member, the gentleman from Arizona [Mr. STUMP] and the chairman of the Subcommittee on Housing and Memorial Affairs, the gentleman from Illinois [Mr. SANGMEISTER] who offered a key amendment contained in the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY], the chairman of the Subcommittee on Compensation, Pension and Insurance.

Mr. SLATTERY. Mr. Speaker, I first would like to thank the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP], our ranking minority member, for bringing this bill to the floor on such a timely basis. I also want to thank the gentleman from Florida [Mr. BILIRAKIS], the ranking minority member of the subcommittee, for his cooperation and support of this measure. We have been working on this bill for some time now, and I am very pleased to have the opportunity to explain its provisions.

Mr. Speaker, H.R. 3456 proposes to provide or restore VA benefits eligibility to a group we refer to as unremarried surviving spouses. The intent of this legislation is to provide some measure of relief for those spouses whose disqualifying marriages have ended either by death or divorce, and particularly for those who may be in financial distress.

Under current law, a permanent bar to benefits reinstatement is raised if a surviving spouse should remarry. This bar was imposed by section 8003 of the

Omnibus Budget Reconciliation Act of 1990 [OBRA '90].

H.R. 3456 would do three things:

First, it would provide a special death benefit to an unremarried surviving spouse of a veteran whose death was service related. This would be paid at the same level as the base rate for dependency and indemnity compensation [DIC], currently \$750 per month, or \$9,000 per year, but would be subject to a dollar for dollar offset for each dollar of outside income received.

Second, the bill would restore eligibility for nonservice-connected death pension for this group who would otherwise be eligible for reinstatement were it not for the OBRA '90 bar. The maximum annual benefit now payable under the death pension program is \$5,108.

These two benefit provisions would be effective on December 1, 1994.

Finally, Mr. Speaker, the reported bill contains a provision that would correct an unintended effect of OBRA '90 to provide for the restoration of eligibility for burial in national cemeteries to these unremarried surviving spouses. This section would be effective on the date of enactment. This provision was added to the bill by the gentleman from Illinois, Mr. SANGMEISTER, and I thank him for his interest in this area.

In order to defray the cost of any of the benefit restorations, the bill contains two provisions that will fully offset the cost. It provides that new rates in compensation and DIC which may be enacted next year for fiscal year 1995 must be rounded down in the same manner as the fiscal year 1994 COLA. We were bound by the reconciliation act to round down the rates for this year's COLA and we did so in the bill we just sent down to the President.

The bill would also continue a policy also embodied in the reconciliation act and consistent with the COLA bill we just enacted. It would require that the fiscal year 1995 COLA for so-called grandfathered DIC recipients be limited to a flat rate equal to one-half of the COLA provided for the base rate of DIC.

This inclusion of these two limitations fully offsets the costs associated with enactment of this bill.

Mr. Speaker, I say to my colleagues this is a good bill and I urge each Member to support its passage.

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

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

Mr. Speaker, I rise in support of H.R. 3456, as amended, legislation to restore certain benefits eligibility to unremarried surviving spouses.

Mr. Speaker, I would like to commend JIM SLATTERY, chairman of the Subcommittee on Compensation, Pension and Insurance, and MIKE BILIRAKIS, the subcommittee's ranking

member, for their efforts in reaching a compromise for these deserving widows.

Special appreciation goes to my friend and colleague, Chairman SONNY MONTGOMERY, for his able leadership in bringing this measure to floor in such a timely manner.

This bill deserves the support of all of our Members, and I recommend its passage.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would also like to thank the gentleman from Mississippi [Mr. MONTGOMERY] and my soul mate, the gentleman from Arizona [Mr. STUMP], and there is no one that looks after military active duty, or reservists or spouses more than SONNY MONTGOMERY, and I support fully H.R. 3456, and those of us that have served in the military have seen time and time again this strength of family members that have been left behind. What less could we give than for those that have given the last full measure, have given a life for this country? They give more than just their life. They leave a family behind, and that family has to survive. This will help those individuals and families get through the tough times because a servicemember loses everything, the family loses everything, and they have given their lives for this country. It is the least we can do is to help that family member.

Mr. Speaker, I rise in full support of H.R. 3456.

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

Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am in strong support of this measure, of taking care of a long-needed problem, the taking care of the surviving spouse, the unremarried surviving spouse, of a veteran whose death was service related.

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

Mr. Speaker, the bill deserves the support of all our Members, and I recommend its passage.

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

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I thank the gentleman from California [Mr. CUNNINGHAM] for his kind remarks on both of these suspension bills.

Mr. Speaker, we have further explanations of the bill at the desk here if Members would like to pick up these blue sheets.

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

Mr. MONTGOMERY. I yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, I join in support of this bill having just visited with some widows of some of our heroes from Somalia. I know this will be a unanimous vote in support.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for his comments.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3456, the Surviving Spouses' Benefit Act of 1993. I commend my colleague, the subcommittee chairman, the gentleman from Kansas [Mr. SLATTERY] for introducing this important legislation. I would also like to add my appreciation for the gentleman from Mississippi, the chairman of the Veterans Committee [Mr. MONTGOMERY], and the ranking member of the committee, the gentleman from Arizona [Mr. STUMP] for bringing this timely measure to the House floor and for their commitment to our Nation's veterans.

I support H.R. 3456, as I believe it is important that the spouses of deceased veterans, whose subsequent marriages have ended due to death or divorce, are provided with the appropriate burial and survivors benefits.

According to a provision of the Omnibus Reconciliation Act of 1990, certain surviving spouses of deceased veterans whose subsequent marriages ended in death or divorce were deemed ineligible for survival and burial benefits. I am pleased that H.R. 3456 will correct this discrepancy. Specifically, this legislation will provide \$750 per month in compensation to surviving spouses of veterans whose death was service related. This measure will also restore non-service-connected death pension eligibility for surviving spouses who had been deemed ineligible for payments due to provisions of the Reconciliation Act of 1990. Lastly, this measure will make benefit restoration effective December 1, 1994, unless a cost-of-living adjustment in veteran's compensation and dependency and indemnity compensation programs has not been authorized for fiscal year 1995.

As a nation, we have a moral obligation to provide our service men and women with the benefits they so justly deserve. For this reason I am pleased to support H.R. 3456. However, I believe that we should go a step further. Accordingly, I urge my colleagues to support H.R. 3456, my legislation which will further reinstate veterans' funeral benefits. By doing this we will fulfill our obligation to all those who have fought and risked their lives to protect the ideals and the people of our great Nation. We should do no less, for those who have given so much to defend our freedom, and I urge my colleagues to support this important legislation.

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 3456, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMERICAN INDIAN AGRICULTURAL RESOURCE MANAGEMENT ACT

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1425) to improve the management, productivity, and use of Indian agricultural lands and resources, as amended.

The Clerk read as follows:

H.R. 1425

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Indian Agricultural Resource Management Act".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) the United States and Indian tribes have a government to government relationship;

(2) the United States has a trust responsibility to protect, conserve, utilize, and manage Indian agricultural lands consistent with its fiduciary obligation and its unique relationship with Indian tribes;

(3) Indian agricultural lands are renewable and manageable natural resources which are vital to the economic, social, and cultural welfare of many Indian tribes and their members; and

(4) development and management of Indian agricultural lands in accordance with integrated resource management plans will ensure proper management of Indian agricultural lands and will produce increased economic returns, enhance Indian self-determination, promote employment opportunities, and improve the social and economic well-being of Indian and surrounding communities.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) carry out the trust responsibility of the United States and promote the self-determination of Indian tribes by providing for the management of Indian agricultural lands and related renewable resources in a manner consistent with identified tribal goals and priorities for conservation, multiple use, and sustained yield;

(2) authorize the Secretary to take part in the management of Indian agricultural lands, with the participation of the beneficial owners of the land, in a manner consistent with the trust responsibility of the Secretary and with the objectives of the beneficial owners;

(3) provide for the development and management of Indian agricultural lands; and

(4) increase the educational and training opportunities available to Indian people and communities in the practical, technical, and professional aspects of agriculture and land management to improve the expertise and technical abilities of Indian tribes and their members.

SEC. 4. DEFINITIONS.

For the purposes of this Act:

(1) The term "Indian agricultural lands" means Indian land, including farmland and rangeland, but excluding Indian forest land, that is used for the production of agricultural products, and Indian lands occupied by industries that support the agricultural community, regardless of whether a formal inspection and land classification has been conducted.

(2) The term "agricultural product" means—

(A) crops grown under cultivated conditions whether used for personal consumption, subsistence, or sold for commercial benefit;

(B) domestic livestock, including cattle, sheep, goats, horses, buffalo, swine, reindeer, fowl, or other animal specifically raised and utilized for food or fiber or as beast of burden;

(C) forage, hay, fodder, feed grains, crop residues and other items grown or harvested for the feeding and care of livestock, sold for commercial profit, or used for other purposes; and

(D) other marketable or traditionally used materials authorized for removal from Indian agricultural lands.

(3) The term "agricultural resource" means—

(A) all the primary means of production, including the land, soil, water, air, plant communities, watersheds, human resources, natural and physical attributes, and man-made developments, which together comprise the agricultural community; and

(B) all the benefits derived from Indian agricultural lands and enterprises, including cultivated and gathered food products, fibers, horticultural products, dyes, cultural or religious condiments, medicines, water, aesthetic, and other traditional values of agriculture.

(4) The term "agricultural resource management plan" means a plan developed under section 101(b).

(5) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(6) The term "farmland" means Indian land excluding Indian forest land that is used for production of food, feed, fiber, forage and seed oil crops, or other agricultural products, and may be either dryland, irrigated, or irrigated pasture.

(7) The term "Indian forest land" means forest land as defined in section 304(3) of the National Indian Forest Resources Management Act (25 U.S.C. 3103(3)).

(8) The term "Indian" means an individual who is a member of an Indian tribe.

(9) The term "Indian land" means land that is—

(A) held in trust by the United States for an Indian tribe; or

(B) owned by an Indian or Indian tribe and is subject to restrictions against alienation.

(10) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(11) The term "integrated resource management plan" means the plan developed pursuant to the process used by tribal governments to assess available resources and to provide identified holistic management objectives that include quality of life, production goals and landscape descriptions of all designated resources that may include (but not be limited to) water, fish, wildlife, forestry, agriculture, minerals, and recreation, as well as community and municipal resources, and may include any previously adopted tribal codes and plans related to such resources.

(12) The term "land management activity" means all activities, accomplished in support of the management of Indian agricultural lands, including (but not limited to)—

(A) preparation of soil and range inventories, farmland and rangeland management plans, and monitoring programs to evaluate management plans;

(B) agricultural lands and on-farm irrigation delivery system development, and the application of state of the art, soil and range conservation management techniques to restore and ensure the productive potential of Indian lands;

(C) protection against agricultural pests, including development, implementation, and evaluation of integrated pest management programs to control noxious weeds, undesirable vegetation, and vertebrate or invertebrate agricultural pests;

(D) administration and supervision of agricultural leasing and permitting activities, including determination of proper land use, carrying capacities, and proper stocking rates of livestock, appraisal, advertisement, negotiation, contract preparation, collecting, recording, and distributing lease rental receipts;

(E) technical assistance to individuals and tribes engaged in agricultural production or agribusiness; and

(F) educational assistance in agriculture, natural resources, land management and related fields of study, including direct assistance to tribally-controlled community colleges in developing and implementing curriculum for vocational, technical, and professional course work.

(13) The term "Indian landowner" means the Indian or Indian tribe that—

(A) owns such Indian land, or

(B) is the beneficiary of the trust under which such Indian land is held by the United States.

(14) The term "rangeland" means Indian land, excluding Indian forest land, on which the native vegetation is predominantly grasses, grass-like plants, forbs, half-shrubs or shrubs suitable for grazing or browsing use, and includes lands revegetated naturally or artificially to provide a forage cover that is managed as native vegetation.

(15) The term "Secretary" means the Secretary of the Interior.

TITLE I—RANGELAND AND FARMLAND ENHANCEMENT

SEC. 101. MANAGEMENT OF INDIAN RANGELANDS AND FARMLANDS.

(a) MANAGEMENT OBJECTIVES.—Consistent with the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall provide for the management of Indian agricultural lands to achieve the following objectives:

(1) To protect, conserve, utilize, and maintain the highest productive potential on Indian agricultural lands through the application of sound conservation practices and techniques. These practices and techniques shall be applied to planning, development, inventorying, classification, and management of agricultural resources;

(2) To increase production and expand the diversity and availability of agricultural products for subsistence, income, and employment of Indians and Alaska Natives, through the development of agricultural resources on Indian lands;

(3) To manage agricultural resources consistent with integrated resource management plans in order to protect and maintain other values such as wildlife, fisheries, cultural resources, recreation and to regulate water runoff and minimize soil erosion;

(4) To enable Indian farmers and ranchers to maximize the potential benefits available to them through their land by providing technical assistance, training, and education

in conservation practices, management and economics of agribusiness, sources and use of credit and marketing of agricultural products, and other applicable subject areas;

(5) To develop Indian agricultural lands and associated value-added industries of Indians and Indian tribes to promote self-sustaining communities; and

(6) To assist trust and restricted Indian landowners in leasing their agricultural lands for a reasonable annual return, consistent with prudent management and conservation practices, and community goals as expressed in the tribal management plans and appropriate tribal ordinances.

(b) INDIAN AGRICULTURAL RESOURCE MANAGEMENT PLANNING PROGRAM.—(1) To meet the management objectives of this section, a 10-year Indian agriculture resource management and monitoring plan shall be developed and implemented as follows:

(A) Pursuant to a self-determination contract or self-governance compact, an Indian tribe may develop or implement an Indian agriculture resource plan. Subject to the provisions of subparagraph (C), the tribe shall have broad discretion in designing and carrying out the planning process.

(B) If a tribe chooses not to contract the development or implementation of the plan, the Secretary shall develop or implement, as appropriate, the plan in close consultation with the affected tribe.

(C) Whether developed directly by the tribe or by the Secretary, the plan shall—

(i) determine available agriculture resources;

(ii) identify specific tribal agricultural resource goals and objectives;

(iii) establish management objectives for the resources;

(iv) define critical values of the Indian tribe and its members and provide identified holistic management objectives;

(v) identify actions to be taken to reach established objectives;

(vi) be developed through public meetings;

(vii) use the public meeting records, existing survey documents, reports, and other research from Federal agencies, tribal community colleges, and lands grant universities; and

(viii) be completed within three years of the initiation of activity to establish the plan.

(2) Indian agriculture resource management plans developed and approved under this section shall govern the management and administration of Indian agricultural resources and Indian agricultural lands by the Bureau and the Indian tribal government.

SEC. 102. INDIAN PARTICIPATION IN LAND MANAGEMENT ACTIVITIES.

(a) TRIBAL RECOGNITION.—The Secretary shall conduct all land management activities on Indian agricultural land in accordance with goals and objectives set forth in the approved agricultural resource management plan, in an integrated resource management plan, and in accordance with all tribal laws and ordinances, except in specific instances where such compliance would be contrary to the trust responsibility of the United States.

(b) TRIBAL LAWS.—Unless otherwise prohibited by Federal law, the Secretary shall comply with tribal laws and ordinances pertaining to Indian agricultural lands, including laws regulating the environment and historic or cultural preservation, and laws or ordinances adopted by the tribal government to regulate land use or other activities under tribal jurisdiction. The Secretary shall—

(1) provide assistance in the enforcement of such tribal laws;

(2) provide notice of such laws to persons or entities undertaking activities on Indian agricultural lands; and

(3) upon the request of an Indian tribe, require appropriate Federal officials to appear in tribal forums.

(c) WAIVER OF REGULATIONS.—In any case in which a regulation or administrative policy of the Department of the Interior conflicts with the objectives of the agricultural resource management plan provided for in section 101, or with a tribal law, the Secretary may waive the application of such regulation or administrative policy unless such waiver would constitute a violation of a Federal statute or judicial decision or would conflict with his general trust responsibility under Federal law.

(d) SOVEREIGN IMMUNITY.—This section does not constitute a waiver of the sovereign immunity of the United States, nor does it authorize tribal justice systems to review actions of the Secretary.

SEC. 103. INDIAN AGRICULTURAL LANDS TRESPASS.

(a) CIVIL PENALTIES; REGULATIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) establish civil penalties for the commission of trespass on Indian agricultural lands, which provide for—

(A) collection of the value of the products illegally used or removed plus a penalty of double their values;

(B) collection of the costs associated with damage to the Indian agricultural lands caused by the act of trespass; and

(C) collection of the costs associated with enforcement of the regulations, including field examination and survey, damage appraisal, investigation assistance and reports, witness expenses, demand letters, court costs, and attorney fees;

(2) designate responsibility within the Department of the Interior for the detection and investigation of Indian agricultural lands trespass; and

(3) set forth responsibilities and procedures for the assessment and collection of civil penalties.

(b) TREATMENT OF PROCEEDS.—The proceeds of civil penalties collected under this section shall be treated as proceeds from the sale of agricultural products from the Indian agricultural lands upon which such trespass occurred.

(c) CONCURRENT JURISDICTION.—Indian tribes which adopt the regulations promulgated by the Secretary pursuant to subsection (a) shall have concurrent jurisdiction with the United States to enforce the provisions of this section and the regulations promulgated thereunder. The Bureau and other agencies of the Federal Government shall, at the request of the tribal government, defer to tribal prosecutions of Indian agricultural land trespass cases. Tribal court judgments regarding agricultural trespass shall be entitled to full faith and credit in Federal and State courts to the same extent as a Federal court judgment obtained under this section. Nothing in this Act shall be construed to diminish the sovereign authority of Indian tribes with respect to trespass.

SEC. 104. ASSESSMENT OF INDIAN AGRICULTURAL MANAGEMENT PROGRAMS.

(a) ASSESSMENT.—Within six months after the date of enactment of this Act, the Secretary, in consultation with affected Indian tribes, shall enter into a contract with a non-Federal entity knowledgeable in agricultural management on Federal and private lands to conduct an independent assessment

of Indian agricultural land management and practices. Such assessment shall be national in scope and shall include a comparative analysis of Federal investment and management efforts for Indian trust and restricted agricultural lands as compared to federally-owned lands managed by other Federal agencies or instrumentalities and as compared to federally-served private lands.

(b) **PURPOSES.**—The purposes of the assessment shall be—

(1) to establish a comprehensive assessment of the improvement, funding, and development needs for all Indian agricultural lands;

(2) to establish a comparison of management and funding provided to comparable lands owned or managed by the Federal Government through Federal agencies other than the Bureau; and

(3) to identify any obstacles to Indian access to Federal or private programs relating to agriculture or related rural development programs generally available to the public at large.

(c) **IMPLEMENTATION.**—Within one year after the date of enactment of this Act, the Secretary shall provide the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate with a status report on the development of the comparative analysis required by this section and shall file a final report with the Congress not later than 18 months after the date of enactment of this Act.

SEC. 105. LEASING OF INDIAN AGRICULTURAL LANDS.

(a) **AUTHORITY OF THE SECRETARY.**—The Secretary is authorized to—

(1) approve any agricultural lease or permit with (A) a tenure of up to 10 years, or (B) a tenure longer than 10 years but not to exceed 25 years unless authorized by other Federal law, when such longer tenure is determined by the Secretary to be in the best interest of the Indian landowners and when such lease or permit requires substantial investment in the development of the lands or crops by the lessee; and

(2) lease or permit agricultural lands to the highest responsible bidder at rates less than the Federal appraisal after satisfactorily advertising such lands for lease, when, in the opinion of the Secretary, such action would be in the best interest of the Indian landowner.

(b) **AUTHORITY OF THE TRIBE.**—When authorized by an appropriate tribal resolution establishing a general policy for leasing of Indian agricultural lands, the Secretary—

(1) shall provide a preference to Indian operators in the issuance and renewal of agricultural leases and permits so long as the lessor receives fair market value for his property;

(2) shall waive or modify the requirement that a lessee post a surety or performance bond on agricultural leases and permits issued by the Secretary;

(3) shall provide for posting of other collateral or security in lieu of surety or other bonds; and

(4) when such tribal resolution sets forth a tribal definition of what constitutes "highly fractionated undivided heirship lands" and adopts an alternative plan for providing notice to owners, may waive or modify any general notice requirement of Federal law and proceed to negotiate and lease or permit such highly fractionated undivided interest heirship lands in conformity with tribal law in order to prevent waste, reduce idle land acreage, and ensure income.

(c) **RIGHTS OF INDIVIDUAL LANDOWNERS.**—(1) Nothing in this section shall be construed as limiting or altering the authority or right of an individual allottee in the legal or beneficial use of his or her own land or to enter into an agricultural lease of the surface interest of his or her allotment under any other provision of law.

(2)(A) The owners of a majority interest in any trust or restricted land are authorized to enter into an agricultural lease of the surface interest of a trust or restricted allotment, and such lease shall be binding upon the owners of the minority interests in such land if the terms of the lease provide such minority interests with not less than fair market value for such land.

(B) For the purposes of subparagraph (A), a majority interest in trust or restricted land is an interest greater than 50 percent of the legal or beneficial title.

(3) The provisions of subsection (b) shall not apply to a parcel of trust or restricted land if the owners of at least 50 percent of the legal or beneficial interest in such land file with the Secretary a written objection to the application of all or any part of such tribal rules to the leasing of such parcel of land.

TITLE II—EDUCATION IN AGRICULTURE MANAGEMENT

SEC. 201. INDIAN AND ALASKA NATIVE AGRICULTURE MANAGEMENT EDUCATION ASSISTANCE PROGRAMS.

(a) **AGRICULTURAL RESOURCES INTERN PROGRAM.**—(1) Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service, the Secretary shall establish and maintain in the Bureau or other appropriate office or bureau within the Department of the Interior at least 20 agricultural resources intern positions for Indian and Alaska Native students enrolled in an agriculture study program. Such positions shall be in addition to the forester intern positions authorized in section 314(a) of the National Indian Forest Resources Management Act (25 U.S.C. 3113(a)).

(2) For purposes of this subsection—

(A) the term "agricultural resources intern" means an Indian who—

(i) is attending an approved postsecondary school in a full-time agriculture or related field, and

(ii) is appointed to one of the agricultural resources intern positions established under paragraph (1);

(B) the term "agricultural resources intern positions" means positions established pursuant to paragraph (1) for agricultural resources interns; and

(C) the term "agriculture study program" includes (but is not limited to) agricultural engineering, agricultural economics, animal husbandry, animal science, biological sciences, geographic information systems, horticulture, range management, soil science, and veterinary science.

(3) The Secretary shall pay, by reimbursement or otherwise, all costs for tuition, books, fees, and living expenses incurred by an agricultural resources intern while attending an approved postsecondary or graduate school in a full-time agricultural study program.

(4) An agricultural resources intern shall be required to enter into an obligated service agreement with the Secretary to serve as an employee in a professional agriculture or natural resources position with the Department of the Interior or other Federal agency or an Indian tribe for one year for each year of education for which the Secretary pays the intern's educational costs under paragraph (3).

(5) An agricultural resources intern shall be required to report for service with the Bureau of Indian Affairs or other bureau or agency sponsoring his internship, or to a designated work site, during any break in attendance at school of more than 3 weeks duration. Time spent in such service shall be counted toward satisfaction of the intern's obligated service agreement under paragraph (4).

(b) **COOPERATIVE EDUCATION PROGRAM.**—(1) The Secretary shall maintain, through the Bureau, a cooperative education program for the purpose, among other things, of recruiting Indian and Alaska Native students who are enrolled in secondary schools, tribally controlled community colleges, and other postsecondary or graduate schools, for employment in professional agriculture or related positions with the Bureau or other Federal agency providing Indian agricultural or related services.

(2) The cooperative educational program under paragraph (1) shall be modeled after, and shall have essentially the same features as, the program in effect on the date of enactment of this Act pursuant to chapter 308 of the Federal Personnel Manual of the Office of Personnel Management.

(3) The cooperative educational program shall include, among others, the following:

(A) The Secretary shall continue the established specific programs in agriculture and natural resources education at Southwestern Indian Polytechnic Institute (SIPI) and at Haskell Indian Junior College.

(B) The Secretary shall develop and maintain a cooperative program with the tribally controlled community colleges to coordinate course requirements, texts, and provide direct technical assistance so that a significant portion of the college credits in both the Haskell and Southwestern Indian Polytechnic Institute programs can be met through local program work at participating tribally controlled community colleges.

(C) Working through tribally controlled community colleges and in cooperation with land grant institutions, the Secretary shall implement an informational and educational program to provide practical training and assistance in creating or maintaining a successful agricultural enterprise, assessing sources of commercial credit, developing markets, and other subjects of importance in agricultural pursuits.

(D) Working through tribally controlled community colleges and in cooperation with land grant institutions, the Secretary shall implement research activities to improve the basis for determining appropriate management measures to apply to Indian agricultural management.

(4) Under the cooperative agreement program under paragraph (1), the Secretary shall pay, by reimbursement or otherwise, all costs for tuition, books, and fees of an Indian student who—

(A) is enrolled in a course of study at an education institution with which the Secretary has entered into a cooperative agreement; and

(B) is interested in a career with the Bureau, an Indian tribe or a tribal enterprise in the management of Indian rangelands, farmlands, or other natural resource assets.

(5) A recipient of assistance under the cooperative education program under this subsection shall be required to enter into an obligated service agreement with the Secretary to serve as a professional in an agricultural resource related activity with the Bureau, or other Federal agency providing agricultural or related services to Indians or Indian

tribes, or an Indian tribe for one year for each year for which the Secretary pays the recipients educational costs pursuant to paragraph (3).

(c) **SCHOLARSHIP PROGRAM.**—(1) The Secretary may grant scholarships to Indians enrolled in accredited agriculture related programs for postsecondary and graduate programs of study as full-time students.

(2) A recipient of a scholarship under paragraph (1) shall be required to enter into an obligated service agreement with the Secretary in which the recipient agrees to accept employment for one year for each year the recipient received a scholarship, following completion of the recipients course of study, with—

(A) the Bureau or other agency of the Federal Government providing agriculture or natural resource related services to Indians or Indian tribes;

(B) an agriculture or related program conducted under a contract, grant, or cooperative agreement entered into under the Indian Self-Determination and Education Assistance Act; or

(C) a tribal agriculture or related program.

(3) The Secretary shall not deny scholarship assistance under this subsection solely on the basis of an applicant's scholastic achievement if the applicant has been admitted to and remains in good standing in an accredited post secondary or graduate institution.

(d) **EDUCATIONAL OUTREACH.**—The Secretary shall conduct, through the Bureau, and in consultation with other appropriate local, State and Federal agencies, and in consultation and coordination with Indian tribes, an agricultural resource education outreach program for Indian youth to explain and stimulate interest in all aspects of management and careers in Indian agriculture and natural resources.

(e) **ADEQUACY OF PROGRAMS.**—The Secretary shall administer the programs described in this section until a sufficient number of Indians are trained to ensure that there is an adequate number of qualified, professional Indian agricultural resource managers to manage the Bureau agricultural resource programs and programs maintained by or for Indian tribes.

SEC. 202. POSTGRADUATION RECRUITMENT, EDUCATION AND TRAINING PROGRAMS.

(a) **ASSUMPTION OF LOANS.**—The Secretary shall establish and maintain a program to attract Indian professionals who are graduates of a course of postsecondary or graduate education for employment in either the Bureau agriculture or related programs or, subject to the approval of the tribe, in tribal agriculture or related programs. According to such regulations as the Secretary may prescribe, such program shall provide for the employment of Indian professionals in exchange for the assumption by the Secretary of the outstanding student loans of the employee. The period of employment shall be determined by the amount of the loan that is assumed.

(b) **POSTGRADUATE INTERGOVERNMENTAL INTERNSHIPS.**—For the purposes of training, skill development and orientation of Indian and Federal agricultural management personnel, and the enhancement of tribal and Bureau agricultural resource programs, the Secretary shall establish and actively conduct a program for the cooperative internship of Federal and Indian agricultural resource personnel. Such program shall—

(1) for agencies within the Department of the Interior—

(A) provide for the internship of Bureau and Indian agricultural resource employees

in the agricultural resource related programs of other agencies of the Department of the Interior, and

(B) provide for the internship of agricultural resource personnel from the other Department of the Interior agencies within the Bureau, and, with the consent of the tribe, within tribal agricultural resource programs;

(2) for agencies not within the Department of the Interior, provide, pursuant to an inter-agency agreement, internships within the Bureau and, with the consent of the tribe, within a tribal agricultural resource program of other agricultural resource personnel of such agencies who are above their sixth year of Federal service;

(3) provide for the continuation of salary and benefits for participating Federal employees by their originating agency;

(4) provide for salaries and benefits of participating Indian agricultural resource employees by the host agency; and

(5) provide for a bonus pay incentive at the conclusion of the internship for any participant.

(c) **CONTINUING EDUCATION AND TRAINING.**—The Secretary shall maintain a program within the Trust Services Division of the Bureau for Indian agricultural resource personnel which shall provide for—

(1) orientation training for Bureau agricultural resource personnel in tribal-Federal relations and responsibilities;

(2) continuing technical agricultural resource education for Bureau and Indian agricultural resource personnel; and

(3) development training of Indian agricultural resource personnel in agricultural resource based enterprises and marketing.

SEC. 203. COOPERATIVE AGREEMENT BETWEEN THE DEPARTMENT OF THE INTERIOR AND INDIAN TRIBES.

(a) **COOPERATIVE AGREEMENTS.**—

(1)(A) To facilitate the administration of the programs and activities of the Department of the Interior, the Secretary may negotiate and enter into cooperative agreements with Indian tribes to—

(i) engage in cooperative manpower and job training,

(ii) develop and publish cooperative agricultural education and resource planning materials, and

(iii) perform land and facility improvements and other activities related to land and natural resource management and development.

(B) The Secretary may enter into these agreements when the Secretary determines the interest of Indians and Indian tribes will be benefited.

(2) In cooperative agreements entered into under paragraph (1), the Secretary may advance or reimburse funds to contractors from any appropriated funds available for similar kinds of work or by furnishing or sharing materials, supplies, facilities, or equipment without regard to the provisions of section 3324 of title 31, United States Code, relating to the advance of public moneys.

(b) **SUPERVISION.**—In any agreement authorized by this section, Indian tribes and their employees may perform cooperative work under the supervision of the Department of the Interior in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for the purposes of sections 2671 through 2680 of title 28, United States Code, and sections 8101 through 8193 of title 5, United States Code.

(c) **SAVINGS CLAUSE.**—Nothing in this Act shall be construed to limit the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

SEC. 204. OBLIGATED SERVICE; BREACH OF CONTRACT.

(a) **OBLIGATED SERVICE.**—Where an individual enters into an agreement for obligated service in return for financial assistance under any provision of this title, the Secretary shall adopt such regulations as are necessary to provide for the offer of employment to the recipient of such assistance as required by such provision. Where an offer of employment is not reasonably made, the regulations shall provide that such service shall no longer be required.

(b) **BREACH OF CONTRACT; REPAYMENT.**—Where an individual fails to accept a reasonable offer of employment in fulfillment of such obligated service or unreasonably terminates or fails to perform the duties of such employment, the Secretary shall require a repayment of the financial assistance provided, prorated for the amount of time of obligated service that was performed, together with interest on such amount which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury.

TITLE III—GENERAL PROVISIONS

SEC. 301. REGULATIONS.

Except as otherwise provided by this Act, the Secretary shall promulgate final regulations for the implementation of this Act within 24 months after the date of enactment of this Act. All regulations promulgated pursuant to this Act shall be developed by the Secretary with the participation of the affected Indian tribes.

SEC. 302. TRUST RESPONSIBILITY.

Nothing in this Act shall be construed to diminish or expand the trust responsibility of the United States toward Indian trust lands or natural resources, or any legal obligation or remedy resulting therefrom.

SEC. 303. SEVERABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision or circumstance and the remainder of this Act shall not be affected thereby.

SEC. 304. FEDERAL, STATE AND LOCAL AUTHORITY.

(a) **DISCLAIMER.**—Nothing in this Act shall be construed to supercede or limit the authority of Federal, State or local agencies otherwise authorized by law to provide services to Indians.

(b) **DUPLICATION OF SERVICES.**—The Secretary shall work with all appropriate Federal departments and agencies to avoid duplication of programs and services currently available to Indian tribes and landowners from other sources.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) **GENERAL AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(b) **FUNDING SOURCE.**—The activities required under title II may only be funded from appropriations made pursuant to this Act. To the greatest extent possible, such activities shall be coordinated with activities funded from other sources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes, and the gentleman from California [Mr. CALVERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

GENERAL LEAVE

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, over the past 20 years, there has been a serious decline in the condition of Indian agriculture. Over 1.1 million acres of Indian agricultural lands are lying idle. Currently, 12 million acres of Indian agricultural lands do not have basic soil and range inventories. Since 1975, the Bureau of Indian agricultural program budget has not increased. The Bureau of Indian Affairs reports that it would need to double its staffing levels to meet the ratio of staff per managed acre maintained by other Federal agencies. These trends must not continue, this nation must fulfill its trust obligations to Native Americans.

Mr. Speaker, H.R. 1425, provides a statutory framework for the Federal Government to carry out its trust responsibilities for Indian agricultural resources. It reflects changes recommended by Indian tribes, the Intertribal Agriculture Council, and the Bureau of Indian Affairs in testimony before the subcommittee and other comments submitted to the subcommittee.

H.R. 1425 establishes the Indian agricultural resource management planning program, which provides for the development of a 10-year agricultural resource management plan for any interested Indian tribe. It also provides that the Secretary shall conduct all land management activities in accordance with the tribal management plans and tribal laws and ordinances.

It provides that the Indian Self-Determination Act applies to all the provisions of the act to ensure that Indian tribes will be able to contract any program or function of the act. It also includes a disclaimer provision which states that section 102 of the act shall not constitute a waiver of sovereign immunity of the United States nor does it authorize tribal courts to review actions of the Secretary.

This legislation includes a new section which establishes civil penalties for trespass on Indian agricultural lands. H.R. 1425 requires the Secretary to contract with a non-Federal entity to conduct an assessment of Indian agricultural land management and practices.

Section 105 of the act has been amended to authorize the Secretary to lease or permit lands for up to 10 years, or for up to 25 years when it is in the best interest of the Indian landowner

and the lease requires substantial investment in the lands. It also provides that when authorized by an Indian tribe, the Secretary may waive or modify requirements for surety bonds or require other collateral or security in lieu of surety bonds. In addition, it provides that section 105 shall not be construed as limiting or altering the authority of an individual allottee to the legal or beneficial use of his or her own land.

The bill establishes an Indian Natural Resources Intern Program to create at least 20 intern positions for Indian students. It would establish a recruitment program for Indian professionals for employment in the Bureau of Indian Affairs agricultural program. It establishes a cooperative education program in tribal community colleges for American Indians and Alaska Natives. H.R. 1425 includes a provision for scholarships to Indian students enrolled in accredited agriculture and related programs in postsecondary and graduate institutions.

The committee has included language suggested by the Education and Labor Committee to make clear that the education activities under title II of this act shall be funded out of appropriations made pursuant to the authorization in this act. Funds for these activities are not to be taken from the Indian Student Equalization Program or the appropriations under the Tribally Controlled Community Colleges Assistance Act. The Secretary may take such steps as are necessary to see that these activities are coordinated with and supplement but not supplant, the activities under these other authorities.

The committee has also made several changes to the bill that were recommended by the administration. This bill enjoys bipartisan support, wide tribal support, and the support of the administration. I urge my colleagues to support it.

□ 1420

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

Mr. Speaker, as a member of the Subcommittee on Native American Affairs, I rise today in support of H.R. 1425, the American Indian Agricultural Act of 1993.

The gentleman from New Mexico has adequately explained the bill's provisions, so I will be brief. H.R. 1425 addresses a troublesome land issue in Indian country the resolution of which is long overdue.

I urge my colleagues to support passage of this legislation.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from New Mexico [Mr. RICHARDSON] that the House suspend the rules and pass the bill, H.R. 1425, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AIR FORCE MEMORIAL FOUNDATION AUTHORIZATION

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 898) to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

The Clerk read as follows:

H.R. 898

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

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Air Force Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.).

SEC. 2. PAYMENT OF EXPENSES.

The Air Force Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Air Force Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

The SPEAKER pro tempore (Mr. COPPERSMITH). Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 898. This memorial is a celebration of aviation history that will serve as a historical reminder of the past and an educational vision to the future of aerospace.

H.R. 898 has overwhelming support and seeks authority to establish a memorial to the men and women who served in the U.S. Air Force and its predecessor, the Army Air Corps.

No Federal funds will be used for the establishment of this memorial, therefore, the Air Force Memorial Foundation has prepared an extensive fundraising plan for the memorial's construction.

I urge my colleagues to support this important legislation, and honor the brave men and women who served our country.

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

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, from the birth of this country to the present, our military forces have played a vital role in providing the strength and independence of our Nation. Our country won the cold war as a direct result of our superior defense.

Any military strategist will attest to the value of a powerful air force. Most people will agree that, in a military conflict, a large advantage is gained by assuming control of the air. Our Air Force has continually demonstrated that it is the most formidable in the world.

Today, we have an opportunity to demonstrate our gratitude to the exceptional men and women who have served in our Air Force. Their dedication exemplifies their honor and discipline.

I urge my colleagues to support H.R. 898. As has been mentioned by Chairman CLAY, it will authorize the establishment of a memorial to "honor the men and women who have served in the U.S. Air Force and its predecessors." The Air Force Memorial Foundation will be in charge of raising funds for the memorial, and it would not involve the use of any Federal funds.

This memorial will serve as an educational tool as well. The memorial can teach youngsters about famous Air Force officers from Billy Mitchell to Gus Grissom, from Jimmy Doolittle to Chuck Yeager. These individuals can inspire youngsters to become our future leaders, role models, and also teach them to aim high.

I thank the Speaker and I reserve the balance of my time.

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

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

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

Mr. Speaker, I rise in support of H.R. 898. H.R. 898, known as the Air Force Memorial bill, will honor the men and women who serve and have served in the U.S. Air Force and its predecessors such as the Army Air Corps. The Air Force Memorial Foundation proposes to build a memorial on Federal land in Washington, DC, in time for the 50th anniversary of the Air Force as a separate service in 1997.

It is important to point out two important facts in connection with this bill: First, no public funds will be used to construct or maintain this memorial. The memorial foundation, which is a 501(C)(3) organization under the Internal Revenue Code is responsible for raising the needed funds. Second, the Air Force is the only service now not recognized with a memorial in our Nation's Capital. Please join me in making this memorial a reality as a testament to those who have served this Nation and served it well in the Air Force.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BARRETT] for yielding this time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 898, legislation to authorize the Air Force Memorial Foundation and to establish an Air Force Memorial in the District of Columbia.

I commend my colleague from Florida [Mr. HUTTO] for introducing this worthwhile legislation. And the distinguished chairman, the gentleman from Missouri [Mr. CLAY].

I am pleased that this legislation is being discussed today, as we have just celebrated Veterans Day. The observance of Veterans Day honors our fellow veterans who, through their dedication and courage, have sacrificed so much for our freedom. As Americans we must never forget the horrors of the battlefield, the sacrifice, the bloodshed, the destruction, the suffering, and the lives that are lost. For this reason I am gratified that H.R. 898 authorizes and establishes a memorial dedicated to the brave men and women who have served in our Nation's Air Force.

Memorials provide a lasting symbol which encourage the lessons of the past to be taught to future generations. Accordingly I strongly support H.R. 898 and the message of courage, dedication, freedom, and liberty that will be passed on to future generations.

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

Mr. BARRETT of Nebraska. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, on Veterans Day, a few of us were at the unveiling of the Women's Vietnam Veterans Memorial. We were near the flag and the beautiful statute of the young soldiers coming through the woods and the incredible wall itself. No one could be in front of the beautiful statue of three Army nurses and a wounded American across the lap of one, looking exactly like Michaelangelo's beautiful Pieta in Rome, without having the tears well up in your eyes and feeling yourself choke with emotion.

□ 1430

This is a rallying point for women who have served their country proudly

and so well, women of all conflicts, even for civilian women who were in the Special Services Corps that went into combat theaters in Vietnam. They will see this memorial as a rallying point and a point of deep emotional remembrance.

I also went, when cap Weinberger was our Secretary of Defense, and presided over the ribbon cutting for the beautiful Navy Memorial on Pennsylvania Avenue. Every American President who ever gets sworn in, as long as our great Nation exists, will pass by that lone sailor on that beautiful Navy Memorial.

Our Army has several great memorials, both of them very close to the White House. The 1st Division, with all of the places where it took its hits and won its glory, is right in front of the old Executive Office Building. Right on Constitution, on the south side of the White House, is the beautiful memorial of the flaming twin swords for the 2nd Army Division.

And who could ask for a more beautiful memorial than the Marine Corps. On the bluffs above the Potomac, commemorating the raising of the flag on February 23, 1945, is the Iwo Jima Memorial.

This Air Force Memorial is long overdue and will do as much tribute to the Army of the United States as the Air Force, because it will go back to the Signal Corps, the pilots who won such incredible glory, without the security of parachutes, over the skies of France. It will go back to honor the fledgling Army Air Corps, that took such heavy casualties at the beginning of World War II. It also will commemorate the Army Air Force, 86,000 young Americans died in the skies over Europe alone as members of the AAF.

This very year, 50 years ago, was the darkest period for our bomber pilots and the fighter pilots that could not stay with them all the way to the target and back, 1943 would see 10, 15, 20 percent of our bombers going down on some of the most difficult targets over the Ruhr industrial area in Germany.

Then within 3 years and 2 months of the birth of the Air Force, we saw our F-86 pilots engaged in combat over the skies of Korea. This memorial will recall this chapter in our history that has come back into our consciousness today.

Mr. Speaker, I read from a Government report that was only declassified within the past few days, about POW's, hundreds of them being sent to die a lonely death in Soviet gulag camps. It says,

The most highly-sought-after POWs for exploitation were F-86 pilots and others knowledgeable of new technologies.

Living U.S. witnesses have testified that captured U.S. pilots were, on occasion, taken directly to Soviet-staffed interrogation centers. A former Chinese officer stated that he turned U.S. pilot POWs directly over to the Soviets as a matter of policy.

Missing F-86 pilots, whose captivity was never acknowledged by the Communists in Korea, were identified in recent interviews with former Soviet intelligence officers who served in Korea. Captured F-86 aircraft were taken to at least three Moscow aircraft design bureaus for exploitation. Pilots accompanied the aircraft to enrich and accelerate the exploitation process.

And then to die a lonely, miserable death in some Soviet gulag camp.

Mr. Speaker, for these F-86 pilots, a plane I had the thrill of flying in peacetime, and right down to our great airmen from Desert Storm, to those bringing every piece of equipment and supplies over to our courageous sailors, Marines, and soldiers in Somalia, this memorial is long overdue. It will be a rallying place not only for pilots, but also for those who own the planes, our brave crew chiefs.

Mr. Speaker, I am going to a conference on the Committee on Intelligence, and I will talk to a great marine who borrowed F-86's in Korea and had three aerial victories in them, JOHN GLENN. I will also talk to a Navy war hero, JOHN MCCAIN. I supported his lonely sailor memorial. I hope to get the Senate off the dime today on this Air Force Memorial.

Gen. Jimmy Doolittle, who now has gone to his eternal reward in the skies, personally told me that more than anything, he wanted to be at the unveiling of this memorial. My former Air Force F-100 "Super Sabre" squadron commander, Chuck Yeager, told me that the dedication would be for him a "must appearance."

Mr. Speaker, I look forward, with the gentleman from Florida [Mr. HUTTO], and the gentleman from Missouri [Mr. CLAY], as well as my great colleague, the gentleman from Nebraska [Mr. BARRETT], to seeing the first shovelful of dirt turn on that memorial next year.

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

The SPEAKER pro tempore (Mr. COPPERSMITH). The question is on the motion offered by the gentleman from Florida [Mr. HUTTO] that the House suspend the rules and pass the bill, H.R. 898.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 898, the bill just passed.

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

There was no objection.

MINERAL EXPLORATION AND DEVELOPMENT ACT OF 1993

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 303

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. The amendments en bloc specified in the report of the Committee on Rules accompanying this resolution to be offered by Representative Miller of California or a designee may amend portions of the bill not yet read for amendment, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

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

Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 303 is an open rule providing for the consideration of H.R. 322, the Mineral Exploration and Development Act of 1993.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and rank-

ing minority member of the Committee on Natural Resources.

The rule makes in order as an original bill for the purposes of amendment, the Natural Resources Committee amendment in the nature of a substitute now printed in the bill. The committee substitute shall be considered by title and each title shall be considered as read.

Further, the rule provides that the amendments en bloc, to be offered by Representative MILLER or his designee and printed in the report accompanying the rule, may amend portions of the bill not yet read for amendment, shall be considered as read, and shall not be subject to a demand for a division of the question.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 322, the bill for which the Rules Committee has recommended this rule, is an overdue reform of the mining law of 1872 to conform it to modern mining practices. The bill would abolish the outdated procedure under which title to valuable mineral lands could be obtained for as little as \$2.50 an acre. It would establish a reasonable royalty for minerals extracted from public land in order to fund an abandoned minerals mine reclamation fund. H.R. 322 would further protect the environment by limiting mining activities in sensitive areas and requiring reclamation of lands damaged by exploration or extraction.

Mr. Speaker, I ask my colleagues to support this open rule so that we may proceed with consideration of the merits of this legislation.

□ 1440

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

Mr. Speaker, as the gentlewoman from New York [Ms. SLAUGHTER] has described, this is an open rule, and I urge its adoption.

The mining law of 1872 was enacted to promote exploration and development of domestic mineral resources and to encourage settlement of the western United States. A great deal has changed in the areas of public land use policy and techniques for mineral exploration and development since the original law was enacted over 120 years ago, but the central provisions of that law remains about the same.

I think we all agree that we need to make our mining laws more compatible with today's modern business practices and land use philosophies. However, we do not all agree that this bill, H.R. 322, is the way to achieve that goal.

This measure goes way beyond reform. The regulatory burdens and increased fees could cripple domestic production and result in significant job loss. Mr. Speaker, we can reform our mining policy without crushing our domestic hardrock mining industry.

This is a comprehensive, complicated piece of legislation, and its economic impact will be felt in almost all 50 States. Under the open rule, all members will be able to offer appropriate amendments to address the many controversies in this measure.

Mr. Speaker, I urge my colleagues to support this rule.

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.

Congress (years)	Total rules granted ¹	Open rules		Restrictive rules	
		Number	Per-cent ²	Number	Per-cent ³
95th (1977-78)	211	179	85	32	15
96th (1979-80)	214	161	75	53	25
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	65	57	50	43
100th (1987-88)	123	66	54	57	46
101st (1989-90)	104	47	45	57	55
102d (1991-92)	109	37	34	72	66
103d (1993-94)	47	12	26	35	74

¹Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

²Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

³Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Source: "Rules Committee Calendars & Surveys of Activities," 95th-102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 10, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5; R-25)	3 (D-0; R-3)	PQ: 246-176. A: 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D-1; R-18)	1 (D-0; R-1)	PQ: 248-171. A: 249-170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D-2; R-5)	0 (D-0; R-0)	PQ: 243-172. A: 237-178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D-1; R-8)	3 (D-0; R-3)	PQ: 248-166. A: 249-163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D-4; R-9)	8 (D-3; R-5)	PQ: 247-170. A: 248-170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D-8; R-29)	1(not submitted) (D-1; R-0)	A: 240-185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D-2; R-12)	4 (1-D not submitted) (D-2; R-2)	PQ: 250-172. A: 251-172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D-8; R-12)	9 (D-4; R-5)	PQ: 252-164. A: 247-169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D-1; R-5)	0 (D-0; R-0)	PQ: 244-168. A: 242-170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D-1; R-7)	3 (D-1; R-2)	A: 212-208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308-0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D-1; R-5)	6 (D-1; R-5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 224: 2d supplemental appropriations	NA	NA	A: 251-174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D-19; R-32)	8 (D-7; R-1)	PQ: 252-178. A: 236-194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D-6; R-44)	3 (D-3; R-3)	PQ: 240-177. A: 226-185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D-4; R-3)	2 (D-1; R-1)	A: 244-176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D-20; R-33)	27 (D-12; R-15)	A: 294-129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D-11; R-22)	5 (D-1; R-4)	A: 263-160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401-0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261-164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994-95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D-8; R-6)	2 (D-2; R-0)	PQ: 245-178. F: 205-216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D-8; R-7)	2 (D-2; R-0)	A: 224-205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D-109; R-40)		A: 246-172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237-169. A: 234-169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D-3; R-9)	1 (D-1; R-0)	A: 213-191-1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2403: National Defense authorization	91 (D-67; R-24)		A: 241-182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238-188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D-0; R-7)	3 (D-0; R-3)	PQ: 240-185. A: 225-195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1; R-2)	2 (D-1; R-1)	A: 239-150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1; R-2)	2 (D-1; R-1)	PQ: 235-187. F: 149-254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D-7; R-7; I-1)	10 (D-7; R-3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumber Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D-0; R-0)	0	A: 252-170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 350-8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act-1993	2 (D-1; R-1)		A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D-6; R-11)	4 (D-1; R-3)	A: 238-182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

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

Ms. SLAUGHTER. Mr. Speaker I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to do.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. COPPERSMITH). Pursuant to House Resolution 303 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 322.

The Chair designates the gentleman from Connecticut [Mrs. KENNEDY] as Chairman of the Committee

of the Whole and requests the gentleman from Texas [Mr. DE LA GARZA] to assume the chair temporarily.

□ 1444

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, with Mr. DE LA GARZA, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. LEHMAN] will be recognized for 30 minutes, and the gentleman from Nevada [Mrs. VUCANOVICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 322, the Mineral Exploration and Development Act of 1993, seeks to reform a law that was enacted during the last century.

Mr. Chairman, at the outset, I would like to commend Representative NICK RAHALL, the sponsor of H.R. 322 for his diligence and persistence in pursuing

mining law reform. I would also like to acknowledge the chairman of the Natural Resources Committee, GEORGE MILLER, for the leadership he has shown in helping the members of our committee work out a consensus bill on a very contentious issue, so that we stand together, on this side of the aisle, having unanimously voted for the bill's favorable recommendation to the House.

The purposes of H.R. 322, as amended, are to eliminate the abuses and deficiencies of the mining law of 1872; to maintain a strong mining industry while imposing necessary safeguards to ensure that Federal lands are managed in a more environmentally sound manner, and; to address the problems caused by abandoned mines throughout the West.

You may recall that at the very end of the last Congress, we began consideration of H.R. 918, the predecessor to H.R. 322. We did not complete consideration of that bill before adjourning. However, even if we had, former President Bush had promised to veto it. This year, we bring to the House, a bill which has been considered and tested by both the Subcommittee on Energy and Mineral Resources and the Committee on Natural Resources. It is different, in many ways, than the bill introduced by Representative RAHALL, yet, it retains the basic principles of mining law reform. This year, the administration is supportive of our efforts to replace the 1872 mining law. In fact, Secretary Babbitt and his staff have been most helpful in providing technical support. Finally, after 121 years, with President Clinton's backing, Congress is going to replace a land tenure relic from the last century with a new law that fosters hardrock mining in an environmentally sound manner and collects for the first time—on gold, silver, and other minerals extracted from the public domain.

I found it interesting to discover that during House debate on what was to become the mining law of 1872, former Congressman Sargent of California said:

Now, sir, this legislation was originally an experiment. In 1866, when the original quartz law was passed, the question was fiercely debated whether it was worthwhile for the Government to sell the mineral lands of the United States. Some thought on some idea of a royalty belonging to the Government.

Sargent went on to argue that the experiment of claim location, patents, and no royalty, should for the time being continue.

Yet, here we are today, saddled with what was acknowledged at the time to be an experiment.

Today, in 1993, we still allow miners and mining companies to take any hard rock minerals, such as gold, silver, or copper, found on public lands, without paying any sort of royalty or other production fee to the American taxpayer on the value of the minerals extracted.

This differs from Federal policy toward coal, oil, and gas industries operating on public lands, the laws and regulations of State governments, as well as leasing arrangements in the private sector.

In an August 1992 report, the GAO estimated that of the \$8.6 billion worth of hard rock minerals produced in the United States during 1990, \$1.2 billion is attributable to Federal land—and therefore could be covered by H.R. 322.

For comparative purposes, you should know that all State lands share in the proceeds from minerals mined on State lands in all western States. The royalty rates range from 2 to 10 percent. On private lands, royalties are usually similar to those imposed on Federal and State lands and are usually set on a gross-income basis for metals—H.R. 322, as amended, would reserve an 8-percent royalty on the net smelter return or gross income from mining.

The Federal royalty base for hard rock minerals is already small and is rapidly diminishing as mining operations take patent to the land at 1872 prices. Based on current patenting actions pending before Secretary Babbitt, the Federal production base may be reduced by more than 50 percent from 1992 levels before the end of this year. If so, revenues from an 8-percent gross income or net smelter return royalty could be far below administration and CBO estimates.

Patents are, simply put, fee-simple title. The option to take title to valuable mineral lands through the patent provisions of the mining law would be eliminated by H.R. 322. The mining industry has resisted efforts to eliminate the patent provisions even though it is not necessary to take title in order to extract minerals from a mining claim.

The requirements to gain a patent have not changed since 1872. After fulfilling several requirements, a lode claim can be acquired, or patented, for \$5 an acre while a placer claim can be patented for \$2.50 an acre.

It is estimated that the Government has issued over 65,000 mineral patents encompassing 3.2 million acres of land, roughly the size of Connecticut. According to GAO, in 1988 the Government received less than \$4,500 for 20 patents that transferred title to land valued between \$13.8 and \$47.9 million.

While approximately 90 percent of all patents were issued prior to World War II, in recent years, mining companies have resumed applying for patents, presumably in an effort to avoid paying royalties under the new law. Currently, there are 583 patent applications pending which, if approved, will transfer over 200,000 acres of mineral-rich public lands to private entities for a fraction of their real value.

An example of the rapid drain of public wealth occurring under the existing law is seen in the applications made by

a Canadian mining company to gain patent to several thousand acres of public land encompassing the Goldstrike Mine in Nevada. This property, which is ranked second out of 25 top gold-producing mines in the United States, is expected to produce nearly 10 percent of total U.S. gold output and will continue to yield approximately 1 million ounces of gold per year for the next decade. The mining company will pay the United States approximately \$15,000 in patent fees for this multi-million-dollar property.

H.R. 322 would impose the reservation of an 8-percent net smelter return, or gross income royalty, to address this deficiency in existing law. In addition, the bill would permanently extend the \$100 claim maintenance fee enacted as part of budget reconciliation. It is estimated that by fiscal year 1998, the royalty would be generating approximately \$114 million per year.

Not only have we ignored the option to collect a fair return on these minerals, we also do not have a Federal law to regulate hard rock mining. In its absence, Federal agencies have cobbled together a combination of rules, programmatic agreements and cooperative agreements with States to regulate mining on Federal lands. Environmental statutes can moderate the adverse effects normally associated with mining, however, these laws do not provide a comprehensive regulatory framework to govern hard rock mining activities on Federal lands. Further, certain environmental laws do not specifically address hard rock mining. For instance, RCRA exempts most hard rock mining from its hazardous solid waste management requirements and does not specifically regulate mining waste under the nonhazardous waste program.

This is significant in light of the technology used to extract minerals today. Gold mining—for instance—requires the processing of large amounts of material since the metal occurs in concentrations best measured in parts per million. An estimated 620 million tons of waste are produced in gold mining each year. The Goldstrike mine in Nevada, moves 325,000 tons of ore and waste to produce 50 kilograms of gold each day.

Perhaps, more significantly than the amount of earth moved, however, is the process known as heap leaching which is required to leach particles of gold from soil and rock. Huge quantities of rock are ground up into pebble-sized pieces which are then piled into gigantic heaps sitting on top of impenetrable liners. A weak cyanide solution is then showered on the top, which leaches out the gold. The pregnant solution is then collected and processed to release the gold.

Since the mid-1980's, the number of cyanide leach operations in the West

has exploded and now accounts for 35 percent of U.S. production. While RCRA does address the hazardous wastes generated by cyanide mining, there is still no federal law in place to assure that this very complex, and potentially dangerous, technology is properly governed on Federal lands.

This is not to say that I am opposed to mining. Indeed, I see tremendous economic benefits to the Nation from mining. For instance, since the onset of this modern-day gold rush, U.S. production has grown tenfold, making the United States the second ranking gold producer in the world.

As of August 31, 1993, there were roughly 300,000 mining claims, and 2,000 to 3,000 operations, located on public lands throughout the 12 Western States including Alaska, with most mineral activity occurring in Arizona, California, Nevada, and Utah.

H.R. 322, as amended, would establish in law a Federal permitting, bonding and reclamation program to govern hard rock mining operations on western public domain lands. Further, the bill, as amended, would modify the way hard rock mining activities are factored into Federal land use planning so that areas unsuitable for mining would be identified and avoided before significant investment had been made in these areas.

Mitigating the hazards of abandoned hard rock mines is a critical goal in reforming the mining law of 1872. Abandoned sites pose serious problems ranging from simple safety hazards to hazardous chemical dumps to runoff of acidic mine drainage carrying toxic concentrations of heavy metals. Of particular concern are reports of injuries and deaths which are attributed to these sites each year. The General Accounting Office, the Western Governors Association, the Department of the Interior's inspector general, and the Mineral Policy Center have each concluded that there are tens of thousands of abandoned mines that are serious environmental problems, including 50 on the Superfund national priorities list.

Mr. Chairman, during the past 10 months, the Subcommittee on Energy and Mineral Resources has held 2 hearings and held countless meetings as well as several caucus meetings on the reform of the 1872 mining law. I believe we have produced a product which, while not totally acceptable to either of the sides, cuts down the middle. During subcommittee and full committee discussion we debated the issue at length and in depth. I believe we bring to the House a bill which reflects a consensus view—at least as far as the Democrats on our committee are concerned.

The bill would extend the \$100 claim maintenance fee enacted as part of the 1993 Budget Reconciliation Act for existing claims and would impose a \$20 claim maintenance fee for new claims,

which at 40 acres would be twice as large as 20-acre lode claims located under the 1872 law.

The bill, as amended, would reserve an 8-percent net smelter return royalty from production on claims to pay for the reclamation of abandoned hard rock mines on Federal lands in the West, which is to be accomplished through the establishment of an abandoned locatable minerals mine reclamation fund.

This fund would address health, safety, and environmental problems associated with past mining practices.

The bill would establish in law a reasonable, but strong program to govern hard rock mining on Federal lands.

In closing, I would like to add that we have reached agreement on amendments which the Agriculture Committee, the Merchant Marine and Fisheries Committee, and the Energy and Commerce Committee have requested. We will offer a group of amendments on their behalf when the bill comes to the floor.

□ 1450

Madam Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Madam Chairman, I rise today in opposition to H.R. 322. From Wall Street, to Main Street, Delta, UT, people recognize that if this bill passes, it will eliminate a significant portion of the rural West's economy and move the mining industry to the Pacific rim, the former Soviet Union and Latin and South America.

Madam Chairman, rather than this bill, I would like to pass a bill on the House floor that would allow for a viable mining industry and answer legitimate fiscal and environmental concerns.

H.R. 322, the Lehman substitute, is not that bill. I will be offering later amendments that I feel will make this bill a better vehicle, and hope that they will be accepted.

As I have studied this bill, which is the Lehman substitute to the original H.R. 322, it strikes me that it represents simply a shuffling of the original H.R. 322. We all know the problems of the original H.R. 322.

Perhaps the only meaningful change from the original text that signals understanding of concerns that have been raised, deals with certainty in permitting of operations. Besides that, this bill contains the onerous provisions relating to reclamation, unsuitability, royalties, claim conversion, security of tenure, fees, and citizen suits that will bring about an end to jobs, and destroy a viable U.S. industry.

The mining law is a complex, but working, system of land tenure. What H.R. 322 does is make the United States

uncompetitive with regards to mining. If you support shipping jobs overseas, then support this bill, but if, like myself, you believe that we can have a balance of mining and resource protection, then your choice is simple.

This bill fails to recognize that we can have a viable mining industry, and at the same time provide for environmental protection.

Mr. LEHMAN. Madam Chairman, I yield 5 minutes to the gentleman from California [Mr. MILLER], the chairman of the full Committee on Natural Resources.

Mr. MILLER of California. Madam Chairman, the House today takes up the very critical and overdue task of reforming the Nation's mining law.

We often hear the phrase, "If it isn't broke, don't fix it." Madam Chairman, after 121 years of massive environmental damage, billions of dollars in lost revenues for taxpayers, and bureaucratic chaos that ties the hands of legitimate industry, we must all agree that the Federal mining program is broke.

The question is how to fix it.

H.R. 322 is going to bring the mining program into the 21st century; about a century late, but at least we are making progress.

The bill reported to the House by the Committee on Natural Resources is different from past efforts to reform the mining law. Our committee, including representatives from States with very active mining operations on public lands, has worked exhaustively to develop a bill that is good for the environment, good for the mining industry and good for taxpayers.

Several members of the committee deserve special praise for their work on mining law reform. Congressman NICK JOE RAHALL, who previously chaired the Subcommittee on Energy and Mineral Resources and who drafted the initial version of H.R. 322, has been the moving force behind mining law reform, and deserves a tremendous amount of credit for defining this issue and bringing it to the attention of the Congress.

The new chairman of the subcommittee, RICK LEHMAN of California, has skillfully worked with a very diverse group of Members in fashioning his substitute to H.R. 322, which was adopted by the subcommittee and the committee.

I also want to acknowledge the very constructive role played by other Members who represented their diverse constituencies with great skill and effectiveness despite the significant pressures that have been brought to bear against them from all sides in this issue. KARAN ENGLISH, LARRY LAROCOCO, PAT WILLIAMS, KAREN SHEPHERD, BILL RICHARDSON—they and many other members of the committee have made great contributions to improving this bill and assuring its passage today.

Last, I want to acknowledge the great contributions of Deborah Lanzone, the staff director of the Energy and Mineral Resources Subcommittee, and Jim Zoia, the former staff director. Their work with the many constituencies who are concerned with this legislation has played a major role in helping us to fashion a bill that will successfully modernize the mining program.

Now, I know that some are going to characterize this legislation as the latest chapter in the "War on the West." That characterization is the simplistic and inaccurate response by some to every effort to prod resources management into the modern age: water, timber, grazing, and now mining. But it is not the case.

A sound, modern mining program is good for the mining industry and good for the West. For many years, this program has been in turmoil, with industry incapable of making critical long term decisions because no one knew the final terms of the reform program. Our goal is to provide that certainty, and to provide it within the context of reasonable criteria that allow industry to operate, but that also takes care of the environment and the taxpayer who owns this resource.

The specifics of this legislation are extremely complex. But the principles and goals that underline the committee bill plan are quite straightforward.

We cannot continue the archaic patenting process that requires the Government virtually to give away billions of dollars of public resources for a pittance, as we have done in the hard rock mining program for 121 years. We cannot tell taxpayers that we are looking out for their assets when we allow private interests to capture resources worth \$9 billion for the paltry sum of \$9,000. And yet, that is what is going on right now in the Federal mining program.

That practice must end, and it will end, with enactment of H.R. 322.

The taxpayers who own these resources must receive a fair return from their development. Unlike oil, water, natural gas, coal, even grazing fees, taxpayers receive nothing—nothing—from mining production on public lands. Every year, \$1.2 billion is precious metal is extracted from Federal lands, and the taxpayers don't get a penny. And we must keep in mind that many of these mining companies are making very respectable profits—in the tens of millions of dollars—from this production from public lands.

We must reclaim thousands upon thousands of abandoned mines sites on public lands that present serious health and safety threats to people, to fish and wildlife, and to the environment. Throughout the public lands, there are open shafts, unsafe tunnels, leaking ponds, contaminated rivers and stream, and dozens of other severe

problems that must be mitigated. Cyanide spills in Nevada, South Dakota, Montana and elsewhere have devastated rivers and streams, killed thousands of waterfowl, and jeopardized public water supplies.

Cleaning up these abandoned sites, as H.R. 322 will initiate, will not only remove these blights from our landscape, but also will create thousands of jobs—26 jobs for every million dollars expended on abandoned mine reclamation. In fact, it is ironic that cleaning up old mine sites might well produce more jobs than current and future mining activities in many areas.

Every nickel of the money we raise through the royalty and other fees imposed by H.R. 322 will be deposited in an Abandoned Mines Reclamation Fund to mitigate those past damages.

We must also provide industry with a fair system for the processing of claims and of mining plans, one that assures that mining can continue, safely and profitably, on the public domain. We reject complex, duplicative mandates that will cost industry precious money and time without enhancing the safety of the mining program or the protection of endangered resources.

As part of that planning process, the Secretary of the Interior must have the ability to determine that certain lands are inappropriate for mining because of other values, and that certain lands can only be mined if adequate safeguards are in place to assure restoration and mitigation. This legislation establishes a workable balance of planning, review, and security both for taxpayers, the Government, and for the industry itself, building on existing land use review processes instead of simply fabricating another layer of bureaucracy.

To those who oppose this bill by employing the incendiary rhetoric about a war the West or on the mining industry, I point to the leading voices of the West who embrace reforms even stronger than those in the current version of H.R. 322:

The Arizona Republic of August 31, 1993, says:

H.R. 322 will put some reasonable and long overdue controls on the virtually free access miners and mining companies have had to federal lands since a post-Civil War Congress dreamed up fabulous incentives to speed the settlement and exploitation of the West . . . The Arizona Mining Association knows this, of course, but shamelessly played on the worst fears of working Arizonans to stir some public opposition . . . [H.R. 322] would require of mining the same kinds of responsible economic and environmental conditions placed on other enterprises that glean profit from natural treasures that belong to all Americans. And that's good public policy.

The Sacramento Bee of March 26, 1993, notes:

It's about time the public domain was treated as something other than a bargain basement.

The New Mexican of September 4, 1993, which notes that mining is re-

sponsible for only one-sixth of 1 percent of all jobs in new Mexico, says:

The 1872 Mining Act has allowed mining companies to trash vast areas of the Four Corners states while paying not a dime for the cooper, lead, silver and gold they gouged from the earth . . . The mines' only real argument against reform is that they've had it their way with the West for 120 years, and that any changes could cut into the profits. With Phelps Dodge alone making profits of a quarter of a billion dollars a year, that's not much of an argument.

And these views are shared broadly by the people who live in the West as well. Nearly 8 in 10 New Mexicans want regulation of hard rock mining to be at least as strong as that for coal; in Montana, according to a poll by the Northern Plains Resource Council—which is composed of farmers, ranchers and environmentalists—88 percent of the people favor reform, 77 percent want regulation as tight as for the coal industry, and 60 percent want mining companies to make royalty payments.

The Natural Resources Committee has given exhaustive review to this issue. We have met with dozens of representatives of the mining industry, labor groups, environmentalists, State and local officials and many others. The committee passed an earlier version of the bill last year, and the House considered it just prior to adjournment, but we did not have time to complete its consideration.

During our committee's action, we took all amendments and debated every point raised. No one was denied an opportunity to participate in this process, and we have come to the floor similarly under an open rule. As a result, I am certain that the bill that emerges from the House will represent the strong position of this body. That will give us greater leverage in addressing the minimalist and unacceptable Senate version, which was described even by its supporters as a symbolic measure intended only to get to the conference committee.

Madam Chairman, as we close in on the beginning of the 21st century, the time has come to bring the mining program of the 19th century at least into the 20th. I would hope to construct a 21st century solution; I will be satisfied with a 20th century version. I think we all will be able to go home to our constituencies proud in the knowledge that the last remaining initiative of the Ulysses Grant administration has at long last been brought up to date.

But having come this far, having built a solid coalition in support of reform, we cannot allow the present economic and environmental disgrace to continue.

And yet, if we do not act, that is exactly what will happen. Failure of this Congress to pass H.R. 322 will leave in place an abominable program where tens of billions of dollars in taxpayer owned resource will be literally given over to private interests for a few thousand dollars. It will leave in place the

remnants of a system who poisonous and hazardous blight endangers our people and our environment in State after State throughout the Union. And, not incidentally, it will leave in limbo a mining industry that, even without this reform, has been packing up and moving to other nations in recent years because of the uncertainties of the American program.

A hundred years ago, this Congress enacted a series of resource laws on water, timber, mining, and land ownership that were designed to encourage the settlement of the West by the generous provision of subsidies. The West is settled; the goal has been achieved; and yet the subsidies linger on, decade after decade, simply to benefit the few at the expense of the many.

At a time when we are asking all Americans to tighten their belts, we can ask the mining industry to do its fair share, to pay reasonable fees for the extraction of public resources, and to leave the public lands in useable condition when the mining is finished. Those are the goals of H.R. 322, and I would hope the House will give this balanced bill its strong and bipartisan support.

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Mrs. VUCANOVICH. Madam Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Madam Chairman, I thank the gentlewoman for yielding me this time.

Madam Chairman, I would like to express very serious concern about H.R. 322. Not only does this legislation duplicate existing Federal regulatory programs such as the Clean Water Act and Clean Air Act, it runs havoc over state primacy. State primacy has been the guiding principle for environmental regulation and reclamation of mining, particularly in Western States.

H.R. 322 federalizes regulation of mining operations on public lands—which, comprise such an important portion of available lands in more Western States—as well as on most contiguous non-Federal lands. Under this bill, there would be no real role or authority for State-run programs for regulating mining. There would only be costly duplication or conflicts with State programs. There would also only be the opportunity—through the cooperative agreement provisions—for States to enforce Federal law. Because of the conflicts with existing programs, H.R. 322 promises to present a stream of jurisdictional problems resulting, of course, in legal challenges.

H.R. 322 modifies and infringes upon State authority for water rights and water allocation, effectively establishing new Federal Reserve water rights without a prior claim.

Importantly, because the Cooperative Agreements provisions of the bill extend its reach to mining operations on

contiguous private and State lands, H.R. 322 potentially will impact upon existing mining properties on States lands which generate State royalties. In most Western States these mineral royalties are dedicated to education.

Madam Chairman the Western Governors Association has expressed serious reservations about this bill. Let me quote from a June 8th letter sent to Chairman MILLER and Chairman LEHMAN by Gov. Michael Leavitt of Utah on behalf of the Western Governors' Association:

We are convinced that effective coordinated regulation will not occur under the Federal program delineated in H.R. 322. As the House and senate work together to formulate a program, we urge you to utilize the existing framework of State primacy programs, State and Federal laws, and memoranda of agreement between Federal and State agencies. We can ill afford, at either the Federal or State level, the excessive cost, unnecessary duplication, and conflicting legal requirements of the non-delegable Federal regulation imposed in H.R. 322.

In conclusion let me just say this; one of the most important principles of our representative democracy is that the government working closest to the people is the most responsive to and understanding of the needs of those people. This is important to keep in mind as we consider the debate on mining law reform.

The bill before us today violates this crucial tenet. The second title of H.R. 322 strips away State primacy in the regulation of mining activities. It preempts State control and replaces this structure with a rigid Federal program. In doing so, the bill's supporters are dooming a host of workable and effective State programs.

States have vastly more experience with hard-rock mining regulation than Federal regulators. Even if I was convinced that a Federal program was workable, I have a hard time believing that a bureaucrat in Washington has any idea of how a mine in Colorado would be regulated. Or the important differences between mining conditions in the desert of Nevada versus mining in the hills of West Virginia.

Certainly, the mining law needs changes. But these are not the changes we need. I urge you to reject the bill before us today, and to work together on a bill which will protect States rights and protect our domestic mining industry.

Madam Chairman, I feel that the people in Colorado know a lot more about running their State than the Federal Government.

I include for the RECORD the Western Governors' Mine Task Force recommendations regarding H.R. 322, the Mineral Exploration and Development Act of 1993. And I also include as a part of the RECORD the Proposed Policy Resolution dated June 22, 1993.

The material referred to follows:

WESTERN GOVERNORS' ASSOCIATION MINE WASTE TASK FORCE RECOMMENDATIONS REGARDING H. 322, MINERAL EXPLORATION AND DEVELOPMENT ACT OF 1993 (1872 MINING LAW REFORM) JUNE 8, 1993

SUMMARY AND RECOMMENDATIONS

Effective regulation of hardrock mining and reclamation operations should utilize existing state primacy programs, state and federal laws, and memoranda of agreement between state and federal agencies; focus on regulatory gaps; advance field science instead of tracking administrative procedures; support transfer of evolving regulatory practices; and require federal agency coordination with state primacy programs. As currently drafted, these objectives cannot be met under proposed H. 322, Mineral Exploration and Development Act of 1993.

The Mine Waste Task Force of the Western Governors' Association (WGA), which includes regulatory program representatives from seventeen states, supports comprehensive environmental regulation of mining operations. This support is evidenced in state laws, in ongoing state coordination with federal land regulators and land managers, and in the states' commitment of time and technical expertise in recent efforts to revise mine waste regulation through reauthorization of the Resource Conservation and Recovery Act (RCRA). All western federal land states have primacy for environmental regulation of mining operations on federal and non-federal lands through the Clean Water Act, the Clean Air Act, and RCRA. All but one of the western states have comprehensive state regulatory programs, enforced in coordination with federal land management agencies, which set criteria for permitting exploration, development, and reclamation of mining operations, with provisions for financial assurance, protection of surface and ground water, designation of post-mining land use, and public notice and review. These state programs are not stand-alone state programs. They consist of coordinated state and federal regulations, based on federal, state, and state-primacy laws, and memoranda of agreement which provide coordination, reduce duplication, and promote cost-effective on-the-ground regulation.

Initially, the WGA Mine Waste Task Force thought it was possible to revise H. 322 to meet the goal of comprehensive environmental regulation of mining operations. However, as structured, H. 322 cannot meet that goal. Instead, H. 322 establishes a duplicative, federalized program which preempts state and state primacy program authority and creates an unworkable, federal regulatory structure which fails to take into account the mixed land ownership patterns of western states. The federal criteria and standards proposed in H. 322 are too prescriptive and inflexible to deal with hardrock mining operations and regional conditions.

In order to be effective, the focus of Title II of H. 322 should be changed. Experience indicates that a state primacy approach to regulations works. That framework is recommended. The state primacy approach also provides the opportunity for states to develop equivalent regulation at the state level for non-federal lands. It is not likely that a state-level regulatory program will be developed in conjunction with the federal structure of H. 322. The following comments identify the problems and recommendations which, when taken together, provide solutions to the overbroadened reach of H. 322. The Task Force comments focus on Titles II, III, and IV, but should not be construed to support other unaddressed portions of H. 322.

UTILIZE EXISTING FEDERAL AND STATE-BASED
REGULATION

1. Existing state primacy programs including the Clean Water Act, Clean Air Act, RCRA, existing federal and state laws, and memoranda of agreement from an effective state-federal framework for regulation of mining and reclamation.

2. As the need for a federal mining reclamation program has been debated, there have been examples cited of mining operations which have degraded the environment. In some cases, the examples are abandoned, pre-law operations which require reclamation. Other abandoned operations may be reclaimed through re-mining. Yet other examples are active or suspended operations which require more effective regulation. It is a mistake to think the need for effective regulation can be met with a new federal regulatory program.

What is needed is funding and support on federal and state levels for existing regulation. Where gaps are identified in programs, they should be corrected with necessary legislation or rulemaking. Funding which would otherwise go to administrative costs of establishing and implementing a new federal umbrella of regulation, should instead be allocated to more effective on-the-ground implementation of existing regulation. Even the oft-cited Summitville mine exemplifies the need for sufficient staff and funding to implement existing regulation, not a lack of necessary federal regulation.

Existing cooperative state-federal regulation now provides some uniquely effective means of addressing mining regulation. When the cumbersome federal review and appeals process is ineffective, states such as Utah, through state regulatory agencies and boards, have often enforced permit and reclamation requirements on federal as well as non-federal lands. Where shortage of staff and funding are common, federal and state agencies, through MOAs, have designated a lead agency for permitting and inspection activities. Although federal regulation has not required financial assurance for reclamation of small (five acres or less) mining and exploration operations, some states have enacted state statutory requirements for reclamation of all lands, federal and non-federal. Financial assurance is already required for larger operations, and most states have MOAs with federal agencies to avoid duplicate "bonding" requirements.

3. Title II federalizes the regulation of mining operations on federal lands and contiguous non-federal lands. There is no authority or role for state regulation under Title II unless the state chooses, through a cooperative agreement, to enforce federal law, not state law, on all federal and non-federal lands. There is no opportunity for delegation from the Secretary of the Interior to the state for regulation of federal lands or contiguous non-federal lands.

4. Section 203(c) should be amended to provide an opportunity for state-based regulation. The term "Cooperative Agreement" should not be used in the restrictive sense of enforcement of federal regulations, but rather delegation of authority to regulate under a state-based program on federal lands. Amend as follows:

"(c) Cooperative Agreements—Any state with existing state laws and regulations, or any State which following enactment of the Act adopts laws and regulations that are consistent with the requirements of section 201 (l), (m) and (n) and section 202 of the Act may elect to enter into a cooperative agreement with the Secretary to develop a State

Plan which provides for state regulation of mineral activities subject to this Act on Federal lands within the State, provided the Secretary determines in writing that such state has the necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provisions of the Act. States with cooperative agreements existing on the date of enactment of this Act, may elect to continue regulation on Federal lands within the state, prior to approval by the Secretary of a new cooperative agreement, provided that such existing cooperative agreement is modified to fully comply with the applicable regulatory procedures set forth in sections 201 and 202 of this Act. If pursuant to this subsection the State elects to regulate mineral activities subject to this Act, the Secretary shall reimburse the State for its regulatory costs in an amount approximately equal to the amount of the Federal Government would have expended for such regulation if the State had not made such election. Nothing in this subsection shall be construed as authorizing the Secretary to delegate to the State his duty to approve land use plans on Federal lands, to designate certain Federal lands as unsuitable for mining pursuant to section 204 of this Act, or to regulate other activities taking place on Federal lands. The Secretary shall not enter into a cooperative agreement with any State under this section until after notice in the Federal Register and opportunity for public comment."

Delete existing subsections (d) and (e).
The recommended changes strengthen the cooperative agreement subsection of the legislation, encouraging reliance on state programs rather than creating a duplicative, overlapping, and confusing set of federal regulations. Federal environmental laws to protect air and water quality are generally implemented through state programs. Cooperative agreements would help to ensure that the reclamation plan and standards developed for a specific operation are consistent with specific permits to protect air and water quality. Such agreements would also provide a framework for interagency coordination of financial assurance requirements, inspections, and enforcement actions.

5. H. 322 creates new requirements for federal rulemaking and new opportunities for legal challenges and delays, which will result in expenditures for judicial processes rather than on-the-ground regulation and reclamation.

6. Legislation should focus on gaps in existing programs, such as those identified by the WGA Mine Waste Task Force in conjunction with EPA, state, environmental, and industry representatives as part of RCRA reauthorization.

7. A plan of operations should not be required for exploration activities just because the activities include construction of access roads. Construction and reclamation of access roads, including financial assurance, are currently regulated by the BLM and Forest Service under Special Use Permits. Section 201(b)(2)(B). The extensive environmental requirements of the Title II Plan of Operations are unnecessary for access road construction and reclamation.

A plan of operations is also not necessary where the environmental impact of exploration is insignificant.

8. Judicial review related to operations should be conducted by a state or federal court in the jurisdiction of the mining operation. Judicial review should not be utilized until all administrative remedies have been exhausted. Recognize the ability of states to

establish rules at the state level, in accordance with state primacy program requirements. Section 202(g).

AVOID NEW, OVERREACHING FEDERAL PROGRAM

1. Avoid developing a new federal program which duplicates existing state laws. Instead, develop a program which compliments and enhances existing state and federal law. Memoranda of Agreement already provide a workable framework for state-federal regulation of mining operations. Many states have already established MOAs with federal land management agencies. For example, Idaho created a Mining Advisory Committee several years ago to coordinate the regulation of mining operations. The Committee's membership includes three state agencies, four federal agencies, and environmental and mining industry representatives. After three years of informal cooperation, these parties are about to sign a Memorandum of Understanding to formalize their partnership.

2. Title II of H. 322 creates an umbrella of new federal regulation which duplicates existing programs. This approach to regulation is duplicative, expensive, and creates jurisdictional problems which will result in legal challenges rather than effective implementation.

3. The Applicant Violator System (AVS) is excessive and unworkable as currently drafted. Section 201(g)(3)(A).

It is appropriate to have a level of coordination between states and with federal agencies. However, as defined in H. 322, the system would be more cumbersome than the existing multi-million dollar Office of Surface Mining (OSM) system, and will still fail to resolve problems where operations are conducted or owned by non-U.S. companies. Once again, significant amounts of money would be spent on administrative systems and legal challenges, rather than for on-the-ground compliance.

Also at issue is who has control of the operation. Extending AVS to claim holders and "affiliates" could involve hundreds of people with no real ties and certainly no control over the operation.

Revisions to this section should be made in recognition of the fact that problems do occur and should be allowed to be corrected within the jurisdictional context in which they occur (i.e., Clean Water Act, RCRA, Clean Air Act, etc.) without jeopardizing other permits or operations. Taken in the extreme, as has sometimes occurred with SMCRA, a simple administrative or non-environmental violation could result in denial of approval of a plan of operations. This is neither fair nor justified. Furthermore, some of the AVS provisions incorporated in H. 322 have been found to be unworkable under SMCRA and should therefore be deleted or revised.

4. The amount of financial assurance retained during the reclamation phase should be based on the cost of ensuring successful revegetation, not on a percentage set in statute. Section 201(l)(5)(A). The cost of ensuring successful revegetation of a site may be more or less than 50 percent of the total financial assurance, depending on the specific mining operation.

5. Criteria identified in Section 201(m) and 201(n) for reclamation and other environmental standards will be extremely difficult to achieve in many mining circumstances. The type of reclamation standard proposed may have been possible with coal mining, but it is not possible to generalize to the wide variety of mining methods with other minerals. Amend Section 201(n) to read as follows.

"The Secretary shall work with representatives of states, mining industry, and environmental groups to develop reclamation standards for the purposes of this Act. The Secretary, working with these affected groups, shall propose standards no later than 12 months following passage of this Act. The standards shall include, but not necessarily be limited to, soils, stabilization, erosion, hydrologic balance, grading, revegetation, excess spoils and waste, sealing, structures, and fish and wildlife".

Strike the rest of subsection (n).

The geography of states is so different that there should be flexibility for tailoring requirements to specific circumstances. For example, New Mexico's new reclamation law, which was endorsed by environmental groups, does not require contouring to natural topography during reclamation as it is not always appropriate for non-coal mining operations. New Mexico's law calls for reclamation to achieve a self-sustaining ecosystem consistent with approved post-mining land use while meeting all environmental standards. There is no mention of natural topography. By allowing for this flexibility rather than creating different and conflicting standards for mining on federal and non-federal lands, appropriate site specific solutions are encouraged.

6. Inspection and enforcement should not be conducted by Office of Surface Mining (OSM) personnel. Section 202(c)(2). SMCRA is a distinctly different law, and OSM staff are trained to enforce and oversight that law. The standards, perceptions and practices which govern the coal regulatory program should not be carried over to federal hardrock mining regulation.

This is an opportunity to use MOAs between the state and the BLM and Forest Service to designate a lead agency for inspections.

7. State and federal agencies should have the authority to hold one bond jointly. Section 203(a)(2). It is wasteful to establish regulation which will result in duplicate bonding.

Joint bonding is occurring already in many western states through the use of MOAs. The process is working effectively and avoids the need to tie up capital in duplicative financial sureties.

H. 322 TITLE II SHOULD NOT SUPERSEDE EPA AND STATE PRIMACY JURISDICTION

1. Title II establishes jurisdiction in the Department of the Interior which attempts to override existing EPA and state primacy jurisdiction under the Clean Water Act, the Clean Air Act, and RCRA. While there are savings clauses within Title II, specific findings which the Secretary is required to make contradict the existing jurisdiction of EPA and EPA delegated state primacy programs. If EPA or state primacy program jurisdiction is to be altered or subrogated, those changes should be made within the existing environmental acts, and under the jurisdiction of the environmental committees of the House and Senate, not within separate authorizations to the Department of the Interior under the 1872 Mining Law.

For example, state primacy programs already issue and regulate: Surface water point source discharge permits, Cyanide leach facility permits, Process water discharge permits, Storm water discharge permits, Ground water protection permits, Facility permits under the Clean Air Act, and RCRA waste management permits.

Existing state enforcement authority includes fines, such as \$10,000 per day for a violation of the Clean Water Act. Federal funds would be better spent in support of existing

regulatory programs, rather than in development of a duplicative federal regulation within the Department of the Interior.

2. Mining permit applications should reference compliance with existing requirements of EPA and EPA-delegated state primacy programs, rather than providing data for separate Department of the Interior (DOI) compliance or permit determination. For example, Title II should reference compliance requirements of existing environmental law, e.g., Clean Water Act, rather than require submittal of data or plans regarding surface and ground water monitoring. Section 201(d) and (e). Such environmental impacts are already regulated through existing environmental programs.

3. Compliance requirements should reflect existing requirements of EPA and EPA-delegated state primacy programs. Section 201(l)(4)(B) and (1)(7). Compliance should be with existing laws, not duplicate requirements of Title II.

4. Standards for regulation of mining activities such as cyanide leaching operations are regulated under existing EPA and state law. Separate standards set by the Secretary are not necessary. Title II should reference existing laws. Section 201(o). Establishing a separate regulatory authority under DOI creates conflict and duplication with existing law.

5. Because portions of mining operations are regulated under existing EPA laws which include determinations of "Best Available Demonstrated Control Technology," any determinations regarding BACT made by the Secretary of the Interior should be directed to be consistent and coordinated with the appropriate federal or state primacy permits and rules. Section 201(p)(2). It is inappropriate and contradictory to have two agencies setting standards or making separate determinations of BACT.

6. The monitoring reports and jurisdiction for enforcement operations and monitoring should be with EPA or the state primacy program for all environmental operations under existing laws. Section 202(a)(2)(d). If two agencies require monitoring of the same activity, conflicting enforcement actions and double jeopardy problems will result.

7. The authority granted to states through numerous separate federal environmental acts cannot be altered except directly within the respective act. Sections 203(a)(1) and 203(b)(1) should be reworded to recognize the full authority of EPA-delegated state primacy jurisdiction on federal lands.

UNSUITABILITY CRITERIA SHOULD NOT BE MORE STRINGENT FOR MINING

1. The review standards for determining lands unsuitable for all or certain types of mineral activity are too broad. In many cases, the standards used to deny mining operations are more stringent than the standards set for other uses of public lands.

2. As written, virtually any land unit could be declared unsuitable.

Section 204(e) sets standards and procedures for unsuitability reviews and areas in which mining is to be prohibited. There are administrative problems in this section, including failure to establish timeframe to complete the identification of such lands. The review standards in 204(e) in several instances exceed the standards applied in other environmental laws. A few examples are found in (1)(D), (1)(E), (1)(F) and the open ended catchall (2)(F). Many of these provisions should be deleted or significantly rephrased. In response to questions before Congress, even Secretary Babbitt conceded these provisions would be impossible to administer.

3. Inequitable standards of acceptability are applied to mining compared to other land use activities. These types of constraints are inflexible, do not allow for design of effective mitigation, nor even allow mitigation potential to be considered.

4. Land use and unsuitability determinations are clearly within the purview of reform of the 1872 Mining Law. The states generally support the concept that some lands are too ecologically sensitive to lend themselves to mining activities. The Task Force has wrestled with general criteria for unsuitability and would be happy to share some of those ideas with Congress. The criteria and decision-making process for determining lands as unsuitable for mining must be clearly defined so that they are fair and workable for all parties. Furthermore, there must be provisions for appeals and variances.

5. Unsuitability criteria in H. 322 would make it virtually impossible to initiate new exploration and mining operations and potentially impossible to sustain some existing operations. Under Section 204(e), lands are deemed unsuitable for all or certain types of mineral activity if:

Water quality or supply would be substantially impaired. Section 204(e)(1)(A). "Substantially impaired" is a broad, undefined term;

Activity would cause loss or damage to riparian areas. Section 204(e)(1)(D). No opportunity is provided for mitigation or establishment of alternative areas;

Productivity of land is impaired. Section 204(e)(1)(E). No provisions are made for temporary designation of land for surface uses related to mining as opposed to grazing or forestry;

"Candidate species" for threatened and endangered species status are adversely affected. Section 204(e)(1)(F). Candidate species is a much broader category than Category I or II listed species and significantly extends the prohibitions of the Endangered Species Act; and

Activity would result in loss of wetlands. Section 204(e)(2)(D). No opportunity is provided for mitigation or alternative establishment of wetlands.

6. The focus should be on feasibility of reclamation, not on unsuitability. Procedures already exist within BLM and Forest Service planning laws to protect certain land uses, including an Area of Critical Environmental Concern (ACEC), and to designate where mining should not occur.

7. The feasibility of reclamation would best be evaluated after reviewing the plan, not before.

8. Furthermore, the timeframes for implementation of unsuitability provisions in H. 322 are unworkable, and will serve only to establish grounds for citizen-initiated lawsuits.

9. There is a savings clause which would appear to exempt existing operations. However, the exemption exists except where a citizen petition is filed. Section 204(d)(2) and (g). Thus, an existing operation could be determined retroactively to be curtailed due to an unsuitability determination.

10. Section 204(f) provides for a review of administrative withdrawals with a view towards opening these lands for location. Yet the unsuitability determination would have the same effect as the withdrawal. There is no need for withdrawals when the agency can say "no" based on technical findings regarding reclamation and land use.

STATE WATER JURISDICTION IS PREEMPTED IN H. 322 TITLE II

1. State authority for determinations regarding water rights and allocation are

modified by H. 322 Title II, thus creating federal reserve water rights without prior claim.

2. Lands may be determined to be unsuitable if the water supply (quantity) is impaired. Yet, state water laws provide for diversion or appropriation of groundwater encountered during mining operations. The restriction in H. 322 is an infringement of state water rights jurisdiction.

3. It should be clearly stated that the provisions of H. 322 will not supersede state water law.

RECLAMATION OF ABANDONED MINES IS A PRIORITY

1. Abandoned mine reclamation should be the priority for funding. It was the initially-stated purpose for utilizing royalties in early drafts of 1872 Mining Law reform.

2. Title III of H. 322 as now written is a federally-administered program, similar to the abandoned coal mine fund under OSM. While the OSM program ultimately became functional, and largely implemented by the states, it still is plagued with problems. The BLM, not OSM, is the more appropriate agency for administration of grant funds.

3. Allocation processes proposed in H. 322 could result in "pork barrel" projects. For example, states not eligible for the coal reclamation funds are given priority over those which participate in the existing SMCRA abandoned mine reclamation program. This may seem on the surface to be a good idea but it does not necessarily result in funds allocated to meet the greatest needs or environmental benefits. Furthermore, states which currently conduct SMCRA reclamation programs cannot by law use SMCRA reclamation funds to alleviate environmental problems until they have reclaimed health/safety priorities. For the wisest use of funds, to achieve the greatest environmental improvements, a minimum state program funding level should be established, with allocation of additional funds based on a prioritized inventory.

4. In the final analysis, the states are the best entities to decide on project priorities within their own boundaries. The majority of funding should therefore flow to state programs rather than to federal agencies which will focus only on problems within the discrete boundaries of their management units. With state management, the needs for remediation on federal and non-federal lands would be prioritized.

5. The "allowed" projects for reclamation and restoration should not be constrained by the list of situations given in Sec. 422(a) (1 through 7). For example, it is not clear that water pollution created by abandoned milling and processing operations could be reclaimed since it is not specifically listed. The language should provide flexibility in designating projects.

6. The WGA Task Force has long supported a program with funding for reclamation of abandoned hardrock mines. However, state testimony has indicated that there is insufficient funding to complete abandoned mine reclamation with the revenue sources identified in H. 322. The sufficiency of reclamation funding is further threatened by the expense of Title II regulation. Neither the public nor the state and federal agencies are served well by a program which establishes authority, but lacks sufficient funding to conduct reclamation of abandoned sites.

7. Section 301 (d)(2) is a necessary element to allow states and their contractors to remediate mines without fear of CERCLA liability. It is recommended that remining and reprocessing of mine wastes by private or

public-private ventures should also be exempt from liability.

8. Section 424(b) should be amended to designate only one reclamation program per state. If a SMCRA Title IV program exists in a state, it should also be the reclamation program under hardrock reclamation.

9. Establishing inventories and priorities for abandoned mine reclamation ought to be directed by a single agency: the state, where a SMCRA reclamation program is in place, or the state, BLM or Forest Service as appropriate in other situations. The BLM and Forest Service are already developing inventories under the storm water provisions of the Clean Water Act. In many cases, states have developed inventories also. This work should be coordinated to avoid duplication and ensure priority reclamation.

DESIGNATION OF FUNDS

1. Forfeited bonds and penalties should be deposited in a trust account for reclamation. Section 201(1), 202(b)(5) and 202(d).

Without clarification, these funds would probably go to the Federal Treasury and would require an act of Congress, to be used for reclamation.

2. Section 410(e) should be amended to read:

"(e) Disposition of Receipts.—All receipts from royalties collected pursuant to this section shall be distributed as follows—

(1) 50 percent shall be deposited into the Fund referred to in Title III;

(2) 25 percent collected in any State shall be paid to the State; and

(3) 25 percent shall be deposited into the Treasury of the United States. Priority for the expenditure of the funds deposited into the Treasury shall be for administration of this Act, with priority given to cooperative agreement regulatory grants pursuant to section 203(c)."

To carry out the duties under this act and to reimburse states for impacts, the states strongly recommend providing funding to states to achieve the purposes of this Act.

GENERAL PROBLEMS AND TECHNICAL CORRECTIONS

1. A plan of operations should be reviewed for completeness before requiring the applicant to publish notice or to make it available to the public. Section 201(f) (1) and (2). Sometimes applications and plans of operation are grossly deficient when initially submitted. Rather than present an unclear or confusing document, it would be better to wait until the plan is determined complete.

2. Section 201(f)(3) should be clarified regarding whether only affected parties who have filed comments may testify at the hearing.

3. Requiring proposed reclamation measures to have been demonstrated elsewhere previously will unnecessarily stifle advancement of the art and the development of new reclamation technologies. It is recommended that the remainder of the sentence after the words "high probability of success" be deleted in Section 201(g)(1)(B).

4. The timeframe in Section 201(h)(4) should be changed from 120 to 180 days for plan renewal submittals. This will ensure sufficient time for review, resolution of deficiencies and completion of public notice requirements.

5. Specific requirements for compliance with plan of operations during reclamation phase should be deleted. Section 201(1)(6). Once an operation is in reclamation stage, the plan of operations may be in conflict with requirements of the plan of reclamation.

6. Reference should be to the plan of reclamation, not the plan of operations. Section 201(1)(8). Reclamation is conducted under the plan of reclamation.

7. The terms "boundaries of the existing plan of operations" and "area covered by the plan of operations" should be amended in Sections 201(h)(3) and 201(i)(1)(B). It is unclear what defines the area.

8. Citizen suit provisions should be clarified. Citizen suits should only be brought if the party has standing. Section 201(e). Occasionally citizen suits are used to harass the state and/or the permittee. Problems which constitute imminent danger to public health and safety or substantial, imminent harm to the environment, as well as public complaints of suspected or alleged permit violations, can be brought at any time to a state agency. In the event that the agency does not satisfactorily respond, citizens should appeal first through the state administrative process which may include petitions or appeals to boards or commissions. After exhausting administrative remedies, a citizen suit may be filed against the permittee in court. The following conditions should also be met:

The state or DOI is not diligently prosecuting an action,

Advance notice of 60 days must be provided by the plaintiff to the state and the permittee of intent to sue, and

Plaintiff must meet standing requirements.

In situations where a citizen believes the state has failed to follow its approved state plan, their appeal efforts should be to the state and/or DOI and not directly to court against the permittee.

9. In Sections 421 and 423, references to the "1991" and "1992" Act should be changed to "1993", reference the current legislation.

10. Encourage reclamation through remining. Section 423(a)(B). As written, H. 322 hinders prompt reclamation of speculative properties. The economics should be used to encourage remining, not limit reclamation.

11. The use of the term "engineering techniques" in the legislation is ambiguous. "Mining or exploration methods" would be more appropriate.

12. Photographs should be allowed for description required in Section 201(e)(1).

13. Include timeframes wherever certain actions are required. For example, Section 201(f)(3) requires a hearing within 30 days. The same is true of Section 201(g)(1) for plan approval. Specify, reasonable timeframes for reviews and decisions by regulatory agency to provide more certainty to operators and citizens.

PROPOSED POLICY RESOLUTION¹

[Western Governors' Association, Resolution 93-D, June 22, 1993, Tucson, AZ]

Sponsor: Governors Leavitt, Roberts and Bob Miller.

Subject: Mining Law of 1872.

A. BACKGROUND

1. Federal lands account for as much as 86 percent of the lands in certain western states, and the Mining Law of 1872 provides the legal mechanism to enter onto, explore for, and mine hard rock minerals on these lands.

2. The Mining Law, through its key provisions of self-initiation and security of tenure, has played an important role in developing this nation's wealth, providing an important source of state revenue, economic activity and employment. The mining industry

¹ Adopted June 22, 1993.

continues to play an important role in the nation's economy and security.

3. The Mining Law has been augmented by a large body of federal, state, state primacy, and local environmental laws and regulations which govern mineral exploration, development and reclamation. All western federal land states have primacy for environmental regulation of mining operations on federal and non-federal lands through the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act. Western states also have comprehensive state regulatory programs, enforced in coordination with federal land management agencies, which set criteria for permitting exploration, development, and reclamation of mining operations, with provisions for financial assurance, protection of surface and ground water, designation of post-mining land use, and public notice and review.

4. Valid concerns have been raised regarding abuses of the Mining Law in such areas as transfer of title, diligent development, non-mining use of lands, and access to environmentally sensitive areas. Further, valid concerns have been raised regarding the absence of a fair return, in the form of royalty, to the public from the production of hard rock minerals from federal lands.

5. Congress is considering revisions of the 1872 Mining Law which would replace the existing framework of federal/state regulation with a federal regulatory program governing mining operations on federal lands and contiguous non-federal lands. Under the proposed revision, there is only a minor role for state regulation on federal lands and only if the state chooses to enter into a cooperative agreement to enforce federal law, not state law, on federal and contiguous non-federal lands. The proposed federal program is duplicative, confusing, and in some cases contradicts existing state, federal, and EPA-delegated state primacy regulation.

6. The proposed law establishes an abandoned mine reclamation program for hard rock mines and provides grants to states and federal agencies to accomplish that reclamation.

7. The pending federal legislation would grant the Secretaries of the Department of the Interior (DOI) and the Department of Agriculture (DOA) broad authority to designate lands unsuitable for mining.

8. The proposed law also requires royalty payments for minerals produced on mining claims. The royalty revenue is proposed to be shared with states.

B. GOVERNORS' POLICY STATEMENT

1. The western governors believe that responsible mining activity on the public lands is important and that key provisions of self-initiation and security of tenure are essential to the effective operation of the Mining Law. Because of its importance to security of tenure and the financing of new properties, patenting should be preserved, but amended to correct abuse.

2. Abuses of the Mining Law cannot be tolerated and must be stopped through maximum enforcement. While the mining industry has every right to use the land for locating and extracting minerals, no one should misrepresent the mining use of the land in order to build, for example, condos, apartments, or vacation homes on public lands, or to speculate on those lands. Non-mining uses such as these should be prohibited.

3. The geographic diversity of the states, and the important local economic role played by the mining industry is recognized by the western governors and we believe the states are the most appropriate level of envi-

ronmental regulation. Effective regulation of hard rock mining and reclamation operations should utilize existing state primary programs, state and federal laws, and memoranda of agreement between state and federal agencies. The Mining Law should be amended to provide an option to states for regulatory primacy if state law contains standards equal to or greater than federal standards.

4. The governors further believe that mining activity should be conducted in an environmentally sensitive and responsible fashion. Compliance with and enforcement of all existing federal, state and local statutes and regulations, including reclamation regulations, should be assured.

5. Deficiencies in this existing statutory and regulatory framework or its enforcement should be identified and corrected. Establishing a new, duplicative federal law regulating mining is not a substitute for adequate budget, support, and enforcement of the existing framework of federal and state laws and regulations.

6. If legislation goes forward with provisions for unsuitability reviews, then the legislation should be amended to require the appointment of a federal advisory committee composed of state mining regulatory authorities, state mineral resource agencies, and environmental and industry interest groups. The purpose of the advisory committee would be to assist the Secretaries of DOI and DOA in the identification of lands unsuitable for mining and in the design of a program for reclaiming historically abandoned mines. Existing land use planning and environmental protection laws should provide the basis for determinations of unsuitability of federal lands.

7. Mine operators should be required to provide bonds or other financial assurance for reclamation of lands disturbed by mining, including cleanup of any water polluted by mining. The constraints of small operations (less than five acres) should be considered.

8. The western governors believe the federal reclamation programs for hardrock mining activities should be designed, as much as possible, to encourage states to seek program primacy. DOI and DOA should be required by statute to cooperatively develop, in partnership with the states, a supporting document which outlines flexible guidance to states to assist in preparing state plans. This document must be guidance order designed to allow states to produce federally approvable plans with the least disruption to existing state reclamation and mine waste programs.

9. Abandoned mined land reclamation on federal and non-federal lands should be conducted at the state level, through existing reclamation programs where possible. Where programs do not exist at the state level, the state should have the opportunity to develop a program.

10. The governors also believe that a fair royalty provides a return to the federal and state government but should not be so high as to cause a significant decrease of mining and exploration activity, the loss of jobs and the negative economic impact on mining communities and domestic mineral production. It also should not result in the loss of competitiveness of mineral production on federal lands with production from other lands. Any federal royalty on hard rock mine production from federal land should be based on profitability, recognizing the cost of producing the mineral commodity, as well as the cyclical and international nature of minerals markets.

11. The Mining Law reform legislation should be amended to prohibit federal administrative charges on the states' share of mineral royalty payments.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. Direct staff to work with the WGA Mine Waste Task Force to develop, in cooperation with the appropriate congressional staff, a regulatory structure for hard rock exploration, development and reclamation for federal lands based on existing federal, state and state primacy programs. Inform and coordinate with governors as program is formulated.

2. Staff is to work with states to review and report on methods for determining and collecting royalties based on profitability.

3. Staff will work with states to review on methodology for unsuitability determinations.

4. This resolution is to be transmitted to the Secretary of the Interior, the Secretary of Agriculture, the House and Senate Natural Resources Committee Members, Chairmen of the House and Senate Environmental Committees, sponsors of the proposed legislation, and the western states congressional delegations.

Mr. LEHMAN. Madam Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman. If today's vote were on final passage of the final legislation reforming the general mining law, I would have reservations about how to vote and so would others. As my colleagues know, the Senate passed a mining law reform bill in the dead of night last spring, justified as a ticket to conference. So, today the House considers its ticket to conference.

America does need mining reform. This Nation is a far different place from 1872, and the rules of that law, in which the right to mine is secured if it can be done at a profit, are inappropriate in today's world.

I want to thank the chairmen of the subcommittee and of the full committee for working with those of us from the West who support mining reform but who had great concern about the Rahall bill's provisions which would have unnecessarily impeded mining from going forward on public lands.

The Rahall bill would have required a nationwide study of lands as to their suitability for mining and would have imposed such broad criteria that the only thing certain was that unsuitability decisions would have been tied up in the agencies and then in the courts for decades. The chairman of the subcommittee worked with those of us who believe, on one hand, that we should provide the agencies with authority to decide that some Federal lands are so environmentally critical that they are unsuitable for mining. And on the other hand, that the provisions need to be crafted very thoughtfully and with full protection for existing projects or those well into the planning stages.

The Rahall bill would have treated exploration for minerals in the same

way that it treated the actual mining of minerals. Again, the chairmen worked with me and others in providing a separate track entirely for the Forest Service and BLM to consider mineral exploration activities. We have now protected the traditional practice of allowing small miners and explorationists to go on to the public lands and do the same kinds of exploration work they do today, under the same procedures they use today.

And the two chairmen worked with us most recently to resolve what had become the mining industry's most important concern, that being the rules of transition in which existing mines and those in the planning process must come under the new system. The bill provides for an orderly transition process which will threaten no project which today has a formal relationship with the Federal Government.

I have remaining disagreements with the bill and I hope that these are addressed in conference. The 8-percent royalty should be reworked, and it's clear that it will be in conference. Clearly, the American people should be paid for a resource they own; the difficulty is to determine both a fair price and a price that doesn't force mines to close and put people out of work.

The bill does not, in my judgment, go far enough to protect the small miner, the folks who have used their own ingenuity and resourcefulness to go out and do the enormous amount of work it takes to develop a small mine. There are hundreds of these small operators in Montana, they don't have lobbyists and what they think of this bill quite frankly is unprintable. I have an amendment which I may offer to give these folks a break from the bill's requirement that they pay the full cost of the agency's expenses to process a permit.

In conclusion, Madam Chairman, there is some good work being done here today. Revenues we receive from the royalty and holding fees will go—100 percent—to the reclamation of abandoned mines. My State has several hundred abandoned mines yet there is no program, no source of funds to begin the cleanup necessary to recover these sites.

For the first time we will have minimum Federal land mining and reclamation standards, assuring a basic level of protection for Federal lands regardless of the policies of one State or another.

And for the first time we will have in place Federal authority to decide that in some places of significant importance, because of their special natural resources, mining is simply not appropriate.

There are many places where mining is appropriate. Mining is a critical American industry. Metals are an important national resource.

Let us get on with this reform by passing a bill to conference so we can find suitable legislation.

□ 1510

Mrs. VUCANOVICH. Madam Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Madam Chairman, we have come full circle. We started with the timber industry, eliminating 75 percent of the harvest in the Northwest. Then we went to grazing fees, and you tried to price livestock people off the range. Now we are in mining, and now you are doing the same thing.

The greatest enemy we have in this country is the Federal Government.

I rise in strong opposition to this bill. It not only takes mining jobs away from small miners in the West, it will stop any further exploration or development of our public lands.

An American mining company in my district has spent \$30 million on EIS's and permits, and they are prepared to begin developing a gold mine, and if this bill passes, they will not do it—250 family jobs here are at stake.

Why are they not coming? Because this bill has so many loopholes, radical preservationists and unelected bureaucrats will have wide latitude to shut-down any mining operation.

After spending \$30 million, by the way, 8 percent gross on the royalty, that takes us out of competition.

Everybody and anybody knows that if you want to help me, stay away from me.

Oregon has the most stringent mining laws in the world, certainly in the United States, zero wildlife mortality, preservation of critical habitat, reclamation of mining sites, rigorous protection of ground and surface water, bonding to provide funds for reclamation and any environmental cleanup.

What more do you want? I do not need any more of your protection.

Please, allow us some opportunity to increase jobs in our part of the State and in this country instead of being the enemy of the small working man and jobs in America.

Mrs. VUCANOVICH. Madam Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Chairman, I thank the gentlewoman for yielding me this time.

Madam Chairman, first, let me say that everyone agrees on the need for change in the mining law. So the old argument that it is frozen in place just does not fly.

We are talking about change. The question is: What kind of change?

This entire debate on the 1872 law is simply another followup on the Babbitt-Clinton assault of the West. And it is real.

We are talking about grazing. We are talking about timber. We are talking about oil and gas, reclamation water, the whole gauntlet of the kinds of things that we depend on in the West for economic growth, and this is simply another one.

Let me tell you that there are, I believe, after having been involved in this discussion for some time, several myths that continue to come forth with respect to this bill. One of them is that the law has not changed since 1872. That simply is not true. There have been some 50 amendments.

Certainly all of the environmental laws that impact this industry have changed since 1872. That is an idea that simply does not fly.

Second, that there is not enough environmental control. There certainly is a great deal of environmental control, whether it is called mining, whether it is called clean water, whether it is called clean air, if there is anything that we have plenty of, it is certainly regulations on the environment.

Another is the notion that somehow because of a few instances where the land was patented, and has gone to some other purpose that tenure is not necessary. Let me tell you that mining that is involved here requires millions of dollars of investment with very long periods of recovery.

The idea that somehow you can do away with the tenure question, do away with patenting without replacing it with some kind of tenure simply is not in keeping with reality.

The last myth, it seems to me, is the notion that somehow you can continue to raise the rates without affecting the jobs.

This bill needs a real, real change. Mrs. VUCANOVICH. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Madam Chairman, H.R. 322, as reported by the Natural Resources Committee, contains numerous reclamation standards which are so onerous they will simply defy the ability of companies to comply. Whether intentional or not, these requirements will cause the shutdown of many operating mines after the 5-year interim period and frustrate the opening of an untold number of new mines.

I will talk about just one of these onerous and unworkable reclamation requirements—the fish and wildlife habitat standard in section 207(b)(10). The provision states as follows:

Fish and Wildlife habitat in areas subject to mineral activities shall be restored in a manner commensurate with or superior to habitat conditions which existed prior to the mineral activities, including such conditions as may be prescribed by the Director, Fish and Wildlife Service.

There are two problems with this provision. First, the standard itself would be impossible to meet. It would require all areas of a mine site to be restored to premining habitat conditions or conditions superior to premining conditions. There are portions of any mine—for example, the pit and the area under the toe of the waste rock dump—which simply cannot be restored to equal or superior conditions. It is absurd to suggest that such a possibility

exists. As one member of the committee from the other side of the aisle said during markup: "It is even more absurd to suggest that we can do better than the Almighty and manufacture better habitat than nature provides."

What makes this inflexible requirement even more offensive is that it would apply to all fish and wildlife species, including instances where the species and their habitat are found in abundance.

Furthermore, efforts which a mine operator might make to enhance off-site habitat to mitigate for on-site impacts would not meet this standard. For example, an operating gold mine in Nevada employing over 600 people this past year agreed with the Nevada Department of Wildlife and the U.S. Forest Service to spend about \$500,000 to enhance off-site habitat for mule deer and about \$60,000 to enhance off-site habitat for sage grouse—both non-threatened species. These projects were undertaken to mitigate for the alteration of habitat by the expansion of the mine's waste rock dumps. Yet, under H.R. 322, that mining activity would be prohibited unless the actual area subject to the waste rock dump could be restored to the pre-mining habitat conditions.

The second major flaw in this provision is the unprecedented power it grants to the Director of the Fish and Wildlife Service, by subjecting mine permits to such conditions as may be prescribed by the Director of the United States Fish and Wildlife Service. Ironically, this provision grants Fish and Wildlife Service greater authority over all species than Fish and Wildlife Service possesses under the Endangered Species Act for listed threatened and endangered species. This is because under section 7 of the ESA, a land managing agency, such as BLM of the Forestry Service, merely consults with Fish and Wildlife Service to determine whether a Federal undertaking may jeopardize a threatened and endangered species and to develop appropriate mitigating conditions. However, the Federal land managing agency retains the ultimate authority over the action.

No precedent exists—whether it be in the Federal coal leasing program, the Federal onshore and offshore oil and gas leasing program, the Forest Service or BLM timber programs, or the Surface Mining Control and Reclamation Act—which would grant direct conditioning authority to Fish and Wildlife Service for all species, as H.R. 322 does. The Fish and Wildlife Service would have authority to place any condition, no matter how abusive, with the land management agency having no authority to alter it in any way to meet its broader, multiple-use mandate.

The Fish and Wildlife provision in the reclamation standards of H.R. 322 upends the principle of multiple-use,

by giving a single-purpose agency—the Fish and Wildlife Service—veto authority over all mining activities. Worse, it prescribes an environmental standard that is impossible to achieve. If this were not bad enough, this provision is not an isolated problem. The very same fault is found in other sections throughout H.R. 322. If this bill is passed today, the challenge for the conference committee to produce rational mining law reform legislation will become even more formidable.

I urge my colleagues to oppose this legislation.

Mr. LEHMAN. Madam Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Madam Chairman, I rise today in qualified support of H.R. 322, legislation to reform the general mining law of 1872. While I have a number of unresolved difficulties with the bill, I am able to support it today due to the leadership of Chairman MILLER and Chairman LEHMAN. I would also like to acknowledge the Representative from Nevada, Mrs. VUCANOVICH, for her efforts in shaping this bill.

This issue of mining law reform is critical to my State of Idaho and the West in general. I am hopeful that by scrutinizing the proposal through every step of the legislative process—the committee process, and now, floor consideration, and later the conference committee—the 103d Congress will have been able to construct a workable reform of the antiquated general mining law. That is the reason I urge my colleagues to support this bill—not because I believe that we have a finished product, but because we are far enough along the way to warrant continuing with the effort.

While it is imperative that we bring true reform to the act of 1872, we must not destroy our domestic metal production capability. Obviously, the Nation needs a viable domestic metals industry. And we in the West need the high-paying jobs this industry creates. As my colleague from Montana said during committee markup of this bill, western Democrats are caught between a desire for reform and the need for responsible preservation of an important sector of our economy.

The members of the Natural Resources Committee, with the help of Chairmen MILLER and LEHMAN, have made significant progress. In marking up this legislation, we were able to improve many provisions, and clarify how current mining operations will comply with new environmental requirements. In order to realize meaningful reform, the spirit of cooperation we saw while developing this transition language must continue through the entire process.

There are several parts of the current legislation that will undoubtedly be modified as this bill continues through the legislation process:

The reclamation and unsuitability provisions of this bill will undoubtedly undergo adjustments before the House votes on a final conference report.

I believe the public ought to receive a fair return on the production of minerals from the public lands, and a royalty on the value of minerals is a good way to assure the public's fair share. However, I am concerned that the method the current legislation uses to calculate royalties—the net smelter return method—may not be the fairest option, nor the one easiest to administer.

Instead of assessing a royalty on the processing of the minerals after they leave the ground—in effect taxing the value added by mining companies—I believe a fairer approach would be to assess a royalty on the value of the ore as it leaves the mine mouth. This mine-mouth royalty would be compatible with the way the Federal Government now collects royalties for oil, gas, and coal. A mine-mouth royalty would be simpler and less costly for the Federal Government to administer, and would better reflect the public's true interest in the value of the asset.

This is an example of a possible solution that shows, despite some of the rhetoric we have heard from both sides today, that there are common sense solutions that can balance the competing demands of the environment and industry. Many of us in the West who will have to live with the results of the legislative product are absolutely dedicated to producing this type of workable reform.

In closing, I would urge my colleagues, particularly my friends from the West on this side of the aisle, to support this legislation today, and to support the continuation of the mining law reform process. I am confident that through our work at the conference table, we will produce a product that will strike the correct balance between meaningful reform and productive western economy.

Mrs. VUCANOVICH. Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Madam Chairman, I rise in strong opposition to H.R. 322.

The mining law of 1872 has fostered today's mining industry which generates over \$1.5 billion in annual receipts and employs thousands of Californians. Under this law, thousands of citizens have exercised their own initiative in our free enterprise economy to continually explore and assess open public lands. I am a strong supporter of the right for small mining enterprises and individuals to continue exploring mineral deposits on public lands.

There seems to be a general consensus that the mining law should be reformed. However, I do not believe that there should be a headlong rush to replace the current system with a law that does not reward initiative and which punishes all miners for the abuses of a few renegade companies or individuals.

I would welcome the opportunity to work with my colleagues on both sides of the issue to balance any changes in the current law against the economic disincentives they might create. It is critical that we retain a system which encourages self initiative and exploratory activities by all those who have traditionally explored the public lands.

H.R. 322 is an ill-conceived solution to the adjustments that need to be made in existing mining law. It will cost up to 44,000 jobs and \$5.7 billion in lost economic output. I urge my colleagues to vote "no" on H.R. 322.

Mrs. VUCANOVICH. Madam Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

□ 1520

Mr. YOUNG of Alaska. I thank the gentlewoman for yielding this time to me.

Madam Chairman, I rise in strong opposition to H.R. 322, the mining law reform bill.

Sometimes I just do not know where to begin around here. While everyone is fighting about NAFTA, making claims that its passage will help or hurt American jobs, we are on the floor debating passage of legislation that the Department of the Interior says will cost American mining jobs. These are the best paying jobs in the manufacturing sector of our economy, according to the Bureau of Labor Statistics.

I do not understand this Department of the Interior. Secretary of the Interior Babbitt supports this bill that his Department says will cost 5,000 American workers their jobs, even though President Clinton says he supports American workers. While President Clinton talks about protecting American jobs, Secretary Babbitt says Adios to American workers who work the land.

I just want the Members to know that if they vote for this bill today, there is no question about jobs going to Mexico—our own Government says this bill will make it happen. I also want to point out that this body does this all the time. While I hear Members talking about trade on an even playing field, those who care more about what people do with their leisure time on the weekends than what workers do for a living continue to push legislation that locks up more of our Nation's natural resource base, or makes business here at home impossible or uncompetitive. That's why we import over half of our oil. That's why we are puny in the world steel market. That is why businesses are leaving the United States in droves for foreign shores where businesses are welcomed with open arms. That is why loggers sit idle in Washington, Oregon, California, and Alaska while all of our timber is exported billions of dollars from Canada.

It is a disgrace.

Let me focus in on Mexico, since that is a hot topic right now. Three years ago, the Mexican law for mining was

almost as bad as the law before us today. The Mexican Government saw that their mining industry was in the toilet, so they looked around to see what they needed to do. They changed their law to mirror our existing law, and investment in the Mexican economy has taken off. The same thing happened in Canada. Same thing in Bolivia. Chile. Peru. Spain. Sweden. Zimbabwe.

Investment in these countries is taking off in mining, while, good, high-paying jobs in the U.S. mining industry are shipped to those countries because some people do not like mining conflicting with their weekend activities.

If you do not believe me, listen to what a Member of the other body said July 20 at a press conference when asked by reporters about mining job losses to Mexico because of a similar bill he sponsored: "Adios, as far as I'm concerned, Why mine America first?"

America was built upon the premise that if a person worked hard, the Government would reward such work. As a result, the mining law was passed to encourage mining. The Government said, If you got the gumption to go out and risk your money, your time, and your labor to find minerals important to our country, we'll reward those successful by allowing you to mine and employ Americans. Likewise, the Homestead Act was passed. In those days, the Government's policy was to give land to those who would work hard, and in return for that hard work, they got title to the land. Nowadays, we not longer give away land to those who will work it. It is more fashionable to give a Government check to people who do not work.

Madam Chairman, this body should reject this bill. At a time when Americans are concerned that jobs might go to foreign countries, we have before us a bill that the administration says will result in a loss of jobs. Why is this body turning its back on the working men and women in this country? What do we have against hard-working men and women in the mining industry? Why is it that some in this body pretend to be the friend of the worker, and then show workers the door whenever the Sierra Club or the Wilderness Society snaps their fingers?

I say enough is enough. The leisure lobby in this country does not care about workers' jobs, they care about what they do on their days off. What is more important?

Madam Chairman, this bill is a bad bill. It is antijobs. It is antimining. It is anti-American. I urge the House reject the bill.

Mr. LEHMAN. Madam Chairman, I yield 6 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. I thank the gentleman for yielding this time to me.

Madam Chairman, I rise in strong support of H.R. 322 and wish to com-

mend the chairman of the subcommittee, the gentleman from California [Mr. LEHMAN], as well as our full committee, the gentleman from California [Mr. MILLER], for bringing this legislation to the floor today. This is a historic debate, it is long overdue. I salute the chairman, the gentleman from California [Mr. MILLER], in particular, for his work on this legislation, sticking with the goal of real mining reform over a number of years.

Madam Chairman, the year was 1872. Ulysses S. Grant resided in the White House, Union troops still occupied the South, the invention of the telephone and Custer's last stand at the Little Big Horn were still 4 years away. In 1872 Congress passed a law that allowed people to go onto public lands in the West, stake mining claims, and if any gold or silver were found, mine it for free. In an effort to promote the settlement of the West, Congress said that these folks could also buy the land from the Federal Government for \$2.50 an acre. That was 1872. Good law then, served its purpose. This is 1993. Today the mining law of 1872 is still in force.

I served for 8 years as chairman of the Subcommittee on Mining and began this effort to reform the law in earnest in 1987. Numerous hearings were held, 222 witnesses in the field, and more than 6 years later, we are now on the verge of reforming this Jurassic Park of all Federal laws, the granddaddy of all perks, if you will. And for the most part, it is not the lone prospector of old, pick in hand, accompanied by his trusty pack mule who is staking those mining claims on public lands.

It is large corporations, many of them foreign controlled, who are mining gold owned by the people of the United States for free, and snapping up valuable Federal land at fast food hamburger prices.

Remaining as the last vestige of frontier-era legislation, the mining law of 1872 played a role in the development of the West. But it also left a staggering legacy of poisoned streams, abandoned waste dumps, and mutilated landscapes.

Obviously, at the public's expense, the western mining interests have had a good thing going all of these years.

But the question has to be asked: Is it right to continue to allow this speculation with Federal lands, not to require that the lands be reclaimed, and to permit the public's mineral wealth to be mined for free?

Make no mistake about it.

Today, you, or me, or anybody else listening to this debate can go onto Federal lands in States like Nevada and Montana and stake any number of mining claims, each averaging about 20 acres.

In order to maintain our mining claim, until this year, all that we were required to do is to spend \$100 per year on it.

Now, in the event we find gold or silver on that mining claim, we mine it for free. We are not required to pay the Federal Government any royalty in return for the profit we make from producing minerals from these Federal lands.

On average, an estimated \$1.8 billion worth of hardrock minerals are mined from Federal lands in the Western States.

Yet, the Federal Government does not collect one red cent in royalty from any of this mineral production that was conducted on public lands owned by all Americans.

Incredible you say. Oh, it gets better.

Say we decide that we want to own the Federal land that is embraced by our mining claim. For whatever reason, we want to actually buy this Federal land.

The mining law of 1872 says that we can do this. And it says that we can do this by first showing that the lands have valuable minerals, and then by paying the Federal Government \$2.50 or \$5 an acre.

You heard me right.

Depending on the type of claim, \$2.50 or \$5 an acre for land that may contain millions of dollars worth of gold, silver, copper, lead, and zinc.

This is called obtaining a mining claim patent. Perhaps a good feature in 1872, when we were trying to settle the West. But today, I hardly think we need to promote the additional settlement of LA, San Francisco, or Denver.

To give you an idea of what is going on, recently a mining company received preliminary approval to obtain 25 of these patents covering about 2,000 acres of public land in Montana.

This company will pay the Federal Government little more than \$10,000 for land estimated to contain \$32 billion worth of platinum and palladium.

Now, once we own those lands, nothing in this so-called mining law says that we have to actually mine it.

The land is now ours to do with what we will. We are free to build condos or ski-slopes on this land. We are free to sell the land for whatever price we can charge. We can do this because the land is now ours.

Why, last year the Arizona Republic carried a story about a gentleman who paid the Federal Government \$155 for 61 acres worth of mining claims.

Today, these mining claims are the site of a Hilton Hotel. This gentleman now estimates that his share of the resort is worth about a cool \$6 million.

Not a bad deal, except from the taxpayers point-of-view.

And now—the rest of the story. As it turns out, you can mine these Federal lands with minimal reclamation requirements.

Arizona does not even have a reclamation law on its books.

Meanwhile, the only Federal requirement is that when operating on these

lands you do not cause unnecessary or undue degradation.

And what does this term mean? It means that you can do whatever you want as long as it's pretty much what all of the other miners are doing.

Oh yes, there have been environmental successes by responsible companies. I take nothing from them.

But, my colleagues, the standard of the 1872 law has given rise to an incredible amount of environmental damage. Loot at pages 58, 59, and 60 of this week's Time magazine to see the threats posed therein to some of our country's most pristine areas.

How can this be, you might ask. This is incredible.

And indeed, it is.

If you are mining coal, this is not the case. There is a very stringent Federal law on the books that says coal miners must completely reclaim the land.

It simply makes no sense whatsoever to provide a lesser degree of protection to people and communities who happen to be near hardrock mining operations than those near coal mining operations.

And I would remind my colleagues that the mining law and the pending legislation does not deal with coal, or for that matter, oil and gas. These energy minerals, if located on Federal lands, are leased by the Government, and a royalty is charged.

Further, the mining law of 1872, and the pending legislation, does not deal with private lands. The scope of the mining law and this bill is limited to Federal lands in the western States.

The pending legislation addresses all of these concerns.

It would prohibit the continued giveaway of public lands.

It would require that mining claims are diligently developed.

It would require that a royalty be paid on the production of these minerals.

And, it would require industry to comply with some basic reclamation standards.

We are beginning a historic debate. A debate, I would maintain, that is long overdue.

I am here to suggest that if we continue under the current regime, that if we do not make corrections, the ability of the mining industry to continue to operate on public domain lands in the future is questionable.

While the mining law of 1872 over the years has helped develop the West, and caused needed minerals to be extracted from the earth, we have long passed the time when this 19th century law can be depended upon to serve the country's 21st century mineral needs.

And to do so in a manner accepted by society.

Reform of the mining law of 1872 is a matter of the public interest.

The interest of the American taxpayer. The interest of all Americans

who are the true owners of these public lands. Because the name of every American is on the deed of these lands.

As the sponsor of H.R. 322, I would not that the intent and basic thrust of the introduced version of the bill has been maintained in the version of the bill as reported by the Natural Resources Committee. In fact, the committee has chosen to maintain many of the most important provisions of H.R. 322 without amendment, except in certain instances, technical and conforming amendments were made. These provisions have a long history, having been developed over the course of bills I sponsored in the 101st and 102d Congresses during my tenure as the chairman of the former Subcommittee on Mining and Natural Resources.

In this regard, I now wish to address several critical provisions of the bill which have been maintained from the introduced version of H.R. 322 or were added to the bill as a result of amendments I offered in committee. These provisions are important to achieving the goals of the legislation, and I think it important that my intent in authorizing and sponsoring these provisions be as clear as is possible.

There is little question that the single greatest adverse impact of hardrock mines has been on the surface and ground-water resources of the United States. The scope of the abuse, through the discharge of acid or toxic mine drainage to the surface waters or the degradation of ground water by pollutants from the mineral activities, is truly overwhelming. It was my purpose in authoring the basic hydrologic provisions of this legislation, including the amendments which I offered in full committee, to end this abuse and to break new ground to protect these vital resources.

Accordingly, section 207(b)(4)(C) establishes a no-degradation standard for both surface and ground water. Under section 207(b)(4)(C) a permittee must prevent any contamination of surface and ground water from acid or other toxic pollutants, including any heavy metals. Contamination would occur whenever the naturally occurring pre-mining background levels of the surface or ground water is exceeded for any pollutant, be it ph, iron, manganese, copper, zinc, lead, mercury, cadmium, arsenic, silver, selenium, cobalt, or cyanide. I intend to exclude no substance which can adversely affect the quality of the water resource.

In establishing the hydrologic protection provisions, I note that section 404(b) includes a requirement that the point of compliance shall be as close as is technically feasible to the mineral activity involved. Thus, as far as ground-water resources are concerned, monitoring is to occur as close as possible to any potentially polluting source, be it a waste pile, pit, subgrade ore pile, tailings pond, or tailings pile,

to mention a few obvious potential sources of pollution. By requiring that the point of compliance be as close as is technically feasible to the potential pollution source, and by requiring monitoring at such points, I intended to ensure that the no-degradation or zero-discharge standard which the bill establishes be met in fact. As such, the so-called dilution or mixing zones are expressly prohibited by the standards.

I would note, however, some difference in the application of the standard in section 207(b)(4)(C) and section 404(b) to surface and ground water. As far as ground-water resources are concerned, the bill prohibits any contamination of any ground water wherever found. As far as surface water is concerned, however, I recognize that some on-site contamination of surface waters is inevitable in some mining situations. As such, it is my intent in authoring section 207(b)(4)(C) and establishing a no-degradation standard for surface water to prevent any off-site contamination of surface water and to minimize to the extent possible the contamination of surface water on-site.

I now turn to another critical hydrologic provision, that found in section 207(b)(4)(B) which based on my amendment in full committee requires permittees and operators to prevent, using the best technology currently available, the formation of acidic, toxic, or other contaminated water. Where prevention is impossible, the operator or permittee must use the best technology currently available to minimize the formation of such contaminated water. In no case, however, even where it is impossible to prevent the formation of acidic, toxic, or other contaminated water, may this water contaminate any ground water or any surface water off-site. Under this provision, treatment of water will be the exception, not the rule, and where treatment is necessary despite the use of the best technology currently available to prevent the formation of contaminated water on-site, it must be designed and maintained to ensure that there is no contamination whatsoever of surface waters from the treated discharge. These standards should lead to more zero-discharge to surface water sites.

In authoring the original hydrologic protection provisions in H.R. 322, and in offering strengthening amendments to what I believed to be weaker provisions which had been adopted in subcommittee, I intended to establish a strong regulatory mechanism to deal with the hydrologic impacts of mining. Among other things, the provisions require compliance with all applicable NPDES standards. If violations of these standards are shown to exist in the monitoring reports required under that program, the Secretary or his authorized representative must take enforcement action under the enforcement provisions of this act to ensure

prompt abatement. In requiring abatement action to correct the violation, the inspector shall require that the condition or practice causing the violation be addressed and corrected, and not limit abatement requirements to end-of-the-pipe treatment.

Soil contamination is another critical adverse impact of hardrock mining. In the committee, I authored an amendment to the bill to bring the bill's provisions back into line with the approach I had advocated in the introduced version of H.R. 322. In committee, I sponsored two important changes to the subcommittee approved bill. First, I delete the phrase "take measures to" from the requirement to decontaminate or dispose of contaminated soils. My purpose in authoring the amendment was to establish an absolute requirement that where soils are contaminated on a site, they are either decontaminated or properly disposed of. The subcommittee provision had allowed the operator simply to take measures to decontaminate or dispose.

My second change to section 207(b)(1)(D) was to delete the phrase "of the operator" which was in the subcommittee reported measure. My intent here was to establish a firm requirement that the permittee or operator is responsible for all contaminated soil within the permit area without regard to whether the contamination resulted from the mineral activities of the operator or permittee.

As a general matter, H.R. 322 provides that all reclamation proceed as contemporaneously as practicable with the conduct of mineral activities and that the permittee use the best technology currently available in meeting the reclamation standards of the bill. These are two of the most important on-the-ground requirements in the bill.

The method of compliance with the contemporaneous reclamation requirement will depend in large part upon the mining method employed. As such, in drafting the two provisions which, except for one technical amendment which I offered in full committee, are unchanged from my original bill I expect the Secretary in implementing the provision to evaluate whether it is possible to establish specific provisions for contemporaneous reclamation based on specific mining, beneficiation, or processing methods or technique, and if so, to establish such specific standards in the regulation where possible. Where specific implementing standards are not possible, the general standard would continue to apply. Where the Secretary is unable to establish specific contemporaneous reclamation standards, the Secretary should require a specific plan in the plan of operation and inspect specifically to ensure the standard is met.

This section also requires all operations subject to the act to use the best technology currently available in

all reclamation-related activities. The Secretary in the implementing rule-making should consider what technologies will meet this standard for the major forms of mining, beneficiation, and processing now being employed by the industry and to disallow technologies which do not meet the statutory standard.

In drafting the reclamation standards for H.R. 322, and in offering strengthening amendments in full committee, I intended that the Secretary through rulemaking flesh out these basic standards, much as the Secretary did in promulgating the permanent program regulations under the Surface Mining Control and Reclamation Act of 1977. For example, the Secretary under section 201 and section 207(b) of the bill, must promulgate performance standards in addition to those in section 207(b) which are necessary to protect the environment from the adverse impacts of mineral activities. For this reason, I did not include in drafting and introducing the bill any specific performance standard addressing certain possible adverse environmental impacts from mining, such as blasting or subsidence. Section 201 and section 207(b) provide the Secretary with full authority to promulgate such regulations if he or she deems such regulations appropriate to achieve the act's goal of full environmental protection.

In addition, even where section 207(b) addresses a specific area of environmental protection or mining technology, such as soil contamination, for example, under the authority granted by section 201 the Secretary may impose requirements in addition to those set forth in section 207(b) with regard to soil contamination if he or she believes such standards are necessary to fully protect the environment. In no event, however, may the Secretary fail in any way to implement and enforce the specific provisions enumerated in section 207(b). Conversely, just as is true with the Surface Mining Act, the Secretary may not grant any variances that are not expressly provided in the statute.

In section 207(b), I included a provision granting the Secretary full authority to regulate the environmental impacts of mining by imposing standards applicable to selected forms of mining, beneficiation, or processing activity. These standards would be in addition to and not in lieu of the generally applicable standards. In drafting this provision, I was particularly concerned that certain forms of mining, beneficiation, and processing, such as heap leach cyanide mining, may create risks that require specific regulation.

In addition to heap leach cyanide mining, I was concerned with certain other forms of mining—dump leach mining, certain placer and hydraulic mining—may justify specific regulations addressing these specific forms of

mineral activity. Indeed, upon examination, the Secretary may conclude that particular aspects of such mining cannot occur in certain situations that certain technologies now being used cannot comply with the act and must be disallowed.

In this regard, I expect that the Secretary as part of the implementing rulemaking required by this act determine whether particular forms of mining, beneficiation, or processing require additional regulations specific to those activities. If so, the Secretary shall propose and promulgate such regulations. Given the well-documented risk associated with cyanide heap and dump leach mining, and placer mining, to mention a few obvious examples, I expect the Secretary to consider these forms of mining and determine whether specific additional regulations are required to address the environmental impacts of those forms of mining.

Section 208 establishes the basic provisions with regard to the States and the role States will play under the act. The section provides that States may enter into cooperative agreements with the Secretary and through those cooperative agreements play a role in administering the provisions of the act. However, as section 208 makes clear, this role is in addition to and not in lieu of the Secretary's role under the statute. Under section 208(e), which I authored, the Secretary may not delegate any duty, obligation, or responsibility under the act or regulation to a State. Thus, for example, the Secretary through cooperative agreement or otherwise may not shift his inspection, enforcement, permitting, unsuitability, or bonding obligations onto any State. However, the States may through cooperative agreements perform such functions on Federal lands in addition to that which the Secretary is required to do if they so choose.

I now turn to an issue of great concern to me: citizen participation. The bill provides expansive remedies for citizens based on the belief that only through the active participation of citizens can the goals of the bill be achieved. This is a concept I have found to be extremely important to the effective enforcement of regulatory regimes involving mining based on my experience with the Surface Mining Control and Reclamation Act and as the mining subcommittee chairman for 8 years.

In addition to the specific rights granted citizens in various sections of the bill, I included in H.R. 322 a general provision in the purposes section of the bill which establishes as a central purpose that the Secretary will assure that appropriate procedures are provided for public participation in the implementation of the act. This provision was meant to authorize the Secretary by regulation to create provi-

sions for citizen participation in addition to those specifically authorized by the bill where it would further the goals of the bill.

In this light, I would note that as introduced, H.R. 322 contained an express provision allowing a citizen to initiate a proceeding to declare an area unsuitable for mining. That provision was deleted from H.R. 322. I note, however, that the general provision providing for full citizen participation would provide the Secretary with authority to promulgate regulations providing citizens this important right. In this regard, I note that the committee report accompanying this bill is in accordance with this view.

Under the terms of the introduced version of the bill, a plan of operations could not be approved if the applicant, operator, any claim holder different than the applicant, or any subsidiary, affiliate, parent corporation, general partner, or person controlled by or under common ownership or control with the applicant operator or claim holder is currently in violation of any provision of the act, any surface management requirement or applicable air- and water-quality laws or regulations at any site where mining, beneficiation, or processing of minerals have occurred or are occurring.

As it relates to the consideration of proposed operations permits, this concept has been retained in the bill as reported by the committee.

Without question, this is the most important and effective enforcement tool in the bill. It was my intent in including this provision in H.R. 322, as the committee report accurately states, that the Secretary establish a computerized system to implement this provision, modelled along the lines of the applicant/violator system now maintained by the Office of Surface Mining Reclamation and Enforcement to implement section 510(c) of the Surface Mining Control and Reclamation Act. As the committee report states, the Secretary should initiate work on the system promptly upon enactment in order to ensure that the system is fully operational when the first plans of operation are submitted.

In including a permit block sanction, I intended the scope of the sanction to be quite broad, both in terms of violations covered and in terms of the scope of the ownership and control linkage. As such, included are all unabated violations of the Clean Water Act and the Clean Air Act at sites where mining, beneficiation, or processing have taken or are taking place without regard to when the mining activity occurred. By its express terms, this would include, of course, without limitation, any violations of the stormwater regulations applicable to abandoned hardrock mines. I saw no reason then and see none now to allow entities who have raped the land or polluted the water as

a result of past hardrock mining activities to receive new permits to mine under the terms of this bill. The bill also includes violations of the Surface Mining Control and Reclamation Act, and of course any uncorrected violations of the surface management requirements on Federal lands which exist at the time of passage of this legislation as well as any that may occur subsequent to the passage of this legislation. The committee also included within the scope of the sanction the failure to pay any civil penalties assessed under this act, and the failure to pay royalties due under this act, in addition to notices of violation, cessation orders, and bond forfeitures that occur under the bill.

I would note that in drafting the permit block sanction, we were careful to extend the scope of the sanction to all mining, beneficiation, or processing activities. We determined not to limit the scope of the sanction, or the violations covered, only to violations committed as a result of mineral activities under this bill.

I also provided in H.R. 322 for temporary cessation in certain, limited circumstances. Under the introduced version of the bill, which was not changed in any significant way during committee deliberations, an operator who wishes to temporarily cease mineral activities for more than 180 days of all or a portion of his or her activities must apply for approval prior to ceasing operations. After receipt of the application, the Secretary must conduct an inspection of the area for which temporary cessation is sought, and based on that inspection and other information available to the Secretary, make a number of affirmative findings with supporting justification for each finding before a person may temporarily cease mineral activities. The primary reason the committee included these requirements is to avoid the types of abuses that occur where operations are placed in a de facto permanent inactive status in an effort to avoid reclamation and possible bond forfeiture.

Among other things, the Secretary must find that reclamation is in compliance with the approved reclamation plan, except where a delay in reclamation is necessary to facilitate the resumption of operation. Second, the Secretary must specifically determine that the amount of financial assurance is sufficient to assure completion of the reclamation activities in the approved plan in the event of forfeiture, including any long-term water treatment. Finally, the Secretary must find that any existing violations are either in the process of being corrected or are subject to a stay.

I would note that in including this provision in my original bill I did not intend to limit the Secretary to the above factors in determining whether

to grant temporary cessation or in determining how long that cessation may exist without requiring resumption of operations or full reclamation. The Secretary may propose any additional requirements he deems reasonable to ensure that cessation will in fact be temporary. As such, I expect the Secretary to consider whether there is a need to limit cessation to a finite period, and to require periodic review of temporary cessation status to determine whether the status remains justified.

Subsections (e) and (f) of section 206 provide the procedures and standards for bond release and termination of liability. Essentially, the section provides, as did my original bill, and as does the Surface Mining Control and Reclamation Act, for a phased release of the bond or financial assurance. After the operator has completed backfilling, regarding, and drainage control of an area, he may seek phase I bond release. However, if there is an acid or toxic discharge which must be treated in order to meet applicable effluent or water-quality standards no release can occur unless in the unlikely event there is more than sufficient funds available to ensure perpetual treatment to the effluent limitation and water-quality standards of the NPDES permit held by the operator. In such case, any additional funds may be released.

Phase II may then be released upon a showing that the operator has successfully completed all mineral activities and reclamation activities and all requirements of the plan of operations and reclamation plan and all the requirements of this act have been fully met.

While the bond release system in both my original bill and the version of the bill now before the House bears some similarity to the provisions of the Surface Mining Control and Reclamation Act, it is my expectation that bond release will be substantially different under this bill than it is under SMCRA, particularly where toxic solutions such as cyanide are used in the mineral activities.

Over the past 20 years there has been a considerable increase in the use of cyanide to beneficiate gold. Generally, with such operations, it is necessary for the operator to engage in closure activities prior to the completion of land reclamation work. Typically, the spent ore and tailings from heap leach as well as other forms of mining or beneficiation contain residual amounts of cyanide which must be treated or neutralized in order to prevent environmental degradation and costly remedial activities. In such cases, no bond release occur may occur, until, among other things, all toxic materials have been successfully neutralized.

With respect to the bond release provisions, I expect that the Secretary's

authority not be limited to require specific closure activities prior to bond release for any type of mining, beneficiation, or processing. Where the Secretary deems that closure measures prior to bond release are required, I would maintain that the Secretary could take the action he or she deems necessary through rulemaking or in individual plans or operation or both, to provide for adequate effective closure activity.

Under section 206(h), the Secretary may after final bond release take whatever enforcement action he or she deems appropriate against a responsible party if the Secretary determines that an environmental hazard resulting from the mineral activities exists or if he determines that all the terms or conditions of the plan of operations or this act or regulations were not met at the time of bond release. In providing for such a procedure in H.R. 322, I intended to hold the person or persons responsible for the adverse impacts of their mineral activity whenever those impacts may occur. Only in this way will the external impacts of the mining activity be internalized.

Section 404 provides that inspections are to be conducted of all mineral activities to ensure compliance with the surface management requirements. Inspections are to be made of mineral activities not requiring a plan of operations and are to take place at least on a quarterly basis for mineral activities under an approved plan of operations. Operations under a temporary cessation are to be inspected at least twice a year.

In order for this requirement to be met, the Secretary must first determine what mineral activities exist which are subject to this act. Thus, to implement this provision effectively, the Secretary should carefully evaluate all existing mining beneficiation or processing activities subject to the bill, and develop a computerized inventory of said sites, so that the secretary will be prepared and able to meet the inspection requirements of this section when the act becomes effective. New sites would be added to the inventory and the Secretary would keep the inventory current.

Section 404(a) provides that the Secretary shall conduct the required inspections. It was my intent in drafting this provision that the Secretary would delegate the authority to field inspectors who will have full authority to inspect, and under section 202(b), take the required, mandatory enforcement actions set forth in that subsection.

Section 404(a)(3) establishes a procedure for citizens who maintain they may be adversely affected by alleged violations to contact the land manager and be assured that remedial actions are taken if warranted. Section 404(a)(3) establishes what is, in my view, the most important right pro-

vided citizens in the act, the citizen complaint process by which a citizen can bring to the attention of the Secretary any violation of any surface management requirement, and seek redress for that violation. Section 404(a)(3)(A) provides that any person who has reason to believe they are or may be adversely affected by mineral activities may file a citizen's complaint. It was not my intent in drafting and introducing this provision to impose article III constitutional standards on citizen complaints; thus, the interest showing required by section 404(a)(3)(A) to prosecute a citizen complaint is less than that required to initiate a citizens suite under section 406. Nor did I intend for the Secretary to conduct a standing analysis before proceeding with the evaluation of the merits of a citizen complaint. If the complaint contains an allegation that the person is or may be adversely affected and there is no reason for the Secretary to question that allegation, it was my intent that the Secretary proceed to the merits of the complaint.

A citizen complaint may address a host of alleged violations. Obviously, any on-the-ground violation by a responsible party of surface management regulations can be addressed through a complaint. Similarly, a complaint may address any failure by a responsible party to monitor or report as required by the act. In addition, a citizen complaint can address any failure by the Secretary to act as required by title II, or the implementing regulations, such as where a plan of operations violates surface management requirements or where the Secretary fails to assess civil penalties, impose a permit block, take alternative enforcement action, reclaim a site to full performance standards when a bond is forfeited, and so forth.

Section 404(a)(3)(A) establishes a firm, nonextendable 10-day period by which time the Secretary must act. A failure to act within the time period shall be subject to immediate review under subparagraph (B), or under section 406(b)(2), as the citizen deems appropriate.

Section 404(a)(3)(B) establishes an administrative review procedure for citizen complaints. Under subparagraph (B) the Secretary is required to establish procedures to review any refusal to act as a result of a citizen complaint. In establishing these procedures, it was my intent that the Secretary provide a fixed period of time not to exceed 30 days to review a failure to act on a citizen complaint. I intended that a failure of the Secretary to act within the time period constitutes a final agency action just as an affirmative agency decision under this subsection would constitute final agency action.

I expect that the Secretary will provide for review of his or her decisions under subparagraph (B) by the Interior

Board of Land Appeals, as the Secretary has done under the Surface Mining Control and Reclamation Act. The availability of such review, however, shall not affect the status of the decision under subparagraph (B) as final agency action subject to judicial review. The citizen may choose the administrative appeal in which case the citizen may not seek judicial review under a final decision as issued by the Board of Land Appeals, or seek relief directly in Federal court.

I have long been concerned with the delays petitioning parties face in receiving a final decision from the Board of Land Appeals, which often take 2 to 3 years. This is far too long. Thus, in the rulemaking implementing section 404(a)(3)(B), and to ensure effective implementation of this section of the bill, I expect the Secretary to establish procedures which ensure the prompt issuance of decisions by the Board of cases brought under this section to include an absolute time limit of no more than 1 year from final briefing to decision.

Section 404(b) directs the Secretary to require all operators to develop and maintain a monitoring and evaluation system which identifies whenever the site is in compliance with all surface management requirements, including compliance with all hydrological related provisions, including NPDES requirements. I expect the Secretary by regulation to establish procedures to ensure that each operator meets the statutory requirement and establish an efficient method for responsible parties to report the results of the monitoring and evaluation on compliance with each applicable performance standard to the Secretary on a periodic basis. Given the volume of data involved, the Secretary should give careful consideration to the establishment of an automated reporting and evaluation system. Once established, I would expect the Secretary to then review the data, and where violations are identified, to take enforcement action as provided in section 407.

Section 404(b)(3) establishes the standard for determining whether certain violations have occurred as a result of the mineral activity, particularly with regard to ground water. In many cases, of course, the point of compliance will be the mineral activity itself, as in the cases of soil toxification, failure to backfill, failure to revegetate, and so forth. Where ground water is concerned the point of compliance is to be as close as technically feasible to the potentially polluting mineral activity. This is a critical requirement and is intended to ensure that a true no-contamination standard is met; mixing or other dilution methodologies are not permitted under the act. Thus, the Secretary must require complete containment where toxic solutions are utilized in order to ensure that the statutory

standard of no contamination is met. Similarly, to meet the statutory standard, where structures such as leach pads or tailings ponds are concerned, the Secretary should require adequate leak detection devices adequate to ensure the detection of any leak of a toxic solution such as cyanide from the pond, pad, ditch, et cetera, and to require the necessary protective measures to meet the statutory standards.

As far as surface water is concerned, I would note that EPA already routinely requires a zero discharge permit for cyanide heap leach mining, an approach I support and believe should continue.

Subsection 406(c) provides for the award of fees and expenses for various matters. It was my intent that awards shall be made under this provision if the affected person prevails at least in part on any aspect of a merits claim. Awards shall be made against the plaintiff only upon a clear showing of bad faith on the part of the plaintiff. It was my further intent that awards to any entity which is engaged in a regulated activity under the act or who is a controller of such person, or who is representing such an entity shall receive an award only if the defendant was acting in bad faith.

Subsection (c) provides for the award of fees and expenses as a result of a proceeding under subsection (a) or (b) of section 406, including any judicial review that might arise from the administrative proceeding. In including section 406(a)(1)(C) within the scope of the fee award and in providing for review of various informal proceedings listed in section 406(a)(1)(C), I intended to provide for the award of fees from the outset of any informal proceeding identified in section 406(a)(1)(C), assuming that the citizen prevails at least in part or contributes to a full and fair determination of the issues raised.

I also intended through this provision to encourage citizen participation by the person affected by the mineral activity in informal as well as formal administrative proceedings and to provide reasonable compensation either when the citizen prevails at least in part on the merits of the claim at any stage of the proceeding or when the citizen contributes substantially to a full and fair determination of the issues.

As my colleagues should note, this legislation has been subject to a long and carefully deliberated history. I urge its adoption by the House.

Madam Chairman, I yield to the gentleman from Ohio [Mr. REGULA], who has been strongly supportive of our efforts to reform the mining law.

Mr. REGULA. I thank the gentleman for yielding.

Madam Chairman, I simply say I think we need a revision of the mining law. In the Subcommittee on Interior Appropriations we have been purchas-

ing land that was granted under the patents at \$2.50 an acre for, in some cases, thousands of dollars. I think we need to address that problem.

Second, we need to insure that there is environmental cleanup because the taxpayer is now stuck with about \$11 billion worth of Superfund sites resulting from mining in years past.

We cannot change that, but we should make sure that this does not happen in the future.

Madam Chairman, I rise in support of H.R. 322, the long overdue reform of the antiquated 1872 mining law.

Since 1990, I have included language in the Interior appropriations bill which would impose a moratorium on patenting mining claims.

Clearly the patent provisions in the 1872 mining law are not consistent with current Federal land management policies in that they allow patented mining claims to pass into private ownership which removes these lands from multiple-use management, impedes effective multiple-use management of adjacent public lands and does not permit the Government to receive a fair return on the land or minerals. BLM estimates that 3 million acres of Federal lands have been virtually given away to private ownership through this 120-year-old statute.

But this is only one aspect of the law which needs addressing and the bill before us today, along with eliminating the patenting process, will also address the issue of reclamation, and provide the Government with some compensation, in the form of a royalty payment, for the mineral resources it owns.

Under current law no permits are needed for mineral exploration, no royalties are required and claimants are exempt from many of the Federal environmental controls and reclamation standards that apply to other extractive industries. Because of the lack of environmental requirements, at least 48 mining sites have been placed on EPA's Superfund list and will cost the Federal Government an estimated \$11 billion to clean up.

A comparison with other governments' policies governing the development of hardrock minerals on Government lands shows U.S. policy stands alone. Canada, Australia, and South Africa, for example, all charge a royalty and allow minerals development under a leasing system whereby the government retains title to the land, not a patent system which virtually gives the Federal lands away.

When the mining law was enacted 120 years ago it was designed to promote exploration and development of domestic mineral resources. These incentives are no longer needed in what has become a \$9 billion per year industry employing some 44,000 workers.

At the time the \$2.50 cost per acre was about what these western lands were worth. Moreover at the time, the law applied to all types of minerals on all Federal lands. Since then legislation has removed from the mining law fuel minerals such as coal, gas, and oil and most common variety minerals such as sand, gravel, and stone. Most other extractive industries must adhere to a variety of requirements when operating on Federal lands. Only hardrock minerals continue to have primary claim to access on some 285 million acres of public land.

I have long been a proponent of multiple use of our public lands. But I believe such extractive use must be weighed against the other uses of the public lands and that the Government should get a fair return for allowing these activities.

By enacting this long overdue reform measure we will bring the hardrock mining industry into the 20th century and allow the Federal land management agencies to evaluate this use of the public lands fairly against other uses and receive a fair return for allowing mineral exploration on public lands.

Mr. RAHALL. Madam Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I rise in support of the bill and commend the gentleman in the well, the gentleman from West Virginia [Mr. RAHALL].

Madam Chairman, as an original cosponsor of H.R. 322, and its antecedents over the past decade, I rise to strongly support the passage today of this refined legislative proposal.

This is the second time in the past 2 years that the House has considered a long-overdue comprehensive reform of the mining law of 1872. Earlier this year, the Senate passed a very minimal bill. We need to pass a good bill, so that a solid reform measure can emerge from conference.

Over and over, it has been demonstrated that basic changes in the 1872 mining law—a surviving relic of another era of public land policy—are needed to protect the public interest.

More than 70 years ago, by enacting the Mineral Leasing Act of 1920, Congress instituted a leasing system for coal, oil, and other minerals whose development was not suitably regulated by the 1872 mining law. But even then, more should have been done.

In 1970, over 20 years ago, the Public Land Law Review Commission called for remedying the mining law's remaining deficiencies and weaknesses.

In 1976, Congress passed the Federal Land Policy and Management Act, or FLPMA, which was largely based on the Land Law Review Commission's recommendations. FLPMA did make modest improvements in the hardrock mining law—for example, by mandating re-ordination of claims, to eliminate stale or abandoned claims that clouded the status of large parts of the public lands—but still, much more remained to be done.

In particular, for sound management of the public lands we need to close the gap between the mining law, with its principle of encouraging unrestricted prospecting and the unconfined staking of claims, and the basic land-use planning principles of FLPMA and the National Forest Management Act.

H.R. 322 would finally close this gap, by linking decisions about the suitability of particular lands for mining activities with the land-planning processes of the Bureau of Land Management and the Forest Service.

I believe that this is in the best interests not only of other users of the public lands, but of the mining industry as well—because such policy would provide greater certainty about where mining can appropriately occur, and under what conditions. Uncertainty is the enemy of investment and development, and

this feature of the bill will reduce that uncertainty.

Strengthened land-use planning can reduce or eliminate the need for ad hoc legislation to prevent mineral entry in places where it could not be reconciled with sound management—such as the Cave Creek Area, in Arizona, for which special withdrawal legislation, sponsored by the gentleman from Arizona [Mr. KOLBE], was passed last year.

Madam Chairman, H.R. 322 as reported by the Natural Resources Committee is a good bill. Chairmen MILLER and LEHMAN have demonstrated great leadership on this issue, and the gentleman from West Virginia [Mr. RAHALL] continues to deserve the thanks of the House for his persistence and hard work on this issue.

I urge the House to seize this opportunity to replace the archaic mining law of 1872 with a modern mining law by passing this very important bill.

Mr. RAHALL. Madam Chairman, as I conclude, I again say that while the mining law of 1872 served its purpose and helped develop the West and caused needed minerals to be extracted from the earth, we are long past that time when this 19th century law can be depended on to serve this country's 21st century needs. I would say that the development of the West has been completed and it is now time to take into consideration the taxpayers' interests.

Mrs. VUCANOVICH. Madam Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. I thank the gentleman for yielding this time to me.

Madam Chairman, the mining reform bill brought to the floor by Congressman RAHALL is opposed because it will destroy thousands of jobs related to the mining industry.

Congress has been grappling with the question of reforming the mining law for a number of years, however, the Rahall approach would destroy an entire industry, the jobs it generates, the communities it sustains.

Congress should be able to reform the mining law without causing great harm to another domestic industry of vital interest to this Nation and our competitiveness. But, Congress is about to do it again, about to pass legislation which overregulates a domestic industry and makes it virtually impossible for it to stay in business. If we continue to drive the ranching, mining, and timber industries off public lands there will be nothing left out there. The people and communities will go away, move to the cities and the consumers living in the cities will foot the bill by paying higher prices for these goods.

It's too bad that some Members of Congress have not seen fit to draft responsible legislation on these public lands issues dealing with the ranching, mining, and the timber industries. Some of us from the West have tried, but our proposals never see the light of day on the House floor. Congress-

woman VUCANOVICH introduced a mining law reform bill which would not destroy this country's competitiveness and which promoted production, increased revenues to the Federal Treasury, and benefited the consumers. That bill never had a chance. Hopefully, the Senate will be able to provide a more responsible and balanced approach.

In Grant County, NM, the Phelps Dodge Mining Co. has been operating for over 80 years and has made major contributions to our State's economy. New Mexico gained more than \$571 million as a result of the combined direct and indirect contributions of Phelps Dodge Corp to personal, business, and Government income.

Phelps Dodge works hand in hand with chamber of commerce and economic development groups; it has donated land to build parks, and continually provided hundreds of students with scholarships to State colleges and universities.

Recent financial contributions from Phelps Dodge have gone to the Silver City Museum, the Animas, Silver City and Cobre Consolidated school districts, Gila Regional Medical Center, the New Mexico Museum of Natural History, Western New Mexico University, the Rio Grande Zoological Park, the New Mexico Symphony Orchestra, and the Santa Fe Opera.

The 1872 mining law reform is of crucial importance to my constituents, the State of New Mexico, and the Nation. We should stop treating this industry as a blight and trying to destroy it. The mining industry is important to this Nation. It provides benefits to the consumer, workers, and the surrounding communities.

Madam Chairman, I rise in strong opposition to H.R. 322, as reported by the Committee on Natural Resources. This bill is an arrow aimed squarely at the heart of my constituents. Oh yes, it will have plenty of impacts elsewhere—here and abroad—but Nevada miners are destined to pay the freight on H.R. 322. Until all our mining capital has taken flight, that is.

Let me begin, Madam Chairman, with a brief rebuttal to charges we have heard and will hear some more, no doubt. Yes, the mining law is 121 years old and was signed by President Ulysses S. Grant. But the 42d Congress, just 2 months earlier, passed the bill establishing the world's first National Park—Yellowstone. Is this park and that concept antiquated too?

Besides, the act of May 10, 1872, has been amended per se at least 35 times. More importantly, however, it has been amended, in effect, each time Congress or State legislatures enact environmental laws. That is right, despite the rhetoric of the antimining lobby, the 1872 act does not immunize miners from one single environmental law.

We have heard some complaints about the details of H.R. 322 already, I

would like to put my general concerns in the context of the principles of the mining law important to us if we are to keep a domestic industry. First, is the concept of free access to the public domain and the self-initiation of rights. Free access does not mean without fee, it means unfettered by bureaucratic redtape. The unsuitability provisions of this bill contradict this concept in a big way. I oppose letting unelected bureaucrats do the job of Congress.

Other principles completely thrashed in H.R. 322 are security of tenure and the associated right to mine under current law. These concepts are absolutely fundamental to investment in mineral exploration and development—worldwide. H.R. 322 has nothing like the property right associated with unpatented mining claims today, nor even the contractual rights a leaseholder for coal has. Nothing. One's investment is entirely at risk to the whims of Congress and the Secretary, it would appear.

Career officials at the Justice Department fully agreed—H.R. 322 represents a diminishment of rights so severe as to be labeled a taking of a property interest of some magnitude. Those officials suggested a major retrenchment of H.R. 322 to escape this consequence, but it is not in this substitute.

Now, I do not argue that the current right to mine is without qualification. It certainly is limited by the ability to meet current environmental thresholds in law. Can't meet Clean Water Act standards? Well, you can't mine until you demonstrate compliance. But the right is predicated upon meeting standards applicable to everyone.

How do today's miners gain secure tenure? Well, one way is to seek fee title to lands, what we call a patent. Some Members complain bitterly this is a big giveaway, but it has been grossly distorted. All we hear is \$2.50 per acre when the truth is that it costs a mining claimant tens of thousands of dollars on average to develop one's claim to this point. These are dollars working in our economy, only a portion of which are sent to Washington, thank goodness.

And, say some people with amazement, miners have patented an area the size of Connecticut since 1872. Let me put this in perspective. Here is a map of the Western States, sans Alaska, in which this law operates. Here is my State and district and here is a map of Connecticut at the same scale. Can you see it? Twenty-two Connecticut would fit into my district alone. What is the big problem? Are we concerned that at this pace the public domain may be privatized by the year 6000 or beyond?

Another chart I have here puts the lie to the magnitude of lands disturbed by mining versus other uses. Mining is way down the list. Again, what is the

problem? Perhaps those Members from States settled under the Homestead Act would like to explain the cost to patent those lands. I recall it was free from a fee, but we all know those pioneering people busted their backs proving up the homestead to land office satisfaction. And so do miners.

Now, I'm going to give an example from my district about why patenting is critical. Secretary Babbitt has been in the forefront of those calling for an end to patenting. He made very public statements regarding a mine near Elko, NV which he described as containing 25 million ounces of gold reserves and he was darn mad that he would have to grant title to the property and lose the opportunity to levy a royalty. Everyone agrees it's a world-class mine. He told me in committee testimony that he was obliged to follow the law and issue patents until the law is changed.

I took him at his word, but where is the patent? Well, it now seems Secretary Babbitt has concerns that endangered species consultation is necessary because a stream 7 miles away and outside the watershed of the mine, I believe, may have a fish in it needing protection. His own professionals at BLM have told him no hydrologic connection exists, but he persists. Bottom line, Madam Chairman? If this gold mine, probably the richest in America, cannot satisfy the Secretary's requirements for proving a valuable deposit exists, probably no mine can. Is this the way we want the Secretary of the Interior to use the Endangered Species Act? As leverage over patent applicants to somehow make them obliged to pay a royalty that they otherwise would not? I think not.

Speaking of royalty, let me reiterate my concerns this bill would send the United States on the opposite course most other nations are taking. Mexico dropped its 7 percent gross royalty over a year ago and is now satisfied with taxing miners' profits, as are Canada, South Africa, and gold mines in Western Australia. The World Bank advises developing nations to forgo gross royalties to lure mineral investments that pay many times over in their economic benefits. Yet, Secretary Babbitt and the sponsors of this bill still insist upon a gross royalty formula. They keep saying "That's what coal and oil and gas pay." But so what?

We all know coal royalties are paid by electricity consumers every month in their light bills. And oil and gas? It is valued at the wellhead, before any cost, other than pumping, is added. I would like to see the same scheme applied to hardrock mines. Value the broken ore at the minemouth. After all, it may be publicly owned minerals, but it's private labor that wins the metal from the ore. Why should Uncle Sam receive a cut off the top on these postmining costs? He would under H.R.

322 despite the net in net smelter return. It is indeed a gross royalty.

In my view, the Federal Government is entitled to a share of the profits, just as it is with any other business. And, other nations agree with me. This is the reality of today's global marketplace.

Let's take a look at the impact the royalty alone in this bill would have. This chart shows the results of various model studies run on the data. I show only 8 percent gross royalty numbers here, but other numbers were crunched. Let me call your attention to the first row. These are the Interior Department's own figures. The committee report acknowledges the net job loss associated with this royalty, 1,100 jobs. That is not an industry sponsored study, it's Secretary Babbitt's royalty task force that said this. And this is a net job loss. They are counting abandoned mine reclamation jobs as well as new bureaucrat positions needed under this bill against the real job losses of miners, geologists, engineers, haul truck drivers and the like. Believe me, the DOI numbers are cooked because the static analysis doesn't begin to account for the retreat from public lands that this ultrahigh royalty would cause.

Of course, studies that do recognize this real life principle show much more job loss and losses to the U.S. Treasury the bill would likely cause. We proved with the \$100 holding fee that the miners do have alternatives—they drop their claims and go elsewhere. OMB estimated \$97 million would be collected from the first-time rental fee. BLM actually received only \$51 million or so. So much for executive branch scoring.

Back to job losses. I have here on the poster a quote from President Clinton he made while speaking about NAFTA. I believe he is sincere about not wanting to knowingly cause job losses. But his guys down at Interior are causing him to misspeak. Whatever your vote will be tomorrow on NAFTA, I think we all agree that job loss—or creation—is the motivating factor. Well, here we have a bill that indisputably causes job loss, I think major losses, but this body is prepared to pass it anyway. We have got to get to conference with a tough position, says the chairman, because the Senate bill is so weak. I disagree strongly, but, more importantly, why should the House vote to send good high-paying jobs to Mexico unilaterally. That's where our dollars are headed, my friends, and H.R. 322 will accelerate the trend greatly.

Last, Madam Chairman, I would like to put a human touch to my remarks by telling you about Elko, NV, the best small town in America. Elko is in the heart of gold mining country today. More than one-third of its population is employed by the mining industry. Mining companies paid over \$250 million in salaries and benefits to Elko

area employees in 1992, plus scholarships to young adults, and donations for schools, hospitals, and the like. Mining is a good fit for this community whose residents I am proud to call my constituents. They are hard-working people, producers for this country. We export much of Elko's gold to help our Nation's balance of trade.

We should remember, mining jobs pay the highest wages of all production workers, averaging nearly \$39,000 per year benefits, as in health benefits.

So let me end by reflecting upon the candid statement of the sponsor of similar mining reform legislation in the other body. Senator BUMPERS actually said last July, "Adios, as far as I'm concerned. Why mine America first?" This extremely cavalier attitude shows he thinks his State will not be impacted by this bill. But let me differ once more. Miners on Nevada buy explosives, chemicals, trucks, bulldozers, and all sorts of other supplies and equipment from somewhere, and usually it's made out of State. And we are talking mucho dinero as they say south of the border. Will the manufacturers be able to sell dozers to Mexico at the same pace as to Nevada? I bet not. So, there will be an impact east of the Mississippi.

□ 1540

Madam Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Madam Chairman, once more we are here to consider a bill to change the general mining law of 1872. Today's measure is marginally better than the ones we have seen in year's past. But the overall effect is to call into question the majority's good faith in attempting to draft a workable mining reform bill.

At best, most of the environmental provisions in this bill are already on the books, either at the State or Federal level. What is needed is better enforcement, not more laws. At worst, this bill could shut down what little remains of domestic mining on public land.

Over the years this issue has been framed as a debate between those who want to protect the environment and think the mining industry is raping the land for a pittance, and those who see the mining industry as a source of well-paying jobs. I think we have failed to acknowledge the importance of mining to the Nation's needs.

If we do not have domestic mining, we are going to have to learn to do with some things we have grown used to. Mining is vital to making cars or lightbulbs or aspirin or what have you. If you cannot get it here, you will have to get it from overseas.

Each year, each American consumes an average of 40,000 pounds of new minerals. That works out to an average lifetime supply of 800 pounds of lead,

750 pounds of zinc, 1,500 pounds of copper, 3,593 pounds of aluminum, 32,700 pounds of iron, 26,500 pounds of various kinds of clays, 28,213 pounds of salts, and over 1 million pounds of various aggregate materials.

If we do not get these materials here, we have to get them overseas. I cannot believe that is good for this Nation's interests. Already, we consume about a quarter of the Earth's minerals production.

We can—and should—take steps to do better and smarter the things we have done in the past. But we must also dig for minerals where we find them, not where we want them to be. And, in many cases, where they are is on public land.

This is not a good bill. Hopefully, we can improve it somewhat today. And hopefully, the conference committee will come out with something that is in the best interests of everyone.

Mr. LEHMAN. Madam Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Madam Chairman, I thank the gentleman for yielding this time to me, and I thank him for his leadership on this landmark legislation.

Madam Chairman, in 1872 a good steak dinner was less than a quarter; \$2.50 an acre was a pretty decent price for land in the vast, unsettled, as we then called it, wilderness of the Western United States. Today a good steak dinner is more than 25 bucks, and the most valuable, resource rich, vanishing public lands in the Western United States are still going for \$2.50 an acre.

Now we have heard time and time again, particularly from the other side of the aisle: "Run the Government like a business." What business would give away, as in the case upon which the gentlemen from Nevada [Mrs. VUCANOVICH] waxed eloquent, a Canadian-owned company, so-called American Barrick, which wants to patent 1,793 acres of public lands, United States taxpayer-owned lands, in the Western United States? They want to pay us \$8,965 for those lands which have an estimated \$10 billion of gold reserves.

Run the Government like a business? Yes, that is great, \$8,900 for \$10 billion in resources. But, no, we cannot do away with the patenting; no, we cannot charge more for the land; no, we cannot have a smelter royalty or any other kind of royalty.

It is time to run the Government like a business, and I am here to say, "Let's get a fair return for the U.S. taxpayer. Let's get a fair protection for the environment of the vanishing Western United States, the precious ground water, and let's drag the mining industry into the 20th century."

□ 1550

Mr. LEHMAN. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, frankly, we are hearing arguments offered on the floor today by opponents of this legislation that are not even being offered by the mining industry to the bill at the present time. This bill has been subjected probably more than almost any bill that has come to the floor this year to the rigors of the legislative process. It has been heard extensively; it has been amended extensively; it has been made to make more workable, and the product before us reflects a consensus broad enough to have gotten every Democrat on the committee in support of it, whether they are from the West or East, liberal or conservative.

Madam Chairman, this bill does not put undue hardship on the mining industry. Yes, it requires a royalty. Should we not have a royalty? If mining happens today on private lands, the private owner charges for the right to use that land. If mining happens on State land, the State charges it. Only the Federal Government gives its assets away.

The royalty in this bill as a modest one, and it is one that we can certainly live with. Yes, the bill requires reclamation standards. There are no reclamation standards today. States have reclamation standards on their properties; the Federal Government has none on theirs. Now, for the first time, with this legislation, we will have those.

Yes, the bill gives the Secretary discretion to use Federal lands and manage them as he sees fit. Finally, there is no job loss here, according to the CBO.

Mr. ALLARD. Madam Chairman, I rise in opposition to H.R. 322.

I am glad to have the opportunity to say a few words about this very important legislation that we are debating today. H.R. 322 seeks to revamp our Nation's mining law, a law that has guided this country for decades. While I am not opposed to refining some aspects of this law, the changes set forth in H.R. 322 are simply unwise considering that the current mining bill has evolved over the years, protecting private property rights.

Many of my colleagues have already expressed their concerns with this legislation—and rightfully so. Problems already exist throughout the text and new issues are bound to spring up from this poorly conceived legislation. The language in this bill raises a number of red flags, including the section dealing with hydrological balance as it applies to water.

H.R. 322 introduces for the first time in Federal law, a requirement to protect and restore hydrological balance. In the bill, the term hydrological balance is poorly defined to include water quality, water quantity and their interrelationships. As implemented, miners would be required to restore the approximate premining hydrologic balance during reclamation. Restoring all aspects of hydrological balance to premining conditions is probably impossible for many mines, and I question why it would be necessary unless a specific environmental harm could be identified. The important question to answer, missed entirely by

H.R. 322, is whether there are permanent adverse environmental impacts that can and should be addressed.

In addition, H.R. 322 would duplicate water quality laws and add burdensome new requirements. Water quality and water quantity laws already apply to mining. Mining operations in this country already comply with extensive water quality requirements at the Federal and State levels.

The most disturbing part of this section is the fact that this language would seriously infringe on and disrupt the operation of Western State water laws and would ignore the existing framework of Federal/State water quality protection laws. As you may know Madam Chairman, Western States have well-established traditions of allocating water among users. Miners, like all other users are answerable if they diminish, harm or otherwise interfere with the property rights of other water users. However, H.R. 322 would ignore and interfere with these systems by giving the Federal Government authority to second-guess the water allocation decisions made State laws. This interference is unprecedented and unwelcome, especially since no one has illustrated a compelling reason for singling out the mining industry for the uniquely onerous standards of H.R. 322 would impose.

As we debate how to restrict and tax our domestic mining industry, other nations are opening the doors to U.S. mining companies and investment by removing taxes and burdensome regulation.

For example, in 1992 the government of Mexico approved a new mining code which:

- Permits foreign ownership of Mexican mining interests;
- Eliminated a 7-percent national mining tax;
- Removed burdensome fees and permitting procedures; and
- Opened vast tracts of public land for mineral exploration.

Mexico and other nations of Latin America are seeking United States mining investment because it brings jobs, capital and technology to their countries. Latin America, not the Western United States is where the gold rush is occurring.

The Mining Journal of London recently editorialized:

For years North America has attracted the most exploration spending, but the growing anti-mining lobby and coincident introduction of new and improved mining and investment codes in many developing countries could soon shift the balance in the latter's favor.

Many industries come to Capitol Hill and claim that a particular piece of the legislation will push them offshore. Mining has the statistics to prove their claim. I submit for the RECORD a recent analysis prepared by the Gold Institute, and printed in American Metal Market, which illustrates the movement of new mining investment money south of the border.

The article is based on a study which examined exploration spending trends by U.S. gold producers and the efforts of Latin American nations to recruit mining investment. I request unanimous consent that the article and study be inserted in the CONGRESSIONAL RECORD.

Let us keep mining in America. Vote "no" on H.R. 322.

UNWELCOME HERE: U.S. FIRMS LOOK SOUTH

(By Michael Brown)

The resurgence of mining in the 1980s triggered a review of the 1872 law governing mining on U.S. public lands. The outcome of the current congressional debate on the General Mining Law will have ramifications for the industry, and our nation, for decades to come.

Mining is a global business and policymakers need to recognize that their actions will have international consequences. Ill-conceived reform will accelerate the export of the U.S. mining industry to other nations.

The gold industry has more at stake in this debate than perhaps any other mineral. Since 1980, the United States has risen from producing less than 1 million troy ounces of gold to more than 10 million ounces last year. The United States is now the second largest gold-producing nation in the world, and its annual output is 50 percent of South Africa's.

The rise in gold production has resulted in enormous job growth. Precious metal mining employment rose 186 percent during the 1980s. Today, more than 30,000 men and women work in gold mining. This number rises to nearly 80,000 when the related jobs are counted in the support industries. Gold mining jobs are the highest paid industrial jobs in America, with an average annual salary of \$34,000.

The growth in gold production has reversed the U.S. dependence on foreign gold and has made American gold available for export. As recently as 1980, 75 percent of the gold required by domestic manufacturers was imported. This deficit continued until 1989, when U.S. production first exceeded domestic demand in 1992, the nation's gold surplus totaled \$1.5 billion. Over the next three years, the surplus is expected to reach \$2.5 billion annually.

Since the fall of the Berlin Wall, the nations of Latin America have been aggressively courting mining investment. For them, mining brings a skilled work force and needed capital, as well as allowing them to develop valuable natural resources.

From Argentina to Venezuela, mining codes have been rewritten to encourage foreign investment. These incentives and favorable business climates are attractive to beleaguered American executives who are feeling unwelcome in their own nation.

Interest in Latin America among our members has been increasing for several years. We conducted a study of our members, representing 80 percent of U.S. gold production, and confirmed the rush to Latin America in 1989, this region attracted only 6 percent of total exploration expenditures. By 1992, that had risen to 15 percent, and it is growing. The number of our companies active in the region has doubled, and it is not uncommon to find that many companies are setting aside Friday afternoons for Spanish language lessons.

Gold mining has brought economic vitality and prosperity to mining families and communities across America. Other nations are envious of that success and seek to emulate it. We hope U.S. lawmakers will place the same value on this important domestic industry and produce a mining law reform bill that will keep the U.S. internationally competitive.

[From the Gold Institute Report, Feb. 1993]
THE SEARCH FOR GOLD: U.S. PRODUCERS LOOK ABROAD

SECTION ONE—OVERVIEW

The U.S. gold mining industry today

The decade of the eighties saw a modern-day gold rush in the western United States. Gold production rose from less than a million ounces in 1980 to 9.6 million ounces in 1991—a nine-fold increase. The industry employs 30,000 workers directly and approximately 50,000 jobs depend indirectly upon gold mining.¹

Much of U.S. gold production occurs on "public land" owned and administered by the federal government. Access and mining on public land is governed by statutes that have evolved and been modified over the years, commonly known as the 1872 Mining Law.² While the government has been unable to determine exactly what portion of U.S. gold mining operations occur on public lands, a simple examination of the major gold producing states (Nevada, California, Utah, Montana, Washington) reveals a high level of federal ownership or administration. For example, 60% of gold production occurs in Nevada, a state where 87% of the land is federally owned. Nevada is estimated to contain 50% of all demonstrated U.S. gold reserves.

North American gold mining companies are no longer in a high-growth stage. According to analysts at Goldman Sachs, gold mining companies are now in a period of low profitability, depleting hedging positions and faltering growth prospects. The U.S. gold mining industry appears to have matured just as the commodity cycle turned down and the supply/demand balance shifted. The year 1988 was probably the watershed year for the industry. Consolidation has already started to occur as the industry struggles with rising environmental regulation and other cost pressures.³

The U.S. gold industry is also at a public policy crossroads as Congress and the Clinton Administration debate proposed reforms of the 1872 Mining Law. Unfortunately, much of this debate has occurred without considering the growing international competitiveness in mining, and trends in exploration spending. U.S. gold production appears to have peaked and many hold that future growth opportunities are in the nations of Latin America for a variety of economic, geological and political reasons.

Reform of the 1872 Mining Law must occur with an eye towards maintaining an internationally competitive mining industry and preserving growth opportunities in the United States. The growth in Latin American exploration has gone virtually unnoticed by policymakers in the United States. As these mine projects begin production, however, the transfer of a U.S. industry to Latin America will become more apparent. The implications for the U.S. economy and international competitiveness are yet to be felt.

Exploration spending—The guide to mining's future

Every mine has a finite life based on its reserves. The long-run viability of the industry therefore depends on the finding of new gold deposits and the development profitability at prevailing gold prices, and the geologic, technical and economic infrastructure supporting the industry.

Exploration spending is the "research and development" money in mining. Finding new reserves to replace depleted reserves is a critical corporate objective for mining companies. During the mature part of the business cycle, when mine production rates are

Footnotes at end of article.

high, mining companies must run active exploration programs to replace rapidly declining reserves.

Gold reserves are unique in mining because of their reserve lives. Base metal reserves commonly range from 20 to 40 years, while gold reserves run in the 5 to 15 year range. This drives gold companies to constantly seek replenishment of their reserve base. It is estimated that the leading top ten mining companies have known reserves with an average life of 13 years.⁴

Mining companies employ two strategic approaches to exploration spending; (1) expand existing operations and reserves, or (2) discovering new prospects. In the United States, producers appear to be targeting exploration expenditures to extend existing reserves rather than towards the discovery of new deposits or adding to resource inventories at recently discovered deposits. Discovery exploration appears to be in the process of moving outside the United States, most dramatically to Latin America.

Latin American nations attract mining investment

The mining trade and investment media is replete with references to an emerging trend to deploy exploration resources to Latin America. The industry's leading trade publication, *The Mining Journal*, noted this trend in 1991 when it editorialized:

"For years North America and Australia have attracted most exploration spending, but the growing anti-mining lobby and coincident introduction of new and improved mining and investment codes in many developing countries could shift the balance in the latter's favor."

Respected international mining analysts have noticed the trend:

"Some years ago, I forecast that South America would be the center of mining investment in this decade (1990) and that seems to be coming true.

"With falling gold prices and ever increasing difficulties in environmental permitting, it is almost a foregone conclusion that the balance of gold mine development will switch from North to South America as the decade continues."—David Williamson, *International Mining Newsletter*, London, 1991.

Wall Street analysts have begun to comment on the trend:

"With ongoing exposure to a changing political environment it is readily understandable why so much of the U.S. industry is stepping up exploration efforts outside of the United States."—J.P. Morgan, 1992.

References have started to appear in corporate annual reports:

"While our primary focus remains on North American properties, we will be increasing our efforts on high quality projects in New Zealand and Central and South America."—Amex Gold, 1991.

Speeches by mining company executives carry the same message:

"Change is happening in North America, making it a less attractive place for mining capital, and in the world's lesser developed countries making them more attractive. We're seeing evidence of lesser developed countries seeking a share of the limited pool of international mining capital at the same time we're facing increased hostility at home."—Robert Calman, Chairman, Echo Bay Mines Ltd., Alaska Chamber of Commerce, Oct. 6, 1992.

The U.S. Bureau of Mines confirms these trends in their recently released 1993 Mineral Commodity Summary report. In their survey

of base and precious metals mining companies, they discovered that the number of Canadian and U.S. companies that have shifted exploration budgets to Latin America has almost doubled since 1991. They attributed this increase to (1) the favorable investment climate developing in Latin America, (2) North American environmental compliance and permitting costs, (3) the risk that reform of the 1872 Mining Law will increase the cost and investment risk of exploration in the United States.⁵

Sweeping economic reform in Latin America opened the way for mining

Since the fall of the governments of the former Eastern Bloc, and the rise of strong trade confederations such as the European Economic Community, the nations of Latin America have been reforming their economies and turning away from centrally planned systems to free markets. The International Development Bank reports that Latin America has undergone a fundamental change in its attitude towards market forces and private ownership. The Bank is confident that Latin America will continue on its present course, and this will underpin future economic growth, thus lessening any nationalistic tendencies to return to old ways of protectionism and statism.⁶

According to The Brookings Institute, Latin American nations are in varying stages of reform, with the progress often determined by the extent to which they have played by orthodox economic rules in recent years as well as by the level of development at which they entered the process. Some countries, most notably Chile, Mexico, and Venezuela, have made radical changes in their economies. Most have come to realize that their future rests in the comparable advantages they can offer world markets.

Chile was one of the top performing economies in Latin America in 1992 with a growth rate of 8 percent. Personal consumption increased a healthy 5.4 percent, real wages rose 4.9 percent and unemployment dropped to close to 5 percent, the lowest level in twenty years. The growth rates in the leading sectors were: transport and telecommunications (+11.9 percent), commerce and trade (+8.6 percent), fishing (+8.3) and mining (+4.8). It is the official policy of the Chilean government to: (1) build a competitive market economy open to international trade and investment, (2) ensure a climate of stability that provides guarantees for domestic and foreign investment.⁷

United States mining investment welcome in Latin America

Once closed to foreign investment, technology and management, the Latin American nations have changed their public policies on mining from the promotion of state-run public enterprises to massive privatization and recruitment of foreign investment. National legislatures have rewritten their mining codes and foreign ownership laws to encourage foreign investment:

Mining laws rewritten

Country:

Country	Year
Panama	1988
Brazil	1989
Colombia	1989
Argentina	1990
Chile	1990
Venezuela	1990
Bolivia	1991
Mexico	1991
Nicaragua	1991
Peru	1991

Political leaders are willing to "go the extra mile" to attract foreign investment

through programs involving widespread privatization and other free market steps.⁸ They recognize that nations must now compete for mining investment. In sharp contrast to earlier years, the developing nations of the world have come to realize that foreign investment can bring new capital, technological expertise and management skills now lacking in their nations. Investment capital will be attracted to those areas where the cost of doing business, including the taxation rates, are commensurate with the perceived level of risk.⁹

This strategy appears to be working. In most of the post-WW2 period, the United States and Canada attracted most mining investment. This was due to rich mineral deposits, strong domestic demand for minerals, strong currencies, the availability of financial resources, predictable tax laws, an absence of political risk and a highly educated work force. In the past, the nations of Latin America typically attracted only 5 percent of investment spending. But, new global attitudes are bringing new investment to the region.

The Metals Economic Group (MEC) estimates that of the 150+ gold mining companies they surveyed worldwide, 33 percent were looking at opportunities in Latin America. In base and precious metals they estimated that \$200 million was spent in Latin America in 1991.¹⁰

MEC estimates that 40 international mining companies are operating in Chile alone. Silver production has risen 35 percent since 1987 and gold production has increased 40 percent. So many mining projects are underway that engineering firms have had to recruit outside the country because they have emptied the local mining schools.¹¹ Chilean gold miners are said to be the highest paid workers in the nation.

Why Latin American nations are attractive for mining investment

(1) Availability of Mineral Reserves:

As one commentator noted, "there are ten geologists for every prospect in North America, and ten prospects for every geologist in South America." In reviewing nations for mineral exploration, the first criteria is that of geological potential. Latin American mineral deposits were created by the same geological forces that created the mountains of North America and in many cases are relatively untapped. Peru, Brazil, Argentina, Mexico, Bolivia, Venezuela, Chile, Columbia, and Ecuador are the leading prospects in Latin America.¹² There is a belief in the exploration community that "the easy to find ore deposits" in the United States have been found and the absence of exploration work in Latin America over the decades means that large ore deposits should be found easily.¹³

(2) Lessening of Latin American Political Risk:

Miners, unlike many other industries except perhaps petroleum, are sensitive to political risk. However, mining companies are increasingly confident that the reforms in Latin America will continue and provide the necessary security of tenure. The North American Free Trade Act, while not directly tied to the growth in mining interest, sends clear signals to Latin American political leaders and the mining community that long term interests can be jointly fulfilled.

Latin American reforms and initiatives to attract mining have included¹⁴:

- Security of tenure guarantees;
- Elimination of foreign ownership restrictions;
- Elimination or reductions in taxes, royalties and other fees;

Opening of public lands for mineral exploration;

- Reduced entry barriers;
- Improved government funded geological surveying and information collection;
- Simplified administrative procedures;
- Financial assistance incentives;
- Allowing the repatriation of profits to the home nation;
- Aggressive privatization of state run industries;
- Freedoms to sell, transfer or close properties;
- Nondiscrimination of foreign ownership;
- Encouragement of joint ventures;
- Improved infrastructure and competitive power costs; and
- Macro economic reforms including debt reduction and modernized banking.

Mexico has a five-year national program for modernizing the mining industry and is one of the leaders in opening its doors to mining investment. The reform movement initiatives include:

- Eliminating the national 7% production tax;
- Expanding access to federal lands;
- Simplifying administrative procedures;
- Offering financial assistance; and
- Encouraging foreign investment and ownership.

According to the Mexican government, the objective of this program is "to increase the development of the mining activity, its contribution to the country's economy and to intensify the more adequate use of its mineral resources." Mexican government leaders are traveling the world encouraging foreign investment and exploration activity in their country.

Other leading Latin American political leaders have abandoned their nationalistic views on foreign ownership:

"The idea that foreign investment should be resisted because of national sovereignty is an idea of yesterday. It is exhausted, this idea. Even the countries we call 'socialist' want foreign investment!"¹⁵—Patricio Aylwin, President of Chile.

According to the Mining Journal, the "Government of Peru has declared it to be in the public interest to promote private investments in mining. Furthermore, the government will no longer act as an investor, or operator, but rather will provide the framework to facilitate inward investment from abroad and from the domestic private sector."¹⁶

(3) Rising Political Risk in the United States:

The changes in Latin America are in sharp contrast to the political environment in the United States. American political leaders are giving serious consideration to measures which would:

- Assess an 8 percent royalty on hard-rock minerals mined on public lands;
- Tax the key chemical used in the heap-leach gold mining process;
- Restrict foreign ownership and investment;
- Limit access to federal lands;
- Impair the "security of tenure" need to obtain financing for mining;
- Increase the permitting times and reclamation requirements to levels non-competitive in the international marketplace; and
- Subject mining companies to citizen protest law suits.

In 1992 Congress applied a \$100 holding fee for public lands mining claims, a fee which may reduce exploration activities. Commenting on pending mining law reform

measures the American Mining Congress stated that the bills "so thoroughly alter the way minerals may be developed in the U.S. that they introduce considerable uncertainty to the industry. The bills shake the very foundation of America's industrial base."¹⁷ Congresswoman Barbara Vucanovich called one of the reform measures, "The Latin America Investment Act," because of her belief that enactment would accelerate the move to invest in Latin America.

In contrast to the President of Chile's progressive view of foreign investment, one American Congressman recently proposed to bar foreign citizens and corporations with a majority of foreign ownership from staking or operating claims on public lands.¹⁸

At a recent Northwest Mining Association conference an industry consultant remarked that "historically, companies have come to the United States because of the political stability. Now U.S. companies are going outside for the same reason."¹⁹

Karl Elers, Chairman and CEO of Battle Mountain Gold recently commented on the political risks in the United States by noting that "the risks in the United States are not the traditional risks of expropriation, discriminatory taxes or currency control. The risks are much more subtle, but still political."

Finally, mine permitting times have increased in the United States to the point "where they drain the economic life out of a project."²⁰

(4) Mining Investment Promotion:

The nations of Latin America are making an aggressive effort to recruit mining interests. In the past three years there have been several international conferences held on the topic of Latin America and its mining potential. Attendance has included leading Canadian and U.S. Mining companies, high government officials and Latin American business leaders. The most successful conference is the annual "Investing In The Americas" conference organized by International Investment Conferences, Inc. in Miami. It attracts hundreds of people from over a dozen nations.

Foreign exhibits and speakers have become commonplace at mining conventions and conferences held in North America. Several governments had large exhibits at the recent MinEXPO in Las Vegas.

Bolivia and Mexico are circulating colorful and well-crafted promotional materials on the potential for mining in their nations. The materials are available in English, Spanish and French. Mr. Alfredo Elias Ayub, the Harvard-educated Deputy Minister of Mines of Mexico, travels regularly around the United States promoting opportunities in his nation.

The governments are very "user friendly" and respond quickly and efficiently to inquiries about mining in their nations. They are working to improve their internal record keeping, geological surveys or build a base for future expansion. Argentina, a mineral rich nation, with few mines, plans a new mining school to train and educate mining professionals.²¹

Summary

There is a clear trend to move new discovery exploration efforts outside the United States to Latin America. These nations are the net beneficiary of redirected exploration and development monies as U.S. producers find their home country becoming more and more unfriendly to mining.²² The nations of Latin America offer large mineral resources and mine developers have confidence they can complete the necessary permitting in a timely manner.

SECTION TWO—GOLD INSTITUTE SURVEY

Survey Purpose

Statistics on exploration trends by nation are difficult to find. Many companies consider this proprietary information or their varying formats make it difficult to draw adequate comparisons. Private sector research often examines only the current year making it difficult to analyze trends.

In an effort to quantify exploration spending trends in the gold industry, a survey of Gold Institute mining members was conducted. Surveys were received from 18 companies, nearly all of the Institutes' U.S. mining members. Gold production by these companies represents 73 percent of total 1991 U.S. output.

It should be noted that these results reflect only the activities of the Institute's membership, and not the exploration work conducted by junior producers, prospectors and independent exploration companies. The nature of the industry is such that an important part of the exploration is conducted by these smaller companies. However, the presence of a senior gold producer in a given country is a sure sign that smaller companies have led the way.

Respondents provided exploration spending statistics for the years 1989-1992. Since the survey was conducted in the fall of 1992, it is recognized that the 1992 statistics are projections. The survey grouped spending into the following subsets; United States, Canada, Australia (including New Zealand and Papua New Guinea), Latin America and the Rest of the World (ROW). All responses were kept confidential.

Survey results

The decline in total spending on exploration from 1991 to 1992 is consistent with the independent research of Professors John Dobra and Paul Thomas in *The U.S. Gold Industry 1992* which found that lower gold prices forced mining companies to curtail exploration expenditures.

TABLE 1.—Total exploration spending—worldwide

1989	\$238,000,000
1990	251,000,000
1991	280,000,000
1992	235,000,000

TABLE 2.—TOTAL EXPLORATION SPENDING—UNITED STATES VERSUS FOREIGN

	1989	1990	1991	1992
USA	\$170	\$179	\$181	\$149
Foreign	68	72	99	86
Total	238	251	280	235

TABLE 3.—EXPENDITURES ON A DOLLAR BASIS
(In millions of dollars)

	1989	1990	1991	1992
USA	170	179	182	149
Canada	26	27	28	26
Australia	15	12	14	10
Latin America	14	16	30	35
Rest of world	13	17	26	15
Total	238	251	280	235

TABLE 4.—PRODUCERS PRESENCE IN LATIN AMERICAN DOUBLES

	(Number of U.S. producers)			
	1989	1990	1991	1992
USA	18	18	18	18
Canada	13	13	11	10
Australia	4	5	4	4
Latin America	7	10	12	15

TABLE 4.—PRODUCERS PRESENCE IN LATIN AMERICAN
DOUBLES—Continued
(Number of U.S. producers)

	1989	1990	1991	1992
Rest of world	3	3	3	3

Country review

United States

Gold exploration spending in the United States declined 18 percent in 1992 to a four year low of \$149 million.

The 71 percent of U.S. companies exploration budgets in 1989, declined to a low of 63 percent in 1992.

This is the first time total spending and share simultaneously declined together—clear evidence that the U.S. market is growing unattractive for investment.

According to Dobra-Thomas and the U.S. Bureau of Mines, most of the U.S. budgets were spent exploring for gold around existing operations and did not represent new discovery efforts.

Canada

The spending of U.S. producers in Canada remained steady at an average of \$27 million annually and at a consistent 10-11 percent share of exploration budgets.

Latin America

Latin America increased in dollar terms from \$14 million in 1989 to \$35 million in 1992, and its share of the exploration budget jumped from 6 percent to 15 percent.

Latin America was the only region in the world to post increases in dollars and share in 1992.

Mexico posted the most dramatic gains. In 1989 U.S. producers spent a half million dollars, which increased to approximately \$12 million in 1992.

Australia

U.S. producers appear to be wrapping up their efforts in Australia. Total spending and share declined over the period of the survey.

Rest of the World

In 1992, U.S. producers slashed their total spending in the rest of the world by 42 percent in dollar terms.

Lessons to be found in the U.S. oil industry

There are valuable lessons for U.S. gold producers and public policy officials to be found in the U.S. oil industry. According to a study²⁸ released by the Petroleum Finance Company in 1991, U.S.-oil based companies now spend a majority of their exploration dollars outside the United States. Foreign exploration spending overtook domestic spending in 1989 and has accelerated since that time. The U.S. share of exploration spending by major companies dropped from 60 percent in 1985 to 20 percent in 1990. In that industry, dollars which were once spent in the United States are now being spent overseas. This has contributed to the decline in U.S. oil output and increased the dependence on foreign sources.

U.S. oil output is now at its lowest level in 30 years. Industry analysts attributed several reasons for the shift, many of which parallel the current trend in gold (1) High discovery potential in countries which have not been properly explored and (2) Environmental restrictions that have placed large portions of the United States off-limits to exploration activities.

Conclusions

The United States economy has benefited greatly from the development of the world's second largest gold mining industry during

the 1980s. As congressional and administration leaders consider measures to reform laws regulating this industry, they must carefully consider how their actions will affect the competitive position of the United States. Latin American nations are taking deliberate and aggressive steps to recruit U.S. investment. Mining is an internationally competitive business and capital will flow to those nations which have mineral wealth and offer an attractive business climate.

FOOTNOTES

¹The "U.S. Gold Industry 1992," (Dobra-Thomas), University of Nevada, 1992.

²"The Battle for Natural Resources," Congressional Digest, 1983.

³"Review of Gold Industry," Gold Sachs, 1992.

⁴"The North American Gold Industry: A Market In Transition," JP Morgan, New York, July 1, 1992.

⁵"Mineral Commodity Summary," U.S. Bureau of Mines, 1993, p. 12.

⁶"Latin America's Spectacular Comeback," The International Development Bank newsletter, December 1992.

⁷"A Political Miracle," Forbes, May 11, 1992, p. 108+.

⁸Bolivia Today, Embassy of Bolivia, July 1992.

⁹"Mining Investment Promotion," United Nations Journal, National Resources Forum, Pre-publication copy.

¹⁰"Corporation Exploration Strategies," Metals Economics Group, Sept. 1992.

¹¹"Chile Breaks Out of Boom-Bust Cycle," Financial Times, Nov. 10, 1992.

¹²Ranking Countries For Minerals Exploration, Mining Journal, May 25, 1990, p. 15-19.

¹³"Incentives For Mining In Latin America," Speech at the Northwest Mining conference, Dec. 4, 1991.

¹⁴From the proceedings of the "Conference on U.S. Latin American Partnerships in Mining," Feb. 21-22, 1991 in Denver, Colorado.

¹⁵Interview with the President of Chile, Forbes, May 11, 1992, p. 115.

¹⁶"Peru," Mining Journal, London, Jan 22, 1993.

¹⁷Mining Law Repeal Legislation Threatens Job and Revenues, Press Release, American Mining Congress, Jan 28, 1992.

¹⁸Statement by Congressman Peter Defazio, 6/24/92.

¹⁹"South of the Border," Press Release, NWMA, Dec. 4, 1991.

²⁰Speech by Mr. Frank Joklik of Kennecott Corp., "Alaska Miner," Nov. 92.

²¹Speech by John Duncan, Conference on U.S. & Latin American Partnerships in Mining, Feb. 21, 1991.

²²Speech by Jay Taylor, "Gold and Silver Mining In Chile," Compania Minera Mantos de Or, at The Silver Institute Annual Meeting, Acapulco Mexico, March 1992.

²³"Looking For Oil In New Places," The Washington Post, December 28, 1991, p. D1-6 and "U.S. Oil Output Now At Its Lowest Level In Thirty Years," The Washington Post, January 16, 1992, p. D1.

Mr. MINETA. Madam Chairman. I rise in strong support of H.R. 322, the Mineral Exploration and Development Act of 1993.

Madam Chairman, this legislation is long overdue. In 1872, this body passed legislation to encourage the settlement of the western frontier, and the development of hardrock minerals such as gold and silver of Federal lands. That law was successful in attracting settlers to the West and in supporting the development of these minerals that have played such a key role in the development of our Nation.

Today, we no longer need to encourage people to move west, and today we cannot afford—from an economic or environmental perspective—to allow these western lands to be stripped of their beauty and resources for next to nothing. As the needs of our Nation change, the laws that govern us must adapt as well.

In 1872 it may have made sense to allow prospectors to remove these precious min-

erals at no cost. But in 1993 we are faced with a scarcity of resources, and the incentive of free gold and silver to anyone who wants to mine the land is not appropriate. The 8-percent royalty on the gross value of the minerals that this bill establishes is a fair and equitable price to charge for our resources.

Similarly, in 1872 this country did not face the environmental concerns that we do today. Today, we see our valuable natural resources disappearing before our eyes at an alarming rate. While I believe legitimate mining must be allowed to continue, we cannot allow the land to suffer as a result. The requirement that all mined Federal lands be restored to their original condition is the least we can do to ensure that when the minerals are extracted the beauty and integrity of the land are retained.

Madam Chairman, H.R. 322 will go a long way toward preserving our natural resources while allowing legitimate mining claims, and I encourage my colleagues to vote in favor of it. Mr. RICHARDSON. Madam Chairman, I rise in support of H.R. 322, the Mineral Exploration and Development Act of 1993.

This act sets out new procedures for mining and reclamation activities on public lands. Although the majority of actions resulting from his legislation will not directly affect Indian tribes, some of the provisions will.

This act provides that where appropriate, tribal laws and regulations regarding environmental issues such as air and water quality standards will apply. The act gives no new authority to Indian tribes and is consistent with current tribal authority under Federal environmental statutes. This act includes tribal lands as eligible for badly needed resources under the Abandoned Locatable Minerals Mine Reclamation Fund.

Title IV provides for citizen suits to be brought against those not in compliance with the terms of the act. An affirmation that Indian tribes enjoy sovereign immunity from suit is included. This is not intended to mean that tribes are not to be held responsible for their actions under this act. A provision is also included within title II of the act which authorizes the Secretary to require Indian tribes to waive sovereign immunity as a condition of issuing a permit under that section.

Congress has the authority to waive tribal sovereign immunity, although such waivers must be clearly expressed and are to be strictly construed. The waiver in this act is to be limited only to the terms of a permit sought by the tribe and not to be construed as subjecting Indian tribes to liability beyond the scope of the permits provided for under this act.

I wish to thank the chairman of the Natural Resources Committee, the gentleman from California [Mr. MILLER], as well as the chairman of the Subcommittee on Energy and Mineral Resources [Mr. LEHMAN], for their assistance in securing these important Indian provisions to this bill.

I urge my colleagues to support H.R. 322.

Mr. KOLBE. Madam Chairman, I rise in strong opposition to H.R. 322. This bill would spell doom for the hardrock mining industry and with it, its thousands of high-wage jobs, its multibillion-dollar contribution to the national economy, and America's leadership position in this important industry.

It is ironic that we are considering this bill on the day before the vote on the NAFTA.

NAFTA will help create new jobs; H.R. 322 will kill jobs. Anyone who is truly concerned about American workers will want to vote to defeat H.R. 322.

Numerous studies have confirmed the disastrous effects of this bill on America's job base. A Coopers & Lybrand study, for instance, found that H.R. 322 would result in the direct loss of 44,000 jobs, lost earnings of \$1.2 billion, lost output of about \$5.7 billion, and a loss of \$422 million to the Federal treasury.

Job losses of such magnitude would devastate entire communities, both in Arizona and throughout the West. In my State, the mining industry directly employs 19,000 people and contributes \$7.3 billion to the State's economy each year. The rest of the West would fare no better as entire rural communities would find their economies wiped out with the mining industry's departure.

The effects of this legislation would extend far beyond the West. Many manufacturing facilities, which process minerals mined in the West, are located in America's manufacturing heartland. The ripple effects of destroying an industry that contributes minerals for millions of American products would be enormous.

These jobs will be lost forever to other countries. It is one thing to lose jobs because the work can be done at less cost elsewhere. It is quite another to lose jobs because an otherwise competitive industry is being regulated into oblivion.

Worse still, these draconian mining reforms don't have to occur. Defects in the current mining law can be corrected. No one disagrees with that. But this bill goes beyond reasonable changes to a law that has served this country well for over 100 years. An 8-percent royalty, permanent, retroactive mining patent moratoriums and onerous reclamation standards, to name a few of the provisions contained in this bill, are not reforms. They represent the wholesale dismantling of an industry.

I support changes to the Nation's mining law that will enhance—not destroy—America's international competitiveness. I urge my colleagues to vote against the politically motivated destruction of an important American industry. Vote against H.R. 322.

Mr. KYL. Madam Chairman, I rise in opposition to H.R. 322, the Mineral Exploration and Development Act.

It's been said that the devil is in the details, and that is precisely the problem with this legislation. The concepts are right, but the details are extreme, unworkable, and unreasonable.

For example, just about everyone agrees that patenting lands for \$2.50 or \$500 per acre is an anachronism and ought to be changed. The answer, however, isn't necessarily to eliminate patenting altogether, as H.R. 322 would do, but rather to ensure that miners pay fair-market value for surface rights.

Just about everyone agrees that the industry should pay a royalty on the minerals extracted from public lands. But the royalty shouldn't be set so high or imposed in such a way that is punitive or which makes it economically infeasible to mine.

Under the royalty calculation of the bill, for example, not only the value of minerals would be considered, but also the value added by

processing after the minerals are extracted. But the Federal interest ends at the mouth of the mine, and there is no legitimate Federal claim to the value added later by processing. To assert a claim to that added value is unreasonable. It is unfair.

The bill's royalty provisions also ignore the tremendous costs involved in just exploring for minerals—costs incurred before even a dollar's worth of return is earned. Such costs ought to be deductible from the royalty calculation.

Just about everyone agrees that the environment ought to be protected. But, mining operations are already subject to all Federal and State environmental laws and regulations, and H.R. 322 will simply add multiple layers of additional regulation that won't necessarily provide better environmental protection, but which will cause significant delays and/or significantly increased costs for even the most legitimate and responsible operations.

Let me cite just a few examples which graphically illustrate the point, specifically with regard to H.R. 322's backfilling requirement. For Phelps Dodge's Morenci mine in Arizona, it would take approximately 3 billion tons of fill, \$2 billion, and 41 years to comply with that backfilling requirement. For Asarco's Ray mine, it would take 1.4 billion tons of fill, \$1.4 billion, and 20 years to comply. For Kennecott's Bingham Canyon mine, it's as much as 5 billion tons of fill, \$7 billion, and more than 50 years to comply with the backfilling requirement.

That isn't reasonable. It has nothing to do with significant threats to public health or the environment. It is merely punitive, and is just one of the ways this bill tries to discourage anyone from ever developing a mine on public land.

This bill is not about correcting abuses of the mining law, but rather about trying to shut down virtually all mining operations on public land, no matter how well those operations are conducted.

This bill represents an attack on jobs. According to a Coopers & Lybrand study of the original and nearly identical version of the bill, as many as 44,000 jobs could be lost over the next 10 years. Combined with lost output and lost earnings, the U.S. Treasury would experience a net loss—that's right, loss—of about \$422 million over that period.

And, at a time when State and local governments are crying out—and rightly so—about the costs of Federal mandates, H.R. 322 will deny them a significant amount of revenue as well—an estimated \$106 million. With this bill, Congress is putting the squeeze on the States both sides of the financial balance sheet.

Madam Chairman, the mining industry is not the enemy. Our nation needs mining and the mineral supplies it produces, not only for strategic purposes, but to satisfy the demands of people's everyday lives. Our goal ought not to be to shut down the mining industry, but rather impose reasonable requirements to protect taxpayers' interests, as well as the environment.

H.R. 322 is legislative overkill. It will make every mining operation think twice about developing any claim, no matter how promising, and no matter how responsibly to the environment the operation is conducted. It will cost jobs. It will reduce revenues to the Treasury.

Madam Chairman, this bill ought to be defeated.

Mr. GEJDENSON. Madam Chairman, I rise in strong support of H.R. 322, the Mineral Exploration and Development Act. I want to take this opportunity to acknowledge the gentleman from West Virginia [Mr. RAHALL] for all his hard work on this subject over the last few years. I also want to thank Representatives LEHMAN and MILLER for all their work in bringing this bill before the House today.

Mining reform is long overdue. While we have updated laws regulating the extraction of oil, coal, and natural gas from Federal lands, hardrock mining is still governed by the anachronistic 1872 mining law. This statute, passed to encourage Americans to settle the Western portions of this country, has outlasted its purpose. It has allowed speculators to gain title to the public's lands for \$2.50 or \$5 per acre and then turn around and sell them for tremendous profits. The General Accounting Office reported in 1988 that the Federal Government received less than \$4,500 for patented lands valued at \$48 million. The 1872 mining law, which doesn't include a royalty, has allowed domestic and foreign mining companies to extract billions worth of minerals from the public's land without paying for that privilege. Finally, the lack of reclamation standards has left a legacy of abandoned mines, poisoned streams, and scarred landscapes across this Nation. In this regard the American people have taken a double hit—they have been inadequately compensated for the use of their lands and they have been left to foot the bill for cleanup.

H.R. 322 makes important reforms which will ensure that the American people get a fair return on the use of their resources and that their land is used properly. H.R. 322 abolishes the patenting process, which has transferred more than 3 million acres of public lands, roughly the size of my State of Connecticut, to private hands for \$2.50 or \$5 per acre. It also establishes an 8-percent net smelter royalty on minerals extracted from public lands. This will ensure that the American people receive some compensation for the more than \$1 billion worth of minerals taken from their lands each year. In addition, this bill includes comprehensive reclamation standards designed to protect natural resources around mines and to guarantee that the mine site will be restored to conditions similar to those that existed prior to mining. H.R. 322 requires mining companies to post bonds to cover the cost of reclamation should the company go out of business. This will help to ensure that the American people aren't left with the reclamation bill if a company fails before reclamation is performed. Finally, this legislation establishes an abandoned mine reclamation fund, which will be capitalized with royalties and other fees included in the bill. This fund will be used to clean up the thousands of abandoned mines on Federal land, which threaten public health and safety and the environment.

Madam Chairman, by passing this legislation today we can reform one of the most outdated laws on the books. H.R. 322 will ensure that the American people will get a fair return on the sale of minerals mined on their lands. It will require mining companies to protect natural resources and reclaim mines once operations are completed. By instituting bonding

requirements, we can ensure that the American people won't be left holding the bag when a mining company folds prior to reclaiming the land. Additionally, this legislation uses proceeds from the royalties to begin addressing the problem of abandoned mines on Federal lands. It is time for the American people, not just mining companies, to profit from the wealth of minerals extracted from their lands. This legislation makes sense and it is good government.

Mr. COLEMAN. Madam Chairman, I want to congratulate my friend from California on bringing this measure to the floor for our consideration. I know he has worked very hard to produce the bill we are now debating. Much of the debate today will focus on mining activities themselves and the steps we think should be taken prior to mining. I would like to take just a moment to discuss mineral processing activities, which will also be impacted by this bill.

The district I represent, El Paso, TX, has two major plants which produce value-added products from the output of mines in Arizona, New Mexico, and Montana. Together, these 2 plants employ 1,225 in El Paso. Mr. Chairman, these are important jobs which pay good wages and provide good benefits in a community with a regular unemployment rate of approximately 10 percent. The combined payroll for both operations is \$51.9 million, a significant investment into the local economy. In addition, these operations make substantial purchases locally, spurring the local economy further and providing employment opportunities in related fields. Finally, these two plants pay a total of \$6.3 million in taxes to our community, which benefits our local schools and hospitals. In short, these mining-related industries provide a great benefit to the community. It is important to bear in mind that any changes we make to the mining laws will have an impact on processing and refining industries which rely on the mining of ore for their existence.

I would encourage my colleagues to adopt a bill which will not trade employment security for environmental protection. A law adopted in 1872 is ready for modernization; however, we must take care that the action we take today does not threaten the livelihood of our constituents. I understand that the other body has already acted on a measure which the mining industries have supported. Apparently everyone agrees that the current law is inadequate and needs revision, I would simply like to encourage my friend from California to bear these related jobs in mind as he works with the other body to formulate a final measure. I thank the gentleman for his time.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in support of H.R. 322, the Mineral Exploration Act of 1993.

Today, we regulate the mining industry with a law that is over 100 years old. Given the changing dynamics of our society, I believe that a change to this law is necessary and long overdue.

Today, we allow an individual to stake a claim on Federal land, purchase that land for \$2.50 or \$5 per acre, and to extract minerals, without any royalties. The taxpayer receives no benefits from the production of these minerals. This may have been appropriate in 1872, however, taxpayers of 1993 demand greater standards.

The time has come for this Government to end the practice of subsidizing industries at the expense of the American taxpayer. From timber to agriculture, the American taxpayer has assumed responsibility for maintaining the viability of markets without a fair return on his investment. Industries are thriving at the expense of the American taxpayer. If oil and gas companies can pay a percentage of revenue received from operating on Federal property, it is only fair that the mining industry do the same.

This is taxpayer land, financed with taxpayer money and should be managed to ensure a fair return on the production of minerals from this land while considering environmental concerns.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and each title is considered as read.

The amendments en bloc specified in House Report 103-342 to be offered by the gentleman from California [Mr. MILLER] or a designee, may amend portions of the bill not yet read for amendment, shall be considered as read, and shall not be subject to a demand for a division of the question.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 322

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Mineral Exploration and Development Act of 1993".

(b) *TABLE OF CONTENTS.*—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions and references.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

- Sec. 101. Lands open to location.
- Sec. 102. Rights under this act.
- Sec. 103. Location of mining claims.
- Sec. 104. Conversion of existing claims.
- Sec. 105. Claim maintenance requirements.
- Sec. 106. Failure to comply.
- Sec. 107. Basis for contest.

TITLE II—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

- Sec. 201. Surface management standard.
- Sec. 202. Permits.
- Sec. 203. Exploration permits.
- Sec. 204. Operations permit.
- Sec. 205. Persons ineligible for permits.
- Sec. 206. Financial assurance.
- Sec. 207. Reclamation.
- Sec. 208. State law and regulation.
- Sec. 209. Unsuitability review.
- Sec. 210. Certain mineral activities covered by other law.

TITLE III—ABANDONED LOCATABLE MINERALS MINE RECLAMATION FUND

- Sec. 301. Abandoned locatable minerals mine reclamation.
- Sec. 302. Use and objectives of the fund.
- Sec. 303. Eligible lands and waters.
- Sec. 304. Fund expenditures.
- Sec. 305. Authorization of appropriations.
- Sec. 306. Royalty.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SUBTITLE A—ADMINISTRATIVE PROVISIONS

- Sec. 401. Policy functions.
- Sec. 402. User fees.
- Sec. 403. Public participation requirements.
- Sec. 404. Inspection and monitoring.
- Sec. 405. Citizens suits.
- Sec. 406. Administrative and judicial review.
- Sec. 407. Enforcement.
- Sec. 408. Regulations; effective dates.

SUBTITLE B—MISCELLANEOUS PROVISIONS

- Sec. 411. Transitional rules; surface management requirements.
- Sec. 412. Claims subject to special rules.
- Sec. 413. Purchasing power adjustment.
- Sec. 414. Savings clause.
- Sec. 415. Availability of public records.
- Sec. 416. Miscellaneous powers.
- Sec. 417. Limitation on patent issuance.
- Sec. 418. Multiple mineral development and surface resources.
- Sec. 419. Mineral materials.
- Sec. 420. Application of Act to beneficiation and processing of non-Federal minerals on Federal lands.
- Sec. 421. Severability.

Mr. SYNAR. Madam Chairman, I move to strike the last word.

Madam Chairman, once again this body must make a choice. Will we choose special deals for the few or a better deal for all Americans? Just like grazing, the question here today is not whether a way of life is endangered but whether the U.S. taxpayers will get fair market value for the resources which belong to all of us. And just like grazing, some of the biggest beneficiaries of the hardrock mining program are large corporations, many of which are foreign-owned. Yet, each year they take billions of dollars' worth of gold, silver, uranium, copper, lead, cobalt, platinum, and palladium from the public lands and don't pay one red cent of royalties to the taxpayers.

As if that were not bad enough, companies which operate under the 1872 Mining Act can even own or patent valuable mineral bearing Federal lands for just \$2.50 to \$5 per acre. Here is just one example of what patenting means for the Federal Treasury.

The Department of the Interior is poised to transfer 2,000 acres of the Custer National Forest in Montana to the Stillwater Mining Company which is jointly owned by two mom-and-pop companies named the Manville Corp. and Chevron. Stillwater would pay a total of about \$10,810 for these lands.

But the company estimates that the total value of the platinum and palladium at the site is \$43 billion. In other words, under this wonderful deal, the taxpayers would get \$1 for every \$4 million in strategic minerals extracted from these public lands.

While mining companies were getting their good deal on land prices and paying no royalties, they often left the taxpayers with a truly raw deal in return: a legacy of contaminated abandoned mining sites with polluted surface and groundwater. Many of these sites will need to be cleaned up under Superfund.

In fact, there may be over 550,000 such sites nationwide with a final price tag for cleanup of tens of billions of dollars. And much of that cost may have to be paid for by the U.S. taxpayers.

H.R. 322 corrects the worst of these inequities. It ends patenting, institutes an 8-percent royalty, and gives Federal land managers the authority to withdraw environmentally unsuitable lands from mining or to condition mining permits on environmental factors.

The bill requires that mined Federal lands be reclaimed and restored to a condition that would support the same activities that occurred prior to mining. And all royalties and fees raised by the bill would go to a new fund for restoring old, abandoned mines on public lands.

So not only does the bill end the "something-for-nothing" tradition that has prevailed since 1872. It also creates a new hardrock mining tradition of environmental responsibility by instituting a polluter-pays concept for the very first time.

Madam Chairman, this is a fair deal for the hardrock mining industry. More important, it's a fair deal for the taxpayers and a good deal for the environment. It is time to end the tradition of ruin and run. The 19th century is long gone; the 1872 Mining Act should be, too.

I urge my colleagues to support H.R. 322 and bring hardrock mining into the real world, where taxpayer equity and environmental protection matter.

Mr. JOHNSON of South Dakota. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise today to express my qualified support for passage of H.R. 322, the Mineral Exploration and Development Act of 1993 which is designed to reform the 1872 Mining Act.

I say qualified because there remain provisions in this bill which trouble me, not least being the 8 percent net smelter return or modified gross royalty provision. Nonetheless, I appreciate the nature of the process we are about today, and I believe it is critically important that the House move this mining reform legislation forward so that a conference committee will have an opportunity to craft a final version which we can then approve or disapprove at that time.

It is not in the interest of either the environmental community or the mining industry to allow the 1872 Mining Act reform debate to go on year after year without resolution. Without action this year, irreparable environmental damage can be inflicted on the one hand, and business investment decisions are hampered by lack of certainty as to future mining rules, on the other. We absolutely must bring this debate to a final conclusion during the 103d Congress.

Despite my concern for some of the specifics of the substitute bill, I do

want to state my very strong support for moving forward with legislation to reform the 1872 Mining Act. This legislation, signed by President Ulysses S. Grant may have been appropriate to its time, but changes in our society, our values and simply in mining technology have made reform long overdue.

New recovery techniques now make it possible and profitable to crush 100 tons of mountain rock to obtain a single ounce of gold, and we have seen a tenfold increase in gold recovery over the past decade alone. The old law has long since ceased to adequately protect the interest of the environment or the taxpayers.

There are some areas where gold mining is no doubt the very best use of public lands, but the 1872 act gives primacy to mining over all other uses almost regardless of the nature of the land. Public land managers are currently not in a position to adequately weigh scenic, recreational, wildlife, grazing, timber or air and water quality values in a balance between mining and other uses. I believe that it is particularly important for competing potential uses of public land to be thoughtfully and carefully balanced where, as is the case in the Black Hills of my State, mining areas are interwoven with timber, grazing, tourism, business, recreational, and residential uses.

Where mining does take place, it is essential that the Federal Government insist on reasonable reclamation standards—standards which the mining industry can realistically meet, but which also restores the land for the use of future generations. Currently some 500,000 acres of public land have been mined out and are abandoned. Forty-eight of the Superfund sites in this country are abandoned mines with the largest of all being in my neighboring State of Montana. Huge pits carved for miles into mountains and left with waters contaminated by arsenic and mercury are not the legacy that this Nation wants to leave to future generations.

While much is made of the fact that 15 of the 25 largest gold mining companies in the United States are owned by foreign interests, the 1872 act also prevents professional management of smaller mining sites. In California, in particular, literally thousands of trailers, shacks, and cabins have been set up in the foothills on public land ostensible as mining operations, but in fact, as homes to full-time squatters and vacation shack seekers. One BLM manager in California contends that his region contains 10,000 mining claims to supervise, but that only 4 or 5 are actually involved in mining. In the meantime, the public loses access to what is supposed to be public land, environmental damage occurs, and pristine wilderness is esthetically blighted.

Madam Chairman, I have met with individuals and groups representing

virtually every conceivable perspective on this issue, all of them sharing their viewpoints with me in a sincere and good faith manner. I have met with mining interests, and I am proud of their willingness to recognize the need for reform of the 1872 act. Our South Dakota mining companies have not sought to stonewall this issue, but have been willing to enter into the debate and offer productive and good faith recommendations.

I again stress to you my interest in working closely with leaders from both bodies throughout the entirety of the remaining legislative process to assure that we emerge with a bill which accomplishes most of our goals, has maximum input from all interested parties—from environmental to mining—and which has the possibility of being signed by the President. We don't have time for symbolic gestures. The final product will no doubt antagonize all interested parties in one particular or another, but we cannot afford to allow this opportunity to actually move a bill to law to pass or to be used as a political statement rather than a real change in public policy.

Mr. TRAFICANT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I have confidence in the committee and those who have fashioned this bill. They know more about it, naturally, than we who are not on the committee understand. We, like many who work in the committee system around here, follow the lead of the committees. But there are a couple of things here that concern me. I do have a couple of amendments, and I have been told that the committee may not necessarily look favorably at these amendments, and I thought there was more intelligence on this committee.

Madam Chairman, the first issue I think is very important. Everybody in this country knows that foreign interests are buying American land, race horses, baseball teams, companies, mining claims, and other valuables, at a record pace.

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Between the years 1980 and 1990 alone, with no statistics in the early 1990's, there has been a 500-percent increase in foreign entity ownership in the good old piece of the rock here, folks. The truth is, when we talk about this bill, 18 of the top 25 gold-producing mines, Madam Chairman, in the United States are owned by foreign interests that control more than 40 percent, foreign interests that control 40 percent or more of 18 of the top 25 gold-producing mines in our country.

My God, Congress does not even know who owns the claims in the mines. Now, the Traficant amendment is very simple. It does not even stop foreign ownership that everybody is trying to say it does. It says, "There

shall be a report and Congress shall find out every year who the hell owns the mines and how many of these mines are owned by foreign entities."

Now, if that reinvents the wheel, beam me up. And if Congress does not want to know this, Congress should represent England or Japan.

Finally, there is a new element put in this bill called the abandoned locatable minerals mine reclamation fund. This fund does everything. It even impregnates the budget.

The Traficant second amendment says there is a simple buy American provision. Follow the buy American law. It is just a simple sense of the Congress that says, when they do all these good things to our real estate and save our Republic, that maybe they might buy some foreign-made goods like they have always been doing or maybe they can buy some American-made goods like the Traficant bill just suggests.

I am going to ask this committee to approve my two amendments. I do not want to have to call a vote. They will probably win.

I want them to approve the amendments and fight it out in conference. We put these on in the last bill, and they whacked them out in conference.

I am going to advise my colleagues, do not play mind games on this. I want my stuff kept in the bill.

Ms. ENGLISH of Arizona. Madam Chairman, I move to strike the last word.

Madam Chairman, long ago, I joined with the mining industry and the environmental community in calling for responsible mining law reform. The General Mining Law of 1872 is archaic. It's a relic of an era long since gone. Madam Chairman, the time has come to update the mining law to reflect modern business, environmental, and Federal land-use management practices. On this point, both sides agree.

Some people have tried to cast this effort as antimining, or antiindustry or antijobs. Others have tried to paint the mining industry as heartless pillagers of the environment, eager to make a quick buck and be gone, leaving toxic contamination behind for the Federal taxpayer to clean-up.

Both views have their use in this political arena, I suppose; but both are useless as well to any serious attempt to cut through the haze and make rational decisions involving these complex matters. But as I've said before, political rhetoric in Washington is like a view of the Grand Canyon on a clear day: there's just no end to it.

I represent a mining district. Arizona's copper industry is the number one employer in my district. It provides thousands of high-paying, sought after jobs in areas where few such jobs exist. I also represent thousands of people—including many whose livelihoods are tied to the mining industry—who care

about proper stewardship of our public lands. I represent thousands of people who are not antimining, but instead consider themselves preresponsible mining.

I believe that there is a critical difference, and it is in the preresponsible mining camp that I would place myself. Let me say clearly that I support responsible mineral exploration and production on the public lands.

But mining must take place in an environmentally responsible fashion and be accompanied by a fair return to the owners of the land: the American taxpayer. The bill before us today would do that.

As a supporter of mining law reform, I have been accused of not caring about mining jobs or the health of this basic domestic mining industry. When I offered what I believed was a common-sense amendment to the bill in committee, I was practically accused of betrayal by some in the environmental community.

Clearly, what is needed here—what is always needed—is balance. Let us realize that the old acrimonious debate pitting jobs versus the environment is ultimately self-defeating. Arizonans at least know that in the long-term, we must maintain a health partnership between extractive uses of the public lands and environmental protection. That should and must be our goal here today.

So, how does this bill measure up? Are we there yet? No, clearly not. The bill is not perfect. I, myself have several remaining concerns that I will continue to address.

H.R. 322 as reported out of the Natural Resources Committee is a step in the right direction. House passage of this bill will keep the process moving and get us closer to the day when the reform issue can be settled and we return predictability and stability to the mining industry.

H.R. 322 would eliminate the archaic patenting system established in 1872 that was designed to help settle the frontier. This is the provision which now allows international conglomerates to purchase thousands of acres of public land containing billions in mineral resources for as little as \$2.50 an acre.

As has been demonstrated for years by the operation of mines on unpatented public land, the ability to patent is not necessary to successfully conduct mining operations on public lands. The patenting process has been widely abused, and has led to some of the more spectacular cases of land speculation involving the 1872 mining law. It is clear that patenting no longer serves the public interest.

H.R. 322 contains tough new permitting, bonding, and reclamation standards. I believe that these new requirements are appropriate and necessary to ensure that mining takes place in an

environmentally responsible manner, and that the land disturbed by mineral activity is restored to a condition capable of supporting the varied and multiple uses that take place on the public lands.

Decades that have seen hundreds of mines abandoned and dozens of Superfund sites created by irresponsible mining activities have taught us that these new standards are necessary.

I also strongly support the abandoned mine reclamation fund created by the bill and the jobs that go along with it. Any casual traveler to the West can see for themselves the sad legacy of environmental destruction that 100 years of mining has wrought in the West. Much of this mining took place before we gained our current understanding of the environmental consequences of mining. The time has come to repair the damage.

Under H.R. 322, this fund is supported by a royalty on the removal of valuable mineral resources. I join with the mining industry and the most ardent voices in the reform community in supporting a fair return for the removal of valuable mineral resources from the public lands. It is fair and proper, in these times of high Federal deficits, that a royalty be collected.

But let me return to the notion of balance. I am concerned that the 8-percent royalty on gross income currently contained in H.R. 322 would unnecessarily drive some mining operations under the point of profitability and cost jobs. Let us keep in mind that 8 percent of zero is zero. I will support a somewhat lower royalty when this bill reaches conference with the Senate.

Finally, I would like to comment on one section of H.R. 322 that gives me great concern. I am deeply troubled by the section of the bill that deals with the situation—common in Arizona—that arises when a mining operation located substantially on private or State lands affects or includes a small percentage of Federal lands.

H.R. 322 requires the Secretary of the Interior to enter into what is called a cooperative agreement with the appropriate State agency to regulate mining operations that fall into this category. Because of the patchwork land-ownership patterns found throughout the West, most mines would indeed fall into this category, even if they are located on 99-percent private land.

This is a very serious issue, and an area that demands more attention. I appreciate the assurances I have received from chairman of the Natural Resources Committee, Mr. MILLER, and others to engage in a good faith effort to work this problem out in conference with the Senate.

To sum up, Madam Chairman, House passage of H.R. 322 today will hasten the day when we can move forward, settle the mining reform issue, and return stability to our domestic minerals

industry. While not perfect, the bill addresses key reform issues in a meaningful manner and deserves our support.

It will end abuse and land speculation by unscrupulous individuals who have no intention to engage in responsible mineral activities.

It will establish appropriate permitting, bonding, and reclamation standards that will help ensure that the public lands remain productive and open to multiple use.

It will create a mechanism by which we can begin cleaning up abandoned mine sites that pose public health, safety, or environmental problems.

In short, Madam Chairman, H.R. 322 will ensure that responsible mineral activities continue to take place on the public lands, and that the domestic minerals industry continues to provide good jobs and economic activity in the rural West, where it is so desperately needed.

I urge all my colleagues to support H.R. 322.

The CHAIRMAN. The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds and declares the following:

(1) The general mining laws, commonly referred to as the Mining Law of 1872, at one time promoted the development of the West and provided a framework for the exploitation of Federal mineral resources.

(2) Congress recognized that the public interest was no longer being advanced under the Mining Law of 1872 when, in 1920, it removed energy minerals and minerals chiefly valuable for agricultural use, and in 1955, removed common varieties of mineral materials, from the scope of the general mining laws and made such minerals available under regimes which provide for a financial return to the public for the disposition of such minerals and which better safeguard the environment.

(3) The Mining Law of 1872 no longer fosters the efficient and diligent development of those mineral resources still under its scope, giving rise to speculation and nonmining uses of lands chiefly valuable for minerals.

(4) The Mining Law of 1872 does not provide for a financial return to the American people for use by claim holders of public domain lands or for the disposition of valuable mineral resources from such lands.

(5) The Mining Law of 1872 continues to transfer lands valuable for mineral resources from the public domain to private ownership for less than the fair market value of such lands and mineral resources.

(6) There are a substantial number of acres of land throughout the Nation disturbed by mining activities conducted under the Mining Law of 1872 on which little or no reclamation was conducted, and the impacts from these unreclaimed lands pose a threat to the public health, safety, and general welfare and to environmental quality.

(7) Activities under the Mining Law of 1872 continue to result in disturbances of surface areas and water resources which burden and adversely affect the public welfare by destroying or diminishing the utility of public domain lands for other appropriate uses and by creating hazards dangerous to the public health and safety and to the environment.

(8) Existing Federal law and regulations, as well as applicable State laws, have proven to be

inadequate to ensure that active mining operations under the Mining Law of 1872 will not leave to future generations a new legacy of hazards associated with unreclaimed mined lands.

(9) The public interest is no longer being served by archaic features of the Mining Law of 1872 that thwart the efficient exploration and development of those minerals which remain under its scope and which conflict with modern public land use management philosophies.

(10) The public is justified in expecting the diligent development of its mineral resources, a financial return for the use of public domain lands for mineral activities as well as for the disposition of valuable mineral resources from such lands.

(11) It is not in the public interest for public domain lands to be sold for below fair market value nor does this aspect of the Mining Law of 1872 comport with modern Federal land policy which is grounded on the retention of public domain lands under the principles of multiple use.

(12) Mining and reclamation technology is now developed so that effective and reasonable regulation of operations by the Federal Government in accordance with this Act is an appropriate and necessary means to minimize so far as practicable the adverse social, economic and environmental effects of such mining operations.

(13) Mining activities on public domain lands affect interstate commerce, contribute to the economic well-being, security and general welfare of the Nation and should be conducted in an environmentally sound manner.

(14) It is necessary that any revision of the general mining laws insure that a domestic supply of hardrock minerals be made available to the domestic economy of the United States.

(15) America's economy still depends heavily on hardrock minerals and a strong environmentally sound mining industry is critical to the domestic minerals supply.

(16) Many of the deposits of hardrock minerals remain to be discovered on the Federal public domain.

(17) Private enterprise must be given adequate incentive to engage in a capital-intensive industry such as hardrock mining.

(18) The United States, as owner of the public domain, has a dual interest in ensuring a fair return for mining on the public domain and ensuring that any royalty and fees charged do not discourage essential mining activity on the public domain.

(19) The domestic mining industry provides thousands of jobs directly and indirectly to the domestic economy and those jobs must be preserved and encouraged by a sound Federal policy regarding mining on Federal lands.

(b) **PURPOSE.**—It is the purpose of this Act—

(1) to devise a more socially, fiscally and environmentally responsible regime to govern the use of public domain lands for the exploration and development of those minerals not subject to mineral leasing acts or mineral materials statutes;

(2) to provide for a fair return to the public for the use of public domain lands for mineral activities and for the disposition of minerals from such lands;

(3) to foster the diligent development of mineral resources on public domain lands in a manner that is compatible with other resource values and environmental quality;

(4) to promote the restoration of mined areas left without adequate reclamation prior to the enactment of this Act and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent the beneficial use of land or water resources, and endanger the health and safety of the public;

(5) to assure that appropriate procedures are provided for public participation in the develop-

ment, revision and enforcement of regulations, standards and programs established under this Act; and

(6) to, whenever necessary, exercise the full reach of Federal constitutional powers to ensure the protection of the public interest through the effective control of mineral exploration and development activities.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. DEFINITIONS AND REFERENCES.

(a) **DEFINITIONS.**—As used in this Act:

(1) The term "affiliate" means with respect to any person, any of the following:

(A) Any person who controls, is controlled by, or is under common control with such person.

(B) Any partner of such person.

(C) Any person owning at least 10 percent of the voting shares of such person.

(2) The term "applicant" means any person applying for a permit under this Act or a modification to or a renewal of a permit under this Act.

(3) The term "beneficiation" means the crushing and grinding of locatable mineral ore and such processes as are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

(4) The term "claim holder" means a person holding a mining claim located or converted under this Act. Such term may include an agent of a claim holder.

(5) The term "control" means having the ability, directly or indirectly, to determine (without regard to whether exercised through one or more corporate structures) the manner in which an entity conducts mineral activities, through any means, including without limitation, ownership interest, authority to commit the entity's real or financial assets, position as a director, officer, or partner of the entity, or contractual arrangement. The Secretary and the Secretary of Agriculture shall jointly promulgate such rules as may be necessary under this paragraph.

(6) The term "exploration" means those techniques employed to locate the presence of a locatable mineral deposit and to establish its nature, position, size, shape, grade and value not associated with mining, beneficiation, processing or marketing of minerals.

(7) The term "Indian lands" means lands held in trust for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation.

(8) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(9) The term "land use plans" means those plans required under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or the land management plans for National Forest System units required under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), whichever is applicable.

(10) The term "legal subdivisions" means an aliquot quarter section of land as established by the official records of the public land survey system, or a single lot as established by the official records of the public land survey system if the pertinent section is irregular and contains fractional lots, as the case may be.

(11)(A) The term "locatable mineral" means any mineral, the legal and beneficial title to which remains in the United States and which is not subject to disposition under any of the following:

(i) The Mineral Leasing Act (30 U.S.C. 181 and following).

(ii) The Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following).

(iii) The Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

(iv) The Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

(B) The term "locatable mineral" does not include any mineral held in trust by the United States for any Indian or Indian tribe, as defined in section 2 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101), or any mineral owned by any Indian or Indian tribe, as defined in that section, that is subject to a restriction against alienation imposed by the United States.

(12) The term "mineral activities" means any activity for, related to, or incidental to, mineral exploration, mining, beneficiation, processing, or reclamation activities for any locatable mineral.

(13) The term "mining" means the processes employed for the extraction of a locatable mineral from the earth.

(14) The term "mining claim" means a claim for the purposes of mineral activities.

(15) The term "National Conservation System unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or a National Conservation Area, National Recreation Area, a National Forest Monument or any unit of the National Wilderness Preservation System.

(16) The term "operator" means any person, conducting mineral activities subject to this Act or any agent of such a person.

(17) The term "person" means an individual, Indian tribe, partnership, association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other organization and any instrumentality of State or local government including any publicly owned utility or publicly owned corporation of State or local government.

(18) The term "processing" means processes downstream of beneficiation employed to prepare locatable mineral ore into the final marketable product, including but not limited to, smelting and electrolytic refining.

(19) The term "Secretary" means the Secretary of the Interior, unless otherwise specified.

(20) The term "surface management requirements" means the requirements and standards of title II, and such other standards as are established by the Secretary governing mineral activities pursuant to this Act.

(b) REFERENCES.—(1) Any reference in this Act to the term "general mining laws" is a reference to those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.

(2) Any reference in this Act to the "Act of July 23, 1955", is a reference to the Act of July 23, 1955, entitled "An Act to amend the Act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, and for other purposes" (30 U.S.C. 601 and following).

AMENDMENTS EN BLOC OFFERED BY MR.

LEHMAN

Mr. LEHMAN, Madam Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. LEHMAN: In section 3(a)(12), after "means any activity" insert "on Federal lands".

At the end of section 202, insert

(c) WAIVER OF THE SOVEREIGN IMMUNITY OF INDIAN TRIBES.—The Secretary is authorized to require Indian tribes to waive sovereign immunity as a condition of obtaining a permit under this Act.

In section 203(b)(2)(B), strike "air or water quality law or and regulation" and insert "air, water quality, or fish and wildlife conservation law or regulation".

In section 203(b)(2)(B), section 204(b)(2)(B), section 205(a)(2), and section 208(b), strike "solid waste" and insert "toxic substance, solid waste".

In section 203(b)(6), strike "may be".

In section 203(c)(1), insert after "land" ", including the fish and wildlife resources and habitat contained thereon,".

In section 203(c)(5), after "land" insert ", including the fish and wildlife resources and habitat contained thereon,".

In section 204(b)(2)(B), strike "air or water quality law or and regulation" and insert "air, water quality, or fish and wildlife conservation law or regulation".

In section 204(b)(11), strike "air and soils" and insert "air, soils, and fish and wildlife resources".

In section 204(b)(14), strike "may be".

In section 204(c)(1), after "land" insert ", including the fish and wildlife resources and habitat contained thereon,".

In section 204(c)(5), after "land" insert ", including the fish and wildlife resources and habitat contained thereon,".

In section 204(d)(1)(C), after "of the land" insert ", including the fish and wildlife resources and habitat contained thereon,".

In section 204(d)(2), insert before "and" "or other interested parties".

In section 204(d), after paragraph (2), insert the following:

(3) With respect to any activities specified in the reclamation plan referred to in subsection (b) which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the Secretary shall consult with the Administrator of the Environmental Protection Agency prior to the issuance of an operating permit. To the extent practicable, the Administrator shall ensure that the reclamation plan does not require activities which would increase the costs or likelihood of removal or remedial actions under Comprehensive Environmental Response, Compensation and Liability Act of 1980 or corrective actions under the Solid Waste Disposal Act.

In section 205(a)(2), strike "or water quality" and insert "water quality, or fish and wildlife conservation".

In section 206(e), after "such Secretary may" insert ", after consultation with the Administrator of the Environmental Protection Agency,".

In section 207(a)(1)(A), strike "the uses to" and insert "the uses, including fish and wildlife habitat uses,".

In section 207(a)(2), at the end insert "To the extent practicable, reclamation shall be conducted in a manner that does not increase the costs or likelihood of a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or a corrective action under the Solid Waste Disposal Act."

In section 207(b)(2), strike "and minimize attendant air and water pollution" and insert "and otherwise comply with toxic sub-

stance, solid waste, air and water pollution control laws and other environmental laws".

In section 207(b)(5), strike "Except as provided in paragraph (7), the" and insert "The", strike "revegetated and", and strike "to the extent practicable to blend with the surrounding" and insert "to its natural".

In section 207(b)(6), strike "if such introduction of" in the first sentence down through the period at the end of such sentence and insert the following: "in consultation with the Director, Fish and Wildlife Service, if such introduction of such species is necessary as an interim step in, and is part of a program to restore a native plant community."

In section 208(f), strike "The requirements" and insert "Subject to section 414(b), the requirements"

In section 302(b)(3), strike "and" and insert a comma and after "water" insert "and fish and wildlife".

At the end of section 302, insert the following:

(e) RESPONSE OR REMOVAL ACTIONS.—Reclamation and restoration activities under this title which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, shall be conducted with the concurrence of the Administrator of the Environmental Protection Agency. The Secretary and the Administrator shall enter into a Memorandum of Understanding to establish procedures for consultation, concurrence, training, exchange of technical expertise and joint activities under the appropriate circumstances, which provide assurances that reclamation or restoration activities under this title, to the extent practicable, shall not be conducted in a manner that increases the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and which avoid oversight by multiple agencies to the maximum extent practicable."

In the third sentence of section 404(a)(3), after "imminent" insert "threat to the environment or".

In section 405, at the end of subsection (f) add the following sentence: "Nothing in this Act shall be construed to be a waiver of the sovereign immunity of an Indian tribe except as provided for in section 202(c)."

In section 407(a)(B), strike "air or water" and insert "air, water, fish or wildlife".

In section 414, after the period at the end of subsection (a) insert "Nothing in this Act shall affect or limit any assessment, investigation, evaluation or listing pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or the Solid Waste Disposal Act".

In section 414(b), after the first sentence insert "Nothing in this Act shall be construed as altering, affecting, amending, modifying, or changing, directly or indirectly, any law which refers to and provides authorities or responsibilities for, or is administered by, the Environmental Protection Agency or the Administrator of the Environmental Protection Agency, including the Federal Water Pollution Control Act, title XIV of the Public Health Service Act (the Safe Drinking Water Act), the Clean Air Act, the Pollution Prevention Act of 1990, the Toxic Substances Control Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Federal Food, Drug, and Cosmetic Act, the Motor Vehicle Information and Cost Savings Act, the Federal Hazardous Substances Act, the Atomic Energy Act, the Noise Control Act of 1972, the Solid Waste

Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, the Ocean Dumping Act, the Environmental Research, Development, and Demonstration Authorization Act, the Pollution Prosecution Act of 1990, and the Federal Facilities Compliance Act of 1992, or any statute containing amendment to any of such Acts."

The CHAIRMAN. Pursuant to the rule, the amendments may amend portions of the bill not yet read for amendment and are not subject to a demand for a division of the question.

The gentleman from California [Mr. LEHMAN] is recognized for 5 minutes in support of his amendments en bloc.

Mr. LEHMAN. Madam Chairman, this amendment would make a number of clarifying amendments to H.R. 322, as amended and reported by the Natural Resources Committee. This is the amendment referenced in the rule on H.R. 322.

This amendment reflects the concerns raised by the Energy and Commerce Committee, the Merchant Marine and Fisheries Committee, and the Agriculture Committee. I am extremely grateful to the chairmen—JOHN DINGELL, GERRY STUDDS, and KIKI DE LA GARZA—along with the members of these committees for agreeing to work with us in order that we bring H.R. 322 to the floor this year.

As is reflected in the report accompanying H.R. 322, as amended, the Committee on Natural Resources recognizes the jurisdictional claims of these committees. We are, therefore, most appreciate for the cooperative spirit in which the committee amendment was developed.

Specifically, this amendment clarifies that mineral activities would be regulated only on Federal lands.

It would also ensure that the Administrator of the Environmental Protection Agency be consulted prior to the issuance of an exploration or operations permit.

It would clarify that the introduction of nonnative species during revegetation, would be permissible only in certain situations and only during the initial of reclamation.

The amendment would clarify the need to protect fish and wildlife resources during mining and reclamation.

The amendment would extend the permit block sanction to violations of toxic waste laws.

Finally, the amendment clarifies the saving clause to clarify that certain environmental laws would not be affected by the provisions of H.R. 322, as amended.

I urge the adoption of this amendment.

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Mr. HANSEN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I wonder if the gentleman from California [Mr. LEHMAN] would enter into a colloquy or respond to some questions we have regarding this en bloc amendment.

Madam Chairman, as we turn to page 66, as I understand it, line 10, strike "revegetated and"; page 66, strike "to the extent practicable to blend with the surrounding" and insert "to natural."

So as I read it, "except as provided in paragraph 7, the surface area distributed by mineral activity shall be," and taking out "revegetated and", "shaped, graded and contoured", take out "to the extent practicable to blend with the surrounding", "to its natural topography."

Then the next section talks about backfilling. I think there is a concern from some of us from the West as we look at areas like Anaconda, we look at Dodge Phelps, we look at Kennecott, if we tried to backfill those and if it was interpreted to be that way, that we would take this first section and have it stand by itself, and if I was somebody that was going to file a lawsuit against them, I would probably want it to stand by itself in that regard, and the rest of the lines there I do feel answer it.

Madam Chairman, I would ask the gentleman from California [Mr. LEHMAN], does he feel in regard to that that someone could argue the case that they are talking about backfilling, and if we had to backfill some of those huge mines in the West, does the gentleman know how long it would take to do Kennecott? It would take 100 years. That would be 50 million pounds of dirt or tons of dirt a day, and it would cost \$7 billion. Anaconda would be the same way.

Madam Chairman, I turn to the gentleman from California for some clarification, which I would appreciate. If that is the intent of that, I think this whole amendment would be very bad.

Mr. LEHMAN. Will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from California.

Mr. LEHMAN. Madam Chairman, I thank the gentleman for his question. That is absolutely not the intent of the amendment or the legislation. I think the operative language is there on page 66, line 12: "Backfilling of an open pit mine shall be required only" if the Secretary finds that such pit or partially backfilled area, or contour, would pose a significant threat to public health or safety, and have an adverse effect, but the gentleman's hypothetical description is certainly not the intent of the law.

Mr. HANSEN. And I would ask the gentleman further, Madam Chairman, to understand that completely, it is not the intent of the legislation that the open pit mines of the West are ever to be backfilled, but possibly in the

event they are stopped, that they could be contoured somewhat, as the language says on page 66, is that correct? It is further on down than where the gentleman is reading.

Mr. LEHMAN. If the gentleman will yield further, it could be required on a new pit.

Mr. HANSEN. In the event there was a safety or public health problem, would that be a correct statement?

Mr. LEHMAN. If the gentleman will yield, that is correct.

Mr. HANSEN. But it is not the intent of the legislation that most of these would have to be backfilled, so we can rest assured, in the language of what the gentleman just said in his en bloc, that we are safe in those large mines, am I correct on that?

Mr. LEHMAN. If the gentleman will yield further, that is correct.

Mr. HANSEN. I thank the gentleman for those comments.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from California [Mr. LEHMAN].

The amendments en bloc were agreed to.

The CHAIRMAN. Are there other amendments to section 3?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

SEC. 101. LANDS OPEN TO LOCATION.

(a) LANDS OPEN TO LOCATION.—Except as provided in subsection (b), mining claims may be located under this Act on lands and interests in lands owned by the United States if—

(1) such lands and interests were open to the location of mining claims under the general mining laws on the date of enactment of this Act; or

(2) such lands and interests are opened to the location of mining claims after the date of enactment of this Act by reason of any administrative action or statute.

(b) LANDS NOT OPEN TO LOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to valid existing rights, each of the following shall not be open to the location of mining claims under this Act on or after the date of enactment of this Act:

(A) Lands recommended for wilderness designation by the agency managing the surface, pending a final determination by the Congress of the status of such recommended lands.

(B) Lands being managed by the Secretary, acting through Bureau of Land Management, as wilderness study areas on the date of enactment of this Act except where the location of mining claims is specifically allowed to continue by the statute designating the study area, pending a final determination by the Congress of the status of such lands.

(C)(i) Lands under study for inclusion in the National Wild and Scenic River System pursuant to section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)), pending a final determination by the Congress of the status of such lands, and (ii) lands determined by a Federal agency under section 5(d) of such Act to be eligible for inclusion in such system, pending a final determination by the Congress of the status of such lands.

(D) Lands withdrawn from mineral activities under authority of other law.

(2) DEFINITION.—(A) As used in this subsection, the term "valid existing rights" refers to a mining claim located on lands described in paragraph (1) of subsection (a) that—

(i) was properly located and maintained under this Act prior to and on the applicable date, or

(ii) was properly located and maintained under the general mining laws prior to the applicable date, and

(I) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the applicable date, and

(II) continues to be valid under this Act.

(B) As used in this paragraph, the term "applicable date" means one of the following:

(i) In the case of lands described in paragraph (1)(A), such term means the date of the recommendation referred to in paragraph (1)(A) if such recommendation is made on or after the enactment of this Act.

(ii) In the case of lands described in paragraph (1)(A), if the recommendation referred to in paragraph (1)(A) was made before the enactment of this Act, such term means the earlier of (I) the date of enactment of this Act or (II) the date of any withdrawal of such lands from mineral activities.

(iii) For lands described in paragraph (1)(B), such term means the date of the enactment of this Act.

(iv) For lands referred to in paragraph (1)(C)(i), such term means the date of the enactment of the amendment to the Wild and Scenic Rivers Act listing the river segment for study and for lands referred to in paragraph (1)(C)(ii), such term means the date of the eligibility determination.

(v) For lands referred to in paragraph (1)(D), such term means the date of the withdrawal.

SEC. 102. RIGHTS UNDER THIS ACT.

The holder of a mining claim located or converted under this Act and maintained in compliance with this Act shall have the exclusive right of possession and use of the claimed land for mineral activities, including the right of ingress and egress to such claimed lands for such activities, subject to the rights of the United States under this Act and other applicable Federal law. Such rights of the claim holder shall terminate upon completion of mineral activities of lands to the satisfaction of the Secretary. In cases where an area is determined unsuitable under section 209, holders of claims converted or located under this Act shall be entitled to receive a refund of claim maintenance fees.

SEC. 103. LOCATION OF MINING CLAIMS.

(a) GENERAL RULE.—A person may locate a mining claim covering lands open to the location of mining claims by posting a notice of location, containing the person's name and address, the time of location (which shall be the date and hour of location and posting), and a legal description of the claim. The notice of location shall be posted on a suitable, durable monument erected as near as practicable to the northeast corner of the mining claim. No person who is not a citizen of the United States, or a corporation organized under the laws of the United States or of any State or the District of Columbia may locate or hold a claim under this Act. On or after the enactment of this Act, a mining claim for a locatable mineral on lands open to location—

(1) may be located only in accordance with this Act,

(2) may be maintained only as provided in this Act, and

(3) shall be subject to the requirements of this Act.

(b) USE OF PUBLIC LAND SURVEY.—Except as provided in subsection (c), each mining claim located under this Act shall (1) be located in accordance with the public land survey system, and (2) conform to the legal subdivisions thereof. Except as provided in subsection (c)(1), the legal description of the mining claim shall be based on the public land survey system and its legal subdivisions.

(c) EXCEPTIONS.—(1) If only a protracted survey exists for the public lands concerned, each of the following shall apply in lieu of subsection (b):

(A) The legal description of the mining claim shall be based on the protracted survey and the mining claim shall be located as near as practicable in conformance with a protracted legal subdivision.

(B) The mining claim shall be monumented on the ground by the erection of a suitable, durable monument at each corner of the claim.

(C) The legal description of the mining claim shall include a reference to any existing survey monument, or where no such monument can be found within a reasonable distance, to a permanent and conspicuous natural object.

(2) If no survey exists for the public lands concerned, each of the following shall apply in lieu of subsection (b):

(A) The mining claim shall be a regular square, with each side laid out in cardinal directions, 40 acres in size.

(B) The claim shall be monumented on the ground by the erection of a suitable durable monument at each corner of the claim.

(C) The legal description of the mining claim shall be expressed in metes and bounds and shall be defined by and referenced to the closest existing survey monument, or where no such monument can be found within a reasonable distance, to a permanent and conspicuous natural object. Such description shall be of sufficient accuracy and completeness to permit recording of the claim upon the public land records and to permit the claim to be readily found upon the ground.

(3) In the case of a conflict between the boundaries of a mining claim as monumented on the ground and the description of such claim in the notice of location referred to in subsection (a), the notice of location shall be determinative, except where determined otherwise by the Secretary.

(d) FILING WITH SECRETARY.—(1) Within 30 days after the location of a mining claim pursuant to this section, a copy of the notice of location referred to in subsection (a) shall be filed with the Secretary in an office designated by the Secretary.

(2)(A) Whenever the Secretary receives a copy of a notice of location of a mining claim under this Act, the Secretary shall assign a serial number to the mining claim, and immediately return a copy of the notice of location to the locator of the claim, together with a certificate setting forth the serial number, a description of the claim, and the claim maintenance requirements of section 105. The Secretary shall enter the claim on the public land records.

(B) Return of the copy of the notice of location and provision of the certificate under subparagraph (A) shall not constitute a determination by the Secretary that a claim is valid. Failure by the Secretary to provide such copy and certificate shall not constitute a defense against cancellation of a claim for failure to follow applicable requirements of this Act.

(3) Notwithstanding any other provision of law, for every unpatented mining claim located after the date of enactment of this Act, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay a location fee of \$25.00 per claim. The location fee shall be in addition to the claim maintenance fee payable under section 105.

(4) Subsections (b) and (c) of section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(b)) are repealed.

(e) CONVERTED CLAIMS.—For mining claims and mill sites deemed converted under this Act, for the purposes of complying with the requirements of subsection (d), upon receipt of the initial claim maintenance fee required under section 105, the Secretary shall issue a certificate referenced in subsection (d)(2) to the holder of the mining claim or mill site.

(f) DATE OF LOCATION.—A mining claim located under this Act shall be effective based upon the time of location.

(g) LANDS COVERED BY CLAIM.—A mining claim located or converted under this Act shall include all lands and interests in lands open to location within the boundaries of the claim, subject to any prior mining claim located or converted under this Act.

(h) CONFLICTING LOCATIONS.—Any conflicts between the holders of mining claims located or converted under this Act relating to relative superiority under the provisions of this Act may be resolved in adjudication proceedings in a court with proper jurisdiction, including, as appropriate, State courts. It shall be incumbent upon the holder of a mining claim asserting superior rights in such proceedings to demonstrate that such person was the senior locator, or if such person is the junior locator, that prior to the location of the claim by such locator—

(1) the senior locator failed to file a copy of the notice of location within the time provided under subsection (d); or

(2) the amount of claim maintenance fee paid by the senior locator at the time of filing the location notice referred to in subsection (d) was less than the amount required to be paid by such locator.

(i) EXTENT OF MINERAL DEPOSIT.—The boundaries of a mining claim located under this Act shall extend vertically downward.

SEC. 104. CONVERSION OF EXISTING CLAIMS.

(a) EXISTING CLAIMS.—Notwithstanding any other provision of law, on the effective date of this Act any unpatented mining claim for a locatable mineral located under the general mining laws prior to the date of enactment of this Act shall become subject to this Act's provisions and shall be deemed a converted mining claim under this Act. Nothing in this Act shall be construed to affect extralateral rights in any valid lode mining claim existing on the date of enactment of this Act. After the effective date of this Act, there shall be no distinction made as to whether such claim was originally located as a lode or placer claim.

(b) MILL AND TUNNEL SITES.—On the effective date of this Act, any unpatented mill or tunnel site located under the general mining laws before the date of enactment of this Act shall become subject to this Act's provisions and shall be deemed a converted mining claim under this Act.

(c) POSTCONVERSION.—Any unpatented mining claim or mill site located under the general mining laws shall be deemed to be a prior claim for the purposes of section 103(g) when converted pursuant to subsection (a) or (b).

(d) DISPOSITION OF LAND.—In the event a mining claim is located under this Act for lands encumbered by a prior mining claim or mill site located under the general mining laws, such lands shall become part of the claim located under this Act if the claim or mill site located under the general mining laws is declared null and void under this section or is otherwise declared null and void thereafter.

(e) CONFLICTS.—(1) Any conflicts in existence before the effective date of this Act between holders of mining claims, mill sites and tunnel sites located under the general mining laws shall be subject to, and shall be resolved in accordance with, applicable laws governing such

conflicts in effect before the effective date of enactment of this Act in a court of proper jurisdiction.

(2) Any conflicts not relating to matters provided for under section 103(h) between the holders of a mining claim located under this Act and a mining claim, mill, or tunnel site located under the general mining laws arising either before or after the conversion of any such claim or site under this section shall be resolved in a court with proper jurisdiction.

SEC. 105. CLAIM MAINTENANCE REQUIREMENTS.

(a) **IN GENERAL.**—(1) The holder of each mining claim converted pursuant to this Act shall pay to the Secretary an annual claim maintenance fee of \$100 per claim.

(2) The holder of each mining claim located pursuant to this Act shall pay to the Secretary an annual claim maintenance fee of \$200 per claim.

(b) **TIME OF PAYMENT.**—The claim maintenance fee payable pursuant to subsection (a) for any year shall be paid on or before August 31 of each year, except that in the case of claims referred to in subsection (a)(2), for the initial calendar year in which the location is made, the locator shall pay the initial claim maintenance fee at the time the location notice is recorded with the Bureau of Land Management.

(c) **OIL SHALE CLAIMS SUBJECT TO CLAIM MAINTENANCE FEES UNDER ENERGY POLICY ACT OF 1992.**—This section shall not apply to any oil shale claims for which a fee is required to be paid under section 2511(e)(2) of the Energy Policy Act of 1992 (Public Law 102-486; 106 Stat. 3111; 30 U.S.C. 242).

(d) **CLAIM MAINTENANCE FEES PAYABLE UNDER 1993 ACT.**—The claim maintenance fees payable under this section for any period with respect to any claim shall be reduced by the amount of the claim maintenance fees paid under section 10101 of the Omnibus Budget Reconciliation Act of 1993 with respect to that claim and with respect to the same period.

(e) **WAIVER.**—(1) The claim maintenance fee required under this section may be waived for a claim holder who certifies in writing to the Secretary that on the date the payment was due, the claim holder and all related parties held not more than 10 mining claims on lands open to location. Such certification shall be made on or before the date on which payment is due.

(2) For purposes of paragraph (1), with respect to any claim holder, the term "related party" means each of the following:

(A) The spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claim holder.

(B) Any affiliate of the claim holder.

(f) **CO-OWNERSHIP.**—Upon the failure of any one or more of several co-owners to contribute such co-owner or owners' portion of the fee under this section, any co-owner who has paid such fee may, after the payment due date, give the delinquent co-owner or owners notice of such failure in writing (or by publication in the newspaper nearest the claim for at least once a week for at least 90 days). If at the expiration of 90 days after such notice in writing or by publication, any delinquent co-owner fails or refuses to contribute his portion, his interest in the claim shall become the property of the co-owners who have paid the required fee.

(g) **FUND.**—All monies received under this section shall be deposited in the Abandoned Locatable Minerals Mine Reclamation Fund established under title III of this Act.

(h) **CREDIT AGAINST ROYALTY.**—The amount of the annual claim maintenance fee required to be paid under this section for any claim for any period shall be credited against the amount of royalty required to be paid under section 306 for the same period with respect to that claim.

SEC. 106. FAILURE TO COMPLY.

(a) **FORFEITURE.**—The failure of the claim holder to file the notice of location, to pay the location fee, or to pay the claim maintenance fee for a mining claim as required by this title shall be deemed conclusively to constitute forfeiture of the mining claim by operation of law. Forfeiture shall not relieve any person of any obligation created under this Act, including reclamation.

(b) **PROHIBITION.**—No claim holder may locate a new claim on the lands such claim holder included in a forfeited claim for 1 year from the date such claim is deemed forfeited.

(c) **RELINQUISHMENT.**—A claim holder deciding not to pursue mineral activities on a claim may relinquish such claim by notifying the Secretary. A claim holder relinquishing a claim is responsible for reclamation as required by section 207 of this Act and all other applicable requirements. A claim holder who relinquishes a claim shall not be subject to the prohibition of subsection (b) of this section unless the Secretary determines that the claim is being relinquished and relocated for the purpose of avoiding compliance with any provision of this Act, including payment of the claim maintenance fee.

SEC. 107. BASIS FOR CONTEST.

(a) **DISCOVERY.**—(1) After the effective date of this Act, a mining claim may not be contested or challenged on the basis of discovery under the general mining laws, except as follows:

(A) Any claim located before the effective date of this Act may be contested by the United States on the basis of discovery under the general mining laws as in effect prior to the effective date of this Act if such claim is located within any National Conservation System unit, or within any area referred to in section 101(b).

(B) Any mining claim located before the effective date of this Act may be contested by the United States on the basis of discovery under the general mining laws as in effect prior to the effective date of this Act if such claim was located for a mineral material that purportedly has a property giving it distinct and special value within the meaning of section 3(a) of the Act of July 23, 1955 (as in effect prior to the date of enactment of this Act), or if such claim was located for a mineral that was not locatable under the general mining laws before the effective date of this Act.

(2) The Secretary may initiate contest proceedings against those mining claims referred to in paragraph (1) at any time, except that nothing in this subsection may be construed as requiring the Secretary to inquire into, or contest, the validity of a mining claim for the purpose of the conversion referred to in section 104, except as provided in section 412.

(3) Nothing in this subsection may be construed as limiting any contest proceedings initiated by the United States on issues other than discovery, or any contest proceedings filed before the effective date of this Act.

(4) Any contest proceeding initiated pursuant to paragraph (1) shall determine whether the mining claim or claims subject to such proceeding supported a discovery of a valuable mineral deposit within the meaning of the general mining laws on the effective date of this Act.

(b) **CONTINUED SUFFICIENCY OF MINING CLAIM.**—(1) At any time, upon request of the Secretary, the claim holder shall demonstrate that the continued retention of a mining claim located or converted under this Act is exclusively related to mineral activities at the site.

(2) Where the Secretary requests demonstration of the continuing sufficiency of any mining claim under this section, the claim holder shall have the burden of showing each of the following:

(A) The lands or interests in lands included in the mining claim are not used predominantly for

recreational, residential or other purposes rather than for mineral activities and are being held in good faith for the ultimate exploration for, development of, or production of locatable minerals, as demonstrated by the claimholder or his or her assigns through showings satisfactory to the Secretary.

(B) The claim holder or operator does not restrict access to the lands or interests in lands included in the mining claim in a manner that is not required for mineral activities.

(C) The mineral being or to be mined on the mining claim is a locatable mineral (unless such lands are used for beneficiation or processing).

(D) The claim holder or operator has not constructed, improved, maintained or used a structure located on a mining claim in a manner not specifically authorized by the Secretary in accordance with this Act.

(3) Any mining claim for which the claim holder fails to demonstrate continued sufficiency, in the determination of the Secretary, pursuant to subsection (b) of this section, shall thereupon be deemed forfeited and be declared null and void.

(c) **REMEDIES.**—(1) The Secretary may assess a civil penalty of not more than \$5,000 per claim against the claimholder upon declaring a mining claim null and void pursuant to subsection (b) of this section.

(2) Upon declaring a mining claim null and void pursuant to subsection (b), the Secretary shall provide a reasonable opportunity for the mining claim holder or operator to remove any real or personal property which such person had previously placed upon the claim. If the property is not removed within the time provided, the Secretary may retain the property or provide for its disposition or destruction.

(d) **OTHER LAW.**—The Secretary shall take such actions as may be necessary to ensure the compliance by claim holders with section 4 of the Act of July 23, 1955 (30 U.S.C. 612), consistent with this section.

The CHAIRMAN. Are there amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

SEC. 201. SURFACE MANAGEMENT STANDARD.

Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this title and other applicable law, the Secretary, and for National Forest System lands the Secretary of Agriculture, shall require that mineral activities on Federal lands conducted by any person minimize adverse impacts to the environment.

SEC. 202. PERMITS.

(a) **PERMITS REQUIRED.**—No person may engage in mineral activities on Federal lands that may cause a disturbance of surface resources, including but not limited to, land, air, ground water and surface water, fish, wildlife, and biota unless—

(1) the claim was properly located or converted under this Act and properly maintained; and

(2) a permit was issued to such person under this title authorizing such activities.

(b) **NEGLECTIBLE DISTURBANCE.**—Notwithstanding subsection (a)(2), a permit under this title shall not be required for mineral activities related to exploration, or gathering of data, required to comply with section 203 or 204 that cause a negligible disturbance of surface resources and do not involve any of the following:

(1) The use of mechanized earth moving equipment, suction dredging, explosives.

(2) The use of motor vehicles in areas closed to off-road vehicles.

(3) The construction of roads, drill pads, or the use of toxic or hazardous materials.

Persons engaging in such activities shall provide prior written notice. The Secretary and the Secretary of Agriculture may provide, by joint regulations the manner in which such notice shall be provided.

SEC. 203. EXPLORATION PERMITS.

(a) **AUTHORIZED EXPLORATION ACTIVITY.**—Any claim holder may apply for an exploration permit for any mining claim authorizing the claim holder to remove a reasonable amount of the locatable minerals from the claim for analysis, study and testing. Such permit shall not authorize the claim holder to remove any mineral for sale nor to conduct any activities other than those required for exploration for locatable minerals and reclamation.

(b) **PERMIT APPLICATION REQUIREMENTS.**—An application for an exploration permit under this section shall be submitted in a manner satisfactory to the Secretary or, for National Forest System lands, the Secretary of Agriculture, and shall contain an exploration plan, a reclamation plan for the proposed exploration, such documentation as necessary to ensure compliance with applicable Federal and State environmental laws and regulations, and each of the following:

(1) The name, mailing address, and social security number or tax identification number, as applicable, of each of the following:

(A) The applicant for the permit and any agent of the applicant.

(B) The operator (if different than the applicant) of the claim concerned.

(C) Each claim holder (if different than the applicant) of the claim concerned.

(2) A statement of whether any person referred to in subparagraphs (A) through (C) of paragraph (1) is currently in violation of, or was, during the 3-year period preceding the date of the application, found to be in violation of, any of the following and, if so, a brief explanation of the facts involved, including identification of the site and nature of the violation:

(A) Any provision of this Act or any regulation under this Act.

(B) Any applicable solid waste, air or water quality law or regulation at any site where mining, beneficiation, or processing activities are occurring or have occurred.

(C) The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) or any regulation under that Act at any site where surface coal mining operations have occurred or are occurring.

(3) A description of the type and method of exploration activities proposed, the engineering techniques proposed to be used and the equipment proposed to be used.

(4) The anticipated starting and termination dates of each phase of the exploration activities proposed, including any planned temporary cessation of exploration.

(5) A map, to an appropriate scale, clearly showing the land to be affected by the proposed exploration.

(6) Information determined necessary by the Secretary concerned to assess the cumulative impacts, as may be required to comply with the National Environmental Policy Act.

(7) Evidence of appropriate financial assurance as specified in section 206.

(c) **RECLAMATION PLAN REQUIREMENTS.**—The reclamation plan required to be included in a permit application under subsection (b) shall include such provisions as may be jointly prescribed by the Secretary and the Secretary of Agriculture and each of the following:

(1) A description of the condition of the land subject to the permit prior to the commencement of any exploration activities.

(2) A description of reclamation measures proposed pursuant to the requirements of section 207.

(3) The engineering techniques to be used in reclamation and the equipment proposed to be used.

(4) The anticipated starting and termination dates of each phase of the reclamation proposed.

(5) A description of the proposed condition of the land following the completion of reclamation.

(d) **PERMIT ISSUANCE OR DENIAL.**—The Secretary, or for National Forest System lands, the Secretary of Agriculture, shall issue an exploration permit pursuant to an application under this section if such Secretary makes each of the following determinations, and such Secretary shall deny a permit which he or she finds does not fully meet the requirements of this subsection:

(1) The permit application, the exploration plan and reclamation plan are complete and accurate.

(2) The applicant has demonstrated that proposed reclamation can be accomplished.

(3) The proposed exploration activities and condition of the land after the completion of exploration activities and final reclamation would conform with the land use plan applicable to the area subject to mineral activities.

(4) The area subject to the proposed permit is not included within an area designated unsuitable under section 209 or not open to location under section 101(b) for the types of exploration activities proposed.

(5) The applicant has demonstrated that the exploration plan and reclamation plan will be in compliance with the requirements of this Act and all other applicable Federal requirements, and any State requirements agreed to by the Secretary of the Interior (or Secretary of Agriculture, as appropriate) pursuant to a cooperative agreement under section 208.

(6) The applicant has fully complied with the requirements of section 206 (relating to financial assurance).

(e) **TERM OF PERMIT.**—An exploration permit shall be for a stated term. The term shall be no greater than that necessary to accomplish the proposed exploration, and in no case for more than 5 years.

(f) **PERMIT MODIFICATION.**—During the term of an exploration permit the permit holder may submit an application to modify the permit. To approve a proposed modification to the permit, the Secretary concerned shall make the same determinations as are required in the case of an original permit, except that the Secretary and the Secretary of Agriculture may specify by joint rule the extent to which requirements for initial exploration permits under this section shall apply to applications to modify an exploration permit based on whether such modifications are deemed significant or minor.

(g) **FEES.**—Each application for a permit pursuant to this section shall be accompanied by a fee payable to the Secretary of the Interior in such amount as may be established by the Secretary of the Interior. Such amount shall be equal to the actual or anticipated cost to the Secretary or the Secretary of Agriculture, as the case may be, of reviewing, administering, and enforcing such permit, as determined by such Secretary. All moneys received under this subsection shall be deposited in the Abandoned Locatable Minerals Mine Reclamation Fund established under title III of this Act.

(h) **TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.**—(1) No transfer, assignment, or sale of rights granted by a permit issued under this section shall be made without the prior written approval of the Secretary or for National Forest System lands, the Secretary of Agriculture.

(2) Such Secretary may allow a person holding a permit to transfer, assign, or sell rights under the permit to a successor, if the Secretary finds, in writing, that the successor—

(A) is eligible to receive a permit in accordance with section 205;

(B) has submitted evidence of financial assurance satisfactory under section 206; and

(C) meets any other requirements specified by the Secretary.

(3) The successor in interest shall assume the liability and reclamation responsibilities established by the existing permit and shall conduct the mineral activities in full compliance with this Act, and the terms and conditions of the permit as in effect at the time of transfer, assignment, or sale.

(4) Each application for approval of a permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary of the Interior in such amount as may be established by such Secretary. Such amount shall be equal to the actual or anticipated cost to the Secretary or the Secretary of Agriculture, as appropriate, of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by the Secretary of the Interior. All moneys received under this subsection shall be deposited in the Abandoned Locatable Minerals Mine Reclamation Fund established under title III of this Act.

SEC. 204. OPERATIONS PERMIT.

(a) **OPERATIONS PERMIT.**—Any claim holder may apply to the Secretary, or for National Forest System lands, the Secretary of Agriculture, for an operations permit authorizing the claim holder to carry out mineral activities on Federal lands. The permit shall include such terms and conditions as prescribed by such Secretary to carry out this title.

(b) **PERMIT APPLICATION REQUIREMENTS.**—An application for an operations permit under this section shall be submitted in a manner satisfactory to the Secretary concerned and shall contain an operations plan, a reclamation plan, such documentation as necessary to ensure compliance with applicable Federal and State environmental laws and regulations, and each of the following:

(1) The name, mailing address, and social security number or tax identification number, as applicable, of each of the following:

(A) The applicant for the permit and any agent of the applicant.

(B) The operator (if different than the applicant) at the claim concerned.

(C) Each claim holder (if different than the applicant) of the claim concerned.

(D) Each affiliate and each officer or director of the applicant.

(2) A statement of whether a person referred to in subparagraphs (A) through (D) of paragraph (1) is currently in violation of, or was, during the 3-year period preceding the date of application, found to be in violation of, any of the following and if so, a brief explanation of the facts involved, including identification of the site and the nature of the violation:

(A) Any provision of this Act or any regulation under this Act.

(B) Any applicable solid waste, air or water quality law or regulation at any site where mining, beneficiation, or processing activities are occurring or have occurred.

(C) The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) or any regulation under that Act at any site where surface coal mining operations have occurred or are occurring.

(3) A statement of any current or previous permits or plans of operations issued under the Surface Mining Control and Reclamation Act or the Federal Land Policy and Management Act.

(4) A description of the type and method of mineral activities proposed, the engineering techniques proposed to be used and the equipment proposed to be used.

(5) The anticipated starting and termination dates of each phase of the mineral activities proposed, including any planned temporary cessation of operations.

(6) Maps, to an appropriate scale, clearly showing the lands, watersheds, and surface waters, to be affected by the proposed mineral activities; surface and mineral ownership; facilities, including roads and other man-made structures; proposed disturbances; soils and vegetation; topography; and water supply intakes and surface water bodies.

(7) A description of the biological resources in or associated with the area subject to mineral activities, including vegetation, fish and wildlife, riparian and wetland habitats.

(8) A description of measures planned to exclude fish and wildlife resources from the area subject to mineral activities by covering, containment, or fencing of open waters, beneficiation, and processing materials; or maintenance of all facilities in a condition that is not harmful to fish and wildlife.

(9) A description of the quantity and quality of surface and ground water resources in or associated with the area subject to mineral activities, based on pre-disturbance monitoring sufficient to establish seasonal variations.

(10) An analysis of the probable hydrologic consequences of the mineral activities, both on and off the area subject to mineral activities, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the Secretary concerned of the probable cumulative impacts of the anticipated mineral activities in the area upon the hydrology of the area and particularly upon water availability.

(11) A description of the monitoring systems to be used to detect and determine whether compliance has and is occurring consistent with the surface management requirements and to monitor the effects of mineral activities on the site and surrounding environment, including but not limited to, ground water, surface water, air and soils.

(12) Accident contingency plans that include, but are not limited to, immediate response strategies and corrective measures to mitigate environmental impacts and appropriate insurance to cover accident contingencies.

(13) Any measures to comply with any conditions on mineral activities that may be required in the applicable land use plan or any condition stipulated pursuant to section 209.

(14) Information determined necessary by the Secretary concerned to assess the cumulative impacts of mineral activities, as may be required to comply with the National Environmental Policy Act.

(15) Such other environmental baseline data as the Secretaries, by joint regulation, shall require sufficient to validate the determinations required for issuance of a permit under this Act.

(16) Evidence of appropriate financial assurance as specified in section 206.

(17) A description of the site security provisions designed to protect from theft the locatable minerals, concentrates or products derived therefrom which will be produced or stored on a mining claim.

(18) A full characterization of soils and geology in the area to be affected by mineral activities.

(19) A copy of the applicant's advertisement to be published as required by section 403 (relating to public participation).

(c) RECLAMATION PLAN APPLICATION REQUIREMENTS.—The reclamation plan referred to in subsection (b) shall include such reclamation

measures as prescribed by the Secretary, or for National Forest System lands the Secretary of Agriculture, and each of the following:

(1) A description of the condition of the land subject to the permit prior to the commencement of any mineral activities.

(2) A description of reclamation measures proposed pursuant to the requirements of section 207.

(3) The engineering techniques to be used in reclamation and the equipment proposed to be used.

(4) The anticipated starting and termination dates of each phase of the reclamation proposed.

(5) A description of the proposed condition of the land following the completion of reclamation.

(6) A description of the maintenance measures that will be necessary to meet the surface management requirements of this Act, such as, but not limited to, drainage water treatment facilities, or liner maintenance and control.

(7) The consideration which has been given to making the condition of the land after the completion of mineral activities and final reclamation consistent with the applicable land use plan.

(d) PERMIT ISSUANCE OR DENIAL.—(1) After providing notice and opportunity for public comment and hearing, the Secretary, or for National Forest System lands the Secretary of Agriculture, shall issue an operations permit if such Secretary makes each of the following determinations in writing, and such Secretary shall deny a permit which he or she finds does not fully meet the requirements of this paragraph:

(A) The permit application, operations plan, and reclamation plan are complete and accurate.

(B) The applicant has demonstrated that the proposed reclamation in the reclamation plan can be accomplished.

(C) The proposed mineral activities and condition of the land after the completion of mineral activities and final reclamation conform to the land use plan applicable to the area subject to mineral activities.

(D) The area subject to the proposed plan is not included within an area designated unsuitable or not open to location for the types of mineral activities proposed.

(E) The applicant has demonstrated that the mineral activities will be in compliance with this Act and all other applicable Federal requirements, and any State requirements agreed to by the appropriate Secretary pursuant to cooperative agreements under section 208.

(F) The assessment of the probable cumulative impact of all anticipated mining in the area on the hydrologic balance specified in subsection (b)(10) has been made and the proposed operation has been designed to minimize disturbances to the prevailing hydrologic balance of the permit area.

(G) The applicant has fully complied with the requirements of section 206 (relating to financial assurance).

(2) Issuance of an operations permit under this section shall be based on information supplied by the applicant and the applicant shall have the burden of establishing that the application complies with paragraph (1).

(e) TERM OF PERMIT; RENEWAL.—(1) An operations permit shall be for a stated term. The term shall be no greater than that necessary to accomplish the proposed mineral activities subject to the permit, and in no case for more than 10 years, unless the applicant demonstrates to the satisfaction of the Secretary, or for National Forest System lands the Secretary of Agriculture, that a specified longer term is reasonably needed for such mineral activities.

(2) Failure by the operator to commence mineral activities within one year of the date sched-

uled in an operations permit shall require a modification of the permit unless the Secretary concerned determines that the delay was beyond the control of the applicant.

(3) An operations permit shall carry with it the right of successive renewal upon expiration only with respect to operations on areas within the boundaries of the existing permit as issued. A renewal of such permit shall not be issued if such Secretary determines, in writing, any of the following:

(A) The terms and conditions of the existing permit are not being met.

(B) The operator has not demonstrated that the financial assurance would continue to apply in full force and effect for the renewal term.

(C) Any additional revised or updated information required by the Secretary concerned has not been provided.

(D) The applicant has not demonstrated that the mineral activities will be in compliance with the requirements of all other applicable Federal requirements, and any State requirements agreed to by the Secretary concerned pursuant to cooperative agreements under section 208.

(4) A renewal of an operations permit shall be for a term of 10 years or for such additional term as the Secretary concerned deems appropriate. Application for renewal shall be made at least one year prior to the expiration of the existing permit. Where a renewal application has been timely submitted and a permit expires prior to Secretarial action on the renewal application, reclamation shall and other mineral activities may continue in accordance with the terms of the expired permit until the Secretary concerned makes a decision on the renewal application.

(f) PERMIT MODIFICATION.—(1) During the term of an operations permit the operator may submit an application to modify the permit (including the operations plan or reclamation plan, or both). To approve a proposed modification, the Secretary, or for National Forest System lands the Secretary of Agriculture, shall make the same determinations as are required in the case of an original operations permit, except that the Secretaries may establish joint rules regarding the extent to which requirements for original permits under this section shall apply to applications to modify a permit based on whether such modifications are deemed significant or minor. Such rules shall provide that all requirements applicable to a new permit shall apply to any extension of the area covered by the permit (except for incidental boundary revisions).

(2) The Secretary, or for National Forest System lands the Secretary of Agriculture, may, at any time, require reasonable modification to any operations plan or reclamation plan upon a determination that the requirements of this Act cannot be met if the plan is followed as approved. Such determination shall be based on a written finding and subject to notice and hearing requirements established by the Secretary concerned.

(g) TEMPORARY CESSATION OF OPERATIONS.—

(1) No operator conducting mineral activities under an operations permit in effect under this title may temporarily cease mineral activities for a period of 180 days or more under an operations permit unless the Secretary concerned has approved such temporary cessation or unless the temporary cessation is permitted under the original permit. Any operator temporarily ceasing mineral activities for a period of 180 days or more under an existing operations permit shall submit, before the expiration of such 180-day period, a complete application for temporary cessation of operations to the Secretary concerned for approval unless the temporary cessation is permitted under the original permit.

(2) An application for approval of temporary cessation of operations shall include such provisions as prescribed by the Secretary concerned,

including but not limited to the steps that shall be taken during the cessation of operations period to minimize impacts on the environment. After receipt of a complete application for temporary cessation of operations such Secretary shall conduct an inspection of the area for which temporary cessation of operations has been requested.

(3) To approve an application for temporary cessation of operations, the Secretary concerned shall make each of the following determinations:

(A) A determination that the methods for securing surface facilities and restricting access to the permit area, or relevant portions thereof, will effectively ensure against hazards to the health and safety of the public and fish and wildlife.

(B) A determination that reclamation is in compliance with the approved reclamation plan, except in those areas specifically designated in the application for temporary cessation of operations for which a delay in meeting such standards is necessary to facilitate the resumption of operations.

(C) A determination that the amount of financial assurance filed with the permit application is sufficient to assure completion of the reclamation activities identified in the approved reclamation plan in the event of forfeiture.

(D) A determination that any outstanding notices of violation and cessation orders incurred in connection with the plan for which temporary cessation is being requested are either stayed pursuant to an administrative or judicial appeal proceeding or are in the process of being abated to the satisfaction of the Secretary concerned.

(h) PERMIT REVIEWS.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall review each permit issued under this section every 3 years during the term of such permit and, based upon a written finding, such Secretary may require the operator to take such actions as the Secretary deems necessary to assure that mineral activities conform to the permit, including adjustment of financial assurance requirements.

(i) FEES.—Each application for a permit pursuant to this section shall be accompanied by a fee payable to the Secretary of the Interior in such amount as may be established by such Secretary. Such amount shall be equal to the actual or anticipated cost to the Secretary, or for National Forest System lands the Secretary of Agriculture, of reviewing, administering, and enforcing such permit, as determined by the Secretary of the Interior. All moneys received under this subsection shall be deposited in the Abandoned Locatable Minerals Mine Reclamation Fund established under title III of this Act.

(j) TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—(1) No transfer, assignment, or sale of rights granted by a permit under this section shall be made without the prior written approval of the Secretary, or for National Forest System lands the Secretary of Agriculture.

(2) The Secretary, or for National Forest System lands the Secretary of Agriculture, may allow a person holding a permit to transfer, assign, or sell rights under the permit to a successor, if such Secretary finds, in writing, that the successor—

(A) is eligible to receive a permit in accordance with section 205;

(B) has submitted evidence of financial assurance satisfactory under section 206; and

(C) meets any other requirements specified by such Secretary.

(3) The successor in interest shall assume the liability and reclamation responsibilities established by the existing permit and shall conduct the mineral activities in full compliance with this Act, and the terms and conditions of the permit as in effect at the time of transfer, assignment, or sale.

(4) Each application for approval of a permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary of the Interior in such amount as may be established by such Secretary. Such amount shall be equal to the actual or anticipated cost to the Secretary or the Secretary of Agriculture of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by the Secretary of the Interior. All moneys received under this subsection shall be deposited in the Abandoned Locatable Minerals Mine Reclamation Fund established under title III of this Act.

SEC. 205. PERSONS INELIGIBLE FOR PERMITS.

(a) CURRENT VIOLATIONS.—Unless corrective action has been taken in accordance with subsection (c), no permit under this title shall be issued or transferred to an applicant if the applicant or any agent of the applicant, the operator (if different than the applicant) of the claim concerned, any claim holder (if different than the applicant) of the claim concerned, or any affiliate or officer or director of the applicant is currently in violation of any of the following:

(1) A provision of this Act or any regulation under this Act.

(2) An applicable solid waste, air, or water quality law or regulation at any site where mining, beneficiation, or processing activities are occurring or have occurred.

(3) The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) or any regulation implementing that Act at any site where surface coal mining operations have occurred or are occurring.

(b) SUSPENSION.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall suspend an exploration permit or an operations permit, in whole or in part, if such Secretary determines that any of the entities described in subsection (a) were in violation of any requirement listed in subsection (a) at the time the permit was issued.

(c) CORRECTION.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, may issue or reinstate a permit under this title if the applicant submits proof that the violation referred to in subsection (a) or (b) has been corrected or is in the process of being corrected to the satisfaction of such Secretary or if the applicant submits proof that the violator has filed and is presently pursuing, a direct administrative or judicial appeal to contest the existence of the violation. For purposes of this section, an appeal of any applicant's relationship to an affiliate shall not constitute a direct administrative or judicial appeal to contest the existence of the violation.

(2) Any permit which is issued or reinstated based upon proof submitted under this subsection shall be conditionally approved or conditionally reinstated, as the case may be. If the violation is not successfully abated or the violation is upheld on appeal, the permit shall be suspended or revoked.

(d) PATTERN OF WILLFUL VIOLATIONS.—No permit under this Act may be issued to any applicant if there is a demonstrated pattern of willful violations of the surface management requirements of this Act by the applicant, any affiliate of the applicant, or the operator or claim holder if different than the applicant, and such violations are of such nature and duration, and with such resulting irreparable damage to the environment, as to clearly indicate an intent not to comply with the surface management requirements.

SEC. 206. FINANCIAL ASSURANCE.

(a) FINANCIAL ASSURANCE REQUIRED.—(1) Before any permit is issued under this title, the operator shall file with the Secretary, or for National Forest System lands the Secretary of Agriculture, evidence of financial assurance pay-

able to the United States on a form prescribed and furnished by such Secretary and conditional upon faithful performance of such permit and all other requirements of this Act. The financial assurance shall be provided in the form of a surety bond, trust fund, letters of credits, government securities, cash or equivalent.

(2) The financial assurance shall cover all lands within the initial permit area and shall be extended to cover all lands added pursuant to any permit modification made under section 203(f), section 204(f), or section 204(h). The financial assurance shall cover all lands to be affected by mineral activities as described and depicted in the permit application.

(b) AMOUNT.—The amount of the financial assurance required under this section shall be sufficient to assure the completion of reclamation satisfying the requirements of this Act if the work were to be performed by the Secretary concerned in the event of forfeiture. The calculation of such amount shall take into account the maximum level of financial exposure which shall arise during the mineral activity.

(c) DURATION.—The financial assurance required under this section shall be held for the duration of the mineral activities and for an additional period to cover the operator's responsibility for revegetation as specified under subsection 207(b)(6)(B), and effluent treatment as specified in subsection (g).

(d) ADJUSTMENTS.—The amount of the financial assurance and the terms of the acceptance of the assurance may be adjusted by the Secretary concerned from time to time as the area requiring coverage is increased or decreased, or where the costs of reclamation or treatment change, or pursuant to section 204(h), but the financial assurance must otherwise be in compliance with this section. The Secretary concerned shall specify periodic times, or set a schedule, for reevaluating or adjusting the amount of financial assurance.

(e) RELEASE.—Upon request, and after notice and opportunity for public comment, and after inspection by the Secretary, or for National Forest System lands the Secretary of Agriculture, such Secretary may release in whole or in part the financial assurance required under this section if the Secretary makes both of the following determinations:

(1) A determination that reclamation covered by the financial assurance has been accomplished as required by this Act.

(2) A determination that the operator has declared that the terms and conditions of any other applicable Federal requirements, and State requirements applicable pursuant to cooperative agreements under section 208, have been fulfilled.

(f) RELEASE SCHEDULE.—The release referred to in subsection (e) shall be according to the following schedule:

(1) After the operator has completed any required backfilling, regrading and drainage control of an area subject to mineral activities and covered by the financial assurance, and has commenced revegetation on the regraded areas subject to mineral activities in accordance with the approved plan, that portion of the total financial assurance secured for the area subject to mineral activities attributable to the completed activities may be released.

(2) After the operator has completed successfully all remaining mineral activities and reclamation activities and all requirements of the operations plan and the reclamation plan (including the provisions of section 207(b)(6)(B) relating to revegetation and effluent treatment required by subsection (g)), and all other requirements of this Act have in fact been fully met, the remaining portion of the financial assurance may be released.

During the period following release of the financial assurance as specified in paragraph (1),

until the remaining portion of the financial assurance is released as provided in paragraph (2), the operator shall be required to comply with the permit issued under this title.

(g) **EFFLUENT.**—Where any discharge resulting from the mineral activities requires treatment in order to meet the applicable effluent limitations, the financial assurance shall include the estimated cost of maintaining such treatment for the projected period that will be needed after the cessation of mineral activities. The portion of the financial assurance attributable to such estimated cost of treatment shall not be released until the discharge has ceased, or, if the discharge continues, until the operator has met all applicable effluent limitations and water quality standards for 5 full years without treatment.

(h) **ENVIRONMENTAL HAZARDS.**—If the Secretary, or for National Forest System lands the Secretary of Agriculture, determines, after final release of financial assurance, that an environmental hazard resulting from the mineral activities exists, or the terms and conditions of the operations permit of this Act were not fulfilled in fact at the time of release, such Secretary shall issue an order under section 407 requiring the claimholder or operator (or any person who controls the claimholder or operator) to correct the condition.

SEC. 207. RECLAMATION.

(a) **GENERAL RULE.**—(1) Except as provided under paragraphs (5) and (7) of subsection (b), the operator shall restore lands subject to mineral activities carried out under a permit issued under this title to a condition capable of supporting—

(A) the uses to which such lands were capable of supporting prior to surface disturbance by the operator, or

(B) other beneficial uses which conform to applicable land use plans as determined by the Secretary or for National Forest System lands, the Secretary of Agriculture.

(2) Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities and shall use, with respect to this subsection and subsection (b), the best technology currently available.

(b) **RECLAMATION STANDARDS.**—Mineral activities shall be conducted in accordance with the following standards; as well as any additional standards the Secretaries may jointly promulgate under section 201 and subsection (a) of this section to address specific environmental impacts of selected methods of mining:

(1) **SOILS.**—(A) Soils, including top soils and subsoils removed from lands subject to mineral activities shall be segregated from waste material and protected for later use in reclamation. If such soil is not replaced on a backfill area within a time-frame short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be used so that the soil is preserved from wind and water erosion, remains free of contamination by acid or other toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation.

(B) In the event the topsoil from lands subject to mineral activities is of insufficient quantity or of inferior quality for sustaining vegetation, and other suitable growth media removed from the lands subject to the mineral activities are available that shall support vegetation, the best available growth medium shall be removed, segregated and preserved in a like manner as under subparagraph (A) for sustaining vegetation when restored during reclamation.

(C) In the event the soil (other than topsoil) from lands subject to mineral activities is of insufficient quantity or of inferior quality for sustaining vegetation, and other suitable growth media removed from the lands subject to the mineral activities are available that support re-vegetation, these substitute materials shall be

removed, segregated or preserved in a like manner as under subparagraph (A) for later use in reclamation.

(D) Mineral activities shall be conducted to prevent contamination of soils to the extent possible using the best technology currently available. If contamination occurs, the operator shall decontaminate or dispose of any contaminated soils which have resulted from the mineral activities.

(2) **STABILIZATION.**—All surface areas subject to mineral activities, including segregated soils or other growth medium, waste material piles, ore piles, subgrade ore piles, and open or partially backfilled mine pits which meet the requirements of paragraph (5) shall be stabilized and protected during mineral activities so as to effectively control fugitive dust and erosion and minimize attendant air and water pollution.

(3) **SEDIMENTS, EROSION, AND DRAINAGE.**—Facilities such as but not limited to basins, ditches, stream bank stabilization, diversions or other measures, shall be designed, constructed and maintained where necessary to control sediments, erosion, and drainage of the area subject to mineral activities.

(4) **HYDROLOGIC BALANCE.**—(A) Mineral activities shall be conducted to minimize disturbances to the prevailing hydrologic balance of the permit area and surrounding watershed existing prior to the mineral activities in the permit area and in the surrounding watershed, as established by the baseline information provided pursuant to section 204(b)(10). Hydrologic balance includes the quality and quantity of ground water and surface water and their interrelationships, including recharge and discharge rates. In all cases, the operator shall comply with Federal and State laws related to the quality and quantity of such waters.

(B) Mineral activities shall be conducted using the technology standard referred to in subsection (a)(2) to prevent where possible the formation of acidic, toxic or other contaminated water. Where the formation of acidic, toxic or other contaminated water occurs despite the use of such technology standard, mineral activities shall be conducted using such technology so as to minimize the formation of acidic, toxic or other contaminated water.

(C) Mineral activities shall prevent any contamination of surface and ground water with acid or other toxic mine pollutants and shall prevent or remove water from contact with acid or toxic producing deposits.

(D) Reclamation shall restore approximate hydrologic balance existing prior to the mineral activities.

(E) Where the quality of surface water or ground water used for domestic, municipal, agricultural, or industrial purposes is adversely impacted by mineral activities, such water shall be treated, or replaced with the same quantity and approximate quality of water, comparable to premining conditions as established in paragraph (10) of section 204(b).

(5) **SURFACE RESTORATION.**—(A) Except as provided in paragraph (7), the surface area disturbed by mineral activities shall be revegetated and shaped, graded, and contoured to the extent practicable to blend with the surrounding topography. Backfilling of an open pit mine shall be required only if the Secretary, or for National Forest System lands the Secretary of Agriculture, finds that such open pit or partially backfilled, graded, or contoured pit would pose a significant threat to the public health safety or have a significant adverse effect on the environment in terms of surface water or groundwater pollution.

(B) In instances where complete backfilling of an open pit is not required, the pit shall be graded to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

(6) **VEGETATION.**—(A) The area subject to mineral activities shall be vegetated in order to establish a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area subject to mineral activities, capable of self-regeneration and plant succession and at least equal in extent of cover to the natural re-vegetation of the surrounding area, except that introduced species may be used at the discretion of the Secretary, or for National Forest System lands the Secretary of Agriculture, if such introduction of such species is consistent with subsection (a). In such instances where the complete backfill of an open mine pit is not required under paragraph (5), such Secretary shall prescribe such vegetation requirements as conform to the applicable land use plan.

(B) In order to insure compliance with subparagraph (A), the period for determining successful revegetation shall be for a period of 5 full years after the last year of augmented seeding, fertilizing, irrigation or other work, except that such period shall be 10 full years where the annual average precipitation is 26 inches or less. The period may be for a longer time at the discretion of the Secretary concerned where the average precipitation is 26 inches or less.

(7) **EXCESS WASTE.**—(A) Waste material in excess of that required to comply with paragraph (5) shall be transported and placed in approved areas, in a controlled manner in such a way so as to assure long-term mass stability, to prevent mass movement and to facilitate reclamation. In addition to the measures described under paragraph (3), internal drainage systems shall be employed, as may be required, to control erosion and drainage. The design of such excess waste material piles shall be certified by a qualified professional engineer.

(B) Excess waste material piles shall be graded and contoured to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

(8) **SEALING.**—All drill holes, and openings on the surface associated with underground mineral activities, shall be backfilled, sealed or otherwise controlled when no longer needed for the conduct of mineral activities to ensure protection of the public and the environment, and management of fish and wildlife and livestock.

(9) **STRUCTURES.**—All buildings, structures or equipment constructed, used or improved during mineral activities shall be removed, unless the Secretary concerned in consultation with the affected land managing agency, determines that use of the buildings, structures or equipment would be consistent with subsection (a) or for environmental monitoring and the Secretary concerned takes ownership of such structures.

(10) **FISH AND WILDLIFE.**—Fish and wildlife habitat in areas subject to mineral activities shall be restored in a manner commensurate with or superior to habitat conditions which existed prior to the mineral activities, including such conditions as may be prescribed by the Director, Fish and Wildlife Service.

(c) **APPLICATION OF RECLAMATION STANDARDS TO EXPLORATION.**—The provisions of this section shall apply to mineral exploration pursuant to a permit under this Act, except that paragraphs (5) and (6) of subsection (b) shall not apply during any interim periods between completion of the approved exploration and the commencement of further mineral activities, not to exceed 2 years, if the operator maintains a sufficient financial assurance to reclaim the disturbed surface should further mineral activities not be authorized. The Secretary concerned shall prescribe standards for interim stabilization and revegetation.

(d) **SPECIAL RULE.**—A modified reclamation plan shall not be required for mineral activities related to reclamation where a mining claim is forfeited, relinquished or lapsed, or a plan is revoked or suspended or has expired in any such

case. Reclamation activities shall continue only as approved by the Secretary, or for National Forest System lands the Secretary of Agriculture, pursuant to the previously approved reclamation plan.

(e) **DEFINITIONS.**—As used in this section:

(1) The term "best technology currently available" means equipment, devices, systems, methods, or techniques which have demonstrated engineering and economic feasibility, success and practicality. Within the constraints of the surface management requirements of this Act, the Secretary, or for National Forest System lands the Secretary of Agriculture, shall have the discretion to determine the best technology currently available on a case-by-case basis.

(2) The term "waste material" means the material resulting from mineral activities involving extraction, beneficiation and processing, including but not limited to tailings, and such material resulting from mineral activities involving processing, to the extent such material is not subject to subtitle C of the Solid Waste Disposal Act or the Uranium Mill Tailings Radiation Control Act.

(3) The term "ore piles" means ore stockpiled for beneficiation prior to the completion of mineral activities.

(4) The term "subgrade ore" means ore that is too low in grade to be processed at the time of extraction but which could reasonably be processed in the foreseeable future.

(5) The term "soil" means the earthy or sandy layer, ranging in thickness from a few inches to several feet, composed of finely divided rock debris, of whatever origin, mixed with decomposing vegetal and animal matter, which forms the surface of the ground and in which plants grow or may grow.

SEC. 208. STATE LAW AND REGULATION.

(a) **STATE LAW.**—(1) Any reclamation standard or requirement in State law or regulation that meets or exceeds the requirements of section 207 shall not be construed to be inconsistent with any such standard.

(2) Any bonding standard or requirement in State law or regulation that meets or exceeds the requirements of section 206 shall not be construed to be inconsistent with such requirements.

(3) Any inspection standard or requirement in State law or regulation that meets or exceeds the requirements of section 404 shall not be construed to be inconsistent with such requirements.

(b) **APPLICABILITY OF OTHER STATE REQUIREMENTS.**—(1) Nothing in this Act shall be construed as affecting any solid waste, or air or water quality, standard or requirement of any State law or regulation, or of tribal law or regulation, which may be applicable to mineral activities on lands subject to this Act.

(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, such person's interest in water resources affected by mineral activities on lands subject to this Act.

(c) **COOPERATIVE AGREEMENTS.**—(1) Any State may enter into a cooperative agreement with the Secretary, or for National Forest System lands the Secretary of Agriculture, for the purposes of such Secretary applying such standards and requirements referred to in subsection (a) and subsection (b) to mineral activities or reclamation on lands subject to this Act.

(2) In such instances where the proposed mineral activities would affect lands not subject to this Act in addition to lands subject to this Act, in order to approve a plan of operations the Secretary concerned shall enter into a cooperative agreement with the State that sets forth a common regulatory framework consistent with the surface management requirements of this Act for the purposes of such plan of operations.

(3) The Secretary concerned shall not enter into a cooperative agreement with any State under this section until after notice in the Federal Register and opportunity for public comment.

(d) **PRIOR AGREEMENTS.**—Any cooperative agreement or such other understanding between the Secretary concerned and any State, or political subdivision thereof, relating to the surface management of mineral activities on lands subject to this Act that was in existence on the date of enactment of this Act may only continue in force until the effective date of this Act, after which time the terms and conditions of any such agreement or understanding shall only be applicable to plans of operations approved by the Secretary concerned prior to the effective date of this Act.

(e) **DELEGATION.**—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall not delegate to any State, or political subdivision thereof, the Secretary's authorities, duties and obligations under this Act, including with respect to any cooperative agreements entered into under this section.

(f) **PREEMPTION.**—The requirements of this Act shall preempt any conflicting requirements of any State, or political subdivision thereof relating to mineral activities for locatable minerals.

SEC. 209. UNSUITABILITY REVIEW.

(a) **AUTHORITY.**—(1) As provided for in this section, the Secretary of the Interior, in carrying out the Secretary's responsibilities under the Federal Land Policy and Management Act of 1976, and the Secretary of Agriculture, in carrying out the Secretary's responsibilities under the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, shall each review lands that are subject to this Act in order to determine, in accordance with the provisions of subsection (b), whether there are any areas on such lands which are either unsuitable for all types of mineral activities or conditionally suitable for certain types of mineral activities.

(2) Any determination made in accordance with subsection (b) shall be immediately effective. Such determination shall be incorporated into the applicable land use plan when such plan is adopted, revised, or significantly amended pursuant to provisions of law other than this Act.

(3) In any instance where a determination is made in accordance with subsection (b) that an area is conditionally suitable for all or certain mineral activities, the Secretary concerned shall take appropriate steps to notify the public that any operations permit application relevant to that area shall be conditioned accordingly.

(b) **SPECIAL CHARACTERISTICS.**—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall determine that an area open to location is unsuitable for all or certain mineral activities if such Secretary finds that such activities would result in significant, permanent and irreparable damage to special characteristics as described in paragraph (3) which cannot be prevented by the imposition of conditions in the operations permit required under section 204 (b).

(2) The Secretary, or for National Forest System lands, the Secretary of Agriculture, may determine, after notice and opportunity for public comment, that an area is conditionally suitable for all or certain types of mineral activities, if the Secretary concerned determines that any of the special characteristics of such area, as listed in paragraph (3), require protection from the effects of mineral activities.

(3) Any of the following shall be considered special characteristics of an area which contains lands or interests in lands open to location under this Act:

(A) The existence of significant water quality or supplies in or associated with such area, such as aquifers and aquifer recharge areas.

(B) The presence in such area of publicly owned places which are listed on or are determined eligible for listing on the National Register of Historic Places.

(C) The designation of all or any portion of such area or any adjacent area as a National Conservation System unit.

(D) The designation of all or any portion of such area or any adjacent area as critical habitat for threatened or endangered species under the Endangered Species Act.

(E) The designation of all or any portion of such area as Class I under section 162 of the Clean Air Act (42 U.S.C. 7401).

(F) The presence of such other resource values as the Secretary, or for National Forest System lands, the Secretary of Agriculture, may, by joint rule, specify based upon field testing that verifies such criteria.

(c) **PERMIT APPLICATION PRIOR TO REVIEW.**—

(1) If an area covered by an application for a permit required under section 204, has not been reviewed pursuant to subsection (a) prior to submission of the application, the Secretary, or for National Forest System lands, the Secretary of Agriculture, shall review the area that would be affected by the proposed mineral activities to determine, according to the provisions of subsection (b), whether the area is unsuitable for all types of mineral activities or conditionally suitable for certain types of mineral activities. Such review and determination shall precede the final decision on the permit application.

(2) The Secretary concerned shall use such review in the next revision or significant amendment to the applicable land use plan to the extent necessary to reflect the unsuitability or conditional suitability of such lands.

(d) **EFFECT OF DETERMINATION.**—(1) In any instance in which a determination of unsuitability is made for any area in accordance with subsection (b)(1), all mineral activities shall be prohibited in such area, and the Secretary shall (with the consent of the Secretary of Agriculture for National Forest System lands) withdraw such area pursuant to section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714). The Secretary's determination under this section shall constitute the documentation required to be provided under section 204(c)(12) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

(2) In any instance where the Secretary, or for National Forest System lands, the Secretary of Agriculture, determines in accordance with subsection (b)(2) that, by reason of any of the special characteristics listed in subsection (b)(3), an area is conditionally suitable for all or certain mineral activities, the Secretary concerned shall include such additional conditions in each permit for mineral activities in such area as necessary to limit or control mineral activities to the extent necessary to protect the special characteristics concerned.

(3) Nothing in this section shall be construed as affecting lands where mineral activities were being conducted on the date of enactment of this Act under approved plans of operations or under notice (as provided for in the regulations of the Secretary of the Interior in effect prior to the date of enactment of this Act relating to operations that cause a cumulative disturbance of 5 acres or less).

(4) Nothing in this section shall be construed as prohibiting mineral activities at a specific site, where substantial legal and financial commitments in such mineral activities were in existence on the date of enactment of this Act, but nothing in this section shall be construed as prohibiting either Secretary from regulating such activities in accordance with other authority of law. As used in this paragraph, the term

"substantial legal and financial commitments" means, with respect to a specific site, significant investments, expenditures, or undertakings that have been made to explore or develop any mining claim or and millsite located at such site under the general mining laws or converted under this Act, such as but not limited to: contracts for minerals produced; construction; contracts for the construction; or commitment to raise capital for the construction of processing, beneficiation, extraction, or refining facilities, or transportation or utility infrastructure; exploration activities conducted to delineate proven or probable ore reserves; acquisition of mining claims (but only if such acquisition is part of other significant investments specified in this paragraph); and such other costs or expenditures related to mineral activities at such site as are similar to the foregoing itemized costs or expenditures and as may be specified by the Secretaries by joint rule.

(e) WITHDRAWAL REVIEW.—(1) In carrying out the responsibilities referred to in subsection (a), the Secretary or, for National Forest System lands, the Secretary of Agriculture, shall review all administrative withdrawals of land under such Secretary's jurisdiction (other than wilderness study areas) to determine whether the revocation or modification of such withdrawal for the purpose of allowing such lands to be opened to the location of mining claims under this Act is appropriate as a result of either of the following:

(A) The imposition of any conditions imposed as part of the land use planning process or the imposition of any conditions as a result of the review process under subsection (a).

(B) The limitation of section 417 (relating to limitation on patent issuance).

(2) The Secretary concerned shall publish the review referred to in paragraph (1) in the Federal Register no later than 1 year after the date of enactment of this Act. After providing notice and opportunity for comment, the Secretary may issue a revocation or modification of such administrative withdrawals as he deems appropriate by reason of the criteria listed in subparagraph (A) or (B) of paragraph (1).

(f) EXPLORATION REVIEWS.—In conjunction with review of a permit application submitted pursuant to section 203, and upon request of the applicant, the Secretary, or for National Forest System lands, the Secretary of Agriculture, shall review the area proposed to be affected by mineral activities to determine whether the area would be unsuitable or conditionally suitable for all or certain mineral activities.

SEC. 210. CERTAIN MINERAL ACTIVITIES COVERED BY OTHER LAW.

This title shall not apply to any mineral activities which are subject to the Stock Raising Homestead Act.

AMENDMENT OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: Page 39, line 13, after the period insert: "The Secretary shall waive the fee under this subsection in the case of a permit which covers less than 10 acres of land. Not more than one waiver may be granted under the preceding sentence to the same applicant during any 12-month period."

Page 54, line 3, after the period insert: "The Secretary shall waive the fee under this subsection in the case of a permit which covers less than 10 acres of land. Not more than one waiver may be granted under the preceding sentence to the same applicant during any 12-month period."

Mr. WILLIAMS. Madam Chairman, I would ask, who are the entrepreneurs

left in the American mining business? Are they the large companies, many of them foreign-owned, or are they the small miners? If they are the small miners, the independents, then this Congress has to decide whether it wants to aid those small miners to continue their entrepreneurial spirit, which results in the discovery of minerals in this country. It is, after all, the small explorers, the small miners, who make the discoveries, because they, and they alone, are the true entrepreneurs.

My amendment, Madam Chairman, is a step toward trying to create some equity for these small miners and their ability to continue exploring and doing very small-scale mining.

As it stands, the bill requires all applicants that mine on the public land must pay the full cost of the administrative and environmental review costs borne by the agency that processes the mining application. My amendment simply exempts small miners from those costs, and I define small miners as those who are disturbing less than 10 acres.

Madam Chairman, let me point out to the House the difficulty that this bill creates for truly small miners. The claim holding fees will prevent any individual on any sort of limited income from holding more than 10 claims, and most small miners hold more than 10 claims. The requirements in the bill for providing material such as maps and biological inventories and environmental baseline data and other technical information will be far beyond the capability of small miners and small independent operators, and those requirements, biological inventories and all the rest, are going to force those small miners to hire outside consultants to take them through the process.

Currently, the Forest Service and BLM work with the small operators to try to get their mining plans approved, and I work with the BLM, as many of the Members do, and I work with the Forest Service, as many of the Members do, and they are no pushovers in permitting the small operators.

The worst case scenario for establishing bonding will push those way beyond the limits of the small miners to afford. Another problem is that the requirements for a certified professional engineer to certify the disposition of excess waste material is nondiscretionary, and those small operators will face the hiring of expensive consultants in that matter, to satisfy those requirements.

The monitoring and reporting requirements in this bill again involve complexity that many small miners will find difficult, and again, will probably require outside consultants to take them through that.

□ 1620

Finally, there is another single item which is expensive to small miners, and

it is the one mining thing I am trying to relieve them of with this amendment, and that is, that the bill requires the mining applicants to pay a fee sufficient to cover the cost of processing the permit. Now what are those costs? Here is what the Forest Service tells me the typical workload for doing an environmental assessment for a small mining plan involves: a day's work for an archaeologist, a day's work at least for a wildlife biologist, a day's work for a fisheries biologist, a day's work for a hydrologist, 4 to 10 days' work for the minerals and geological staff, and about 2 days for the support staff. And the bill is sent to the small miner, and that bill quite often exceeds \$4,000 or \$5,000.

I support much of what we are doing here today, but it is not my policy, and I do not think it ought to be the policy of the Congress of the United States to pass mining legislation in which only the large, established companies, many of them foreign, have a legitimate shot to mine on the public lands, and by fiat, legal congressional fiat, the small and the independents are virtually shut out of the game simply because they cannot afford to even get on the land.

So my amendment says let us relieve the fee, let us at least not charge them that \$4,000 or \$5,000 that the permitting agency is going to pass along to them as they try to process their application. Let us at least get the small miners out from under that cost, and I encourage my colleagues and the committee to accept this amendment.

Mr. LEHMAN. Madam Chairman, I rise in opposition to the amendment. I rise reluctantly to oppose my good friend who has made a tremendous contribution to this bill, but I do so because this amendment is not in our best interest.

We made substantial concessions in the bill that is before the House today with respect to small miners. I would point out that this category of mining activity is exempt up to 10 claims, up to 400 acres of claims, from the holding fee requirements of the bill. In other words, these people under the bill before us today pay absolutely no rent for the use of their claims on Federal land up to 10 claims, up to 400 acres.

The gentleman from Montana [Mr. WILLIAMS] would now go beyond that and say that in addition to giving away the land, we will also in effect pay them for the right to be there by picking up the fees that they would otherwise have to incur.

There are no statistics to support the need for this amendment. As far as I can tell, 10 acres is pretty much an arbitrary number. The BLM has reported that 80 percent of operations on Federal lands are on 5 acres or less, but they are not able to tell us how many are on 10 acres or less.

More importantly, I believe, is the fact that it is not the size of the operation which most affects the environment, but it is the type of operation. And clearly, the blanket exemption that the gentleman from Montana would provide does not take into account the various kinds of mining operations which can occur on lands which are 10 acres or less. And in turn it does not take into account the ability of the small miner to pay for the processing permit.

What is gained by providing the relief for miners who want to operate on 10 acres or less? I guess it means if you are a small miner proposing to operate on 10 acres or less of Federal lands, then the American taxpayer would have to pay for the cost of processing the permit. I would like to point out that in most cases this is less than one-quarter of a normal permit size, those permits which would cost the least to process in the first place.

Finally, experience with the 2-acre exemption under the Surface Mining Act has shown that this type of immunity, while well-intentioned, will actually become a loophole through which honorable mining operators will be able to fit.

The amendment is well-intentioned, and we all want to help these so-called Gabby Hayes operators. But we have done so effectively in the bill by granting them the exemption from the holding fee. We should not ask the taxpayers to foot the bill for processing their permit applications.

I urge rejection of the amendment.

Mr. THOMAS of Wyoming. Madam Chairman, I move to strike the last word, and I rise in support of the amendment.

Madam Chairman, it seems to me that as Members may notice on the sheet, I have a similar amendment. Mine is a little broader, but I support this idea.

I do not think the idea is necessarily a Gabby Hayes sort of thing. That is OK. I guess you can give a better opportunity for the smaller ones, and I am for that, and we have talked about it.

But I think even beyond that we are talking here about a number of fees. We are talking about production royalties, and substantial ones unless it is changed. We are talking about filing fees, we are talking about holding fees as well. So these fees are substantially redundant. We have gone from relatively little fee now to excessive fees in four different kinds of categories.

I think it would make sense to try to get the production in place so that you have substantial fees rather than keeping it from happening. It is curious to me that we seem to be obsessed with the idea of keeping anybody from being successful in business here. We seem to have an aversion to some kind of a profit, the kind of a profit that causes investment for jobs.

I was going to read the bill. It is the broadest opportunity for the Secretary to assess fees that I have ever seen. Let me just read some of it:

The Secretary and the Secretary of Agriculture are authorized to establish and collect from persons subject to the requirements such user fees as may be necessary. Administrative fees may be assessed and collected under this section only in a manner which may reasonably expect and result in an aggregate amount of fees collected in the fiscal year which will not exceed the aggregate amount of the administrative expenses.

There is no limit to that.

So I rise in favor of the amendment. I just say in closing that we ought to be encouraging particularly small entrepreneurs to be doing it rather than discouraging, and I encourage the passage of this amendment.

Mr. DEFAZIO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I will not take very long, but I want to rise in strong support of the Williams amendment.

Let us get straight what we are doing here. This does not waive any of the environmental requirements for the small operations. But what it does say is for these small entrepreneurs, the people who are out there for the most part slogging through the public lands, looking for locatable claims, those people who are still somewhat in the romanticized tradition of the old mining act are the people here who are going to be required to pay for the bureaucratic processing of permits by the Federal Government. I believe that we should relieve them of that disincentive. I believe that there is value to the public in locating these claims, and I think there is value in encouraging the individual entrepreneur, the small operator, the individual mine operator to go out and find and locate viable claims.

This amendment, at very little cost to the Federal Treasury, will provide that up-front incentive. After they comply with all of the environmental laws, after they get a permit, then the Federal Government is going to begin to get a return, because embedded in the other part of the bill is the royalty amendment which will far, far exceed the small amount of investment we have made in these small business operations up front.

So I think this is a fiscally responsible amendment, and a desirable amendment, and I strongly support it.

Mrs. VUCANOVICH. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of Mr. WILLIAMS' amendment. I join in his concern that the terribly high fee burden under this bill will snuff out the little guy. Indeed, the medium-size outfits would be hard-pressed. Given that royalties will be paid under this bill the user fee provisions are extraneous and outrageous anyway.

I support the gentleman's amendment.

Mr. MILLER of California. Madam Chairman, I move to strike the requisite number of words in opposition to the amendment.

Madam Chairman, I would hope that we would not support this amendment.

I think the criteria we are using are misplaced. The notion that somehow a small mining claim, a claim of less than 10 acres, somehow that that individual does not have the wherewithal to pay for the cost of processing that permit and the fees that are associated with that is simply that we do not know that there is any evidence to support that. We keep this noble image alive that this is Gabby Hayes going around with his mule and that he is prospecting and trying to turn over rocks, and he cannot really afford anything because he is living off of hard-tack and spring water, but that is not necessarily the case.

The fact that you are a small miner does not mean that you are a poor miner. Ross Perot is a small man, but he is not a poor man, and 10 acres, as we pointed out, we have some 80 percent of the claims are under 5 acres, or certainly under 10 acres in this provision, so this is a wholesale exemption.

People want to know how Federal deficits are created. This is how Federal deficits are created. The Government provides a service for which nobody reimburses them for providing that service, and in this case, we provide that service without regard to whether or not people can afford it under the Williams amendment. We do not ask them, "Can you afford to pay these fees, and if you can, would you do so?" We simply say nobody with 10 acres or less shall have to pay these fees.

We are going to beat our breasts around here come Saturday trying to save the Government money and the taxpayers some taxes on Government rescissions. This is an effort to reorganize our Government along the basis that those who can afford to pay, in fact, pay. This does not mean give the Secretary the discretion. This is a blanket waiver for anyone who has 10 acres or less.

If I have 10 acres or less, I do not have to pay. Why should that be the case? I am a weekend miner, and I do not have to pay. Why should that be the case? You know, when a small homebuilder or a small business person goes into my hometown or your hometown or goes to your county government and they want to get a permit to build a home or they want to get a permit to remodel a home or want to get a permit for small businesses today, governments say, "You are going to have to reimburse us the cost of processing that, because we cannot afford it any longer."

The gentleman from Montana [Mr. WILLIAMS] has long lamented the fact

that we do not run this Government on the basis where we take the general revenues from the income tax and we provide the services. But we have moved to a pay-as-you-go operation, except now that we have a special interest who has decided they do not want to pay. They just want to go. I think we have got to understand the facts that somebody who has 10 acres which can be a very substantial mining operation, and 10 acres does not mean that you have a small mine, a poor mine, an unprofitable mine. It simply means you have 10 acres. It does not mean you have an environmentally safe mine, it does not mean any of that, but it means you have 10 acres. And so what now that we are going to do is simply open the doors and say if you come to us, and apparently over 80 percent of the claims, if you walk in and you want a permit, the Government is going to eat the cost of doing that, even if you get your permit for the purposes of speculation, so that you can sell it to somebody else.

We know that in many instances that is what, in fact, is being done. You do not have to show the wherewithal that you can develop this or you can exploit the minerals that are there, you do not have to show anything. All you have to show is that the Congress was a sucker and they are willing to eat the cost if they accept this amendment.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I was curious about the amendment. This is not for a claim. Somebody will have a claim on this land, and they are going to seek an exploration permit, and I listened to the gentleman from Montana explain this, but they may have a claim to far more than 10 acres, so they literally could have one 10-acre permit and another 10-acre permit, and then the Government, in that particular instance, the BLM or the Forest Service, would be expected to pick up whatever evaluation that has to be done in order to properly issue this exploration permit. Is that correct?

So it could be multiple numbers. Is there any income test here? Do we know that these individuals are really the sort of small-income individuals?

Mr. MILLER of California. On the first part, I believe that the amendment offered by the gentleman from Montana [Mr. WILLIAMS] does limit it to one claim, one of each kind of exploration and operational.

Mr. WILLIAMS. Madam Chairman, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Madam Chairman, the gentleman in the well is incorrect. I limit this to one 10-acre claim per

year. So, in other words, if a mining company was trying to do what the gentleman in the well says, and it is simply open a lot of 10-acre parcels, they would only get this fee waiver on one. I am actually only trying to help small entrepreneurs.

Mr. VENTO. If the gentleman will yield further, it is once a year, is it not?

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

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Madam Chairman, the second point that the gentleman from Minnesota makes is that there is no requirement here whether or not these people have the wherewithal to pay this. We keep saying, "I am just trying to help the small apparently poor person get into the mining business," but there is no showing that that is the person we would be helping. It is anybody with 10 acres who can once a year come in and seek and get a permit paid for, seek and get the fees paid for, and get the permit.

I do not know how you can justify that when businessmen and women in every other walk of life dealing with every other level of, and entity of, government now have to pay their way. They now have to pay their way, because the taxpayers are not able to afford it any longer.

But all of a sudden we are going to create this kind of exemption.

I would just hope that the committee would understand that small does not mean unprofitable or poor or anything else. It simply means you have 10 acres of land, and you get the Government to pick up the bill, and I just do not see how that is going to work.

Mr. THOMAS of Wyoming. Madam Chairman, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Madam Chairman, I think the difference is that you talk about housing permits and so on. Here is a situation where there is no revenue to be expected. There will be no royalty, there will be no jobs, there will be no income tax unless this is developed.

Mr. MILLER of California. That is the argument of a person that goes in for a housing permit that there will be no carpenters, there will be no plumbers, there will be no sales tax, no income tax, but we still expect people now to start paying their way. That is the cost of doing business.

Mr. THOMAS of Wyoming. If the gentleman will yield further, but there is no income, there is no royalty on a house. There is a royalty on this if it is developed into a production mine, and without this doing, and someone who is in the small category is not going to have that.

Mr. MILLER of California. But the royalty will only come if, in fact, the mine is productive, as you point out, and profitable, and there to run. Why should not you pay your way?

With the gentleman from Montana [Mr. WILLIAMS] if you get a profitable mine, he does not even let us go back and recapture the fees? Why are we subsidizing these people? What is this, a socialist economy? Why are you subsidizing these people?

Mr. THOMAS of Wyoming. Madam Chairman, I am a little surprised.

Mr. MILLER of California. You should be surprised.

Mr. THOMAS of Wyoming. I am surprised that the gentleman suspects me of being a socialist economist. If it is anybody for socialism, it is not me.

Mr. MILLER of California. I am shocked.

Mr. THOMAS of Wyoming. So am I. Mr. MILLER of California. And you are surprised.

Mr. WILLIAMS. Madam Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

The CHAIRMAN. The gentleman from Montana [Mr. WILLIAMS] is recognized for 5 minutes.

Mr. WILLIAMS. Madam Chairman, the gentleman from California is in shock and amazement that I have offered a socialist amendment here on behalf of the small miners.

I think we have about concluded what folks want to say on this amendment. Let me just restate something.

I am for reform; 1872 is long enough. Ulysses Grant's signature is now dry on the act, and mining has changed, America has changed, and we ought to get on with reforming the act.

But it does seem to me that it is in the best interests of this country, yes, including the taxpayers of this country, that we provide a little jump-start to truly small miners, small explorers, America's real mining entrepreneurs.

Let us provide them with just a little jump-start.

How do we do that under my bill? We say that the Forest Service or the BLM's typical costs of environmental assessments, hiring archeologists, hiring wildlife biologists, hiring fisheries biologists, hiring geologists, hiring support staff, using their own mineral and geology staff, that the costs of that not be placed on the truly small miner.

Now, the question is: Well, what is a truly small miner? I worried about that myself. I want both the chairmen of the full committee and of the subcommittee to realize that I asked myself that, what is a small miner, so I went to the agency that works with miners. I went to the Forest Service. I went to BLM, and I said, "Tell me

what a small miner is." They said that 95 percent of the mining activity that is limited to 10 acres or less is being done by small miners in this country. The big mining companies do not operate on 10 acres or less. So that is the best definition I could find, and I think it is a good one.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I am happy to yield to the gentleman from California.

Mr. MILLER of California. Madam Chairman, but again, not to be redundant, that does not tell us anything about that miner. We have already given them a jump start. They get the land rent-free. They get to hold 10 acres or less rent-free thanks to you, and now we are coming along and piling on a second one.

You cite a wildlife biologist and a hydrologist and all of these people. That is because some of these 10-acre sites, and you may call them small, but they may be complicated. They may be in serious watersheds. That is the cost of developing that claim.

Why is it that the Federal taxpayer has to absorb the cost of developing that claim when this miner who has 10 acres may, in fact, have all of the wherewithal to do it?

My colleagues who support this here are out with supporting amendments to means-test people on Social Security, but we are not going to means-test a miner who may end up with a profitable mine that they got free from the Government, and to date they do not have to pay anything for it.

□ 1640

I do not understand why we would do this.

Mr. WILLIAMS. Reclaiming my time, I want a means testing; that is exactly what I want to do. I want to say to the large mining companies that have the financial leverage and wherewithal to pay up-front costs, "you have to pay them." But that \$4,000, \$5,000, \$6,000, \$10,000 that is going to burden the truly small miner, I am saying let us at least take that small cost off of them. It is a small cost compared to what else they are going to have to pay under this bill.

This is not a ripoff, this is not a free ride, it is simply a jump start. And I am not sure it is enough of a jump-start to make the kind of difference that the miners—for the true mining entrepreneurs in this country. But let us hope it is.

Mr. MILLER of California. Well, if I have a claim, my wife has a claim, my son has a claim, my other son has a claim, and the claims are together, do we get 40 acres because we are all individuals? Do we get our permits paid for? And if my uncle has one next to me, do I get 50 acres? Could I string these together? Because that is what people did under coal mining. We had a

2½ acre exemption. And they did what they call string of pearls—was that the term—where people strung 2½ acres so that they could get an exemption. There is nothing in this provision.

So all of a sudden it is not just the small miner, it is the small family miner and then it is the small extended family miner, then it is the small extended family miner with friends, because we all get our permits taken care of and pretty soon the whole area is exempt. That is the problem with this amendment.

I understand what the gentleman has been trying to do. The gentleman from Montana [Mr. WILLIAMS] has been a champion of the small miner and keeping the entrepreneurs out there. But this amendment goes way beyond that effort. This amendment needs to be more narrowly drawn so we know exactly who it is we are dealing with and their right to maybe have Uncle Sam help them out or keep them in business.

Mr. WILLIAMS. In the few seconds I have left I want to say that the Miller Mining Co., cousins, aunts and uncles, would get one exemption under my amendment, one exception per company.

Mr. VENTO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment. I understand the intentions of my colleagues, obviously, in asking the question about the single exemption per year. The gentleman resolved the one question I had. But as is indicated, there are other problems which existed under the law dealing with the coal mining problems which was passed earlier. But another problem that exists here is the fact that the BLM or the Forest Service may not have the budget to, in fact, deal with this.

One of the common practices that has occurred under the past method of dealing with this is that in order to advance the money when there was a presumption that the BLM or the Forest Service needed to do the work, they had to have the money advanced to them by the various applicants. This has been a past practice, one which I think is trying to be avoided in this instance by virtue of putting in place the free requirement.

So the question here is it may be a hollow promise if in fact you make thee types of exemptions which would be very broad, and as the gentleman from California [Mr. LEHMAN], chairman of the subcommittee, pointed out, nearly 80 percent of the claims under BLM under 10 acres. So it is just possible there would not be the dollars.

Are we going to go to the Appropriations Committee and ask them to fund this? Has anyone given us a figure, a number as to what the cost of this would be per year? I have not heard

that number on the floor this afternoon. Would it be \$10 million? Would it be more or less?

I have not heard that number here.

So I think the fact is that in relying on the BLM or the Forest Service to, in fact, fund this particular part of the program, we do not know what it would be. It could be it would be offering or extending a benefit which is, I think, contrary to entrepreneurship. Entrepreneurism, the one with which I am familiar, is one of those willing to take some risk. Apparently that is to be set aside.

Madam Chairman, I understand what the gentleman is trying to do. I think there are many outstanding questions, however, and I would urge the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WILLIAMS. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 250, not voting 5, as follows:

[Roll No. 568]

AYES—183

Allard	English (AZ)	Laughlin
Andrews (NJ)	Everett	Leach
Applegate	Ewing	Levy
Archer	Fields (TX)	Lewis (CA)
Armey	Fish	Lightfoot
Bachus (AL)	Flake	Linder
Baker (CA)	Ford (MI)	Lipinski
Baker (LA)	Fowler	Livingston
Ballenger	Galleghy	Lloyd
Barrett (NE)	Gekas	Machtley
Bartlett	Geren	Manton
Barton	Gillmor	Manzullo
Bateman	Gingrich	McCandless
Bentley	Goodlatte	McCollum
Bereuter	Goodling	McCrery
Bilbray	Goss	McDade
Billirakis	Grams	McHugh
Blackwell	Grandy	McInnis
Billey	Gunderson	McKeon
Boehner	Hall (TX)	McMillan
Bonilla	Hamilton	Mica
Bunning	Hancock	Michel
Burton	Hansen	Miller (FL)
Buyer	Hastert	Mollinari
Callahan	Hayes	Mollohan
Calvert	Hefley	Montgomery
Camp	Hefner	Moorhead
Canady	Hergert	Murtha
Castle	Hinchey	Myers
Clayton	Hobson	Nussle
Coble	Horn	Oberstar
Collins (GA)	Houghton	Ortiz
Combest	Hunter	Orton
Condit	Hutchinson	Oxley
Cooper	Hutto	Packard
Cox	Hyde	Parker
Crane	Inglis	Pastor
Crapo	Inhofe	Paxon
Cunningham	Insole	Peterson (FL)
de la Garza	Istook	Peterson (MN)
DeFazio	Johnson, Sam	Petri
DeLay	Kasich	Pickle
Dickey	Kim	Pombo
Doolittle	King	Portman
Dornan	Kingston	Pryce (OH)
Dreier	Klink	Quinn
Duncan	Knollenberg	Regula
Dunn	Kolbe	Ridge
Emerson	Kyl	Roberts
Engel	LaRocco	Rogers

Rohrabacher
Royce
Santorum
Schaefer
Shaw
Shuster
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)

Smith (TX)
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Swift
Talent
Tauzin
Taylor (NC)

Tejeda
Thomas (CA)
Thomas (WY)
Unsoeld
Vucanovich
Walker
Walsh
Williams
Wolf
Young (AK)
Zeliff

Wilson
Wise
Woolsey

Wyden
Wynn
Yates
Zimmer

NOT VOTING—5

Bonior
Chapman

Clinger
Sisisky
Young (FL)

□ 1706

Messrs. EVANS, SYNAR, and GENE GREEN of Texas, Ms. LONG, Mr. RUSH, Ms. BYRNE, Mr. GORDON, Ms. BROWN of Florida, Mr. MINGE, and Mr. VOLKMER changed their vote from "aye" to "no."

Messrs. PETERSON of Florida, ORTIZ, and OXLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title II?

Mr. YOUNG of Alaska. Madam Chairman, I move to strike the last word so I can enter into a colloquy with the chairman of the Committee on Natural Resources, the gentleman from California [Mr. MILLER]. I have a question regarding the impact of this legislation concerning minerals and lands conveyed under the Alaska Native Claims Settlement Act.

It is my understanding that this legislation is not intended to impact lands conveyed to Native corporations formed under ANCSA. Lands held by ANCSA corporations are not public domain lands. Further, section 3 of this legislation includes Alaska Native village and regional corporations in the definition of Indian "tribe." Minerals on lands held by Indian tribes are also excluded from the definition of "locatable mineral" under section 3.

Is it the view of the chairman that minerals on lands conveyed to Alaska Native corporations are not to be impacted by this bill?

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. MILLER of California. Yes; that is the intent of the legislation. The gentleman from Alaska is correct.

Mr. YOUNG of Alaska. I have one further question of the chairman. While it is clear that the bill is not intended to impact lands and minerals held by Native corporations, it is not so clear how claims on lands conveyed to Native corporations are to be administered under various sections of the bill. This is an issue under current law and would remain an issue under this bill. If a further clarification is needed, will the chairman work with me in conference or in later versions of this bill to ensure that the bill, if enacted, does not leave the administration of these claims unsettled?

Mr. MILLER of California. I assure the gentleman from Alaska that it is not our intent to leave administration of claims unsettled. If and when further action on the bill is taken, I will

work with the gentleman from Alaska to make sure that there is no uncertainty as to how such claims are to be administered under the bill.

Mr. YOUNG of Alaska. I thank the chairman for yielding and for the clarification.

□ 1710

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

Page 75, beginning in line 7, after the word "significant", strike ", permanent and irreparable".

Page 76, after line 13, insert the following new subparagraphs in section 209(b)(3) and redesignate subparagraph (F) beginning on line 14 as subparagraph (H):

"(F) The designation of all or any portion of such area by the Bureau of Land Management as an Area of Critical Environmental Concern.

"(G) The designation of all or any portion of such area by the Secretary of Agriculture as a Research Natural Area."

Mr. DEFAZIO. Madam Chairman, as the bill was reported by the committee, H.R. 322 says that certain sensitive areas will be unsuitable for mining only if the mining operation would cause significant, permanent, and irreparable harm.

Madam Chairman, the operable words here are "significant, permanent, and irreparable damage." Now, we are not talking about all the public lands in the West. We are talking about particular sensitive areas, national parks, wild and scenic rivers, high quality water sources, wilderness areas. These are the sensitive lands at issue. The Secretary would only find them unsuitable for mining if the harm caused would be significant, permanent, and irreparable.

My amendment would strike the words "permanent" and "irreparable," saying that for these very sensitive areas, unsuitability for mining would be deemed if significant damage is likely to occur.

So if we were to cause significant damage to a national park, significant damage to a wild and scenic river, significant damage to a wilderness area, the Secretary would have to make a determination. But if it is permanent and irreparable, I don't think any Secretary can make that determination. It is a very high hurdle to cross, to say that the damage is permanent and irreparable. Are we talking about lifetime? Are we talking about geologic time?

We have some precedent on permanent and irreparable, and the record is pretty grim. In 1993, under the Surface Mining Control Reclamation Act, a court found that pumping 4 billion gallons of acid mining discharge into a tributary of the Ohio River did not

NOES—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Blute
Boehlert
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
De Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrist
Gilman
Glickman

Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hilliard
Hoagland
Hochbruckner
Hoekstra
Hoke
Holden
Hoyer
Huffington
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Lazio
Lehman
Levin
Lewis (FL)
Lewis (GA)
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Murphy
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Obey
Oliver
Owens
Pallone

Payne (NJ)
Payne (VA)
Pelosi
Penny
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (NJ)
Snowe
Solomon
Spratt
Stark
Stokes
Strickland
Studds
Swett
Synar
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten

cause permanent and irreparable damage to the river, and, therefore, was allowed under the act.

We are about to adopt that same standard for our parks, our precious natural parks, our wilderness areas, our wild and scenic rivers, areas of critical environmental concern and other sensitive areas in the Western United States.

In the case of Ohio, the court found that since the discharge only wiped out life in 20 miles of streams and creeks and visibly polluted the Ohio River with mining waste, it was still allowable because it was not permanent and irreparable. Over time those areas would regenerate and heal.

Today there are thousands of valid mining claims in the Western United States in or near wilderness areas, national parks, wild and scenic rivers, and other sensitive areas. I refer you to an article in this week's Time magazine about a proposed operation adjacent to Yellowstone National Park. In my own congressional district there are more than 200 valid mining claims within the wilderness areas on the Siskiyou National Forest. Quite a few of them are on the Wild and Scenic Chetco River, one of the best remaining Chinook salmon streams on the west coast.

Do we want to set a standard that mining can take place on that river or the periphery of Yellowstone National Park or in wilderness areas or in parks across the Western United States if the damage would be permanent and irreparable? If that is the only standard we are going to adopt, we can have significant damage. We can have damage that is long lasting. We can have damage that will outlive us. We can have damage that will destroy a trout stream or a river. But if it is not permanent and not irreparable over geologic time, it is okay.

Madam Chairman, I do not think that that is real reform. I do not think that is a high enough standard for this Congress. I do not think that is a high enough standard for the most sensitive areas in the Western United States. I would urge my colleagues to join me in striking the words "permanent" and "irreparable" and saying in these sensitive areas, if significant harm, significant damage occurred, that we would restrict mining activities.

Mr. LEHMAN. Madam Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from Oregon [Mr. DEFAZIO].

Madam Chairman, I think this amendment does great damage to the bill. It is not an attempt to close a loophole in the legislation. Rather, it is an attempt to facilitate a broad lockup with Federal lands where the Secretary of the Interior will have absolutely no authority to make incremental decisions on the use of those lands.

As the bill is now written, it requires a suitability review to be done in the normal planning process with all of the public protections inherent in that process to determine whether or not a land is suitable for mining activities. The Secretary will make a decision that it is suitable, that it is unsuitable and cannot be mined, or that it can be mined, but it must be done under certain strict conditions to protect resources and values in the area.

□ 1720

It also comes down to this, my colleagues. This amendment restricts the Secretary's ability to manage public lands in the public interest. Under the legislation as now written, he is already forbidden to allow as suitable for mining any lands where there would be significant permanent and irreparable damage to special environmental characteristics due to mining.

The amendment would change that only to say where there is significant damage, not whether or not the damage can be mitigated, not whether or not it is permanent, but in every instance where it was determined that there might be significant damage, the Secretary would be restricted from having any mining activity with any conditions at all on that property. This will result in a broad lockup of Federal lands as the word "significant" is rather nebulous, and I am certain will be litigated on a case-to-case basis. That is why we have put the additional restrictions of "permanent" and "irreparable" here in the legislation, to try to nail this down and give the Secretary the authority he needs to manage those lands properly.

In many of those lands, the effects can be mitigated and in many of them they will go away. But under this legislation, there is a permanent lockup with no authority for the Secretary to do anything at all except to deny a mining permit in that area.

Also, the gentleman would expand the definition of special characteristics that the Secretary would have to look at in making this determination to include two new areas, areas of critical environmental concern and natural resource areas. The problem here is that none of these designations were set up for the purpose of eliminating mining. They were set up for certain other purposes, in most instances, yet here the restrictions on that use of that activity would extend to mining regardless of whether or not mining might affect the nature of that land and affect the values that the designation was set up.

Those areas are set up for a variety of reasons and, in many instances, have nothing to do with mining and, in many instances, the Secretary ought to have the authority, where there is not going to be damage, to condition permits and allow them to take place in that area.

It does not mean that they are going to be granted, but we certainly should not take away his discretion in that regard.

There is tremendous protection in this bill. There is ample opportunity for the Secretary, through the permit process, which is rather extensive and cumbersome and usually results in a lot of litigation, to deny permits at the present time. We do not need to tie his hands by expanding those much further in this legislation.

This will lock up far more land than is necessary and will not do any good to the values that the bill is trying to protect.

I urge a "no" vote on the DeFazio amendment.

Mr. DEFAZIO. Madam Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Madam Chairman, the gentleman stated that "significant" would have to be litigated. Is the gentleman familiar with the fact that it has been used as a standard under SMCRA and other concerns, that there is a significant body of law already on the word "significant"?

Mr. LEHMAN. This is not SMCRA. And what might be significant there might not be significant here. I am only saying that that word alone, I think, without the added emphasis here of "permanent" and "irreparable" as a condition to lock up Federal land forever is simply not a good idea. And I think taking away the Secretary's authority to condition a permit where it might be possible to do it and mitigate these damages is certainly the wrong way to go.

Mr. DEFAZIO. Madam chairman, if the gentleman will continue to yield, so the gentleman believes that significant damage in a national park is an acceptable standard. We would allow significant damage in a national park for the purpose of mining.

Mr. LEHMAN. Madam Chairman, new mining permits are not allowed in national parks under existing law. The gentleman's point is not relevant.

There is clearly a need to protect environmentally critical areas and also to have reasonable access to public lands for exploration and development of minerals. H.R. 322 recognizes this need.

Contrary to statements made by Mr. DEFAZIO, H.R. 322's provision for review of Federal lands prior to permitting a mining operation on those lands is a reasonable, workable provision that would require suitability reviews be fully integrated into the regular land-use planning process so that those interested in mining will know where potential hot spots are before they sink great sums of money into an area.

In those instances where a mining company wants to mine in an area that hasn't been reviewed for suitability, H.R. 322, as amended, would require the Secretary to do an unsuitability review before issuing a permit. If

an area is declared "unsuitable" the Secretary would withdraw, or close, the area to mining. The bill, as amended, would also allow the Secretary to declare areas "conditionally suitable." This means that a mining permit would be conditioned in order to avoid, protect, or restore, certain special characteristics.

The DeFazio amendment would add two categories of administrative land designations to the list of special characteristics which would govern the suitability process. The Secretary already has this authority under other law.

Under the bill as amended by the subcommittee and reported by the committee, the Secretary would be required to determine that an area is unsuitable if mining would result in significant, permanent and irreparable damage. The DeFazio amendment would change the requirement for determining an area unsuitable to just significant damage.

The committee—after hours of discussion and debate—chose to use a very narrow definition to declare areas unsuitable. Under the DeFazio amendment, many areas, many more than necessary or appropriate, could be declared unsuitable. The DeFazio amendment, while, purporting to be a compromise measure that would set a more reasonable standard, is a more extreme alternative than the carefully crafted language approved by the subcommittee and full committee. The committee language creates a powerful tool for the Federal land manager. The DeFazio amendment would diminish the power of the unsuitability determination.

I urge you to vote "no" on the DeFazio amendment to H.R. 322.

AMENDMENT TO H.R. 322, AS REPORTED BY THE SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES, OFFERED BY MR. DEFAZIO

In section 209(b)(1) beginning after the word "significant" (on page 73, line 18 of the Committee draft dated November 2, 1993, 1:11 p.m.), strike ", permanent and irreparable".

In section 209(b)(3) redesignate subparagraph (F) as subparagraph (H) and insert the following new subparagraphs:

(F) The designation of all or any portion of such area or any adjacent area by the Bureau of Land Management as an Area of Critical Environmental Concern.

(G) The designation of all or any portion of such area or any adjacent area by the Secretary of Agriculture as a Research Natural Area."

EXPLANATION

In the Subcommittee bill, the Secretary "shall" find lands unsuitable for mining in the mining causes "significant, permanent and irreparable damage" to "special characteristics" described later in the section, and if that damage cannot be prevented by the imposition of conditions in the operations permit.

This amendment strikes "permanent and irreparable", making the new threshold for unsuitability a standard of "significant damage." It also adds two designations to the special characteristics list: BLM Areas of Critical Environmental Concern and Forest Service Research Natural Areas, thus according these very sensitive areas the same protection given by this Act to Wild and Scenic Rivers, National Recreation Areas or National Wildlife Refuges.

The "permanent and irreparable" standard creates an extraordinarily high threshold for an unsuitability finding, especially when ap-

plied to areas such as Wild and Scenic Rivers or Research Natural Areas. "Significant damage" is a standard used in the suitability review section of the Surface Mining Control and Reclamation Act (SMCRA). It is defined in regulation and is generally considered a term of art that should be relatively simple for the Secretaries to administer.

Mrs. VUCANOVICH. Madam Chairman, I move to strike the requisite number of words. Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon.

My colleagues, you may have received a letter from Carl Pope, executive director of the Sierra Club, dated November 12, 1993, asking you to support this amendment which would delete the qualifying words "permanent and irreparable" from the definition of damage on public lands to be declared "unsuitable" for mining, leaving only the threshold of "significant damage" necessary to declare such lands off-limits.

Mr. Pope offered an example from coal mining case law, not hardrock mining, to attempt to demonstrate the need for the DeFazio amendment. However, the substitute to H.R. 322, does not allow for an unsuitable designation to lie against existing mines where substantial legal and financial commitments have been made prior to enactment of the bill. In other words, the DeFazio amendment would not affect the Ohio litigation, or cases like it, even if it were to be applied to coal mines.

Another flyer drew a parallel to the Exxon Valdez and Chernobyl accidents. What is the point? Do we wish to make Prince William Sound unsuitable for oil tankers? I think plenty of Americans would oppose the long gasoline lines it would cause. Is the Ukraine unsuitable for continuing nuclear power? However, that is not the worst of the disinformation campaign on H.R. 322 by the environmental lobby. This bill is more properly titled "the Mexican Mineral Development Incentives Act of 1993" because it is already a huge disincentive to exploration and development of our domestic mineral resources. Latin America is where United States exploration dollars are now headed. Notwithstanding the Sierra Club's protestations, H.R. 322 allows no actual development if a miner cannot demonstrate compliance with the impossible-to-meet reclamation standards. H.R. 322 contains so many ways to stop exploration for and development of mineral deposits that the proposed unsuitability threshold is barely relevant.

The Sierra Club believes that mining companies would actually be better protected under the DeFazio amendment, because mining investments would not be made in the first place. Finally, the truth is out about H.R. 322. It is an attempt to thwart mineral development of the public lands that Congress has not set aside for special uses.

But the Sierra Club knows unsuitability is the key to administrative withdrawals.

Quite frankly, I don't understand the need for unsuitability when this Secretary almost daily flexes his administrative muscles. He is using FLPMA authorities unknown or unused by previous Secretaries to accomplish mining withdrawals. For example the Sweet Grass Hills have been segregated from mineral exploration on the basis of Indian Religious Freedom Act concerns. Because this unsuitability determination is for lands greater than 5,000 acres the Natural Resources Committee will have opportunity to overturn it later, but that is not about to happen.

Mr. Pope wrote in the Nov/Dec issue of Sierra magazine about the need for an environmental impact statement on NAFTA. Arguing for EIS preparation, Mr. Pope said: "we cannot afford to entrust the North American environment to unaccountable bureaucrats." Yet, that is exactly who would be making the unsuitability determinations proposed in H.R. 322—unelected, unaccountable bureaucrats, rather than Members of Congress acting on legislation specific to public lands parcels.

The Mexican Government doesn't give its bureaucrats the right to say "no" to development after mining concessions are granted. Why should the United States? I urge a "no" vote. Keep some mining jobs north of the border.

Mr. RAHALL. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, as the sponsor of H.R. 322, I rise in support of the amendment being offered by the gentleman from Oregon [Mr. DEFAZIO].

Simply put, this amendment would strengthen provisions in the bill that require an up-front, rather than after-the-fact, review of lands to determine whether they are suitable for mining.

These are, after all, Federal lands. And the issue before us involves whether we will allow these lands to be mined in a willy-nilly fashion, or, whether we will require some type of review to determine whether mining would be compatible with other resource values that may be present.

A suitability review makes sense. The taxpayers would be protected from situations where they may have to pay for remedial actions if hardrock mining occurs and the company fails to properly reclaim the land.

The environment is protected because only Federal lands which are found to be suitable for the particular type of mining method proposed would be made available.

And, in my view, this type of review is in industry's interest because, based on a suitability review, it would have prior knowledge of the stipulations associated with mining an area of Federal land upon which it could base its investment decisions.

Under the DeFazio amendment, a finding of significant damage to the land would be the determining factor in whether or not mining is conditionally allowed, or not allowed at all.

This is a far more workable standard than the one in the bill as reported by the committee.

Under this standard, a finding of permanent and irreparable damage would have to be made.

I would submit that this standard will give rise to a great deal of litigation, and will not provide for any type of realistic protections.

I urge my colleagues to support this amendment.

□ 1730

Mr. MILLER of California. Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

Madam Chairman, this is a difficult amendment. This is a section of the legislation that I believe was properly hammered out in the committee process to try and weigh both the concerns of the environmental community that expressed a great deal of concern about the impact of mining on our public lands and the need of the mining industry to have access to those public lands to continue to have a mining industry in this country, and at the same time to provide some certainty in that process.

When the issue of unsuitability was originally raised, it was raised in the back end of the process, so that the mining industry was put into the position of having to possibly expend a great deal of money, in some cases tens of millions of dollars, to go through a process, only to have the issue of unsuitability raised at the end of that process, without any real standards on which the Secretary could then deny that permit.

I felt that was unfair, the members of the committee felt that was unfair, and it also became clear that that would be a great deterrent to investment on the exploration and the development and potential of minerals in this country.

We then put in the front of the legislation a whole series of lands where the Secretary may not allow the location of mining permits. Those were cited by the gentleman from California [Mr. LEHMAN], where they cannot have the permits. Then we went to those lands, on both the Bureau of Land Management and the National Forest System, lands of special characteristics where we felt there should be a burden of proof. That burden of proof that we selected was that those activities would result in significant, permanent, irreparable damage to the special characteristics, as described in this paragraph.

It is my feeling that the so-called DeFazio amendment, as represented, the standard simply is not tough enough. The burden is not high enough.

What it really is is: It is a ticket to court. It is a ticket to litigation over each and every permit that would be in those lands where mining is not specifically allowed.

I think that is wrong. I think what we have tried to develop in this legislation is the notion that the public lands are in fact open to multiple uses, but recognizing that not every use would be available on all public lands, that there are competing interests, there are competing concerns that have to be taken into account.

What the so-called DeFazio amendment would do would be to extend the blanket authority to prohibit mining from those lands. He adds two new categories of lands where it would be prohibited, when in fact, as pointed out again by the chairman, the gentleman from California [Mr. LEHMAN], that those land classifications were never set forth, they never were proposed, with the idea that they would exclude mining.

I think the committee has struck a fair balance to both sides. We have done it with our colleagues whose districts are heavily impacted by the mining industry but who share a great deal of environmental concern about the long-term impacts of this industry on those lands.

I would hope my colleagues would stick with the committee bill and reject the so-called DeFazio-Rahall amendment.

Mr. HINCHEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment. None of us here today would deny the necessity of mining. Nor would we deny that mining is a valid, reasonable use of public lands. All of us recognize that mining requires damaging the land: To paraphrase the old saw about omelets, you can't make the pan you cook the omelet in without breaking rocks. The gold leaf that decorates this Chamber was not found in a tree: It was torn from the Earth.

But to say that allowing mining means we must break some rocks does not mean that we must leave no stone unturned. The purpose of this amendment is to draw a line, to say there are some rocks we should not break, some places we should not sacrifice, some damage we should not permit. As it stands, the bill acknowledges that some areas—parks and refuges, for instance—deserve that protection. But it provides protection only to the extent that the damage would be "significant, permanent, and irreparable."

Those are strong words; permanent and irreparable. The forest fires that swept California a few weeks ago and those that devastated Yellowstone a few years back horrified millions of Americans. But they did not do irreparable damage: Woods can grow back.

The pollution that destroyed the fish in the Hudson River that runs past my home town—and the damage pollution did to the Connecticut, the Passaic, the Chesapeake, and so many other rivers and lakes and estuaries—may not be permanent: With help, the rivers recover and the fish return. The Romans salted the earth at Carthage so nothing would grow there for centuries. They succeeded: Carthage never recovered, and its land was not cultivated until long after the Roman empire disappeared. But that was not permanent and irreparable damage: After 1,000 years, grasses and growth returned.

These are not idle examples. The language used in the bill has been interpreted in the past in other laws to permit devastating, long-term damage. It would allow areas to be declared "suitable for mining" even if mining brought similar devastation to our most treasured public lands—national parks, wilderness areas, wildlife refuges.

Please do not allow that to happen. Do not allow our commonly held treasures, our national family jewels, to be scarred for generations and centuries just so we may produce a little more gold and silver now. This amendment proposes a reasonable standard—a standard that allows miners to break rocks, that allows continued production of minerals we may need or want but that does not allow wanton destruction of our national treasures.

Please support this amendment.

Mr. VENTO. Madam Chairman, I rise in support of the amendment of the gentleman from Oregon, particularly as it involves those parts of the public lands that are designated as areas of critical environmental concern and national forest areas designated as research natural areas.

Under its Organic Act, the Bureau of Land Management is required, as a priority matter, to identify these areas of critical environmental concern—defined as areas where—

*** special management attention is required *** to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards.

Clearly, by definition such "areas of critical environmental concern" have special characteristics that the land managers need to take into account when they decide what conditions should apply to any mining activities affecting the areas.

Similarly, national forest "research natural areas" by definition have special natural characteristics of particular scientific or other value that must be taken into account in connection with proposed mineral development.

I commend the gentleman from Oregon [Mr. DEFAZIO] for offering this amendment, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO, Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 232, not voting 7, as follows:

[Roll No. 569]

AYES—199

Ackerman	Greenwood	Oliver
Andrews (ME)	Gutierrez	Owens
Andrews (NJ)	Hamburg	Pallone
Andrews (TX)	Hamilton	Payne (NJ)
Bacchus (FL)	Harman	Pelosi
Baesler	Hastings	Petri
Barca	Hilliard	Porter
Barlow	Hinchee	Price (NC)
Barrett (WI)	Hoagland	Pryce (OH)
Becerra	Hochbrueckner	Rahall
Bellenson	Holden	Rangel
Berman	Hoyer	Ravenel
Bishop	Jacobs	Reed
Blute	Jefferson	Reynolds
Boehlert	Johnson (CT)	Richardson
Bonior	Johnson (GA)	Roemer
Borski	Johnson, E.B.	Ros-Lehtinen
Brown (FL)	Johnston	Roybal-Allard
Brown (OH)	Kaptur	Rush
Bryant	Kennedy	Sabo
Byrne	Kennelly	Sanders
Cantwell	Kildee	Saxton
Cardin	Kiecicka	Schenk
Clay	Klink	Schiff
Clayton	Klug	Schroeder
Clyburn	Kopetski	Schumer
Coleman	Kreidler	Scott
Collins (IL)	LaFalce	Sensenbrenner
Collins (MI)	Lambert	Serrano
Conyers	Lancaster	Sharp
Cooper	Lantos	Shays
Coppersmith	Laughlin	Shepherd
Costello	Lazio	Skaggs
Coyne	Leach	Slaughter
Cunningham	Lewis (GA)	Smith (NJ)
de la Garza	Lipinski	Snowe
de Lugo (VI)	Lowey	Stokes
Deal	Machtley	Studds
DeFazio	Maloney	Stupak
DeLauro	Mann	Synar
Dellums	Manton	Tejeda
Derrick	Margolies-	Thompson
Deutsch	Mezvisinsky	Torkildsen
Dixon	Markey	Torres
Edwards (CA)	Martinez	Towns
Engel	McCloskey	Trafficant
Eshoo	McDade	Tucker
Evans	McDermott	Unsoeld
Fields (LA)	McHale	Upton
Filner	Meehan	Valentine
Fingerhut	Meek	Velazquez
Fish	Menendez	Vento
Foglietta	Meyers	Visclosky
Frank (MA)	Mfume	Washington
Franks (CT)	Miller (FL)	Waters
Franks (NJ)	Mineta	Watt
Furse	Minge	Waxman
Gallo	Moakley	Weldon
Gejdenson	Molinari	Wheat
Geren	Moran	Whitten
Gilchrest	Morella	Wise
Gillmor	Murphy	Woolsey
Gilman	Nadler	Wyden
Gonzalez	Neal (NC)	Wynn
Goodling	Norton (DC)	Yates
Goss	Oberstar	Zimmer
Green	Obey	

NOES—232

Abercrombie	Bentley	Buyer
Allard	Bereuter	Callahan
Applegate	Bevill	Calvert
Archer	Billbray	Camp
Army	Billrakis	Canady
Bachus (AL)	Billey	Carr
Baker (CA)	Boehner	Castle
Baker (LA)	Bonilla	Clement
Ballenger	Boucher	Coble
Barcia	Brewster	Collins (GA)
Barrett (NE)	Brooks	Combest
Bartlett	Browder	Condit
Barton	Bunning	Cox
Bateman	Burton	Cramer

Crane	Inglis	Pomeroy
Crapo	Inhofe	Portman
Danner	Inslee	Poshard
Darden	Istook	Quillen
DeLay	Johnson (SD)	Quinn
Diaz-Balart	Johnson, Sam	Ramstad
Dickey	Kanjorski	Regula
Dicks	Kasich	Ridge
Dingell	Kim	Roberts
Dooley	King	Rogers
Doollittle	Kingston	Rohrabacher
Dornan	Klein	Romero-Barcelo
Dreier	Knollenberg	(PR)
Duncan	Kolbe	Rose
Dunn	Kyl	Rostenkowski
Durbin	LaRocco	Roth
Edwards (TX)	Lehman	Rowland
Emerson	Levin	Royce
English (AZ)	Levy	Sangmeister
English (OK)	Lewis (CA)	Santorum
Everett	Lewis (FL)	Sarpallus
Ewing	Lightfoot	Sawyer
Faleomavaega	Linder	Schaefer
(AS)	Livingston	Shaw
Farr	Lloyd	Shuster
Fawell	Long	Sisisky
Fazio	Manzullo	Skeen
Fields (TX)	Matsul	Skelton
Flake	Mazzoli	Slattery
Ford (MI)	McCandless	Smith (IA)
Ford (TN)	McCollum	Smith (MI)
Fowler	McCreery	Smith (OR)
Frost	McCurdy	Smith (TX)
Galleghy	McHugh	Solomon
Gekas	McInnis	Spence
Gephardt	McKeon	Spratt
Gibbons	McMillan	Stark
Gingrich	McNulty	Stearns
Glickman	Mica	Stenholm
Goodlatte	Michel	Strickland
Gordon	Miller (CA)	Stump
Grams	Mink	Sundquist
Grandy	Mollohan	Swett
Gunderson	Montgomery	Swift
Hall (OH)	Moorhead	Talent
Hall (TX)	Murtha	Tanner
Hancock	Myers	Tauzin
Hansen	Natcher	Taylor (MS)
Hastert	Neal (LA)	Taylor (NC)
Hayes	Nussle	Thomas (CA)
Hefley	Ortiz	Thomas (WY)
Hefner	Orton	Thornton
Herger	Oxley	Thurman
Hobson	Packard	Underwood (GU)
Hoeckstra	Parker	Volkmer
Hoke	Pastor	Vucanovich
Horn	Paxon	Walker
Houghton	Payne (VA)	Walsh
Huffington	Penny	Williams
Hughes	Peterson (FL)	Wilson
Hunter	Peterson (MN)	Wolf
Hutchinson	Pickett	Young (AK)
Hutto	Pickle	Young (FL)
Hyde	Pombo	Zelliff

NOT VOTING—7

Blackwell	Clinger	Torricelli
Brown (CA)	McKinney	
Chapman	Roukema	

□ 1759

Mrs. JOHNSON of Connecticut, Messrs. JOHNSTON of Florida, FRANK of Massachusetts, RANGEL, GUTIERREZ, SCHUMER, PRICE of North Carolina, and BERMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MCKINNEY, Madam Chairman, during rollcall vote No. 569 on the DeFazio amendment I was unavoidably detained. Had I been present I would have voted "aye."

AMENDMENT OFFERED BY MRS. VUCANOVICH
Mrs. VUCANOVICH, Madam Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mrs. VUCANOVICH:

On Page 61, line 24, after the word "shall" insert the following: ", to the maximum extent practicable."

Mrs. VUCANOVICH, Madam Chairman, my amendment to section 207, the reclamation provisions of this bill is quite simple—yet it lies at the crux of today's debate.

I seek to add the phrase "to the maximum extent practicable" to the general rule for reclamation, because it is conspicuous in its absence. Not only are the reclamation standards in H.R. 322 inappropriate in light of the reclamation standard adopted by this body just 7½ months ago in the Stock Raising Homestead Act amendments, they also are conflicting and wholly unworkable.

The general reclamation standard in section 207(a)(1) of H.R. 322, applicable to both exploration permits and operations permits, requires that the permittee restore lands after mineral activities to a condition capable of supporting the "uses to which such lands were capable of supporting prior"—and I emphasize prior—to the mineral activities. Alternatively, it would require reclaiming the lands to some other beneficial use determined by the appropriate Secretary, if that use conforms to the applicable land use plan.

Yet this basic concept and over-arching standard of restoration to conditions of prior use is ignored in two other sections of H.R. 322 which set the requirements for the reclamation plans that the applicants must submit for exploration and operating permits. Instead, sections 203(d)(3) and 204(d)(1)(C) require that the reclamation plan guarantee that the land will be placed in the condition necessary to support whatever use is chosen for that area in the applicable land use plan. As the use which the planners may have selected for that land often is different from the existing use, this standard for the permits' reclamation plans in sections 203 and 204 conflicts with the general reclamation standard in section 205.

This reclamation plans' standard requiring conformance with the use selected for the land in the applicable land use plan is particularly invidious because it gives any Forest Service or BLM planner a veto over all exploration and mining. All the planner needs to do is select an idealized use which cannot be achieved by reclamation and he or she will have effectively withdrawn the land from all mineral activities.

This is not idle speculation. For example, Forest Service and BLM plans often identify new, different conditions and uses for planning areas. Indeed, the regulations even encourage this. For example, the Forest Service rules (at 36 CFR §219.11(b)) require that every land use plan must identify and describe the "desired future condition" of all the lands in every forest. The "desired future condition" very frequently varies

from the current condition both because ecosystems evolve naturally over time and because the Forest Service often chooses to actively manage forests over time to create conditions the agency finds to be preferable. The Forest Service plans are typically revised every 10 to 15 years (36 CFR §219.10(g)) but they have a planning horizon of 50 years (36 CFR §219.3). Aggressive planners have provided for desired uses that simply cannot be established in the near term even absent any mineral activities whatsoever. To ask—indeed require—as a condition for a permit that a mineral explorer or miner must not simply return the land to the maximum extent practicable to the condition in which he or she found it but instead must satisfy the planners' every whim and provide for such idealized uses is ridiculous.

Let me finish by reminding my colleagues that the conditional phrase "to the maximum extent practicable" is used some 428 times in Federal statute according to a recent search of the Lexis legal database. Congress knows what it means and we qualify our laws with that phrase routinely.

Furthermore, this body voted 421 to 1 on March 30, 1993, to amend the Stock Raising Homestead Act with respect to the manner in which mining claimants do business on privately owned surface over Federal reserved minerals. The other body quickly adopted the reclamation language as well and sent it to President Clinton. On April 16, 1993, he signed H.R. 239 into law, containing a reclamation standard qualified by the very same phrase. I find it very ironic that this body even contemplates placing an unqualified reclamation standard on public lands miners while leaving private surface owners at the "practicable" threshold, since section 210 of this bill bars the application of title II to Stock Raising Homestead Act lands.

Please support my amendment.

Madam Chairman, I yield to the gentleman from Arizona [Mr. STUMP].

□ 1810

Mr. STUMP. Madam Chairman, I thank the gentlewoman for yielding this time to me, and I thank her for all her efforts in this matter. I rise in support of the gentlewoman's amendment.

Madam Chairman, mining is good for America.

Our economic growth as a Nation and the technological advances we have attained could not have been possible without hard rock minerals, such as gold, silver, and copper that were extracted from our public lands.

The success of our domestic mining industry affects each and every American, and touches our lives every day. Regardless of whether you live in the North, South, East, or West, or some point in between, the minerals extracted by hard-rock mining operations in the West are used in products that help to improve the quality of our lives and provide jobs.

There are those who would argue that mining on our public lands is not in the public interest. In response, I would like to let the facts speak for themselves.

In 1992, Arizona's copper industry provided 12,100 mining jobs, and indirectly created more than 57,000 additional jobs through the purchase of more than \$1.1 billion in goods and services. The industry also helped State and local governments provide services for their people by paying more than \$117 million in State and local taxes. The total economic impact of Arizona's copper industry in 1992 was \$6.5 billion. Mining has always been an important part of Arizona's economy, and continues to be today.

It would be a tragic mistake if H.R. 322 were to be passed into law. The bill, deceptively titled the Mineral Exploration and Development Act, would actually take away many of the incentives to mineral exploration and development and threatens to collapse our domestic mining industry. If this bill is passed, we run the very real risk of forcing our mining industry to leave the United States in search of better opportunities, taking U.S. jobs and the opportunity for job creation with them.

Mining is good for America. Jobs are good for Americans. And, H.R. 322 would be bad for us all. If our mining laws are truly in need of reform, let's move toward meaningful and fair reforms, not toward the elimination of our domestic mining industry. I strongly encourage my colleagues to find the wisdom to vote against this bill.

Mr. LEHMAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment of the gentleman from Nevada.

It ought to be apparent to Members of the House now that this bill is a very finely balanced piece of legislation between two very important needs, the need to have decisive and certain action to protect the environment where none or very little has been provided in the past, and the need to maintain a very viable and significant mining industry.

The House on the last two votes has wisely rejected attempts to unbalance this bill in either of those directions. This is an attempt here to make a major change, not a minor one, and to do away with the standards that have been worked out in our committee with respect to reclamation.

The bill already requires, and I quote from it:

Reclamation shall proceed as contemporaneously as practical with the conduct of mineral activity and shall use with respect to this subsection the best technology currently available.

So the standard in the bill for reclamation procedures is to use the best technology available.

This would be an extension of that to say under the Vucanovich amendment that it could be carried out only to the maximum extent practicable. What is the maximum extent practicable? In most instances that will not involve

technology. That will involve whether or not it is cost-effective at a certain time.

Madam Chairman, I believe that reclamation on public lands, lands which belong to the American people, should be carried out in a manner that assures the land will be returned to its pre-mining condition or to another condition if it would support specific beneficial uses as specified in the appropriate land use plan, not just because it is cost-effective at a certain point in time to do so.

In other words, under the bill as it is written right now, if you want to mine on public lands, you must meet a standard that requires that the land be left in good or better condition after mining, regardless of whether it affects your profit margin. This is a tremendous loophole in the bill being opened up on reclamation practices. We have sound standards in the bill. They are tough, but they are fair and I think they meet the requirements that the American people want us to.

This amendment, the standard is far too low. It would allow for far too much mischief.

Madam Chairman, I yield to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Madam Chairman, I thank the gentleman for yielding to me.

I join in strong opposition to this amendment which is, my colleagues, a backdoor effort to reject the reclamation standards that have been so well-written into this bill.

We in the Appalachian region have a reclamation law on the books that governs surface mining of coal. It is a reclamation law that has worked since its enactment in 1977. Coal companies have responsibly reclaimed our land and made better uses of the land after the mining has been conducted.

In the West, Madam Chairman, there are still open pits. There is still a legacy of poisoned streams. There is still much reclamation work that needs to be done, all because of the hard rock surface mining that has been done in the western areas.

This amendment, the reclamation standards in it, goes a great deal toward reclaiming those open pit shafts, the poisoned streams, et cetera.

The amendment of the gentlewoman would say that reclamation only has to be done to the maximum extent practicable. And who is to judge what is the maximum extent practicable? The mining companies would be under the way the amendment of the gentlewoman is drafted.

I think it is no surprise to any Member of this body that the mining companies, what they would judge as the maximum extent practicable and what any environmentally sound person would judge as the maximum extent practicable, are not the same standards.

So the amendment of the gentleman is to say to the mining companies that they can reclaim to whatever standards they deem to be profitable and whatever they would determine is the maximum extent practicable, and it is just not a practical way to reclaim the land.

So Madam Chairman, I would join with the distinguished subcommittee chairman in urging the rejection of the amendment of the gentleman, which is truly a gutting amendment.

Mr. LEHMAN. Madam Chairman, the reclamation standards are the guts of this bill, what it is really all about. Let us not substantially weaken them now with this amendment. I urge a "no" vote.

Mr. THOMAS of Wyoming. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment.

Certainly whatever is done in restoration is going to be somewhat subjective. I will not take long, but I simply tell you that when you live in the arid west, the idea of restoring land is often one that involves changing it.

Indeed, many times it is better when it is over, but it is not the same.

I think there is a notion that it needs to be practicable, the high side walls and these kinds of things have turned into something that is quite different. It is subjective.

You say who is going to make the decision. Who is going to make the decision anyway? Who is going to decide whether it is returned exactly the way it was. Of course, you cannot do that. Of course, it is subjective. Of course, it is a matter of practicality.

I think this puts it into the proper context and into one of reason.

Madam Chairman, I urge my friends to support this amendment.

The CHAIRMAN. The gentleman is on the amendment offered by the gentleman from Nevada [Mrs. VUCANOVICH].

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

RECORDED VOTE

Mrs. VUCANOVICH. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 278, not voting 11, as follows:

[Roll No. 570]

AYES—149

Allard	Bentley	Castle
Archer	Billrakis	Coble
Army	Billey	Collins (GA)
Bachus (AL)	Boehner	Combust
Baker (CA)	Bonilla	Cox
Baker (LA)	Bunning	Crane
Ballenger	Burton	Crapo
Barcia	Buyer	de la Garza
Barrett (NE)	Callahan	DeLay
Bartlett	Calvert	Dickey
Barton	Camp	Dingell
Bateman	Canady	Doolittle

Dornan	Istook	Pombo
Dreier	Johnson (CT)	Portman
Duncan	Johnson, Sam	Pryce (OH)
Dunn	Kasich	Quinn
Emerson	Kim	Ridge
Everett	King	Roberts
Ewing	Kingston	Rogers
Fields (TX)	Knollenberg	Rohrabacher
Fowler	Kolbe	Roth
Franks (NJ)	Kyl	Royce
Gallegly	Levy	Schaefer
Gallo	Lewis (CA)	Schiff
Gekas	Lewis (FL)	Schroeder
Gilchrist	Lightfoot	Shuster
Gillmor	Linder	Skaggs
Gingrich	Livingston	Skeen
Goodlatte	Lloyd	Smith (MI)
Goodling	Manzullo	Smith (OR)
Goss	McCandless	Smith (TX)
Grams	McCollum	Solomon
Grandy	McCrary	Spence
Hall (TX)	McDade	Stearns
Hancock	McHugh	Stenholm
Hansen	McInnis	Stump
Hastert	McKeon	Sundquist
Hayes	McMillan	Talent
Hefley	Mica	Taylor (MS)
Herger	Michel	Taylor (NC)
Hobson	Miller (FL)	Thomas (CA)
Hoekstra	Montgomery	Thomas (WY)
Hoke	Moorhead	Valentine
Houghton	Myers	Vucanovich
Huffington	Nussle	Walker
Hunter	Orton	Walsh
Hutchinson	Oxley	Wolf
Hutto	Packard	Young (AK)
Hyde	Parker	Zeliff
Inhofe	Paxon	

NOES—278

Abercrombie	Derrick	Inslee
Ackerman	Deutsch	Jacobs
Andrews (ME)	Diaz-Balart	Jefferson
Andrews (NJ)	Dicks	Johnson (GA)
Andrews (TX)	Dixon	Johnson (SD)
Applegate	Dooley	Johnson, E. B.
Bacchus (FL)	Durbin	Johnston
Baessler	Edwards (CA)	Kanjorski
Barca	Edwards (TX)	Kaptur
Barlow	Engel	Kennedy
Barrett (WI)	English (AZ)	Kennelly
Becerra	Eshoo	Kildee
Bellenson	Evans	Klecza
Bereuter	Faleomavaega	Klein
Berman	(AS)	Klink
Bevill	Farr	Klug
Bilbray	Fawell	Kopetski
Bishop	Fazio	Kreidler
Blute	Fields (LA)	LaFalce
Boehert	Filner	Lambert
Bonior	Fingerhut	Lancaster
Borski	Fish	Lantos
Boucher	Flake	LaRocco
Brewster	Foglietta	Laughlin
Brooks	Ford (MI)	Lazio
Browder	Frank (MA)	Leach
Brown (FL)	Franks (CT)	Lehman
Brown (OH)	Frost	Levin
Byrne	Furse	Lewis (GA)
Cantwell	Gejdenson	Lipinski
Cardin	Gephardt	Long
Carr	Geren	Lowey
Chapman	Gibbons	Machtley
Clay	Gilman	Maloney
Clayton	Glickman	Mann
Clement	Gonzalez	Manton
Clyburn	Gordon	Margolies-
Coleman	Green	Mezvinsky
Collins (IL)	Greenwood	Markey
Collins (MI)	Gunderson	Martinez
Condit	Gutierrez	Matsui
Conyers	Hall (OH)	Mazzoli
Cooper	Hamburg	McCloskey
Coppersmith	Hamilton	McCurdy
Costello	Harman	McDermott
Coyne	Hastings	McHale
Cramer	Hefner	McKinney
Cunningham	Hilliard	McNulty
Danner	Hinchee	Meehan
Darden	Hoagland	Meek
de Lugo (VI)	Hochbrueckner	Menendez
Deal	Holden	Meyers
DeFazio	Horn	Mfume
DeLauro	Hoyer	Miller (CA)
Dellums	Hughes	Mineta

Minge	Reed	Studds
Mink	Regula	Stupak
Moakley	Richardson	Swett
Molinari	Roemer	Swift
Mollohan	Romero-Barcelo	Synar
Moran	(PR)	Tanner
Morella	Ros-Lehtinen	Tauzin
Murphy	Rose	Tejeda
Murtha	Rostenkowski	Thompson
Nadler	Rowland	Thornton
Natcher	Roybal-Allard	Thurman
Neal (MA)	Rush	Torkildsen
Neal (NC)	Sabo	Torres
Norton (DC)	Sanders	Towns
Oberstar	Sangmeister	Trafficant
Obey	Santorum	Tucker
Olver	Sarpaluis	Underwood (GU)
Ortiz	Sawyer	Unsoeld
Owens	Saxton	Upton
Pallone	Schenk	Velazquez
Pastor	Schumer	Vento
Payne (NJ)	Scott	Visclosky
Payne (VA)	Sensenbrenner	Volkmer
Pelosi	Serrano	Washington
Penny	Sharp	Waters
Peterson (FL)	Shaw	Watt
Peterson (MN)	Shays	Waxman
Petri	Shepherd	Weldon
Pickett	Siskiy	Wheat
Pickle	Skelton	Whitten
Pomeroy	Slattery	Williams
Porter	Slaughter	Wise
Poshard	Smith (IA)	Woolsey
Price (NC)	Smith (NJ)	Wyden
Quillen	Snowe	Wynn
Rahall	Spratt	Yates
Ramstad	Stark	Young (FL)
Rangel	Stokes	Zimmer
Ravenel	Strickland	

NOT VOTING—11

Blackwell	English (OK)	Roukema
Brown (CA)	Ford (TN)	Torrice
Bryant	Inglis	Wilson
Clinger	Reynolds	

□ 1835

So the amendment was rejected. The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title II?

Mr. ORTON. Madam Chairman, I move to strike the last word.

Madam Chairman, much has been said here about the mining industry. In fact, the remarks of today have at times sounded more like the mining industry on trial than the honest debate over public policy needed to reform the 120-year-old mining law which most agree is in need of reform.

Mining is one of America's most important industries. Few products are produced in this country that do not use minerals in some form. We need only look around at our Capitol Hill offices to recognize the myriad products which owe their existence to minerals and metals. Included are everything from the personal computer, without which my office could not function, to the copying machine, chairs, paper clips, pens and pencils, as well as the building, electricity, and even the roof over our heads. The average person simply doesn't think about how important mining is to everyday life.

The mining industry creates some of the highest skilled and best paying jobs in the country. The average mining wage is over \$37,000 a year, for direct employment of nearly 280,000 Americans. The mining industry produces hundreds of millions of dollars in direct

payroll, and billions of dollars in the purchase of American made equipment, products and payment of taxes. Indirect employment that supports mining accounts for nearly 3 million U.S. jobs, in virtually all 50 States.

Furthermore, our mining industry is the most efficient, productive and environmentally sound of any in the world. It continues to furnish America with the raw materials needed by our manufacturing industry.

The mining industry is clearly one of our most critical industries. However, H.R. 322 would devastate America's mining industry, and would economically cripple it by imposing an unrealistic 8-percent gross royalty, a rate exceeding the entire profit margin of most operating mines. It would create layers of new bureaucracy, overly broad citizen suit provisions and inflexible environmental requirements that will not provide any cost effective increment of environmental protection. This bill would simply drive up the costs of mining on the public lands to the point of closing many of our existing mines, and preventing the opening of new mines.

There was an alternative to H.R. 322. Mrs. VUCANOVICH and I introduced H.R. 1708, which deals with the legitimate issues raised by critics of the mining industry. Our bill provides for reasonable fees and royalties to be paid to the Federal Government for mining on public lands and mandates that mining be accomplished in an environmentally sound manner, subject to Government-approved plans of operation, and proven, enforceable State or Federal reclamation requirements. Our legislation would update the mining law without destroying the industry or causing massive job loss.

All legitimate issues that critics of the mining industry have raised are dealt with in our bill. Royalties would be paid. Land would no longer be sold for \$2.50 to \$5 an acre. Reclamation would come under Federal law if responsible State law is not in place. And enforcement of the law against illegal uses would be required. Yet, under our legislation, the mining industry would continue to operate on a competitive basis with foreign producers to the benefit of all Americans.

So what happened to H.R. 1708? Long before today's debate, H.R. 1708 was sacrificed on the altar of extremism. And sacrificed along with it are the jobs of thousands, thousands of Americans.

I will not offer H.R. 1708 as a substitute today. I will not submit it to a vote of my esteemed colleagues who, with all due respect, have come to view H.R. 322 as the only mining reform bill—an inevitable result of a committee predisposition.

The Natural Resources Committee did hold numerous hearings and took hours of testimony from both sides.

But, frankly, both sides are not reflected in the legislation before us.

I do not stand here as just another westerner defending a western industry. Mining has direct effects on job creation throughout the country from Maine to Florida and from New York to California. It is critical that all of us realize what we are doing today to our nationwide mining industry.

We are, on the eve of the NAFTA debate, considering legislation that will absolutely, positively, send jobs south of the border and far overseas. The debate over NAFTA is a difficult one, this debate is not. Major mining companies, fearful of overbroad reform, are preparing to move south and overseas.

Mexico abolished its royalty in 1991. Argentina is reducing its royalty to 3 percent. Bolivia imposes no royalty on new mines. Brazil's royalty runs from 0.2 to 3 percent, and is paid to the states. Chile has no royalty.

Even Canada has no royalty. Ghana's royalty can run as low as 3 percent. Zimbabwe—no royalty. Indonesia's royalty is negotiable, from 1 to 2 percent. The Philippines is considering lowering its royalty from 5 to 2 percent. Papua New Guinea's royalty is just 1.25 percent.

Under H.R. 322, our royalty in the United States will be 8 percent gross. And I remind my colleagues, that this royalty would exceed the profit margin of most operating mines.

The math is pretty simple—it will be far cheaper to mine in other countries, where environmental regulations and enforcement are laughable in comparison to the United States. The global environment is also being sacrificed on the altar of extremism. H.R. 322 is environmental parochialism at its worst. It's a feel good, quick fix at home without regard to the global environmental balance that is threatened by rapid overdevelopment in emerging economies.

I urge my colleagues to avoid the quick fix; to reconsider the destruction of our mining industry. And finally, I urge my colleagues to think about the thousands of jobs we may sacrifice with this vote today.

The 1872 mining law is in desperate need of reform. But let's do it right. Do not put Americans out of work. Vote "no" on H.R. 322.

□ 1840

The CHAIRMAN. Are there other amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—ABANDONED LOCATABLE MINERALS MINE RECLAMATION FUND

SEC. 301. ABANDONED LOCATABLE MINERALS MINE RECLAMATION.

(a) ESTABLISHMENT.—(1) There is established on the books of the Treasury of the United States a trust fund to be known as the Abandoned Locatable Minerals Mine Reclamation Fund (hereinafter in this title referred to as the

'Fund'). The Fund shall be administered by the Secretary acting through the Director of the Office of Surface Mining Reclamation and Enforcement.

(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in the Secretary's judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

(b) AMOUNTS.—The following amounts shall be credited to the Fund:

(1) All moneys received from the collection of claim maintenance fees under section 105.

(2) All moneys collected pursuant to section 106 (relating to failure to comply), section 407 (relating to enforcement) and section 405 (relating to citizens suits).

(3) All permit fees and transfer fees received under sections 203 and 204.

(4) All donations by persons, corporations, associations, and foundations for the purposes of this title.

(5) All amounts referred to in section 306 (relating to royalties and penalties for under-reporting).

(6) All other receipts from fees, royalties, penalties and other sources collected under this Act.

(c) ADMINISTRATIVE COSTS.—(1) In calculating the amount to be deposited in the Fund during any fiscal year under subsection (b), the enacted appropriation of the Department of the Interior during the preceding year attributable to administering this Act shall be deducted from the total of the amounts listed in subsection (b) prior to the transfer of such amounts to the Fund.

(2) The amount deducted under paragraph (1) of this section shall be available to the Secretary, subject to appropriation, for payment of the costs of administering this Act.

SEC. 302. USE AND OBJECTIVES OF THE FUND.

(a) IN GENERAL.—The Secretary is authorized, subject to appropriations, to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral activities on lands the legal and beneficial title to which resides in the United States, land within the exterior boundary of any national forest system unit, or other lands described in subsection (d) or section 303, including any of the following:

(1) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

(2) Reclamation and restoration of abandoned surface and underground mined areas.

(3) Reclamation and restoration of abandoned milling and processing areas.

(4) Backfilling, sealing, or otherwise controlling, abandoned underground mine entries.

(5) Revegetation of land adversely affected by past mineral activities to prevent erosion and sedimentation and to enhance wildlife habitat.

(6) Control of surface subsidence due to abandoned underground mines.

(b) PRIORITIES.—Expenditure of moneys from the Fund shall reflect the following priorities in the order stated:

(1) The protection of public health, safety, general welfare and property from extreme danger from the adverse effects of past mineral activities, especially as relates to surface water and groundwater contaminates.

(2) The protection of public health, safety, and general welfare from the adverse effects of past mineral activities.

(3) The restoration of land and water resources previously degraded by the adverse effects of past mineral activities.

(c) **HABITAT.**—Reclamation and restoration activities under this title, particularly those identified under subsection (a)(4), shall include appropriate mitigation measures to provide for the continuation of any established habitat for wildlife in existence prior to the commencement of such activities.

(d) **OTHER AFFECTED LANDS.**—Where mineral exploration, mining, beneficiation, processing, or reclamation activities has been carried out with respect to any mineral which would be a locatable mineral if the legal and beneficial title to the mineral were in the United States, if such activities directly affect lands managed by the Bureau of Land Management as well as other lands and if the legal and beneficial title to more than 50 percent of the affected lands resides in the United States, the Secretary is authorized, subject to appropriations, to use moneys in the fund for reclamation and restoration under subsection (a) for all directly affected lands.

SEC. 303. ELIGIBLE LANDS AND WATERS.

(a) **ELIGIBILITY.**—Reclamation expenditures under this title may only be made with respect to Federal lands or Indian lands or water resources that traverse or are contiguous to Federal lands or Indian lands where such lands or waters resources have been affected by past mineral activities, including any of the following:

(1) Lands and water resources which were used for, or affected by, mineral activities and abandoned or left in an inadequate reclamation status before the effective date of this Act.

(2) Lands for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, operator, or other person who abandoned the site prior to completion of required reclamation under State or other Federal laws.

(3) Lands for which it can be established that such lands do not contain locatable minerals which could economically be extracted through the reprocessing or re-mining of such lands, unless such considerations are in conflict with the priorities set forth under paragraphs (1) and (2) of section 302(b).

(b) **SPECIFIC SITES AND AREAS NOT ELIGIBLE.**—The provisions of section 411(d) of the Surface Mining Control and Reclamation Act of 1977 shall apply to expenditures made from the Fund established under this title.

(c) **INVENTORY.**—The Secretary shall prepare and maintain an inventory of abandoned locatable mineral mines on Federal lands and any abandoned mine on Indian lands which may be eligible for expenditures under this title.

SEC. 304. FUND EXPENDITURES.

Moneys available from the Fund may be expended for the purposes specified in section 302 directly by the Director of the Office of Surface Mining Reclamation and Enforcement. The Director may also make such money available for such purposes to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Director of the National Park Service, Director of the United States Fish and Wildlife Service, to any other agency of the United States, to an Indian tribe, or to any public entity that volunteers to develop and implement, and that has the ability to carry out, all or a significant portion of a reclamation program under this title.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Amounts credited to the Fund are authorized to be appropriated for the purpose of this title without fiscal year limitation.

SEC. 306. ROYALTY.

(a) **RESERVATION OF ROYALTY.**—Production of all locatable minerals from any mining claim lo-

cated or converted under this Act, or mineral concentrates or products derived from locatable minerals from any mining claim located or converted under this Act, as the case may be, shall be subject to a royalty of 8 percent of the net smelter return from such production. The claimholder and any operator to whom the claimholder has assigned the obligation to make royalty payments under the claim and any person who controls such claimholder or operator shall be jointly and severally liable for payment of such royalties.

(b) **DUTIES OF CLAIM HOLDERS, OPERATORS, AND TRANSPORTERS.**—(1) A person—

(A) who is required to make any royalty payment under this section shall make such payments to the United States at such times and in such manner as the Secretary may by rule prescribe; and

(B) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim.

(2) Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is liable to the Secretary for making proper payments for all amounts due for all time periods for which such person as a payment responsibility. Such liability for the period referred to in the preceding sentence shall include any and all additional amounts billed by the Secretary and determined to be due by final agency or judicial action. Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for all royalty payments due for the claim for the period.

(3) A person conducting mineral activities shall—

(A) develop and comply with the site security provisions in operations permit designed to protect from theft the locatable minerals, concentrates or products derived therefrom which are produced or stored on a mining claim, and such provisions shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances on mining claims; and

(B) not later than the 5th business day after production begins anywhere on a mining claim, or production resumes after more than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(4) The Secretary may by rule require any person engaged in transporting a locatable mineral, concentrate, or product derived therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the locatable mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines is appropriate.

(c) **RECORDKEEPING AND REPORTING REQUIREMENTS.**—(1) A claim holder, operator, or other person directly involved in developing, producing, processing, transporting, purchasing, or selling locatable minerals, concentrates, or products derived therefrom, subject to this Act, through the point of royalty computation shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with rules or orders under this section. Such records shall include, but not be limited to, periodic reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality,

composition volume, weight, and assay of all minerals extracted from the mining claim. Upon the request of any officer or employee duly designated by the Secretary or any State conducting an audit or investigation pursuant to this section, the appropriate records, reports, or information which may be required by this section shall be made available for inspection and duplication by such officer or employee or State.

(2) Records required by the Secretary under this section shall be maintained for 6 years after release of financial assurance under section 206 unless the Secretary notifies the operator that he or she has initiated an audit or investigation involving such records and that such records must be maintained for a longer period. In any case when an audit or investigation is underway, records shall be maintained until the Secretary releases the operator of the obligation to maintain such records.

(d) **AUDITS.**—The Secretary is authorized to conduct such audits of all claim holders, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of minerals covered by this Act, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with any provision of this section by any person.

(e) **COOPERATIVE AGREEMENTS.**—(1) The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of locatable minerals, concentrates, or products derived therefrom, to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties, or other payments) activities under this section in cooperation with the Secretary, and to carry out any other activity described in this section.

(2) Except as provided in paragraph (4)(A) of this subsection (relating to trade secrets), and pursuant to a cooperative agreement, the Secretary of Agriculture shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of locatable minerals, concentrates, or products derived therefrom from claims on lands open to location under this Act.

(3) Trade secrets, proprietary, and other confidential information shall be made available by the Secretary pursuant to a cooperative agreement under this subsection to the Secretary of Agriculture upon request only if—

(A) the Secretary of Agriculture consents in writing to restrict the dissemination of the information to those who are directly involved in an audit or investigation under this section and who have a need to know;

(B) the Secretary of Agriculture accepts liability for wrongful disclosure; and

(C) the Secretary of Agriculture demonstrates that such information is essential to the conduct of an audit or investigation under this subsection.

(f) **INTEREST AND SUBSTANTIAL UNDERREPORTING ASSESSMENTS.**—(1) In the case of mining claims where royalty payments are not received by the Secretary on the date that such payments are due, the Secretary shall charge interest on such underpayments at the same interest rate as is applicable under section 6621(a)(2) of the Internal Revenue Code of 1986. In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(2) If there is any underreporting of royalty owed on production from a claim for any production month by any person liable for royalty

payments under this section, the Secretary may assess a penalty of 10 percent of the amount of that underreporting.

(3) If there is a substantial underreporting of royalty owed on production from a claim for any production month by any person responsible for paying the royalty, the Secretary may assess a penalty of 10 percent of the amount of that underreporting.

(4) For the purposes of this subsection, the term "substantial underreporting" means the difference between the royalty on the value of the production which should have been reported and the royalty on the value of the production which was reported, if the value which should have been reported is greater than the value which was reported. An underreporting constitutes a "substantial underreporting" if such difference exceeds 10 percent of the royalty on the value of production which should have been reported.

(5) The Secretary shall not impose the assessment provided in paragraphs (2) or (3) of this subsection if the person liable for royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(6) The Secretary shall waive any portion of an assessment under paragraph (2) or (3) of this subsection attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that—

(A) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported, or

(B) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported, or

(C) such person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting, or

(D) such person meets any other exception which the Secretary may, by rule, establish.

(7) All penalties collected under this subsection shall be deposited in the Fund.

(g) DELEGATION.—For the purposes of this section, the term "Secretary" means the Secretary of the Interior acting through the Director of the Minerals Management Service.

(h) EXPANDED ROYALTY OBLIGATIONS.—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all locatable minerals, concentrates, or products derived therefrom lost or wasted from a mining claim located or converted under this section when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(i) EXCEPTION.—No royalty shall be payable under subsection (a) with respect to minerals processed at a facility by the same person or entity which extracted the minerals if an urban development action grant has been made under section 119 of the Housing and Community Development Act of 1974 with respect to any portion of such facility.

(j) DEFINITION.—For the purposes of this section, for any locatable mineral, the term "net smelter return" shall have the same meaning as the term defined in section 613(c)(1) of the Internal Revenue Code.

(k) EFFECTIVE DATE.—The royalty under this section shall take effect with respect to the production of locatable minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act

shall be payable at the expiration of such 12-month period.

The CHAIRMAN. Are there amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Subtitle A—Administrative Provisions

SEC. 401. POLICY FUNCTIONS.

(a) MINERALS POLICY.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by adding at the end thereof the following: "It shall also be the responsibility of the Secretary of Agriculture to carry out the policy provisions of paragraphs (1) and (2) of this section."

(b) MINERAL DATA.—Section 5(e)(3) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604) is amended by inserting before the period the following: ", except that for National Forest System lands the Secretary of Agriculture shall promptly initiate actions to improve the availability and analysis of mineral data in Federal land use decisionmaking".

SEC. 402. USER FEES.

The Secretary and the Secretary of Agriculture are each authorized to establish and collect from persons subject to the requirements of this Act such user fees as may be necessary to reimburse the United States for the expenses incurred in administering such requirements. Fees may be assessed and collected under this section only in such manner as may reasonably be expected to result in an aggregate amount of the fees collected during any fiscal year which does not exceed the aggregate amount of administrative expenses referred to in this section.

SEC. 403. PUBLIC PARTICIPATION REQUIREMENTS.

(a) OPERATIONS PERMIT.—(1) Concurrent with submittal of an application for an operations permit under section 204 or a renewal or significant modification thereof, the applicant shall publish a notice in a newspaper of local circulation at least once a week for 4 consecutive weeks. The notice shall include: the name of the applicant, the location of the proposed mineral activities, the type and expected duration of the proposed mineral activities, the proposed use of the land after the completion of mineral activities and a location where such plans are publicly available. The applicant shall also notify in writing other Federal, State and local government agencies and Indian tribes that regulate mineral activities or land planning decisions in the area subject to mineral activities or that manage lands adjacent to the area subject to mineral activities. The applicant shall provide proof of such notification to the Secretary, or for National Forest System lands the Secretary of Agriculture.

(2) The applicant for an operations permit shall make copies of the complete permit application available for public review at the office of the responsible Federal surface management agency located nearest to the location of the proposed mineral activities, and at such other public locations deemed appropriate by the State or local government for the county in which the proposed mineral activities will occur prior to final decision by the Secretary, or for National Forest System lands the Secretary of Agriculture. Any person, and the authorized representative of a Federal, State or local governmental agency or Indian tribe, shall have the right to file written comments relating to the approval or disapproval of the permit application until 30 days after the last day of newspaper publication. The Secretary concerned shall promptly make such comments available to the applicant.

(3) Any person may file written comments during the comment period specified in paragraph (2) and any person who is, or may be, adversely affected by the proposed mineral activities may request a nonadjudicatory public hearing to be held in the county in which the mineral activities are proposed. The Secretary concerned shall consider all written comments filed during such period. If a hearing is requested by any person who is, or may be, adversely affected by the proposed mineral activities, the Secretary concerned shall consider such request and may conduct such hearing. When a hearing is to be held, notice of such hearing shall be published in a newspaper of local circulation at least once a week for 2 weeks prior to the hearing date.

SEC. 404. INSPECTION AND MONITORING.

(a) INSPECTIONS.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall make inspections of mineral activities so as to ensure compliance with the surface management requirements of title II.

(2) The Secretary concerned shall establish a frequency of inspections for mineral activities conducted under a permit issued under title II, but in no event shall such inspection frequency be less than one complete inspection per calendar quarter or, two per calendar quarter in the case of a permit for which the Secretary concerned approves an application under section 204(g) (relating to temporary cessation of operations). After revegetation has been established in accordance with a reclamation plan, such Secretary shall conduct annually 2 complete inspections. Such Secretary shall have the discretion to modify the inspection frequency for mineral activities that are conducted on a seasonal basis. Inspections shall continue under this subsection until final release of financial assurance.

(3)(A) Any person who has reason to believe he or she is or may be adversely affected by mineral activities due to any violation of the surface management requirements may request an inspection. The Secretary, or for National Forest System lands the Secretary of Agriculture, shall determine within 10 working days of receipt of the request whether the request states a reason to believe that a violation exists. If the person alleges and provides reason to believe that an imminent danger to the health or safety of the public exists, the 10-day period shall be waived and the inspection shall be conducted immediately. When an inspection is conducted under this paragraph, the Secretary concerned shall notify the person requesting the inspection, and such person shall be allowed to accompany the Secretary concerned or the Secretary's authorized representative during the inspection. The Secretary shall not incur any liability for allowing such person to accompany an authorized representative. The identity of the person supplying information to the Secretary relating to a possible violation or imminent danger or harm shall remain confidential with the Secretary if so requested by that person, unless that person elects to accompany an authorized representative on the inspection.

(B) The Secretaries shall, by joint rule, establish procedures for the review of (i) any decision by an authorized representative not to inspect or (ii) any refusal by such representative to ensure that remedial actions are taken with respect to any alleged violation. The Secretary concerned shall furnish such persons requesting the review a written statement of the reasons for the Secretary's final disposition of the case.

(b) MONITORING.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall require all operators to develop and maintain a monitoring and evaluation system which shall identify compliance with all surface management requirements.

(2) Monitoring shall be conducted as close as technically feasible to the mineral activity involved, and in all cases such monitoring shall be conducted within the permit area.

(3) The point of compliance referred to in paragraph (1) shall be as close to the mineral activity involved as is technically feasible, but in any event shall be located to comply with applicable State and Federal standards. In no event shall the point of compliance be outside the permit area.

(4) The Secretary concerned may require additional monitoring be conducted as necessary to assure compliance with the reclamation and other environmental standards of this Act.

(5) The operator shall file reports with the Secretary, or for National Forest System lands the Secretary of Agriculture, on a frequency determined by the Secretary concerned, on the results of the monitoring and evaluation process, except that if the monitoring and evaluation show a violation of the surface management requirements, it shall be reported immediately to the Secretary concerned. Information received pursuant to this subsection from any natural person shall not be used against any such natural person in any criminal case, except a prosecution for perjury or for giving a false statement. The Secretary shall evaluate the reports submitted pursuant to this paragraph, and based on those reports and any necessary inspection shall take enforcement action pursuant to this section.

(6) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall determine what information must be reported by the operator pursuant to paragraph (5). A failure to report as required by the Secretary concerned shall constitute a violation of this Act and subject the operator to enforcement action pursuant to section 407.

SEC. 405. CITIZENS SUITS.

(a) IN GENERAL.—Except as provided in subsection (b), any person having an interest which is or may be adversely affected may commence a civil action on his or her own behalf to compel compliance—

(1) against any person (including the Secretary or the Secretary of Agriculture) alleged to have violated (if there is evidence the alleged violation has been repeated), or to be in violation of, any of the provisions of title II or section 404 of this Act or any regulation promulgated pursuant to title II or section 404 of this Act or any term or condition of any permit issued under title II of this Act; or

(2) against the Secretary or the Secretary of Agriculture where there is alleged a failure of such Secretary to perform any act or duty under title II or section 404 of this Act, or to promulgate any regulation under title II or section 404 of this Act, which is not within the discretion of the Secretary concerned.

The United States district courts shall have jurisdiction over actions brought under this section, without regard to the amount in controversy or the citizenship of the parties, including actions brought to apply any civil penalty under this Act. The district courts of the United States shall have jurisdiction to compel agency action unreasonably delayed, except that an action to compel agency action reviewable under section 406 may only be filed in a United States District Court within the circuit in which such action would be reviewable under section 406.

(b) EXCEPTIONS.—(1) No action may be commenced under subsection (a) prior to 60 days after the plaintiff has given notice in writing of such alleged violation to the Secretary, or for National Forest System lands the Secretary of Agriculture, except that any such action may be brought immediately after such notification if the violation complained of constitutes an imminent threat to the environment or to the health or safety of the public.

(2) No action may be brought against any person other than the Secretary or the Secretary of Agriculture under subsection (a)(1) if such Secretary has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance.

(3) No action may be commenced under paragraph (2) of subsection (a) against either Secretary to review any rule promulgated by, or to any permit issued or denied by such Secretary if such rule or permit issuance or denial is judicially reviewable under section 406 or under any other provision of law at any time after such promulgation, issuance, or denial is final.

(c) VENUE.—Venue of all actions brought under this section shall be determined in accordance with title 28 U.S.C. 1391.

(d) INTERVENTION; NOTICE.—(1) In any action under this section, the Secretary, or for National Forest System lands the Secretary of Agriculture, may intervene as a matter of right at any time. A judgment in an action under this section to which the United States is not a party shall not have any binding effect upon the United States.

(2) Whenever an action is brought under this section the plaintiff shall serve a copy of the complaint on the Attorney General of the United States and on the Secretary, or for National Forest System lands the Secretary of Agriculture. No consent judgment shall be entered in an action brought under this section in which the United States is not a party prior to 45 days following the date on which a copy of the proposed consent judgment is submitted to the Attorney General and the Secretary, or for National Forest System lands the Secretary of Agriculture. During such 45-day period the Attorney General or such Secretary may submit comments on the proposed consent judgment to the court and parties or may intervene as a matter of right.

(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section may award costs of litigation (including attorney and expert witness fees) to any prevailing party whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) SAVINGS CLAUSE.—Nothing in this section shall restrict any right which any person (or class of persons) may have under chapter 7 of title 5 of the United States Code, under section 406 of this Act or under any other statute or common law to bring an action to seek any relief against the Secretary or the Secretary of Agriculture or against any other person, including any action for any violation of this Act or of any regulation or permit issued under this Act or for any failure to act as required by law. Nothing in this section shall affect the jurisdiction of any court under any provision of title 28 of the United States Code, including any action for any violation of this Act or of any regulation or permit issued under this Act or for any failure to act as required by law.

SEC. 406. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) REVIEW BY SECRETARY.—(1)(A) Any person issued a notice of violation or cessation order under section 407, or any person having an interest which is or may be adversely affected by such notice or order, may apply to the Secretary, or for National Forest System lands the Secretary of Agriculture, for review of the notice or order within 30 days of receipt thereof, or as the case may be, within 30 days of such notice or order being modified, vacated or terminated.

(B) Any person who is subject to a penalty assessed under section 106, section 107(c), or section 407 may apply to the Secretary concerned

for review of the assessment within 30 days of notification of such penalty.

(C) Any person having an interest which is or may be adversely affected by a decision made by the Secretary or the Secretary of Agriculture under section 203, 204, 205, 206, 209, or 404(a)(3) may apply to such Secretary for review of the decision within 30 days after it is made.

(2) The Secretary concerned shall provide an opportunity for a public hearing at the request of any party to the proceeding as specified in paragraph (1). The filing of an application for review under this subsection shall not operate as a stay of any order or notice issued under section 407.

(3) For any review proceeding under this subsection, the Secretary concerned shall make findings of fact and shall issue a written decision incorporating therein an order vacating, affirming, modifying or terminating the notice, order or decision, or with respect to an assessment, the amount of penalty that is warranted. Where the application for review concerns a cessation order issued under section 407, the Secretary concerned shall issue the written decision within 30 days of the receipt of the application for review or within 30 days after the conclusion of any hearing referred to in paragraph (2), whichever is later, unless temporary relief has been granted by the Secretary concerned under paragraph (4).

(4) Pending completion of any review proceedings under this subsection, the applicant may file with the Secretary, or for National Forest System lands the Secretary of Agriculture, a written request that the Secretary grant temporary relief from any order issued under section 407 together with a detailed statement giving reasons for such relief. The Secretary concerned shall expeditiously issue an order or decision granting or denying such relief. The Secretary concerned may grant such relief under such conditions as he may prescribe only if such relief shall not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air or water resources.

(5) The availability of review under this subsection shall not be construed to limit the operation of rights under section 405.

(b) JUDICIAL REVIEW.—(1) Any final action by the Secretaries of the Interior and Agriculture in promulgating regulations to implement this Act, or any other final actions constituting rulemaking to implement this Act, shall be subject to judicial review only in the United States Court of Appeals for the District of Columbia. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law. A petition for review of any action subject to judicial review under this subsection shall be filed within 60 days from the date of such action, or after such date if the petition is based solely on grounds arising after the sixtieth day. Any such petition may be made by any person who commented or otherwise participated in the rulemaking or any person who may be adversely affected by the action of the Secretaries.

(2) Final agency action under this Act, including such final action on those matters described under subsection (a), shall be subject to judicial review in accordance with paragraph (4) and pursuant to 28 U.S.C. 1391 of the United States Code on or before 60 days from the date of such final action. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law.

(3) The availability of judicial review established in this subsection shall not be construed to limit the operations of rights under section 405 (relating to citizens suits).

(4) The court shall hear any petition or complaint filed under this subsection solely on the record made before the Secretary or Secretaries concerned. The court may affirm or vacate any order or decision or may remand the proceedings to the Secretary or Secretaries for such further action as it may direct.

(5) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order or decision of the Secretary or Secretaries concerned.

(c) COSTS.—Whenever a proceeding occurs under subsection (a) or (b), at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Secretary or Secretaries concerned or the court to have been reasonably incurred by such person for or in connection with participation in such proceedings, including any judicial review of the proceeding, may be assessed against either party as the court, in the case of judicial review, or the Secretary or Secretaries concerned in the case of administrative proceedings, deems proper if it is determined that such party prevailed in whole or in part, achieving some success on the merits, and that such party made a substantial contribution to a full and fair determination of the issues.

SEC. 407. ENFORCEMENT.

(a) ORDERS.—(1) If the Secretary, or for National Forest System lands the Secretary of Agriculture, or an authorized representative of such Secretary, determines that any person is in violation of any surface management or monitoring requirement, such Secretary or authorized representative shall issue to such person a notice of violation describing the violation and the corrective measures to be taken. The Secretary concerned, or the authorized representative of such Secretary, shall provide such person with a period of time not to exceed 30 days to abate the violation. Such period of time may be extended by the Secretary concerned upon a showing of good cause by such person. If, upon the expiration of time provided for such abatement, the Secretary concerned, or the authorized representative of such Secretary, finds that the violation has not been abated he shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.

(2) If the Secretary concerned, or the authorized representative of the Secretary concerned, determines that any condition or practice exists, or that any person is in violation of any surface management or monitoring requirement, and such condition, practice or violation is causing, or can reasonably be expected to cause—

(A) an imminent danger to the health or safety of the public; or

(B) significant, imminent environmental harm to land, air or water resources;

such Secretary or authorized representative shall immediately order a cessation of mineral activities or the portion thereof relevant to the condition, practice or violation.

(3)(A) A cessation order pursuant to paragraphs (1) or (2) shall remain in effect until such Secretary, or authorized representative, determines that the condition, practice or violation has been abated, or until modified, vacated or terminated by the Secretary or authorized representative. In any such order, the Secretary or authorized representative shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order. The Secretary concerned shall require appropriate financial assurances to ensure that the abatement obligations are met.

(B) Any notice or order issued pursuant to paragraphs (1) or (2) may be modified, vacated or terminated by the Secretary concerned or an authorized representative of such Secretary.

Any person to whom any such notice or order is issued shall be entitled to a hearing on the record.

(4) If, after 30 days of the date of the order referred to in paragraph (3)(A) the required abatement has not occurred the Secretary concerned shall take such alternative enforcement action against the claimholder or operator (or any person who controls the claimholder or operator) as will most likely bring about abatement in the most expeditious manner possible. Such alternative enforcement action may include, but is not necessarily limited to, seeking appropriate injunctive relief to bring about abatement. Nothing in this paragraph shall preclude the Secretary, or for National Forest System lands the Secretary of Agriculture, from taking alternative enforcement action prior to the expiration of 30 days.

(5) If a claimholder or operator (or any person who controls the claimholder or operator) fails to abate a violation or defaults on the terms of the permit, the Secretary, or for National Forest System lands the Secretary of Agriculture, shall forfeit the financial assurance for the plan as necessary to ensure abatement and reclamation under this Act. The Secretary concerned may prescribe conditions under which a surety may perform reclamation in accordance with the approved plan in lieu of forfeiture.

(6) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall not cause forfeiture of the financial assurance while administrative or judicial review is pending.

(7) In the event of forfeiture, the claim holder, operator, or any affiliate thereof, as appropriate as determined by the Secretary by rule, shall be jointly and severally liable for any remaining reclamation obligations under this Act.

(b) COMPLIANCE.—The Secretary, or for National Forest System lands the Secretary of Agriculture, may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction or restraining order, or any other appropriate enforcement order, including the imposition of civil penalties, in the district court of the United States for the district in which the mineral activities are located whenever a person—

(1) violates, fails or refuses to comply with any order issued by the Secretary concerned under subsection (a); or

(2) interferes with, hinders or delays the Secretary concerned in carrying out an inspection under section 404.

Such court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under paragraph (1) shall continue in effect until the completion or final termination of all proceedings for review of such order unless the district court granting such relief sets it aside.

(c) DELEGATION.—Notwithstanding any other provision of law, the Secretary may utilize personnel of the Office of Surface Mining Reclamation and Enforcement to ensure compliance with the requirements of this Act.

(d) PENALTIES.—(1) Any person who fails to comply with any surface management requirement shall be liable for a penalty of not more than \$25,000 per violation. Each day of violation may be deemed a separate violation for purposes of penalty assessments.

(2) A person who fails to correct a violation for which a cessation order has been issued under subsection (a) within the period permitted for its correction shall be assessed a civil penalty of not less than \$1,000 per violation for each day during which such failure continues, but in no event shall such assessment exceed a 30-day period.

(3) Whenever a corporation is in violation of a surface management requirement or fails or refuses to comply with an order issued under

subsection (a), any director, officer or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure or refusal shall be subject to the same penalties as may be imposed upon the person referred to in paragraph (1).

(e) SUSPENSIONS OR REVOCATIONS.—The Secretary, or for National Forest System lands the Secretary of Agriculture, may suspend or revoke a permit issued under title II, in whole or in part, if the operator or person conducting mineral activities—

(1) knowingly made or knowingly makes any false, inaccurate, or misleading material statement in any mining claim, notice of location, application, record, report, plan, or other document filed or required to be maintained under this Act;

(2) fails to abate a violation covered by a cessation order issued under subsection (a);

(3) fails to comply with an order of the Secretary concerned;

(4) refuses to permit an audit pursuant to this Act;

(5) fails to maintain an adequate financial assurance under section 206;

(6) fails to pay claim maintenance fees or other moneys due and owing under this Act; or

(7) with regard to plans conditionally approved under section 205(c)(2), fails to abate a violation to the satisfaction of the Secretary concerned, or if the validity of the violation is upheld on the appeal which formed the basis for the conditional approval.

(f) FALSE STATEMENTS; TAMPERING.—Any person who knowingly—

(1) makes any false material statement, representation, or certification in, or omits or conceals material information from, or unlawfully alters, any mining claim, notice of location, application, record, report, plan, or other documents filed or required to be maintained under this Act; or

(2) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method be required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.

(g) KNOWING VIOLATIONS.—Any person who knowingly—

(1) engages in mineral activities without a permit required under title II, or

(2) violates any other surface management requirement of this Act or any provision of a permit issued under this Act (including any exploration or operations plan on which such permit is based), or condition or limitation thereof,

shall upon conviction be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after the first conviction of such person under this paragraph, punishment shall be a fine of not less than \$10,000 per day of violation, or by imprisonment of not more than 6 years, or both.

(h) FAILURE TO COMPLY WITH ROYALTY REQUIREMENTS.—(1) Any person who fails to comply with the requirements of section 306 or any regulation or order issued to implement section 306 shall be liable for a civil penalty under section 109 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719) to the same extent as if the claim located or converted under this Act were a lease under that Act.

(2) Any person who knowingly and willfully commits an act for which a civil penalty is provided in paragraph (1) shall, upon conviction, be punished by a fine of not more than \$50,000, or by imprisonment for not more than 2 years, or both.

(i) **DEFINITION.** For purposes of this section, the term "person" includes a person as defined in section 3(a) and any officer, agent, or employee of any such person.

SEC. 408. REGULATIONS; EFFECTIVE DATES.

(a) **EFFECTIVE DATE.**—The provisions of this Act shall take effect on the date of enactment of this Act, except as otherwise provided in this Act.

(b) **REGULATIONS.**—The Secretary and the Secretary of Agriculture may issue such regulations as may be necessary under this Act. The regulations implementing title II and the provisions of title IV which affect United States Forest Service shall be joint regulations issued by both Secretaries.

(c) **NOTICE.**—Within 180 days after the date of enactment of this Act, the Secretary shall give notice to holders of mining claims and mill sites maintained under the general mining laws as to the requirements of sections 104, 105, and 106.

Subtitle B—Miscellaneous Provisions

SEC. 411. TRANSITIONAL RULES; SURFACE MANAGEMENT REQUIREMENTS.

(a) **NEW CLAIMS.**—Notwithstanding any other provision of law, any mining claim for a locatable mineral on lands subject to this Act located after the date of enactment of this Act shall be subject to the requirements of title II.

(b) **PREEXISTING CLAIMS.**—(1) Notwithstanding any other provision of law, any unpatented mining claim or mill site located under the general mining laws before the date of enactment of this Act for which a plan of operation has not been approved or a notice filed prior to the date of enactment shall upon the effective date of this Act, be subject to the requirements of title II, except as provided in paragraphs (2) and (3).

(2)(A) If a plan of operations had been approved for mineral activities on any claim or site referred to in paragraph (1) prior to the date of enactment of this Act, for a period of 5 years after the effective date of this Act mineral activities at such claim or site shall be subject to such plan of operations (or a modification or amendment thereto prepared in accordance with the provisions of law applicable prior to the enactment of this Act). During such 5-year period, modifications of, or amendments to, any such plan may be made in accordance with the provisions of law applicable prior to the enactment of this Act if such modifications or amendments are deemed minor by the Secretary concerned. After such 5-year period the requirements of title II shall apply, subject to the limitations of section 209. In order to meet the requirements of title II, the person conducting mineral activities under such plan of operations (or modified or amended plan) shall apply for a modification under section 203(f) and 204(f) no later than 3 years after the date of enactment of this Act. For purposes of this paragraph, any modification or amendment which extends the area covered by the plan (except for incidental boundary revisions) or which significantly increases the risk of adverse effects on the environment shall not be subject to this paragraph and shall be subject to other provisions of this Act.

(B) During the 5-year period referred to in subparagraph (A) the provisions of section 404 (relating to inspection and monitoring) and section 407 (relating to enforcement) shall apply on the basis of the surface management requirements applicable to such plans of operations prior to the effective date of this Act.

(C) Where an application for modification or amendment of a plan of operations referred to in subparagraph (A) has been timely submitted

and an approved plan expires prior to Secretarial action on the application, mineral activities and reclamation may continue in accordance with the terms of the expired plan until the Secretary makes an administrative decision on the application.

(3)(A) If a substantially complete application for approval of a plan of operations or for a modification of, or amendment to, a plan of operations had been submitted by November 3, 1993 and either a scoping document or an Environmental Assessment prepared for purposes of compliance with the National Environmental Policy Act of 1969 had been published with respect to such plan, modification, or amendment before the date of the enactment of this Act but the submitted plan of operations or modification or amendment had not been approved for mineral activities on any claim or site referred to in paragraph (1) prior to such date of enactment, for a period of 5 years after the effective date of this Act mineral activities at such claim or site shall be subject to the provisions of law applicable prior to the enactment of this Act. During such 5-year period, subsequent modifications of, or amendments to, any such plan may be made in accordance with the provisions of law applicable prior to the enactment of this Act if such subsequent modifications or amendments are deemed minor by the Secretary concerned. After such 5-year period, the requirements of title II shall apply, subject to the limitations of section 209. For purposes of this paragraph, any subsequent modification or amendment which extends the area covered by the plan (except for incidental boundary revisions) or which significantly increases the risk of adverse effects on the environment shall not be subject to this paragraph and shall be subject to other provisions of this Act.

(B) In order to meet the requirements of title II, the person conducting mineral activities under a plan of operations (or modified or amended plan referred to in subparagraph (A)) shall apply for a modification under section 203(f) and 204(f) no later than 3 years after the date of enactment of this Act. During such 5-year period the provisions of section 404 (relating to inspection and monitoring) and section 407 (relating to enforcement) shall apply on the basis of the surface management requirements applicable to such plans of operations prior to the effective date of this Act.

(C) Where an application for modification or amendment of a plan of operations referred to in subparagraph (A) has been timely submitted and an approved plan expires prior to Secretarial action on the application, mineral activities and reclamation may continue in accordance with the terms of the expired plan until the Secretary makes an administrative decision on the application.

(4) If a notice or notice of intent had been filed with the authorized officer in the applicable office of the Bureau of Land Management or the United States Forest Service (as provided for in the regulations of the Secretary of the Interior or the Secretary of Agriculture, respectively, in effect prior to the date of enactment of this Act) prior to the date of enactment of this Act, mineral activities may continue under such notice or notice of intent for a period of 2 years after the effective date of this Act, after which time the requirements of title II shall apply, subject to the limitations of section 209(d)(2). In order to meet the requirements of title II, the person conducting mineral activities under such notice or notice of intent must apply for a permit under section 203 or 204 no later than 18 months after the effective date of this Act, unless such mineral activities are conducted pursuant to section 202(b). During such 2-year period the provisions of section 404 (relating to inspection and monitoring) and 407 (relating to en-

forcement) shall apply on the basis of the surface management requirements applicable to such notices prior to the effective date of this Act.

SEC. 412. CLAIMS SUBJECT TO SPECIAL RULES.

(a) **CERTAIN CLAIMS NOT CONVERTED.**—Notwithstanding any other provision of law, except as provided under subsection (c), an unpatented mining claim referred to in section 37 of the Mineral Leasing Act (30 U.S.C. 193) shall not be converted under section 104 of this Act until the Secretary determines that the claim was valid on the date of enactment of the Mineral Leasing Act of 1920 and has been maintained in compliance with the general mining laws.

(b) **CONTEST PROCEEDINGS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall initiate contest proceedings challenging the validity of all unpatented claims referred to in subsection (a), including those claims for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void. If, as a result of such proceeding, a claim is determined valid, the claim shall be converted and thereby become subject to this Act's provisions on the date of the completion of the contest proceeding.

(c) **OIL SHALE CLAIMS.**—(1) The provisions of section 411 shall apply to oil shale claims referred to in section 2511(e)(2) of the Energy Policy Act of 1992 (Public Law 102-486).

(2) Section 2511(f) of the Energy Policy Act of 1992 (Public Law 102-486) is amended as follows:

(A) Strike "as prescribed by the Secretary".

(B) Insert the following before the period: "in the same manner as if such claims were subject to title II of the Mineral Exploration and Development Act of 1993".

SEC. 413. PURCHASING POWER ADJUSTMENT.

The Secretary shall adjust all location fees, claim maintenance rates, penalty amounts, and other dollar amounts established in this Act for changes in the purchasing power of the dollar every 10 years following the date of enactment of this Act, employing the Consumer Price Index for all-urban consumers published by the Department of Labor as the basis for adjustment, and rounding according to the adjustment process of conditions of the Federal Civil Penalties Inflation Adjustment Act of 1990 (104 Stat. 890).

SEC. 414. SAVINGS CLAUSE.

(a) **SPECIAL APPLICATION OF MINING LAWS.**—Nothing in this Act shall be construed as repealing or modifying any Federal law, regulation, order or land use plan, in effect prior to the date of enactment of this Act that prohibits or restricts the application of the general mining laws, including laws that provide for special management criteria for operations under the general mining laws as in effect prior to the date of enactment of this Act, to the extent such laws provide environmental protection greater than required under this Act, and any such prior law shall remain in force and effect with respect to claims located (or proposed to be located) or converted under this Act. Nothing in this Act shall be construed as applying to or limiting mineral investigations, studies, or other mineral activities conducted by any Federal or State agency acting in its governmental capacity pursuant to other authority.

(b) **EFFECT ON OTHER FEDERAL LAWS.**—The provisions of this Act shall supersede the general mining laws, but, except for the general mining laws, nothing in this Act shall be construed as superseding, modifying, amending or repealing any provision of Federal law not expressly superseded, modified, amended or repealed by this Act. Nothing in this Act shall be construed as modifying or affecting any provision of the Native American Graves Protection and Repatriation Act (Public Law 101-601) or any provision of the American Indian Religious Freedom Act (42 U.S.C. 1996).

(c) **PROTECTION OF CONSERVATION AREAS.**—In order to protect the resources and values of National Conservation System units, the Secretary, as appropriate, shall utilize authority under this Act and other applicable law to the fullest extent necessary to prevent mineral activities within the boundaries of such units that could have an adverse impact on the resources or values for which such units were established.

SEC. 415. AVAILABILITY OF PUBLIC RECORDS.

Copies of records, reports, inspection materials or information obtained by the Secretary or the Secretary of Agriculture under this Act shall be made immediately available to the public, consistent with section 552 of title 5 of the United States Code, in central and sufficient locations in the county, multi county, and State area of mineral activity or reclamation so that such items are conveniently available to residents in the area proposed or approved for mineral activities.

SEC. 416. MISCELLANEOUS POWERS.

(a) **IN GENERAL.**—In carrying out his or her duties under this Act, the Secretary, or for National Forest System lands the Secretary of Agriculture, may conduct any investigation, inspection, or other inquiry necessary and appropriate and may conduct, after notice, any hearing or audit, necessary and appropriate to carrying out his duties.

(b) **ANCILLARY POWERS.**—In connection with any hearing, inquiry, investigation, or audit under this Act, the Secretary, or for National Forest System lands the Secretary of Agriculture, is authorized to take any of the following actions:

(1) Require, by special or general order, any person to submit in writing such affidavits and answers to questions as the Secretary concerned may reasonably prescribe, which submission shall be made within such reasonable period and under oath or otherwise, as may be necessary.

(2) Administer oaths.

(3) Require by subpoena the attendance and testimony of witnesses and the production of all books, papers, records, documents, matter, and materials, as such Secretary may request.

(4) Order testimony to be taken by deposition before any person who is designated by such Secretary and who has the power to administer oaths, and to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection.

(5) Pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(c) **ENFORCEMENT.**—In cases of refusal to obey a subpoena served upon any person under this section, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General at the request of the Secretary concerned and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Secretary concerned. Any failure to obey such order of the court may be punished by such court as contempt thereof and subject to a penalty of up to \$10,000 a day.

(d) **ENTRY AND ACCESS.**—Without advance notice and upon presentation of appropriate credentials, the Secretary, or for National Forest System lands the Secretary of Agriculture, or any authorized representative thereof—

(1) shall have the right of entry to, upon, or through the site of any claim, mineral activities, or any premises in which any records required to be maintained under this Act are located;

(2) may at reasonable times, and without delay, have access to any copy any records, inspect any monitoring equipment or method of operation required under this Act;

(3) may engage in any work and to do all things necessary or expedient to implement and administer the provisions of this Act;

(4) may, on any mining claim located or converted under this Act, and without advance notice, stop and inspect any motorized form of transportation that he has probable cause to believe is carrying locatable minerals, concentrates, or products derived therefrom from a claim site for the purpose of determining whether the operator of such vehicle has documentation related to such locatable minerals, concentrates, or products derived therefrom as required by law, if such documentation is required under this Act; and

(5) may, if accompanied by any appropriate law enforcement officer, or an appropriate law enforcement officer alone may stop and inspect any motorized form of transportation which is not on a claim site if he has probable cause to believe such vehicle is carrying locatable minerals, concentrates, or products derived therefrom from a claim site on Federal lands or allocated to such claim site. Such inspection shall be for the purpose of determining whether the operator of such vehicle has the documentation required by law, if such documentation is required under this Act.

SEC. 417. LIMITATION ON PATENT ISSUANCE.

(a) **MINING CLAIMS.**—After January 5, 1993, no patent shall be issued by the United States for any mining claim located under the general mining laws or under this Act unless the Secretary determines that, for the claim concerned—

(1) a patent application was filed with the Secretary on or before January 5, 1993; and

(2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims were fully complied with by that date.

If the Secretary makes the determinations referred to in paragraphs (1) and (2) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(b) **MILL SITES.**—After January 5, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws unless the Secretary determines that for the mill site concerned—

(1) a patent application for such land was filed with the Secretary on or before January 5, 1993; and

(2) all requirements applicable to such patent application were fully complied with by that date.

If the Secretary makes the determinations referred to in paragraphs (1) and (2) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 418. MULTIPLE MINERAL DEVELOPMENT AND SURFACE RESOURCES.

The provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), commonly known as the Multiple Minerals Development Act, and the provisions of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), shall apply to all mining claims located or converted under this Act.

SEC. 419. MINERAL MATERIALS.

(a) **DETERMINATIONS.**—Section 3 of the Act of July 23, 1955 (30 U.S.C. 611), is amended as follows:

(1) Insert "(a)" before the first sentence.

(2) Insert "mineral materials, including but not limited to" after "varieties of" in the first sentence.

(3) Strike "or cinders" and insert in lieu thereof "cinders, and clay".

(4) Add the following new subsection at the end thereof:

"(b)(1) Subject to valid existing rights, after the date of enactment of the Mineral Exploration and Development Act of 1993, notwithstanding the reference to common varieties in subsection (a) and to the exception to such term relating to a deposit of materials with some property giving it distinct and special value, all deposits of mineral materials referred to in such subsection, including the block pumice referred to in such subsection, shall be subject to disposal only under the terms and conditions of the Materials Act of 1947.

"(2) For purposes of paragraph (1), the term 'valid existing rights' means that a mining claim located for any such mineral material had some property giving it the distinct and special value referred to in subsection (a), or as the case may be, met the definition of block pumice referred to in such subsection, was properly located and maintained under the general mining laws prior to the date of enactment of the Mineral Exploration and Development Act of 1993, and was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws as in effect immediately prior to the date of enactment of the Mineral Exploration and Development Act of 1993 and that such claim continues to be valid under this Act."

(b) **MINERAL MATERIALS DISPOSAL CLARIFICATION.**—Section 4 of the Act of July 23, 1955 (30 U.S.C. 612), is amended as follows:

(1) In subsection (b) insert "and mineral material" after "vegetative".

(2) In subsection (c) insert "and mineral material" after "vegetative".

(c) **CONFORMING AMENDMENT.**—Section 1 of the Act of July 31, 1947, entitled "An Act to provide for the disposal of materials on the public lands of the United States" (30 U.S.C. 601 and following) is amended by striking "common varieties of" in the first sentence.

(d) **SHORT TITLES.**—

(1) **SURFACE RESOURCES.**—The Act of July 23, 1955, is amended by inserting after section 7 the following new section:

"SEC. 8. This Act may be cited as the 'Surface Resources Act of 1955'."

(2) **MINERAL MATERIALS.**—The Act of July 31, 1947, entitled "An Act to provide for the disposal of materials on the public lands of the United States" (30 U.S.C. 601 and following) is amended by inserting after section 4 the following new section:

"SEC. 5. This Act may be cited as the 'Materials Act of 1947'."

(e) **REPEALS.**—(1) Subject to valid existing rights, the Act of August 4, 1892 (27 Stat. 348, 30 U.S.C. 161) commonly known as the Building Stone Act is hereby repealed.

(2) Subject to valid existing rights, the Act of January 31, 1901 (30 U.S.C. 162) commonly known as the Saline Placer Act is hereby repealed.

SEC. 420. APPLICATION OF ACT TO BENEFICIATION AND PROCESSING OF NONFEDERAL MINERALS ON FEDERAL LANDS.

The provisions of this Act (including the surface management requirements of title II) shall apply in the same manner and to the same extent to Federal lands used for beneficiation or processing activities for any mineral without regard to whether or not the legal and beneficial title to the mineral is held by the United States. This section applies only to minerals which are locatable minerals or minerals which would be locatable minerals if the legal and beneficial

title to such minerals were held by the United States.

SEC. 421. SEVERABILITY.

If any provision of this Act or the applicability thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

AMENDMENT OFFERED BY MR. SKEEN

Mr. SKEEN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKEEN: Page 136, after line 21, insert:

SEC. 422. AWARD OF COMPENSATION FOR TAKINGS FROM FUND.

To the extent a court of competent jurisdiction, after adjudication, finds that Federal action undertaken pursuant to this Act effects a taking under the Fifth Amendment of the United States Constitution and enters a final judgment against the United States, the court shall award just compensation to the plaintiff, from the fund established under this title, together with appropriate reasonable fees and expenses to the extent provided by section 304 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4654(c)). In any case in which the Attorney General effects a settlement of any proceeding brought under section 1346(a)(2) or 1491 of title 28 of the United States Code alleging that any Federal action undertaken pursuant to this Act effects a taking under the Fifth Amendment of the United States Constitution, the Attorney General shall use amounts available in the Fund subject to appropriations to pay any award necessary pursuant to such settlement.

Page 83, after line 23, insert: "Moneys in the Fund shall also be available for purposes of compensation (and other payments) under section 307."

Page 83, line 24, strike "Expenditures" and insert "To the extent that moneys in the fund are in excess of the amount of compensation (and other payments) paid under section 307, expenditures".

Mr. SKEEN (during the reading). Madam Chairman I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SKEEN. Madam Chairman, this amendment would provide that compensation for any takings declared by a court of jurisdiction must come from the abandoned locatable minerals mine reclamation fund and not the Department of Justice.

I am not going to take a great deal of time in explaining this, because I think it is pretty straightforward.

This is a straightforward amendment which attempts to place the responsibility of compensation with the implementing agencies which administer the mining law and not the Department of Justice. Whether or not you believe that takings will occur under this bill is not the question. If, as the authors claim, this bill will not result in takings, then no money would be expended from the reclamation fund.

If on the other hand, a taking is declared by an appropriate court, then

the land management agency should provide the compensation. The logic goes that if an agency is going to take rights and property it should provide the compensation. This might spur the land management agency into drafting more responsible regulations which provide concern as to whether or not a taking will occur.

We all want to prevent takings from occurring and if this amendment passes, then the result will be that fewer takings will occur. And requiring payment of compensation for taking out of the fund established under this bill also reduces the bill's impact on the Federal deficit.

Mr. LEHMAN. Madam Chairman, I move to strike the last word.

I have no objection to the amendment and am prepared to accept it over here.

Mr. RAHALL. Madam Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from West Virginia.

Mr. RAHALL. Madam Chairman, I think it is important to point out the facts about the Skeen amendment, because what the gentleman is trying to suggest and the interpretation that could be applied to this amendment, I think, could lead to a wrong conclusion.

He is trying to suggest that there are taking implications in this bill, and that is what I have a serious problem with.

Then his saying that if the court finds that a taking without just compensation happened under this bill, the award would be paid out of the abandoned mine reclamation fund that we are seeking to establish in the bill.

First, I would point out that this particular legislation deals with Federal lands, not private lands. And I make that point most emphatically. These are mining claims on Federal lands so they should not be confused with what happens with mining on private lands and with private property rights.

Second, to even suggest that funds dedicated to paying for the past sins of the hard-rock mining industry be diverted for other uses is not, in my view, a responsible manner in which to operate. But this is what this particular amendment would suggest. It would require that funds intended to reclaim abandoned hard-rock mines to mitigate the health, safety, and environmental threat these sites pose to people living in the West be used for a much different purpose.

So while I understand that the committee is going to accept the amendment, and I am willing to live by that, I just wanted to correct what could be some false interpretations of this particular amendment.

Mr. SKEEN. Madam Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from New Mexico.

Mr. SKEEN. Madam Chairman, I appreciate what the gentleman is saying, and I want to say this to my colleagues, that I think that clears up a misrepresentation because it is not intended. If a court adjudicates a taking, then the compensation would be paid for in that manner. It does not suggest that this is a normal course of action.

Mr. DELAY. Madam Chairman, I rise in support of the Skeen/DelAy amendment, which would require that any payments made by the Federal Government for takings claims resulting from H.R. 322 be paid out of the abandoned locatable minerals mine reclamation fund established by the bill.

Ownership of property is a right protected by the Constitution, a precious right which should not be infringed upon except in the most grave of situations. In 1772, Samuel Adams set out to "state the rights of the colonists * * * as men, and as subjects; and to communicate the same to the several towns and the world." He began his task with the declaration that:

The absolute rights of Englishmen and all freemen, in or out of civil society, are principally personal security, personal liberty, and private property.

Two centuries later, the institution of private property has lived up to our Founding Fathers' expectations. America's agricultural productivity, leadership in medical and engineering technology, and wealth of entrepreneurial opportunity can all be traced to the incentives inherently created by private property rights. The same holds true of mining.

According to a letter written earlier this year by Faith Burton, Acting Assistant Attorney General at the Department of Justice—a letter which appears to have been suppressed by the administration—"It has long been established that a valid mining claim is property in the full sense, unaffected by the fact that the paramount title to the land is in the United States."

Furthermore, the letter continues, "such a claim * * * enjoys the protection of the fifth amendment to the United States Constitution," which states that private property shall not be taken for public use "without just compensation."

Currently such claims are paid out of a fund called the permanent judgment appropriation, which covers all liabilities of the Federal Government, not only takings claims. In other words, when an agency ruling or action results in a taking, it never really feels the financial impact of that action. As a result, there is no incentive for Federal agencies to be prudent in their implementation of laws and regulations.

Look at it this way. Would you pay for every speeding ticket your teenage son or daughter received? Of course not. If you did, there would be no incentive for your child to change the way he drove because he would never have to feel the consequences of his actions.

Although this situation is not identical, it serves to make a point. Agencies never have to worry about how much their actions are going to cost the Federal Treasury, and in turn, the taxpayers. Our amendment would make the agencies charged with enforcing this

bill—which would be those under the jurisdiction of the Departments of Agriculture and Interior—aware of the consequences of their actions that result in a taking by giving them the responsibility of paying the claim out of the newly created reclamation fund. In this way, they will be more likely to take into account the true impact of their actions and not frivolously pursue mining claims.

There is ample evidence that H.R. 322 could lead to massive takings claims in the courts. The Department of Justice letter I mentioned earlier states that "the United States could be liable for countless millions of dollars in damages for the taking of private property, and it could face a volume of litigation requiring years to resolve."

The letter also states, "The Federal circuit has made it clear that a taking may occur when regulations deprive claimholders of any economically viable use of their mining claims."

Because the possibility of takings is very real as a result of this bill, I believe it is important to make the agencies affected by H.R. 322 aware of the possible consequences of their actions, and having them take on the financial responsibility for them is one way to do so. I urge a "yes" vote on the Skeen-DeLay amendment.

MODIFICATION OF AMENDMENT OFFERED BY MR. SKEEN

Mr. SKEEN. Madam Chairman, I ask unanimous consent that the amendment be modified.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. SKEEN: Line 9 of the amendment, strike "this title" and insert "title III, subject to appropriation." On page 2, on the third line, strike "307" and insert "422," and in the last line, strike "307" and insert "422."

Page 136, after line 21, insert:

SEC. 422. AWARD OF COMPENSATION FOR TAKINGS FROM FUND.

To the extent a court of competent jurisdiction, after adjudication, finds that Federal action undertaken pursuant to this Act effects a taking under the Fifth Amendment of the United States Constitution and enters a final judgment against the United States, the court shall award just compensation to the plaintiff, from the fund established under title III, subject to appropriation, together with appropriate reasonable fees and expenses to the extent provided by section 304 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4654(c)). In any case in which the Attorney General effects a settlement of any proceeding brought under section 1346(a)(2) or 1491 of title 28 of the United States Code alleging that any Federal action undertaken pursuant to this Act effects a taking under the Fifth Amendment of the United States Constitution, the Attorney General shall use amounts available in the Fund subject to appropriations to pay any award necessary pursuant to such settlement.

Page 83, after line 23, insert: "Moneys in the Fund shall also be available for purposes of compensation (and other payments) under section 422."

Page 83, line 24, strike "Expenditures" and insert "To the extent that moneys in the fund are in excess of the amount of com-

pensation (and other payments) paid under section 422, expenditures".

□ 1850

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The text of the amendment, as modified, is as follows:

Mr. LEHMAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we have no problem, and we urge the adoption of the amendment, as modified.

Mrs. VUCANOVICH. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment offered by the gentleman from New Mexico [Mr. SKEEN]. The bottom line on this issue is that all revenues generated from rents, royalties, fees, and fines in this bill go into the new abandoned locatable minerals mine reclamation fund. Not one penny goes into the general fund of the U.S. Treasury.

I agree that should judgment awards on takings litigation be handed down because of provisions of H.R. 322, it is only fair to have them paid out of the revenue stream created by H.R. 322.

Of course, I think revenues are likely overestimated greatly. And, the likelihood for takings awards is quite high. Just ask the career people at the Justice Department.

So, yes, this amendment could diminish the size of the reclamation fund. But, that is the price Congress must pay if we adopt bills such as this one.

Vote "aye" on the so-called Skeen amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from New Mexico [Mr. SKEEN].

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. STUPAK. Madam Chairman, I ask unanimous consent to return to title III. I have an amendment to offer.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK: Page 95, after line 21, insert the following new section:

SEC. 307. INVENTORY OF INACTIVE MINE SITES.

(a) SURVEY.—The Secretary, acting through the Director of the Bureau of Mines, and in consultation with the United States Geological Survey and other Federal, State, and local agencies, and Tribal governments shall conduct a survey to identify the location of all inactive mine sites for nonfossil fuel and nonsand and gravel mining in each State and to identify any threats to public health or the environment associated with such sites. To the maximum extent prac-

ticable, in carrying out this subsection the Secretary shall use existing data bases and mapping resources maintained by the Office of Surface Mining Reclamation and Enforcement and by other Federal agencies and State governments.

(b) INVENTORY.—The Secretary shall maintain, and from time to time update, a list of the sites identified pursuant to subsection (a). The list shall be referred to as the Inactive Hard Rock Mine Site Inventory (hereinafter in this Act referred to as the "Inventory"). The Inventory shall contain the site location and the identification of the current owner of each site, together with such information regarding toxic or hazardous substances at the site and such other threats to public health or the environment associated with the sites as the Secretary deems appropriate. All information on the Inventory shall be available to the public upon request.

Make the necessary conforming changes in the table of contents.

Mr. LEHMAN. Madam Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from California reserves a point of order on the amendment.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK] in support of his amendment.

Mr. STUPAK. Madam Chairman, my amendment would take an important step in identifying and capping abandoned mines in northern Michigan, Wisconsin, Minnesota, and other areas of the Midwest. While I fully support H.R. 322 and think it undertakes significant reform of the Mining Act of 1872.

States that have mines on non-Federal, nontribal lands need assistance in identifying uncapped mines to avoid health, safety, and environmental risks to citizens in those areas. My amendment would create authority for the Secretary of the Interior to undertake an inventory of abandoned mine sites for such States.

While there have been a number of inventories conducted to date, they have been conducted primarily in Western States and have not covered the scope necessary to address the problem fully. My amendment supports a comprehensive inventory of abandoned hardrock mine sites on all lands.

Unfortunately, in many States, these inactive sites—whether shut down or abandoned—are only discovered when tragedy strikes. Recently, in Iron County, MI, a 16-year-old boy died after falling into an abandoned mine shaft. Prior to that tragedy, a young girl was killed when she fell into a similar mine in Houghton County, MI. We have a responsibility to prevent the loss of life and the imminent health and safety threats that these uncapped mines present to our citizens.

Similarly, these abandoned mines pose a threat to infrastructure in rural America. Recently, a section of Michigan's highway 2 collapsed into an abandoned mine shaft—at a substantial cost to taxpayers.

Madam Chairman, my amendment would be the first step in alleviating these problems by authorizing the Secretary of Interior to conduct an inventory to identify the location of all inactive mine sites for nonfossil fuel and non-sand-and-gravel mining in each State. The inventory would also include information regarding toxic or hazardous substances at the site.

This amendment presents no additional cost to taxpayers. Any funds necessary would be subject to the appropriations section of H.R. 322. The mining industry has testified that this inventory needs to be performed, and the amendment itself is strongly supported by Chairman RAHALL as well as the mineral policy center.

Each year that the abandoned mines go untended, we subject our citizens to needless environmental, health, and safety risk.

POINT OF ORDER

Mr. LEHMAN. Madam Chairman, although I have great respect for the gentleman from Michigan [Mr. STUPAK] and sympathy for what he is trying to do here, I make a point of order against the amendment, as it constitutes a violation of clause 7, rule XVI, in that the amendment is not germane to the bill.

Mr. STUPAK. Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Michigan [Mr. STUPAK] is withdrawn.

AMENDMENTS OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer two amendments, and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. TRAFICANT: Page 136, after line 6 insert the following:

SEC. 421. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with section 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 308. SENSE OF CONGRESS.

In the case of any equipment or products purchased with funding provided under this Act, it is the sense of the Congress that such funding should be used to purchase only American-made equipment and products.

SEC. 309. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court of Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or sub-contract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures de-

scribed in sections 9.400 through 9.409 of title 48 of the Code of Federal Regulations.

And make the necessary changes in the table of contents on page 3.

Page 136, after line 11, insert the following: SEC. 412. REPORT TO CONGRESS ON MINING CLAIMS IN THE UNITED STATES HELD BY FOREIGN FIRMS.

(a) REPORT.—Not later than one year after the date of enactment of this Act and annually thereafter, the Secretary of the Interior shall submit a report to the Congress describing the percentage of each mining claim held by a foreign firm.

(b) FOREIGN FIRM.—(1) For the purposes of this section, the term "foreign firm" means any firm that is not a domestic firm.

(2) For the purposes of paragraph (1), the term "domestic firm" means a business entity—

(A) that is incorporated or organized in the United States;

(B) that conducts business operations in the United States; and

(C) the assets of which at least 50 percent are held by United States citizens, permanent resident aliens or other domestic firms.

And make the necessary changes in the table of contents on page 3.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Is there objection to the initial request of the gentleman from Ohio that the amendments be considered en bloc?

There was no objection.

Mr. TRAFICANT. Madam Chairman, the first amendment deals with procurement. It is a simple buy-American act to follow the buy-American laws.

Second, the Secretary of the Interior shall give us a report as to how many foreign interests control and own our mining claims. With that, I say that it has broad-based support. I ask the committee to pass over without prejudice.

Mr. LEHMAN. Madam Chairman, I move to strike the last word.

Madam Chairman, I thank the gentleman for his comments and for his amendments. On this side, we are willing to accept the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. HANSEN

Mr. HANSEN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANSEN: At page 131, line 5 insert the following paragraph:

(e) NATIONAL SECURITY WAIVER.—The Secretary shall waive any provision of this Act if he or she is advised by the Secretary of Defense that it is in the national security interest to insure that a sufficient domestic supply of strategic and critical materials defined in the Strategic and Critical Materials Stockpile Act (50 U.S.C. 98h-3(1), and amended) is available to meet the nation's needs.

The Secretary of Defense shall identify the minerals or materials, and specify the provisions of this Act which shall be waived.

Mr. HANSEN [during the reading]. Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. HANSEN. Madam Chairman, I seek to add at the end of section 416, miscellaneous powers, a new paragraph (e) which would give the Secretary of the Interior, in consultation with the Secretary of Defense, proper authority to ensure that a sufficient supply of minerals is available to meet our national security needs.

I would also like to place into the RECORD a letter of support for the amendment from the Department of Defense. They recognize that the source or essential domestic producers of strategic and critical materials could be adversely affected by provisions of this bill, and that the Secretary for national security reasons must maintain the ability to advise the Secretary of the Interior on provisions that must be waived.

Although, the cold war is over, the world is not a peaceful place. Our Nation continues to face many national security concerns around the globe.

Despite major decreases in the Defense budget, the Department of Defense continues to maintain a strategic and critical materials stockpile. The purpose of this stockpile is to maintain independence of foreign supply in the event of a national emergency. In times of war or other national emergency such materials as gallium, copper, gold, beryllium, and iron ore could be crucial to our general welfare and national defense.

These days we hear a great deal about the way in which smart bombs performed in the Middle East conflict. We were impressed at the precision with which these smart weapons hit their targets. However, few people gave much thought to the materials which were used to construct these systems—and we gave even less thought to where these materials come from.

Madam Chairman, the infrared targeting systems, the optical targeting systems, the lasers which guide the bombs to targets, the night vision systems on helicopters and fighter aircraft, and the ceramic packages which housed the electronic components of these and other systems all used one or more strategic material in their construction. Many of these metals, or ceramics, are products of hardrock mining.

One example of a critical material mined on public lands is the metal beryllium. Because of the strategic and critical nature of beryllium, its alloys, and compounds, the Government continues its purchase. The Western

World's only beryllium mine exists in the Topaz Mountain region. This mine was developed in the early 1960's by an Ohio corporation named Brush Wellman.

If for any reason, economic or other, this deposit was not available to the beryllium industry, the alternative would be to import beryl from Brazil, Africa, India, or China. This foreign ore is available as a by-product of other activity and is hand-picked from among other materials. It is not a direct product of mining efforts. As a result, this is a very unreliable source upon which to build an industry supplying a critical defense material.

Low levels of production of critical minerals, coupled with proposed increases in royalties and reclamation costs make development of foreign ore attractive, thereby threatening our national security. We must have the flexibility to protect the production of vital minerals in times of national emergency. This will ensure that mineral reserves will be available to ensure our future national security.

I would urge support of this amendment.

□ 1900

Mr. LEHMAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise to oppose this amendment by my friend from Utah. He may believe this is a good idea, but in fact this would require the Secretary of the Interior in all instances to waive any of the requirements of this act if the Secretary of Defense requested him to do so. It allows no opportunity for coordination or input or discussion in that process. It does not even have a process. It merely says if the Secretary of Defense makes this determination that it suspends all other aspects of this law. It does not just suspend permits, but it suspends mining reclamation, rents, royalties, inspection, and enforcement as well.

That is certainly not the way we ought to be making public policy today. Under existing law the Secretary of Defense submits to the Congress each year an inventory of strategic materials and what the conditions are as to their availability, and each year the President must also submit to the Congress his emergency contingency plan for dealing with that, should it be necessary. So we deal with this in the present law in that fashion from the President on down, dealing with the various agencies involved, not in the manner that the gentleman from Utah would, which is to just have the Secretary of Defense take over mining in this country and eliminate all laws thereto.

This is a bad amendment and I urge the House to reject it.

Mr. RAHALL. Madam Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from West Virginia.

Mr. RAHALL. Madam Chairman, I appreciate the gentleman yielding and associate myself with his remarks.

Madam Chairman, with all due respect to our former colleague in this body, the now-Secretary of Defense, I do not feel that Secretary Babbitt at the Interior Department would feel very comfortable with this language, nor with the fact that he may be considered as a lap dog, so to speak, for the Secretary of Defense. Yet, that is what would happen if this amendment were to be adopted.

I happen to feel very strongly that the amendment is not germane to this particular piece of legislation. This legislation is limited in scope to the manner by which mining claims may be located and maintained on these lands, the service management requirements associated with these lands, including provisions for environmental protection and public participation and the restoration of previously mined public domain lands.

So the gentleman's amendment involves subject matter that is not germane to this legislation. He speaks to a matter of national security, and it is totally beyond this particular piece of legislation.

So I urge rejection of the gentleman's amendment.

Mr. GILLMOR. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Madam Chairman, many people perceive this legislation as mainly affecting Western States. In fact, mining affects many people in other States, such as Ohio, and I do not support this proposal.

While Ohio is a State with one of the lowest public lands percentages in the country, what happens to mining in the West directly affects people in my district and other parts of the State. When a mine closes in Nevada or Montana, economic impacts and job losses can be felt in all 50 States.

Last year over \$30 million in services and supplies were purchased in Ohio by the hardrock mining industry. Over three times that amount was spent in Illinois. Those purchases generated millions of dollars in taxes and supported jobs in States not thought of as mining States.

Let me give a quick example of what's at stake here. This neat little hexagonal rock here contains beryllium. NASA has used beryllium in space vehicles; the defense industry uses it to protect the highly sensitive circuitry in smart bombs from meltdown; it is also used for brakes in fighter jets, and for numerous commercial applications. We have three options: First, we can have South American natives gather these rocks in baskets from along river banks, second, we can buy this critical defense material from the former Soviet States and Red China; or third, we can mine it from the only known beryllium ore deposit in the free world, which is in Utah.

We need responsible controls for public lands use, but it should be done in a way that

does not damage critical industries that are of strategic importance to our national defense.

Mr. CUNNINGHAM. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, with all due respect to my friend, when he says that he would rather have the Secretary of the Interior look at this, I would rather have Secretary Aspin deal with Defense issues. For example, beryllium in our smart weapons is the only material we can use. A lot of our fighter aircraft have it in there. If that runs short, Secretary Babbitt is not going to know that, and he has to confer with the Secretary of Defense.

So I support the gentleman's amendment.

Mr. MILLER of California. Madam Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Madam Chairman, there simply is no need for this amendment. This amendment allows the Secretary of Defense, upon no showing of need, no showing of purpose, to waive any provision of the law.

The fact is, under the Strategic and Critical Materials Act, the law that is put in place to protect this Nation against a loss of those critical and strategic materials, the Secretary of Defense already is required to make an annual assessment to us and to the President of the United States. And under the existing law the President, to quote the law, is authorized to lease, buy, acquire by condemnation, gift, grant, or other device any such land or rights-of-way that may be necessary for any purpose to achieve those materials.

So coming forth with this amendment to allow the Secretary of Defense, not the President of the United States as under the current law, to waive all of the provisions of this law is simply without rationale, without any showing of need at all. I would hope that Members would reject this amendment. It is an outrageous amendment, all in the name of national security.

We know the abuses that we have suffered over the years under that guise, and I would hope we would vote "no" on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. HANSEN].

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

RECORDED VOTE

Mr. HANSEN. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 238, not voting 7, as follows:

[Roll No. 571]

AYES—193

Allard
Andrews (TX)
Archer
Arney
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Billrakis
Billey
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Canady
Castle
Chapman
Coble
Coleman
Collins (GA)
Combust
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams

Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead

Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—238

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Bellenson
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
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Derrick
Deutsch
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Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
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Evans
Faleomavaega
(AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)

Frank (MA)
Furse
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Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
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Holden
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Insee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnston
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Lehman
Levin
Lewis (GA)
Lipinski
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Maloney
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Margolies-
Mezvinisky
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Norton (DC)
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Pallone
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Payne (NJ)
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Peterson (FL)
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Pickle
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Price (NC)
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Romero-Barcelo
(PR)
Ros-Lehtinen
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NOT VOTING—7

Blackwell
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Yates

□ 1923

Mr. GREENWOOD and Mrs. MEYERS of Kansas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. RAHALL. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise just to make a couple of concluding comments as we near the end of the consideration of this measure.

I want to first, as I earlier today did, commend the distinguished subcommittee chairman, the gentleman from California [Mr. LEHMAN] for his hard work in bringing this bill to the floor today. I also commend our full committee chairman, the gentleman from California [Mr. MILLER] for his strong leadership in fashioning the balance that was struck in bringing the bill out of the Committee on Natural Resources to the floor today.

I also commend the staff that has worked so hard on this legislation,

Deborah Lanzone and Jim Zoia of my staff.

Madam Chairman, I want to note, in my second and concluding comment, that throughout the debate on this bill we have been hearing attacks by the other side, and other opponents, about how bad H.R. 322 is. They have been touting some type of alternative to the pending measure. This alternative of theirs was introduced in the House as H.R. 1708 and is identical to the bill passed earlier this year by the other body under the guise of mining law reform. This is a bill, of course, that the pending legislation, H.R. 322, will join in a conference committee.

As many of us know, H.R. 1708, the bill passed by the other body by a voice vote, hardly reflects true mining law reform. It would allow the patenting of mining claims—that is, the outright purchase of the Federal lands—for the mere price of the surface estate of the land while allowing title to the underlying mineral estate to be transferred at no cost. Its royalty would not raise any revenue for the treasury. The other body's bill provides nothing in the way of environmental protections.

Yet I must admit that I am somewhat perplexed, amazed that those opposed to H.R. 322, in particular the Vucanovich/Orton measure, have not offered their alternative measure. I noted that the gentleman from Utah took to the floor a few minutes ago to lambast H.R. 322, and I sent to him as well as to others promoting that measure as being far superior to H.R. 322, that we have an open rule on this particular bill. I have been somewhat taken aback that under an open rule governing debate on H.R. 322 these opponents have not seized the opportunity to advance their alternative legislation.

So, I can only surmise, Madam Chairman, that they well know that if that measure was offered and taken to a vote, they would garner very little support from this body, and I mean very, very little support. I hope that is noted by the other body as we head to conference on this legislation.

Mr. LEHMAN. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MARGOLIES-MEZVINSKY) having assumed the chair, Mrs. KENNELLY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3450, IMPLEMENTATION OF NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-369) on the resolution (H. Res. 311) providing for consideration of the bill (H.R. 3450) to implement the North American Free-Trade Agreement, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE HONORABLE PAT ROBERTS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PAT ROBERTS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 1993.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

PAT ROBERTS.

□ 1930

TIME CHANGE FOR SPECIAL ORDER

Mr. WISE. Madam Speaker, I ask unanimous consent to change the 60-minute special order for the gentleman from American Samoa [Mr. FALEOMAVAEGA] to a 5-minute special order tonight.

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

TIME CHANGE FOR SPECIAL ORDER

Mr. WISE. Madam Speaker, I ask unanimous consent to change the 15-minute special order tonight for the gentleman from New York [Mr. HINCHEY] to a 30-minute special order.

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

There was no objection.

REALLOCATION OF SPECIAL ORDER TIME

Mr. WISE. Madam Speaker, I ask unanimous consent that the 60-minute special order for the gentleman from

California [Mr. MATSUI] on November 16, 1993, be allocated to the gentleman from Arizona [Mr. COPPERSMITH].

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

There was no objection.

TIME CHANGE FOR SPECIAL ORDER

Mr. DORNAN. Madam Speaker, I ask unanimous consent to vacate my 60-minute special order tonight and reduce it to a 5-minute special order.

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

There was no objection.

INVESTIGATE MISSING KOREAN POW'S

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

Mr. DORNAN. Mr. Speaker, there is a lot of passion around here today, and some of it involves I guess a scene like this, "Not for sale at any price." It is talking about Members' votes here.

Mr. Speaker, no matter how we discuss this, it is still politics. I would like to join in the NAFTA debate, and I probably will tomorrow.

But there is an article, and this should have particular importance to the gentleman who sits in the chair, being 1 of 8 million World War II veterans that are left in the country of almost 258 million people. "Pentagon releases Korean POW report."

Mr. Speaker, the report, written by U.S. Government analysts in August and presented to Russian Government officials in Moscow, in secret, I might add, in early September, says that several hundred United States prisoners taken in the Korean war were secretly taken to various places in the Soviet Union, mostly by rail, and in some cases through China.

Here is the report. And this sign about just old politics, what about the American lives for sale at any price? I am taking about under Republican Presidents who were war heroes. Did we in the name of peace write off hundreds of our young men to die at 10, 15, 20, and 30 years in Stalinist gulag camps? What a nightmare. When are we going to investigate this in the Congress?

Mr. Speaker, I submit for the RECORD the Washington Times article from which I quote. Also, I submit the executive summary from the mentioned Government report.

[From the Washington Times, Nov. 13, 1993]

PENTAGON RELEASES KOREAN POW REPORT

After weeks of refusing public release, the Pentagon yesterday made available copies of a report that accuses the Soviet Union of forcibly moving U.S. Korean War prisoners to its territory and never releasing them.

The report, written by U.S. government analysts in August and presented to Russian government officials in Moscow in early September, is Washington's most comprehensive effort since the 1950-53 war to link Moscow to missing U.S. servicemen.

It states that several hundred U.S. prisoners in Korea were secretly taken to various places in the Soviet Union, mostly by rail, and in some cases through China.

About 8,140 American servicemen are officially unaccounted for from the Korean War.

THE TRANSFER OF UNITED STATES KOREAN WAR POW'S TO THE SOVIET UNION

EXECUTIVE SUMMARY

We believe that U.S. Korean War POWs were transferred to the Soviet Union and never repatriated.

This transfer was a highly-secret MGB program approved by the inner circle of the Stalinist dictatorship.

The rationale for taking selected prisoners to the USSR was:

To exploit and counter U.S. aircraft technologies;

To use them for general intelligence purposes;

It is possible that Stalin, given his positive experience with Axis POWs, viewed U.S. POWs as potentially lucrative hostages.

The range of eyewitness testimony as to the presence of U.S. Korean War POWs in the Gulag is so broad and convincing that we cannot dismiss it.

The Soviet 64th Fighter Aviation Corps which supported the North Korean and Chinese forces in the Korean War had an important intelligence collection mission that included the collection, selection and interrogation of POWs.

A General Staff-based analytical group was assigned to the Far East Military district and conducted extensive interrogations of U.S. and other U.N. POWs in Khabarovsk. This was confirmed by a distinguished retired Soviet officer, Colonel Gavriil Korotkov, who participated in this operation. No prisoners were repatriated who related such an experience.

Prisoners were moved by various modes of transportation. Large shipments moved through Manchouli and Pos'yet.

Khabarovsk was the hub of a major interrogation operation directed against U.N. POWs from Korea. Khabarovsk was also a temporary holding and transshipment point for U.S. POWs. The MGB controlled these prisoners, but the GRU was allowed to interrogate them.

Irkutsk and Novosibirsk were transshipment points, but the Komi ASSR and Perm Oblast were the final destinations of many POWs. Other camps where American POWs were held were in the Bashkir ASSR, the Kemerovo and Archangelsk Oblasts, and the Komi-Permyatskiy and Taymynskiy National Okrugs.

POW transfers also included thousands of South Koreans, a fact confirmed by the Soviet general officer, Kan San Kho, who served as the Deputy Chief of the North Korean MVD.

The most highly-sought-after POWs for exploitation were F-86 pilots and others knowledgeable of new technologies.

Living U.S. witnesses have testified that captured U.S. pilots were, on occasion, taken directly to Soviet-staffed interrogation centers. A former Chinese officer stated that he turned U.S. pilot POWs directly over to the Soviets as a matter of policy.

Missing F-86 pilots, whose captivity was never acknowledged by the Communists in

Korea, were identified in recent interviews with former Soviet intelligence officers who served in Korea. Captured F-86 aircraft were taken to at least three Moscow aircraft design bureaus for exploitation. Pilots accompanied the aircraft design bureaus for exploitation. Pilots accompanied the aircraft to enrich and accelerate the exploitation process.

SOVEREIGNTY, AN ESSENTIAL FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, listening to the proponents of NAFTA has become entertaining as they give various definitions of sovereignty in the United States and what it means to us as a country.

Some of the explanations are downright silly. In fact, their high school teachers would flunk them out of school for some of the explanations, but they still miss the mark in understanding sovereignty under the North American Free-Trade Agreement [NAFTA].

Included in NAFTA are dispute panels which will, according to the General Accounting Office, "operate much like the courts which they replace." These panels will settle disputes between companies, professionals, countries, whatever is included in the commerce of NAFTA. What is also included is the limitation of appeals in the United States courts.

In fact, the gentleman from Texas [Mr. ARMEY] has written that under article 2021 of NAFTA that "private parties do not have a right of action in U.S. courts based on Commission findings." The gentleman uses this argument to lock out special interests—but it also keeps American citizens from the right of adjudication in court.

At a recent speaking engagement, a friend asked me, "Why did we spend all this time working in the civil rights movement to have someone stand before me and my right to be heard in court?"

Remember, the commissions are two-thirds foreign, but their decisions will have the force of law in the United States and there is not a right of appeal into the U.S. court system.

Samuel Francis reporting in the Washington times further explained what this new definition of sovereignty means to us. He stated:

The less guarded fans of NAFTA boast of how the agreement will encourage "convergence", "integration" and the New World Order, all of which are code words for the globalization of economies, cultures, populations and nation-states in the post-Cold War Era.

But aside from this rhetoric, NAFTA itself contains language that severely undermines the ability of Americans to rule themselves and their nation.

Samuel Francis explained how the dispute panels will operate. He said,

"These panels, composed of lawyers and trade experts, will be unelected, will meet in secret and will not be bound by either Mexican or U.S. legal precedents." Now the secret is out about NAFTA.

How can anyone after reading this explanation by Samuel Francis equate NAFTA with sovereignty for the American people. A state which can limit your right of appeal is not giving more freedom but gathering more power for itself, in this case for international bureaucrats. This is at the expense of American citizens who have lived under the flag of the oldest continuous form of representative government in history. Our freedom has attracted millions to this shore in search of opportunity for their family. Any citizen has the right to be heard.

In fact, one of the strengths of America has been the right of any citizen to fight city hall. This will be no more. Under NAFTA an American businessman can wander around from Government offices to international institutions spread across three countries.

As William Orme reported in the Washington Post:

NAFTA lays the foundation for a continental common market, as many of its architects privately acknowledge. Part of this foundation, inevitably, is bureaucratic: The agreement creates a variety of continental institutions—ranging from trade dispute panels to labor and environmental commissions—that are, in aggregate, an embryonic NAFTA government.

And, I might add, an embryonic common market.

What does this mean to us and to American citizens. It means—that American citizens are no fools about their rights. Once the American people fully understand what is in this agreement—they will come visiting and want to know why we did not defend the Constitution.

I for one, prefer to stand in the tradition of the American patriots who defended this Constitution—instead of chipping away its protection of the American people.

Madam Speaker, I include the following articles:

[From the Washington Times, Nov. 16, 1993]
UN-AMERICAN, UN-LIBERAL, ANTI-NATIONAL
NAFTA

(By Samuel Francis)

Forget Ross Perot and Al Gore. The insults, accusations and innuendoes these two clowns exchanged with each other last week had nothing to do with the substance of NAFTA, and as an exercise in public forensics, their "debate" was less in the great tradition of Lincoln and Douglas than in that of Harpo and Chico.

Now that the nation has had its entertainment and the House of Representatives must quit posturing and evading and really vote on NAFTA this week, it might be useful to go over one more time the compelling reasons why the congressmen should vote against it. Here are the main reasons:

Jobs. Despite the Clinton administration's grandiose promises of hundreds of thousands

or millions of new jobs, most economists now confess that NAFTA may have little impact on jobs at all. Yet NAFTA advocates contradict their own arguments. On the one hand, they say the agreement will not cause U.S. firms to move plants and jobs to Mexico; on the other hand, they say plants and jobs are already moving south to the maquiladora factories across the border.

They're right on the latter point. There are now more than 500,000 Mexican jobs in the maquiladora plants, every one of them created at the expense of American workers to avoid labor and regulatory costs in the United States.

Under NAFTA, that job flow will increase. The agreement will make Mexico safer for foreign investors by protecting intellectual property rights, allowing repatriation of profits and safeguarding against expropriation of property. Thus, not only the larger firms that can now afford to do business there but also smaller ones will be able to move and operate securely—and not only because of much lower labor costs.

The main argument that jobs won't flee the country is that raising Mexico's purchasing power through U.S. investments will allow Mexicans to buy exports from this country, thereby boosting jobs here. Of course, that argument assumes that "U.S. investments—meaning American jobs—will go to Mexico. Even so, it may be decades before most Mexicans can afford to buy the goods Americans now produce, and even when they can afford them, no one explains why the firms that will produce them won't also slip over the border.

In the minds of many corporate managers, NAFTA's acceleration of the job flow south is the whole point. Last week, Mr. Gore made much of General Motors' recent decision to relocate 1,000 jobs from Mexico back to this country. But neither he nor Mr. Perot mentioned that when the administration asked the Big Three auto companies to take a pledge not to move jobs to Mexico if NAFTA passes, they flatly refused to do so.

Sovereignty. The less guarded fans of NAFTA boast of how the agreement will encourage "convergence," "integration" and the New World Order, all of which are code words for the globalization of economies, cultures, populations and nation-states in the post-Cold War Era. But aside from this rhetoric, NAFTA itself contains language that severely undermines the ability of Americans to rule themselves and their nation.

No, there's no language in NAFTA that explicitly says "sovereignty is abrogated," but there is language that empowers tri-national panels to resolve disputes over trade, environmental and regulatory issues. These panels, composed of lawyers and trade experts, will be unelected, will meet in secret and will not be bound by either Mexican or U.S. legal precedents.

As economist Alfred Eckes writes, the panels "may soon prevail over domestic courts and encroach on the authority of Congress and individual states * * * Once a NAFTA panel submits its finding, governments party to the dispute must resolve the conflict either by removing measures not conforming to NAFTA or by paying compensation."

U.S. Trade Representative Mickey Kantor himself essentially conceded NAFTA's intrusion on sovereignty in testifying before the House Ways and Means Committee that "no nation can lower labor or environmental standards, only raise them, and all states or provinces can enact even more stringent measures." NAFTA thus limits how nations

party to it can legislate on their internal affairs and thereby constitutes a clear violation of U.S. sovereignty, the right of Americans to make, enforce and repeal the laws by which they govern themselves.

Immigration. The immigration crisis is now a national issue, as it was not when NAFTA was negotiated and signed. Last week, Mr. Gore claimed, as many NAFTA advocates do, that the agreement will reduce illegal immigration by raising Mexican living standards and removing the pressure on Mexicans to migrate. This is simply wrong.

Demographers Thomas Espenshade and Dolores Acevedo, who support NAFTA, have written that "in the short term—perhaps the next 5 to 10 years—NAFTA could increase the number of undocumented workers migrating into the U.S." In the "long term," NAFTA might reduce the push factors in immigration—if it succeeds in developing the Mexican economy—but why should we wait that long?

Our immigration crisis is really a result of our own weak laws and our weak enforcement of them. The crisis can be solved quickly by a few simple legal changes and by more rigorous enforcement of existing laws. NAFTA won't help, at least in time, and we can reduce or stop immigration without it.

But aside from its specific provisions, NAFTA in a larger sense is really part of a worldwide trend promoted by multinational businesses, transnational bureaucracies and One-World ideologues to move away from concrete national identities, sovereignties and heritages and to engineer the planet into a uniform supranational mold under their own managerial power.

In this sense, it represents the same trend as the more extreme and more explicit Maastricht treaty, the "global economy" and a unitary transnational regime that sends U.S. troops to fight in Somalia under the command of foreign officers with no regard to the national interests of any country involved. This trend is profoundly and dangerously un-American, un-liberal and anti-national, and NAFTA is merely the first step toward "integrating" the United States into it. Every American—liberal or conservative, Republican or Democrat—needs to understand this trend and its dangers and to stand united against it.

It's sad the case against NAFTA had to be led by such flashy flim-flammers as Ross Perot, Jesse Jackson and Ralph Nader, and it's even sadder that Big Media, Big Government and Big Business have not presented that case more fairly than they have. There are compelling reasons to vote against NAFTA. This week Americans and their congressmen need to know what they are and to act on them—for their jobs, their country and their people.

[From the Washington Post, Nov. 14, 1993]

NAFTA IS JUST ONE FACET OF A GROWING ECONOMIC COHESION

(By William A. Orme Jr.)

Congressional passage of NAFTA next week may speed the economic integration of North America, but the defeat of NAFTA won't stop it. Like it or not, this process is already well under way and cannot be reversed. The next step, if NAFTA passes, is likely to be something much more powerful—a North American common market that eventually will bind the continent together as one economic unit, from the Yukon to the Yucatan.

Americans don't warm to the notion of a common market. To conservatives, it conjures up images of aloof Eurocrats imposing

new rules and taxes on over-regulated entrepreneurs. Liberals are more fearful still, envisioning supranational rule by trade potentates deaf to environmental and labor concerns.

Canadians and Mexicans are even warier. A continental common market can sound unnervingly like a United States of North America, with Washington its unchallenged capital.

Yet a North American common market is both inevitable and desirable. Economic integration cannot and will not stop with the adoption of a freer trade and investment regime. A common market structure is needed—and in fact is already being developed—to resolve the inevitable conflicts of economic integration and to capitalize fully on its inherent advantages.

When NAFTA was first proposed, critics in all three countries claims that its hidden agenda was the development of a European-style common market. Didn't Europe also start out with a limited free trade area? And, given the Brussels precedent, wouldn't this mean ceding some measure of sovereignty to unelected bureaucrats? Even worse, wouldn't this lead to liberalization and collaborative policy making in many other sensitive areas, from monetary policy and immigration to labor and environmental law?

NAFTA's defenders said no. They argued that the agreement is designed to dismantle tariff barriers, not build a new regulatory bureaucracy. NAFTA, declared one congressional backer, "is a trade agreement, not an act of economic union."

Yet the critics were essentially right. NAFTA lays the foundation for a continental common market, as many of its architects privately acknowledge. Part of this foundation, inevitably, is bureaucratic: The agreement creates a variety of continental institutions—ranging from trade dispute panels to labor and environmental commissions—that are, in aggregate, an embryonic NAFTA government.

Border environmental and public works problems are being addressed by new regulatory bodies, and new financial mechanisms are being developed within the NAFTA framework. These institutions won't be just concepts, or committees, but large buildings with permanent staff. The environmental commission is to be housed in Canada, the labor commission in the United States, and the coordinating NAFTA Secretariat in Mexico. With their trinational personnel and a mandate to work collectively and independently, these agencies should develop a distinctive NAFTA corporate culture.

North America's political and demographic structure encourages a decentralized integration. Each NAFTA partner is a continent-wide assemblage of industrially and culturally distinct population centers and geographical districts. Unlike any other international trade grouping, the member governments are all organized federally: NAFTA would be a consortium of 92 states and provinces, plus scattered federal districts, territories and dependencies.

The Canadian provinces and U.S. and Mexican states cover the same range of size and population and are reasonably analogous juridically. The provinces have far more autonomy than U.S. states, while the Mexican states, by dint of tradition (though not by law), have far less. Still, the Mexican states are getting greater independence in environmental affairs, investment promotion and educational management. Opposition governments in several states—a Mexican first—are accelerating this trend. So are tax provi-

sions and pollution codes discouraging additional industry in Mexico City. Economic deregulation and belated electoral reforms are gradually loosening the capital's choke hold on the body politic.

Mexico isn't alone in its rediscovery of federalism. In Canada, whatever the outcome of the next round of constitutional reform, Ottawa will devolve still more power to the provinces. Indeed, one reason that Quebec is the province most favorably disposed toward NAFTA is that Quebecers see it as a way to consolidate local autonomy within the quasi-federal context of an integrated North America.

REDRAWING THE MAP

In the 19th century, Mexico was in the West. Now it is in the South. NAFTA would reinvigorate traditional north-south trade corridors from Canada to central Mexico. And these, in turn, would further stimulate economic integration within the many natural regions of North America that spill across national boundaries. Washington Post reporter Joel Garreau anticipated this trend in his 1982 book "The Nine Nations of North America."

More important than formal trade reforms will be the informal progress toward market unification, with revamped transportation networks, new trade corridors and population centers, and new industrial specializations. Electric power grids would be interconnected; so would broadcasting and telecommunications networks. "National" parks would cross national borders. Fiber-optic information highways would connect telecommuters in all three countries.

Bullet trains would link Dallas to Monterrey and New York to Montreal. New airports and seaports would be built along borders to draw customers from both countries. All this would naturally encourage new subregional economic relationships across national lines. And this, in turn, would transform a regional free trade zone into something denser, more integrated and more stimulating.

The U.S.-Canadian free trade agreement has already deepened this subregional consciousness in the northern United States. In the Pacific Northwest, the growing trade with British Columbia has made "Cascadia" a standard marketing and industrial planning concept. More important than the exchange of goods is the perception—in Victoria, Spokane and Eugene—of common regional interests: in the timber and fishing industries; in high-tech education; in environmental practices; in expanding trade with Asia. On issues ranging from GATT to wildlife preservation, Vancouver and Seattle have more in common with each other than they do with Montreal and Cleveland.

At the border's midpoint, entrepreneurs and local governments are promoting a "Red River" district uniting Minnesota and the Dakotas with Manitoba and Western Ontario. Many of the same commodities are produced on both sides of the border (iron and wheat, machine tools and auto parts) with surprisingly little direct overlap.

NAFTA would impose new subdivisions on the continent, with northern Mexico and its contiguous neighbors coalescing into four distinct subregions—a more diverse and differentiated area than Garreau's "Mexico" monolith, which embraced everything from Texas to California, with most of Mexico thrown in.

These emerging NAFTA border regions correspond naturally to North America's time zones. (Mexico, Baja excepted, keeps all its clocks on central standard time, but that

will change.) Moving from west to east, they are:

Las Californias: the two Californias, upper and lower, are linked by culture, history and immigration. Los Angeles is the second-largest "Mexican" city in North America. The central Californian valleys that form the country's highest-yielding agricultural district have depended for generations on Mexican labor. The second-biggest city on the North American Pacific Coast, Tijuana—edging past San Francisco and San Diego—is the definitive border metropolis, a sprawling gateway where an Americanized Mexico intermingles with a Mexicanized America. The rest of Baja California is a winter playground for American Californians. Wealthy Mexicans, meanwhile, favor vacation stays in La Jolla, and UCLA undergraduate educations for their bilingual children.

NAFTA would bind the Californias even closer together. Long Beach is already Mexico's biggest Pacific port; a proposed Tijuana desalination plant could become San Diego's biggest new source of electricity and fresh water. The privatization of Mexican farmlands and NAFTA's foreign investment reforms would lure California agribusiness to Baja's fertile northern valleys. The expanding Tijuana airport, hard by the border, would be Southern California's big air freight hub.

The Rocky Madres: The trade corridor where NAFTA would have its biggest impact is east of California, along the continent's mountainous spine: the great ranching and mining badlands from Alberta to the Bajío that are North America's real West. Despite their obvious similarity, the Mexican and American sides on this region have never had much to do with one another. There are few good road and rail crossings and—on both sides—sparse industrial development and little agricultural exchange. NAFTA would change that.

With NAFTA facilitating financing and promoting demand, and removing obstacles to cross-border trucking and tourist buses, Guaymas would become a port and resort, first for Tucson and Phoenix, and eventually for the entire Southwest. Three hours farther south, the deep-water harbor at Topolobampo would be developed into an efficient alternative rail port with direct overland service to west Texas and Denver. The region's emerging industrial center is Hermosillo; its anchor, the \$2 billion Ford Tracer plant.

As this central swath of North America becomes more urbanized and industrialized, manufacturing trade would bind the region together just as cattle and immigrations did in the past. The pivotal cities are Juarez and Denver.

Monterrey Metroplex: The crux of the new NAFTA trading relationship is the connection between greater Monterrey, the capital city of private Mexican industry, and the Eastern Texas triangle bounded by Houston, San Antonio and the Dallas-Fort Worth metroplex.

Cross-border traffic naturally funnels through the corridor—it's already the conduit for a third of all U.S.-Mexican trade. High-speed rail service and borderless information services would revolutionize this route before the NAFTA transition period was over. Monterrey is the headquarters for Mexico's cement, glass, brewing, petrochemicals, plastics, and steel industries, three of its top five banks, and two of its top five retailers, and for franchise chains of everything from Blockbuster videos to Domino's pizza.

Texas, meanwhile, sits directly athwart Mexico's principal population centers. Eastern Texas is the center for U.S.-Mexican marketing, shipping and export-import financing. It's also Mexico's main supplier of goods, ranging from helicopters and customized computer software to refined gasoline, cotton clothing and advanced machine tools.

The Gulf Coast: The final border region is essentially maritime, sweeping from Tampico to Tabasco and around to Tampa and Galveston. The big industries on all sides are oil, shrimp and shipping. Fertilizer and petrochemical plants are an integral part of the gulf economy. The coasts are fringed by the same lowland subtropical agriculture: cotton, citrus, sugar, Brahma beef, winter vegetables.

This is the most predictably protectionist of the NAFTA regions. It is also the most polarized environmentally. The fishing industry, a leading employer in all gulf coastal states, is everywhere at odds with oil drillers and shippers. But there is a growing sense of common interest in the protection of the gulf's fragile ecology, both offshore and along what remains of the original mangrove coastlines.

RESETTLING THE CONTINENT

It was exactly a century ago that Frederick Jackson Turner warned that the West was won—that is, the territories seized from Mexico were being tilled and populated—and the great pioneering era of American history was coming to a possibly traumatic close.

Turner was a bit premature. But the 1990 census confirmed that the westward expansion finally is over. The national center of demographic gravity is no longer marching toward the Rockies. California's population is still rising, but that is the result of immigration (Mexico being the principal culprit), not citizens relocating west.

The fastest-growing state in the 1980s was Florida, the first time in generations that distinction had been held by an eastern state. Californians are looking back East for work, cheaper housing and the greener spaces they bypassed on the way out. Southern California is as crowded and costly as the northeastern corridor; its air is warmer but also dirtier. The West, accustomed since birth to constant growth, is becoming just another region, with the same cycles of growth and decay that the rest of the country has long endured.

Its westward expansion finally complete, the United States is again trying to push south into Mesoamerica. The difference this time is that, by mutual assent, Mexico is wedding itself to the United States—and laying subtle claims to the lands that Santa Ana lost.

NAFTA would restructure the continent, with lines of people and goods running north-to-south as well as east-to-west, and once-fixed borders blurring in overlapping spheres of economic influence and political power. Economically, Mexico ultimately would be nearly the size of Canada, and a bigger and better trading partner than Japan. Mexican immigration would diminish over time as Mexican prosperity rises, while the immigration that remains could be regulated and legalized within a common market system of preferences. The North American Free Trade Agreement is the framework for a relationship that would restructure much more than mere trade.

AMERICAN COALITION
FOR COMPETITIVE TRADE,
Washington, DC.

STOP NAFTA

DEAR FELLOW AMERICAN: Within a matter of weeks—Congress will vote on one of the most fateful treaties our country has ever considered—the North American Free Trade Agreement—NAFTA.

If Congress votes "Yes" on NAFTA, it will merge the economy of the U.S. with Mexico's Third World economy. Your life and your income will be changed forever—for the worse.

Incredibly, most Americans—55% in one recent poll—have little or no understanding of the potential consequences of this monumental economic merger.

Indeed, it is my belief that if the American public were to be made fully aware of the magnitude of this unprecedented blunder, they would reject it overwhelmingly.

But as of today, a majority in the Congress are leaning toward approval of NAFTA. And the Clinton Administration is going all-out to get it passed. And that's why I am writing to you today—to ask you to sign your enclosed Petition protesting NAFTA.

Did you know that NAFTA was negotiated in secret under a "fast-track" procedure that forbids debate in the House and Senate?

Did you know that the full force of the Executive Branch of the Federal government is behind NAFTA—lobbying Members of Congress incessantly to get their vote for this treaty?

Did you know that the Mexican government is spending millions on high priced lobbyists to pressure your Representative and Senators into voting for this U.S.-Mexico economic merger?

The truth is that the American voters are being kept in the dark—so Washington insiders can slip NAFTA into law this Fall.

For eight years during the 1980s, I served as the U.S. Commissioner of Customs. From the experience I had in those years, much of it dealing with problems on the Mexican border, I developed solid reasons for opposing NAFTA. I think you should oppose it too. Here's why.

NAFTA will place an estimated 5.9 million more American jobs at risk during this period of widespread industrial layoffs.

NAFTA will make it easier to import illegal drugs—through our already porous border with Mexico.

NAFTA will induce much greater illegal immigration—from the current two million a year to up to five million.

NAFTA will increase the exodus of American industries to Mexico—where about 2,200 American plants are already operating.

NAFTA will usher-in a surge of crime and violence—due primarily to the projected increase in drugs.

The American Coalition for Competitive Trade—ACCT—was the very first national organization to sound the alarm on NAFTA.

ACCT now has 25 organizations with an aggregate membership of 500,000 citizens represented on its Board of Directors and Advisory Board.

Our goal is to increase ACCT's membership to over one million citizens—so our collective voice will be heard over the clamor of the lobbyists swarming over Capitol Hill.

I am writing to you today to urge you to become part of this movement to block NAFTA by signing your Petition and joining ACCT in its fight to block NAFTA.

If you and I don't take action right now, today, to stop NAFTA our American way of life will be unalterably changed.

Please let me explain:

Mexico is a Third World nation, with an average hourly wage of about \$1.15—about one sixth of our hourly wage and much less than that in our most important industries.

Most of Mexico's people live in abject poverty. While I'm sure you feel sorry for Mexico's poor, you must realize, as I do, that we simply cannot afford to support them with our tax dollars and our jobs.

Mexican drug lords are buying up companies in the Maquiladora zones below the border so the trucks from these plants can camouflage their drug exports into the United States.

Mexico does not observe U.S. environmental standards—nor does it enforce the safety standards that we take for granted.

The proponents of this disastrous economic merger claim that we will uplift Mexico's economy to our level. When, in fact, our shaky economy is much more likely to be dragged down to that of Mexico's.

NAFTA is being shoved down our throats by the Washington "insiders"—that is, the lawyers, lobbyists, bureaucrats and beneficiaries of large-scale government spending who influence votes in Congress for their own gain.

(Bill Clinton ran against these insiders last year. This year he has joined them!)

What the insiders see in NAFTA is additional layers of bureaucracy and regulation that will enhance their influence and keep the revolving door paying them off for years to come.

Only an immediate and overwhelming outcry against NAFTA from citizens like you and me can offset this gigantic lobbying campaign to pass this catastrophic treaty.

Here are a few facts to give you an idea of the magnitude of the American industrial migration to Mexico and the impact NAFTA will have on our economy if Congress approves it.

Fact: More than 600,000 U.S. manufacturing jobs have been shifted to Mexico since 1980.

Fact: Of the 2,200 U.S.-owned plants in Mexico, most are turning out electronics products, TV sets, automobiles and auto parts—all high-wage production in the U.S.

Fact: General Motors is now the largest private employer in Mexico—with nearly 36,000 Mexicans already on the GM payroll there. While GM shifts plants to Mexico, it is laying off 75,000 workers in its U.S. and Canadian factories.

Fact: One American entrepreneur with 21,000 employees in his Mexican plants wants NAFTA approved because it will save him approximately \$11 million he now pays in U.S. tariffs—all of which he declares will be re-invested in Mexico.

Fact: According to a U.S. embassy official in Mexico City, 70% of all cocaine sold in the United States comes through Mexico. With the increased flow of goods over our borders our overworked Customs officers are unlikely to stop the new flood of drugs.

Fact: NAFTA will end Mexican farm subsidies and drive millions of Mexican farmers off their land—dramatically increasing illegal immigration to the U.S. where our strained social and health care systems will try to cope with them.

Fact: Politically, Mexico is a one-party dictatorship that operates on the Mordida—the bribe.

But lost jobs and increased drug traffic, crime and illegal immigration are not the only way we lose if NAFTA passes ***

From the years I spent as U.S. Commissioner of Customs, I can tell you from certain knowledge that the statistics the Clinton Administration is using to justify support for ratification of NAFTA are not valid.

Overall, Customs collects approximately \$20 billion per year on tariffs from imported goods and a large slice of this will be lost under NAFTA.

As far as we know, no Administration or Congressional official is on record as telling us how we will make up those lost revenues.

By now you may be wondering, "If NAFTA is so bad, then who wants it? And why?"

The only apparent beneficiaries of this disastrous trade agreement with Mexico are the big, international Wall Street Banks ***

The hidden reason for the international banks' frantic lobbying for NAFTA is that they already have \$100 billion in loans to Mexico outstanding—loans that have been in default for a decade!

The banks have no hope of recovering their money—that is, unless the U.S. taxpayer subsidizes the Mexican economy by adopting this treaty.

Purely and simply, NAFTA is a bailout scam for mismanaged banks that will make the Savings and Loan bailout pale by comparison.

The powerful Wall Street Banks are hoping to use NAFTA to trade off American jobs and industries so Mexico can afford to eventually pay off its massive debts to them.

What the bankers aren't telling us is who will pay for the billions in defaulted mortgages and other American loans that Americans won't be able to pay because they lost their jobs to Mexico.

You and I know full well who will pay for this mess *** American wage earners and taxpayers—just like we always do ***

*** Only this time the stakes are too big for us to absorb! We taxpayers can't afford an economic shock of this magnitude.

The U.S. is already nearly five trillion dollars in debt! No one knows how much NAFTA will add to that back-breaking national debt, but it is obvious that it will be substantial.

And it's our taxes—yours and mine—that will ultimately have to pay the bill!

Unless we hear from you and other concerned citizens right away—today—Congress is likely to pass NAFTA.

Members of the House and Senate are under tremendous pressure from the Clinton Administration, the big banks, the industries planning to move more plants to Mexico and the scores of lobbyists working in Washington for the Mexican government.

I look forward to your response.

Sincerely,

WILLIAM VON RAAB,
Director of ACCT.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1697

Mr. INGLIS. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 1697.

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

There was no objection.

NAFTA—THE CHOICE FOR JOBS IN AMERICA

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

Mr. TORKILDSEN. Madam Speaker, when all is said and done, the success of the North American Free-Trade Agreement will be measured by one standard. If the NAFTA becomes law and employers either add or keep more workers than they would without the NAFTA, then the agreement will be a success.

Because of the controversy surrounding the NAFTA, there are many points that need to be addressed in evaluating it.

I want to specifically address the fears that many people have about this agreement concerning both jobs and the environment.

The existing trade relationship between the United States and Mexico is not a fair one. While goods made in Mexico and sold in the United States are taxed with an average tariff of 2 to 4 percent, goods made in the United States and sold in Mexico are taxed with an average tariff of 8 to 10 percent! In addition, for United States companies to sell many products in Mexico, those products must meet the rigid Mexican domestic content law.

Because of these unfair tariffs and the Mexican domestic content law, it is currently more profitable for many companies to move operations to Mexico and manufacture goods there, rather than continue to manufacture those goods in the United States. These incentives to move jobs to Mexico exists now, and we have seen many jobs move to Mexico in recent years because of them. These particular incentives will no longer exist for most goods once that NAFTA is ratified.

The existing unfair relationship is more than just general barriers. There are specific industries and companies, including many in my home State of Massachusetts, that are penalized by the status quo.

Financial service companies have been locked out of the Mexican market. Mexican law prohibits financial service companies that were not already established in Mexico prior to the 1930's from doing business there. The NAFTA will phase out this unfair trade barrier, and allow all United States financial service companies to compete in Mexico.

For computer companies, the Mexican tariff is much higher than the 8-percent average—it can be as high as a staggering 20 percent. Computer makers are forced to absorb this 20-percent tariff, which effectively prices them out of the market for many U.S.-made computers.

With computer software, current Mexican law offers virtually no protection for intellectual property. The NAFTA will protect intellectual property, and that is good news for U.S. jobs in the software industry.

Some telecommunications companies must pay an incredible 35-percent tariff on their equipment sold in Mexico.

Thirty-five percent. Telecommunications companies will benefit not only by reducing this tariff, but also by eliminating the Mexican domestic content law.

There are some arguments that many people make against the NAFTA, and after reviewing the facts, I believe most of them are grounded in fear, not fact. But it is important to address peoples' fears, especially as they relate to their jobs, as well as the environment.

First, many opponents say the NAFTA will lose jobs because of low wages paid in Mexico. The United States has lost jobs to Mexico because of low wages combined with other factors. Just as Northern States lost textile, leather, and other jobs to Southern States years ago, the United States has lost jobs not only to Mexico, but many countries overseas because of low wages. But these job losses have happened because of the status quo, and not because of the NAFTA.

The NAFTA, by all accounts, will increase wages in Mexico, even if only slightly in the first few years. Even a slight increase in wages, coupled with the elimination of the Mexican domestic content law and reduction of tariffs, will greatly reduce the incentives to move jobs to Mexico, not increase them.

Also, opponents point to the large trade surplus the United States has with Mexico, and assume it has only been fueled by an increase in export of capital goods as companies build factories in Mexico. But the facts tell a different story.

Currently, the United States as a nation relies on the sale of capital goods to make up 40 percent of all its international exports. This is because capital goods are among the highest value-added goods to produce, and the demand for U.S.-made capital goods is still very strong around the world.

By comparison, only one-third of United States exports to Mexico are for capital goods. Not only is this less than the national average of 40 percent, but the percentage is actually declining. Thus, each year more consumer goods are being exported from the United States to Mexico.

Another fear that opponents state is that immediately eliminating trade barriers would cause too much of a jolt to the U.S. economy. But again the facts tell a different story. The reality is that the NAFTA does not immediately eliminate all barriers, but instead gradually phases many of them out over a period of years, over a 15-year period for some products. In addition, the NAFTA gives any country the authority to delay for 3 or 4 years the tariff reductions in a particular industry, if that country believes that industry is being adversely affected by the scheduled reduction or tariff and trade barriers.

And finally, there are many fears being circulated about the environment. On the facts, Mexico does have a dismal environmental record—but this, also, is without the NAFTA. Much of this poor record is due to the fact that Mexico does not even enforce the environmental laws it has on the books now. Defeating the NAFTA will not improve the environment in Mexico, especially along the United States border.

But with the side agreements to NAFTA, will not improve the environment in Mexico, especially along the United States border.

But with the side agreements to NAFTA, Mexico has committed to enforce its own environmental laws, or face trade sanctions if they do not. Just enforcing its own laws will be a significant improvement for Mexico, and that is why many environmental groups have given their support to the NAFTA. These groups include the National Wildlife Federation, the National Audubon Society, the Environmental Defense Fund, the Natural Resources Defense Council, and the World Wildlife Federation.

During the past year, I have spoken with people throughout the Sixth District, employers and employees, union and nonunion, as well as President Clinton and his advisers just a few weeks ago. Based on the facts, the NAFTA will create tens of thousands of new jobs in the United States.

Facing the North American Free-Trade Agreement, this country has two choices. We could retreat in fear from global competition, or we could turn and face it head on. I believe we must take the latter course. Dealing with competition and change is never easy. But we must tackle both in order to create jobs, and to succeed.

□ 1940

THE ECONOMIC REALITY OF NAFTA

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Madam Speaker, I rise in opposition to NAFTA. It is a decision that I have reached after a great deal of thought and consultation over the past many months. But I would like to say that I believe it is important that people keep things in perspective.

Madam Speaker, I have heard a lot of rhetoric on both sides of the issue, and I think it is important to recognize where the United States, and Canada, and particularly Mexico, are today without NAFTA. Without NAFTA the Mexican economy is growing, and it is growing because Mexico has chosen to make some economic decisions in its own enlightened self-interest, which it should have made, relaxing state con-

trol of industry, encouraging foreign investment and lowering tariffs to foreign goods, including United States goods going to Mexico. The Mexican standard of living has slowly been rising and Mexican conditions slowly improving, and during this whole time without NAFTA I might add that the United States has been enjoying and beginning to enjoy a trade surplus. It did not take a NAFTA for the United States to begin selling more to Mexico. What it took was economic reality and perceptions on both sides.

Madam Speaker, that trade continues regardless of what happens on this floor tomorrow night. That trade will go on and will increase, both from Mexico and the United States. The United States is the largest customer of Mexico. I do not think anyone is about to cut that customer off, and we, by the same token, in the United States have seen improvement with Mexico so that trade has grown.

My question then goes: With so many unanswered questions and, indeed, so many troubling questions, why rush into a sweeping NAFTA?

I think history bears looking at, history of the European community, the Common Market. It has taken decades for the Common Market to come together and the European Community to come together in its complex trading arrangements, and I might add that in that situation there were two nations, Spain and Portugal, with great wage disparities and standard of living disparities, and those nations took a long time to accommodate, just as Mexico has the same disparity with Canada and the United States.

Is it necessary to do a 1½-year slam dunk and pass NAFTA, or should this thing be approached much more deliberately? I have heard the arguments that Japan, and Canada and Germany will make inroads if NAFTA fails. The reality is that Japan and Germany are well positioned in Mexico already. They will continue to, and they will be, should NAFTA pass.

I think it is interesting to note that I have heard the claim that Mexico will seek some sort of special trading arrangement with Japan. Turn from the United States to Japan? Good luck. The United States has been hammering away at the Japanese market for lo these 20 years, and it is interesting that we, after an army of negotiators, still have a \$50 billion trade deficit with Japan, and almost every other nation that is dealing with Japan has a trade deficit. I do not think Mexico wants to substitute its best customer for one that is going to be one of its worst.

Finally, Madam Speaker, I note that I have asked many of our largest corporations in our State and in our country for a simple statement. During the August recess I visited with many, I have consulted with many, and I have

learned that in West Virginia, as in every State almost, their trade with Mexico is steadily improving; it has for the last 4 years, from roughly \$12 million several years ago to \$44 million this year. That is positive. That trade is going to only improve with or without NAFTA.

So then I ask the next question: "What do you predict if NAFTA passes?"

Naturally everyone predicts increased trade.

Final question: Can you assure me then that no job will move south from this plant? Can you assure me that in your plans, if NAFTA passes, there will not be any jobs lost to Mexico?

Economic theory, I am assured by national corporations, is that NAFTA will not move jobs south. Tariffs come down; too large a capital investment in Mexico. Therefore jobs will stay in West Virginia and in this country.

□ 1950

The reality is no one will take the pledge. I know the theory, but no one will give me the pledge of reality. So that is what concerns me a great deal. Surely an American company such as an automobile company that can tell you what your 1998 car model is going to be, that can already announce multiyear layoffs of American workers as they go through a downsizing, surely they know what they are going to do under NAFTA. If they cannot tell me what they are going to do under NAFTA, then I have got great concerns. I would feel a lot better if when Lee Iococca looked in that TV camera he was not saying, "Just pass NAFTA," but he was saying Chrysler Corp. would not move any more jobs to Toluca, Mexico; that those jobs would be guaranteed to stay in this country. That is the kind of commitment that I think a lot of Americans would feel much better about.

So I feel that NAFTA should be defeated. Not because we should not have increased trade with Mexico. We have it. We will continue to have it without NAFTA. But because it is time to begin renegotiating a treaty that answers those questions, that makes those pledges, that is approached much more slowly, much more deliberately. We can have, yes, increased trade; but this NAFTA is not needed. We can have another NAFTA, one that answers questions that America has.

REGARDING THE LATE PATRIOT KEITH PEARSON

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Madam Speaker, in one of the special orders I was doing on Somalia, I reached into my folder to

read a letter from a young widow of one of the four Army MP's who was killed when an autodetonated landmine blew up his Humvee vehicle. To World War II folks, that is like a big modern wide-track jeep. It killed all four of those young MP's. That was the first time more than one American had been killed at one instance. There had been four Americans killed singly, another two to land mines, one to a fire-fight, and one from a sniper. But that was the first time Americans died together in Somalia, and it was on August 8.

Madam Speaker, I want to read the letter from this young widow, Jody Pearson. It was written to myself and Congressman HUNTER. I think it makes a strong case why we should not adjourn this week without at least having one hearing in the Committee on Armed Services about the firefight on October 3 and 4 and the mortar fire that hit the airport, killing a 19th Ranger, a Special Forces Delta man, during that horrible first week of October.

This letter is dated October 23. It states:

DEAR CONGRESSMEN DORNAN AND HUNTER: My name is Jody Pearson. My husband Keith was one of the soldiers murdered in Somalia on August 8, 1993, in the landmine explosion while he and three other soldiers were driving their Humvee. I am sending you a letter I received from a soldier over in Somalia.

By the way, Madam Speaker, that letter was one of Keith's colleagues. I think his name was Sean Rafferty. I wish I had it here to put in. It was a beautiful letter. It was excerpts from his diary, the last few days before Keith was killed, with an addendum of what a special, fine American Keith Pearson was.

Madam Speaker, I will continue with Jody's letter:

I am sending you a letter I received from a soldier over in Somalia, along with several other newspaper articles and some personal things I hold dear to me. I have received so many letters from various military personnel and government officials and they were greatly appreciated, but the one thing that has meant the most to me is the phone call I received from both of you. I had not received one phone call from anyone except family and friends. When I was able to speak with you I finally felt as if someone really did care about our soldiers in Somalia. I understand when you are in the military it is your duty to do as your country asks and if necessary die for your country in the process. But that does not mean soldiers are expendable. They are living and breathing human beings, who have friends and families who love them very much and who think that their lives are very important. You both showed me you cared about our American Soldiers and that makes me very proud to be part of a nation that values its military tradition. Of course I know a lot of people in this administration don't have this pride and honor for our armed forces. But I would like to believe that most people do and that helps me to accept my husband's death. I hope that most people are proud of him and of all the others who have given their lives so un-

selfishly for their country. Even though we who are left behind are left with the loneliness, memories and our undenyng love we shall never forget.

The people of this country elect officials to go to Washington to speak and voice the opinions and concerns of the people of this nation. I believe you to be true to this belief and that your best interests are for the people of this great country. You are truly an asset to us all. I have some concerns of my own, which I would like to express. Why is it that 30 Americans have been killed and over 100 have been wounded in a peacetime "humanitarian mission" and the headline news of the evenings has been about Russia—Bosnia—or Haiti. Why is it that the President has time to jog and talk about health care reform but doesn't have time to pick up the phone to call family members to express "his grief"? Why is it that the President has time to go to Russia in January instead of going to Somalia to visit his troops who are in need of moral support. Is anyone going to visit them for Thanksgiving or Christmas? Why hasn't anyone spoken about all the wounded soldiers? Are they not important? What has happened to them? Thirty American soldiers have been murdered, who is responsible for this and why haven't any actions been taken against those responsible? This does not send a good message to other nations around the world. Kill Americans or take them hostage, and you won't get in trouble.

People in this administration are more concerned about their political image rather than the security and well being of the American men and women in the Armed Forces. How can we allow our soldiers to be murdered for handing out food to a supposedly starving nation. If you're strong enough to carry ammunition, weapons and to beat and drag a dead body through the streets, you can't be too hungry. I call your attention to the pictures in Time and Newsweek magazines. The Somalis certainly don't look like they are dying and I can't believe my husband's life was worth sacrificing for the grinning people depicted in these pictures.

I miss my husband dearly and I will always love him. He is gone and I know he will never come home. I do not want anyone to have to go through all the pain and suffering that I and my family have gone through. I just hope people become more aware and more sensitive to the fact that Americans are being killed in a country by people who do not want us there.

Once again, thank you for caring and thank you for listening. May God Bless You all.

P.S. If you could, will you please send the picture of Keith and me. It's the only one I have.

Sincerely,

Mrs. KEITH D. PEARSON (JODY).

Madam Speaker, the letter speaks for itself.

INDIAN HERITAGE MONTH NOTED PERSONALITIES

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

Mr. FALEOMAVAEGA. Madam Speaker, I rise this evening in support of this month as National American Indian Heritage Month. Tonight, I would

like to mention a few American Indians known in the fields of sports and medicine.

Perhaps the most famous of all American Indian sports personalities is Mr. Jim Thorpe, who was an all-American football player in 1911 and 1912, and also won the pentathlon and decathlon in the 1912 Olympics. Sonny Sixkiller is another noted professional football player.

Not as well known nationally, but worthy of note is Kenneth Stanley (Bud) Adams. Mr. Adams is a 70-year-old native Oklahoman who is part Cherokee Indian and owner of the Houston Oilers. He is a charter member of the AFL, owns a Houston-based oil and gas company, several car dealerships, a 16,000-acre farm in California's Sacramento Valley, and a 10,000 acre ranch in Texas. His estimated net worth is approximately \$230 million.

Mr. Jim Thomas is a 52-year-old full-blooded Lumbee Indian from North Carolina and owner of the NBA basketball team, the Sacramento Kings. He is a former IRS lawyer and who later made millions of dollars developing high-rise projects in Los Angeles, Dallas, and Philadelphia. During his youth, he picked cotton, cucumbers, and tobacco, but he now owns Bing Crosby's old house at Pebble Beach, CA.

Madam Speaker, another most famous American Indian in professional sports is Johnny Bench, who spent many years with the Cincinnati Reds. He is part Choctaw Indian.

Johnny Bench got an early start as a baseball catcher, and was the Minor League Player of the Year in 1967, National League Rookie of the Year in 1968, and the National League's Most Valuable Player in 1970, when at the age of 22, he hit .293, with 45 home runs and 148 runs batted in.

He has been called the best all-around catcher in baseball history, changing the strategy of the position of the catcher in professional baseball.

The legend of the force of Johnny Bench's throwing arm places him in a category all his own. In his book "Johnny Bench," author Mike Shannon notes that at one time Johnny Bench bare-handed a weak fast ball and threw it back faster than it had been pitched. In the 1976 world series, Bench threw out Mickey Rivers while trying to steal in the first game of the series, and the Yankees did not test his arm again until the series was lost.

Among Bench's most notable achievements: He hit a home run in his first all-star game at bat, he won 10 consecutive Gold Glove awards as best defensive catcher, became the Reds all-time home run king in 1979 by hitting his 325th home run, got his 2,000 career hits in 1983, and was elected to the National Baseball Hall of Fame in the first year he was eligible.

Madam Speaker, in the field of medicine, Dr. David Baines is one of 500

American Indian physicians in the United States. He practices in the State of Idaho, and merges traditional and modern methods in this practice.

Dr. Baines is a member of the Tlingit/Tsimsian tribes and a graduate of the Mayo Medical School. He believes that traditional methods can help the spiritual side of the being while modern methods can compliment this by helping heal the physical parts of the being.

Dr. Baines has been recognized by Idaho's Governor Cecil Andrus for his dedication to improving the health of American Indians, and was appointed by the Clinton administration to be a member of a six-member screening committee to select the director of the Indian Health Services.

Madam Speaker, there are many other native Americans worthy of mention, but my time is limited, and I know others are anxious to get a head start on tomorrow's debate on the North American Free-Trade Agreement.

□ 2000

THE TRACK RECORD OF CORPORATE AMERICA—A "NO" VOTE ON NAFTA

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Madam Speaker, the NAFTA agreement is a long and complicated treaty. And the truth is that on both sides there are sincere, honest and principled people.

While it is terribly important that we understand this treaty as best we can, and many of us in Congress are trying to do that, and while it is terribly important that we try to understand the implications of this treaty as best we can, and a lot of debate about that, it seems to me that it is also terribly important that we try to learn a little bit from history and try to understand who wants this NAFTA treaty and why. Why do they want it?

Madam Speaker, as my colleagues may know, the NAFTA treaty is being vigorously supported by almost every multinational corporation in America. In fact, these corporations are spending tens of millions of dollars trying to influence the Members of this body to vote for it tomorrow. Further, this treaty, in an amazing way, is being supported by almost every newspaper in America. We have a Nation which is divided, but somehow or another the corporate media, almost without exception, I have yet to see the daily newspaper that is in opposition to NAFTA.

So we have all of corporate America telling the American people that this agreement is a good agreement for them.

To my mind, Madam Speaker, the 64-dollar question is really quite simple: What is the track record of corporate America in terms of standing up and trying to improve the lives of ordinary people? Should we believe them? During the last 20 years what is their record? Let us examine it very briefly.

Madam Speaker, Members may remember that 12 years ago the wealthy people of this country came forward and they said, "Give us large tax breaks, and if you give us large tax breaks, we promise you that we are going to reinvest in America and that we are going to create new and good-paying jobs."

Was that true? No, it was not true. What happened is, we gave the wealthiest people huge tax breaks and, lo and behold, they became much wealthier and the deficit became larger.

At the same time, the big corporations in America, they came forward and they said, "Give us, the big corporations, huge tax breaks. We are going to reinvest in America. We are going to create decent-paying jobs."

Well, did they do that? I think the record is very clear; that is not what they did. We gave them big tax breaks, and what they did with their breaks is not build new factories in America, not invest in research and technology here. They took those tax breaks. They ran to Mexico. They ran to the Philippines. They ran to Asia. They ran wherever they could get cheap labor. They were not telling the truth. And in that process, millions of American workers were thrown out on the street as they ran to the Third World to get cheap labor.

Then, Madam Speaker, during the 1980's Wall Street said, "Don't put a tax on the transfer of stocks and bonds. We can't afford it. It is a bad thing. We don't have the money to pay that tax to help deal with the deficit."

But Wall Street, amazingly enough, had billions of dollars in order to fund leveraged buyouts which ended up destroying many, many productive and profitable companies in America. And once again, American workers were thrown out on the street.

During the 1980's the leaders of the savings and loan industry, corporate American, said, "Deregulate us. Get off our backs. Let us reinvest in America. We want to create new jobs."

Madam Speaker, once again, I think the record is clear. They were not telling the truth. What they did is turned out to be a bunch of crooks, and the American people, for the next 30 years, will be spending hundreds of millions of dollars paying the debt caused by these crooks.

During the 1980's and the early 1990's corporate America said to the American workers, "Things are tough. We have got to tighten our belts. That is what we have got to do. You workers have got to take a decrease in your wages. We can't afford to give you decent wages."

Madam Speaker, corporate America was not telling the truth. They raised the salary level and the income level of the CEO's off the wall. Last year, 56 percent increase in the income of the chief executive officers. Workers who are declining in their standard of living, the CEO's now make 157 times more than the average American worker.

Madam Speaker, the point that I am trying to make is that corporate America has not been telling us the truth on virtually everything that they fought for. What ended up happening is the rich got richer and everybody else got poorer.

And now, my colleagues, corporate America wants us to pass NAFTA, and they are telling us that NAFTA is going to create more jobs.

Madam Speaker, it is the same old song, and I fear that they are once again not telling the truth.

I think that NAFTA will end up, once again, making the rich richer, but it is going to hurt the vast majority of working people in this country. That is why I am voting "no" tomorrow and why I hope the House votes "no".

TRIBUTE TO PARK RINARD ON THE OCCASION OF HIS RETIREMENT FROM THE STAFF OF REPRESENTATIVE NEAL SMITH

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

Mr. SMITH of Iowa. Mr. Speaker, it is a long road from working as a secretary for a then unknown artist, but now Iowa's most famous artist, Grant Wood, to being an assistant in my office; but a person who will retire this month has travelled that road. Park Rinard graduated from the University of Iowa in 1931 and was a secretary and personal assistant to American Gothic painter Grant Wood from 1935 until World War II, during the period when the then unknown, struggling artist painted some of his masterpieces. Park even donned a wig to serve as a model for a painting for the cover of an historical novel.

During World War II, Lieutenant Commander Rinard married Phyllis, who was a Navy nurse. Together they had three children and have one grandson.

Park Rinard's long service to Iowa office holders began in 1956 when he became special assistant to Gov. Herschel Loveless. Since that time, he has served in a special way to former Governor and Senator Harold Hughes and former Senator John Culver, and since 1981, I have benefited from his valuable experiences and services. I have worked with many people over the years in both Iowa and Washington, but few compare in quality and substance to Park Rinard. He is tireless in his commitment to progressive goals and unyielding in his efforts to help make the quality of life better for all Americans. We have too few who render such services which are so necessary—and too often those who do are not shown sufficient appreciation. I urge my

colleagues to join me in congratulating Park Rinard on his remarkable career and best wishes for a happy retirement.

NATIONAL BIBLE WEEK

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

Mr. HUTTO. Mr. Speaker, for 53 consecutive years, American men and women of diverse faiths have supported National Bible Week, sponsored by the Laymen's National Bible Association. This nonsectarian celebration reminds the Nation of the Bible's distinctive roll in the chronicles of America's history and culture. National Bible Week will be observed this year from Sunday, November 21 through Sunday, November 28, 1993.

This is a time when people everywhere are seeking ways to address crucial issues and remedy the conflicts in our cities, States, and Nation. What is more essential to seeing the American vision and to opening the way to full participation in the American experience than knowledge of the Bible?

The Bible has transformed our civilization. The basic premises of our national thought are the affirmations of the Judeo-Christian principles expounded in this book. The Bible, called by President John Adams "the best book in the world," has given direction to the citizens and leaders of America from its very inception and throughout all our national history.

The United States of America has been organized around the precepts of the Bible. The Bible has set the standards for our social and moral behavior. It forms the foundation of our national life and activities.

This year Senator WILLIAM V. ROTH, JR. of Delaware and I are serving as congressional cochairmen for National Bible Week. We understand there are different viewpoints held by the American people about the Bible. However, no one can deny the significant role the Bible has played in our Nation's life and history.

Founded in 1940, the Laymen's National Bible Association is an interfaith association dedicated to the singular goal of encouraging every American to read the Bible. In connection with sponsoring the annual observance of National Bible Week, LNBA conducts a year-around media campaign designed to encourage Bible reading and foster an appreciation of the Bible's influence on American culture, Government, and society. LNBA distributes materials to secular and religious groups which conduct local Bible Week celebrations throughout America.

During National Bible Week I hope you will take the opportunity to remind your constituents of the part the Bible has played in our past and en-

courage them to read what the Bible has to say to us today.

□ 2010

TRANSFER OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Madam Speaker, I ask unanimous consent that the special order time of the gentleman from Indiana [Mr. BURTON] be transferred to me.

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

OPPOSITION TO NAFTA

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

Mr. BROWN of Ohio. Madam Speaker, I yield first to my friend, the gentlewoman from Connecticut [Ms. DELAURO], who has been an absolute leader in the fight against the North American Free-Trade Agreement.

Ms. DELAURO. Madam Speaker, I thank my colleague, the gentleman from Ohio [Mr. BROWN], who indeed has been a leader in this effort, in defeating the NAFTA agreement.

I also want to compliment our good friend, the gentleman from Michigan, DAVE BONIOR, who will be speaking later on, for his leadership during the long months of the NAFTA debate.

The gentleman from Ohio [Mr. BROWN], the gentleman from Michigan [Mr. BONIOR], and others who have been week after week on this floor talking about NAFTA have kept in mind something that often gets lost here in Washington, and that is what the needs of the working men and women are in this Nation. The opposition of the gentleman from Michigan [Mr. BONIOR] to NAFTA has been predicated on his deep concern, as has been the concern of the gentleman from Ohio [Mr. BROWN], the gentlewoman from Florida [Mrs. THURMAN], who is here, the gentleman from Oregon [Mr. DEFAZIO], and others, their concern for its effect on American workers and the inequities that are built in. That is really what the crux of the opposition is on NAFTA.

Madam Speaker, this agreement is full of protections for American technology, American ideas, and American property rights. It opens up Mexico to United States banks and insurance companies. But when it comes to American working men and women, what protections are there? Precious few.

Those who push this treaty do not seem to understand this, but then again, they don't stand to lose their jobs. They are our academics, corporate executives, economists, and editorialists. As Abe Rosenthal said in today's New York Times, "They have

shown so little care, compassion, or understanding about the fears of working people who might lose their jobs—how they would howl if their own jobs were in danger.

Those who are pro-NAFTA dismiss the job losses as maybe 100,000 maybe 200,000—a small percentage of the jobs in this country. But what about those people. Those families. Who will support them? Where will they find jobs to replace those lost to Mexico? Who will pay their mortgages, health care bills, the college educations of the children? No easy answers here. And no answers provided by this NAFTA.

Again quoting Abe Rosenthal: "We really do expect workers who lose their jobs after years at a craft or assembly line to be sweet and humble, because some day some other workers in some other factory may pick up jobs."

It is time we faced reality, and looked at the consequences of what this NAFTA will do. It will put Americans out of work. Hundreds of thousands. That is undisputed. And it will not give them new jobs. Those who say it will are only speculating.

Jobs will leave this country for one simple reason: the cost of labor. The minimum wage in Mexico amounts to 58 cents an hour. Even in the best manufacturing jobs Mexican workers earn less in a day than United States workers earn in an hour. And Mexican workers have few benefits and no bargaining power.

Mexican business and Government officials pursue a policy known as *El Pacto* that is designed to keep workers' wages low. While conventional economic wisdom states that workers raises in salary follow their productivity, that is not true in Mexico under *el pacto*. For example, in the first quarter of this year Mexican workers increased their productivity 9 percent, but their real hourly wages went up only 1 percent.

Some have said that the Mexican Government is turning this policy around. This is simply not true. President Salinas made a promise to this effect, but nothing has come of it. In fact, the *Wall Street Journal* reported today that he is busy backtracking on this promise.

United States businesses will move to Mexico for cheaper labor, more relaxed regulation of environmental and health standards. Businesses still in the United States will put pressure on their workers to work for lower wages and fewer benefits, threatening the move to Mexico and take jobs with them if they do not get concessions. And so on. And on. And on.

All this at a time when the U.S. economy is weak. We are already undergoing a hemorrhaging of manufacturing jobs begun by the recession and continued by the decrease in defense spending and the move of United States companies to establish Mexican

maquiladoras. Now we will lose hundreds of thousands of more jobs.

And no one can predict the impact of NAFTA on the complex of interconnections that make up the U.S. economy. This is a major change in U.S. trade policy. Many, many economic relationships will be forever altered. Now, when our economy is weak and anemic is not the right time to experiment with implementing such fundamental trade adjustments.

Of course, there is a further economic impact: the cost of the agreement. Conservative estimates put the direct costs at \$20 billion. Billions of dollars in lost tariffs; tens of billions in investment on the border infrastructure; and tens of millions more for worker retraining.

Just a note here: while the mild estimates are that 100,000 to 200,000 American workers will lose their jobs, the administration has planned to fund worker retraining for only about 51,000 workers over 5 years, hardly enough to even begin the massive undertaking necessary.

But there are indirect costs as well: lost income tax revenues from the American workers who will lose their jobs, lost corporate tax revenues from businesses who move to Mexico, and the ripple effects to communities whose plants are closed and workers unemployed. These are costs we cannot bear at a time when we are stretching to cut the Federal budget, and when cities and States are straining to find the dollars to provide police protection, build jails, and fund our schools.

And in the end, many of the costs of NAFTA will be borne by the same tax-paying workers who are in danger of losing their jobs to Mexico as a result of the pact. The irony of that cannot be missed. American workers will be footing the bill for a trade agreement that moves their jobs to Mexico.

So, if these are the costs, there must be something solid we are getting in return. Right? Wrong. The vaunted trade surplus we ran with Mexico in 1992 is down by half this year over the first 8 months of last year. Half. The Mexican Government has bought what it could afford to build up its infrastructure, and its buying spree is over.

We all knew this would happen. Most Mexican workers with their artificially depressed wages cannot afford to buy American goods. Autoworkers in Mexican factories in some cases cannot afford to buy the spark plugs they manufacture, much less the cars.

This is not a good NAFTA. It is not an acceptable NAFTA. It is full of problems and short on solutions. Let me give you one final example. An example of the kind of winners this treaty promotes at the expense of our workers. In this treaty, Honda, the Japanese car manufacturer, gets a \$17 million tax break, \$17 million. This was money Honda was fined by the U.S. Customs Service because it violated

domestic content laws. And this treaty retroactively changes those domestic content laws and overturns the fine levied against Honda.

It is clear that, if we defeat this NAFTA, which we will, it is not the end of the pursuit of trade. Our future is in trade, and we all know that. Our future is to the north and south, but we should not pursue that future at any cost. We should not trade at any price. We should have a strong agreement, one that takes the future of American workers, and Mexican workers, into account. Our goal should be a better standard of living for American, Canadian, and Mexicans.

An acceptable treaty will bring the standards and wages for workers on both sides of the border up to a higher common denominator, not down to a lower one. I am committed, once this NAFTA is defeated, to negotiating a NAFTA that does just that, one that protects working people, gives them jobs with higher wages, gives them access to training for new skills, a treaty that looks to the future, and keeps the American dream alive.

□ 2020

Mr. BROWN of Ohio. I thank the gentlewoman from Connecticut.

It is clear that another kind of agreement is possible, that there is an alternative, not just the present situation, which frankly is not very good. There is not this North American Free-Trade Agreement, which is worse. There is a third alternative. The third alternative has been talked about and articulated by a number of people in this Chamber. The majority leader, Mr. GEPHARDT, has not only talked about that and the desirability of that, and talked specifically about what could be in it with such things as minimum wage things, as labor standards, such things as democratic elections, more guarantees for democratic elections in Mexico, peso devaluation, guarding against peso devaluation, citrus issues, food safety, truck safety, all of those kinds of issues, but he has made a commitment already to so many of us that we are going right back after defeating this NAFTA, right back to talk to the Mexicans and the Canadians to work out an agreement that will help people in this country, that will help families in this country, that will help Mexicans, that will help create a middle class there, and we will be able to trade and uplift those countries and also Canada.

Because of that, I would like to yield to the gentleman from Missouri, Mr. GEPHARDT, who has really set the moral and intellectual tone of the opposition to NAFTA and has done a tremendous job.

Mr. GEPHARDT. I thank the gentleman for yielding. I appreciated very much the statement of the gentlewoman from Connecticut. I thought

she hit all of the important points that need to be expressed in this debate, and I am sure will be tomorrow.

I have been asked by many individuals and Members in the last weeks about what happens if NAFTA is turned down, how do we get a NAFTA, is it possible to get back to a negotiation, and my answer is that I think a NAFTA is inevitable. I do not think Mexico can go back into the past and be a closed economy as it was in the past.

Obviously the United States has a huge amount of trade with Mexico. That will continue whether or not NAFTA goes forward.

But I am absolutely confident that if this NAFTA is defeated tomorrow that we will be back at the table, and we will have to get a North American Free-Trade Agreement. It may take a little bit of time. The Mexicans have an election I think in August of next year. It may be that that election campaign has to go on. We have an election in November of next year. But after that, there is absolutely no reason that we cannot fix the problems in NAFTA.

I want to spend the rest of my time tonight talking about fixing the problems, because I think people need to know clearly what it is that we are talking about that is deficient in this NAFTA. The gentlewoman from Connecticut talked about wage levels in Mexico. She talked about how wages are set by government-run boards called El Pacto. She is absolutely right. Workers are not able to bargain, to associate as they can in America and in most other countries.

At the end of the negotiation and during the negotiation I was insisting that the NAFTA contain an enforcement process for both the environmental and the labor laws in Mexico. All during the negotiation we heard back that the Mexican negotiators would not agree to either trade sanctions on any of the environmental or labor laws as a final sanction to get the law enforced. And that they would not agree to put any of their labor law in the enforcement process.

On the last day of the side agreement negotiation, the Mexicans finally agreed to both trade sanctions as the final sanction for not enforcing their laws, and even though that comes at the end of a labyrinthian enforcement process, I felt that was real progress, and I was willing to accept that.

But on the final day they simply were unwilling to put their labor in the enforcement process. In the final hours, they agreed to put their minimum wage in the enforcement process, child labor laws and safety laws. But importantly, they were adamantly unwilling to put their industrial relations laws into the enforcement process. Those walls are obviously the right to associate, the right to collectively bargain and ultimately the right to strike.

That refusal left me and lots of other people who were following the negotiation not only with no confidence that wage setting processes in Mexico would not change, but left us with absolute confidence that they would not change, that there was no willingness to entertain those ideas, there was no willingness to allow workers to associate, to bargain, and ultimately to strike. And it left me with the impression, the clear impression that if we passed this NAFTA in fact we would be ratifying the wage setting processes that exist today in Mexico, which as the gentlewoman from Connecticut explained, is a government-run board that sets the wage levels and the wage increases, if there are any, in the Mexican economy.

This is a fatal omission from this agreement. In my view, it goes to the heart of what needs to be done. This is a free-trade agreement. This is the beginning of economic integration with another country. In Europe when this was done they insisted on the harmonization of labor laws between the European Community and Spain, Portugal and Greece.

Mr. BROWN of Ohio. Mr. leader, how many years did it take to do that in Europe?

Mr. GEPHARDT. It took 15 years for that harmonization to occur, and it was an absolute condition of coming into the community by these three developing countries.

So here we have a case where we are not only insisting on harmonization, we are ratifying the difference, the vast difference in the way wages are set between the two countries.

Obviously, artificially held down wages are an inducement for companies, our companies to go there to do business. It puts downward pressure on our wages in the United States. And finally, and most importantly, the promise of NAFTA is that we can get access to Mexican markets so that we can sell our products to Mexican consumers. If Mexican consumers have artificially held down wages, they are never going to have the money to buy our products. The promise and the potential of NAFTA will be lost. So this is a critical omission.

I will spend just one more moment on the second critical omission, and that is adequate monies to clean up the border and to train American workers who do lose their jobs. Thirty years ago we set up the maquiladores program, and lots of Mexican citizens were attracted to the border to work in the maquiladores plants. In fact, millions of people. But there was no provisions made for water systems and sewer systems and road systems. And if you go there today and see on both sides of the border how people are living, you can see the necessity of ensuring that this infrastructure is built.

This NAFTA says it will be done by the private sector, essentially. If the

private sector was going to this, they would have done it 15 years ago. They are not going to do it. They have no intention of doing it, and for the most part, the people on the border do not have the money to do it.

□ 2030

And then we say, well, the World Bank will do it or the National Development Bank or the North American Bank. Where are those banks going to get the money? They are going to get it from the Congress of the United States if they get it at all.

I predict to you, because of our budget constraints which are overwhelming today, those moneys will never be appropriated, and in my view they should not be, because I do not think the people who live in the rest of the United States should bear the burden of that cost.

That is why, 2½ years ago, I suggested a border transaction fee of 2 percent on every good that crosses the border. Nobody likes that idea. I understand that. None of us like to figure out how to pay for anything. But this, at least, paid for it, and it paid for it from the people who gained the most from the trade.

Whether you are making your product in Saint Louis or Boston or Minneapolis, you are benefiting from being able to trade that product into Mexico, and any product made in Mexico, the people who made it and owned the company are benefiting by bringing the good back into the United States. Who better to pay these costs than the people who are making money from the transaction?

And so I maintain today that the 2-percent fee is the best way to do it. We could dedicate it to a trust fund. We could float bonds that would be paid off by the taxes that would be going into the trust fund, and we would know that the bonds are going to be paid off, and we would know that the infrastructure is going to be built.

What a burst of confidence there would be on the border if the people who lived there saw water systems and sewer systems and roads and bridges being built that will be needed for over 30 years. I predict that if this NAFTA passes tomorrow, and I hope it does not, that if you go back to the border 10 years from now, you will see worsened environmental conditions than you see today by far, and they are bad today, very bad.

So this NAFTA is flawed. We can do better.

This is a new world in which we live. We do not have to take second and third-best trade agreements. We can get good trade agreements.

We do not have to be worried about refusing a trade agreement that the party we are refusing it with will wind up not doing something that we need done to fight communism, as we did for

50 years. Those days are over with. We do not have to do second and third-best trade agreements. We can do good trade agreements, and we need to.

This NAFTA is fatally flawed. I wish it were not. I wish we could support it. I wish it were a trade agreement that would help all three counties in substantial ways. I will not.

I reluctantly come to that conclusion.

I hope that Members tomorrow will keep these things in their minds as they consider their vote, and they make their vote. If we turn this NAFTA down, we can, and we will, go back to the table, and this time we can get it right. We can solve these kinds of problems. We can get the Mexican standard of living coming up as it should, because they are very productive workers. We can solve the problems at the border. We can raise the moneys that are needed to solve real problems for real people.

If we will do all of that, we will satisfy the expectation of the people in both countries that expect us, as legislators, to produce a good product, a solid product, and a sound product for the future.

I thank the gentleman for holding this special order to further air these important issues tonight as we are on the eve of this important debate, and I will join with him and others who are here tonight in debating this extremely important issue for our country and for the world tomorrow.

Mr. BROWN of Ohio. I thank the majority leader. No one in this institution has shown more leadership on, and understanding of, trade issues and world citizenship and interests of American families than you on all of these kinds of trade issues, and all of us are grateful.

We are joined this evening by the gentleman from Ohio [Mr. STRICKLAND], the gentleman from Wisconsin [Mr. BARCA], the gentleman from Oregon [Mr. DEFAZIO], the gentleman from Vermont [Mr. SANDERS], the gentlewoman from Washington [Mrs. UNSOELD], the gentleman from California [Mr. TUCKER], and a special guest tonight that I would like to ask to come forward now who has an announcement to make, the gentleman from Pennsylvania [Mr. KANJORSKI], if he would like to tell us what he has to say tonight.

Mr. KANJORSKI. Madam Speaker, I thank my friend, the gentleman from Ohio, for yielding.

Madam Speaker, I come here really with a heavy heart in a way, because I have struggled with an issue now for more than a year, and in these last several weeks, with the desire to support a new, vital President with all the vigor that he shows and recognizing full well that NAFTA, the North American Free-Trade Agreement, represents a good thing for America.

It is the policy that America should have. There is not any question that we cannot return to protectionism. There is not any question that America's wealth will be created by trade agreements, and it is to the benefit of America and our trading partners throughout the world that we exercise the Common Market-type concepts that NAFTA represents.

I could give all the positive economic arguments for NAFTA. Indeed, it will create technology jobs. It will create new wealth in the future. It will break down barriers. It will change social orders in Mexico. I am sure it will even economically benefit some aspects of the Mexican worker and the Mexican society.

God knows, almost anything done in Mexico to increase the economy and its benefits would serve those people well.

I know that there are many Americans tonight throughout my district, and I have talked to hundreds over the weekend, who are fearful; they are frightened and would like to return to the security of protectionism. To those constituents of mine, I would say that was another day, that shall never return again. If I had my chance, I would probably like to live in an America of 1950 or 1960. Oh, how easy it was then compared to now. But that day will never come again.

We are, indeed, in 1993. We are faced with moving on in a measured, thoughtful process of how finally, without the threat of communism and totalitarianism in the world, we can bring the world together, and ultimately, whether it benefits the West, the South, or the disadvantaged of the Northeast or the Midwest, it really means little difference, because a free-trade zone in North America is not only what should occur but will occur, and it is good policy.

The question comes down to the free-trade agreement we have.

It seems to me that a fundamental condition of trade is the question of how it affects both countries or all countries involved. In America, there will be great benefit to those who are in the high-technology industries and have little fear for their jobs. Certainly it will be of great benefit in profits to large American corporations which just in the last few weeks have become American corporations and not international corporations, as I so often have heard them describe themselves in the past.

But we know what profit and interest mean, and the element of our large industry in America would be well served by this agreement. I understand why they are for it.

On the other hand, we have the extreme of organized labor and the work force, and, to some extent, we have heard arguments that are rather extreme. The sky will not fall. All Americans will not lose their jobs. The im-

port is a loss of jobs at the lower end of the scale and an increase of jobs at the higher end of the scale, and I am not wise enough to know what advantage will go to either side of the economic scale.

But I am wise enough to know this, that an agreement such as this is a contract, and when people enter into a contract, and I think of my days as a lawyer, they very seldom get within a very close position of executing a contract unless both parties to the contract feel they are winners. Indeed, it is possible to have two winners come out of the contractual relationship, not only possible, but most contracts have that effect.

What is the positive effect for America? For big business and industry, an increase in big business and industry; for technology, a concentration in technology, and a moving away from the more substantial industries of our past which will occur with or without NAFTA.

What are the advantages for our work force? Some people will undoubtedly gain more personal income as workers in high technology; they will benefit greatly.

What area of the countries may benefit? We cannot really project that. Probably the West and probably the South, but I come from the Northeast, and we have seen the South and the West benefit over the last 30 years without objection, without jealousy. That is the nature of our economic system, and we should not impede it.

We do have a responsibility also to look at Mexico. Who will benefit in Mexico? Clearly the government in power politically, clearly, the families that run the oligarchy of Mexico today will benefit greatly.

Can we truly say that the impact on the 90 million Mexicans will be that good? I wonder.

□ 2040

I do know that we have to look at the effect on the American economy, the effect on the Mexican economy, and if we are not satisfied then we have to look at NAFTA II.

I want to suggest this: That as we look at the effects of NAFTA on the United States, I think there is little reason that we would doubt that a large segment of the working men and women of America, organized and unorganized, are in dire fear that their Government is about to carry on a change and exercise a contract that may be very detrimental to their economic health.

In Mexico, the Mexican worker is not a part of this transaction. He will just feel the effect one way or the other. I believe it comes down to a fundamental, basic question. That question is: What is the role America should play in the 21st century and beyond? As we have preserved democracy, as we have

fought for freedom and individual rights, we have required nations that deal with us to elevate the treatment they give in human rights and civil rights around this world. I wonder whether or not we do not realize that a basic human right is the right to economic security, the right to pursue your profession, your job, your activity with a basic substance of security.

Have we given that to the American worker? Well, I can tell you the impression I have: We would not have a vote that will probably be close to 50-50 percent in the House if we had convinced average working Americans that this agreement was in their benefit. They may not be right as to what the result would be, but they have a suspicion and they have a lack of comfort level that is shocking and surprising.

Now, I think we as Members of Congress, and I particularly as a Member of Congress, have a duty to pay attention to the fundamental right of economic security.

Domestically I believe our work force does not have that satisfaction.

When I look at Mexico, it is far more tragic than the impact on Americans. In Mexico, we are freezing the profitability of using low-level and continuing it, and after this agreement goes into effect it will not only attract American business, because it is going to attract American business whether we have the agreement or not, what we will be doing is saying to all American manufacturers and all manufacturers of the world, "The United States Government and the United States Army stand behind your capital protected in Mexico."

The Mexican government is advertising today, "Come and use and abuse the low economic life of our worker." Does America really want to stand for the exploitation of the economic security of another nation on our southern border? Maybe we would have had to do that, as the majority leader said, when we were dealing with communism. And so often we did. How many dictators, how many tyrants in the world did we strike agreements with that caused the pits of our very stomach to revolt? But we did it because democracy and freedom in the world was challenged. That is not the case in 1993. In 1993 America should set the course to develop the fundamental right of economic security not only for American workers, not only for Mexican workers, but workers throughout the world; the concept of minimum wage, the concept of collective bargaining, the concept of human dignity provided the work force should be a fundamental right that this Nation will not engage in the acceptance of profit at the surrendrance of that right. It is more vital today in 1993 that we send a message not only to Mexico but around the world that the American people, not the American

President, not the American government, but the American people, demand that where we open our markets to trade and where we encourage increase of economic activity, the concomitant responsibility of that nation will be providing economic fundamental security to its work force. This we have not done.

"Mr. President, you will get a lot of votes on the other side. Some of us made tough votes back in August. We did not see any of our friends on the other side save your presidency. We stood on this side to save your presidency. They have us think that your presidency is in jeopardy. If I thought that for a moment, against my logic, against my belief, and with the full responsibility of losing my office tomorrow, I would vote for you. But do not let anyone say that the strength of the American presidency and our institution is that weak. You will march from tomorrow stronger than when you went into tomorrow because you will have made a hard fight, we will have made a tough decision, win or lose, but the Congress that represents the American people will have spoken. I have more faith in you Mr. President, than that; I know you are one devil of a fine lawyer and you know how to negotiate and you know how to trade, and we are going to send you to that trade session in Seattle so you can tell the Asian world that the war is over, America is no longer the patsy, but on the other hand we are not protectionists; that now we want to deal on an even playing field, and yet we feel responsible for the fundamental economic right of not only our citizens but all the citizens of the world and that is so fundamental to us that we will forego profits and advantage here at home to attain that end."

I cannot think of a higher mission to take around the world by an American President in this decade than that commitment. We will have battles again in the future, we will disagree and we will agree; we will fight hard. Some of us will feel we have done our damndest and lost, and some will feel that we have not put it all together and won. But one thing is for certain, we are so close in this country I think it would be fallacious for us to argue to the American people or the rest of the people of the rest of the world that two great nations such as the United States and Mexico having come so close could walk away and take their marbles and go home.

What we need in that agreement is minimal changes. I will not repeat them for the RECORD. I cannot think of a better explanation than the gentleman from Ohio [Ms. KAPTUR] and the majority leader, the gentleman from Missouri [Mr. GEPHARDT] have just given.

I will say that "As we move toward that next agreement, there are things

that you must put in place. You must rise up and provide for a comfort level of the American working people by laying out holistically your economic program for the United States here at home. The work force in America is fearful that we in Government by fiat are giving their economic security away. You can do this, you can do this by explaining all the programs you have and intend to introduce and fight for over the rest of your term. I am aware of many of them and agree with them and think that they will provide that economic security for the American work force. We must do that. We must also tell the American worker who no longer is competitive that he must retrain and he must improve his skills and talents, so that he can compete in the world of the future. We must provide training to accomplish that, but you cannot provide training without job opportunity.

"So we must fundamentally get down to a policy that this Congress and you, as President, lead this country into the development of new jobs so the security level and comfort level of the American worker will accept the change that has to come about in the future world."

I worry, I say to the President, about the passage of NAFTA tomorrow. I hear some of my friends who have become your ardent supporters in the last several weeks say that this is important to have and then everything else will follow.

□ 2050

My father used to warn me as a young man, never allow someone to have dessert before they have had their meal, because you may find they may not eat the meal.

Two weeks ago we had the challenge of unemployment compensation on this floor, and there was no pity found for the unemployed American worker. We failed.

Five or six months ago we had a stimulus bill in the U.S. Senate and the Minority Leader led the charge to deny the vote on that bill by using the filibuster.

I suggest that as we return to NAFTA II the strategy of this Government and this Congress should be that we put in place the economic policies necessary to provide the jobs that could be lost or will be lost as a result of the large common market in North America. If we do that, we will provide the comfort level for the American worker who is now in fear.

We have to make the hard votes to put health care reform into place.

Then finally, we will have to reform government. When that is all done, you should have another year to negotiate with Mexico on NAFTA II and that should be the reward for industry and the reward for our friends on the other side of the aisle, because we will have

indeed in tandem developed a policy and program to truly serve and protect the American worker and the Mexican worker.

I think the last vestiges of fear when people seek votes are to suggest that the American President would fail or the Presidency would fail if the vote goes the wrong way. If this country is indeed that weak, then we should fail.

"Mr. President, I for one tell you that there will be little effect on the success of your Presidency or the support of your party, if you pursue the policies that we have discussed and we are discussing tonight, you come back with NAFTA II, and I tell you, there is one Member of Congress who has faith in you. I will give you a Fast Track. I voted against the last one, but I will support the President on the next fast track, because I feel you will do the job to best represent the American people."

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman from Pennsylvania [Mr. KANJORSKI] for his eloquent statement in opposition to the North American Free Trade Agreement and for the courage the gentleman has shown in opposing this agreement.

The gentleman from California [Mr. HUNTER] has just joined us, the gentleman from Ohio [Mr. STRICKLAND], the gentleman from California [Mr. TUCKER] and the gentleman from Washington [Mrs. UNSOELD].

I understand the pressure they have been under, that all Members of Congress are under who oppose this agreement, the pressure from the newspapers, from large corporations in this country, from all kinds of groups, the White House and everyone else. We know the kind of courage it took for them to take that position.

I want to shift for a moment before yielding to the gentleman from California [Mr. TUCKER]. I want to shift for a moment on this whole Agreement. We have heard eloquent statements from the gentleman from Pennsylvania [Mr. KANJORSKI], by the majority leader, the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Connecticut [Ms. DELAURO], about reasons to oppose NAFTA, substantive reasons why the North American Free Trade Agreement is a bad idea. We have heard from others in this Chamber, the gentleman from California [Mr. TUCKER], over time, night after night, week after week.

I have sort of a rhetorical question to ask of each of us. If the North American Free Trade Agreement is so great, why can this Congress not pass it on its merits? It is pretty clear that the pro-NAFTA people have lost the NAFTA debate on its merits. They have lost the domestic debate. It is clear the American people do not buy the argument that this Agreement with Mexico will create jobs. It is clear that the pro-NAFTA people have not won the

hearts and minds of the American people in convincing the American people that NAFTA in fact is in all our interests, that it will create jobs, that it will mean more trade with Mexico, that it will benefit Americans and Mexicans alike.

If NAFTA is so great, you have got to ask yourself, why has the Mexican Government spent some \$30 million to lobby this Agreement through the United States Congress?

Never in history, never has one country spent that kind of money trying to lobby elected officials in another country, ever, \$30 million the Mexican Government has spent trying to convince the American people, and more directly the United States Congress, that NAFTA is in the interests of the American people, \$30 million.

They bought television ads. They spent money hiring the best lobbyists in Washington. They spent money hiring lobbyists in Ohio, Washington, New York, California and all over this great country. They have hired friends of Members of Congress to try to influence them in very back door way and every front door way, people coming into our offices every which way that \$30 million has been used by the Mexican Government to try to convince the American people to support NAFTA.

At the same time, you have got to ask if NAFTA is so great, why has USA NAFTA, the corporate group, the corporate arm of this effort put the kind of money they have into the television ads you see?

It is like election time. It is like an October election in Any Town USA on television. It is one pro-NAFTA ad after another.

Most importantly, if NAFTA is such a great idea, we have got to ask ourselves why all of a sudden has Christmas come early in the Congress? Why has Christmas come early? There is one shopping day until Christmas when it comes to what is going on in this institution.

Every day—not every day, I take that back, every hour of the last 2 days we hear about a new deal. Let me run through briefly our little game of "let's make a deal." What has happened in the last few days from the pro-NAFTA people trying to convince Members of Congress that it is a good idea to pass NAFTA?

First, there were two cargo planes, C-17's that the administration promised to build a couple C-17's in one district at the cost of \$1.4 billion to convince this Member of Congress to vote for NAFTA.

What do C-17's, I ask the gentleman from California [Mr. TUCKER], have to do with the trade agreement?

Perhaps the only thing it has to do with the trade agreement is the C-17 cargo planes are so large that maybe we can use them to put some American factories in and fly those plants to

Mexico. That is about the only connection I can make between C-17 cargo planes in a trade agreement.

The Pickle Center in Austin, TX, \$10 million, more pork, more buying votes to try to get the vote of another Member of Congress; a grazing fee back-down, the administration caved in on grazing fees.

The East Houston Bridge, tobacco tax scale-back.

One of the real doozies is the creation of the North American Development Bank, the changing of airline routes, Maytag given breaks so that we can have a little protectionism for appliances in this country for the appliance industry; a Florida vegetable deal, a citrus deal, a sugar deal, a cotton deal, a peanut deal, all kinds of things, one issue after another.

There was even a special deal offered for manufacturers of bedframes and headboards, anything you can think of. Things are for sale.

It smells bad to the American people. It is a bad idea. It is Christmas come early, unfortunately for Members of Congress, unfortunately for those who are willing to sell out their vote for their districts, for something in their districts. It might be Christmas come early for those Members of Congress, but it is not Christmas for the American people.

This issue should be judged on its merits. The North American Free-Trade Agreement is a bad idea.

And to pay for all this, it is going to cost at least \$50 billion.

If anybody in this institution is going to vote for NAFTA, they had better explain straightforwardly to the American people how they are going to come up with \$50 billion. It is going to be a NAFTA tax? Well, they do not want to vote for a tax.

Is it going to be more spending cuts? Well, we do not know where we are going to make the cuts, but we want this program.

Well, if you are going to vote for NAFTA, tell us where you are going to get the \$50 billion.

NAFTA is a job killer for American families. NAFTA hurts small business in this country, and NAFTA clearly can devastate communities. It is a bad idea.

We need people in this country to let Members of Congress know in the next 24 hours, look them in the eye and say, "Did you make a deal for your vote on NAFTA? Did you make a deal, did you say, yes, I'll vote for NAFTA as long as you give me this, this and this is my district?"

If your Member of Congress did that, tell them what you think. Tell him or her that you do not want NAFTA under any circumstances. Do not sell your vote to the pro-NAFTA people. Do not sell your vote to the administration.

NAFTA is a bad idea for a lot of years to come, and if we pass it because

a bunch of us sold our votes, I do not think we can go home and look people in the eyes and say we did the right thing for the American people.

Madam Speaker, I yield to the gentleman from California [Mr. TUCKER], who has shown great leadership in this whole NAFTA debate. The gentleman has been here night after night, week after week in opposition to NAFTA, and has been an articulate spokesman against this.

Mr. TUCKER. Madam Speaker, I thank the gentleman from Ohio, who is my classmate and who has shown great leadership and great foresight in this NAFTA debate.

Earlier today a reporter called me and asked me about where I was when Kennedy was shot some 30 years ago. Indeed, as I reflected, as a young boy at that time, I realized that was a defining moment in my life.

□ 2100

As I reflected, Madam Speaker, I realized it was a defining moment for all of America. Now, some 30 years later, we are at another defining moment for this country. The North American Free-Trade Agreement is that defining moment.

When I decided to run for Congress, I understood that this place, these hallowed halls and this hallowed floor, was a place where men and women came to represent the spirit and the interests of the people, and upon being blessed enough to get here to Washington, DC, one of the first orientations that we had by the Speaker of the House, the gentleman from Washington [Mr. FOLEY], indicated to us that way atop the hall and the wall of this hallowed building read a sign that said we hope and we pray that we may be able to do something, something, that may be worthy of being remembered, and, as I stand here on this floor on the eve of the NAFTA vote searching my conscience and my soul, I know that come tomorrow night, whichever way the vote goes, that my no vote will truly be something worthy of being remembered.

Why? A yes vote on NAFTA means a no vote on the American worker. A yes vote on NAFTA means a no vote on human rights. A yes vote on NAFTA means a no vote on democracy, and fairness and morality. A yes vote on NAFTA means a no vote on being truthful with the American people.

There are those on the other side of this issue who have said that NAFTA is supportive of the American people, that it is a job creator. But tonight my colleague, and I and other colleagues from all over the country are here to set the record straight, to give our colleagues the truth against the backdrop of all of this misinformation about this North American Free Trade Agreement, for in truth and fact we will find, to the man and to the woman, that my

colleagues are not against free trade, and we are not against a North American Free Trade Agreement. What we are against is the particulars of this agreement which do not have the enforcements and the safeguards in the interest of the American people.

Yes, if worse comes to worse and this agreement passes, someone will make a lot of money; the rich will get richer. The poor, and the disenfranchised and the already unemployed will be more unemployed and more disenfranchised. But when is America going to stand up for Americans and for this country?

As my colleague indicated earlier on the floor tonight, Madam Speaker, the same people who vote for NAFTA will vote against extending unemployment benefits. The same people who will vote for NAFTA vote against a stimulus package to put money back into our urban communities, back into our cities, to put people back to work. The same people who are for NAFTA will say that it is a job creator, but they will not talk about the fine print. They do not talk about the pain, and the loss and the immediate deprivation that is going to come in the way of job loss, up to 500,000 in the immediate future. They will talk about the light at the end of the tunnel.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. TUCKER. I yield to the gentleman.

Mr. DREIER. Madam Speaker, I thank my friend for yielding, and I thank him for his remarks, and I appreciate the fact that my friend from Lorain has let me jump in here for just a second. I would like to just respond to one particular item that my friend from Los Angeles has mentioned, and specifically that has to do with the plight of the urban poor, and obviously I share tremendous concern and sympathy for those who are less privileged.

But to argue that the rich are going to get richer and the poor are going to get poorer under the NAFTA really begs the point here. It seems to me that we need to recognize that President John F. Kennedy, the man to whom the gentleman referred in his opening remarks, said that a rising tide lifts all ships. Now President Clinton has said there may be a loss of jobs, and most predict there will be a loss of jobs, but I believe that President Clinton was right when he said that there will be not a single year when we have a net loss of jobs.

Now I am not going to argue that every job opportunity that is going to come down the pike from implementation of the North American Free-Trade Agreement is going to end up in the inner city, but it does seem to me that, if we are going to enhance the economic standing of people in this country, we have to do it by doing what John F. Kennedy wanted us to do, break down barriers, and breaking

down barriers is very simply what this is about.

Now I am not a supporter of the kind of things that have been going on over the past several weeks, twisting arms and trying to do those kinds of things. I am a pure free trader, having supported this initiative—

Mr. TUCKER. Reclaiming my time, Madam Speaker, I appreciate what the gentleman is saying, that we have to bring down barriers, and I appreciate the fact that we have to have free trade. But the gentleman and I both know that way before we even had the side agreements in this NAFTA agreement that this agreement is about foreign investment. This agreement is about making some foreign investors richer. That is what I was talking about when I said that the rich are going to get richer.

We have our investment in Mexico. The foreign investment in Mexico is 63 percent of all the foreign investment they have. Therefore, way before we even got into this notion of trade we know that this agreement is about protecting their investment in the event of any nationalization in Mexico, making sure that, if there is a nationalization in Mexico, that their investment will be compensated either by the Mexican Government or by us raising new tariffs.

Mr. BROWN of Ohio. Madam Speaker, I would add to that this is a Wall Street agreement, it is an investment agreement, it is not a jobs agreement, it is not a trade agreement. The big supporters of USA NAFTA are Wall Street firms. That is where most of the money comes from. They know that they are going to benefit because they can invest more in Mexico—

Mr. TUCKER. Reclaiming my time for a moment, and then I will yield to this gentleman, here is what NAFTA is about.

Heading south. United States companies plan major moves into Mexico. The following is from the Wall Street Journal:

In a sign of American eagerness to expand in Mexico 40 percent of respondents said it is very likely, or somewhat likely, that they will shift some production to Mexico in the next few years. That share is even higher, 55 percent for executives at companies with \$1 billion a year in sales.

Mr. DREIER. Madam Speaker, will the gentleman yield so I can respond to that? I would like to specifically respond to that quote that was in the Wall Street Journal.

Mr. BROWN of Ohio. I have given you a chance; it is all right, Mr. DREIER. It is my time, and I would like to yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Madam Speaker, I appreciate the gentleman from California [Mr. DREIER] getting in this debate. I think he has gotten in though, from his perspective, at the wrong time because,

as a person who has a 13 percent AFL-CIO rating and has not regularly been with labor on this issue, I think that we all have to agree that this agreement is about moving production to Mexico, and I say, "You don't have to believe me about that, you don't have to believe Mr. BROWN, or Mr. DREIER or anybody else. Believe the President of Mexico."

The President of Mexico spends his money not saying, "Ship your products to the United States." His advertisement that has an American executive scratching his head, burning the midnight oil, is saying:

"I can't find good workers for a dollar an hour within a thousand miles of here."

Madam Speaker, this reflects what the Government of Mexico needs. The president of Mexico wants investment in Mexico. The card that he is willing to play for that investment is the one thing he has in abundance, and that is inexpensive labor. I might add it is very good labor, it is very productive labor, and, when they are given the right equipment, the right middle level management and the right training, and they have some 200,000 vocational graduates each year, they do a darned good job, and they do it at very, very low wages.

We are talking about an investment agreement. We are talking about moving production to Mexico. And the president of Mexico has average wage earners making about \$2,500 a year. That means that the Sony worker at the plant south of my district in Tijuana could work the entire year, starve his family, never spend a dime on rent. He could not buy a single television set that he makes.

□ 2110

Nobody on either side of the aisle really expects that worker to triple and quadruple his earnings.

Mr. BROWN of Ohio. Mr. Hunter, I would add real briefly, not only does the President of Mexico talk that way, I know the Wall Street Journal survey of about a year ago, over half the executives and CEO's in the Fortune 500 companies surveyed in this country said if NAFTA passes, they plan to move more production to Mexico. Another 25 percent made the statement that they would use the threat of going to Mexico to keep wages down.

Both those statements tell us what the real intent of corporate America is, large corporate America, not small businesses creating the jobs.

I yield to Mr. TUCKER.

Mr. TUCKER. Let me amplify that. You can see here in the hourly compensation of manufacturing workers in the United States, Canada, and Mexico, what the disparity is. You can see in 1980, here is the hourly average compensation of a Mexican worker, \$2.18. For the United States, \$8.67.

Notice what happened in the next 12 years. Over here, the average hourly compensation of the Mexican worker, it is still \$2.35, while the United States workers have gone up to \$16.17. So, obviously the wages in Mexico are kept artificially low, and that is to attract foreign investment into Mexico.

Now I would like to make just a couple of other points before my time runs out. There has been a great prevarication, falsehood, perpetrated on the American people in the last few days. There have been two big scare tactics that have been put out there.

First of all, they accused labor and other people of intimidating Members of Congress by saying that if they voted for this agreement, they would be put out. Well, they need to be held accountable to their vote on this agreement, because the American people put them in there. And that is not a threat, that is just a promise. In fact, it is better than the promises that our President is giving with these last minute Monty Hall "Let's Make a Deal" things, because those promises are not going to come through. But the thing they have done, the intimidation they have done, they said if this agreement does not go through, then Japan will take this agreement and we will lose out.

Mr. FORD of Michigan. Mr. Speaker, NAFTA is a budgetbuster for the American taxpayer, and it is becoming more expensive every minute. Initial estimates are that NAFTA will, at a minimum, cost \$2.7 million in lost tariff revenues. The Joint Economic Committee figures losses at closer to \$3.5 million.

Now, the cost of NAFTA is rising because of the deals being made to buy votes for a deeply flawed agreement. At this stage, each vote costs money, in deals that the American people won't learn about for weeks. And it will take money from existing programs to pay for all these deals.

One of these deals is that the Government will forgive \$17 million in customs duties owed by Honda Motor Co. because its cars assembled in North America violated complex content rules in the Free-Trade Agreement the United States signed with Canada in 1988.

Under NAFTA, Honda's cars assembled in Canada are to be free from import duties. Because Canada insisted in NAFTA that the provision apply retroactively, the \$17 million that Honda has refused to pay while engaged in legal wrangling with the United States Customs Service would never have to be paid.

Guess who gets to make up the difference? The U.S. taxpayer.

How are we to pay for all of these deals? As Chairman of the Committee on Education and Labor, I know that the programs to help Americans adjust to the brave new competitive world proclaimed by NAFTA supporters already are woefully short of funds. Are they to be slashed to help pay for revenues lost because of NAFTA?

Funding for enforcement of occupational safety and health, wage and hour, and child labor laws is deficient. Worker training programs are under-funded. The education pro-

grams that are supposed to enable our people to compete in high-skill, high-wage jobs are under-funded, beginning with Head Start for preschoolers and continuing to financial aid for college students.

Many, many special interests have been bought off by these deals except one—working Americans. There are wheat deals, peanut deals, citrus deals, banking deals, even deals for Japanese carmakers.

The only program to help workers adjust to the loss of their jobs to dollar-an-hour labor in the Third World is a paltry \$30 million for a program administered by the Labor Department that its own inspector general says doesn't work. This is the Trade Adjustment Assistance Act. The inspector general reported in October that the trade act's training program has done little to help workers whose jobs have been exported find new jobs at comparable wages. Training is nothing more than a cruel hoax if it is not connected to good jobs.

The administration is unable to say what job training awaits the auto and other manufacturing workers in my district who are going to lose their jobs. If the administration is going to claim that NAFTA would create jobs based on higher exports, it needs a plan to put my constituents into those new jobs. I don't see one. Michigan workers are left out in the cold.

Mr. Speaker, I would like to enter into the RECORD a column by Abe Rosenthal in this morning's New York Times that puts the finger on the essence of this agreement, on how it is that economists, editorial page editors, Wall Street executives, and much of the elite in this country are so sure NAFTA is a good thing, while working people are scared to death of it.

Hundreds of thousands of working-class Americans will lose their jobs in the years after this NAFTA is passed. No journalist, or economist, or investment banker, or university professor will be threatened by NAFTA.

I say to this elite: it's a class thing. You wouldn't understand.

Mr. Speaker, I have one more item I want to enter into the RECORD. In his weekly op-ed column last Sunday, Albert Shanker, the president of the American Federation of Teachers, compared NAFTA to the European Community, the largest and most successful multilateral trading block in the world. In my friend Al's careful analysis, NAFTA falls way short of the standards that an agreement of this importance should meet.

As Al notes, there are great disparities in the standards of living among some of the European Community's members. The rich nations of Western Europe spent many years and hundreds of billions of dollars lifting the economies of its poorer neighbors before admitting them to the bloc.

Just as importantly, the European Community consists solely of progressive, representative democracies whose people enjoy freedom of association, including the right to form trade unions.

Obviously, Mr. Speaker, Mexico comes up way short in these important areas. You certainly cannot favorably compare Mexico to Spain, one of the European Community's most recent members, in terms of political or social maturity. Mexican workers are denied basic rights to organize and to strike. The contrast

between the handful of families who control Mexico and the millions who toil in poverty is staggering.

Sadly, you cannot compare the United States, the richest country in the world, with any of the European Community nations in terms of the social services provided to workers who lose their jobs. European nations certainly have their problems, but their citizens don't lose their health security when they lose their jobs, as Americans do. Their citizens have income maintenance and effective job retraining programs unavailable to Americans. As Al says, "For European workers, losing a job is a great inconvenience; for American workers, it is a disaster."

This NAFTA will be a disaster for millions of our citizens. When the Members of this House cast their votes tomorrow night, I hope they will be thinking of the hard-working people whose working lives this NAFTA would end.

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Just as importantly, the European Community consists solely of progressive, representative democracies whose people enjoy freedom of association, including the right to form trade unions.

Obviously, Mr. Speaker, Mexico comes up way short in these important areas. You certainly cannot favorably compare Mexico to Spain, one of the European Community's most recent members, in terms of political or social maturity. Mexican workers are denied basic rights to organize and to strike. The contrast between the handful of families who control Mexico and the millions who toil in poverty is staggering.

Sadly, you cannot compare the United States, the richest country in the world, with any of the European Community nations in terms of the social services provided to workers who lose their jobs. European nations certainly have their problems, but their citizens don't lose their health security when they lose their jobs, as Americans do. Their citizens have income maintenance and effective job retraining programs unavailable to Americans.

As Al says, "For European workers, losing a job is a great inconvenience; for American workers, it is a disaster."

This NAFTA will be a disaster for millions of our citizens. When the Members of this House cast their votes tomorrow night, I hope they will be thinking of the hard-working people whose working lives this NAFTA would end.

NAFTA HITS INTELLECTUALS

(By A.M. Rosenthal)

No need to worry. Nafta will not cost the job of a single American factory or agricultural worker. No plant or farm will be put out of business.

However, because of various complicated Nafta tax and anti-subsidy provisions, some other Americans will experience inconvenience.

Jobs will be lost by several hundred thousand editorial writers, columnists and other journalists, plus publishing executives, university professors, Wall Street specialists and members of state and Federal legislative staffs. A few dozen think tanks will close down altogether.

But unemployment insurance will be available, often, for these newly unemployed intellectuals. And many may be retrained for jobs as newsroom receptionists, school custodians or clerks in automated warehouses.

Of course they must be flexible—willing to sell their homes, pull their children out of school and hunt for new jobs in other cities around the country. Many will find employment above the minimum wage, probably, if they take care not to be too old to compete with high school dropouts.

But being educated people they will also understand that contrasted to the possibility of a better balance of trade with Mexico their problems are entirely minor and not whine about it.

Anyway, perhaps things will pick up for them toward the end of the 90's.

Ah—all this has been my evil little fantasy these past couple of weeks. Ah—how they would howl, those journalistic and academic supporters of Nafta who have shown so little care, compassion or understanding about the fears of working people who might lose their jobs, how they would howl if their own jobs were in danger.

I can hear them already, because I have heard them so often before. If a newspaper is in danger of closing, or Wall Street brokers have a bad year, or if professors face loss of tenure for anything but murder, we fill pages of print and hours of air time with sheer poignancy.

But we really do expect workers who lose their jobs after years at a craft or assembly line to be sweet and humble, because some day some other workers in some other factory may pick up jobs.

I was in favor of Nafta, though I never did think the Republic would collapse. America be driven from the company of decent nations and extraterrestrials take over if it did not pass. But now the Administration and the intelligentsia have converted me to opposition to the current version of Nafta.

The genuine fears of frightened workers are dismissed contemptuously by the Clinton Administration, press and academia. If that is true now, while workers are still fighting, what care will be shown them or their thoughts if they are defeated and find themselves out of work in the name of grander interest?

I am a company man; any union that threatens my paper, watch out. But that does not turn me into some kook union-

hater, spilling over with rage at unions exercising their right to lobby.

The Administration's attack on the whole A.F.L.-C.I.O. and its leaders is not only unjust, but damaging to freedom movements everywhere.

When it was not at all fashionable, the A.F.L.-C.I.O. and Lane Kirkland, its president, came to the quiet assistance of freedom fighters, dissidents and political prisoners throughout Eastern Europe and the Soviet Union. The U.S. will need Kirklands again.

But Mr. Kirkland is suddenly painted Mussolini and his members a bunch of know-nothing boobs.

Workers fear that Nafta would preserve child labor, abysmal wages and government-police union-busting in Mexico. All of these are brutally unfair to Mexicans and to competing U.S. workers. And in case anybody cares about such niceties, Mr. Kirkland argues they also run counter to provisions in U.S. free-trade laws.

But if this version of Nafta is defeated, American business, labor and government still have a chance to try to negotiate a Nafta that would open Mexico not only to free trade but to free unions and halfway decent pay.

President Clinton says he needs Nafta as a message of support to the Asian summit meeting in Seattle. If he loses, maybe the message will be even stronger: In Asia as in the U.S. and Mexico, Americans are against slave wages, forced labor, child labor and government union-smashing.

Aren't we supposed to be?

(By Albert Shanker, president, American Federation of Teachers)

SAY "NO" TO NAFTA

In a few days, the Congress will vote on NAFTA—the North American Free Trade Agreement. President Clinton and NAFTA supporters believe it will be a win-win situation for Canada, Mexico and the U.S. They believe that increased investment in Mexico will raise living standards there, making it a big market for our goods and services and increasing the number of U.S. jobs. They say U.S. job loss will be small, and workers can be retrained. Also, greater prosperity in Mexico will reduce illegal immigration to the U.S. They cite the success of the European Community as a model.

If I thought it would work out this way, I'd support NAFTA, but I don't.

We should enter into a NAFTA which is modeled on the European Community, but this one is not. Europe faced problems similar to the ones we face. There are wealthy European nations like Germany, France and Belgium and poorer ones like Spain, Portugal and Greece. There are great disparities between these countries in terms of standard of living and average wages—just as there are between Mexico and the U.S. But the European Community did not accept the poorer countries into membership immediately. It spent 30 years and billions of dollars—\$100 billion since 1989 alone—on programs to reduce the disparities between countries and to retrain workers from richer countries who lost jobs. It negotiated agreements about minimum wages and working conditions that poor countries had to meet before becoming full-fledged community members. Why? Because the community feared a huge drain of jobs from rich to poor countries. Why can't we follow this pattern? Why can't we spend five, ten or fifteen years increasing trade and investment and entering full free trade when the disparities between the two countries are narrowed?

The Europeans had another proviso: Only democratic countries can be members of the European Community. There is vigorous debate about NAFTA going on here and in Canada. Whatever the decision, it will have legitimacy because of the debate. Why is there no debate in Mexico? We have ample evidence that there is opposition to NAFTA in Mexico—maybe even a majority of people oppose it—but with state control of radio, TV and the press, we don't know whether the treaty represents the wishes of the Mexican people or is being imposed on them by a government that was unfairly elected.

Democratic Spain, Portugal and Greece have freedom of association. There are free trade unions to guarantee that, as productivity rises, workers can increase their standard of living so they're able to buy from the richer countries. But Mexican workers don't have free trade unions. Workers who try to improve wages and working conditions through strikes are fired and blackballed. Mexico has increased its productivity, but wages have gone down. The small wealthy class has gotten richer, but the poor remain poor. How will NAFTA change this? Will NAFTA help to prop up an undemocratic system? If workers don't have a better standard of living, how will they buy our products? If they remain poor, won't they continue pouring over the border to look for better jobs here?

There is another major difference between what we're doing and what the Europeans did. They established effective worker training and retraining systems. The U.S. does not have these things. U.S. workers who lose their jobs remain unemployed for long periods of time and, if and when they are reemployed, it is usually at a great loss in their living standard. Also, when Europeans lose their jobs, the impact is different. American workers lose their health care, but European workers continue to have theirs. And they receive unemployment benefits which last longer and are much closer to their salaries than ours. For European workers, losing a job is great inconvenience; for American workers, it is a disaster.

Why are teachers concerned about NAFTA? When plants close, the tax base for schools disappears. When workers are unemployed, funds are shifted from education to social services for the unemployed. When one or two plants close, it affects other businesses in the community. But most of all, it has a devastating impact on families and the children we teach.

We need a NAFTA, one which has been developed as carefully as the European Community developed its common market, a NAFTA which works in the interests of workers here and in Mexico and is supported by the people of both countries. Is it this NAFTA or none? Nobody can really believe that. The U.S. is the greatest consumer market in the world. If this NAFTA is defeated, as it should be, free trade between the U.S. Canada and Mexico will be just as attractive as it is today. Only next time, we can do it right.

AGAINST NAFTA

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. I yield to my friend from California to conclude his remarks.

Mr. TUCKER. I thank the distinguished gentleman, the majority whip from the State of Michigan.

My point was that that intimidation, that coercion, that Japan is going to take this market and exploit this opportunity that we have before us, could be no further from the truth, for a couple of reasons.

First of all, this whole agreement is not so much a question of the exports that they want us to believe that are going to benefit this country going into Mexico. The real basis of this agreement has to do with their access to our markets. When I "their," I really should say it has to do with the access of multinational, international, U.S.-based corporations, access with U-turn exports back into our own markets.

Basically what we are doing is we are selling our people out. We are saying that we can circumvent the wages that are here in the United States. We can circumvent the right to strike, the right to organize, the right to collectively bargain. We can circumvent health care and all the things we are trying to do in the next year here in Congress.

We can go down to Mexico and we can export goods into Mexico to build factories, to use cheap labor, and send the finished products back into this country.

The point is, what market are we going to be exploiting? We are going to be exploiting the U.S. market. For, indeed, if you look at the overall picture, you will understand that we, the United States of America, with our \$5.5 trillion economy, is 85 percent of the North American market. Canada is 11 percent. Mexico is only 4 percent.

The average buying power, by my opponents' own claims, of the Mexican worker is \$450. If you net it out, it is more like \$60.

Here is how it goes. Here is what happens. They claim we are going to have more exports because the tariffs are going to go down. They will be eliminated. There are going to be more exports. More exports are going to create more jobs.

What they do not tell you, like the used car salesman with the fine print, is that 43 percent of those exports are phony exports. They account for \$17.4 billion. Those exports will just be the parts and materials that are sent down to Mexico and are completely assembled down in Mexico with cheap labor, with that 58-cent-an-hour labor, with that \$2.35-an-hour labor, that are assembled completely down there and then are sent back up to the United States of America as imports, or as exports from Mexico, and which cause job dislocation.

Thirty-eight percent of those exports, \$15.5 billion out of a total \$40.6 billion of exports, are capital goods, machinery, and equipment. That

means we are sending the capital goods, the machinery, and equipment, down to Mexico, in order to build factories down there.

That is what is going on now. With NAFTA, those kinds of exports are going to increase.

That is what it is about. Only \$7.7 billion of the \$40 billion actually goes into the Mexican market, actually goes into consumer goods. So what this agreement is, is the multinational corporations taking advantage of not only the American worker, but taking advantage of the Mexican worker in order to more cheaply produce goods and send them back to the biggest consumer market in North America, and that is the United States. And who is going to pay the bill? Us, the American taxpayer.

Now, why does this discourage Japanese involvement? It does, because the Japanese would not take this deal. They are not going to let the Mexican Government send goods into their economy by bringing their tariffs down the zero, like we are willing to do, because they are a protectionist nation.

The other reason why they do not want to do the deal with Japan and the other reason why the Japanese effect is of no effect, is the fact we are the most natural trading partner with Mexico. They are our third largest trading partner.

But, even more than that, we are contiguous to Mexico. Do you realize that 80 percent of all the commerce between the United States and Mexico comes as a result of trucking? Trucking. There ain't no trucks going over the Pacific Ocean to Japan. The trucks are coming across the border here to the United States, which brings up another big problem.

Those of us in California know of this problem, and that is where I am from, California. We know the problems we have experienced with drivers without insurance, without any driver's license, without any registration.

Do you realize what the standards are in Mexico? Let me give you an example. In Mexico you can drive when you are 18, instead of 21. There is no drug testing. They do not use front brakes.

These are not racist statements, these are facts. There are no front brakes. Their load is more than twice that of the limit of the American trucks. It is 70,000 pounds here; theirs is 170,000 pounds. And they do not have any limits on how long they can drive. Our truckers have limits of 10 hours a day and 60 hours a week. So imagine somebody who has not been tested for drugs, does not have a license, does not have registration, driving a payload twice that of ours, ruining our roads and streets, and there is no English language requirement. So they do not even read the wrong way signs. And we do not know if they are sober or not.

These are the problems that are in NAFTA. This is why we have to slow this agreement down and make this agreement better.

In conclusion, to those who say that if we lose this agreement, we lose this opportunity, our President will be embarrassed, the presidency will be of no effect and will be ineffectual, I say to them this: The President of the United States did not elect me and cannot be the one to whom I am accountable to vote on NAFTA or any other important agreement that will affect the entire Nation, the entire United States of America. You, the people, elected these Members of Congress, and it is to you, the people, that we owe that debt, to make sure that this country moves along, yes, in progress and in trade.

This is not a question of trading off the past for the future. This is a question of doing what is right, of having the morality and the courage and the forthrightness to stand up and say when is this country going to be honest with its people? When is this country going to be right with its people, and to invest. Yes, we need to ensure that the minimum wage is in that agreement and that there is a schedule for it to go up every year. Yes, we need to make sure there is more money than just the \$8 million for border cleanup. Yes, we need to have an across-the-border tax. But, most importantly, we need to make sure that come tomorrow night, we do not sell out the American people for just some multinational corporations.

□ 2120

We need to make sure that when we do what we do tomorrow night and we vote on this agreement, as Daniel Webster said up there in that sign, that we do something that is worthy to be remembered and not something that we will be ashamed about and not something that we cannot look in the face of our constituents about as we look at the soup lines and the unemployment lines getting larger and larger.

Let us do something right for a change. Let us slow this agreement down. Let us make it better and let us invest in the American worker and the American people. Then we will truly have free trade, but we will also have fair trade.

Mr. BONIOR. Madam Speaker, I thank my colleague for his eloquent statement and for his passion and his commitment on this issue. He has been on the floor week after week, night after night expressing his views. I want him to know how much I appreciate his participation in this debate, as well as the participation of my friends on the other side of the aisle, DUNCAN HUNTER, HELEN BENTLEY, among others, who have been there, TERRY EVERETT, JERRY SOLOMON and others who have spoken, even to my friend from California [Mr. DREIER], who we do not agree

with on this issue but who has provided us with opposition from time to time and who, I am sure, we have provided with stimulating opposition as well from time to time. I thank them for their participation for all these 6 months that we have debated this issue.

I also want to thank some of my Democratic colleagues who have been with us here in the evenings: BART STUPAK, SANDY LEVIN from Michigan; SHEROD BROWN, who literally, with MARCY KAPTUR, has been here every single week, JOLENE UNSOELD, from the State of Washington, who has come by and expressed vigorous opposition to this agreement based on rights issues, environmental issues, wages, worker concerns that she has; the Majority Leader, DICK GEPHARDT, who has participated with an eloquent and thoughtful approach to this issue; ERIC FINGERHUT from Ohio, who has been here; KAREN THURMAN from the State of Florida, who was, early on, a strong opponent of NAFTA, remains so, has addressed us on a continual basis; BERNIE SANDERS, the Independent from Vermont, who has spoken with passion; as well as the chairman of the anti-NAFTA caucus, COLLIN PETERSON; HENRY GONZALEZ, the chairman of the Committee on Banking, Finance and Urban Affairs, who has come before us and spoken about the concerns he has on financial institutions on a regular basis; NYDIA VELÁZQUEZ, who has spoken with passion and heart on this issue and how it affects working people and how the human rights issue has not been addressed adequately in this provision.

I think virtually everybody I have spoken about here feels that we need to do an agreement, that this is not a good NAFTA agreement. This is not a fair agreement. I thank them all for their tireless work on behalf of working families in this country and on behalf of human rights and progress and stability for our Mexican friends and neighbors.

Madam Speaker, I now yield to my distinguished colleague, the gentleman from California, MARTY MARTINEZ, for comment.

Mr. MARTINEZ. Madam Speaker, I want to thank the gentleman from Michigan for yielding to me, and I want to probably come at this from a little different perspective than anybody has up to this point, at least in the messages I have heard.

I do not have any charts that indicate any numbers pro or con, but I do have a long-held, strong feeling about our relationship with Mexico and the South American countries, a lot of it from history and a lot of it from personal experiences.

Madam Speaker, God blessed this country and its people with good fortune. With the creation of our democracy, there began a great expansion of

new frontiers that enabled us to grow to a prosperity the world has never known. We accepted people from all over the world who came to our shores wanting an opportunity to develop their own kind of dreams, in a free society. And while we were developing as a Nation, so was a country to the north and many more to our south.

We all grew and developed at a different pace. America became a great industrial empire and pretty much dominated the Western Hemisphere. For 140 years, the United States and Mexico have shared a common border. During this period of time, we have either ignored or exploited most of our neighbors to the south.

Beginning with President Polk's conquest of Mexico, and the acquisition of one-third of what was then Mexico—we pursued what we believed was our manifest destiny to rule from sea to shining sea. We did this with fervor and absolute conviction in our quest. We interpreted the Monroe Doctrine in establishing our divine preeminence in the Western Hemisphere, setting the stage for the American supremacy that followed.

Our historical presence and legacy regarding our Latin American neighbors has been checkered to say the least. We have occupied a number of their countries when it suited our purpose and left them shackled under the boots of authoritarian thugs like the Somozas, Batista and, more recently, Noriega whom we conspired with until we found it necessary to remove him from power. So, in many respects, the United States has not been a good neighbor.

Maybe it's about time we start giving instead of taking. Maybe, just maybe, it's about time we begin to practice the politics of hope rather than the politics of fear and intimidation. Although I feel strongly about this, there are overriding American interests which must be addressed before we can fully embrace Mexico in a North American Free Trade Agreement.

I don't believe that NAFTA is the 800-pound gorilla that is going to crush our economic engine and derail our economy. I don't believe that NAFTA will lead to the end of American prosperity. And I don't believe that NAFTA is a Trojan Horse—that it represents the seed of our own destruction.

We all know what we do tomorrow will determine NAFTA's future and will determine whether our votes will be chronicled in history as presaging the dawn of a new economic era, or viewed just as a footnote in American history. Set the stage for a renegotiated NAFTA, an improved NAFTA. Make it all the more important to be sure we are doing the right thing.

Having said that, let me share the real concerns I have as one of the 434 votes that will be cast tomorrow. I have asked questions in the hope of

coming to terms with my concerns about this agreement. But most of my questions remain unanswered. It has caused me to agonize whether to support this NAFTA. So I have asked myself exactly what are we afraid of in this agreement. I for one do not believe for a second that Americans are afraid of competing with Mexicans head-on. Nor do I believe that an economy that is 5 percent of the size of our own economy can threaten our standard of living.

What I'm concerned about is that the politics of fear, the politics of intimidation, and the politics of disinformation are swaying the debate and votes over this NAFTA.

When the whole concept of a free-trade agreement with Mexico came up, under the Bush administration, my first instinct, my kneejerk reaction, was to say "no, no way, no how!"

From my first job in a machinist shop to owning a business for 21 years before entering politics, I developed a keen sense of the needs of both workers and businesses alike. Through my own work experience, I know the concerns of workers and I know the concerns of businesses. These concerns are not always the same but they should be because they are central to our ability to prosper.

NAFTA raises some serious concerns that I have about American jobs lost to lower wages south of the border. As near as anyone can tell, some 400,000 Americans could lose their jobs as a result of NAFTA. And to tell you the truth, 400,000 jobs sounds like a lot of jobs. And if one of those is your job, even one is too many. But in a total U.S. labor force of 128 million, 400,000 jobs amounts to less than one-half of 1 percent.

□ 2130

On the other hand, however, I have seen studies which indicate that passage of NAFTA will create an additional 500,000 net American jobs over the next decade.

So what is truly at stake here? I have heard convincing arguments for NAFTA, and I have heard convincing arguments against it. And to tell the truth, I am dissatisfied with the presentations made by both NAFTA advocates and NAFTA opponents.

I have been lobbied for, against and every which way on NAFTA. Business has said to me, "Mr. MARTINEZ, we would like your vote for NAFTA." The unions have said, "MARTY, we need your vote against NAFTA." The administration has said to me, "MARTY, we need you to vote in favor of the agreement." Well, I want to know something from all of these people.

From business, I think I would like to see more emphasis on research and job development. I see American businesses showing off new products at trade shows and then immediately

move overseas for production. Let us see these new products built here, by the very workers that business expects to be the consumers of these products. For that matter, I would like to see American businesses quit shopping around for what they see as the best deal and employ where they sell.

Let me say this again—businesses ought to make products where they sell them. I swear, I think Mattel Toys has gone around the world in 80 days looking for a place to set up its manufacturing operations when I know where their biggest market is—right here in the United States.

My friends in the labor community have disappointed me. I was raised on the belief that the American worker was the best in the world.

What has happened to the competitive spirit of the American worker? Why have American labor unions bowed to fear of Mexican workers?

The question I ask myself tonight, on the eve of the NAFTA vote, is are we ready to risk not only our own future but the future of our children and our children's children on this flawed agreement.

We still have the opportunity to take the time to revisit this agreement. We should open this process up, and improve this agreement with an eye toward meeting the economic changes sweeping the world as we enter the 21st century.

I must say I have begun to grow impatient with our new administration. No two ways about it, NAFTA is a tough vote.

But I would sure be happier if the President would start talking about investment in human resource again—people are our greatest asset. And he should be talking about revitalizing out cities and rural areas where Americans are hurting.

It would be really helpful to hear about incentives for jobs to stay here in the U.S.A. in places like south central Los Angeles or east Los Angeles or Chicago, New York or rural America.

Since the NAFTA debate has begun, many of my colleagues have traveled to Mexico to see a factory, a lake, a river to convince them to vote one way or the other on NAFTA. I do not need to go to Mexico to help me decide which way to vote. The reasons are right here at home.

NAFTA has got to be one of the most difficult decisions I have ever made since I came to Congress. In arriving at my decision, I do so in the interests of my constituents—the people of the 31st Congressional District of California. My district in the San Gabriel Valley has the highest rate of unemployment in the County of Los Angeles.

The County of Los Angeles leads the State of California in economic dislocation. In addition, we all know that California continues to have the highest unemployment rates in the Nation.

I am worried about the short-term effects that passage of NAFTA could have on my constituents.

But, over the long term, and I believe that it is to the future that we must look, I believe that free and fair trade is to the great advantage of both America and Mexico.

Trade does not have to be a zero sum game, there does not have to be a winner and a loser. Since World War II, we have been the champions of liberalized, free trade.

We have prospered as a people, we have prospered as a Nation, when world trade has remained open and unfettered.

The mercantile and creative spirit that has driven this Nation to the pre-eminent role that we are privileged to occupy today, is alive and well in the hearts and minds of Americans because of, and not despite, our competitive nature.

Madam Speaker, rather than retreat into a cocoon-like shelter, ignoring the tides of history brushing up against our shores, we should prepare to take advantage of the opportunities and challenges that lay ahead by renegotiating NAFTA.

As I have indicated, I am a proponent of free trade. I believe that free trade is the best course for America as we try to maintain our economic leadership in the post cold war world.

So I would support a North American Free-Trade Agreement—but not this North American Free-Trade Agreement.

Considering the suffering going on in my district and among the unemployed everywhere in this country, I cannot, in good conscience, support this particular agreement, as much as I would like to support the President. It was hastily conceived by a Republican administration that evidenced little concern for the issues that matter most to average working class Americans—job creation, job flight, and the continued lessening of our competitive edge as a nation.

This NAFTA has been brought to us as a so-called "fast track" piece of legislation.

What is wrong with it? First, the agreement lacks any provision that would discourage American business from fleeing the country and closing more factories and businesses.

In fact, the agreement does not even contain any incentives that would support businesses staying here in the United States.

So, continuing the penchant to only look at the bottom line, I believe that many American businesses will continue to move out of the country.

Second, the agreement provides no protection for American workers—either in terms of protecting the jobs they have now or providing viable and sensible alternatives for those who lose their jobs.

Make no mistake about it—American labor fears this NAFTA because it has no protections for labor, not just because they feel that unions will continue to lose members.

American business likes this NAFTA because it does not require them to consider any factors in making a decision to steal away in the night.

American ecological interests fear this NAFTA because they see it as reinforcing the status quo regarding the deplorable situation on the Rio Grande River.

And well they might because this NAFTA contains neither incentives to clean up their act nor disincentives that would cause businesses to think that pollution is a bad economic condition, not just a dirty word.

Were it not for the fast track aspect of this NAFTA, I believe that we here in the Congress could have worked with the Clinton administration.

I believe that we could have crafted a NAFTA that would have protected American workers, and also enhanced the state and future of Mexican workers.

I believe that we could have addressed the concerns of the environment in sensible ways that would not involve paper tiger commissions, and would have been good both for business and for humans and other beings on both sides of the river.

But we are not offered that chance, and, given only this NAFTA on which to vote, I will vote no.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for his eloquent and courageous statement. We understand how difficult this vote is for all of us, but particularly for you, Marty, and we appreciate the eloquence and the thought that you have given to it.

We can do better, as you said. We can come back and do a much better NAFTA that will protect American working families and working people in both countries. That is the goal for those of us who oppose it, so bravo.

I yield to the gentleman from California [Mr. DREIER] for a brief moment, before I go to the gentlewoman from Washington [Mrs. UNSOELD] and the gentlewoman from Maryland [Mrs. BENTLEY].

Mr. DREIER. Madam Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding to me, and I ask for just a moment to respond to a point that was made by both my friends, the gentlemen from California [Mr. MARTINEZ and Mr. TUCKER]. It specifically has to do with this issue of jobs moving to Mexico.

We all know that we have seen over the past several years the flight of United States jobs to Mexico, but there is an important point that needs to be made. These jobs have not gone to Mexico to utilize Mexico as an export platform back to the United States. In fact, 70 percent of the United States-

owned businesses which have gone to Mexico have done so for one very simple and basic reason: It is the only way they have been able to gain access to the Mexican consumer.

The chief executive officer of IBM has indicated that if the NAFTA carries, he will not have to move operations that they now have in California to Mexico because the 20 percent tariff that exists on computers will be coming down. If NAFTA fails, they will have little choice other than to move from California to Mexico. Why? Because the Mexican market is very great for computer products. They want to seize that opportunity.

Therefore, the quote that was provided in the Wall Street Journal that my friend, the gentleman from California [Mr. TUCKER] raised, and Mr. MARTINEZ raised it again, it is very clear, businesses have moved there. I am not saying that none will move following passage of NAFTA, but the fact of the matter is NAFTA provides a disincentive for U.S. businesses to move from the United States to Mexico.

□ 2140

I yield now to my colleague, the gentlewoman from the State of Washington, Mrs. JOLENE UNSOELD.

Mrs. UNSOELD. Madam Speaker, I thank the gentleman for yielding.

We have heard a lot of talk in the last few days about whether we are looking forward or looking backward, and you know, I have been trying for several years to have us look forward as to how we manage natural resources, shared international natural resources.

More than 2 years ago I introduced legislation that passed through the House that would have set as policy, and I will read that part of the provision that "It is declared to be the policy of the Congress that the United States shall address environmental issues during multilateral, bilateral and regional trade negotiations. In implementing the policy declared herewith, the President shall direct the United States Trade Representative to actively seek to reform articles of the General Agreement on Tariffs and Trade, GATT, and to take into consideration the national environmental laws of contracting parties and international environmental treaties, and to take an active role in developing trade policies that make GATT more responsive to national and international environmental concerns."

Madam Speaker, this provision passed through the House, languished in the Senate, was watered down and has not, therefore, been the directive that it should have been as we entered into these negotiations for both NAFTA and GATT.

I include for the RECORD a legal opinion by Prof. Robert Benson, professor of law from Loyola Law School in Los

Angeles which buttresses some of the statements that I have been making in recent weeks on how this NAFTA will not support the enforcement of these provisions for the future, not only for protection of the environment, but to ensure that we have sustainable use of natural resources in the future.

I would just point out that the professor concludes that a pro-NAFTA specialist business attorney with a law firm addressing NAFTA wrote that "Challenges to environmental or health and safety regulations as trade restrictions are not uncommon, and it is difficult to imagine an environmental standard that could not be challenged by the industrial sector it affects based upon its impairment of unfettered economic activity," as found in NAFTA.

I include this analysis for the RECORD, as follows:

MEMORANDUM OF LEGAL OPINION RE WILL THE NORTH AMERICAN FREE-TRADE AGREEMENT JEOPARDIZE FEDERAL, STATE AND LOCAL LAWS?

(By Robert W. Benson, Professor of Law, Loyola Law School, Los Angeles)

I. QUESTION PRESENTED

The Bush Administration stated that the North American Free Trade Agreement (NAFTA)¹ "[m]aintains existing U.S. health, safety and environmental standards by allowing the U.S. to continue to prohibit entry of goods that do not meet U.S. standards" and "[a]llows the parties, including states and cities, to enact even tougher standards."² Similarly, the Clinton Administration, has said that, "No existing federal or state regulation to protect health and safety will be jeopardized by NAFTA."³

Are these statements accurate as a matter of law? Or, as critics allege, will NAFTA jeopardize federal, state and local laws, forcing different, possibly lower standards, particularly in matters involving health, safety, environment and labor?

II. SHORT ANSWER

NAFTA jeopardizes federal, state and local laws. Analysis of the texts of NAFTA, the Supplemental Accords, and the operation of U.S. and international law necessarily leads to the conclusion that the Bush and Clinton Administration statements are legally inaccurate. Although the NAFTA document itself will technically not have independent effect in U.S. law, it will be incorporated into a federal implementing statute which, like any other federal statute, has the power to prevail over other federal laws and to preempt conflicting state and local laws. While there is significant language in NAFTA that could shield domestic laws from attack if read alone, that language is modified by other provisions that could override domestic laws inconsistent with NAFTA norms. The Bush and Clinton administration statements selectively rely upon only the protective language and discount the overriding language.

If a domestic law is challenged as inconsistent with NAFTA, the conflict between the protective and the overriding language will not normally be resolved by American legislators or the judiciary but by arbitral panels composed of five lawyers and international trade specialists appointed by the U.S., Can-

ada and Mexico. Panel proceedings and documents will be secret. The proceedings will not be open to the public or to the local or state officials whose laws are in dispute. If a panel rules that a federal, state or local law is inconsistent with NAFTA, the U.S. government would have an international legal obligation either to accept trade sanctions, to pay compensation to the complaining nation, or to enforce the ruling by steps that could include legislation, litigation, or financial measures imposed against recalcitrant state or local governments. It is in this way that NAFTA jeopardizes laws, traditional democratic processes and sovereignty at each level of government in the United States.

III. ANALYSIS

A. Legal nature of NAFTA

NAFTA is not a treaty, but rather a non-self-executing congressional-executive agreement. It is entered into by authority of the Omnibus Trade and Competitiveness Act of 1984 (OTCA),⁴ which authorizes the President to negotiate trade agreements but requires implementing legislation by Congress before an agreement may enter into force. Such trade agreements "derive their domestic legal effect from the enacted implementing legislation and do not have independent effect in the U.S. law."⁵ Thus, it is technically not the NAFTA document itself but rather the federal statute that implements it that could supersede U.S. domestic laws.

B. Transcendent power of the federal implementing legislation

(i) Federal laws. It is hornbook law that whether one federal statute prevails ("preemption") would not be the term used here) over another depends upon Congressional intent in enacting the statutes. Intent is determined from the words of the statute itself, canons of construction, and legislative history and other extrinsic evidence reflecting the political and social context of enactment. If intent is not apparent and conflict is unavoidable, then the later enacted statute prevails.

Congress has tied all recent trade agreements to the provision in the Trade Agreements Act of 1979 which provides that "no provision of any trade agreement . . . which is in conflict with any statute of the United States shall be given effect under the laws of the United States."⁶ NAFTA's implementing statute will probably be tied in the same way. This explicit savings clause, plus evidence from the legislative and political history of NAFTA such as the Bush and Clinton administration statements quoted at the outset of this memorandum, do permit strong arguments that NAFTA would not threaten existing federal laws. In fact, in recent cases arising under analogous trade laws, U.S. courts have held that Congress did not intend to override the federal laws in dispute, though it could have done so had it wanted to.⁷

As a practical matter, however, the savings clause is thin protection of federal laws, for several reasons:

First, the clause would not stop Mexico and Canada from challenging laws that they believe conflict with NAFTA, and the challenges would put pressure on the U.S. to repeal or reinterpret the laws. Mexico, for example, challenged the U.S. ban on dolphin-endangering tuna, Canada challenged our ban on asbestos, and the European Community has challenged the U.S. "CAFE" standards for fuel economy in automobiles, despite the presence of the savings clause in the U.S. implementing legislation for the General Agreement on Tariffs and Trade

(GATT) and the U.S.-Canada Free Trade Agreement.⁸

Second, conflicts between NAFTA and other federal laws will not usually be resolved by U.S. courts, or by U.S. agencies working under the democratic openness requirements of the Freedom of Information Act,⁹ Government in the Sunshine Act,¹⁰ Federal Advisory Committee Act,¹¹ and Administrative Procedure Act.¹² They will usually be resolved by NAFTA arbitral panels of 5 trade specialists whose proceedings and documents are secret.¹³ These panels, inherently structured to favor trade, may well declare U.S. laws in violation of NAFTA despite the presence of the savings clause. This occurred in the tuna/dolphin case when a GATT panel found that the federal Marine Mammal Protection Act violated the U.S.'s obligations to Mexico.¹⁴

Third, under pressure from the White House, U.S. administrative agencies can be expected to tilt their regulations to favor trade at the expense of other federal statutes.¹⁵

Fourth, if the savings clause were rigidly applied, it would render much of the NAFTA text meaningless. If cases ever do come before U.S. judges, trade advocates will cite canons of construction urging the judges to avoid interpretations that lead to absurd results, that vitiate statutes, or that find conflicts. These canons would pressure judges, already under doctrinal pressure to defer to the President in foreign affairs, to uphold NAFTA norms in ways that erode federal statutes without flatly overturning them.

Fifth, future federal laws will be drafted to avoid conflict with NAFTA standards, causing legal criteria like the rational basis test, due process, environmental impact, open proceedings, open records, and public participation—criteria that were established over decades in epic battles—to be abandoned in favor of narrow tests that principally concern impact on trade and that require closed proceedings.

(ii) State and local laws. Under the Supremacy Clause of the U.S. Constitution¹⁶ a federal statute preempts state and local laws if Congress intends it to or if conflict is unavoidable. The Supremacy Clause also establishes that treaties (and executive agreements)¹⁷ preempt state and local laws. While NAFTA will preempt via federal statute rather than as a treaty or executive agreement, the strong tradition of preemption by treaties and executive agreements makes it all the easier to find preemption by NAFTA.

The NAFTA implementing statute may contain a provision expressly preempting state and local laws in conflict with it, like that in the Canada-U.S. Free Trade Agreement which states: "The provisions of the Agreement shall prevail over (A) any conflicting State law . . . The United States may bring an action challenging any provisions of State law . . . inconsistent with the Agreement."¹⁸ The legislative history of the Canadian agreement emphasizes Congress' intent: "These provisions implement the obligation . . . to take all necessary steps to ensure observance of provisions by State . . . and local governments, and are consistent with the Constitutional preemption doctrine. No problems with State measures are anticipated and court action would be only a last resort."¹⁹

Even if the NAFTA implementing statute is silent about preempting state and local laws, the threat persists. Preemption can be found by implication or by unavoidable conflict between the federal and state or local laws. Since the text of the NAFTA document

Footnotes at end of article.

requires the federal government to take "all necessary measures" to implement the terms of NAFTA, "including their observance . . . by state . . . governments,"²⁰ and since "reference to a state . . . includes local governments of that state . . .,"²¹ there will be both an implied and an unavoidable preemption of conflicting state and local laws. For certain NAFTA rules, the requirement is that "appropriate measures" be taken to enforce them against state and local governments.²² Under analogous requirements in GATT that "all reasonable measures" be taken, a GATT panel ruled in February, 1992 that the U.S. had to face trade sanctions or take action to change beer and wine tax and distribution practices in some 40 states:

Citing the treatises of the two leading U.S. legal scholars on international trade, Professor John Jackson of the University of Michigan and Professor Robert Hudec of the University of Minnesota, the GATT panel ruled that once adopted by Congress, international executive agreements become part of U.S. federal law, and as such trump inconsistent state and local law.

Further . . . the GATT panel ruled that ["all reasonable measures"] language required the U.S. federal government to take all steps within constitutional authority to force state compliance with GATT measures and panel rulings. This would include preemptive federal legislation, litigation to preempt the GATT-inconsistent state laws and withdrawal of all federal support (funding and other) for GATT-inconsistent state practices.²³

Reacting to the GATT ruling, the National Conference of State Legislatures issued an "Information Alert," noting correctly that "countries could use the case as a basis for challenging other types of state laws they have questioned in the past, including those involving the environment and product safety."²⁴

Even if the NAFTA implementing statute were to provide expressly that no state or local law is preempted, the threat persists. The situation would be the same already analyzed above with respect to the savings clause for federal laws, and the same problems recur. First, the clause would not stop Mexico and Canada from challenging state and local laws that they believe conflict with NAFTA. Second, conflicts between NAFTA and state and local laws will not usually be resolved by American courts or agencies working under open government requirements. They will usually be resolved by NAFTA arbitral panels of 5 trade specialists whose proceedings and documents are secret. State and local officials, represented only by U.S. federal officials, have no right to participate to defend their laws. These panels may well declare state and local laws in violation of NAFTA despite the presence of the savings clause. Third, under political pressure from Washington, state and local agencies can be expected to tilt their laws to favor trade at the expense of their other laws. Fourth, if the savings clause were rigidly applied, it would render much of the NAFTA text meaningless. If cases ever do come before U.S. judges, trade advocates will cite canons of construction that would pressure judges to uphold NAFTA norms in ways that erode state and local laws without flatly overturning them. Fifth, there will be pressure to draft future state and local laws to avoid conflict with NAFTA standards, causing legal criteria like the rational basis test, due process, environmental impact, open proceedings, open records, and public participation to be abandoned in favor of

narrow tests that principally concern impact on trade and that require closed proceedings.

C. The protective text vs. the overriding text

The fact that the Bush and Clinton administrations have been able to quote NAFTA language that appears to protect U.S. health, safety, environmental and other laws from threat, while opponents have quoted NAFTA language that appears to threaten U.S. laws, is explained by the simple fact that NAFTA contains two conflicting textual threads. Under political pressures from both sides, drafters wove both threads throughout. As the document was conceived primarily as a trade agreement, however, the trade thread overrides the thread protecting U.S. laws in virtually every chapter. To assure that trade trumps all laws, the drafters even inserted a general clause in Annex 2004 allowing challenge of whenever any party "considers that any benefit it could reasonably have expected to accrue to it" under most of NAFTA has been "nullified or impaired as a result of any measure that is not inconsistent with this Agreement." [Emphasis added.] Some of the more specific key provisions in the 1,140 pages of text are:

Chapter One: Objectives

Protective provisions:

Art. 104. Five international agreements on endangered species, ozone, hazardous waste and border cooperation prevail over NAFTA. Overriding provisions:

Art. 104. But only domestic enforcement which is "least inconsistent" with NAFTA is protected. And dozens of agreements to which one or several NAFTA countries are party are not listed are therefore not protected.

Art. 102. Parties "shall interpret and apply" NAFTA in light of a list of exclusively free trade objectives. Environmental, health, safety and other objectives are not listed.

Art. 105. Parties "shall ensure that all necessary measures are taken in order to give effect to this Agreement, including their observance, except as otherwise provided in this Agreement, by state [and local] governments."

Chapter three: National Treatment

Protective provisions:

Annex 301.3(C). Controls on log exports are exempted from "national treatment" and export restrictions.

Overriding provisions:

Arts. 301 and 309. Parties and their state and local governments "shall accord national treatment to the goods of another Party" and may not adopt "any prohibition or restriction" on goods of another Party, in accordance with GATT "including its interpretive notes." This incorporates the Tuna/Dolphin jurisprudence prohibiting restrictions on goods based on their production process methods, including methods harmful to health, safety, the environment or labor and human rights. It also proscribes certain domestic subsidies. Even the exemption for logs does not protect log export controls from attack under other NAFTA provisions. See analogous determination in the Softwood Lumber Products dispute, 57 Fed. Reg. 8812 (March 12, 1992).

Chapter Six: Energy and Basic Petrochemicals

Protective Provisions:

Art. 607. National security and defense may justify restrictions on imports and exports of energy goods.

Overriding Provisions:

Art. 605. Restrictions on energy exports permitted only under narrow circumstances.

Art. 606. Energy regulatory measures permissible only if they do not violate rules opening energy imports and exports, and only if they accord "national treatment" under Art. 301. They must "avoid disruption of contractual relationships" to maximum possible extent.

Art. 608. Subsidies for oil and gas are permissible. By implication, and in conjunction with Art. 606, incentives for solar, wind, and other alternative energy supplies appear to be prohibited.

Chapter Seven: Human, Animal and Plant Health Measures

Protective Provisions:

Art. 712. Each Party may adopt measures "for the protection of human, animal or plant life or health in its territory, including a measure more stringent than an international standard, guideline or recommendation." Each party may "establish its appropriate levels of protection. . . ."

Art. 713. Measures shall be based on international standards "without reducing the level of protection," and may be "more stringent" than international standards.

Overriding Provisions:

Art. 712. Above right to more stringent standards must be "in accordance with this Section [Seven (B)]" which limits how the level of protection may be set.

Appropriate levels of protection must be in accordance with Article 715.

Any measure must be "based on scientific principles," and a scientific "risk assessment," must not "arbitrarily or unjustifiably discriminate" against foreign goods, must be applied "only to the extent necessary to achieve its appropriate level of protection," and must not be a "disguised restriction on trade. . . ."

Art. 715. In establishing its "appropriate level of protection," each Party shall take into account, among other things, "loss of production or sales that may result from the pest or disease," "the objective of minimizing negative trade effects," and the objective of avoiding "arbitrary or unjustifiable distinctions. . . ."

Art. 717. Inspection procedures of imported goods shall be completed "expeditiously." Parties "shall limit any requirement regarding individual specimens or samples" to those "reasonable and necessary."

Art. 718. Each Party proposing to adopt or modify a health standard at the federal, state or local levels must give early notice and opportunity to comment to other Parties.

Chapter Nine: Technical Barriers to Trade Protective Provisions:

Art. 904. Each Party may adopt any standards-related measure "including any such measure relating to safety, the protection of human, animal or plant life or health, the environment or consumers. . . ." Each Party may "establish the levels of protection that it considers appropriate. . . ." "Legitimate objectives" may be pursued, and are defined [Art. 915] as including "safety, protection of human, animal or plant life or health, the environment or consumers . . . [and] sustainable development."

Art. 905. Higher levels of protection than those in international standards may be established.

Overriding Provisions:

Art. 902. Parties "shall seek, through appropriate measures, to ensure observance of Articles 904 through 908 by state [and local] governments. . . ."

Art. 904. Standards must be "in accordance with this Agreement." Standards must accord "national treatment" under Art. 301.

Standards may not be adopted "with a view to or with the effect of creating an unnecessary obstacle to trade." Goods of another party meeting the "legitimate objective" may not be excluded. Definition of "legitimate objective" [Art. 915] calls for consideration of "technological" factors and "scientific justification."

Art. 909. Each Party proposing to adopt or modify a technical regulation at the federal or state level must give notice and opportunity to comment to the other Parties.

IV. CONCLUSION

American elected officials and their legal advisors need to take very seriously the assertions that their present and future laws are in jeopardy. NAFTA opponents such as the Sierra Club²⁵ and Public Citizen²⁶ have argued reasonably that NAFTA's language threatens such federal laws such as the Delaney Clause, other food, safety and pesticide laws, many wildlife and conservation statutes, state air and water pollution laws, labor laws, food, consumer, safety, energy, packaging and labeling laws, including California's Proposition 65, as well as local recycling, energy, transportation and other laws. Professor Robert Stumberg of the Georgetown University Law Center has released a chart of 45 types of typical state laws that could be challenged under NAFTA.²⁷ Lawyers for the Natural Resources Defense Council, one of six environmental groups supporting NAFTA, have analyzed the issue. Even relying heavily on unofficial interpretations and non-binding private assurances from the U.S. Trade Representative Mickey Kantor, they conceded that some U.S. laws are indeed threatened²⁸ and limited themselves to a relatively weak claim that the rest of NAFTA's threat is "highly unlikely."²⁹ Specialist, pro-NAFTA business attorneys with the law firm of Baker & McKenzie, addressing NAFTA, have written that "challenges to environmental or health and safety regulations as trade restrictions are not uncommon, and its difficult to imagine an environmental standard that could not be challenged by the industrial sector it affects based upon its impairment of unfettered economic activity."³⁰

The most disturbing aspect of NAFTA for state and local elected officials and their legal advisors, however, may be that they will have no right participate in the secret arbitral panel proceedings that challenge their laws, and no appeal. This may also be the most disturbing aspect of NAFTA for citizens and voters, constituting as it does perhaps the most radical shift of power from open, local government to closed, distant government that our nation has yet experienced.

FOOTNOTES

¹ North American Free Trade Agreement Between the Government of the United States of America, The Government of Canada and the Government of the United Mexican States (1992).

² Office of the U.S. Trade Representative, Environment: The North American Free Trade Agreement (Aug. 1992).

³ Executive Office of the President, The NAFTA, July 1993 at p. 8.

⁴ Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. §§2901 et seq.

⁵ Grimmett, Congressional Research Service, NAFTA: Some Legal Basics, Mexico Trade and Law Reporter, text accompanying notes 10 and 11 (Feb. 1, 1993).

⁶ 19 U.S.C. §2504 (a).

⁷ Public Citizen v. Office of USTR, 804 F Supp 385 (1992); Mississippi Poultry Ass'n v. Madigan, 992 F 2d 1359 (5th Cir. 1993); Suramericana de Aleaciones Laminadas v. U.S. 966 F 2d 660 (Fed Cir. 1992).

⁸ GATT, Dispute Settlement Panel Report on U.S. Restrictions on Imports of Tuna, 30 I.L.M. 1594

(1991); Corrosion Proof Fittings v. EPA, 947 F2d 1201 (5th Cir. 1991); GATT Panel to be Appointed to Resolve US Large Auto Tax Issue, USTR Announces, BNA Int'l Trade Reporter, June 9, 1993.

⁹ 5 U.S.C. §552

¹⁰ 5 U.S.C. §552b

¹¹ 5 U.S.C. App.

¹² 5 U.S.C. §§551 et seq.

¹³ "[T]he panel's hearings, deliberations and initial report, and all written submissions to and communications with the panel shall be confidential." NAFTA, Art. 2012.1 (b). questions have been raised about the constitutionality of such panels. See Morrison, Appointments Clause Problems in the Dispute Resolution Provisions of the United States-Canada Free Trade Agreement, 49 Wash. & Lee L. Rev. 1299 (1992), and Chen, Appointment with Disaster: The Unconstitutionality of Binational Arbitral Review Under the United States-Canada Free Trade Agreement, 49 Wash. & Lee L. Rev. 1455 (1992).

¹⁴ GATT Report, supra note 8.

¹⁵ Public Citizen case (U.S. Trade Representative found by court to be "stonewalling" Freedom of Information Act requests), Mississippi Poultry case (U.S. Department of Agriculture ignoring statutory language requiring same inspection procedures for foreign and domestic poultry), supra note 7.

¹⁶ U.S. Constitution, Art. VI, Cl. 2.

¹⁷ United States v. Belmont, 301 U.S. 324 (1937).

¹⁸ United States-Canada Free Trade Agreement Implementation Act of 1988, §102(b), 102 Stat. 1851 (1988).

¹⁹ H.R. Rep. No 816, Part I, 100th Cong., 2d Sess. 11 (1988).

²⁰ NAFTA, Art. 105

²¹ NAFTA, Art. 201.2

²² NAFTA, Art. 902.2

²³ Lori Wallach, Staff Attorney, Public Citizen, Washington, D.C., Memorandum to Minnesota Fair Trade Campaign, May 3, 1993, at p. 2.

²⁴ NCSL, Washington, D.C., GATT Decision on Beer/Wine Threatens State Sovereignty (undated).

²⁵ Sierra Club, Washington, D.C., Analysis of the North American Free Trade Agreement and the North American Agreement on Environmental Cooperation (Oct. 6, 1993).

²⁶ Testimony of attorneys Lori Wallach and Patti Goldman, Public Citizen, Washington, D.C. before the Committee on Energy and Commerce, Subcommittee on Commerce, Consumer Protection and Competitiveness, U.S. House of Representatives, February 18, 1993.

²⁷ Stumberg, The New Supremacy of Trade: NAFTA Rewrites the Status of States (Center for Policy Alternatives, Washington, D.C., Sept. 24, 1993).

²⁸ NRDC, Washington, D.C., New Release, Sept. 14, 1993, attaching legal memorandum by Winthrop, Stimson, Putnam & Roberts, at text accompanying note 105.

²⁹ Id. at 18, §B

³⁰ McKeith and Hall, Environmental Compromise: Striking the Balance Between Trade and Ecology, 15 BNA Int'l Env. Reporter 724 (Nov. 4, 1992).

I thank the gentleman very much. Mr. BONIOR. I thank my colleague for her contribution and for the insertion of the views of the professor from Loyola University on this issue. I would just add briefly that I think the enforcement of the environmental concerns that the gentlewoman from Washington raises were well laid out in the comments that were made by Jaime Serra, the Commerce Secretary in Mexico, who basically was responsible for negotiating this treaty when he told Mexican political, social, and economic leaders in Mexico in selling this treaty to them that they have nothing to fear basically in terms of the sanctions and the enforcement mechanisms in this treaty, because they are too cumbersome, they are too long, they are too difficult, and we are beyond that, we are safe, we do not have to worry about that. That is what the Mexican leaders who negotiated this treaty are telling their own people.

At this point we have many people who have spent time and have thoughts that they want to get across, but I want to make sure everybody who wishes to speak here has time. We have about 25 minutes remaining, so if my colleagues could keep that in mind we can share this time equally.

I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Madam Speaker, I thank the gentleman. I want to thank the majority whip for taking this time on the eve of one of the most historic votes in this Congress.

A little while ago in my office I had a telephone call from a man in Wisconsin. He is about 47 or 48 years old. He said he had witnessed Congresswoman KAPTUR on "Crossfire" earlier tonight, and he said, "I want to take my hat off to you and her for being the women leading this fight." And he said, "I'm scared." He has four children. He had been in a factory before that had closed down about 4 years ago. There he had been earning \$11 an hour. He is now earning \$7 an hour working for a company that is owned by Swedish interests. He said, "The atmosphere here is such that I know as soon as this agreement goes into effect this company is going to be transplanted down into Mexico. They are pushing us to lobby for NAFTA. They put things on the bulletin board, but they will not let us put the other side of the story on the bulletin board." And he said, "It is a very scary area that we are in." And he pointed out that they have already some Mexican nationals up there studying the plant and doing work around there. And he said, "I just know what's going to happen, and I'm going to be out of work again because of the transplant."

This is what so many of us are so concerned about, is what is going to happen to the American workers.

We have been lobbied by the free traders to vote for the NAFTA. Members of this body have stated loud and clear—from the very first days of the NAFTA debate that they would not support a NAFTA which compromised the breaking down of the opening up of the Mexican market.

Where are they tonight in the vote tally. Agriculture is getting protection. Yes. Let's use that dirty word. The White House is giving glass and appliances protection. Sorry free traders, but that is what it is. I even understand that some Congressmen have been swayed to change their vote today by promises of protection in their districts of specific industries.

Are the free-trade voters walking the floor tonight struggling with their consciences—remembering with qualms their brave statements of 3 months ago?

And what of the fiscal conservatives? Remember those statements? They could not possibly support a NAFTA

that would break the budget. Is \$20 billion or possibly, an estimated \$50 billion enough to cause their consciences to be stirring over the big vote tomorrow night?

And what about the 17 new bureaucracies filled with international bureaucrats? Take note every U.S. Government bureaucrat as you are told to take early retirement, or face a possible RIF—because the U.S. Government will shrink even as we grow a whole new bureaucracy offshore out of control of this Congress responsible to no one in this Government.

Where are the good old conservatives of your who stood by their word—who really believed that government should be in control of the people of America.

Where is the control going? Who will lose the most out of this agreement? The workers of the United States? The American people? The courts of the United States? The Congress?

Well, listen to this and make up your own mind.

This is the list that I have in my hand of the deals that have been made that we know of so far that we have been able to uncover, lots of deals, and that is what I would say is not free trade.

I include that list for the RECORD as follows:

THE FOLLOWING IS A PARTIAL LIST OF THE SIDE DEALS BEING OFFERED TO MEMBERS OF CONGRESS FOR THEIR VOTE ON NAFTA

The side agreements on Labor, Environment, and Snap-back provisions.

Peanuts—protection of peanut butter from foreign imports as well as requiring all foreign peanuts to meet U.S. quality standards.

Citrus.

Sugar—definition of High Fructose Corn Syrup (HFCS).

Home appliances.

Wine.

Grazing fees for western range lands.

Protection of domestic durum wheat against Canada.

Limiting tobacco tax.

Appointment of regional trade officials.

Roads and bridges projects.

Center for Western Hemispheric Trade—Texas.

BART system—rapid transit system.

Two C-17 planes.

North American Development Bank—originally said it was too costly.

Flat glass.

Diversion of significant amounts of water.

Various other border projects.

Super 301 provision offered in Senate—rejected by White House.

Snapback provisions for Frozen Concentrated Orange Juice (FCOJ).

Protection against Mexican fruits and vegetables—Florida delegation.

Sunset Provision on travel tax for international passengers.

Worker retraining.

Textile Protection.

Extradition of accused rapist from Mexico.

Extradition treaty with Mexico—We have had an extradition treaty with Mexico for some time; however, officials have given up trying to enforcing it.

Asparagus.

Agricultural assistance grants for Midwest.

Bedding components.
Executive Order on Trade and Environment (Deals with endangered species).
Manhole covers.
Pipe and tube.
Honda tariff waiver in NAFTA agreement.
Total: 34.

I want to read one paragraph that comes out of a decision from a distinguished law firm in the District of Columbia, one that specializes in the Constitution, and this is what it has to say about what is going to happen to the powers of this Congress, this institution under this NAFTA.

Under NAFTA, the President can take sanctions against the other countries for violating the side agreements. Therefore, the President can unilaterally interpret or change provisions in the implementing legislation, which provisions were passed by the Congress, without a subsequent act of Congress. This would be in direct violation of Article I of the Constitution and would be a serious abrogation of the rights of the Congress. Essentially, the President would be assuming the right to legislate.

I just want to emphasize to those Members who may be wavering tonight that we are losing a lot of power in this institution in this agreement. And again, free traders, remember, there is an awful lot that has been happening here, and it is not free trade that is involved.

This is not an idle concern when one considers what these side agreements actually cover. The side agreement on labor provides for dispute resolution regarding a country's failure to enforce labor laws, respect health or safety standards, provide for adequate protection against child labor, or provide adequate minimum wages. The environmental side agreement covers all matters of the environment, including air and water pollution, fisheries and animal husbandry management, carbon emissions, acid rain, and the use of nuclear power. Therefore, the President could deny trade benefits enacted by Congress if a trilateral Commission ruled that a certain country's laws were inadequate concerning human rights, labor rights, the right to strike, women's rights, abortion rights, nuclear non-proliferation, protection of endangered species, and the like, all without any act of the Congress.

Madam Speaker, I want to thank the majority whip again for taking the time to be right on target on this particular issue, and again joining with my friends.

Mr. BONIOR. I thank my colleague for her vigilance and her strength on this issue. She has been an inspiration to all of us, and I thank her particularly for her concerns about the constitutional question and the question of sovereignty she has raised consistently throughout this debate.

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Mr. Speaker, I yield now to my friend, the gentleman from Michigan, and then I will share time with my other friends here. I yield to my friend, the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Michigan, the gen-

tlewoman from Maryland [Mrs. BENTLEY], the gentlewoman from Ohio [Ms. KAPTUR], the gentlewoman from Florida [Mrs. THURMAN], the gentleman from California [Mr. TUCKER], the gentleman from Wisconsin [Mr. BARCA], the gentleman from Ohio [Mr. BROWN], and all who shared with us these last few months we have come to this floor committed in our opposition to NAFTA. I hope that our comments have helped to enlighten, not confuse, the issues surrounding NAFTA.

We have talked again tonight a little bit about jobs. Some people say we will gain jobs. Other people say we will lose jobs under this NAFTA agreement.

It is much, much more than just jobs.

I am here as a freshman, and I am wrapping up my first year in this prestigious body. I came here last fall in hopes that we could change the normal way of doing business in this institution. I came here because I believe in this country. I came here because I believed in our Government, and I came here because I have some basic beliefs.

After watching all the wheeling and dealing, after watching all the side agreements, and after watching all the side promises, the what-you-want-for-your-vote attitude that prevails as we are on the eve of this vote has become to me the battle cry of proponents of NAFTA. It is not what you believe in but is what do you want.

I am on the eve of this vote very disappointed in the way some people have chosen to govern.

To govern, what does that really mean? Does it mean get whatever you can and who cares about principles and beliefs? Does it mean make the best deal for yourself personally, and who cares about principles and beliefs? To govern, does it mean to sell your vote for the largest, most expensive project in your district? To govern, does it mean that we cut side agreements for industry, be it sugar, citrus, small appliances, wheat, broom corn, or tomatoes?

Yes, I may only be a freshman, but I have some basic principles of belief, and I believe that all American workers are important, that principles and beliefs should not be traded or sold.

I believe in protecting our environment. I believe in democracy, the right of people to assemble, to come together, to collectively bargain with their employer. These are basic American beliefs and basic American rights.

I do not believe that these American beliefs can be suddenly traded away. I do not think they can suddenly be taken down to become a side agreement, and I do not think they can become the basis for a pork-barrel project in your district.

Mr. Speaker, and Mr. Majority Whip, I am of the opinion that you cannot trade away democracy to authoritative government. You cannot trade away our environment, and you cannot trade

away our American values and beliefs for our great American workers. You cannot cash them in in hopes of future economic gain based on an agreement that fails to guarantee basic American values.

I had concerns about this NAFTA just like everyone else here, and, you know, I wrote to the President. I asked him, coming from the Great Lakes State of Michigan, "Tell me, Mr. President, what assurance exists under NAFTA to guarantee that our Great Lakes water will not be diverted to Mexico as I and other environmentalists and environmental groups in the United States and Canada believe will happen under this NAFTA."

I received a response. If I could, I would like to read it into the RECORD, from the White House:

DEAR REPRESENTATIVE STUPAK: Thank you for your letter regarding the North American Free-Trade Agreement. I appreciate your sharing this information with the President. The President has been advised of your interest in this matter, and you will receive a response from him in the near future. In the meantime, if I can be of assistance to you, do not hesitate to contact my office.

Well, thank you for no answer, because my vote for NAFTA is not for sale, so I really did not expect a response, but I thought our environment needed a response. I thought the diversion of Great Lakes water needed a response. I thought that American beliefs needed a response.

Well, by the time I get an answer on something as critical as Great Lakes water, it will be too late. I will have voted against this NAFTA agreement, because I believe in some basic American principles.

If any of my colleagues are listening tonight and if they have made their deal, if they have made their side agreement, if they have a deal for their project in their district, I have a question, and I hope your answer comes before we vote tomorrow, before you vote tomorrow: I ask you, was it really worth your special interest to sell out our American beliefs? How do you go back home and face the American worker? How do you stand up for the environment? How do you believe in human dignity, human rights, if you vote for this NAFTA?

So those special-deal colleagues, I wish you goodnight, I hope you sleep tight, and I hope you do not sell out our American principles tomorrow night.

Thank you, Mr. Majority Whip, and thank you for your leadership on this issue.

Mr. BONIOR. I thank the gentleman from Michigan [Mr. STUPAK] for his comments and for his passion and his diligence on this, and I share your sentiments completely.

I would now yield to the distinguished gentlewoman from Ohio [Ms. KAPTUR], who has been a champion of workers and workers' families on this issue for a long, long time.

Ms. KAPTUR. I would like to thank the majority whip for spending the evening here again with us in the twilight hours of this great debate, to thank him for his leadership and, most of all, for his good heart and to know that the working people of our country and of Mexico have a real champion here in the Nation's Capital, and to join with our soldiers in this effort, the gentleman from Michigan [Mr. STUPAK], the gentleman from New York [Mr. OWENS], the gentleman from Wisconsin [Mr. BARCA], and the gentlewoman from Florida [Mrs. THURMAN], and the gentlewoman from the great State of Maryland [Mrs. BENTLEY], who was here with us a little bit earlier, and to our friend, the gentleman from Pennsylvania [Mr. KANJORSKI], and the gentleman from California [Mr. MARTINEZ]; we thank them so very much for their great commitment to the working people of our continent in their declarations this evening, and I want to say that as I have watched this debate occur, I do not think ever in my 11 years here in the Congress have I really felt as energized and as proud of the people that I serve with and the people of our country. This truly is a struggle for a better way of life for all people, and we consider this issue during a time when our own domestic economy has been sputtering and suffering the loss of millions of manufacturing jobs.

AN OPPORTUNITY

Mr. Speaker, in this post-cold war era, the United States confronts an historic opportunity as the preeminent world economy and the world's largest democratic republic and market. Our new challenge is to use our trading power to promote democracy and raise the standard of living for our own people, as well as people around the world. Our objective should be to engage in high wage/high productivity competition with other advanced economies, not to meet the competition of low wage/high productivity/nondemocratic societies. And we must place equal emphasis on prying open the closed markets of the world. The trade agreement that moves us into this new era of trade-linked advancement will be precedent setting.

NAFTA DOESN'T MEASURE UP

This NAFTA is not a fundamental realignment of trade policy. It is a narrowly drawn tariff and investment agreement with toothless side addenda. It is a throwback to post-1946 World War II era, when America tried to rebuild the world and stave off communism by absorbing imports into our economy from nations devastated by war and corrupt political systems. This program was wildly successful, and Japan, Korea, and Taiwan are now among our foremost competitors. But the world has changed. Their economies remain export driven, their production is still aimed at the United

States market, but they have continued to protect their own markets from United States exports. The result is a persistent trade deficit, and an erosion of our economic security. (Chart A—trade balance). Ours is still the largest national economy in the world, but it is threatened by a flood of imports from low wage countries, and persistent barriers to U.S. exports to other major markets.

THE ECONOMIC REALITIES

With the end of the cold war and the growth of the global economy, our security depends more than ever on economic strength, and our most critical challenges are in the marketplace. The history of the 20th century in our country has been one of "taming" our national marketplace to make room for social values. American workers fought hard for labor rights; the bleak years of the depression taught us important lessons about regulating the marketplace; and more recently we have worked to find effective ways to protect our environment and the health and safety of our citizens at home and at work. Canada, Japan and the nations of Europe have enacted many similar protections, but we compete in global markets with nations that do not have similar protections. They do not share our political and social values, and they are willing to accept conditions that we find unacceptable.

The challenge of trade policy in this unregulated global market is to use our market power to respect our workers and strengthen our economy. We cannot let the greed of the marketplace overwhelm the values that underlie our democracy. As we adapt to remain competitive and increase productivity, we must make sure that our policy reflects our fundamental values and contributes to a better standard of living for our citizens.

Since the 1970's, the American economy has been eroded by gaping trade deficits and devastating losses of high-wage manufacturing jobs. Our full-time high-wage job base continues to erode while part-time work increases.

During the last decade, United States manufacturing employment fell by 951,000 jobs, while employment in the maquiladora areas of northern Mexico exploded by 431,000 jobs.

Last year, U.S. employment fell by another 325,000 jobs.

Unemployment just ticked up again, and more than 400,000 layoffs have been announced since January 1.

General Motors will trim its U.S. workforce by 74,000 and close 21 plants over the next 4 years.

IBM has announced plans to cut its labor force by an additional 35,000 workers.

Industry restructuring may insure the long-term survival of the companies themselves, but we cannot ignore the significance of the job losses. Laid-off workers have not been able to find

comparable jobs, and communities are reeling from revenue losses from closed facilities and smaller payrolls.

Over 60 percent of the new jobs created during the first half of 1993 were part-time jobs.

The majority of new jobs were created in three categories—temporary work, restaurant work, and health care.

Service sector jobs are, in most cases, clearly inferior to the manufacturing jobs they replace—lower pay, lower benefits, less job security.

Something is fundamentally wrong with U.S. trade and economic policy that has allowed this set of circumstances to proceed unabated, while the economies of other nations have caught up to our own.

TARIFFS HAVE DROPPED

Since the early 1970's when most U.S. tariffs dropped to almost nothing (Chart B—Tariffs), the U.S. has been hemorrhaging jobs and accumulating historic trade deficits. Averaging over \$100 billion in many years, the trade deficit represents thousands of lost jobs in the manufacturing sector. Every one billion dollars of trade deficit translates into 23,500 lost U.S. jobs, so we can draw the direct connection between trade deficits and lost jobs.

For too long, our trade agreements have been "sweetheart trade deals" with too narrow a focus, often benefitting one industry or sector, that is the few at the expense of the many. U.S. trade agreements have resulted in harm to our workers, our farmers, and our economic health.

This debate is not really about tariffs in Mexico. Since 1985 most tariffs have dropped by 90 percent (United States tariffs average 3.5 percent and Mexico 8.2 percent). As a result we have witnessed the explosion of United States investment in northern Mexico with the bulk of production from more than 2,200 companies headed back here into our market. Business interests love Section 1110 of the Agreement, which provides strong investment guarantees.

No Party may directly or indirectly nationalize or expropriate an investment of an investor of another Party in its territory or take a measure tantamount to nationalization or expropriation of such an investment, except for a public purpose; on a nondiscriminatory basis; in accordance with due process; and on payment of compensation.

Compensation at full market value shall be paid without delay in a G7 currency, including interest from the day of expropriation until the day of payment.

These protections are designed to allay the fears of the international business community, which has never forgotten that the Mexican government nationalized the petroleum industry in 1976.

THE IMPORTANCE OF MANUFACTURING JOBS

Importantly, we are considering this proposal at a time when our domestic economy has been sputtering and suffering the loss of millions of manufacturing jobs. In fact, as a percent of Gross Domestic Product, high-wage manufacturing jobs in the U.S. have fallen below 20 percent of total jobs. This compares very unfavorably with our chief industrial and trade competitors Japan and Germany who maintain manufacturing as nearly one-third of their economic bases. (Chart C—Pie charts) Sinking U.S. wage levels are directly attributable to the loss of high-paying industrial jobs in the U.S. No other major industrial power has allowed itself to be diminished to this extent. No trade agreement can ignore this predicament.

THE SOCIAL DIMENSION OF COMPETITION

Countries with a commitment to democracy building and the best products—not the most exploited workers or the best special deals—should get our attention. Any trade agreement the U.S. signs must acknowledge this new global climate and fully address the social, political, as well as economic, dimensions of trade-related growth. To do less will harm our own people and fail to hold other nations to the lofty goals our own liberty commands.

ONLY THE THIRD FREE TRADE AGREEMENT

Never has the United States negotiated a free trade agreement with a nation whose standard of living and political system are as different from our own as Mexico's. In fact, the United States has only signed two "free trade" agreements in our history. The first, in 1985, was with Israel, and the second, in 1989, was with Canada. Both economies were far more like our own than Mexico's.

	Per capita GDP	Work force size
Israel	\$11,000	1,850,000
Canada	14,000	13,800,000
Mexico	3,200	27,400,000
U.S.	22,470	125,300,000

The United States comprises 85 percent of the North American market, Canada 11 percent and Mexico 4 percent, but Mexico provides one-sixth of the workforce. And with 40 percent of Mexico's population under the age of 15, each year 1-2 million new workers will join the workforce during the next decade. For the United States to not consider these demographic implications is indeed serious.

ASIAN INTEREST

There is only one aspect of Mexico that interests Asian investors: its proximity to the United States market. This has already lured Sony and Panasonic to set up maquiladora plants where parts imported from Japan are assembled in Mexico for export to the United States. Asian investment in Mexico has lagged far behind United

States investment, because of distance, cultural differences, and Asian uncertainty about Mexico's stability. They have preferred to invest in other parts of Asia, and there's no reason to believe that defeating NAFTA would change that.

With NAFTA, however, the benefits of access to the United States market would change the investment equation and redirect to Mexico Asian investment that would otherwise come to the United States. This investment diversion would redirect new employment to Mexico that would otherwise be located in the United States. The only study that looked at this issue predicted that \$2.5 billion of investment would be displaced from the United States to Mexico annually. That translates to 375,000 potential new jobs lost over 5 years—jobs manufacturing goods for the United States market, but redirected to Mexico by NAFTA.

THE COMMON MARKET EXAMPLE

The Common Market structure which Europe has adopted to achieve market integration rests on basic political freedoms, rights of ownership, labor rights and judicial safeguards, not just in theory but in practice. The European example provides a precedent for slowly phasing-in any type of trade agreement over decades, not years. And the European model also provides for a Social Charter to deal with job dislocations and other social repercussions arising from merging markets. But never in the history of Europe has that market had to absorb an economy as low wage as Mexico. Even Spain, Portugal, and Greece, whose standards of living are higher and whose political systems are not one-party states, have proven to be monumental challenges for absorption into the market.

To join the European Community market a nation first must be a functioning democracy. Why should the Americans frame the debate today in terms any less lofty? A comprehensive accord should have the goal of setting in place a long-term development strategy to build democracy and prosperity for all nations seeking entry into the trading union.

CANADA'S EXPERIENCE

The United States-Canadian Free Trade agreement, which I supported, did not provide any cushion for dislocation of workers. It has resulted in enormous job losses in Canada, 500,000—over 25 percent of its manufacturing jobs in 5 years. Trade agreements must reach beyond tariff and investment rules and anticipate the social and political consequences as well.

TRADE WITH MEXICO

To date, trade with Mexico has largely been composed of U-turn goods—United States parts destined for the maquiladora industry. That is, nearly half leave the United States for Mexico but then come back here for ultimate

sale in our market. This is not what is generally viewed as a new export market. The claim that NAFTA will increase United States exports to Mexico is truly exaggerated. Increasing United States exports to Mexico since 1987 until this year largely have been tied to the value of the peso, not to the growth of a middle class in Mexico [Chart D].

The distribution of income in Mexico is wildly unequal, and the benefits of the "Mexican economic miracle" have flowed into the accounts of a few very wealthy families. Instead of middle class, Mexico has developed a large new class of billionaires. Only the United States, Germany, and Japan had more billionaires in the July 1993 tally by Forbes Magazine. Instead of purchasing power for workers, the result of Mexico's growing output has enabled these new industrialists to consolidate their ownership of Mexico's productive capacity, and in some cases purchase United States corporations in cartel-like fashion.

FAST TRACK

The inadequate agreement we call NAFTA is actually a quagmire created by "fast track." Article I, Sec. 7(B) of the United States Constitution states: "The Congress shall have the Power to regulate commerce with foreign nations." The 1974 Trade Act set up the "fast track" procedure to facilitate negotiation of trade agreements and protect the credibility of the President when the Executive Branch enters into specific negotiations. But our highest responsibility is not to make it easy to negotiate an agreement, it is to ensure that the agreement is good for our country. This Congress ceded too much of our Constitutionally-mandated trade-making authority to the Executive branch. In effect, we substituted unelected negotiators and bureaucrats in the arcane world of trade for comprehensive Congressional deliberations. Now we see the results of our own abdication.

In fact, Congress' careful consideration is essential if we are to produce a comprehensive agreement that takes into account the fact that the Agreement will impact almost every aspect of United States life and law—wage standards, banking, environment, agriculture, immigration, and judicial review. Fast Track requires us to express our convictions with a single vote—up or down—with no amendments allowed. Only since 1974 has the Congress ceded its trade making authority under fast track. It does not seem proper to me that the Congress of the United States has turned itself into a Parliament that merely puts its stamp of approval or disapproval on the Executive Branch's handiwork, and left ourselves with the bleak alternative of voting only "yes" or "no." I ask: How can we do this to ourselves and to our country?

DEMOCRACY AND PROSPERITY

There remain fundamental differences between our respective systems that no trade agreement can ignore. These include wide and growing disparities in our standards of living, differences in our approaches to ensuring basic constitutional and political freedoms and widely varying experiences in expanding individual liberties including property ownership, small business enterprise, banking and entrepreneurship. Our two nations manage our judicial systems and federal systems of government quite differently. Unlike Mexico, the United States has a long history of sharing power with local and State governments—and checks and balances play a very prominent role in our system. We cannot proceed with an agreement that ignores these fundamental values. What America must do is negotiate expanding trade opportunities while representing human dignity through a North American Economic and Social Compact.

MEXICO IS NOT A DEMOCRACY

The proposed agreement is silent on the principles of democracy building and free elections in Mexico—and Mexico's democracy and attitude toward human rights are in grave need of strengthening. A single party, PRI, has, according to our own State Department, "dominated Mexico's politics for over 60 years. It maintains political control through a combination of voting strength, organizational power, access to governmental resources not enjoyed by other political parties, and—according to credible charges from the principal opposition parties and other observers—electoral irregularities." Mexico has been called "the perfect dictatorship." The Mexican government has consistently refused requests from opposition parties for electoral monitoring by international organizations. Just last month, PRI introduced a bill in the Senate to bar any international observers from Mexican elections. Even the participation of observers who are Mexican nationals would be severely restricted, and cannot be or have been a member of the leadership of a national, state or municipal political organization or political party within 5 years prior to the election.

According to the State Department, "... there continue to be human rights abuses in Mexico, many of which go unpunished, owing to the culture of impunity that has traditionally surrounded human rights violators. These violations include the use of torture and other abuses by elements of the security forces, instances of extrajudicial killing, and credible charges by opposition parties, civic groups, and outside observers that there are flaws in the electoral process." In a recent letter to President Clinton, Americas Watch stated:

Mexicans still endure serious human rights violations. Over the past four years, Human Rights Watch/Americas Watch and other human rights organizations have documented a consistent pattern of torture and due process abuses in a criminal justice system laced with corruption; electoral fraud and election related violence; harassment, intimidation, and even violence against independent journalists, human rights monitors, environmentalists, workers, peasants and indigenous peoples when they seek to exercise their rights to freedom of expression and assembly; and impunity for those who violate fundamental rights.

A trade agreement with Mexico offers the opportunity to use our close relationship with Mexico to encourage reform of these abuses. However, if, as in the current NAFTA, we fail to seize this opportunity, abuses will continue. And their effect—inhibiting justice and accountability, preventing Mexican citizens from enjoying the protection of their own laws—will not only hurt Mexicans, but will place U.S. citizens at a competitive disadvantage. We owe it to Mexico and to ourselves to do better. Why should the U.S. sign any such path-breaking accord with a nation that is not a functioning democracy?

IMPACT ON WAGES IN MEXICO

The proposed NAFTA accord and its side agreements are inadequate to encourage jobs creation in the United States largely because the agreement does not offset the cheap wages and the poor social benefits of Mexico's workers. Their standard of living is one-seventh of our own, and that gap is growing. In fact, Mexico's government purposely holds down wage increases to half the level of inflation, which decreases the purchasing power of Mexican workers. As Anthony DePalma of the New York Times commented:

The Mexican negotiators of the pact were careful not to commit themselves to wage parity with the United States. Mexico is going to try only to make up for some of the losses suffered by workers over the last decade, when the buying power of the minimum wage dropped sixty percent.

The productivity of Mexican workers has risen overall, most dramatically in the export sector, but wages have not risen accordingly.

Professor Harley Shaiken:

Overall, productivity has climbed from 30 to 41 percent between 1980 and 1992 while real hourly compensation has fallen by 32 percent.

There is no evidence to show that the significant investment that has occurred to date in Mexico has helped create jobs in the United States nor build a middle class in Mexico, nor raise their standard of living to purchase products they are assembling. This NAFTA does absolutely nothing to link rising productivity in Mexico to wage increases, which is the only way to create a real middle class and a real market for U.S. consumer goods.

LABOR RIGHTS IN MEXICO

Labor rights—the right to meet openly, to organize, to bargain collectively

and to strike—are recognized by democracies around the world. In our own country, they have provided a framework for workers to negotiate decent wages and working conditions. These rights are included in Mexico's own labor law, but the record is abysmal—the Government refuses to recognize independent unions; labor leaders are intimidated and even killed; wage agreements are negotiated by “union officers (who) support government economic policies and PRI political candidates in return for having a voice in policy formation.”

Thea Lee, Economist with the Economic Policy Institute:

The enforcer of the regressive wage policy is the Mexican Minister of Labor, Arsenio Farrell Cubillas. According to the U.S. Embassy in Mexico City “he has maintained pressure on the labor sector in an effort to hold the line on wage demands . . . Farrell has not hesitated in declaring a number of strike actions illegal, thus undercutting their possibility for success. These and other successful confrontations with unions have generally served to minimize the gains of labor activism and its use of strike actions.”

The government policy is wage restraint, but we could just as well call it wage regression. Real wages in Mexico—and buying power of most Mexican workers—have actually dropped during the Salinas administration. It is simply not acceptable to ask U.S. workers to compete with workers whose wage growth is suppressed, and it is even more unconscionable that our own government would enter into an Agreement that facilitates that suppression. Instead of effective mechanisms to ensure that Mexican workers benefit from their increasing productivity, we are left dependent on a press statement by Mexico's President that does not have the force of law.

Prof. Harley Shaiken:

Leaving labor relations out of the labor agreement is like leaving air and water out of an environmental agreement. It sends Mexico and multinational corporations a signal that maintenance of controls over unions and a distorted wage-productivity relationship is acceptable.

IMPACT ON WAGES IN THE UNITED STATES

Any agreement must uphold the highest living standards on our continent for the 21st century and ensure that wage standards are harmonized upwards. Because it does not provide any mechanism for linking wage increases to rising Mexican productivity, this proposed accord places tremendous downward pressure on U.S. and Canadian wages. It threatens the right of a worker to earn a fair day's pay for a fair day's work.

Shaiken:

. . . in the export sector Mexican wages are low for reasons that have little to do with productivity. Instead, wages are artificially depressed by government policies and constricted labor rights, among other factors. Unless this frayed link between rising productivity and wages is repaired, then Mexico will be much more attractive as an export

platform than as a consumer market. The result will not only throttle the development of Mexico's consumer market but could serve as a magnet for U.S. jobs and depress down on U.S. wage levels.

Thus any agreement must forthrightly address the rights of workers to better their conditions. These must be written into laws that are enforced. A good agreement should set in place a system that results in job creation, and increased investment in plants and equipment in both the high and low wage nations. Worker adjustment clauses for the different labor and benefit standards between our two nations must be incorporated ahead of time so this agreement can be called fair and just. Sadly, the side agreements on both labor and environment are not submitted to Congress as formal legislation and, therefore, are not only weak in themselves but are absolutely unenforceable.

MIGRATION/AGRICULTURE

The current NAFTA will accelerate the ongoing shift in Mexico from small-scale family farm agriculture to large-scale, corporate agribusiness. Not only will this have severe implications for the sustainable use of Mexico's resources, including water, but it will cause a vast migration from the farms to the cities and ultimately to the United States. The seriousness of this problem cannot be overestimated. Even the Economist magazine, known for its pro-NAFTA views, admitted in a recent article that “* * * the immediate impact of the double blow struck by agricultural reform and falling tariff barriers will be to cause many [Mexicans] to leave the countryside—and often the country, as they head north for the United States.”

Clearly, NAFTA should include—as it currently does not—an effective way to address the increased flow of Mexican agricultural workers seeking to immigrate into the United States. And equally clearly, NAFTA's negotiators should consider—as they have so far failed to do—the downward pressure this migration will place on Mexican manufacturing and farm wages and the negative consequences for U.S. workers.

On my recent trip to Mexico, our delegation met with an agricultural economist who discussed the devastating impact NAFTA would have on the Mexican agricultural sector. She reported to us about the “the great struggle * * * for the people who work the land to own the land,” and the fact that land reform is forcing peasants to leave the countryside.

This is a country that just up to two decades ago was mainly farmers. The free trade agreement is a death sentence for Mexican farmers. At present they want to do away with 30 million farmers. In this country, until 1992, when they changed Article 27 of the Constitution, the peasants were the owners of 60% of the resources of our country.

At present new modifications of Article 27 of the Constitution, pushed by the mer-

cantile associations and the courts, are privatizing the land * * * For years, the land was not able to be transferred or taken away. It was not in the market. It was not for sale, it could not be repossessed. But now peasants will have private ownership of their tiny piece of land. The land will be in the market. It can be transferred. The most probable thing that will happen is that they will lose it, through repossession by the bank or acquisition. The family estate has been lost, there is a huge crisis in the Mexican farmland.

THE NAFTA BUREAUCRACY

This NAFTA establishes a bureaucratic maze and a quasi-judicial system beyond the reach of ordinary citizens. The dispute settlement mechanism substitutes expert panels and super-national bodies to make decisions that should be made within our political system. It sets up closed-door processes that ignore the public's right to know. There is no means to involve interested parties, including states, groups or individuals, with expertise and interest in an issue. It does not recognize the rights of individuals to seek redress, nor does it provide for judicial review. As Chairman Waxman told the President:

* * * disputes would be decided by a process that is repugnant to basic concepts of due process and openness that are so fundamental to our democracy. The NAFTA expressly requires that the entire dispute resolution process be shrouded in secrecy. Article 2012(1)(b). The briefs are secret, oral arguments are closed to the public, and the NAFTA even prohibits disclosure of any dissent to a panel's decision.

Any agreement must set up a fair judicial system that assures individual rights and allows ordinary citizens and consumers to seek redress.

BORDER PROTECTION

We need guaranteed border inspection to control over 5,000 trucks that cross the United States-Mexican border daily bringing everything from tomatoes to cocaine, from melons to illegal immigrants. There must be strict provisions to stem the flood of drugs coming across our border. Any agreement must deal with the health and safety regulations for workers and fair distribution of profits. Any agreement must address the life-threatening problem of toxic waste from foreign-owned industries being dumped into Mexico's rivers, vacant land, and local sewage trenches. The agreement must address the question of security for our farmers from the influx of cheap produce and cushion Mexican farmers from divestiture of land. And the agreement must ensure that all Mexican produce will be safe and free of dangerous pesticides.

WORKER ADJUSTMENT

NAFTA supporters argue that the United States should concentrate on manufacturing the highest technology products here at home. But we need jobs for all Americans, not just nuclear engineers. We haven't seen the President's proposal for worker adjustment, but we know it is badly needed right

now to ease the adjustment of the defense industry and to help the thousands whose jobs have already been lost to foreign production. Do we have the resources to make NAFTA adjustments as well? And why should U.S. taxpayers pay the cost of corporate relocation to Mexico? We should spend our money on worker adjustment for those who are already in the unemployment lines and renew our commitment to preserving jobs which are at risk—and that means defeating this NAFTA.

Because the comprehensive worker adjustment program will not be ready, the Administration has proposed an interim program for NAFTA-related job dislocations only. The program extends for 18 months, and is based on Labor Department estimates of job losses of 22,500 over that time period. The Administration originally budgeted \$90 million over 18 months, or \$60 million annually, which would have accommodated only 8,000 workers in a full training program. The Senate bumped this figure up to \$177 million, still far short of the Bush administration proposal for NAFTA. The Bush plan specifically reserved \$335 million annually and provided an additional \$670 million annually in discretionary funding if needed.

AGRICULTURE—SANITARY AND PHYTOSANITARY STANDARDS

As we all know, there is no enforceable side agreement to deal with sanitary and phytosanitary standards, a gross deficiency in the accord by all accounts. NAFTA affirms the right or sovereignty of every member nation to establish the level of protection of human, animal, or plant life or health it considers appropriate. NAFTA also preserves the right of the U.S. to prohibit the entry of goods not meeting U.S. health, safety and environmental and other product standards. But who enforces the standards? And what recourse exists for our farmers and consumers when disputes arise? We have a byzantine dispute resolution system that will result in jobs for lawyers but will not provide the immediate protection necessary to the people whose lives and livelihood are in jeopardy.

Customs and inspection procedures along the border are already taxed well beyond their capacity. This means that the potential exists for large quantities of unsafe food and products to enter the U.S. In fact, the Food and Drug Administration at Nogales is able to inspect only one of every 600 trucks that line up by the thousands each week. We also know Mexico lacks the personnel, facilities, instrumentation, and funding to expand monitoring and inspection services to enforce adequate health and sanitary regulations affecting trade. Funds must be earmarked specifically for this purpose and firms benefiting from cross-border trade must pay this cost.

As tariff and nontariff barriers such as licenses and quotas are lowered, the

effect of sanitary and phytosanitary standards in restricting trade may become more noticeable. Our farmers will be forced to compete with a nation where DDT is legal and pesticide law enforcement is nonexistent. Protection of American consumers should not be secondary to the economic pressures of increasing trade.

The GAO found that "because of inefficiencies and resource limitations, FDA's programs provide only limited protection against public exposure to prohibited pesticide residues on imported foods. Since the Mexican government does not monitor residue levels for exported produce, United States inspections are all the more important."

Bovine Tuberculosis is another critical border inspection issue. Tuberculosis in cattle in the United States—a condition we had almost wiped out—increased from 70 in 1988 to 224 during the first six months of 1992. Ninety-two percent of these cases were from steers of Mexican origin. NAFTA would immediately eliminate the tariff on feeder cattle from Mexico, and the resulting surge in imports would overwhelm our inspection and monitoring system.

Ohio is one of 40 states in the U.S. with the status of an Accredited Free State for tuberculosis. The status is difficult to obtain, and can be suspended if only a single infected herd is discovered. Under NAFTA this status can be revoked if two or more herds are found to be infected in a 48-month period. Any inspections of Mexican cattle by a state can be challenged under the proposed treaty for being "trade distorting" and the state would have no recourse. In effect, the treaty would supersede the authority of any state to regulate for bovine tuberculosis.

FOOD SAFETY

NAFTA would subject United States food safety and environmental laws to legal challenge by Mexico and Canada. The Agreement would permit Canada or Mexico to challenge a standard adopted for public policy or precautionary reasons is the standard were perceived to cause economic injury to another Party to the Agreement. Under the General Agreement on Tariffs and Trade (GATT), Mexico and Canada have already challenged over 40 state laws on such issues as sales of alcoholic beverages and sales of non-dolphin safe tuna. NAFTA makes many more challenges inevitable.

WORKER HEALTH AND SAFETY

Worker health and safety are considered a necessary business expense in the U.S., and we have developed an effective regulatory system to insure that companies enforce the law. Mexico's health and safety standards are lower, and enforcement is far weaker. While in the U.S. the penalty for willful violation can be up to \$70,000 for each instance, the maximum fine for a repeated violation in Mexico is about

\$1,500. Substantial differences in standards and enforcement confer a competitive advantage to manufacturers located in Mexico, and companies that relocate are quick to exploit this advantage, despite the risk to workers.

On a tour of Mexican production facilities, I visited one Ohio company that had relocated production to Mexico where I saw women spraying glue on rings. I asked why they were not wearing masks and I was told, "Well, the women do not like to wear masks and the (one ceiling) fan probably pulls out the fumes anyway."

At another plant, I saw men pulling down machines that stamped out rubber parts. There were no guards on the machines. Their arms could get caught in the machines. I asked the manager of that company, a United States citizen who commuted to work across the border daily, whether or not the workers in that plant were covered by some form of Mexican social security. He told me he did not know the answer, because all he worried about was the bottom line.

Later, one of my own constituents saw a newspaper photo of a Mexican worker operating machinery that he had operated in a Toledo plant before it was shipped down to Matamoros. He noted that the equipment was being operated unsafely by the Mexican worker, because the emergency "off" switch had been covered.

DISPUTE SETTLEMENT

Many of us take for granted the protections embedded in our legal processes, including openness; public participation; balance; and subsidiarity. But the dispute resolution process embedded in NAFTA has none of these protections. Instead, it would commit us to a system that is closed, secret, highly partisan and empowered to run roughshod over lower level decisions. Legitimate grievances would be buried in red tape and delay.

North Dakota Commissioner of Agriculture Sarah Vogel identified these shortcomings:

The United States Constitution and the North Dakota Constitution provide for open courts. The Freedom of Information Act and state law counterparts provide for open records and open hearings with very limited exceptions. There is no good reason why NAFTA disputes should be treated any differently than antitrust cases, class action tort cases or complex administrative issues or any other kind of litigation.

There is no mechanism for "public participation." * * * the only "Parties" to NAFTA are the federal governments of the U.S., Canada, and Mexico * * * there is no means to involve states or individuals with expertise relevant to the issue.

When sanitary, phytosanitary, environmental or other "scientific" issues arise, the panel's appointment of a "scientific review board" is not subject to any standards other than what the parties "may agree." Any party can block another party's (or the panel's) request for scientific input by simply not agreeing to the scientist or technical expert or by limiting terms and conditions of

their employment * * * and the panel's appointment of experts will not necessarily result in balanced views.

NAFTA does not adhere to the historic deference that U.S. courts, state and federal, have provided to executive and administrative decisions * * * NAFTA panels may undertake a full de novo reexamination of the measure being challenged (with) complete discretion to second-guess an agency or state legislature.

The panel roster members are likely to be drawn from a few law firms with extensive ties to multinational corporations. By definition, labor lawyers, farm lawyers, plaintiff's trial lawyers, environmental lawyers and non-lawyers will be ineligible for service, as will individual citizens.

VISION OF A DEMOCRACY AND PROSPERITY IN THE AMERICAS

The original comprehensive vision for the Americas was articulated by President John F. Kennedy in 1962 as the Alliance for Progress. "We must not forget that our Alliance for Progress is more than a doctrine of development—a blueprint of economic advance. Rather it is an expression of the noblest goals of our society. It says that material progress is meaningless without individual freedom and political liberty. It is a doctrine of the freedom of man in the most spacious sense of that freedom."

The Alliance for Progress articulated a plan for linking social and political development with economic development. It failed in part because it was so ambitious, because funding never matched the need, and because of the resistance and even sabotage of the Latin American oligarchies. But it did incorporate a comprehensive vision of development. That comprehensive vision is still necessary if people throughout the Americas are to share a decent way of life.

When Europe integrated Portugal and Spain into its Common Market, that integration was part of an adjustment process that has continued over 40 years. The Common Market includes a "Social Charter" which establishes rights to social assistance, collective bargaining, vocational training, and health and safety protections. This Social Charter sets a realistic framework of shared values and insures that development in the EC does not pit workers in one country against those in another.

The EC also anticipated that integration require investment, and it continues to spend billions to mitigate the costs to individuals and communities.

\$20 billion will be spent over the next five years on the special "cohesion fund" designed to enable Spain, Portugal, Ireland and Greece to catch up with the rest of the Community.

\$183 billion in "Structural aid" will be available to regions of the EC whose output is 75 percent or less of the Community average GDP.

In 1992, transfers from the EC accounted for around 4% of Portugal's GDP.

VISION FOR THE FUTURE

Last May, I led a bipartisan Congressional delegation to Mexico. One of the many women leaders in that country with whom we met presented a very clear alternative to this NAFTA, which she termed "a continental agreement for development, equity and employment." She said that the lack of competitiveness in North America is not caused by barriers to trade, or by the lack of institutional stimuli to investment, but by deep structural imbalances brought by the unregulated and predatory attitudes of the multinational corporations.

This woman also had a vision of what a good agreement would contain, beginning with a focus not unlike the Alliance for Progress. She envisioned a pact that recognizes the differences in living standards, development and productivity of the various economies. She argued that continental integration also implies stimulating the Central American Common Market, the Andean Pact, Mercosur and other similar associations, and adjusting them to the basis of the Hemispheric pact. Realization of such an agreement is already in the minds of many organizations, and it should be the shared purpose of millions of people from the whole continent.

WHAT'S IN GOOD AGREEMENT

For our nations to reap the mutual benefits of trade expansion despite our differences, trade must be part of a larger strategy for growth and change in Mexico, and for adjustment here in the United States and Canada. Our trade agreement with Mexico is not only historic; it will set a precedent for America's future trade agreements with nondemocratic, low-wage societies. It must be carefully crafted so it addresses fundamental issues central to achieving true democracy and prosperity for all citizens of the continent.

A trade agreement worthy of our support will be comprehensive. It will take into account issues critical to the preservation of our own economic strength and will protect the long-term interests of American workers.

Will be phased in over several decades, as have Europe's integration;

Will acknowledge the propensity of many U.S. companies to cut costs and head South;

Will include a provision that ensures competitive advantage for our continent is not built on cheap labor nor escaping to tax havens nor avoiding environmental standards.

This NAFTA will not contribute to continental development, but will hurt small businesses, workers, families, communities, consumers, and the environment in all three countries. It will benefit traders, exports and Wall Street investment interests.

A trade agreement worthy of our support will preserve our fundamental democratic values and serve to advance them in our trading partners. Only a trade agreement that embodies the

best values of democracy and prosperity deserves our support. It should go without saying that the ongoing struggle of Mexicans to make their government a true democracy, rather than a democracy in name only, can and should be assisted. Democratic reforms should be an integral part of all U.S. trade policy—after all, in the post-Cold War world, international trade is the strongest link between our country with its strong democratic traditions and the rest of the world. We must never miss an opportunity to strengthen democracy.

A trade agreement worthy of our support will build real growth by improving the purchasing power of Mexico's citizens. Spreading the benefits of liberalized trade will improve the lives of workers and sustain economic growth throughout North America. Right now, NAFTA is a narrowly drawn tariff agreement and must be changed to an agreement that freely addresses the political, social and economic integration that must simultaneously occur.

FOREIGN POLICY

Rejection of this Agreement will not be the foreign policy disaster that supporters claim. In fact, rejection will serve a higher purpose by reaffirming our commitment to basic principles of democracy and fairness.

The people of Mexico know that rejection of this agreement is not a vote against them, nor does it deny the close economic and social ties between our nations. The people of Mexico will understand that rejection of NAFTA affirms their historic efforts to democratize their politics and improve their standard of living. Mexico does not yet have a functioning democracy, and the PRI does not appear ready to open the electoral system to accommodate the legitimate efforts of the two opposition parties. Rejection of NAFTA holds out the possibility of a linkage between our countries based on equal rights and a rising quality of life for citizens of all three countries.

Rejection of this agreement will send an important signal to other non-democracies that we will continue to link economic development with the development of just political and social institutions. It will help convince them of the strength of our convictions and it will help them understand the depth of the democratic process in our country. It will also give a strong signal that the American public insists on being part of the trade debate, that the days of delegating critical economic and trade negotiations to special interests and unselected specialists are behind us.

Any trade agreement that we negotiate must take into account fundamental values, the issues that affect our economic strength, and our commitments to human rights, fairness, accountability and environmental protection. This long and difficult debate

has served to illuminate the deficiencies of old style trade agreements. This NAFTA does not reflect new thinking and it does not move us forward to meet the challenges of the new economic order.

It's time for a realignment of U.S. trade policy toward developing nations that goes beyond the narrow tariff and investment focus of this Agreement. We must go back to the drawing board and develop a comprehensive that encompasses not only economic approaches toward low wage economics but economic concerns for our people here at home. We need to link expanded trade to democracy building and social development abroad.

□ 2200

Mr. BONIOR. I thank the gentlewoman for her passion and commitment on this. The gentlewoman has been just a great deal of inspiration to a lot of people; as exemplified by her willingness to stand by the working families of this country and lead them, she has been absolutely great, wonderful.

Madam Speaker, I yield to the gentleman from the State of Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Madam Speaker, I thank the majority whip as well for his leadership; he has produced great leadership on this issue. I also thank the gentlewoman from Ohio [Ms. KAPTUR] for her optimism. I hope tomorrow, as we get ready for this vote, that people are still tuned in and we will follow the leadership and wisdom that has been presented here tonight, I believe, because there are so many key points that have been brought up in regard to this agreement.

But the one point I want to center on tonight, because tomorrow the first vote we take will be on the rule, it concerns me because I do not think the American public, much less the Members of this House, have fully reviewed all that is in this document, because just within recent days there have been items added into this document that Congressman BROWN talked about and other Members have referred to. These items are completely unrelated to anything whatsoever having to do with the terms of the tariff agreement; items like the development bank, like the study centers. It seems to me, I say to the majority whip, that the rule should be set in such a way so that people can bring up points of order. We do have rules in this House on germaneness, on the idea that the items related to the point itself, that we should be able to bring up these concerns and these points of order. But unfortunately we will not be able to do that tomorrow with the rule that has been approved. That concerns me. I think it should concern all Members.

Tomorrow I will be opposing the rule as I will be opposing this NAFTA. I do

not believe this NAFTA has been negotiated on the best of terms for the majority of the people of this country, for the workers of this country, or for the businesses of this country. I think it is a flawed document.

The terms of the agreement themselves have not been negotiated, the enforcement of labor and environmental laws is deficient, and, most importantly, the cost of this agreement is going to add into the billions. Unfortunately, those billions of dollars have not been counted. That is why I am so concerned about this rule, because we will not even be able to strike out items that add new billions of dollars into this agreement which have nothing to do with this NAFTA. That bothers me, I say to the majority whip, and that is why I wanted to bring this up tonight because we will be dealing with that tomorrow.

I oppose this NAFTA. I am somebody who believes strongly, and I have spoken publicly in the past on behalf of free trade; I strongly supported the Canadian-American Free-Trade Agreement. I strongly supported the Canadian-American Free-Trade Agreement, but this is a flawed document, it is going to serve as a pattern for the future trade agreements, and it is not the pattern that we want to set.

I hope that we can be successful tomorrow and we can move forward and negotiate a better and more prosperous and more promising NAFTA for the people of this country.

Mr. BONIOR. I thank my colleague for his comments and particularly his concerns about the future pattern that this NAFTA sets. In addition to that, his concern about the cost of this NAFTA. This NAFTA costs between \$20 billion and \$50 billion to the American taxpayer. We are losing the tax revenues just in the first year, anywhere between \$2.5 and \$3 million, which will have to be made up. And of course in this NAFTA that we will be voting on tomorrow, we will be voting also on a billion-dollar tax increase to pay for it. That is a small fraction of the overall cost this NAFTA will be to the American public, about 5 percent, quite frankly, if you use the higher figure that I just mentioned.

The question we have to face is where will we come up with those dollars? As the gentleman has indicated and many others have indicated, the supporters of NAFTA, of this NAFTA, are the same people who will be coming to the floor and argue passionately that we cut another billion dollars out of the budget. It seems to me that there is an inherent contradiction in both of those positions.

We have to move forward, obviously, to get control over our deficit, but we have to do it responsibly, we have to do it without putting the jobs of the working men and women of our country on the line.

This NAFTA will send our jobs south. More importantly, though, for many Americans it will lower our wage level in this country as the corporations will use the hedge on the Mexican low-wage base as a hedge and bargaining chip against our workers' wages. It will ask us to do all of that by increasing the American taxpayers' taxes.

I think it is an unconscionable position. The gentleman mentioned what we have here in this bill in terms of the research center in Texas for \$10 million; of course we have this new development bank that the gentleman from Wisconsin [Mr. OBEY] is so vigorously opposed to because we cannot even deal financially with the other international banks that we have which will cost us millions of dollars.

We have a \$17 million tax forgiveness for Honda Corp. in this bill. I could go on and on and on, let alone all the other deals that have been cut and probably are begin cut at this moment in time with respect to agricultural products and other things. It is not a good deal for the American taxpayers, it is certainly not a good deal for the American worker or for the Mexican worker who is striving to live in a free and democratic society but who has a long way to go.

I yield further to the gentleman from Wisconsin.

Mr. BARCA of Wisconsin. This issue of the tax break for the Honda Corp. concerns me enormously. It is my understanding that not only do they get a prospective tax break but they get a retroactive tax break. With all of the concerns that have been expressed about retroactivity with regard to taxes, it seems to me this issue of providing a retroactive tax break for a foreign corporation that is not even part of North America ought to concern all Americans.

Mr. BONIOR. I think the gentleman is absolutely right. If the member arguing vociferously against the budget bill that we had before us about 6 months ago, based on that retroactivity provision, they ought to look at this one because it is going to ring hollow in the ears of our constituents if they support this tomorrow with this retroactive tax break for a foreign corporation and then we are able to argue the other way on our own taxes for our own people.

I yield now to the gentlewoman from Florida [Mrs. THURMAN] who has been excellent on agriculture issues as well as consumer issues and, of course, the job issues. I thank her for her steadfastness and her passion and her being with us at so late an hour on so many evenings that we have come before the public.

Mrs. THURMAN. I appreciate the comments of the majority whip, but more importantly I appreciate all of us who have been sticking together. But most importantly, because we have

been trying to get out the right information, the best information, and that debate has not taken as good a turn as it should have. We hear a lot of things going on, but we have really been trying. I think with the gentleman's leadership and that of the gentlewoman from Ohio and all of us standing here trying to give good information, I hope the American public is listening and does listen to what we are concerned about. We are concerned that there is a lot of misinformation out there.

I really came tonight because I am somewhat concerned; there has been a lot of public media put on Florida today because of, you know, some meetings that have been held and some people who have changed over their votes now to go on the other side. You know, we have talked about the side agreement, the different issues that have been raised; and I remember when I started this, when I came here for NAFTA—actually 3 years ago in the Florida State Senate when some of these same people came to us about the issues as they related to Florida agriculture, we talked about not only the snap-back issues or the surge issues, but we talked about the labor issues and we talked about the environment issues.

Well, we got some snap-back, we got some surge issues, but we did not ever get to the labor or environmental issues as related to this free trade.

What I found today in this meeting was the conversation went on to talk about the two or three things, but then I just listened to the people who were not for it, still.

□ 2210

I think that has been missed in some of the stories that have been going out from the Florida delegation. The Florida Farm Bureau stood very strongly just in the last week coming up with another resolution still against NAFTA. That is all of the farm industry within Florida. Those are the little guys out there. Those are the guys with only 20 or 60 people they are employing.

We have the Tomato Exchange. You have fruits and vegetables with it.

Sure, I understand why they have done what they have done to a certain extent, but here is the tomato industry still standing very tall against it.

Indian River citrus, you know, we got a little bit of frozen concentrate, but we did not do anything with some of the fresh fruit part of it. So they have still stood strong and not in favor of it.

Then we actually had people within organizations who have suggested that we might ought to vote for this who have now said, "Wait a minute. We are still not there. We do not feel that way. We are the third and fourth generations farmers in Florida and we want our children to have that same feeling."

I have to tell you, I sat there listening to some of this and I remember the conversations that we had in the Government Operations Committee with some of the farmers in Mexico who talked about it being their soul, about being their morals, about what their families were about, and I was listening to that same American farmer saying exactly the same thing today, not the big guys, not the ones who got a few concessions, but the ones who work every day, who understand what it is.

So I just hope that people will really look at what these letters of agreement are. What did they really get? Were they really that important? Why at the very last minute, why were these things not put on the table earlier if these industries are so important to this country? I dare say that they are.

I got a letter from a well-known citrus grower, somebody I have known for years. I just want to quote what he said, and I think this sums it up for me:

If we could just be treated as well by our government as the French wine growers were by theirs when Spain became a part of the Common Market, we could be supportive. We haven't been. It isn't fair. Let's see if we can't make a better deal.

That thread runs through every letter. "Let's make a better deal."

Every one of us who have been on this side fighting have suggested that we are not giving up this fight. If this fails tomorrow, we are right back here standing in the same place, standing here fighting to make a better deal for our folks here in America.

Mr. BONIOR. Well, Madam Speaker, I thank my colleague. She should know, I am sure she does and I am sure her friends in agriculture know that these things do not happen overnight. We have only been at this for a couple years. The Europeans took 40 years to get where they are. It was slow. It was deliberate. It was thoughtful and they got to the point where they put something together.

We cannot do this overnight. Small agriculture, small farmers on both sides of the border will be terribly affected by this.

It has been guesstimated that we could lose 3 to 6 million small farmers in Mexico itself by this agreement, and that would cause great devastation to the communities in Mexico.

Madam Speaker, let me just conclude in 10 seconds and say thank you to my colleagues for joining me this evening. We look forward to the debate tomorrow.

ON LOYALTY

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Madam Speaker, I want to begin by congratulating the gen-

tleman from Michigan, our Majority Whip, for the magnificent leadership he has shown on this issue. We all have pressure on us in various ways, but as a Member of the leadership, I am sure the pressure upon him has been great indeed, but he has offered tremendous leadership and we certainly appreciate that and congratulate him for it.

I will vote against NAFTA, but I am not disloyal to the Democratic President we have now. I am not disloyal to the party. I am loyal to the party, I am loyal to the President, I am loyal to the Nation, because I think to vote for NAFTA would be to do the wrong thing, to lead the Nation in the wrong direction, to take steps to further strangle our economy. Our economy has already suffered a great deal from the free trade swindle.

We have a lot of experience to show what the so-called free trade does to the American economy.

I am loyal, and I think all those who vote against NAFTA are still loyal to the party, loyal to the President. We like to see him not make the mistake that he is making.

Now is the time to come to the aid of the American economy. To be loyal to the American economy is the most important step we must take.

We have watched what free trade has done to our economy in the last 12 years. NAFTA is just another step in the Reagan-Bush trickle-down economics, another aspect of it. The fact it is on the Fast Track is another example of the tactics they use to force upon the American people policies which are really harmful to the great majority of our people.

NAFTA is the next step in the process of strangling the economy. Free trade has done that to our economy already.

We have experience. You do not have to be a genius to know what has happened to our industries, not just heavy industry, not just the steel mills of Pittsburgh and the Midwest, not just the automobile industry, but a huge number of smaller industries have also gone overseas under the so-called Free-Trade Swindle.

Free trade as it has been practiced has meant that other nations could sell their products in our market, while they take all kinds of steps to block our products from entering their markets, and because other nations could sell their products in our markets, the manufacturers of products in our market, in our Nation, have picked up their plants, gone to the nations with the cheapest wage structures, employed slave labor, manufactured products at very low cost and then brought those products back into our market, which has a much higher standard of living, sold the products at levels commensurate with our standard of living, and made tremendous profits.

It is not that the Taiwanese or the people in Hong Kong or even in Japan

had such great ingenuity and forged industries by themselves which allowed them to come into our market and sell products to our market, thus destroying the manufacturing of goods and products in our market, it is not that they had such genius, it is that they also had the capital of the investors from our Nation.

General Electric may not be manufacturing television sets, VCR's and so forth in our Nation and other of the big electronic product producers may not be producing products here at home, but their capital, the money they made off of us for years was picked up, taken and invested in Taiwan, invested in Hong Kong, and they have plants there where they make products with American capital using slave labor wages and they bring it back into this market to sell it. This has been happening for the last 20 years, accelerated in the last 12 years.

At the same time, these products are brought back and sold easily in our market. Those who stayed here to manufacture goods in America found that when they tried to go sell the products in other nations, they had all kinds of barriers erected. Other nations were not as gullible, other nations were not willing to sell out their people. Their leaders maintained the kind of structures which made it very difficult for our products to be sold in many cases.

Even until now, this very moment, those barriers are still there in many of the nations which find it easy to come into our market and sell their products. Japan is the most highly visible example. Japan still maintains tremendous barriers against products which are made in America, starting with our magnificent agricultural industry. We produce like no other nation in the world. Because of the land grant colleges and our early application of science to the process of farming, there is no nation in the world which even comes close to the United States in the production of foodstuffs.

□ 2220

As my colleagues know, we have tremendous success in the production of foodstuffs. We have the cheapest food in the world for our own people, and we have a tremendous amount of surplus foods. They will not buy our rice. We cannot sell rice in Japan. We cannot sell oranges in Japan. We cannot sell apples in Japan. We cannot sell beef in Japan.

And then, if we leave foodstuffs and go to manufactured products, we were the original mass producers of automobiles. We know how to make automobiles. But we cannot sell American automobiles in Korea, we cannot sell American automobiles in Japan, unless we go through a tremendous gauntlet of barriers and requirements which greatly raise the price of our automobiles.

I was in South Korea for a week last summer in the city of Seoul which has about 12 million people. There are tremendous traffic jams, cars everywhere, but one can ride for an hour and not see an American car. One can ride for an hour and would not even see a Japanese car. One will see the cars that are made in Korea. My colleagues, 99 percent of the cars sold there are their own because they have barriers, they make it very difficult. An American car which costs \$20,000 here would cost \$40,000 in Korea. My colleagues, they have erected these barriers, and yet they come and sell their cars here, they sell their electronic products here, all kinds of products here, and on and on it goes.

So, Madam Speaker, free trade has been a great swindle, and it is said, "How did Americans ever begin to act so irresponsibly and gullible?" They are not gullible. The leaders on the top, the people who are in charge of our industry, the great investors, they are making a mint. As my colleagues know, they are getting richer all the time, and the people in Government who make it easy for them to get rich are the ones that are selling us out, whether they know it or not, and by now they should know it.

I am no great fan of Ross Perot, but there is one truth that we must all take a close look at, and that is who are the Washington lawyers who work for the foreign corporations, and where are they placed in our Government, what parties do they come from, what are their connections. We have allowed for too long a cabal of Washington lawyers, people inside the Government together, to make it easier for foreign firms and foreign entrepreneurs to exploit our market while we have not exercised the right kind of vigilance, have not been confrontational enough, have not given the things necessary to make sure our products also have the opportunities of the other markets.

The free-trade swindle has been there for too long. The free-trade swindle continues and accelerates in NAFTA. NAFTA brings it closer to home. I say, you don't have to travel all the way to Hong Kong or Taiwan. The transportation costs now will be cut down. It will be the slave labor which will be just across the border in Mexico. They will pick up the plants, the investment, and they will go there, and they can easily transport it across without having to pay the extra transportation costs, but still profiting from the very low wages. So, they will make even more profits as a result of selling products in a market area where the standard of living is high that they have produced in an area with very low wages where the standard of living is low.

How long are we going to take this? We have to draw the line somewhere. Tomorrow, when we consider NAFTA, it is a time to draw the line and stop

the strangulation of the American economy, stop the flight of our jobs, stop the lowering of our standard of living, stop the rich from getting richer at the expense of the great masses of the American people.

I yield to the gentleman from California if he would like to make a comment.

Mr. TUCKER. Madam Speaker, I thank the distinguished gentleman from New York [Mr. OWENS] for yielding. He had some interesting comments there, and I am sure the American people appreciate them, particularly on the eve of this NAFTA vote, as it relates to trying to get out some information that can put into some perspective the background and the history of trade in this country and this notion that, if you are against this NAFTA, or this North American Free-Trade Agreement, then by some bad deductive reasoning you have to be against free trade or a non-free trader.

Some of the gentleman's comments made me think of some of the ramifications, consequences, of our prior trade agreements, and the gentleman was mentioning the situation with Japan, and he was talking about not withstanding the barriers, but nontariff barriers, such as the quotas in agribusiness, for example. In truth and in fact, Madam Speaker, I think the gentleman made some good points because our trade agreement with Japan shows a \$50 billion deficit on our side. They have a \$50 billion surplus. So, obviously that is one of the vestiges, one of the evidences, of bad trade negotiations.

Mr. OWENS. I just want to make it clear to my constituents who might be listening that a \$50 billion deficit means that the Japanese are selling us \$50 billion more in products than we are selling to them. We are importing from them \$50 billion more in product than we are exporting to them. I just want to make sure everybody understands these terms, deficit, and they understand what the swindle is.

Mr. TUCKER. I appreciate the gentleman's amplification of that, the deficit as opposed to the surplus.

My question to the gentleman from New York has to do, once again, with that whole context of foreign trade.

Now earlier on the floor, Madam Speaker, I addressed the issue that many of the proponents of NAFTA have tried to marshal, and that is that, if we do not take this NAFTA tomorrow, if we do not embrace it, and take it to our bosom and adopt it, then in fact Japan, which we are talking about right now, will be waiting in the wings.

We heard in the big debate, which is now history, the debate of AL GORE and Mr. Ross Perot, AL GORE intimated, if we do not take this deal, we have got Salinas waiting to meet with the foreign trade representatives from Japan in the next week. Of course we have got the President going to Seattle to meet

with APEC, the Asian-Pacific Economic Countries, in a few days. The question now is: "Do you find any validity in that argument that, if we do not take this NAFTA, that Japan will take the deal? It will be doomed for the American economy? And that in essence Japan will come and export goods into Mexico and use that as a platform, or foundation, to then send goods into the United States and decimate our economy?"

Mr. OWENS. There is a very simple answer to that argument, and it is used to confuse the issue.

The prize in free trade or trade is the American market. Our consumer market is the prize. Everybody wants to get to our consumers, the people that have the money to buy the goods. That is what the prize is.

The Japanese are not interested in the Mexican economy because the Mexican consumers do not have the money to buy Japanese products. The Japanese are interested in getting to the American economy even more than they are already. The Japanese, the Germans, all of the industrialized nations, will move plants and invest in Mexico also for the same reasons that our plants go to Mexico. They will go in search of the cheap labor. They will benefit from the cheap labor. But they want to be close to the market where they can sell the products, so Japanese companies will be selling more products via Mexico into our economy or market as well as Germans and other industrialized nations.

So, Mexico is a prize for them only because it is close to the United States and only because the NAFTA lowers the barriers. There will be no tariff to stop products made in Mexico from coming across the border into the United States. So, they will be there to take full advantage of that. They will crowd out many of our industries. There is going to be a babble among the giants. The giant corporations of the world will all zero-in on Mexico as a place to get access to the American market. If we do not conclude an agreement with NAFTA, the Japanese are not interested. They can go to Mexico now, Germans can go to Mexico, all can go to Mexico. They will not be interested in accelerating the investment in Mexico if we do not pass NAFTA. If we pass NAFTA, they will greatly accelerate their investment and their movement into Mexico.

Mr. TUCKER. And the Japanese would not be interested in lowering their tariffs and zeroing-out their tariffs as we are saying we are going to do in the NAFTA agreement. Would the gentleman not agree with that as to Mexico is what I am saying.

Mr. OWENS. I do not know whether they would zero-out their tariffs if they had nothing to gain because they do not have the proximity.

□ 2230

They want our market. They do not want the Mexican market. Zeroing the tariffs would not get them the market, because the Mexican consumers do not have the capacity to purchase their products.

Mr. TUCKER. That is my point. It goes right to what you are saying, about the capacity of the Mexican consumer to be able to take advantage or exploit a Japanese market. They do not have that buying power. Not only that, but the Japanese market, as you have indicated earlier, is traditionally a protectionist market. Not only with tariffs, but also with quotas. That is why they have a trade surplus on almost everybody in the whole world.

Mr. OWENS. The Japanese do not let Americans into their market. They will not let the Mexicans into their market.

Mr. KLINK. If the gentleman would yield just one moment, my understanding of the maquiladora system, which has been in place for many, many years, is that under the current situation in trade between the United States and Mexico, that the parts that are sent down to the maquiladoras for final assembly for sale, many of those parts which are shipped, assembled and then shipped back to the United States, those parts are made now in the United States. But that under the NAFTA, in fact, Japan and other countries would be able to send their parts to Mexico for assembly, and therefore gain access to this United States market. Is that the gentleman's understanding?

Mr. OWENS. There is nothing to prevent them from setting up plants in Mexico and producing enough of the product there to meet the requirements. The rest of it would be parts that come from Japan to Mexico, and then end up in products that are brought into this market to sell.

Mr. KLINK. My understanding then is really there are some things within this NAFTA agreement which would weaken it. The proponents of NAFTA like to make the comment right now, what can stop these things from occurring now? But there are in fact elements of this NAFTA agreement in which we weaken the U.S. position. The lack of reciprocity, where our tariffs from exporting from the United States to Mexico are lowered over a 10-year period in flat glass, home appliances, and such products is an example. But whereas the same items coming from Mexico to the United States, they have an instantaneous dissolution of the tariffs, so that companies in fact are given an impetus to transfer their labor to Mexico beyond that of just lower labor costs.

Mr. OWENS. I think there will be a rapid flight from the United States of major companies into Mexico. It will happen very rapidly, a tremendous dis-

location in our economy over a very short period of time, added to the dislocation already taken place as we convert from defense industries to civilian industries, which we must do.

There are a number of things that are going to happen which will create an economic disaster in the next few years if NAFTA passes. We are on the verge of a major economic disaster if NAFTA passes.

Mr. COPPERSMITH. If the gentleman would yield for a moment, I think maybe we could get an interchange going. I think that the Speaker would appreciate that, because then maybe all of us could finish a little earlier.

But my colleague from Pennsylvania just gave the flat-glass example about the relative time it takes for the United States to zero-out its flat-glass tariff versus the number of years it takes Mexico to reduce the flat-glass tariff to zero. But part of that is because currently the Mexican tariff on flat glass is 20 percent, whereas the U.S. tariff on flat glass is 0.3 percent. The Mexican tariff is 66 times higher. Therefore, it might take more time for the Mexicans. But they have far more heavy lifting to do and give up far more of their tariff barrier than does the United States.

Mr. KLINK. If the gentleman will yield, I will tell you that industry projections are that Vitro S.A., which is one of the foremost international manufacturers of glass, which is deeply associated with the Salinas government, currently does less than 1 percent of the business of flat glass in the United States. But under this lack of reciprocity in the tariffs, they will, by the end of a 2-year period, take over 13 percent of the U.S. flat-glass market. This is particularly of interest to me, since I am from the Pittsburgh area and PPG Industries is very important to us.

This will cause, the gentleman from Arizona will be interested in knowing, the loss of 6,000 jobs in the flat-glass industry. This is not according to Congressman RON KLINK from Pennsylvania, but according to industry spokespeople from across the United States. Because Vitro, S.A., you will be interested in knowing, knows about this, and in fact have bought warehousing in Laredo, TX. They currently have also made investments in other glass production facilities in the United States. They are prepared for this.

The American workers need to understand that in flat glass, in home appliances, a 10,000-job loss is projected. This is not from those of us that are involved.

Mr. COPPERSMITH. If the gentleman will yield, I do not understand exactly how what the gentleman complains of is really necessarily the fault of the NAFTA. Because currently, whatever the Mexican manufacturer is,

they can export their flat glass to the United States and pay only a 0.3-percent tariff. The tariff is extremely low. I am not sure that our lowering the tariffs represents the barrier for the Mexicans coming into the United States market.

Mr. KLINK. If the gentleman will yield, why is Mexico so interested in having this agreement? If they are not gaining anything, if there is nothing for them to gain, then why are they putting \$30 million into lobbying in the United States of America to see that this NAFTA agreement is passed, far beyond what any other country has ever spent in lobbying to see that any kind of agreement is reached?

Mr. OWENS. I think the gentleman is saying they have it both ways. They already have a favorable situation in terms of the tariff differences, as well as you are saying they would even have greater advantages. What the discussion shows is that this is a very complicated treaty that we are dealing with, with many, many facets that have not been thoroughly discussed. If we had an opportunity to discuss this treaty in the same manner that we are dealing with the proposals for a national health program, then all of us would feel much better about going to a vote tomorrow, and probably the process would shape a document which we could all vote for.

We are not against trade with Mexico. We are not against expanding our trade horizons. We are not afraid of the future. What we are afraid of and against is this fast-track approach. What does it conceal? What is in this document? Why are we moving so fast? What is the great haste?

The President who is in the White House now chose to adopt an initiative that was launched by the previous President. The previous President was hostile toward labor and hostile toward workers in numerous ways. This treaty is hostile toward workers also.

The provisions which deal with worker adjustment are on less than a page, cover less than a page, in a treaty which goes on and on and on about other kinds of things. So there are many, many facets of it which have not been fully discussed, in which there are inadequacies which have not been addressed because of the fact it is on this fast track. And that is the greatest problem that we have with having to go to a vote tomorrow on such a far reaching document which will shape the American economy for years to come.

Mr. TUCKER. If the gentleman will yield, it reminds me in talking with many constituents in my district back over the weekend in a town hall meeting, it kind of reminds me of a metaphor, an example, of an owner and a prize fighter. The American people are like the prize fighter, and the owner is this administration and the great Unit-

ed States of America. And you get up to the big prize fight, and there comes a time when the owner looks and wonders if his fighter can take this guy or not. And all of a sudden he decides to bet on the other person, so that he hedges his bet both ways.

The multinational corporations in this country are in essence saying that yes, exports will go up from the United States to Mexico, but they will be producing them by capital goods factories down in Mexico. They will take advantage of their cheap labor and then export goods back to the United States of America. That is what Mexico is banking on. As you say, it takes two to make an agreement. Mexico is not just entering this agreement for nothing. It is looking for that foreign investment to come in, and then it is looking for those exports to go to the biggest market in the North American sector, and that is the U.S. market. Eighty-five percent of the market is the U.S. market.

So they will, in essence, shave away on the trade surplus, that \$6-billion trade surplus we have with them right now, one of the few countries we have a trade surplus with. But the multinational corporations once again will end up on top, because even though workers, American workers, may be displaced, this agreement will be good for the industrial elite.

□ 2240

Well, as to those who say, "Well, you-all are naysayers and you don't believe this agreement is going to make money, it is not going to do anything good," yes, it is going to make some money, but for the few, for the rich and the elite. But the average American worker is going to be left out in the dark, just like that prize fighter sitting on a corner with a tin cup and some pencils and wondering what went wrong and his owner sold him out just to take a dive.

Mr. OWENS. I would like to address that issue, the basic issue of the people who are the consumers, who must have the goods for their daily lives.

We have to purchase certain kinds of goods. We need them. The consumers ought to have some kind of right to participate in the production of those goods. What we have here is a major step toward a new world economic order where the people who are the consumers will not be able to participate in the production. Of course, eventually they will become less and less consumers. But there ought to be some kind of a right established, a human right established not to have to sit and watch your economy raped of its means of production. And when it is raped of the means of production, then your means of earning an income is also taken away. There has to be some kind of balance.

Previous speakers were talking about the fact that in the European Common

Market, how many years they took to work out these various arrangements between the countries, 40 years overall and 15 years before they began to let in the low-wage countries. It was a 15-year process letting in low-wage countries. Why? Because they were protecting the production industries and the right of their citizens within their countries to participate in the production process.

Are we going to move into a New World order where a dozen or more multinational corporations will control the plants and factories all over the world? They will move them around for the cheapest labor. They will manufacture at low cost and then, because you have no choice, you have to buy the product at whatever price they charge in the markets where the consumers are.

There is a basic principle at work here and a basic step being taken in the wrong direction.

I yield to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Madam Speaker, I thank the gentleman for yielding. I assure him that if we do not finish during his hour, I will be extremely generous with the time I have following so that you will have the opportunity to finish your presentation.

I want to go back to the exchange I had with the gentleman from Pennsylvania. I fail to understand how the United States eliminating a 0.3 percent tariff on flat glass will be what unleashes this flood of imports into the United States and causes all the job loss.

I think flat glass is a good example of an industry where Mexico has a significantly higher tariff than in the United States. It is 66 times our tariff.

Mexico will reduce its tariff considerably more. In response to that, I heard a response about foreign lobbying, which I think befits more Ross Perot than RON KLINK, but if that is the nature of the argument, that will be the nature of the argument.

But if I could keep it on flat glass right now, I think the gentleman from New York discussed how the American market is a powerful one. It is a very attractive one to people from all over the world. It is actually one of our great advantages.

However, that market exists regardless of NAFTA. What we have right now is a situation where the flat glass tariff is extremely low on Mexican products entering the United States. It is the Mexican tariff on flat glass that is higher. And how does NAFTA, in this context, in this industry, how is changing our tariff from 0.3 percent to 0.0 responsible for the consequences described by the gentleman from Pennsylvania?

Mr. KLINK. Madam Speaker, the gentleman's figures are different than my figures are. My figures are that the

Mexican tariff is closer to 4 percent on flat glass and, in fact, they are going to drop from 4 percent to 0. And while it is going to take, as the gentleman said, 10 years, at 2 percent per year, for us to go from 20 percent down to 2 percent, again, it is industry figures.

I have had probably half a dozen meetings with people from Pittsburgh Plate Glass in Pittsburgh. They have already shut down facilities in Ford City, PA, South Greensburg, PA, and currently there is a labor dispute which has not been resolved in Creighton, which while not in my district is adjacent to my district. And this is something that is very, very bothersome.

Particularly to the gentleman, I will tell you that I am distraught by the fervor of this argument, because I know the gentleman's background, coming from the Pennsylvania district originally, and know of your family's interest with the labor unions. I will tell you that there is an extreme concern that when we do not have reciprocity, it is bad enough that the Mexican workers make one-ninth what the American workers make. That is enough of a handcuff to have behind our backs, as we compete internationally. But then to have a complete lack of reciprocity, for the sake of heaven, if there is any fairness in a fair-trade agreement, let it be a fair-trade agreement. Let us not have an agreement where American workers not only have to compete with those who are making one-ninth what they are making, but if we are going to lower the tariffs, let us lower the tariffs to zero for everyone across-the-board.

Let us not say, just because Mexico has been cheating and has had these unbelievably high tariffs for all these years, that we allow them to continue for the next decade.

A free-trade agreement should indeed be a free-trade agreement. It should be a free-trade agreement with a nation that allows its workers to freely be able to access their own level of earnings based on their productivity. It should not be a situation where those workers who have had their productivity increased steadily from the late 1970's and early 1980's have, in fact, seen their actual purchasing power in Mexican pesos go down by 30 percent.

It is a very dangerous situation. I would say to the gentleman, this is not acceptable.

Mr. COPPERSMITH. I thank the gentleman, but I would go back to the point that what we are talking about is reducing a U.S. tariff from 0.3 percent to 0 over a fairly short period of time. My understanding is the Mexican tariff is 20 percent. It takes longer to reduce. That difference, I think, has been pointed at by opponents of the agreement, because Mexico takes so much, takes longer to get to 0 than ours do, but that is because ours are so low already.

Some of these tariffs are so small that they essentially present no barrier to trade. That is the system of one-way free trade, where we let these products into our market even though we do not have access to their markets.

However, some of our protected products, sugar, glassware, and apparel, have far longer periods of time where we are worried about, where there is evidence for dislocations and where the Mexicans perhaps have a clear advantage. And some of those have 10-to-15-year phase-in periods.

I would say to the gentleman, if you are using flat glass as an example, I think that is not the best example to use. I understand the concerns of your district. Actually, we were both born, we grew up within about 25 miles, although it is in western Pennsylvania, where 25 miles from one place to another takes you 50 miles to drive.

Mr. KLINK. Correct.

Mr. COPPERSMITH. Flat glass is not the best example, because the U.S. tariff is so low already. I understand a lot of the concerns, but I think if you parse some of these agreements and parse some of these arguments and you look at what the tariff and the complaint here is, I do not think it stacks up.

That concludes the argument on flat glass, and I thank the gentleman from New York for his generosity with the time. I will certainly return the favor, if the need arises.

Mr. TUCKER. As to flat glass, I am not trying to speak for the gentleman from Pennsylvania, but I think his point is to the wage disparity. Ten to fifteen percent of that of the American wage earner, even in the flat glass industry, with a 0.3 percent tariff, that would be lowered. In other words, a negligible difference or reduction, that the wage disparity or the wage differential in Mexico will be the cause for this great influx of imports from Mexico or exports from Mexico, if you will, to the extent that that goes to the very heart of what is wrong with this agreement. And even though the tariffs on the American side are an average of 3.5 percent and on the Mexican side they are an average of 10 percent, this agreement does not speak to just the trade numbers there. It speaks to the fact that we are going to be investing money into Mexico, and these multinational corporations will be exporting back these products based on cheap labor in Mexico.

That is what is going to be the cause for this great influx of products coming back into this country. That is what is going to be the cause of the change in the balance of trade as we presently have.

Mr. OWENS. Madam Speaker, reclaiming my time, I just want to move rapidly through my arguments. I am dealing with basic principles, and I will conclude fairly rapidly. And the gen-

tleman, who has additional time, can then assume the floor.

□ 2250

Madam Speaker, I want to deal with the basic principles at work here. One point that I am trying to make is if we need a trade agreement with Mexico, and I think that is in order, why are we rushing so rapidly into such an agreement? Why do we not take the kind of time that we are taking with the President's health care plan?

We are going to be debating that for a long time. The concept really started at the beginning of this administration, and step by step, we have gone through a process where we will not be passing a bill until probably next summer. It is that big and that important. However, it is not any more important, with implications any greater, than this NAFTA, free-trade agreement. We should be moving much slower.

The whole concept of fast-track was a concept developed by a Republican President to rush it past the people, because he well knew that what is contained in that agreement would meet a great deal of displeasure if the American people fully understood it. It has been our job to try to make them understand it. We have worked very hard to do that.

Unfortunately, Madam Speaker, some things are very clear. We do not have to discuss that much. The consideration given to workers and the dislocation in the economy that will throw people out of jobs is one of the most scandalous portions of the agreement.

Very little is available. They talk about spending \$138 million over the next 5 years in a worker adjustment assistance program, where workers who are thrown out of work by any kind of trade arrangement which affects their plans and their places of employment have to go through a process of being certified by the Governor of the State, and then they apply to a program. It is a cumbersome process and very, very inadequate.

If, knowing that this is a huge change, a great movement within our economy, if there was any real consideration or concern for the workers, then there would have been an accompanying piece of legislation which dealt with the creation of new jobs, which dealt with a training program for workers. Very little attention has been paid because the assumption is that the masters of industry, the people who own the multinational corporations, have a right to manipulate the economy as they see fit. They are shaping the future of the American economy, and if we do not rebel, if we do not do something and do it right away, the great majority of our citizens stand to become urban peasants or suburban serfs, people who really have no control over their lives. They will

be at the beck and call of the corporate employers, being forced to work at wages that they set, regardless of the value of the labor that you give.

This does not just apply to workers in assembly line plants or entry-level workers. It applies across the board. People in the computer industry, the computer programmers, already we have seen how, from one nation to another, India, for instance, large numbers of computer programmers have been brought in at very low wages and undercut the wages of American computer programmers.

Those Indian workers speak the same language, they have the same competence, but they came out of a different economic system, and they worked at much lower wages, and they live a different standard of living.

However, when they are transported here or when our products are taken there and they do the computer programming there, it undercuts the salaries, undercuts the wages of our computer programmers here. The same thing will be true of technicians and scientists.

The whole question of can corporations have their way, manipulate the human factor, the wages earned by human beings, in ways which please them and have no kind of—the workers, the people have no redress; are the lives of the people of the world going to be controlled by corporations? If they want to survive, they will have to knuckle under to this pattern.

These are issues which I think have to be addressed. I would like to also comment on the fact that in the process of passing this monstrous piece of legislation, and as we know, it is a monster. It is a jerry-built piece of legislation. It is put together rapidly in order to be rushed past the American people, highly undesirable. In the push to pass it, there is a kind of solidarity within the establishment, among the power structure. All of the levers that they are able to push, they have pushed them.

As one speaker pointed out earlier, there are almost no newspapers on the editorial pages who are writing and editorializing against NAFTA. They are all pro-NAFTA, the whole establishment. All of the big industries are pro-NAFTA. Everybody is in line who has any power and any influence, pro-NAFTA.

The New York Times editorial page, which was quoted here before, has a very good article written by one writer about the fact that jobs are important and we have no right to neglect jobs and the loss of jobs in the rush to approve NAFTA. However, the New York Times itself has consistently editorialized in favor of NAFTA. They went so far today as to take a very cheap shot at all the Democratic legislators who are against NAFTA in the New York region. They went so far as to list on

their editorial page the contributions that the Congressmen who are against NAFTA have received from labor unions.

I think it is a very cheap shot when you consider that if we are going to talk about labor, political action committees, we must also look at the fact that the laborers live in the districts of the Congresspersons, and unlike contributions that come from corporations, they are contributions from the people who are constituents of that Congressman.

In my congressional district, for instance, I once added up all the union memberships. There were about 105,000 members of unions in my district. If 105,000 people singly gave me \$1 per year, it would be far more than I needed to run any set of campaigns, but they happened to make contributions through their unions, and the listing in the pages of the New York Times, when we divide the amount of money they listed by the 11 years that I have been in Congress, it comes out \$35,000 a year in contributions.

If I had gone to each member who belongs to a union and asked for \$1, I would have gotten far more than that. The only way we can reach those people, however, is through the contributions they give to their unions.

In representing their interests, I oppose NAFTA. They happen to be union members, and the unions happen to be trying to protect their jobs. It all comes together. I make no apologies for supporting a position which is against NAFTA, and which happens to be the position of most of the labor unions.

I want to give the gentleman from California [Mr. TUCKER] additional time, if he would like to take it, and I will conclude. If this gentleman also would like to participate, and then I will conclude my portion of this special order.

I yield to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Madam Speaker, I again thank the gentleman from New York, not only for yielding to me, but for his very lucid comments. Certainly, I must say, in conjunction with those comments about the listings by certain papers of labor contributions, that if they were to comparatively list the PAC contributions from corporate America, they would find some balance.

Mr. OWENS. They did not bother to list the one Democratic Member who is supporting NAFTA in the New York region. They did not bother to list her business contributions at all. That is why I say it was a cheap shot.

Mr. TUCKER. We would find some parity there, or for that matter, in more cases than not we would find that the business or corporate PAC contributions far outweigh the labor contributions for most Members.

However, getting back again to something that the gentleman was touching on in terms of the real impact of this agreement, the impact on the average American worker, the 75 industries that consist of 5.6 million American workers that are at risk by this NAFTA agreement, I think the gentleman has hit the nail on the head with the hammer, because these are the people who are going to be threatened, not only in terms of the projections that many studies show, that 500,000 jobs will be lost by this agreement, but the other very important issue of wage depression.

In other words, one of the single most important things that is wrong with this NAFTA agreement is that there is no guarantee for wages to be escalated in Mexico.

□ 2300

The whole notion of this NAFTA agreement is that American jobs will go up, the economy will go up because exports to Mexico will go up. It is just what the gentleman said earlier. That is all presupposed on the presumption that Mexican workers can afford to buy our goods. And when you look at their buying power right now of \$450, that is suspect at best.

But the point is let us assume for the moment that this agreement goes through. Not only will there be job dislocation, but there will be wage competition, meaning that because there is a 8 to 1 disparity in the wages, you will all of a sudden, because there is no mechanism in this NAFTA agreement to enforce the minimum wage in Mexico to go up to the average manufacturing wage, which is \$2.35, to go up, then when the unions and the organized labor in this country go to the bargaining table and say because of inflation, because of cost of living, because of all of these things we want our wages to go up, our wages to be commensurate with the high level of skill, the work that we are performing, if you look at the chart you will see that over the years in the last 10 or 12 years that is exactly what has happened in the United States and Canada. Wages have consistently gone up, except with our other trading partner in this agreement, Mexico. Wages have been consistently and unofficially kept low and kept down, and that is done because we are not talking about a democracy in Mexico. We are talking about a dictatorship. Let us call it what it is, a dictatorship that has had the same political party since 1920. This dictatorship would not allow in this agreement for any kind of enforcement for wages to go up in Mexico. So it totally undermines this argument about Mexican workers who are going to be able to raise their standard of living and their standard of income. At best, the highest per capita income in a year of the Mexican citizen or workers could be

\$2,500 compared with \$30,000 of annual income with the average American citizen.

So what I am saying here is that the gentleman from New York is exactly right. This NAFTA is not only a job killer, but it is a wage depressor, and it is a union buster in the sense that it is going to totally make impotent any organized labor in this country from being able to collectively bargain.

Some people will say well, what is that; you are just pro-union and all you care about is unions. No, I care about fairness. I care about the fact that people in this country should be able to negotiate for fair prices, for fair work. It is just that simple.

In conclusion I would say to the gentleman that he talked about the European Common Market and about how it took them 40 years to make a deal work because of countries like Spain, and Portugal, and Greece, and the wage disparity that they had with the other countries that were already in that economic community. Not only did it take that long to transition into this European Common Market, but \$120 billion had to be paid over 10 years, and \$25 billion in just this last year for those countries like Portugal, Greece, and Spain that had low wages or the high-wage disparity.

So what that means is that no matter what is said here, no one on either side of this issue can deny the fact that there is a wage disparity, that the minimum wage in Mexico is 58 cents an hour, and that the average manufacturing wage is \$2.35 an hour, and that the American people are going to have to pay for that. The low estimates are that we are going to have to pay \$20 billion, and the high estimate is it will be \$50 billion.

So what we are paying for is we are going to pay out of our pocket for somebody to take our jobs from the U.S. and to take them down to Mexico, and then they are going to send us the bill. And that is the most disgusting and shameful thing about this NAFTA agreement, and that is why I am saying that tomorrow this vote is a vote about the conscience of every legislator who is going to put the card in that machine and vote on this, because it will determine whether or not they care about the American citizen.

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

Mr. TUCKER. I thank the gentleman from New York for the time.

Mr. OWENS. And I thank him for his informative statement.

I yield to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Madam Speaker, I will tell the gentleman from New York that I have appreciated his leadership on the Education and Labor Committee. I appreciate his leadership on this issue of NAFTA, and I thank him for his time, and also for his straightforward

commentary and no-nonsense way of approaching this debate.

I just have to say I want to jump over to one of my other committee assignments for a second. One of the things that we have found out on the Committee on Banking, Finance and Urban Affairs, of which I am also a member, is that there are a lot of things about this NAFTA agreement across the board which many of us have not been privy to. One of the things that I want to get into and mention, the gentleman mentioned the fact of the newspaper in New York listing where the labor contributions of those who are opposed to NAFTA have come from. I will tell the gentleman that like many of my other colleagues who oppose NAFTA, it does not matter where the donations for your campaign come from. When labor was spending \$250,000 against this Congressman from Pennsylvania in his primary, I was still opposed to NAFTA. It had nothing to do with labor. It had to do with the fact as to whether it was right or wrong.

So when labor was putting a quarter of a million dollars against me in the primary, I was still opposed to NAFTA, because it is a bad idea. It will not work, and all of our parents, all of our grandparents, everything they fought for in labor rights will be undermined by this agreement if it is passed in this House tomorrow and goes on to fruition.

I want to talk about the banking issues for just a moment. I will tell the gentleman we had hearings 2 weeks ago in the Banking Committee, and I thought I had heard everything about this NAFTA agreement. We heard testimony from a woman by the name of Lucia Duncan. She described several accounts of Mexican courts which had allowed seizure without cause of property that is owned by Americans in Mexico.

We also heard from IBM's political agent in Mexico, Mr. Kaveh Moussavi. That is the gentleman who went down to Mexico and his entire purpose was to try to make the skies of Mexico, those who fly over the airspace of Mexico safer because IBM was going to sell an air traffic control system to the country of Mexico. And he was asked by the Salinas government for a payoff of \$1 million in American dollars to a special fund set up by President Salinas. He said no; IBM said no. And when he went public with this, he was declared by the Salinas government to be public enemy No. 1 of Mexico simply because he filed a formal complaint, a fraud complaint with the Mexican government.

Mr. Moussavi then went on to contact a Mexican attorney to try to obtain some judicial redress in this nation, and the attorney told him, and this is a direct quote before the Banking, Finance and Urban Affairs Committee here in the U.S. Congress, the

attorney in Mexico said, "Your naivete is touching. This is not the United Kingdom nor is it the United States."

Mr. Moussavi decided to go public with his case. He decided to talk to us in the U.S. Congress, to tell us in light of the oncoming NAFTA agreement about the dealings that IBM had in Mexico. He was threatened over the telephone in Great Britain, where he happens to live, that if he were to testify before the United States Congress about corruption in the Mexican Government, when he returned to Britain he would have one less child.

I say to the gentleman from New York, it is appalling to me, but we have heard these stories in committee after committee where we are dealing with an outlaw government. How can you have free trade when you are not dealing with a free government, where since 1988 over 200 opposition political people have been assassinated in Mexico, where 28 journalists have been assassinated in Mexico?

Now these things that I tell you about were reported to the authorities in the U.K., and they have followed up on them. Mr. Moussavi is following through on these issues.

We heard from Alejandro Argueta, a developer from Tucson, AZ. And he is living proof of a large centralized banking system, only 18 banks in Mexico who defraud their clients and who steal their savings. Mr. Argueta testified before our committee about what he called gangster tactics that were used against him after he obtained \$2 million from a Mexican bank. He said after that he was held incommunicado for 2 days because of a dispute with a Mexican bank, the owners of whom, by the way, had very close ties financially and politically with President Salinas. After he had a dispute with the owners of this bank, who were friends of President Salinas, he was held incommunicado for 2 days and was imprisoned for 16 months. Following his imprisonment he was released only after he signed a promissory note which had changed the terms of his loan, and subsequently the Mexican Government has deprived him of \$20 million of his own funds.

Now these are three stories of many stories that we have been told. We have been told about the upcoming devaluation of the peso. When the peso, as estimated by at least three or four people who testified before our committee, when the peso is devalued 10 to 20 percent, you will see that trade surplus diminish instantly. Why are they not depreciating the peso now? Because they are waiting for the vote tomorrow.

Ladies and gentleman, it is upon the vote of this NAFTA agreement that the Mexican Government is waiting, and they will, believe me, they will devalue the peso, and you will see this trade surplus with Mexico, pardon the expression, it will go south.

I yield back my time to the gentleman from New York.

□ 2310

Mr. OWENS. Madam Speaker, I thank the gentleman very much for the additional insight and special information that he has brought to bear on this subject.

I would like to conclude by stating again that I hold this President and his new administration in the very highest regard. Very important and far-reaching initiatives have already been launched by this administration, and I applaud the accomplishments of the President to date, and I am confident that the American people will enjoy exceptional benefits and realize a bountiful harvest of meaningful legislation including the establishment of a national health care system which provides coverage for all Americans. There are many things about this administration that I support and look forward to continuing to work with the administration.

But NAFTA is not an initiative of this administration. It is not an original initiative of this administration. NAFTA is something adopted by this administration as a holdover from the previous administration. NAFTA is a George Bush creation. NAFTA is a jerry-built monster with dangerous inadequacies.

I think we must all resolve that we will participate in the shaping of a new world economic order. We are not afraid of the future. We are not afraid of expanding trade. We are not afraid of change. We are ready to go into the new world order.

But what we are afraid of is being manipulated. We refuse to be the victims of a new world order.

Every Member of Congress should resolve to provide the leadership beginning with their vote on NAFTA tomorrow to provide the leadership which will help the American people remain the masters of their own fate. We must not be the victims of the new world order. We must be the masters of the new world order, and being the masters of the new world economic order means that we must protect the jobs, the incomes, and the standard of living of our society.

We begin that process tomorrow by voting "no" on NAFTA.

NAFTA

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

Mr. COPPERSMITH. Madam Speaker, I thank you at some length, but before he leaves, I wish to thank the gentleman from New York who, while we are on opposite sides of this issue, respected the traditions of this House sufficiently to yield me some time during the course of that debate so I could enter into it. I appreciate it. He had reserved the time, and it was perfectly

acceptable for him to finish his arguments, and I appreciate very much him accommodating me during that time.

I now wish to thank you in advance, because the hour is late even though this is prime time for those of us in the mountain and Pacific time zones. I also beg your indulgence, because very rarely do I get to participate in history, but to the best of my understanding, this is absolutely, positively the last NAFTA special order, and you are there. Thank you, Madam Speaker,

I am joined tonight by two of my colleagues from the Pacific Northwest, the gentleman from Washington [Mr. INSLEE] and the gentleman from Oregon [Mr. KOPETSKI], and while I get an opportunity to collect my thoughts, and there are some specific points I wish to address in some of the presentations we heard earlier this evening, I would yield to my friend from Selah, the gentleman from Washington [Mr. INSLEE], as he is known throughout this NAFTA debate, the master of the metaphor, the Selah stretcher of simile.

Mr. INSLEE. I appreciate it, but I do not know if I can catch up with that monicker.

Madam Speaker and gentlemen, I think this debate has been illuminating, because what it has shown is the folks who want to kill this NAFTA, I believe, really are not understanding, if you will, or at least telling folks in America that we are not shielded by anything we are giving up right now. You know, the entire tenor we have learned of those who wish to kill this NAFTA is that somehow we are giving up this great shield which is protecting American jobs, protecting American men and women, protecting in my district, that somehow we have got a way that has prevented job loss, so we are going to give up.

The truth of that is that that is frankly just flat wrong. The truth of it is that we have got virtually nothing right now that we are going to give up as a result of NAFTA.

Let me tell you what we will get. You know, the average Mexican tax on the American worker is over 10 percent. If you looked on the C-SPAN screen, just before I drove down here tonight, I was with my family for a couple of hours before this special order, it says that the debate about NAFTA is a debate about an agreement that will reduce to zero taxes. If you look on the screen it says "Taxes," taxes imposed at the border by the Mexican Government and the American Government, and the fact of the matter is that the taxes imposed by the Mexican Government are over 10 percent which are an effective barrier to keep out our products, keep out our cars, keep out our flat glass, keep out our machinery, and that is a Berlin Wall that keeps out our products and keeps us from creating jobs in this country.

Now what will we give up to knock down that tax to zero? Because, as we know, NAFTA will knock down that Berlin Wall brick by brick, down to zero so we will have no walls to hop over to import or export our products to Mexico.

What are we going to give up? Are we going to give up some big wall that is protecting the American worker? You and I know we are not. We have a picket fence on flat glass, as the gentleman pointed out; 0.03 percent tariff, does that protect anyone in Ohio or Wisconsin or Washington or New York from anything? No. We have a 2-percent tariff on cars. Does that protect anybody in Detroit from losing their job to Mexico? No. We have got nothing.

A lot of people want to style this debate like somehow we have this asbestos suit that is protecting us from the flamethrower of international competition when, in fact, we are naked. We have virtually no protections right now, and we are giving up virtually nothing to get something from Mexico.

What we get from Mexico is destruction of their protectionist policies, destruction of that Berlin Wall, as you know, taking down their tariffs to zero.

I think anybody who has looked at this treaty should agree that if we knock down their Berlin Wall, and all we give up is reducing our picket fence with the gate wide open, we ought to take that arrangement, and that is what NAFTA does.

Now, I hope I have given you one story from Selah.

Mr. COPPERSMITH. Thank you very much. The gentleman points out that NAFTA, and many people forget this, requires much more from the Mexican Government in terms of reducing the tax they impose on United States goods at the border than it does from us, and even some of the horror stories that we have heard just do not make sense, if you look at what the current United States tariff is and what the current Mexican tariff is.

I think at this point I would like to yield to my colleague, the gentleman from Oregon [Mr. KOPETSKI], because there were a number of points, and I could only write down a couple, because we only have an hour, raised in some of the earlier debates about problems, about allegations about the agreement, but when you look at them, it is a lot like the flat-glass analogy, that somehow getting rid of this minuscule U.S. tariff is going to release all of these horrible consequences. It simply is not so.

One thing that came up earlier this evening is something about a tax break for Honda, and I think if I can yield to my colleague, the gentleman from Oregon, I think it is time we actually got the facts about this matter in the RECORD.

Mr. KOPETSKI. I thank the gentleman from Arizona for yielding on this issue.

I think it is important that we do clarify the allegations in terms of Honda, and so I am at this point in the record entering into the RECORD a letter from the chairman of the Subcommittee on Trade of the Committee on Ways and Means, the gentleman from Florida [Mr. GIBBONS].

But let me state also exactly what this letter has to say so that the RECORD is clear tomorrow before the Members vote:

COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON TRADE,
Washington, DC, November 16, 1993.

THE FACTS ABOUT HONDA AND RULES OF ORIGIN
UNDER NAFTA

DEAR COLLEAGUE: Unfortunately, there is inaccurate information circulating in the Congress about how NAFTA will affect automotive trade among the United States, Mexico, and Canada. One particular story has it that the NAFTA implementing bill contains a \$17 million duty refund to Honda in connection with Honda automobiles exported from Canada to the United States. I think that the debate on NAFTA should be based on the facts and I would therefore like to set the record straight on these two matters.

With respect to the alleged \$17 million duty refund to Honda, the facts are the following. In 1991, the U.S. Customs Service announced that Honda automobiles exported from Canada to the United States did not satisfy the 50 percent U.S./Canadian content requirement of the U.S.-Canada Free Trade Agreement (CFTA). Both Honda and the Canadian government disputed the Customs Service's interpretation and indicated they would contest in both in U.S. courts and in bilateral dispute settlement proceedings. The \$17 million in disputed duties has therefore never been collected.

Before this matter could be litigated, negotiations were undertaken in the NAFTA on rules for automotive trade that would supplant the rules of the CFTA. After lengthy discussions with U.S. automotive companies and interested Members of Congress, U.S. negotiators made it a major objective of the United States in NAFTA negotiations to increase the required North American content rules from the 50 percent of the CFTA to 62.5 percent under NAFTA and to eliminate ambiguities in the CFTA rules. The United States achieved this objective in the Agreement.

As part of the agreement, however, the United States also agreed to provide Honda (and any other Canadian exporters similarly situated) the opportunity to settle any disagreement with the United States Government over the proper duties to assess on Canadian car exports to the United States from 1989 through 1993, either under the previous 50 percent content rules of the CFTA or under the newly revised and less ambiguous rules of the NAFTA (although the 50 percent content level would still apply for these disputed exports). If NAFTA goes into effect, therefore, Honda will have the option to settle its dispute with the United States Government either on the basis of the NAFTA rules (under which many believe Honda would prevail) or under the new and less ambiguous NAFTA rules. If Honda's cars meet the content requirement under the NAFTA formula for determining content they will not be subject to duty; if they fail to meet the content requirement duty is owed. There is no requirement in NAFTA to give duty-free treatment to Honda cars if they fail to meet the NAFTA content requirement.

In summary, NAFTA gives the U.S. a substantially higher auto content level and other changes beneficial to the U.S. auto parts industry in exchange for clarifying the CFTA rules for determining content and applying them to Honda's auto exports from Canada. Whether Honda meets those requirements remains to be determined.

Sincerely,

SAM M. GIBBONS,
Chairman.

□ 2320

I hope that that puts this matter to rest once and for all.

I thank the gentleman for yielding.

Mr. COPPERSMITH. I thank the gentleman.

So it appears there is no special tax break for Honda, this was a tariff issue that has been in dispute between the countries.

Mr. KOPETSKI. Absolutely.

Mr. COPPERSMITH. The rules that will apply under NAFTA in many ways require a higher domestic content than the U.S. Canadian Free-Trade Agreement that is in effect.

Mr. KOPETSKI. That is correct.

Mr. COPPERSMITH. And the idea that there was somehow a retroactive tax break for Honda just does not stand up.

Mr. KOPETSKI. The gentleman is absolutely correct. That is absolutely true. There is no tax break for Honda in this legislation. There is a matter in dispute. It will be resolved, as these kind of trade agreements allow for the first time. The gentleman is correct that the standard for the content rule is increased under NAFTA. I think that if we look at why this is a good agreement, we come right to the heart of the matter of why Japan opposes the NAFTA agreement. It is because they do not like content rules for their cars whose components could be manufactured in Japan, shipped to Mexico, shipped to Canada, assembled there and then receive beneficial treatment going into the United States consumer market.

NAFTA says in order to qualify for the reduced or eliminated tariffs, that product must be created or have in its content at least 62½ percent of it created, manufactured in the North American continent. And that is why the Japanese oppose the NAFTA agreement.

In other kinds of products, whether they are telecommunications or what, for example, with respect to France, that is why the Europeans oppose NAFTA, because it gives American industry, North American industry, a preference over them. It allows us to compete for the first time. I think it allows us to compete successfully against the Japanese, against Asia, against the French, the Germans and the Europeans.

Mr. COPPERSMITH. I thank the gentleman again. I think that is a good specific example of what we have

talked about before, that the North American Free-Trade Agreement not only reduces the barriers to the Mexican market, as my friend from Washington was explaining earlier, lowering that Berlin Wall to zero while we give up very low tariffs on some of these industries, but it also gives American companies, American producers, American workers, preferential access to one of the most rapidly growing countries in the world, the 13th largest economy in the world, the 10th largest consumer market.

It gives our companies preferential access because Mexico is going to zero its tariffs only with respect to the United States and Canada. It will keep its tariffs in place with respect to Japan and Western Europe.

So Mexico's high tariffs on semi-conductors, on computers, on telecommunications equipment will remain in place and give North American producers a 10 percent, 20 percent advantage in the Mexican market, which the Japanese will not have and the West Germans will not have.

I think former Senator Paul Tsongas said it well. When people said, "What about low-wage jobs moving to Mexico," he said, "I don't think any of us should be worried about Americans competing with Mexicans for low-wage jobs. We need to find ways that Americans can compete and win the high-wage jobs against the Japanese and the Europeans." That is exactly what this trade agreement does. That is exactly what is going on with the automobile provisions in the North American Free-Trade Agreement, with the North American content regulations. That is exactly why the Japanese do not like NAFTA, why the Western Europeans do not like NAFTA. Why? Because it is good for us.

I yield to the gentleman.

Mr. INSLEE. I thank the gentleman for yielding.

You know, we have talked to many folks that we represent, and there is controversy, there is concern about the NAFTA treaty, and I really believe it comes from a fundamental historical, sad story. That is that in our previous trade relationships with Asia, some of the European Community, we have been suckers. We are on the short end of the stick right now. The problem is that many of the folks that we represent believe that any trade agreement, because we have been burned in the past, must necessarily be bad. The reason I am supporting this agreement is that for the first time the American worker gets a fair shake, for the first time he or she gets a level playing field; for the first time we do not let the Mexican Government abuse the American worker. That is why we ought to support this agreement.

Let me give you an example: Who in this Congress would stand up and say, "I favor a situation where we allow the

Mexican Government to impose a tax twice as high on Americans as we impose on Mexicans"? Who would come and argue that is good for America? Yet that is the status quo.

That is exactly the short end of the stick we are on right now. Those people who come here tomorrow and argue we ought to kill this NAFTA because somewhere over the rainbow there is a better deal, ask them why they should vote for a status quo that lets the Mexican Government, people we never voted for, impose a tax twice as high on us as they do on them? The reason we got shortchanged in the past is we have been suckers, but finally we got an advantage against Japan, finally we got an advantage against France.

So all of those folks who are concerned about the history that we have had, and rightfully they should be, this is a different kind of treaty; it is one that gives us a distinct advantage. We talked about the concern people have about jobs leaving this country; it is no surprise that they have left this country. We have like what we used to call a skunk door; you know, a door in your door so the dog can get out but the skunks cannot get in. That is the kind of door that Mexico has on us right now; they can ship their products in but we cannot ship our products out.

We ought to close that skunk door. And that is what NAFTA is going to do.

Now, folks argue that we can wait; I heard people earlier saying it took the Europeans 40 years to do this, so I guess we can take 40 years too. Well, you know, we lose a million jobs a year and I do not feel like telling the American people we can lose a million jobs a year because of our bad trade policies and just let it go another 40 years.

I will yield to the gentleman if he thinks differently.

□ 2330

Mr. COPPERSMITH. Madam Speaker, I thank the gentleman. I think as the gentleman does on this issue.

I would like to quote from an editorial from the Portland Oregonian that speaks to the point that I think we were just discussing. The Oregonian said:

The United States would be foolish to turn its back on this opportunity for further export and domestic job growth, when it already faces multibillion dollar trade deficits with nations such as Japan and China, and to reject the treaty would only invite others again, such as Japan, to capture the Mexican market.

NAFTA will not solve all our economic problems. It is only one step, as the President has said forcefully, in a number of things we have to do to get our economy moving and to grow and increase it; but again quoting the Portland Oregonian:

NAFTA's passage would be a strong start for countering the economic strength of the United Europe and the industrial giants of Asia.

That is something we need to do and something we need to vote on.

Madam Speaker, I yield to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Madam Speaker, I thank the gentleman for yielding to me.

I want to take a few moments to outline my beliefs about the NAFTA, the most comprehensive trade agreement ever negotiated by the United States.

There have been some charges that this was an Agreement that was negotiated in secret. Quite the contrary. In the last session of the Congress many of the committees received in public hearings testimony on the progress of both NAFTA and GATT negotiations as they progressed.

Members of the 102d Congress were given the opportunity to comment on the status of the negotiations, the issues important to their regions, to their districts, and that input was taken, and Ambassador Hills, our chief negotiator, then the head United States Trade Representative under the Bush administration took to heart those comments and took those to the negotiating table.

That does not mean that you get everything you ask for when you do negotiate.

Under the new President, of course, and Ambassador Kantor, that same sort of dialogue has occurred, so that the Congress has been well-informed continuously as the negotiations for NAFTA progressed.

We also had both in the 102d and 103d Congress private updates, not in public hearings, on the status of the negotiations, the issues on the table, the stumbling blocks, et cetera.

So the fact, the charges, I guess, that this as an agreement negotiated in secret is just clearly not true. Members if they took the time to attend their committee sessions and attended the private briefings that both Ambassadors under the Bush administration and the Clinton administration offered, they could have been kept abreast of the issues in dispute during the NAFTA negotiations.

These negotiations have led to what I think is not a perfect agreement, but one that is beneficial, especially to the United States. It will create the world's largest trading block with a population of over 360 million North Americans and a combined economy of over \$6½ trillion.

NAFTA will match the United States with our first and third largest trading partners, Canada and Mexico.

In addition, Mexico is also the largest growth market today for United States exports.

This powerful trade bloc will rival the European community and the Asian market where the movement is also toward creating a regional trading bloc.

European and Asian opposition to the NAFTA is one concrete example of

NAFTA's importance to the United States in a changing global economy.

For most of 1993, while the Clinton administration waged a budget battle and negotiated side agreements to strengthen the NAFTA, opponents of this agreement have had a free hand to rail against the NAFTA, and they have done a good job. In my opinion, an economically frightened American public has been spoon-fed a steady stream of misinformation and half-truths.

I understand and know the fear that many in my congressional district had regarding their jobs. This country continues to struggle through a seemingly jobless economic recovery. People do not have jobs out there. The people who have jobs or are underemployed or they are only working part time, or they have a job and they are worried about whether they are going to have that same job in that same profession the next day.

Unfortunately, many of the folks opposed to NAFTA I believe are trading on that very fear that is real and exists in the United States.

When I think that as we have tried to do, those of us who are proponents of NAFTA, are saying this ought to give us hope as a nation, that we will be able to compete in an international global economy.

A few weeks ago, I had the opportunity to attend the kickoff at the White House for passage of the NAFTA Agreement. Joining President Clinton in support of the NAFTA were former Presidents Bush, Carter, and Ford.

The battle for passage of the North American Free-Trade Agreement has been joined, and as the President exerts his influence in support, I am hopeful that we will have debate on facts and on vision as well.

At the kickoff, the President made two points that I want to share with you this evening.

First, President Clinton stated:

It is clear that most of the people that oppose this pact are rooted in the fears and insecurities that are legitimately gripping the great American middle class.

It is no use to deny that these fears and insecurities exist. It is no use denying that many of our people have lost in the battle for change, but it is a great mistake to think that NAFTA will make it worse. Every single solitary thing you hear people talk about that they are worried about can happen whether this trade agreement passes or not, and most of them will be made worse if it fails.

The President also went on to state:

But I want to say to my fellow Americans, when you live in a time of change, the only way to recover your security and to broaden your horizons is to adapt to the change, to embrace it, to move forward.

I am in complete agreement with President Clinton in his assessment of NAFTA.

Let us look at President Bill Clinton, or we should say candidate Bill Clinton, the candidate from organized

labor, the candidate of the environmental community, the candidate who was a candidate of virtually every group, of course, except for Ross Perot, who now opposes NAFTA.

As President, Bill Clinton has challenged the U.S. trade policy of the last dozen years, and particularly our trade deficit with the Japanese. He has taken them on.

The Clinton administration is closer to a GATT Agreement than the United States has ever been since the Uruguay Round began in 1986.

President Clinton negotiated the supplemental agreements to NAFTA. Who could argue that Bill Clinton has now taken a more aggressive stance toward insuring that U.S. workers compete in a fair, free, and open market?

Does one really believe that Bill Clinton is serious about pursuing a strategy that jeopardizes every single U.S. manufacturing job, as claimed by Ross Perot?

I think Bill Clinton deserves a lot of credit for standing up to his political base and making the case for NAFTA, making the case for job creation in our country.

In my estimation, NAFTA's harshest critics are defending the status quo. Clearly our present relationship with Mexico is unacceptable.

Mexico's tariffs remain 2½ times higher than United States tariffs. Mexico's nontariff trade barriers have encouraged United States firms to locate in Mexico to access the Mexican market.

The United States has even given firms in Mexico "sweetheart" deals to export their products back into the United States. That is the status quo.

Particularly in the border region, but also throughout Mexico, environmental protection and awareness has not been anywhere near what it ought to be, whether you are an American citizen or a Mexican citizen.

These are just a few of our problems in terms of our relationship with Mexico. The defeat of NAFTA will not change any of these problems. The status quo will remain and the United States will have lost an opportunity to work with and to influence Mexico's development.

I am not so foolish to think and to say that NAFTA will solve all our problems in our North American relations, but I am convinced the NAFTA will make this country and my State of Oregon and United States workers more competitive globally and provide a framework to address our problems in North America and particularly with Mexico.

□ 2340

My State is a trade State. One in five Oregon jobs is dependent currently on trade. According to our employment division, 90 percent of the jobs created in Oregon during the 1990's will be re-

lated to international trade, and we know that on average trade-related jobs pay 17 percent more than non-trade-related jobs.

Mexico represents an opportunity to Oregon, an opportunity many in Oregon are already taking advantage of. Since 1986, when Mexico reduced its tariffs on goods from 100 percent down to an average of 10 percent, meaning it is an average—there is still some at 20 and 30 percent for some products such as telecommunications—Oregon's exports to Mexico have quadrupled. I do want to stress this increase occurred despite the fact that Mexican tariffs still remain two-and-a-half times higher than United States tariffs.

Why? Why are we able to compete? Because Oregon and this country can make a quality product, a quality product that Mexican consumers want to purchase, and, yes, Mexican people are proud of the fact that they can buy American. We have that status in this world as a manufacturing nation.

Oregon's top five exports to Mexico are transportation equipment, industrial machinery and computers, scientific and measuring instruments, food products, and lumber and wood products as well. Importantly, NAFTA reduces tariffs on Oregon's leading exports to Mexico almost immediately upon implementation of the agreement. Here are several examples of Oregon companies expected to flourish under NAFTA:

Freightliner Corp. located in Portland, OR, with 3,000 union employees, good paying jobs; Freightliner already exports \$150 million of sales annually to Mexico. With reduced tariffs and Mexico's increased need for trucks that meet U.S. safety and weight standards, Freightliner is expected to prosper under the NAFTA. This Oregon company recently added a third shift and 500 new Oregon workers because of these increased sales, because of the increased truck traffic that is going to flow in between Mexico and the United States.

Last weekend, I went down to Laredo and Nuevo Laredo. Nine hundred American trucks a month crossed that border, taking American-made products from the United States into Mexico and selling them to Mexican consumers, and what is happily obvious, when you look at the line of trucks, is about a third of them, every third truck is a Freightliner truck, so it is not just the goods inside the truck. It is American workers who produce the truck that is shipping the goods, and that is what this agreement is about. You reduce the tariffs, we can ship even more American products down there, and I hope they do it on a Freightliner truck.

Next, we have CH2M Hill, the world's largest environmental consulting firm, with offices in Corvallis and across the country. In a letter to me, CH2M Hill Chairman Philip Hall wrote:

I believe the Mexicans are very serious about environmental cleanup, and those in leadership are anxious to use U.S. expertise and environmental know-how gained over the past decades of stringent environmental regulation in this country. Thus, provision of environmental services in Mexico is a potentially important market for CH2M Hill, which would be enhanced by NAFTA.

As the United States and Mexico seek to address our shared environment, CH2M Hill will be uniquely situated to provide assistance in dealing with an area that is largely without water and sewage facilities.

Over 80 Oregon firms are participating in USA/NAFTA, the nationwide industry group advocating passage of the NAFTA. Oregon business is stepping up efforts to reach the Mexican market of 90 million consumers.

Now this is an important point: Jobs are not finite; they are not. The way to increase jobs is you increase your markets. We have 280 million to 300 million people in the United States. Nowhere does it say that U.S. companies can only sell to them. We have a whole world out there, and what NAFTA does is it opens it up in a very positive fashion to add 90 million more consumers that U.S. companies can sell to. That is what this is all about, this agreement.

Consumers have a preference for U.S. goods and services, consumers who spend more on U.S. goods and services than either the Europeans and Japanese. Oregon expects to sell 1 million dollars' worth of Christmas trees into Mexico this year. The Oregon Department of Agriculture hosted recently a trade mission to Mexico. In 2 days, this show produced sales of Oregon products totaling over \$600,000. Two Salem area employers, Agripac and Norpac, are expected to sell several million dollars of product to Mexico over the next 2 years as a result of this trade show and market development efforts.

Oregon is a little State, 2 percent of this country, 2 percent in size, 2 percent in all statistics, the greatest State in the Nation, no question about it. But if we could do it, this tiny entrepreneurial State of 2.8 million people can go in and be aggressive and make jobs in Oregon by being involved in international trade, so can our Rust Belt, quite frankly.

Yes, it is hard. Yes, it is difficult. Yes, it takes learning. But if one wants their workers to work at home, our businesses are going to have to reach out not just to Mexico but to Europe and to Asia, and we will succeed. We will succeed because we have the know-how, we have the product, we have the reputation that consumers in the world know about and want.

Well, in one economic analysis of the NAFTA it was concluded that Oregon would be the third highest State in terms of job growth as a result of this. Twenty of the twenty-four responsible studies done, independent studies done on NAFTA, say this is a winner, this is

a winner for America, and it happens that, yes, every one of these studies in my State of Oregon is in the top five States that is going to benefit from this. I believe NAFTA will protect and enhance the jobs in Oregon already related to trade and provide new employment opportunities and good wages for Oregonians.

Now let me address my beliefs, talk just a moment about a NAFTA failure, what if we lose tomorrow. What if this country loses this agreement on the floor of the House tomorrow? What can the United States expect if NAFTA is rejected by Congress? A developing Mexico will certainly look elsewhere, whether it is Europe or Japan, for cooperation, growth, and expansion.

What kind of message will NAFTA's rejection send to Chile and the rest of Central and Latin America as these regions turn toward democracy following the cold war? What incentive will the Mexican Government have to work with in terms of working with the United States in terms of drug interdiction, and immigration issues and environmental pollution along the border? How will NAFTA's rejection create jobs in the United States and stop factories from moving offshore, whether it is to Mexico or to Asia or at some other point?

Well, a recent poll showed that 60 percent of the German people want the European communities to rival the United States in global affairs. This hits home. It is a vivid example of how our Nation economically is under attack. It is called competition in the global economy. The United States cannot pass on this challenge. NAFTA is one of the giant steps of many that will be needed to strengthen the U.S. economy for the benefit of our people, our workers and our standard of living.

Madam Speaker, I want to thank the gentleman for yielding, and I know that there is a number of other issues in this area that we could talk about and, I think, we ought to talk about. It is the fact that we were just talking about. Let us talk about not this NAFTA. The opponents say, "Well, let's negotiate another NAFTA down the road."

□ 2350

I wanted to point out that it is kind of interesting that many of the groups now opposed to NAFTA, vigorously opposed the fast-track process that we are utilizing to bring this debate quickly to the floor. Quickly, in congressional terms, of course, is months. I am not talking about days. When we talk about quickly in the Congress, we are talking months. But this process was opposed. These people, they opposed negotiating the treaty to begin with.

Opponents argued they did not trust the Bush administration. These same groups opposed the fast-track authority sought by the Clinton administra-

tion for GATT earlier this year. From the very beginning, organized labor and their protectionist policies have made it clear that they did not want any kind of trade agreement with Mexico or anybody else.

My friends in organized labor, the record is clear in terms of their position on international-trade agreements. They have never supported an international-trade agreement. They have opposed them all, save one, the Marshall Plan. That is it. That is their record. This is not something new. So if you look at their history, they have always said no. There is no expectation that the perfect trade agreement in terms of organized labor will ever come to the floor of a Congress. At least that is the history.

Many Members now state, "I support free trade, but this NAFTA, let's withdraw or defeat this agreement and start over." This logic is flawed, and Members clearly do not comprehend our historical relationship with Mexico.

NAFTA's rejection will not drive Mexico back to the bargaining table. NAFTA's rejection will be the lost opportunity for this generation of Americans and Mexicans to work together.

There is an age old saying common among the people in Mexico that goes something like, "So far from God, and so close to the United States." This characterizes the view of Mexicans toward the United States over the years, quite frankly, anti-gringo and anti-U.S.

A recent book in the early eighties called "Distant Neighbors, a Portrait of the Mexicans," a U.S. bestseller in the 1980s, states:

Contiguity with the United States has proved a permanent psychological trauma. Mexico cannot come to terms with having lost half its territory to the United States, with Washington's frequent meddling in its political affairs, with the U.S. hold on its economy and with growing cultural penetration by the American way of life. It is also powerless to prevent these interventions from taking place, and is even occasionally hurt by measures adopted in Washington that did not have Mexico in mind. And it has failed to persuade Washington to give it special attention. Intentionally or not, Mexico has been the target to American disdain and neglect and, above all, a victim of pervasive inequality of the relationship.

The emotional prism of defeat and resentment through which Mexico views every bilateral problem is not simply the legacy of unpardoned injustices from the past. Contemporary problems—migration, trade, energy and credits—also involve the clash of conflicting national interests, with Mexico approaching the bargaining table deeply sensitive to its enormous dependence on American credit, American investment, American tourists and even American food. Good faith alone could not eliminate these contradictions, but underlying tensions are kept alive by Mexico's expectation that it will be treated unfairly. Its worst fears are confirmed with sufficient regularity for relations to remain clouded by suspicion and distrust. As the local saying goes: What would we do

without the Gringos? But we must never give them thanks. Mexico must depend—but cannot rely—on its neighbor.

So Mexican politics have long been filled with anti-American rhetoric. Prior to 1986, this rhetoric surfaced frequently as United States-Mexican relations had a tenuous existence. President Salinas and his predecessor successfully convinced the Mexican people that closer ties to the United States are in their national interest. This is counter, of course, to their historical view of the United States.

So to reject NAFTA is to reject Mexico's extended hand of cooperation. To reject NAFTA is to rekindle an anti-American sentiment of Mexican political and cultural life. As an example of this point, a Nobel Prize winning Mexican poet wrote, "Rejection would unleash a wave of anti-U.S. sentiment that would quickly spread to the rest of Latin America." To reject NAFTA is to reject Mexico's offer to work cooperatively in many areas, ranging from drug interdiction to illegal immigration, to environmental concerns.

A scorned Mexico will not return to the bargaining table with the United States for many years, yes, generations. History demonstrates this fact. The opponents of NAFTA and trade in general cannot hide behind the vague claim of "Not this NAFTA" in the face of our history with Mexico.

Mexico will go elsewhere for economic growth if we fail tomorrow.

Opponents argue Mexico will return to the negotiating table because it must have NAFTA. This is not true. The Mexican government is committed to growing economically. The NAFTA question is about U.S. relations with this impending growth. Mexico has made it known that it will pursue other agreements if NAFTA is defeated. For example, President Salinas told me that he had been contacted by the Japanese expressing interest in Mexico should NAFTA fail. The Europeans also view NAFTA's failure as an opportunity to capitalize on this growing market. Let us not forget that Japan is Mexico's second largest trading partner behind the United States.

So it is nonsensical and illogical to think that Mexico would negotiate a new NAFTA if we kick dirt in their face tomorrow afternoon.

I want to thank the gentleman for his time and see if there are comments.

Mr. COPPERSMITH. Well, I thank the gentleman. I think you have spoken poetically of the argument, that somehow if not this NAFTA, there is some other NAFTA out there, some perfect agreement that all of the opponents could agree on.

I would like to talk a little more specifically about the economics. I mean, Mexico really has two options if NAFTA fails. Right now they have a \$20 billion trade deficit. It is financed because of people's confidence in Mexico's future growth. But that is not going to be there.

It would have two options. One is to severely devalue the peso. The other is to raise Mexican interest rates. Both of these would choke off the growth of the Mexican economy and would severely impact the rate of growth of one of the larger consumer markets for American goods.

That is what happens in the aggregate. Let me tell you what happens in the specific. Let me try to relate those economic statistics to one company in my State of Arizona. It is La Corona Food.

La Corona is a small business based in Glendale, AZ, that sells yogurt. About 3 years ago they began selling their product in Mexico. As it turns out, yogurt consumption in Mexico is about three and one-half times higher than in the United States. It is a good market.

This is a small business with 85 employees, \$15 million in annual sales. But currently 45 percent of their sales and one-third of their employees are making product that is sold in Mexico.

This is a small business that is competing with the giants in the yogurt market. They are competing and competing successfully with Dannon and Yoplait. They are the largest exporter of yogurt to Mexico.

Mr. Pritchard, who owns La Corona, told me that he knows, right now he is succeeding, despite a relatively high Mexican tariff. Between the Mexican regulations and the tariff, it relates to about a 20-percent tax on their product, more than Mexican yogurt.

They are succeeding right now. They are doing very well in that market. But they know that come Thursday morning, if this House does not pass the North American Free-Trade Agreement, that somehow, some way, the Mexicans will find a way to shut it off, to close the door. It might be a tariff barrier, it might be a nontariff barrier, but they will find some way to close the door to American producers. They just know that the wall will go up. It may be a tariff wall, it may be a nontariff wall. But that market, which is responsible for 45 percent of their sales and one-third of the jobs that that small business can provide, will disappear, will be gone. That is one small example of what is going to happen right here in this country, one small business, if this NAFTA is defeated. It will hurt what we have achieved to this point. It will foreclose further growth, and there is not the opportunity out there to somehow vote this down tomorrow and come back with some sort of NAFTA that will satisfy all the critics and gain approval in this Congress.

□ 0000

Mr. INSLEE. Perhaps I can give you another small story, which is a big story in my district. That is when I think about the people who have something at stake tomorrow. It is not the

Fortune 500 or the elites. I keep hearing this class warfare, that somewhere the only people at stake tomorrow are those who are chief executive officers of Fortune 500.

Let me tell you about another person who has a stake in making sure this passes tomorrow. She is my neighbor. She runs a little apple orchard. She gets up at 4 o'clock in the morning, puts on her overalls and goes out and gets on her Ford tractor, a tractor that cannot be sold in Mexico, by the way, because of the 22-percent tariffs that they now have. But she goes to work, and she sells apples to Mexico that we have not been able to sell until 4 or 5 years ago, which we now have been able to sell because we got Mexico to unilaterally reduce their tariff. And she has improved her financial situation.

I can tell you, tomorrow, when I come down here and vote, if I could vote twice, I would, because if this goes down, her livelihood is at stake. And she is no elite. She does not wear a tie. She wears overalls. She wears boots and works 14 hours a day in the freezing rain and the burning sun. And she has got a stake in this controversy.

That is why I am voting for NAFTA. Then am I supposed to tell her—I will not mention her name, I am not sure that she would want me to, she is a nice person. But if I said to her, "Not this NAFTA, I realize you are going to lose your job or your income as a result of killing NAFTA, but not this NAFTA, somewhere over the rainbow"—and I like the Wizard of Oz, it is one of my favorite movies—but to stake her economic future somewhere over the rainbow on another NAFTA would not be doing her a service.

I will tell you that tomorrow there is only two ways history goes. It goes forward for free trade in Mexico or it goes backward for protectionism in Mexico.

Let me tell you just a little thing I heard driving down here tonight on National Public Radio, a story out of Mexico City, an interesting political dynamic down in Mexico City, because in Mexico City they are having the same battle we are having here between the free traders, who want to reduce tariffs and let people trade with each other, free governmental taxes, and the protectionists, who believe that you can protect your jobs by putting on taxes by the government at the border.

The party out of power in Mexico is bashing the party in power over the head saying, this is a bad agreement.

Let me tell you why they say it is a bad agreement. They say it is a bad agreement down in Mexico, the opposition party, because it will allow us to get exports into Mexico and take advantage of the fact that their manufacturing facilities are inefficient. And we will be able to take their jobs away. That is what the opposition protectionist party says in Mexico.

And if you had a dollar, you would bet on the fact that if NAFTA goes down, those are the people who are going to rise to power in Mexico, the protectionists.

My neighbor is going to be out of a job and out of income, and that is why we are here tonight, to say that we ought to get Mexico to force them to knock down their walls, and that is why we are here.

Mr. COPPERSMITH. I think the gentleman is absolutely right. This is a vote, in many ways, over whether we face the future, whether we look forward, or whether we try to hold on to the past and not face that future. It is a debate not only in this country but also in the other countries of the North American Free-Trade Agreement, over those who think the economic pie always is the same size and what we do is argue over how it should be sliced, and those who realize our job as legislators, our job as Americans in this economy is to make the pie larger, to seek out new markets, new opportunities, create new jobs through growth.

I would like to shift at this point to something else I heard earlier in the evening. It raises some environmental claims against the agreement. Here is another perfect example of the people who say, not this NAFTA, there is some better NAFTA.

When you have people who are attacking it because it is too much for the environment, that it gives up, supposedly, too much U.S. sovereignty and somehow subjects U.S. manufacturers to far more environmental regulations, with those who say it does not go far enough. I do not see where the common ground is on that issue.

Let me give you one small example, which the issue came up about what about diversion of water. Does NAFTA require the United States to sell or permit diversion of water resources to Canada or to Mexico. What about the Great Lakes.

This came up earlier. And when you peel it away, there is nothing there. There is absolutely nothing there, because there is nothing in NAFTA that would change any law relating to water in the United States or in any way give Mexico or Canada or any person or business in those countries any right to water in our lakes or streams or other publicly owned water resources that does not exist already.

For boundary waters, there are treaties. There is not a word in NAFTA about those boundary waters. The existing treaties take care of those.

For nonboundary waters, State law applies. Whatever the States permit now will be permitted the day after NAFTA passes. It is just one of those stories.

When people say, is it true that NAFTA will do nothing to prevent male pattern baldness, and you have to admit that with respect to my colleague from Oregon that is probably

true. NAFTA has nothing to say about that.

That is totally outside the scope of the agreement. What NAFTA is about, is about growing this economy, is about seeking new opportunities and new markets, particularly those that are growing far more rapidly than the mature economy of the United States, seeking those out and making sure that our workers, our businesses have a leg up when they go out to compete with the Japanese and the Western Europeans.

Mr. INSLEE. There is a point that just has to be made, over and over and over again. The one thing I have not heard is the opponents have not accused NAFTA of precipitating additional Mississippi flooding either. But we have to continue to shoot down these balloons.

One of the balloons that the opponents of NAFTA have floated is this balloon that says that these rampant Hell's Angels Mexican truck drivers will be abusing and running us off the roads from North Dakota to New York. There is the same ability to enforce every single highway regulation of this country when NAFTA is passed on Wednesday that there is right now, and it is totally irresponsible for the fearmongers to run around and create this image of Kenworth trucks, which are sold in Seattle, by the way, and are going to be sold more in Mexico, once we get rid of these tariffs, that somehow they are going to be running people off the road.

It is inconceivable how many people have said that, and I get calls from my constituents. "Mr. INSLEE, are they going to be able to do this, these 6-year-old Mexican drivers with five felony convictions?"

No. The answer is absolutely no. Everybody in this Chamber knows it. We retain the exact same right to enforce every single law that we have on the books today to make sure that they have the same brakes, the same cars, the same drivers that we have today in this country.

I hope we shot that balloon down.

Mr. COPPERSMITH. There is another, that somehow NAFTA threatens existing U.S. environmental laws. In many of these cases, the opponents are simply dead-wrong.

According to Consumers Union, which has not taken a position on NAFTA in this debate, they have stayed out of it, they have just looked at the facts. And they say the characterization of the NAFTA text as providing a plausible basis for a successful challenge to the Delaney anti-cancer clause cannot be sustained.

In many cases, what NAFTA opponents are doing is confusing NAFTA with GATT and the Tuna-Dolphin case and other processing industries which are all related to GATT. And NAFTA treats the environment far greater than GATT.

I think there are so many of these environmental myths that my colleague from Oregon, I would be happy to yield to him at this time, can knock off a couple more of these that simply do not make sense.

Mr. KOPETSKI. Madam Speaker, I appreciate the fact very much that one of the things we are trying to do here this evening is to dispel a lot of the myths and misinformation that is surrounding the whole NAFTA debate, that we try to stick to the facts and provide information to the American public about exactly what the NAFTA agreement entails. There has been a lot of concern, and rightfully so, about some of the problems that Mexico has presented to us environmentally and whether Mexico has a commitment to the environment itself.

I think that we have to look and keep in perspective the fact that the true birth of the environmental movement in the United States just began 20 years ago, that for most of our Nation's history, we did not place an emphasis on the environment. Until just about in the early 1970's, did we take note of this and began creating such agencies as the Environmental Protectional Agency, building in environmental impact statements, whether at the Federal level, and imposing them on the local level as well, and States and local governments also got into the environmental movement as well.

Mexico, in many respects, is a new, emerging country. They, too, have the birth of their environmental movement taking shape there.

In the last 6 years, nearly 7,000 industrial inspections have been conducted resulting in the temporary or partial shutdown of almost 2,000 factories and the permanent closure of more than 100 facilities. I do not think that is a fact known by many Americans.

□ 0010

In 1992, Mexico created the Office of the Attorney General for Environmental Protection, the agency responsible for investigation, enforcement, and penalization for noncompliance of its environmental laws, environmental laws that, quite frankly, were adopted or borrowed from United States environmental laws. Along the border Mexico has increased its operating budget for border enforcement activities by over 400 percent. Yet only about 4 percent of the population resides in the border region. The Government is in the middle of a 3-year, \$460 million plan to clean up the most troubling border regions.

In Mexico City the government has embarked on a \$4.6 billion, 4-year program to combat air pollution. Included in this program was the 1991 closure of the city's largest oil refinery, at a cost of \$500 million, and it put 5,000 people out of work overnight then they shut down this oil refinery.

Mexico was the first country to ratify the Montreal Protocol, which calls for the reduction of use and production of CFC's. Mexico is a signatory to the Convention on International Trade and endangered Species. So these are some of the actions that have been going on within Mexico itself.

Just as in many nations in the world, including our own, the environmental movement is new, it is young, however, it is there to stay, and it will only blossom, in my estimation.

Mr. COPPERSMITH. I thank the gentleman for his comments. One other point to keep in mind is that in 1992 the Mexican environmental products market exceeded \$2 billion, and it is expected to grow significantly, so by 1995 the estimates are it is \$2.7 billion.

NAFTA opens up that market. As Mexico starts to deal with some of its environmental problems, to United States producers it is one of the best high wage, high value added type markets, environmental technology. Defeating NAFTA sends exactly the wrong message. Just as Mexico is starting to make headway on some of its environmental problems, just as it has a market for United States environmental technology which is starting to increase, it sends exactly the wrong message and turns its back on those trends and that market and those jobs.

PROGRESS IN MEXICO AND DEBUNKING MYTHS SURROUNDING NAFTA

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

Mr. KOPETSKI. Madam Speaker, I think we ought to continue the debate in the environmental area. The gentleman from Washington [Mr. INSLEE] may have another comment.

I yield to the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. Madam Speaker, in regard to the environment, and perhaps just an extension of the gentleman's comments, countries progress. If we think about America, we have heard these dire statements about Mexico, many of which are true, many of which certainly do not comport with the American way of running a railroad or a democracy. If we recall our country, we are the country that did not used to let women vote, if we can imagine that. We are the country that had, as the gentleman pointed out, zero environmental protections, if we can imagine that. We are the country that used to shoot people that exercised the right to strike, the Government and the corporations used to do that.

However, we made progress in our history. The important facts we have to keep in mind, I believe, is that there is a struggle in Mexico, just like there

is always a struggle here. The struggle there is between the people who believe they want to move away from a centrally planned economy, away from a command economy, toward a more productive environment so they can trade internationally. Those are the people that want NAFTA to pass in Mexico.

There is another group in Mexico that wishes to go backward to the bad old days of Mexico. I think we have a mutual interest to make sure that we go forward together, and this treaty will make sure it does, particularly with fairness to us, with getting rid of their unfair barriers.

Mr. KOPETSKI. I think the gentleman is exactly right. I think there are a number of myths surrounding the whole environmental area that I think should be addressed so that people understand exactly what the environmental side agreement, which the President negotiated and had as part of the overall NAFTA agreement, contains.

One myth is that NAFTA will lead to a reduction in U.S. health, safety, and environmental standards to a least common denominator international norm. This is completely false. The NAFTA sections covering food safety and technical standards both have explicit language preserving parties' rights to set standards that meet as high a level of health, safety, or environmental protection as they desire, even if they are higher than international standards. This guarantee extends to States and local governments as well.

NAFTA discourages countries from lowering standards to meet international norms, and creates new mechanisms for enhancing standards.

Another myth is that NAFTA will lead to an exodus of United States companies to Mexico in search of lower environmental compliance costs. Objective studies have concluded that because the costs of pollution cleanup are a small fraction of total production costs, the average across industries is under 2 percent, few companies relocate to avoid them. NAFTA measures will actually reduce compliance cost differences between Mexico and the United States, both through enhancing standards and through increased commitments to enforcing environmental laws. These commitments are backed up by sanctions, dramatically increasing incentives for Mexico to toughen enforcement of its environmental laws.

Another myth is that NAFTA threatens conservation laws which protect wildlife, such as the dolphin. Again, this is false. NAFTA does not in any way change U.S. obligations regarding the use of trade measures to achieve environmental objectives outside U.S. territories, such as restricting tuna imports harvested in ways that kill dolphins. The environmental council actually offers a far more congenial forum

for changing internal opinion on this than any that we now have in place.

Another myth is that conditions at the United States-Mexican border will worsen under NAFTA. How could they? Border cleanup estimates run around \$8 billion, the amount that will go there under NAFTA and its innovative financing mechanisms. Without NAFTA, the process of deterioration that has taken place at the border will continue, with far less hope for fixing it.

Finally, another myth is that the dispute resolution process for countries that fail to enforce their environmental laws is too tortuous to ever be used. This is not true. The groups now criticizing it will make sure that they use it. The dispute resolution process emphasizes a cooperative approach designed to resolve problems without undermining the environmental commission's authority by enforcing too many contentious outcomes.

An important point is that environmental groups can initiate investigations by the Secretary of failure to enforce environmental laws, a remedy they have never had, and will surely use quite often, I am certain.

The gentleman from Washington [Mr. INSLEE] and the gentleman from Arizona [Mr. COPPERSMITH] mentioned the fact that as our neighbor from the south gets involved in environmental issues and environmental clean-up, for that matter, we in the United States have technologies and engineering companies that will benefit from the fact that they will move into this endeavor. Again, this is jobs for the United States in this area.

Finally, the alternative, the alternative if NAFTA fails, is that the environmental status quo continues. NAFTA did not create any of the environmental problems we have, but certainly it can put us on the right track toward fixing them.

I yield to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Madam Speaker, that is a fact that even people opposing the NAFTA have to recognize. Let me quote from an article.

Citizens' groups opposed to NAFTA realize that defeating NAFTA isn't enough, "said John Cavanaugh, a fellow at the Institute for Policy Studies, a Washington think tank." Most of the problems we have highlighted—downward pressure on wages and working conditions, worker displacement and environmental deterioration—all of these problems remain even if NAFTA is defeated.

That is from an opponent. I think the gentleman from Oregon put it very eloquently earlier this evening when he said that a vote against NAFTA is a vote for the status quo. It is a vote for those environmental problems on the border that are getting worse.

□ 0020

It is a vote for the problems we have seen with immigration and job migration. Those problems exist today.

Those problems will only get worse if we do nothing to change the relationship between the United States economy and the Mexican economy and if we turn our back on really what is the only solution out there, the only thing on the horizon to start dealing with some of those environmental problems along the border, the only resources that I can see. None of the opponents are pointing at any effective way to start cleaning up the mess along the border to encourage Mexico to continue the trend of enforcement of its environmental laws. There is nothing else out there for the opponents. The problems will just be there, and defeating NAFTA is no solution to the problems of the status quo.

Mr. KOPETSKI. The gentleman is exactly correct again.

I would like to turn to another issue where there has been a lot of charge and allegations, and that is the human rights area in terms of Mexico and the status of the quest for civil rights within that emerging democracy.

Let me quote from the testimony of our Assistant Secretary for Human Rights and Humanitarian Affairs, Mr. John Shattuck before the House Foreign Affairs Subcommittee. His testimony begins with,

The condition of democracy and human rights in Mexico has improved significantly in the past few years, although substantial improvement is still needed. Mexican citizens have demonstrated increasing awareness of their rights, and concrete steps have been taken by the government to open the Mexican political system and reduce human rights violations. NAFTA will reinforce those within Mexico who are seeking reform and who are modernizing Mexico and its political system. We can promote these developments by encouraging reform efforts underway and strengthening bilateral ties both of which NAFTA would foster. To reject NAFTA would deprive Mexico of a strong incentive to continue reform and ourselves as a means to influence it.

Mr. Shattuck refers to the 1990 creation of the Federal Electoral Institute to administer and regulate elections. The institute has produced a new voter registry and a computerized tamper-resistant voter identification card system, has hired and trained more than 2,000 professional staffers to conduct fair and open and honest elections in that country. With the 1990 creation of the National Commission on Human Rights and the appointment of acknowledged and highly recognized human rights advocates to senior governmental positions, the commission has a mandate to investigate violations by government agencies, to report publicly those abuses, and to promote human rights education of the public. The commission sets up separate investigations into areas of special concern such as disappearances, treatment of indigenous peoples, attacks on journalists and prison conditions. From May 1992 to the present the commission's efforts resulted in disciplinary actions

against 1,031 government employees. In 348 of those cases criminal charges have been filed, and these cases are now in the judicial system.

Under judicial reform, President Salinas in January appointed Señor McGregor, the former president of the National Human Rights Commission as attorney general. Since his appointment 1,205 officials have left the attorney general's office either because they were forced to or because they were unwilling to abide by higher standards. Further, 300 officials have been prosecuted and 45 are now in jail for previous offenses.

Assistant Secretary Shattuck closes his testimony with, and I quote:

I would note that the generation taking its place in the leadership of Mexico has had far greater exposure to the world through advancements in telecommunications and travel than had previous generations. This has created a demand for better government and greater government accountability. The reforms that the Mexican government has instituted are indeed propelled by that change. NAFTA will hasten reforms, and by strengthening our bilateral relationship with Mexico will lead to an even more productive dialogue on continued improvements in human rights and democracy.

As I noted earlier, I had the opportunity to visit Mexico a little over 10 days ago, and I was able to meet Señor Antonio Peon who is president of the Mexican Commission on Human Rights. This organization is a non-profit governmental commission which was created in 1988, 2 years earlier than Mexico's Governmental Commission on Human Rights. And the purpose of this organization, this nongovernment organization was to promote the doctrine of human rights and to monitor corresponding developments of human rights principles in Mexico.

In this letter of November 9 to me, Mr. Peon states:

COMISION MEXICANA,
DE DERECHOS HUMANOS, A.C.,
Juárez, Mexico, November 9, 1993.

Mr. MICHAEL J. KOPETSKI,
Member of Congress, Fifth District, Oregon,
Washington, DC.

DEAR MR. KOPETSKI: It was a pleasure to meet you at the United States Embassy last Friday, November 5, particularly where we had the opportunity to discuss the current status of human rights in Mexico and the international perception of such status.

I would, thus, like to take this opportunity to reiterate the interest of the Comisión Mexicana de Derechos Humanos, A.C., (the "Comisión"), which I preside, in collaborating with you and the U.S. Embassy with respect to supporting the North American Free Trade Agreement ("NAFTA"), particularly at this critical time. As I informed you, the Comisión was created in 1988 (two years earlier than Mexico's governmental Comisión Nacional de Derechos Humanos) to promote the doctrine of human rights and to monitor the corresponding developments of human rights principles in Mexico. As depicted in the enclosed literature, the Comisión is a non-governmental organization not affiliated with any political, religious or sectarian organization and counting with the sup-

port of some of Mexico's most prestigious lawyers and professionals in general.

In addition, should future delegations of U.S. Congressmen decide to come to Mexico, we would be honored to cooperate with them in any manner you may deem appropriate and/or with whatever investigation or study they may wish to conduct with respect to the situation of human rights in Mexico. Ultimately, the goal of the Comisión is not only to monitor the protection and awareness of human rights in Mexico, but also, to ensure that there is an international understanding and awareness that human rights are taken seriously in Mexico and that, as in other countries, Mexico counts with governmental and non-governmental entities (like the Comisión) to guarantee the enjoyment of human rights in Mexico.

As promised, I am also enclosing a copy of the section dealing with human rights in President Carlos Salinas de Gortari's annual speech delivered to the Mexican Federal Congress and to the entire Nation on November 1, 1993. As you will read therein, with a National Human Rights Commission, but also, with a total of thirty-two human rights commissions at the state level, making Mexico the country with the largest ombudsman system in the world. In fact, in the last three years, the Comisión Nacional de Derechos Humanos has received over twenty-three thousand (23,000) complaints and has processed and concluded over twenty thousand (20,000) of said complaints.

By way of enunciation but not limited to, in recent years we have also seen substantial constitutional reforms to guarantee the procedural rights of accused parties such as the right not to make any declarations without the presence of a lawyer. In addition, prohibitions and sanctions concerning violations to the rights of detainees to communicate with their lawyers and/or relatives, as well as with respect to the practice of intimidating or torturing such detainees have obtained constitutional protection.

In connection with the protection of political rights in Mexico, several important steps have been taken by the Mexican Congress such as the creation of an electoral tribunal fully empowered to resolve electoral disputes. Furthermore, legislation has been expanded to allow for a broader range of evidence which can be submitted to the attention of such tribunal without the need of such evidence having to be embodied in the form of a public instrument (as had been the practice in Mexico prior to said reform). It is also important to underline that, through constitutional reforms, in Mexico it is no longer possible for the Partido Revolucionario Institucional ("PRI"), which has been in power in Mexico for the last sixty years, to modify on its own initiative the Mexican Constitution. Furthermore, while it is well known that in the past the PRI had used government funds in conducting its electoral campaigns as well as unlimited contributions from private entities and parties such as labor unions, this practice is now limited by new legislation restricting the amount of funds which can be accepted by any political party from said entities. Today we have been informed that the Instituto Federal Electoral has approved the creation of a special commission which will monitor the origin and application of funds to political parties. We hope that all these measures will result in a more democratic electoral process in Mexico.

In the area of civil liberties, after decades of neglect or even intolerance, Mexico's legal framework has now been more sensible to

the religious convictions of its people where, for instance, as of this date nine hundred (900) churches and religious organizations (out of a wide range of denominations) have obtained their certificates of incorporation and thus, legal recognition.

There is still a lot of work to be done with respect to the situation of human rights in Mexico and the enforcement of the laws protecting such rights. Notwithstanding the aforementioned, there has been an unprecedented movement towards the enhancement of human rights both at the government and Mexican community level. We are confident that the situation of human rights in Mexico will be further improved and fostered with the ratification of NAFTA, in view of the resulting closer relationship to be developed among Mexican and United States human rights related entities.

Once again, on behalf of the Comisión, I would like to pledge our support to NAFTA and to any activities which may further its approval by the U.S. Congress. I look forward to the possibility of the Comisión working with you in the aforementioned matters or in any other matter you may deem appropriate.

Sincerely,

ANTONIO M. PRIDA PEÓN DEL VALLE,
President.

This is not a government person. This is a watchdog organization of courageous individuals, many of them lawyers, who have led the human rights and civil rights movement in Mexico, and they are asking for our support.

Mr. COPPERSMITH. If the gentleman will yield on that point, I think anyone looking fairly at the historical records will see that Mexico in recent years has seen more often elections, for example, where the Pon opposition party now holds 180 of the congressional seats, and we have since seen in 1992 the National Commission on Human Rights, the CNDH that you referred to in Mr. Shattuck's testimony is starting to have an effect, you are starting to see prosecutions, you are starting to see standards being upheld.

I think it is obvious that Mexico may not be perfect, but neither are we. And there has been an unfortunate element of Mexico-bashing in this debate. It is not good for the debate, it is not good for our national interest. Mexico is our neighbor and always will be, and it is in our interest to keep them as friends, and to work with them, and cooperatively to better raise standards in both countries.

I think holding somehow this ideal that we will only trade with countries that meet somehow some high standard that we set for wages, for working conditions, for human rights would mean there would be very few countries in the world indeed with which we would trade. And I think not only those countries but this country and the consumers here would be the worse off for it if we were suddenly overcome with this paroxysm of morality that required us only to trade with people who were as moral or more moral than we are. That is not necessarily a mirror I think that we want to necessarily

hold up to our country or to other countries.

It is unfortunate that so much of this debate is taking this view and using it to bash Mexico, when real progress has been made and will continue to be made and will be accelerated with the ratification of the free trade agreement.

Mr. KOPETSKI. I think that it is important that we do examine, as we have, the intricacies and the involvements of who gains, who are the winners and who are the losers between the United States and Mexico with respect to the treaty itself. But I also think that it is important that we step back and look at the agreement, what it does, and come back to is this good for the American worker, is this agreement good in terms of the healthiness of the American economy.

□ 0030

We should not enter into or accept any trade agreement that is not good for the United States. That is what the No. 1 priority ought to be, and the issue is whether NAFTA reaches this for us, for the United States, for our workers, not for Mexico, not for Canada, but is it best for us, is this a good deal for us.

Over 30 years ago President Kennedy gave a major economic policy address. President Kennedy spoke of the new house of Europe and recognized the economic threat the Common Market posed to the United States. Then President Kennedy foresaw the future and called upon the United States to compete successfully to prosper.

In many ways the NAFTA debate is the answer to President Clinton's call for America to compete. NAFTA represents, and I think this is just as important as what is inside the agreement, for Mexico or the United States, and the whole environmental issues, the what is going on in human rights issues, labor standards issues, all of that is important, but you have to also say what else is in this for the United States, and I think what is critical that is even just as important as the agreement in terms within North America that NAFTA represents the first time since World War II that the United States is taking the offensive in terms of placing itself in a position to compete to aggressively in a global economy.

Yes, NAFTA is a trade agreement, but more importantly, it is a strategy, a strategy to sell American-made products to the American consumer. It is a strategy to sell American-made products competitively to a world market. That is what the heart and concept of this agreement is all about, nothing more, nothing less.

Are we going to remain reactive to actions taken by Europe and the EC? Are we going to react to what Japan may do, whether it is with their steel

or automotive industry or their high-technology industry? Are we going to react to Singapore or other nations and what they do? That is the status quo, and that is what creates fear in America today is that we do not have a game plan, that we are not being aggressive, that we are not taking the offense, that we are always responding to what Europe does, to what Japan does, that we do not have a game plan. That is what creates the fear is there is no road map for us. There is no leadership. There is no direction, and those that oppose NAFTA say we do not want one, we like the status quo, we want to remain defensive, we want to be vulnerable to our economy being dependent upon what the German manufacturers do, we want to be reactive to what Japan does. That is what they are saying when they oppose NAFTA.

Because there will not be another NAFTA. That is the reality. That is the reality. They ought to deal with it. If that is their only argument, then they have lost. They have lost the argument, because no one says this is the perfect agreement. It is not perfect for the United States.

Sure, there are provisions in it that say, gosh, it should be better, but this is what our best negotiators from a Republican administration and, yes, a Democratic administration could come up with, and all of Congress had the opportunity, if they wanted to, to take the time to go to committee meetings to participate, to have the input, and if they did, I am sure they got something. They were able to move that agreement along, and so now we have this before us, because now the issue is not the next NAFTA agreement. There will not be one.

The issue comes back to are we going to have a game plan, and the President of the United States, who was elected because he said we are going to do things differently in this country, that we are going to take a modern approach, that we are going to be competitive in an international economy, that we are no longer going to be defense-oriented, that we are going to be aggressive. Why? Because we have something to sell that we can sell to the world consumer, but we have the rules in place that allow us to do this competition, to compete, yes, for the American consumer, because the fact is the Japanese have control over 35 percent of the American automobile market. We can get it back, and NAFTA allows us that opportunity, because we create the rules, therefore, on the North American Continent.

It is not just the Democratic President that is saying that this is a good trade agreement for Americans. It is all the existing living Presidents as well, be they Republicans or Democrats. It is Nobel laureate economists, very smart people, who say that this is a great deal for America. That is the

emphasis. Why? Because they understand that we have got to have a strategy. Our competitors, our competitors are not Mexican workers, goodness. They know it. We ought to know it. Our competitors, our most serious competitive challenge to our jobs, to our living standards, comes from Europe and Japan. That is our competition, not from Mexico or other lower wage countries.

Europe and Japan have adopted aggressive regional trade strategies, and tomorrow on the floor of this House, we have the advantage to not only match them but one-up them and put us in a preeminent competitive position, and I am confident that if we have these rules in place that for the first time since the United States took the lead on the Marshall plan and said that we are going to rebuild Europe so that we can sell products to them, and they did respond, and now they are one of our major competitors, that if we defined the rules of the game on the North American Continent that we will succeed, because again we have the education, we have the creativity of product, we know how to market those products, we know how to manufacture them efficiently, we have a distribution system, a network, that is unmatched in the world, that our businesses will compete, will win, and that means profits for American companies and, more important, it means jobs, not welfare, not lower-wage jobs, but good-paying jobs, trade-related jobs that pay 17-percent more than a non-trade-related job, a job that provides health care for the family, a job that provides a retirement program for the worker and his or her spouse, a job that provides a vacation so you can take off time and be with your family a couple weeks a year. Those are the kinds of jobs we are talking about for this country.

We can either say not tomorrow on this floor and accept the status quo, accept the fact that we are going to play defense the rest of this decade and into the 21st century, or we can step forward as a Nation, as a Nation with Democrats and Republicans alike joining hands, joining forces, and saying no to all of the special-interest groups outside of this building, the hundreds and thousands of them that are surrounding us and pulling us this way or that way, and we are going to say we are doing this for America, because that is what it is all about, our economic future.

Our strategy for success begins on this floor tomorrow. It strengthens us here at home in North America. It will strengthen our bargaining hand in terms of the GATT negotiations, and we will be a leader, preeminently, for at least the next 50 to 100 years in this world.

I will be glad to yield to the gentleman from Arizona.

Mr. COPPERSMITH. I thank the gentleman for yielding.

Madam Speaker, I know all of us in this Chamber know that many people at home may not know that the gentleman from Oregon has announced he will not seek reelection to this body in 1994, but I think we have just heard some of the tremendous contribution he has made to the work of this House, and particularly to this debate, and I can think of no more fitting tribute to his service, and I would like to quote from an editorial in the New Republic on this issue.

□ 0040

And it is in the form of a speech, Madam Speaker, in the form of a speech to those of our colleagues who know in their hearts that the free-trade agreement is the right thing to do, the necessary thing to do, the absolutely vital thing to do, but still cannot bring themselves to vote for what is in our Nation's interest, what is absolutely vital for ourselves and for our children because they fear the political consequences or they fear the forces arrayed against them.

The article says:

There is an eerie familiarity about the forces arrayed against NAFTA: isolationism, protectionism, xenophobia. They prevailed after World War I. America turned inward, and the rest is history. Now we are again at the end of a war, and the world again waits for our definition of self. And again we vacillate. * * * Pivotal moments are hard to see except in retrospect. I know some would like to take refuge in this uncertainty: Maybe defeating NAFTA won't lead to a ruinous chain reaction. Well, maybe not. * * * We don't know which protectionist victory will be the fatal one this time around. That's why we must fight for free trade at every juncture. Uncertainty dictates obedience to conscience; and if you * * * use uncertainty to rationalize retreat, you betray yourself and your country.

Your president defined this vote as a matter of national security. Tell them that if NAFTA looks like a mistake three years from now, they can vote me out of office. I would rather face the judgment of voters after supporting NAFTA than face the judgment of history after opposing it. I urge you to make the same choice.

My friend from Oregon has shown great courage in his time here. He has cast many tough votes. He has cast many votes over which he has agonized. In many ways, I think he will join me tomorrow in casting what is really an easy vote because when it comes down to my country or politics, there is no choice, or it is a simple choice. It is a simple choice for America's future, it is a simple choice for a better country for my children. Those who would say "no" tomorrow are saying "no" to the future and "no" to the economic future for us and for our kids and for our children's children. We cannot let that happen.

Mr. KOPETSKI. I appreciate the gentleman's kind remarks. I do want to say that, yes, this is a difficult vote for

many people, and we ask on our side, of course, that people examine the fact, move away from the emotionalism, do not look at myths, look at reality, and then I am sure they will join us on the "aye" side of this.

There are those, clearly, who believe this is not the best, not in our best interests, not the best trade agreement that could be negotiated and hope that whether it is next year or 50 years from now that something different could be negotiated. I respect every Member's vote. The reality is we presume the people make informed votes in the best interests of their district, in the best interest of our great Nation. And I hope that the spirit of the debate will be based on fact tomorrow and reality, and I hope that we will prevail, but I know that all of us will continue to respect the other Members' vote and the reasons that are behind that vote.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLACKWELL (at the request of Mr. GEPHARDT) for today, after 5:30 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, as granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes today, in lieu of previously approved 60 minutes.

Mr. TORKILDSEN, for 5 minutes, today.

Mr. COLLINS of Georgia, for 5 minutes, today.

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. SANDERS, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. SMITH of Iowa, for 5 minutes, today.

Mr. LAFALCE, for 30 minutes, today.

Mr. SYNAR, for 30 minutes, each day, on November 19 and 20.

Mr. VENTO, for 60 minutes, on November 17, 18, and 19.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUTTO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous material:)

Ms. SNOWE.

Mr. GOODLING.

Mr. THOMAS of Wyoming.

Mr. PACKARD.

Mr. GILMAN in two instances.

Mrs. ROUKEMA.

Mr. HYDE.

Mr. OXLEY.

Mr. QUINN.

Mr. SMITH of Texas.

Mr. SOLOMON.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mrs. COLLINS of Illinois.

Mr. GEJDENSON.

Mr. REED.

Mr. HAMBURG.

Mr. BERMAN.

Mr. TRAFICANT in two instances.

Mr. DE LUGO.

Mr. SERRANO.

Mr. HOYER in two instances.

Mr. FINGERHUT.

Mrs. MALONEY.

Mr. PAYNE of New Jersey in two instances.

Mr. KENNEDY.

Mr. LEHMAN.

Mr. NADLER in four instances.

Mr. OBEY.

Mr. SANGMEISTER.

Mr. FAZIO.

Mr. OWENS.

Mr. CRAMER.

Mr. YATES.

Mr. BARCA of Wisconsin.

Mr. GLICKMAN.

Mr. ANDREWS of Texas.

Mr. DE LA GARZA.

Mr. KREIDLER.

Mr. SCHUMER.

Mr. MOAKLEY.

Mr. ENGEL in two instances.

Ms. FURSE.

Mr. HAMILTON.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 79. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994, as "National Family Week."

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 654. An act to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations;

S. 1490. An act to amend the United States Grain Standards Act to extend the authority

of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such act, and to improve administration of such act, and for other purposes; and

S.J. Res. 19. Joint resolution to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii,

and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.

ADJOURNMENT

Mr. COPPERSMITH. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes a.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 17, 1993, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various committees of the U.S. House of Representatives concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first, second, and third quarters of 1993, pursuant to Public Law 95-384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Belgium, Poland, Hungary, and Italy, Feb. 6-11, 1993:											
Delegation expenses	2/9	2/11	Hungary				1,460.68		833.88		2,294.56
	2/11	2/14	Italy				838.21		1,739.15		2,577.36
Committee total							2,298.89		2,573.03		4,871.92

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Chairman, Oct. 26, 1993.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Italy, Turkey, Syria, and Morocco, Apr. 3-11, 1993:											
Delegation expenses	4/3	4/3	Italy				1,245.90		2,262.66		3,508.56
Committee total							1,245.90		2,262.66		3,508.56

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Chairman, Oct. 26, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Tom Bevill	8/8	8/10	Russia		314.00						314.00
	8/10	8/12	Mongolia		336.00						336.00
	8/12	8/15	Kazakhstan		486.00						486.00
	8/15	8/18	China		579.00						579.00
	8/18	8/19	Japan		342.00						342.00
Military air transportation							10,000.00				10,000.00
Hon. Jim Chapman	8/22	8/23	Okinawa		100.00						100.00
	8/23	8/26	China		591.00						591.00
	8/26	8/27	Hong Kong		987.00						987.00
	8/27	8/27	Vietnam								
Military air transportation											
Hon. Richard Durbin	8/10	8/20	Asia		3,354.00						3,354.00
Military air transportation											
Hon. Thomas Foglietta	8/22	8/23	Okinawa		100.00						100.00
	8/23	8/26	China		591.00						591.00
	8/26	8/27	Hong Kong		987.00						987.00
	8/27	8/27	Vietnam								
Military air transportation											
Hon. Jerry Lewis	7/3	7/10	France		2,415.00						2,415.00
Government air transportation											
Hon. Carrie Meek	8/15	8/19	France		1,068.00						1,068.00
	8/19	8/24	Netherlands		1,220.00						1,220.00
	8/24	8/27	England		786.00						786.00
Commercial air transportation							4,498.56				4,498.56
Hon. James Moran	8/8	8/10	Russia		314.00						314.00
	8/10	8/12	Mongolia		336.00						336.00
	8/12	8/15	Kazakhstan		486.00						486.00
	8/15	8/18	China		579.00						579.00
	8/18	8/19	Japan		342.00						342.00
Military air transportation							10,000.00				10,000.00
Hon. John Myers	8/8	8/10	Russia		314.00						314.00
	8/10	8/12	Mongolia		336.00						336.00
	8/12	8/15	Kazakhstan		486.00						486.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
	8/15	8/18	China		579.00						579.00
	8/18	8/19	Japan		342.00						342.00
Military air transportation							10,000.00				10,000.00
Hon. Neal Smith	8/8	8/10	Russia		314.00						314.00
	8/10	8/12	Mongolia		336.00						336.00
	8/12	8/15	Kazakhstan		486.00						486.00
	8/15	8/18	China		579.00						579.00
	8/18	8/19	Japan		342.00						342.00
Military air transportation							10,000.00				10,000.00
Hon. Louis Stokes	7/3	7/10	France		2,415.00						2,415.00
Government air transportation											
Hon. Esteban Edward Torres	7/3	7/10	France		2,415.00						2,415.00
Government air transportation											
Sally Chadbourne	8/8	8/10	Russia		314.00						314.00
	8/10	8/12	Mongolia		336.00						336.00
	8/12	8/15	Kazakhstan		486.00						486.00
	8/15	8/18	China		579.00						579.00
	8/18	8/19	Japan		342.00						342.00
Military air transportation							10,000.00				10,000.00
James Kulikowski	9/3	9/5	Bosnia		340.00						340.00
	9/5	9/6	Germany		173.00						173.00
Commercial air transportation							2,021.95				2,021.95
Richard N. Malow	7/3	7/10	France		2,415.00						2,415.00
Government air transportation											
John G. Osthaus	8/8	8/10	Russia		314.00						314.00
	8/10	8/12	Mongolia		336.00						336.00
	8/12	8/15	Kazakhstan		486.00						486.00
	8/15	8/18	China		579.00						579.00
	8/18	8/19	Japan		342.00						342.00
Military air transportation							10,000.00				10,000.00
Terry R. Peel	9/1	9/3	Switzerland		478.00						478.00
	9/3	9/5	Croatia/Bosnia		340.00						340.00
	9/5	9/7	United Kingdom		954.00						954.00
Commercial air transportation							4,089.50				4,089.50
John Plashal	10/13	10/14	Kenya		120.00						120.00
Military air transportation							7,490.00				7,490.00
Paul Thomson	7/3	7/10	France		2,415.00						2,415.00
Committee total					36,606.00		78,100.01				114,706.01

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM N. NATCHER, Chairman, Nov. 1, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS & INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Richard H. Ash	7/21	7/23	Panama		330.00		936.52				1,266.52
Michael P. Downs	7/5	7/7	Belgium		397.50				46.44		443.94
	7/7	7/9	Italy		336.00						336.00
Michael O. Glynn	7/11	7/15	Mexico		595.50		3921.40		183.98		4,700.88
	7/15	7/18	Argentina		660.00						660.00
	7/18	7/20	Paraguay		282.50						282.50
	7/20	7/24	Brazil		489.25						489.25
Jay K. Gruner	7/11	7/15	Mexico		595.50		3921.40		107.04		4,623.94
	7/15	7/18	Argentina		660.00						660.00
	7/18	7/20	Paraguay		282.50						282.50
	7/20	7/24	Brazil		489.25						489.25
Walter C. Hersman	7/5	7/7	Belgium		397.50		3495.45		30.50		3,923.45
	7/7	7/9	Italy		336.00						336.00
James J. Hogan	7/21	7/23	Panama		330.00		936.52				1,266.52
Thomas G. McWeeney	7/24	7/28	Japan		846.75		3,832.45		290.70		4,969.90
	7/28	7/31	Thailand		623.75						623.75
Douglas D. Nosik	7/24	7/28	Japan		846.75		3,832.45		160.43		4,839.63
	7/28	7/31	Thailand		623.75						623.75
Timothy W. O'Brien	7/21	7/23	Panama		330.00		936.52				1,266.52
Thomas R. Reilly	7/21	7/23	Panama		330.00		936.52				1,266.52
R. W. Vandergrift	8/10	8/12	Poland		292.50		5,416.47		181.68		5,890.65
	8/12	8/14	Hungary		295.75						295.75
	8/14	8/15	Croatia		212.50						212.50
	8/16	8/17	Macedonia		312.00						312.00
Committee total					10,895.25		28,165.70		1,000.77		40,061.72

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. NATCHER, Chairman, Nov. 1, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS & INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Austria and Hungary, July 2-7, 1993: Ronald J. Bartek	7/2	7/2	Austria		430.00						430.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS & INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
	9/1	9/2	Czech Republic		280.00						280.00
	9/2	9/5	United Kingdom		786.00						786.00
Commercial transportation							529.60				529.60
Carey D. Ruppert	8/27	8/29	Ireland		514.00						514.00
	8/29	8/30	Germany		358.00						358.00
	8/30	9/1	Italy		436.00						436.00
	9/1	9/1	Germany								
	9/1	9/2	Czech Republic		280.00						280.00
	9/2	9/5	United Kingdom		786.00						786.00
Charles L. Tompkins	8/27	8/29	Ireland		514.00						514.00
	8/29	8/30	Germany		358.00						358.00
	8/30	9/1	Italy		436.00						436.00
	9/1	9/1	Germany								
	9/1	9/2	Czech Republic		280.00						280.00
	9/2	9/5	United Kingdom		786.00						786.00
Delegation expenses	9/2	9/5	United Kingdom						55.45		55.45
Committee total					41,702.00		6,645.34		2,439.64		50,786.98

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RONALD V. DELLUMS, Chairman, Oct. 26, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Mr. Ray Almeida	8/26	9/7	Portugal		³ 1,687.00		2,327.45				4,014.45
Hon. Barney Frank	8/30	8/31	Portugal		⁴ 309.00						309.00
	9/1	9/2	Senegal		239.00						239.00
	9/2	9/4	Ivory Coast		⁵ 219.00						219.00
	9/4	9/7	Ghana		⁶ 630.00						630.00
Hon. Maxine Waters	8/30	9/2	Senegal		239.00						239.00
	9/2	9/4	Ivory Coast		⁷ 219.00						219.00
	9/4	9/7	Ghana		⁸ 630.00						630.00
Hon. Melvin Watt	8/30	9/2	Senegal		239.00						239.00
	9/2	9/4	Ivory Coast		219.00						219.00
	9/4	9/7	Ghana		630.00						630.00
Committee total					5,260.00		2,327.45				7,587.45

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ \$250.06 returned to Embassy.⁴ \$309.00 returned to Embassy.⁵ \$87.86 returned to Embassy.⁶ \$304.00 returned to Embassy.⁷ \$95.13 returned to Embassy.⁸ \$279.00 returned to Embassy; \$1,325.05: Total returned to Embassy.

HENRY GONZALEZ, Chairman, Oct. 22, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE DISTRICT OF COLUMBIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Fortney "Pete" Stark ³	8/25	8/30	Italy	1,911,180	1,202		603.33				1,805.33
Committee total					1,202		603.33				1,805.33

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Commercial air transportation arranged by Chairman Stark for himself.

FORTNEY PETE STARK, Oct. 29, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Cheryl A. Phelps	7/6	7/9	Canada		550.00		613.66				1,163.66
Theodore J. Jacobs	8/6	8/13	Russia		2,550.00		2,572.05				5,122.05
Committee total					3,100.00		3,185.71				6,285.71

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, JR., Oct. 31, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Norman Y. Mineta	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Gretchen Biery	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Hon. Robert Borski	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Hon. Bob Clement	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Hon. Jerry Costello	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
David Fuscus	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Ken House	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Hon. John Mica	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
James R. Miller	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Hon. George Sangmeister	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
David Schaffer	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Hon. Tim Valentine	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Mary Walsh	8/23	8/27	Russia		1,600.00	(?)					1,600.00
	8/28	9/1	Germany		1,365.00	(?)					1,365.00
Hon. Barbara-Rose Collins	8/13	8/17	Korea		972.00						972.00
	8/18	8/21	Singapore		873.00						873.00
	8/21	8/25	Thailand		927.00						927.00
	8/25	8/26	Singapore		97.00						97.00
Commercial air transportation							6,330.45				6,330.45
Committee total					41,414.00		6,330.45				47,744.45

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NORMAN MINETA, Chairman, Oct., 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Dan Glickman	8/10	8/21	Asia		3,354.00						3,354.00
Hon. Norman D. Dicks	8/10	8/21	Asia		3,354.00						3,354.00
Hon. James H. Bilbray	8/10	8/21	Asia		3,354.00						3,354.00
Commercial airfare							360.00				360.00
Hon. Nancy Pelosi	8/10	8/21	Asia		3,354.00						3,354.00
Richard Giza, staff	8/10	8/21	Asia		3,354.00						3,354.00
Greg Frazier, staff	8/10	8/21	Asia		3,354.00						3,354.00
Ken Kodama, staff	8/10	8/21	Asia		3,354.00						3,354.00
Jeanne McNally, staff	8/10	8/21	Asia		3,354.00						3,354.00
Michael Sheehy, staff	8/10	8/15	Asia		1,665.00						1,665.00
Commercial airfare							1,500.45				1,500.45
CODEL expenses							1,227.23		2,434.13		3,661.36
William Flesherman, staff	8/15	8/20	Europe		1,145.00						1,145.00
Commercial airfare							3,932.05				3,932.05
Calvin Humphrey, staff	8/15	8/21	Europe		1,407.00						1,407.00
Commercial airfare							3,932.05				3,932.05
CODEL expenses							453.73				453.73
Hon. Jack Reed	8/16	8/19	Africa								
Commercial airfare	8/19	8/27	Europe		1,554.00						1,554.00
Terry Ryan, staff	8/16	8/19	Africa								
Commercial airfare	8/19	8/27	Europe		1,554.00						1,554.00
Commercial airfare							4,310.25				4,310.25
CODEL expenses							116.47				116.47
Caryn Wagner, staff	8/25	9/3	Europe		1,158.00						1,158.00
Commercial airfare							3,647.25				3,647.25
Committee total					35,315.00		23,789.73		2,434.13		61,538.86

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN GLICKMAN, Chairman, Oct. 29, 1993.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2159. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Korea,

pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

2160. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by David Nathan Merrill, of Maryland, to be Ambassador to the People's Republic of Bangladesh; also of Melvyn Levitsky, of Maryland, to be Ambassador to the Federative Republic of Brazil, and mem-

bers of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2161. A letter from the Director, Human Resources, Department of the Army, transmitting the U.S. Army nonappropriated fund employee retirement plan's year ended September 30, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2162. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1993 through September 30, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2163. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1993 through September 30, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 1425. A bill to improve the management, productivity, and use of Indian agricultural lands and resources; with an amendment (Rept. 103-367). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee on Appropriations. H.R. 3511. A bill rescinding certain budget authority, and for other purposes (Rept. 103-368). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 311. Resolution providing for consideration of the bill (H.R. 3450) to implement the North American Free Trade Agreement (Rept. 103-369). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NATCHER:

H.R. 3511. A bill rescinding certain budget authority, and for other purposes; to the Committee on Appropriations.

By Mr. STUDDS (for himself and Mr. DINGELL):

H.R. 3512. A bill to abolish the Council on Environmental Quality and to provide for the transfer of the duties and functions of the Council; to the Committee on Merchant Marine and Fisheries.

By Ms. BYRNE:

H.R. 3513. A bill to terminate the gas turbine-modular helium reactor program of the Department of Energy, and to dedicate the savings to deficit reduction; to the Committee on Science, Space, and Technology.

By Mr. DE LA GARZA (for himself, and Mr. ROBERTS):

H.R. 3514. A bill to clarify the regulatory oversight exercised by the Rural Electrification Administration with respect to certain electric borrowers; to the Committee on Agriculture.

By Mr. DE LA GARZA (for himself, Mr. STENHOLM, Mr. ROBERTS, Mr. LEWIS of Florida, Mr. BOEHNER, Mr. HOLDEN, and Mr. ENGLISH of Oklahoma):

H.R. 3515. A bill to amend the Egg Research and Consumer Information Act, the Watermelon Research and Promotion Act, and the Lime Research, Promotion, and Consumer Information Act of 1990, to revise the operation of these acts, and to authorize

the establishment of a fresh-cut flowers and fresh-cut greens promotion and consumer information program for the benefit of the floricultural industry, and for other purposes; to the Committee on Agriculture.

By Mr. DEAL (for himself and Mr. DARDEN):

H.R. 3516. A bill to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; to the Committee on Natural Resources.

By Mr. LANCASTER (for himself, Mr. PRICE of North Carolina, and Mr. VALENTINE):

H.R. 3517. A bill to suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms); to the Committee on Ways and Means.

H.R. 3518. A bill to suspend temporarily the duties on cefuroxime axetil (bulk and dosage forms); to the Committee on Ways and Means.

By Mr. THOMAS of Wyoming:

H.R. 3519. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the 125th anniversary of Yellowstone National Park; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COX (for himself, Mr. DOOLITTLE, Mr. BAKER of California, Mr. HUFFINGTON, Mr. MOORHEAD, Mr. HERGER of California, Mr. HORN of California, Mr. ROYCE, Mr. LEWIS of California, Mr. ROHRBACHER, Mr. PACKARD, Mr. CUNNINGHAM, Mr. GALLEGLY, Mr. HUNTER, Ms. HARMAN, Mr. CALVERT, Mr. DREIER, Mr. KIM, Mr. POMBO, Mr. McKEON, Mr. DORNAN, Mr. THOMAS of California, Mr. BALLENGER, Mr. MCCANDLESS, and Mr. WELDON):

H.R. 3520. A bill to amend title 18, United States Code, to provide increased penalties for damaging Federal property by fire, and for other purposes; to the Committee on the Judiciary.

By Mr. WHEAT:

H.R. 3521. A bill to establish a Commission on Crime and Violence; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. SMITH of New Jersey, Mr. CARDIN, Mr. McCLOSKEY, Mr. FISH, Mr. RICHARDSON, Mr. WOLF, Mr. PORTER, and Mr. MARKEY):

H. Con. Res. 181. Concurrent resolution expressing the sense of the Congress that leaders in the Middle East should consider establishing a Conference on Security and Cooperation in the Middle East; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

265. By the SPEAKER: Memorial of the House of Representatives of the State of Illinois, relative to summoning the Illinois congressional delegation to work with the Clinton administration to redirect some of its Federal funds to enhance local drug treatment centers; to the Committee on Energy and Commerce.

266. Also, memorial of the House of Representatives of the State of Illinois, relative to urging our Federal Government leaders to work together to designate the cemetery at Fort Sheridan a national cemetery for use by all veterans; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 35: Mr. UNDERWOOD and Mr. EVANS.
H.R. 93: Mr. SHUSTER, Mr. ARCHER, Mr. BARTLETT of Maryland, Mr. BEILENSON, Mr. CUNNINGHAM, Mr. DE LA GARZA, Mr. DREIER, Mr. EVERETT, Mr. FAWELL, Mrs. FOWLER, Mr. GIBBONS, Mr. GILCHREST, Mr. GILMAN, Mr. GOODLATTE, Mr. GOODLING, Mr. HANSEN, Mr. HERGER of California, Mr. HORN of California, Mr. HOUGHTON, Mr. HUNTER, Mr. KINGSTON, Mr. LINDER, Mr. MCDADE, Mr. MICA, Mr. MILLER of Florida, Mr. MONTGOMERY, Mr. POMBO, Mrs. ROUKEMA, Mr. SAXTON, Mr. SUNDQUIST, Mr. SKELTON, Mr. TAYLOR of North Carolina, Mr. WISE, Mr. WOLF, Mr. ZELIFF, Mr. KOLBE, Mr. PORTMAN, Mr. BLUTE, Mr. BONILLA, Mr. CHAPMAN, Mr. DARDEN, Mr. DICKEY, Mr. DOOLITTLE, Mr. ENGLISH of Oklahoma, Mr. HAYES, Mr. HOEKSTRA, Mr. HOKE, Mr. HUFFINGTON, Mr. ISTOOK, Mr. JACOBS, Mr. JEFFERSON, Mr. LAUGHLIN, Mr. LAZIO, Mr. LEWIS of California, Mr. MCCURDY, Mr. MACTLEY, Mr. MICHEL, Mr. MURPHY, Mr. RAVENEL, Mr. ROWLAND, Mr. SCHIFF, Mr. STENHOLM, Mr. SWETT, Mr. THOMAS of Wyoming, Mr. VOLKMER, Mr. YOUNG of Alaska, Mr. ZIMMER, Mr. SMITH of Oregon, and Mr. FRANKS of Connecticut.

H.R. 123: Mr. TORKILDSEN.

H.R. 162: Mr. GILCHREST and Mr. QUINN.

H.R. 163: Ms. DUNN.

H.R. 291: Mr. SISISKY, Mr. GILMAN, Mr. FIELDS of Texas, Mr. BARLOW, and Mr. TORKILDSEN.

H.R. 302: Ms. WATERS and Mr. HILLIARD.

H.R. 304: Mr. ENGEL.

H.R. 467: Ms. FURSE and Mrs. THURMAN.

H.R. 522: Mrs. THURMAN and Mr. LAZIO.

H.R. 624: Mr. BACHUS of Alabama, Mr. COBLE, Mr. BARTLETT of Maryland, Mr. WOLF, Mr. KLUG, Mr. INSLEE, Mr. BEREUTER, Mr. SCHIFF, Mr. HORN of California, Mr. ALLARD, Mr. MANN, Mr. CUNNINGHAM, Mrs. SCHROEDER, Mr. MARKEY, Mr. JOHNSTON of Florida, Ms. ENGLISH of Arizona, Ms. SHEPHERD, Mr. BARRETT of Wisconsin, Mr. INHOFE, Mr. HANSEN, Mr. PAYNE of Virginia, Mr. EDWARDS of California, Mr. ARMEY, Ms. LAMBERT, Mr. EWING, Mr. COSTELLO, Mr. VALENTINE and Mr. JACOBS.

H.R. 760: Mr. BLUTE.

H.R. 833: Mr. TORRES.

H.R. 840: Mr. ACKERMAN.

H.R. 911: Mr. TORRICELLI.

H.R. 961: Mr. SHARP and Mr. GOODLATTE.

H.R. 1133: Mr. CHAPMAN, Mr. GLICKMAN, Mr. JACOBS, Mr. NEAL of North Carolina, Mr. FAWELL, Mr. BLILEY, Mr. HAYES, Mr. DOOLEY, and Mr. FARR.

H.R. 1146: Mr. UPTON and Mr. ZELIFF.

H.R. 1176: Mr. FROST, Mr. BARLOW, and Mr. JOHNSON of South Dakota.

H.R. 1181: Mr. WISE and Mr. BEVILL.

H.R. 1276: Mr. FISH.

H.R. 1300: Mr. ZELIFF and Mr. ZIMMER.

H.R. 1362: Mr. ANDREWS of Maine.

H.R. 1552: Mr. WELDON.

H.R. 1627: Mr. PASTOR.

H.R. 1645: Mr. BARRETT of Wisconsin and Mr. FISH.

H.R. 1687: Mr. SERRANO and Mr. PASTOR.

H.R. 1863: Mr. MOORHEAD.

H.R. 1888: Mr. ENGEL.

H.R. 1900: Mr. BROWN of California and Mr. LEWIS of Georgia.

H.R. 1930: Mr. JACOBS.

H.R. 2042: Mr. BARRETT of Nebraska, Mr. PACKARD, Mr. SMITH of Texas, Mr. SUNDQUIST, Mr. BOEHNER, Mr. KYL, Mr. BARTON of Texas, Mr. SENSENBRENNER, and Mr. OXLEY.

H.R. 2135: Mr. HOEKSTRA.
 H.R. 2292: Mr. MINGE.
 H.R. 2424: Mr. REGULA and Mr. EVANS.
 H.R. 2447: Mr. VISCLOSKEY, Mr. FRANK of Massachusetts, Mr. FAWELL, and Mr. BOUCHER.
 H.R. 2455: Ms. KAPTUR, Mr. DICKS, Mr. GLICKMAN, Mr. BONIOR, and Mr. SKAGGS.
 H.R. 2484: Mr. PAYNE of New Jersey, Mr. MORAN, Mr. STOKES, Mr. DIXON, Mr. FISH, and Mr. HINCHEY.
 H.R. 2641: Mr. JOHNSON of South Dakota.
 H.R. 2666: Mr. COOPER.
 H.R. 2788: Mr. FRANK of Massachusetts and Mr. HINCHEY.
 H.R. 2859: Mr. BATEMAN, Mr. SPENCE, Mr. ARCHER, Mr. FIELDS of Texas, and Mr. FAWELL.
 H.R. 2863: Mr. HUGHES, Mrs. JOHNSON of Connecticut, and Mr. OLVER.
 H.R. 2898: Mr. LEWIS of Georgia.
 H.R. 2918: Mr. EVANS.
 H.R. 2921: Mr. NADLER.
 H.R. 2939: Ms. FURSE.
 H.R. 3039: Mr. GINGRICH.
 H.R. 3222: Mr. MINGE.
 H.R. 3293: Mr. GALLEGLY,
 H.R. 3306: Mr. DINGELL.
 H.R. 3364: Mrs. SCHROEDER, Mr. PASTOR, Mr. EDWARDS of California, and Mr. DURBIN.
 H.R. 3367: Mr. LIGHTFOOT, Mr. BOEHNER, Mr. FINGERHUT, Mr. MACHTLEY, and Mr. DOOLITTLE.
 H.R. 3373: Mr. HINCHEY.
 H.R. 3374: Mr. HINCHEY.
 H.R. 3414: Mr. HUGHES and Mr. FRANKS of New Jersey.
 H.R. 3457: Ms. ENGLISH of Arizona, Mr. HANCOCK, Mr. GENE GREEN of Texas, and Mr. SOLOMON.
 H.R. 3498: Mrs. ROUKEMA.
 H.J. Res. 90: Ms. SLAUGHTER, Mrs. THURMAN, Mr. JEFFERSON, Mr. DELLUMS, Mr. PORTMAN, and Mr. GENE GREEN of Texas.
 H.J. Res. 139: Mr. BACHUS of Alabama, Mr. THORNTON, Mr. CARR, Mr. GALLO, Mr. ANDREWS of Maine, Mr. WYDEN, Mr. SCHAEFER, Mr. FRANKS of Connecticut, Mr. TAYLOR of North Carolina, Mr. SMITH of Texas, Mr. BAKER of California, Mr. ACKERMAN, Mr. MARKEY, Mr. ROBERTS, Mr. MURTHA, Mr. BILIRAKIS, and Mr. KNOLLENBERG.
 H.J. Res. 159: Mr. HAMBURG, Mr. PASTOR, Mrs. LLOYD, Mr. VENTO, Mr. QUINN, Mr. ROSE, Mr. SERRANO, Mr. ROBERTS, Mr. HANSEN, Mr. HYDE, Mr. SAWYER, Mr. APPLIGATE, Mr. HALL of Ohio, Mr. BOUCHER, Mr. SARPALIUS, Mr. TRAFICANT, Mr. MCKEON, Mr. FAWELL, Mr. MENENDEZ, Mr. UNDERWOOD, Ms.

FURSE, Ms. ESHOO, Mr. DEFazio, Mr. VALENTINE, Ms. ROYBAL-ALLARD, Mr. DURBIN, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. ROWLAND, Mr. BEVILL, Mr. LANCASTER, Mr. UPTON, Mr. DE LUGO, Mr. OBEY, Mr. SMITH of Texas, Mr. MINETA, Mr. SCHUMER, Mr. MFUME, Mr. BILBRAY, Mr. NEAL of Massachusetts, Mr. WILSON, Mr. HOAGLAND, Ms. ENGLISH of Arizona, Mr. FOGLIETTA, Mr. LEHMAN, Mr. PICKLE, Mr. CAMP, Mr. KLUG, Mr. SMITH of New Jersey, Mr. OBERSTAR, Mr. EMERSON, Ms. MOLINARI, Mr. VOLKMER, Mr. FORD of Michigan, Ms. LOWEY, Mr. CARDIN, Mr. STEARNS, Mr. GUNDERSON, Mr. CARR, Mr. COX, Mr. GALLO, Ms. BROWN of Florida, Mr. STENHOLM, Mr. COLEMAN, Mr. POSHARD, Mr. PETERSON of Florida, Mr. MATSUI, and Ms. WOOLSEY.

H.J. Res. 180: Mr. CALVERT.
 H.J. Res. 181: Mr. CALVERT.
 H.J. Res. 216: Mr. FRANK of Massachusetts.
 H.J. Res. 226: Mr. KLINK.
 H.J. Res. 247: Mr. CAMP, Mr. TORRES, Mr. GILLMOR, Ms. MCKINNEY, Mr. DARDEN, Mr. TAYLOR of North Carolina, Mrs. FOWLER, Mr. FRANKS of New Jersey, Ms. MARGOLIES-MEZVINSKY, Mr. BONILLA, Mr. HILLIARD, Mr. BALLENGER, Mr. CASTLE, Mr. GLICKMAN, Mr. LANTOS, Mr. GUTIERREZ, Mr. HOYER, Mr. LAROCOCCO, Mr. HAMILTON, Mr. KENNEDY, Mr. PAYNE of New Jersey, Mr. FORD of Tennessee, Mr. BROWN of California, Ms. CANTWELL, Mr. MURPHY, Mr. WHEAT, Mr. BARLOW, Mr. COOPER, Mr. RUSH, Mr. LEWIS of Georgia, Mr. KREIDLER, Mr. MILLER of California, Mr. JOHNSON of South Dakota, Mr. MARKEY, Mr. ACKERMAN, Mr. MONTGOMERY, Mr. RAVENEL, Mr. TOWNS, Mr. DIXON, Mr. BACCHUS of Florida, Mr. LEVIN, Mr. MATSUI, Mr. SERRANO, Mr. MOLLOHAN, Mr. OWENS, Mr. COYNE, Mr. TAUZIN, Ms. VELÁZQUEZ, Mr. NEAL of Massachusetts, Mr. DICKS, Mrs. KENNELLY, Mr. JACOBS, Mr. MAZZOLI, and Mr. SHAYS.

H.J. Res. 257: Mr. PARKER, Mr. JOHNSON of South Dakota, Mr. COPPERSMITH, Mr. KLEIN, Mr. PAYNE of New Jersey, Mr. POSHARD, Mrs. VUCANOVICH, Mr. STUMP, Mr. CLYBURN, Mr. SMITH of Oregon, Mr. QUINN, Mr. McNULTY, Mr. TALENT, and Mr. WELDON.

H.J. Res. 268: Mr. COBLE, Mr. GILCHREST, Mr. LAZIO, Mr. WELDON, Mr. KING, Mr. SCHIFF, Mr. BURTON of Indiana, Mr. MANZULLO, Mrs. BENTLEY, Mr. SAXTON, Mr. WYNN, Miss COLLINS of Michigan, Mr. STUDDS, Mr. MENENDEZ, Mr. EWING, Mr. BILIRAKIS, Mr. DICKS, Mr. APPLIGATE, Mr. SWIFT, Mrs. LLOYD, Ms. ENGLISH of Arizona, Mr. BARLOW, Mr. GORDON, Ms. SLAUGHTER, Mr. GLICKMAN, and Mr. MFUME.

H. Con. Res. 20: Mr. CONYERS and Mrs. CLAYTON.

H. Con. Res. 37: Mr. BISHOP.

H. Con. Res. 79: Mr. COX and Mr. KLUG.

H. Con. Res. 91: Mr. ENGEL, Mr. EVANS, and Mr. DE LA GARZA.

H. Con. Res. 107: Mr. ENGEL and Mr. SKELTON.

H. Con. Res. 126: Mr. BARCIA of Michigan and Mr. REYNOLDS.

H. Con. Res. 148: Mr. BOEHLERT.

H. Con. Res. 177: Mr. CHAPMAN, Mr. GENE GREEN of Texas, Mr. BATEMAN, Mr. POMBO, Mr. SHAYS, Mr. McHUGH, Mr. EVANS, and Mr. CUNNINGHAM.

H. Res. 36: Mr. ZELIFF.

H. Res. 191: Mr. JACOBS.

H. Res. 227: Mr. ROGERS.

H. Res. 234: Mrs. CLAYTON, Mr. CAMP, and Mr. MOLLOHAN.

H. Res. 281: Mr. ROGERS, Ms. DANNER, Mr. GENE GREEN of Texas, Mr. SARPALIUS, Mr. HASTERT, Mr. ZIMMER, Mr. JOHNSTON of Florida, Mr. SCHIFF, Mr. DREIER, Mr. LIVINGSTON, Mr. HALL of Texas, Mr. GOODLATTE, Mr. SCHAEFER, Mr. WALKER, Mr. GRAMS, Mr. BONILLA, Ms. ROS-LEHTINEN, Mr. MICA, Ms. MOLINARI, Mr. MYERS of Indiana, Mr. KLINK, Mr. PETERSON of Minnesota, Mr. BOEHLERT, Mr. STENHOLM, Mr. FINGERHUT, Mr. CRAMER, and Mr. MCCLOSKEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1697: Mr. INGLIS of South Carolina.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

68. By the SPEAKER: Petition of Western Legislative Conference, San Francisco, CA, relative to a national peace memorial at the atomic bomb loading pits on the Island of Tinian; to the Committee on Natural Resources.

69. Also, petition of the Suffolk County Legislature, New York, relative to mammography examinations for female veterans; to the Committee on Veterans' Affairs.

SENATE—Tuesday, November 16, 1993

(Legislative day of Tuesday, November 2, 1993)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

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

Let us pray:

My soul thirsteth for God, for the living God. * * *—Psalm 42:2.

Gracious God of love and mercy, the psalmist reminds us that there is, deep within us, a longing for God. In the word of one great philosopher, "There is a God-shaped vacuum in every heart which only God can fill."

Forgive us, Lord, for our indifference, our rejection, our denial, our fear to acknowledge this deep need within us. Forgive us for ignoring the only One who can satisfy the deepest hunger and emptiness of our hearts. In the words of Jeremiah, "Following hollow gods they became hollow souls."

Patient Lord, give us the grace to heed this profound longing. Help us to take time to consider this fundamental need and look to Thee for the satisfaction which Thou, alone, canst give.

We pray in His name Who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 16, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 636, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following: SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1993".

SEC. 2. CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) medical clinics and other facilities throughout the Nation offering abortion-related services have been targeted in recent years by an interstate campaign of violence and obstruction aimed at closing the facilities or physically blocking ingress to them, and intimidating those seeking to obtain or provide abortion-related services;

(2) as a result of such conduct, women are being denied access to, and health care providers are being prevented from delivering, vital reproductive health services;

(3) such conduct subjects women to increased medical risks and thereby jeopardizes the public health and safety;

(4) the methods used to deny women access to these services include blockades of facility entrances; invasions and occupations of the premises; vandalism and destruction of property in and around the facility; bombings, arson, and murder; and other acts of force and threats of force;

(5) those engaging in such tactics frequently trample police lines and barricades and overwhelm State and local law enforcement authorities and courts and their ability to restrain and enjoin unlawful conduct and prosecute those who have violated the law;

(6) this problem is national in scope, and because of its magnitude and interstate nature exceeds the ability of any single State or local jurisdiction to solve it;

(7) such conduct operates to infringe upon women's ability to exercise full enjoyment of rights secured to them by Federal and State law, both statutory and constitutional, and burdens interstate commerce, including by interfering with business activities of medical clinics involved in interstate commerce and by forcing women to travel from States where their access to reproductive health services is obstructed to other States;

(8) the entities that provide abortion-related services engage in commerce by purchasing and leasing facilities and equipment, selling goods and services, employing people, and generating income;

(9) such entities purchase medicine, medical supplies, surgical instruments, and other supplies produced in other States;

(10) violence, threats of violence, obstruction, and property damage directed at abortion providers and medical facilities have had the effect of restricting the interstate movement of goods and people;

(11) prior to the Supreme Court's decision in *Bray v. Alexandria Women's Health Clinic* (113 S. Ct. 753 (1993)), such conduct was frequently restrained and enjoined by Federal courts in actions brought under section 1980(3) of the Revised Statutes (42 U.S.C. 1985(3));

(12) in the *Bray* decision, the Court denied a remedy under such section to persons injured by the obstruction of access to abortion-related services;

(13) legislation is necessary to prohibit the obstruction of access by women to abortion-related services and to ensure that persons injured by such conduct, as well as the Attorney General of the United States and State Attorneys General, can seek redress in the Federal courts;

(14) the obstruction of access to abortion-related services can be prohibited, and the right of injured parties to seek redress in the courts can be established, without abridging the exercise of any rights guaranteed under the First Amendment of the Constitution or other law; and

(15) Congress has the affirmative power under section 8 of article I of the Constitution as well as under section 5 of the Fourteenth Amendment to the Constitution to enact such legislation.

(b) PURPOSE.—It is the purpose of this Act to protest and promote the public health and safety and activities affecting interstate commerce by prohibiting the use of force, threat of force or physical obstruction to injure, intimidate or interfere with a person seeking to obtain or provide abortion-related services, and the destruction of property of facilities providing abortion-related services, and by establishing the right of private parties injured by such conduct, as well as the Attorney General of the United States and State Attorneys General in appropriate cases, to bring actions for appropriate relief.

SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

Title XXVII of the Public Health Service Act (42 U.S.C. 300aaa et seq.) is amended by adding at the end thereof the following new section:

"SEC. 2715. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

"(a) PROHIBITED ACTIVITIES.—Whoever—

"(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing abortion-related services; or

"(2) intentionally damages or destroys the property of a medical facility or in which a medical facility is located, or attempts to do so, because such facility provides abortion-related services,

shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

"(b) PENALTIES.—Whoever violates this section shall—

"(1) in the case of a first offense, be fined in accordance with title 18 or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with title 18 or imprisoned not more than 3 years, or both;

except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B).

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

"(i) in an amount not exceeding \$15,000, for a first violation; and

"(ii) in an amount not exceeding \$25,000, for any subsequent violation.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

"(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, such Attorney General may commence a civil action in the name of such State, as *parens patriae* on behalf of natural persons residing in such State, in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

"(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to—

"(1) prevent any State from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section;

"(2) deprive State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State or local law;

"(3) provide exclusive authority to prosecute, or exclusive penalties for, acts that may be violations of this section and that are violations of other Federal laws;

"(4) limit or otherwise affect the right of a person aggrieved by acts that may be violations of this section to seek other available civil remedies; or

"(5) prohibit expression protected by the First Amendment to the Constitution.

"(e) DEFINITIONS.—As used in this section:

"(1) ABORTION-RELATED SERVICES.—The term 'abortion-related services' includes medical, surgical, counselling or referral services, provided in a medical facility, relating to pregnancy or the termination of a pregnancy.

"(2) INTERFERE WITH.—The term 'interfere with' means to restrict a person's freedom of movement.

"(3) INTIMIDATE.—The term 'intimidate' means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.

"(4) MEDICAL FACILITY.—The term 'medical facility' includes a hospital, clinic, physician's office, or other facility that provides health or surgical services or counselling or referral related to health or surgical services.

"(5) PHYSICAL OBSTRUCTION.—The term 'physical obstruction' means rendering impassable ingress to or egress from a medical facility that provides abortion-related services, or rendering passage to or from such a facility unreasonably difficult or hazardous.

"(6) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."

SEC. 4. EFFECTIVE DATE.

This Act shall take effect with respect to conduct occurring on or after the date of enactment of this Act.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Utah [Mr. HATCH] or his designee is recognized to offer an amendment on which there shall be 90 minutes debate.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah [Mr. HATCH].

Mr. HATCH. At this time I would like to say there will be no amendment on assaults during labor disputes; we have decided not to go with that amendment, which would ordinarily take 1½ hours.

At this time, I would like to request that the following two amendments be stricken from the list of remaining amendments: The amendment to strike State attorneys general's authority to sue, and the amendment to protect other constitutional rights.

I ask unanimous consent that they be taken from the list.

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

The Senator from Massachusetts [Mr. KENNEDY] is recognized.

MODIFICATION OF COMMITTEE SUBSTITUTE

Mr. KENNEDY. Mr. President, I have sent to the desk a modification of the committee substitute amendment to S. 636.

The ACTING PRESIDENT pro tempore. The Senator has that right. The amendment is modified.

Mr. KENNEDY. I would ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment is modified.

The committee substitute, as modified, is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1993".

SEC. 2. CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) medical clinics and other facilities throughout the Nation offering abortion-related services have been targeted in recent years by an interstate campaign of violence and obstruction aimed at closing the facilities or physically blocking ingress to them, and intimidating those seeking to obtain or provide abortion-related services;

(2) as a result of such conduct, women are being denied access to, and health care providers are being prevented from delivering, vital reproductive health services;

(3) such conduct subjects women to increased medical risks and thereby jeopardizes the public health and safety;

(4) the methods used to deny women access to these services include blockades of facility entrances; invasions and occupations of the premises; vandalism and destruction of property in and around the facility; bombings, arson, and murder; and other acts of force and threats of force;

(5) those engaging in such tactics frequently trample police lines and barricades and overwhelm State and local law enforcement authorities and courts and their ability to restrain and enjoin unlawful conduct and prosecute those who have violated the law;

(6) this problem is national in scope, and because of its magnitude and interstate nature exceeds the ability of any single State or local jurisdiction to solve it;

(7) such conduct operates to infringe upon women's ability to exercise full enjoyment of rights secured to them by Federal and State law, both statutory and constitutional, and burdens interstate commerce, including by interfering with business activities of medical clinics involved in interstate commerce and by forcing women to travel from States where their access to reproductive health services is obstructed to other States;

(8) the entities that provide pregnancy or abortion-related services engage in commerce by purchasing and leasing facilities and equipment, selling goods and services, employing people, and generating income;

(9) such entities purchase medicine, medical supplies, surgical instruments, and other supplies produced in other States;

(10) violence, threats of violence, obstruction, and property damage directed at abortion providers and medical facilities have had the effect of restricting the interstate movement of goods and people;

(11) prior to the Supreme Court's decision in *Bray v. Alexandria Women's Health Clinic* (113 S. Ct. 753 (1993)), such conduct was frequently restrained and enjoined by Federal courts in actions brought under section

1980(3) of the Revised Statutes (42 U.S.C. 1985(3));

(12) in the Bray decision, the Court denied a remedy under such section to persons injured by the obstruction of access to abortion-related services;

(13) legislation is necessary to prohibit the obstruction of access by women to abortion-related services and to ensure that persons injured by such conduct, as well as the Attorney General of the United States and State Attorneys General, can seek redress in the Federal courts;

(14) the obstruction of access to pregnancy or abortion-related services can be prohibited, and the right of injured parties to seek redress in the courts can be established, without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or other law; and

(15) Congress has the affirmative power under section 8 of article I of the Constitution as well as under section 5 of the Fourteenth Amendment to the Constitution to enact such legislation.

(b) PURPOSE.—It is the purpose of this Act to protect and promote the public health and safety and activities affecting interstate commerce by prohibiting the use of force, threat of force or physical obstruction to injure, intimidate or interfere with a person seeking to obtain or provide abortion-related services, and the destruction of property of facilities providing abortion-related services, and by establishing the right of private parties injured by such conduct, as well as the Attorney General of the United States and State Attorneys General in appropriate cases, to bring actions for appropriate relief.

SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

Title XXVII of the Public Health Service Act (42 U.S.C. 300aaa et seq.) is amended by adding at the end thereof the following new section:

“SEC. 2715. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

“(a) PROHIBITED ACTIVITIES.—Whoever—

“(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing abortion-related services; or

“(2) intentionally damages or destroys the property of a medical facility or in which a medical facility is located, or attempts to do so, because such facility provides pregnancy or abortion-related services,

shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

“(b) PENALTIES.—Whoever violates this section shall—

“(1) in the case of a first offense, be fined in accordance with title 18 United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 1 year, or both; and

“(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302

of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 3 years, or both;

except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

“(c) CIVIL REMEDIES.—

“(1) RIGHT OF ACTION.—

“(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) any commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a medical facility that provides pregnancy or abortion-related services.

“(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

“(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

“(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

“(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

“(i) in an amount not exceeding \$15,000, for a first violation; and

“(ii) in an amount not exceeding \$25,000, for any subsequent violation.

“(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

“(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, such Attorney General may commence a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any appropriate United States District Court.

“(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

“(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to—

“(1) prevent any State from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section;

“(2) deprive State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law;

“(3) provide exclusive authority to prosecute, or exclusive penalties for, acts that may be violations of this section and that are violations of other Federal laws;

“(4) limit or otherwise affect the right of a person aggrieved by acts that may be violations of this section to seek other available civil remedies;

“(5) prohibit expression protected by the First Amendment to the Constitution; or

“(6) create new remedies for interference with expressive activities protected by the First Amendment to the Constitution, occurring outside a medical facility, regardless of the point of view expressed.

“(e) DEFINITIONS.—As used in this section:

“(1) INTERFERE WITH.—The term ‘interfere with’ means to restrict a person’s freedom of movement.

“(2) INTIMIDATE.—The term ‘intimidate’ means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.

“(3) MEDICAL FACILITY.—The term ‘medical facility’ includes a hospital, clinic, physician’s office, or other facility that provides health or surgical services or counselling or referral related to health or surgical services.

“(4) PHYSICAL OBSTRUCTION.—The term ‘physical obstruction’ means rendering impassable ingress to or egress from a medical facility that provides pregnancy or abortion-related services, or rendering passage to or from such a facility unreasonably difficult or hazardous.

“(5) PREGNANCY OR ABORTION-RELATED SERVICES.—The term ‘pregnancy or abortion-related services’ includes medical, surgical, counselling or referral services, provided in a medical facility, relating to pregnancy or the termination of a pregnancy.

“(6) STATE.—The term ‘State’ includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”

SEC. 4. EFFECTIVE DATE.

This Act shall take effect with respect to conduct occurring on or after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I yield myself 15 minutes of the time.

Could I ask, Mr. President, how much time there is on the bill?

The ACTING PRESIDENT pro tempore. There is 1 hour for general debate on the bill.

Mr. KENNEDY. And that is equally divided?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. KENNEDY. Mr. President, I yield myself 15 minutes.

Mr. President, this legislation will protect women, doctors and other health care providers from the tactics of violence and intimidation that are often used by antiabortion activists.

In the past 15 years, more than 1,000 acts of violence against abortion providers have been documented in the United States. Over 100 clinics have been bombed or burned to the ground. Hundreds more have been vandalized.

A recent survey by the Feminist Majority Foundation of clinics around the country showed that during the first 7 months of this year, fully half of the participating clinics had been the targets of arson, bomb threats, chemical

attacks, invasions and blockades, and other abuses.

It is not only the clinics that are being attacked. Doctors, nurses, and patients have all become targets. At least two doctors have been shot by antiabortion extremists.

Dr. David Gunn was murdered last March when he was shot at point-blank range outside a clinic in Pensacola, FL. At a Wichita clinic in August, Dr. George Tiller was shot and wounded in both arms.

In December 1991, a man in a ski mask opened fire with a sawed-off shotgun at an abortion clinic in Springfield, MO, and two clinic workers were seriously wounded.

And the worst is by no means over.

The Pensacola News Journal reported last week that Operation Rescue has announced plans to shut down two Pensacola clinics this month, using unspecified field activities that will undoubtedly include these tactics.

Attacks on clinics are not isolated incidents. Health care providers are living in fear for their lives. Many have received explicit threats against themselves and their families. One doctor in Texas received a letter in his mailbox at home that said, "Now you will die by my gun in your head * * *. Get ready [you're] dead."

A doctor in Rhode Island, who testified before the Labor Committee, was notified that a catastrophic health and dismemberment insurance policy was taken out for his wife.

Many physicians have found their faces, names, and addresses on "Wanted" posters. They take these threats seriously—especially after Dr. Gunn's murder, because he, too, had been targeted on wanted posters.

In addition to the violence and threats of violence, clinic blockades and invasions are disrupting the delivery of health care services throughout the country. Since 1977, over 30,000 arrests have been made in connection with clinic blockades and related disruptions.

Typically, in these incidents, dozens of persons—and sometimes hundreds, or even thousands—join together to barricade clinic entrances and exits. Often, they push their way into the clinics, then chain themselves to the furniture and equipment.

A widely used recent tactic is to inject toxic chemicals into the facility in the middle of the night. Acid to make staff and patients ill is sprayed into the clinic, where it seeps into carpets and furniture. The clinic is forced to shut down for days or weeks while it undergoes an expensive cleanup.

These are not peaceful protests. These attacks are more akin to assaults. The city manager of Falls Church, VA called them military assaults in testimony before the Labor Committee describing attacks on a clinic in his jurisdiction. Patients and

staff were held hostage for hours while the police tried to restore order, and a police officer was injured in the melee.

The consequences of this kind of conduct are unacceptable. The constitution guarantees the right of a woman to end a pregnancy, but the violence and blockades are designed to make it impossible for women to exercise that right.

Already, 83 percent of the counties in this country have no abortion provider. As clinics are burned down and the doctors are intimidated, it becomes harder and harder for women to obtain a safe and legal abortion.

The violence and blockades hurt others too. Many of the targeted clinics offer a wide range of health services. When these clinics are bombed, burned, blockaded or invaded, all of their patients suffer.

The Blue Mountain Clinic in Missoula, MT, was totally destroyed by arson last March. The clinic offered abortions, but it also provided prenatal care and delivery, childhood immunizations, diagnosis and treatment of sexually transmitted diseases, and contraceptive services. Many patients traveled over a hundred miles to obtain health care from the clinic. Now, that community has lost access to these needed services.

The perpetrators of this conduct believe that abortion is wrong, and they are entitled to their view. But no matter how strongly they feel, assaulting doctors and blockading and bombing clinics should not be tolerated.

This legislation is designed to prevent this reprehensible conduct and to ensure that it will be punished when it occurs.

It establishes a new Federal criminal offense prohibiting force, threat of force, physical obstruction, or destruction of property intended to interfere with access to pregnancy or abortion-related services. It also establishes the right to bring Federal civil suits to enjoin such conduct and to obtain damages to compensate the victims.

The language of the bill is drawn in part from Federal civil rights laws that prohibit force or threat of force to interfere with the exercise of other fundamental Federal rights—such as the right to vote, or to obtain Federal benefits, or to obtain housing without regard to race. Examples are found at 18 U.S.C. 245(b), and 42 U.S.C. 3631. Both of these laws were enacted as part of the Civil Rights Act of 1968.

The penalties in this bill are consistent with the penalties set forth in those laws: up to 1 year of imprisonment for the first offense; up to 3 years for subsequent offenses; up to 10 years if bodily injury results; and up to life in prison if death results.

The U.S. Criminal Code also provides for a range of maximum fines for Federal crimes, depending on the applicable maximum prison term, and such fines will be available here as well.

This measure prohibits four specific categories of conduct:

(1) It prohibits the use of force, including shooting or assaulting providers or patients.

(2) It prohibits the threat of force.

This provision applies in the case of serious, credible threats of bodily harm, such as the explicit death threats that many doctors have received.

(3) It prohibits physical obstruction of the facilities.

This is carefully defined in the legislation to mean making the entrance or exit impassable, or making passage unreasonably difficult or hazardous.

(4) It prohibits the damage or destruction of property. This includes arson, firebombing, chemical attacks, and other serious vandalism.

The legislation does not restrict activities protected by the first amendment. Those who are picketing peacefully outside clinics, praying or singing, or engaging in sidewalk counseling and similar activities that do not block the entrances have nothing to fear from this law. Those activities are protected by the Constitution, and this legislation does not restrict them.

The violent conduct that this legislation does prohibit is not even arguably protected by the first amendment, even if it is intended to express a point of view. As the Supreme Court said last June in its unanimous opinion in the hate crimes case *Wisconsin versus Mitchell*:

[A] physical assault is not by any stretch of the imagination expressive conduct protected by the first amendment * * *. Violence or other types of potentially expressive activities that produce special harms distinct from their communicative impact * * * are entitled to no constitutional protection.

[*Wisconsin v. Mitchell*, 113 S. Ct. 2194 (June 11, 1993).]

The same is true of physical obstruction of access to a public or private building—it is entitled to no constitutional protection. [*Cox v. Louisiana*, 379 U.S. 536, 555 (1965).]

In short, this legislation will not penalize a point of view. It will not penalize conduct expressing that point of view in nonviolent, nonobstructive ways.

The only conduct it prohibits is violent or obstructive conduct that is far outside any constitutional protection. That is why the measure has been unequivocally endorsed by the American Civil Liberties Union and many others who have reviewed its constitutional implications.

Some may wonder why we need a Federal law, since such activities are normally a matter for State and local authorities. State and local laws against trespass, vandalism, assault and homicide, cover a large part of the conduct this legislation would address.

But in a number of incidents around the country, local officials, apparently

opponents of abortion rights themselves, have been unwilling to enforce the laws. A sheriff in Texas has stated unequivocally that he will not enforce the law against those seeking to stop abortions. A police chief in Minnesota was arrested for participating in a clinic invasion himself.

A Federal law is also needed because we are confronted with a nationwide pattern of conduct by persons and organizations who operate across State lines in a manner that often makes it difficult or impossible for local authorities to respond effectively. Anti-abortion activities of the most extreme kind have been reported in every part of the United States. When the organizers and their recruits move from one clinic to another in different jurisdictions, Federal investigative and law enforcement resources are essential.

Local authorities are often overwhelmed by the sheer numbers of clinic attackers. The Falls Church, VA, official who testified to the Labor Committee told us that his town had only 30 uniformed officers to arrest over 200 clinic attackers. It took hours for the police to clear the clinic. The lone city prosecutor handling the charges was swamped, and ultimately the trial had to be held in the community gym, because it was the only place large enough.

Clearly, these cases should be Federal cases.

Prior to the Supreme Court's decision in *Bray versus Alexandria Health Clinic* last January, in circumstances like this the clinic operators, staff or patients could apply to Federal court for an injunction, which could then be enforced by U.S. marshals.

For example, in the campaign against several clinics in Wichita in the summer of 1991, it was the Federal marshals who were able to restore order. But in *Bray*, the Court held that the civil rights law under which such injunctions had been issued does not apply to antiabortion blockades. That decision created an unfortunate gap in the Federal laws that this legislation will close.

Attorney General Reno, with her background in local law enforcement and her special sensitivity to the appropriate roles of Federal and local authorities, wholeheartedly concurs in the need for Federal help here. In fact, she testified that enactment of this legislation is one of the Justice Department's top priorities.

Some have asked why the bill singles out abortion-related violence and blockades. The answer is that this legislation singles out for new Federal penalties and remedies exactly the conduct that calls for a Federal response—no more, no less. Antiabortion violence and blockades that have been occurring across the Nation as part of a coordinated, systematic campaign to intimidate abortion providers and patients,

and State and local authorities have been unable to control it.

Nothing remotely comparable is happening that would justify a Federal law against violent demonstrations in other contexts. There is no record of any organized, nationwide pattern of violence or blockades by labor unions or any other group, let alone a pattern of conduct that local authorities have been unable to handle.

When a need for Federal legislation is shown, Congress should act. Last year we passed by voice vote a law prohibiting violence against animal research facilities. No one objected on the ground that it singled out animal research opponents unfairly.

Finally, S. 636 evenhandedly addresses the possibility of abuses by both sides of the abortion controversy. It provides exactly the same protection for pro-life counseling centers, staff, and clients that it provides for abortion clinics and their staff or clients. It does so by applying its prohibitions to conduct aimed at interfering with pregnancy or abortion-related services, and defining that term to include services relating to pregnancy or the termination of a pregnancy.

If abortion rights activists were to vandalize a pro-life counseling center, or use force against a counselor who works there, they would be subject to the same criminal and civil liability as pro-life activists who attack abortion clinics or use force against a doctor who works there.

This provision was added to S. 636 in the Labor Committee to respond to the desire for equal treatment of both sides. The even-handedness principle is further refined in the modified substitute I offer today. At the request of Senator WOFFORD, we have changed the name of the services covered from "abortion-related" to "pregnancy or abortion-related," to make it even clearer that pro-life pregnancy counseling is included in its protections.

In addition, as a further modification after discussions with Senators DURENBERGER and KASSEBAUM, the bill ensures that demonstrators—whichever side of the abortion debate they are on—do not obtain any right under this law to bring a civil suit. Only patients and clinic personnel will have that right.

As reported by the Labor Committee, S. 636 permitted any person aggrieved by the prohibited conduct to sue for damages or injunctive relief. That could have been read to permit suits against clinic attackers to be brought not only by a patient or doctor or clinic owner, but also by a pro-choice demonstrator or clinic defender. Pro-life demonstrators outside the same clinic would not have had a similar right to such relief.

As modified, the bill restores the evenhandedness principle. It permits suits only by persons involved in pro-

viding or obtaining services in the facility. If demonstrators outside a clinic engage in pushing, shoving, or other forceful conduct against each other, neither side can sue under this law.

This measure, in short, provides fair, evenhanded treatment for all concerned. It is urgently needed. It is not enough for Congress to condemn the violence.

We must act before more doctors are killed, or more clinics are blockaded or burned to the ground.

Law enforcement officials at all levels of government agree, including Attorney General Reno, who testified in strong support of this legislation. The consensus includes the State attorneys general, who adopted a unanimous resolution urging Congress to pass this law. It includes local officials throughout the country who need this Federal help.

All of the leading women's rights groups and groups concerned with women's reproductive health regard this measure as a top priority.

Health care providers, too, have joined in calling for passage of this legislation. The American Medical Association has endorsed it, and so has the American College of Obstetricians and Gynecologists. Their view is clear—no doctor should be forced to go to work in a bulletproof vest.

In addition, the respected British medical journal, the *Lancet*, in an editorial in its October 16, 1993 issue, addressed this issue in American medicine and stated, "Congress should act soon to end this terrorism."

The Senate should act, and act now. This measure has bipartisan support from Senators who are pro-choice and Senators who are pro-life. We may not agree on the issue of abortion, but we do agree that the use of violence by either side to advance its views is wrong. I urge the Senate to pass this legislation.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Lucy Koh, a fellow in my office, be afforded floor privileges.

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

AMENDMENT NO. 1190

(Purpose: To protect the first amendment right to exercise religion)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows: The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1190.

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

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

The amendment is as follows:

On page 6, between lines 2 and 3 insert the following as new section 2715(a)(2): "by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempt to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of worship; or"

Re-number current section 2715(a)(2) as 2715(a)(3), and add the following at the end of line 7 on page 6: "or intentionally damages or destroys the property of a place of religious worship."

On page 11, line 15, add "or to or from a place of religious worship" after "services" and before the comma, and add "or place of religious worship" after "facility" on line 16 of page 11.

Mr. HATCH. Mr. President, before I talk about that amendment, we have an order of amendment here. Following my amendment, Senator SMITH will bring up his amendment. Then I am to offer one on limit protection to illegal abortions. I want to go to the White House for the bill signing of the Religious Freedom Restoration Act.

I will soon ask unanimous consent to take that out of order so that I can go.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, the religious liberty amendment that I am offering is very straightforward. It would ensure that the first amendment right of religious liberty receives the same protection from interference that S. 636 would give abortion. Simply put, anyone who votes against this amendment or who attempts to dilute it values religious freedom far less than abortion.

Religious liberty is the first liberty guaranteed in the Bill of Rights. As the lead cosponsor, along with Senator KENNEDY, of the Religious Freedom Restoration Act, I have worked to guarantee that religious liberty is protected against Government intrusion. Through this amendment, religious liberty would also be protected against private intrusion—in exactly the same way that S. 636 would protect abortion.

Make no mistake about it: The right of Americans of various religions to attend their places of worship in peace is under attack throughout the country. Various groups, acting on behalf of various causes, have undertaken an interstate campaign of harassment, physical assaults, and vandalism. Consider, for example, some recent episodes:

Just over a week ago, protesters disrupted Scripture reading at the Village Seven Presbyterian Church in Colorado Springs, CO, and pelted the congrega-

tion with condoms. Similar protests have occurred throughout the country, and organizers of the Colorado Springs protest said that they planned further disruptions in the future. [Gazette Telegraph, 11/8/93; Gazette Telegraph, 11/10/93].

In February of this year, the St. Jude's United Holiness Church in St. Petersburg, FL, was burned to the ground by an arsonist. Another arsonist set fire to at least 17 other churches throughout Florida and to churches in Tennessee and Colorado. [St. Petersburg Times, 2/2/93, 1/9/93].

Catholic services have been disrupted and Catholic churches have been vandalized in New York and other cities. In New York, activists exposed churchgoers at St. Patrick's Cathedral to a pornographically altered portrait of Jesus, invaded the cathedral, screamed, waved their fists, and tossed condoms in the air. [New Dimensions, July 1990]. Those responsible for these acts have planned similar disruptions throughout the country. [Doe letter]. In May of this year, protesters poured glue into the locks of five churches [Boston Globe, 5/21/93]. Other recent attacks against Catholic leaders have occurred in Washington, DC, Boston, Springfield, MA, Los Angeles, and New York.

In mid-September, in San Francisco, activists blocked access to the Hamilton Square Baptist Church, pushed and shoved churchgoers, threw rocks and eggs at them, and destroyed church property. The police failed to respond to calls for more assistance and made no arrests. [Statement by Dr. David C. Inness]

Synagogues have been victimized by defacement and vandalism on countless occasions.

Our Nation was founded on the principle of religious liberty. If any right deserves protection from private interference, it is religious liberty. The amendment that I am offering would do no more than give religious liberty the same protection that S. 636 would give abortion.

The choice for my colleagues is simple: Do they value religious liberty at least as much as abortion? If so, they should vote for my amendment.

Mr. President, I ask for the yeas and nays on this amendment.

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

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Is it possible for me to get that slight modification in the order so I can go to the White House?

Mr. KENNEDY. Mr. President, I would be glad to yield. I see my colleague, the Senator from Ohio, and the Senator from California, and I would like to yield to him. How much time remains on the bill itself?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 14 minutes on the bill itself and 19 minutes on the amendment.

Mr. KENNEDY. I know the Senator from Utah wants to go to the White House for the signing of the Religious Freedom Restoration Act. If I could, I would like to ask a few questions and I will yield.

Mr. METZENBAUM. I would like to go, too.

Mr. KENNEDY. I would, too, but I am going to stay here. I will ask just a few questions, and then I would be glad to yield to the Senator from Ohio.

So I yield 7 minutes on the amendment.

As I understand the Senator's amendment, it would simply extend the bill's prohibitions to include the actual or temporary use of force, threat of force, or physical obstruction to intentionally injure, intimidate, or interfere with anyone lawfully exercising or seeking to exercise the first amendment, the right of religious freedom at a place of religious worship and to intentionally damage or destroy property of a place of religious worship.

Am I correct that the amendment would cover only conduct actually occurring or, in the case of an attempt, intending to occur in place of religious worship, such as a church, synagogue or the immediate vicinity of a church?

Mr. HATCH. The Senator is absolutely right.

Mr. KENNEDY. So, to be clear on this, the amendment would cover only conduct actually occurring at an established place of religious worship, a church or synagogue, rather than any place where a person might pray, such as a sidewalk?

Mr. HATCH. That is correct.

Mr. KENNEDY. Mr. President, we can accept the amendment. With this understanding, we are prepared to accept the amendment.

Mr. HATCH. I asked for the yeas and nays on the amendment because I think we will have to have a vote on it. But I would like to have the yeas and nays stacked until after Senator METZENBAUM and I return from the White House.

Mr. KENNEDY. It will not be possible for me to agree to that until I consult with the leaders.

Mr. HATCH. I have no doubt the leaders will accommodate us because we are going to the White House at the President's request.

Mr. KENNEDY. The Senator would be surprised at what the leaders agree to or do not agree to.

I will be glad to try and recommend that.

Mr. HATCH. I am sure the Senator would.

Mr. KENNEDY. I am keenly aware of the leader on our side in terms of his interests.

Mr. HATCH. Let me just comment on that. I have no doubt that the leaders will accommodate us because we have given up a 1½-hour amendment here this morning.

What I would like to do and have our majority floor manager ask the leader when he arrives is to stack votes beginning at 10 o'clock so we have enough time to get back from the White House.

We have already disposed of three amendments and this one will be voted on, and I appreciate the Senator being willing to accept it. But I would like to have a vote on it because I think it is that important.

I yield the floor.

Mr. KENNEDY. Mr. President, on the amendment I will be glad to yield 10 minutes to the Senator from Ohio.

Mr. HATCH. Could I then still ask my request to allow my amendment—it would come right in the middle of the White House proceeding—to go after the Coats amendment? Right now it is stacked in front of the Coats amendment. I will ask unanimous consent to accommodate us in going to the White House and that I be permitted to offer the amendment on limit of protection on legal abortions after the Coats amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Mr. President, I have every intention of accommodating my friend from Utah. I have not seen the technical amendment, and I am not in a position to agree to any consent request.

Mr. HATCH. What is the Senator talking about?

Mr. KENNEDY. I thought he said this amendment.

Mr. HATCH. No. It is the amendment. We have these amendments stacked in order.

Mr. KENNEDY. All right. Do I understand that the measure that is before us now is the Hatch amendment?

Mr. HATCH. No. The next amendment will be the Smith amendment, punishing violent offenses more severely than nonviolent offenses, and then the amendment after that would be my amendment to limit protection of legal abortions, of which the Senator has a copy, and I would like that amendment to be stacked until later.

Mr. KENNEDY. I understand. But we now have before the Senate the religious freedom amendment. Labor disputes has been put aside. Now we have interfering with religious exercise. That is the measure before us. That has 40 minutes evenly divided. Am I correct on that?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. How much time do I have on that amendment?

The ACTING PRESIDENT pro tempore. The Senator has 16 minutes and 30 seconds.

Mr. KENNEDY. On that I yield 10 minutes to the Senator from Ohio, and I will consult with the majority leader about the request of the Senator.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator

from Ohio [Mr. METZENBAUM] for 10 minutes.

Mr. METZENBAUM. Mr. President, I rise in support of the Freedom of Access to Clinic Entrances Act. Whether they are pro-choice or pro-life, law-abiding people absolutely deplore the increasing number of attacks against women who seek to exercise their constitutional right to have a legal abortion, and the health professionals that help them exercise this right. As members of a civilized society we must strongly denounce any interjection of violence into this debate. Any suggestion that the use of violence is an acceptable way to settle our differences is repugnant and does a real disservice to all those involved in the abortion debate.

The murder of Dr. David Gunn of Florida and the shooting of Dr. George Tiller of Kansas because they performed legal abortions was simply barbaric. These shameful acts are the result of a national campaign against medical clinics, their employees and patients. This campaign includes bombings, acts of arson, clinic invasions, blockades, acts of vandalism, assaults, and death threats. Just last month, a family planning clinic in Bakersfield, CA, was destroyed by arson, causing \$1.4 million in damages.

In the past, doctors and patients threatened by intimidating activity aimed at clinics were able to obtain Federal injunctions to protect themselves under a Federal civil rights statute. But in January 1993, the Supreme Court ruled that this Federal law could no longer be used to protect medical employees and patients from clinic blockades.

At Senate hearings, Attorney General Reno testified that no adequate State or Federal remedy now exists to address this national crime wave. Local law enforcement is either unable or unwilling to deal with the massive protests that are designed to overwhelm the police, courts and jails in targeted cities. The Attorney General made it clear that Federal legislation is urgently needed to better address this situation.

The bill offered today would give Attorney General Reno the crime fighting tool she requested. Modeled on the Voting Rights Act, this bill prohibits the use or threat of force to interfere with obtaining or providing reproductive health services. It protects access to clinics that perform abortion services as well as access to clinics that counsel against the procedure. Lawful picketing and protests without force, threats of force or physical obstruction are not prohibited.

The Freedom of Access to Clinics Entrances Bill reaffirms that we are a Nation of laws and not vigilante justice. I urge my colleagues to support it.

Mr. President, I yield the floor, and I thank the Senator from Massachusetts for yielding the time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that no second-degree amendment be in order to the pending Hatch religious freedom amendment.

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

Mr. KENNEDY. Mr. President, how much time remains on the amendment?

The ACTING PRESIDENT pro tempore. The Senator has 11½ minutes.

Mr. KENNEDY. I yield 10 minutes to the Senator from California.

Mrs. BOXER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from California, Senator BOXER.

Mrs. BOXER. Mr. President, I rise in strong support of the bill authored by my colleague, the distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY. I thank him for his leadership on this issue. It is a very key issue today. Violence in America is a very key issue today and this bill addresses one part of that terrible problem.

Mr. President, America is proud of its democracy, and there is no question that our right to dissent is a precious and constitutional right. People have died for that right. I would not vote for anything that interfered with that right.

But violent dissent is not a right. Violent dissent is vicious, it is dangerous, and it is lethal. And what this bill is about is addressing violent dissent that, Mr. President, we see day after day in America.

In March, Dr. David Gunn was killed by an antiabortion protestor. In August, Dr. George Tiller was the victim of a similar attempt on his life. These tragedies sent shock waves through our communities and the Halls of Congress. But they are only the most recent developments in a crusade that goes well beyond the peaceful expression of opposite points of view.

Mr. President, every day, physicians and health care professionals face intimidation, harassment, and now—more than ever—violence.

When they come to work they face angry protestors blockading their front

doors. They receive hate mail, death threats, and harassing phone calls. Many are stalked, forced to wear bullet proof vests and work behind steel shutters. Their faces appear on "wanted" posters. Their clinics are bombed, vandalized, and set on fire.

Since 1977, radical opponents of choice have directed nearly 3,000 acts of violence at abortion providers.

Mr. President, I abhor violence wherever it comes from.

This bill is evenhanded. And that is important. This bill does not say you can promote violence if you are one way on choice and you cannot if you are another. This bill says that violence will not be tolerated at a clinic whatever the source.

In a recent survey of reproductive health care clinics released by the Fund for the Feminist Majority, 21 percent received death threats to clinic staff during the first 7 months of this year; 18.1 percent of clinics reported bomb threats; 16 percent of clinics were blockaded; 14.9 percent of clinics reported that their staff had been stalked—and anyone who has been stalked can tell you what an intimidating, frightening experience it is; 10.3 percent of clinics reported chemical attacks; and 2 percent reported arson.

Mr. President, in my home State of California, we have too many examples of this to report. On March 9, just 1 day before the brutal murder of Dr. Gunn, six medical clinics in San Diego and two in Riverside were sprayed with butyric acid—a foul smelling chemical that irritates the eyes and respiratory tract and often causes burns and nausea. Four health care workers were hospitalized after inhaling the fumes. I happened to be visiting the clinic that very day and I can report to this body, Mr. President, that people were shaken, good people, hardworking people, principled people. Mr. President, this is wrong.

Two months ago in Bakersfield, Family Planning Associates was set on fire, sustaining extensive damage and disrupting the delivery of important health care services to women.

And I need to stress, Mr. President, that these clinics that are being bombed, that are being sprayed, that we have doctors being stalked and nurses being stalked, and patients being intimidated, these clinics provide a potpourri of services to women. They provide many services, health services. For many of them it is the only health care they get. And they may not be going there about an abortion. They may be there to get help in becoming pregnant or to get their breast cancer exam. And yet, they are subjected, increasingly, to violence.

So, Mr. President, the doctors do get hurt. But so do American women who have seen these offices that they go to for help transformed from safety zones to war zones.

The fact is that the vast majority of the medical facilities which have been targeted, as I said, provide a range of vital health care services to women. And the very people who are protesting are sometimes interfering with prenatal care, so important to the baby that will come into this world.

We know that it is going to harm a baby if a mother inhales butyric acid at a health care clinic. So the very people who claim to stand up for the future children are injuring them by spraying these clinics with acid, by frightening these mothers, who need to take care of themselves at that very important time.

Ashley Phillips, executive director of the Womenscare Clinic of San Diego, wrote the following in the Los Angeles Times after her facility was sprayed with acid.

Like many other women's clinics in this country, the one I direct is not an abortion clinic. We are a nonprofit community clinic in San Diego offering a broad range of health care services. * * * Hundreds, if not thousands, of people were exposed to the lingering fumes [as a result of the acid attack]. Pregnant women, the very people the "pro-life" community says they want to protect, were endangered.

Attorney General Janet Reno has acknowledged that existing Federal law is inadequate to arrest and prosecute those who cross the line from peaceful protest to physical obstruction, vandalism, harassment, or worse, with the clear purpose of preventing women from exercising their right to choose.

That is why the bill before us is so critical. It will ensure that women are able to exercise their right to choose by having access to necessary health care services. And it will ensure that the health care professionals who serve them are protected from violence and harassment. At the same time, it in no way interferes with or penalizes the legitimate first amendment rights of antiabortion protestors.

And again I say, I value their right to protest, just as I value my right. But we are talking here about violence. We are not talking here about nonviolence.

We must act today to end this horrifying cycle of fear and violence in our nations. Whatever one's feelings on reproductive choice—and I have friends in this Chamber on both sides of this difficult issue—I know that we can all agree that the fear and the violence must be stopped.

Again, I want to thank Senator KENNEDY for his extraordinary leadership on this issue. And I want to thank my friends in this Chamber who do not happen to agree with my position on choice or Senator KENNEDY's position on choice but have joined with us today to stand together as Americans against violence.

I appreciate having this time.

I yield the floor at this time.

The ACTING PRESIDENT pro tempore. The Senator from California yields the floor. Who yields time?

The Senator from Massachusetts is recognized.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Just so we understand where we are, I ask consent that the Hatch amendment be temporarily set aside.

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

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum and ask consent the time charged be evenly divided.

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

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

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

Mr. REID. Mr. President, it is my understanding that the Hatch amendment has been withdrawn and we are now—

Mr. KENNEDY. It has been temporarily set aside.

Mr. REID. And that we are now debating S. 636?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Mr. President, we are under a time limitation. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 12 minutes on the bill.

Mr. REID. Will the Senator from Massachusetts yield me about 3½ minutes?

Mr. KENNEDY. I yield 4 minutes to the Senator from Nevada.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 4 minutes.

Mr. REID. Mr. President, last March I was the first Member of this body to stand on this floor and address a serious problem which was later to become my motivation for supporting this bill that is before us today.

When I spoke last March I was referring to the senseless killing of a man named Dr. David Gunn. Dr. Gunn was shot down in cold blood as he left his job at a health clinic in Pensacola, FL. Dr. Gunn was senselessly murdered. He was shot three times in the back with a .38 caliber revolver.

There is no question about my position on the issue of abortion. I am pro-life. But despite the feelings of anyone on this emotional issue, there is no

justification for the kind of senseless brutality that our Nation witnessed outside this clinic in Pensacola, FL, in March. We cannot as a society allow acts of violence to promote any cause—I repeat any cause—no matter how just the people promoting the cause believe their cause to be.

So I rise today in support of the measure before us as a fair and practical protection against undue violence. It protects those who seek access to clinics. But it also protects those who do not believe in the use of abortion services and who wish to demonstrate that belief as provided by the constitutional protections of peaceable assembly.

The key term is peaceable. No one whose aim is to demonstrate peaceably that they oppose abortion should fear this bill. The bill specifically affirms expressions protected by the first amendment to the Constitution of this country. Its aim is not to restrict the rights of people to demonstrate but to protect the rights of people to be free from the fear of violence against them. This is not unreasonable. I happen to believe that the majority of people who choose to demonstrate outside abortion clinics because of their conscientious beliefs are not violent people. They are not people who wish to do harm to others. They are trying to do good according to their beliefs. Those who seek access to clinics have nothing to fear from the vast majority of these citizens.

But, as in all things, a few bad apples in a barrel spoil the whole barrel. And, because of this as we know the whole barrel is lost. So a few bad apples demonstrating can ruin the whole ability to assemble peaceably, thus the need for the legislation that we are considering today—that becomes paramount.

Senator KENNEDY in conversations that I had with him earlier this year graciously agreed to remove earlier provisions of this legislation that I felt were unnecessary, provisions that would have, in the minds of some, constituted prejudicial treatment of anti-abortion demonstrators. The bill before us is what it should be: A protection for the rights of both sides of this controversial issue.

As I said on March 11, we are not singling out a particular group because of a few bad apples. I am a supporter of working men and women. Yet we have chosen in the history of this country, and presently, today, for good reason, to place some protections for businesses on the legitimate rights of workers to set up picket lines. We limit the number of pickets to so many pickets per block. There are all kinds of restrictions.

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

Mr. KENNEDY. I will yield 3 more minutes to the Senator.

Mr. REID. I thank my colleague.

We limit the number of pickets to so many pickets per block. There are restrictions set on the ability of workers to demonstrate against the businesses that they feel they have a grievance against. This provision allows workers to demonstrate while protecting businesses from the potential for violence in sometimes a very emotional situation. The same principle applies to the issue before this body today.

In what has become an increasingly violent society, we must act as best we can to discourage this violence. To do otherwise is to encourage violence.

I commend the members of the Judiciary Committee and especially the chairman of the Judiciary Committee for trying to develop a fair approach to curbing one potential for violence in our society today. We must protect the constitutional right to demonstrate. We must also prevent the kind of senseless act that could take the life of another Dr. Gunn somewhere in our country.

I yield the floor.

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

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

I, first of all, commend the Senator from Nevada. He has, in his very brief but important statement, set out exactly what we are intending to do and that is to be evenhanded on this issue. That has been the point we have emphasized and stressed during this period of time. He has, through his urging, and the urging of Senator WOFFORD, Senator DURENBERGER, and others, indicated to us their strong view about violence in our society. He has absolutely captured the essence of this legislation and that is to deal with violence and to be evenhanded.

It was only on that condition that the Senator from Nevada indicated his willingness to support us. That is our purpose; that is our intention; that is what this legislation is all about. I know this is an issue that can be distorted and misrepresented, but he has captured, as I mentioned earlier, the essence of it in talking about violence. That is what this legislation addresses. We are very, very appreciative of both his statement and his support.

Mr. REID. Will the Senator yield for a brief comment?

Mr. KENNEDY. I do.

Mr. REID. I also want the record to reflect I enthusiastically support this legislation. To me, this was not a close call. We in this body and the other body must do everything we can do to prevent violence.

Our society is far too violent, and there is no cost that justifies violence.

So I repeat to the chairman of the committee, who I also congratulate for moving this bill to the floor, I enthusiastically support this legislation. It was not a close call for me.

Mr. KENNEDY. I thank the Senator. The PRESIDING OFFICER (Mrs. MURRAY). Who yields time?

Mr. KENNEDY. Madam President, I yield myself 1 more minute.

We are making very good progress. We are attempting to accommodate the different Members. If the membership will accommodate us, we are moving forward with the legislation. We want to protect everyone's rights, which we will. We also want to try to accommodate the different Members and their schedules in terms of permitting them to express what opinions they want about the legislation.

Our friend from New Hampshire is here and is prepared to offer an amendment. If he will permit a brief intervention at this point, because we are attempting to work that out, I think we could accommodate two Senators and then we could move on.

How much time does the Senator wish?

Mr. WELLSTONE. Madam President, I think 5 minutes at the most.

The PRESIDING OFFICER. Five minutes for the Senator from Minnesota. The Senator from South Carolina needs how much time?

Mr. THURMOND. I need 7 minutes.

Mr. KENNEDY. Madam President, I ask unanimous consent that we have 5 minutes for the Senator from Minnesota and 7 minutes for the Senator from South Carolina.

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

Mr. WELLSTONE. Madam President, I will be pleased to defer to the Senator from South Carolina if he would like to speak first on this.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I rise today to oppose the so-called Freedom of Access to Clinic Entrances Act.

We have heard during today's debate discussion on the tragic killing of Dr. David Gunn in Pensacola, FL, in March of this year. This type of violence should be condemned, and clearly violence is not the answer when protesting at abortion clinics.

It is my concern that this narrowly drafted legislation, if enacted, will suppress nonviolent political demonstrations because of the subject matter of the conduct. The impact of this legislation will fall almost entirely on persons who are engaged in nonviolent civil protest and exercising forms of free speech that is lawful, but which supporters of this amendment find distasteful.

Many other organizations or groups engage in blockades and civil disobedience. Union workers block access to work sites during strikes and labor disputes. Homosexuals have engaged in sit-ins or disruptions of church services. The Mayor of Washington, DC, Mrs. Sharon Pratt Kelly, was recently arrested for participating in a

prostatehood street blockade. All of these activities interfered with the progress of people engaged in a number of legal activities. For this reason, I do not agree with the use of blockades as a form of protest. However, none of these participants were subject to the harsh and disproportionate penalties called for in this measure.

Madam President, this bill calls for both criminal and civil penalties. For a first offense, a person may be fined \$100,000 and imprisoned for 1 year. For any subsequent offenses, a person may be fined an additional \$250,000 and imprisoned for an additional 3 years.

This person would also be exposed to a number of civil penalties. First, anyone who feels they have been aggrieved under this measure may bring a suit to receive appropriate injunctive relief, punitive damages, and compensatory damages. With respect to compensatory damages, this measure will set a minimum award of \$5,000 if a plaintiff chooses this award prior to final judgment. Second, the Attorney General of the United States may commence a civil action against the same person and seek injunctive relief and compensatory damages. The court may also assess a civil penalty up to \$15,000 for a first violation, and \$25,000 for any subsequent violation. Finally, the State attorneys general may also commence a civil action and seek the same relief as the Attorney General of the United States.

The penalty here simply does not fit the crime. This measure will not only make those prosecuted under this measure criminal felons, but it will also subject them to enormous monetary exposure.

This does not draw on the peaceful civil disobedience that follow the traditions of Mahatma Gandhi or Dr. Martin Luther King, Jr. Civil disobedience is unlawful, and should be punished. However, acts of peaceful civil disobedience should be punished in the same manner as similar conduct engaged in by anyone else. The imposition of substantially more severe penalty presents the threat of viewpoint discrimination. Therefore, I believe this measure is likely to have a chilling effect on legitimate first amendment speech.

Unfortunately, this legislation would elevate the right to abortion above the first amendment. This is demonstrated by the testimony given by Attorney General Janet Reno on May 12, 1993 before the Senate Committee on Labor and Human Resources. Ms. Reno states that this bill "is an effort to protect individuals in the exercise of their right to choose an abortion and to eliminate the harmful effect on interstate commerce resulting from interference with the exercise of that right. That justification is surely sufficient to override any incidental effect that the bill may have on expression."

I do not believe that the criminal and civil penalties contained in this legis-

lation will have an incidental effect on pro-life expression. I believe that it will virtually eliminate such expression.

The supporters of S. 636 contend this is an answer to the violence surrounding the issue of abortion. S. 636 is not the answer. In fact, this act will create a new Federal criminal offense for conduct that the States are currently able to address.

Therefore, the so-called Freedom of Access to Clinic Entrances Act will raise the right of abortion above the constitutionally enumerated right of free speech. It will serve as a suppression of speech of those with heartfelt beliefs concerning issues surrounding abortion. It will expose those who peacefully protest to unreasonable penalties. It will also create another Federal offense, when States are currently able to address the issue of violence surrounding abortion.

I believe this legislation improperly addresses the issue, and I urge my colleagues to reject this measure.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, first of all, let me thank Senator KENNEDY, chairman of the Human and Labor Resources Committee, for his leadership on this issue. I think he has made every effort to reach out to other Senators and, for that reason, I believe this Freedom of Access to Clinic Entrances legislation will have tremendous support.

I am going to build on the remarks of my colleague from Nevada. I think it is quite possible for Senators to have very different positions in relation to pro-choice/pro-life, if we want to use those labels. I think people in good faith can have different positions on these issues. But many, many pro-life—and I call people what they call themselves out of respect—many pro-life people in Minnesota, my State, are absolutely horrified by the violent and destructive behavior that has taken place blocking access to clinics.

I want to be very clear about what this bill prohibits. It prohibits: "the use or threat of force or physical obstruction to intentionally injure, intimidate or interfere with any person because that person is or has been providing pregnancy or abortion-related services."

I could go on. But, Madam President, I just want to make three points in the brief period of time I have.

Point No. 1: Last winter, I spoke at the memorial service of Dr. David Gunn. I will never forget that service here in Washington, DC. I said to myself at that service that if there was any way as a U.S. Senator I could be part of passing legislation to end this violation, that is what I would do. I

think that is precisely what this piece of legislation is about.

Point No. 2: In my State of Minnesota, there is a woman, Gerry Rasmussen, who is the director of the Midwest Health Center for Women. It is sad that she has to train her staff in antiterrorist activities because of all of the threats of violence and threats of use of force against women who are coming in to really exercise their constitutional right. It is sad that she has to live with the threatening phone calls, the bricks thrown through her window, the stalking, and all of the rest. I think there is a kind of climate of terror in the country. Frankly, I think very good people, in very good faith, even disagreeing in relation to pro-life and pro-choice, want to see this ended. I really do think this is very comparable, very analogous to the exercise of civil rights legislation and giving the Attorney General and the Federal Government some machinery to work with to make sure that women are able to exercise this right.

A final point, and I could go on and on. I believe that if anyone was to examine my record—I certainly hope this would be the case—they would see strong support for first amendment rights. This piece of legislation in no way, shape, or form undercuts the right of any citizen to be involved in peaceful protest, undercuts the right of any citizen to speak out against what they oppose, undercuts the right of any citizen to speak out for what they favor. That is not what this legislation is about. This legislation prohibits the use or threat of force.

Madam President, for that reason alone, as we now think about the ways we in the United States of America can confront the violence that exists in our society, it seems to me it is more than appropriate the Senate pass this piece of legislation. For all too long we have turned our backs on this violence that has taken place all across the land. For all too long we have turned our gaze away from it. And finally, today, I think we are going to pass a piece of legislation that the vast majority of legislators and people in this country can and will support.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I suggest the absence of a quorum, the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

AMENDMENT NO. 1191

(Purpose: To differentiate between violent and nonviolent activities)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 1191.

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

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

The amendment is as follows:

Strike page 6, line 14 through the end of page 9 and insert the following:

"(b) PENALTIES.—Whoever violates this section shall—

"(1) in the case of a first offense involving force or the threat of force, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense involving force or the threat of force after a prior conviction for an offense involving force or the threat of force under this section, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 3 years, or both;

except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life. In the case of offenses not involving force or the threat of force, whoever violates this section shall be imprisoned not more than 30 days for the first offense and 60 days for the second and subsequent offenses.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of conduct prohibited by subsection (a) and involving force or the threat of force may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a medical facility that provides pregnancy or abortion-related services. Any person aggrieved by reason of conduct prohibited by subsection (a) and not involving force or the threat of force may commence a civil action for temporary, preliminary, or permanent injunctive relief not to exceed 60 days against the individual or individuals who engage in the prohibited conduct. Such injunctive relief shall apply only to the site where the prohibited conduct occurred.

"(B) RELIEF.—In any action under subparagraph (A) involving force or the threat of force, the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attor-

neys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgement, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against such respondent—

"(i) in an amount not exceeding \$15,000, for a first violation involving force or the threat of force; and

"(ii) in an amount not exceeding \$25,000, for any subsequent violation involving force or the threat of force.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

"(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, such Attorney General may commence a civil action in the name of such State as *parens patriae* on behalf of natural persons residing in such State, in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B)."

Mr. SMITH. Madam President, one of the fundamental problems with the underlying legislation, S. 636, is that it fails to differentiate between violent and nonviolent activities. I do not think there is any one of us who would take the position that violent activities under any circumstances should be condoned. But instead of making that vital distinction, S. 636 imposes the same severe penalties on both kinds of actions, violent and nonviolent.

Let me offer a hypothetical example to illustrate this problem. Let us suppose that a pro-life protester is sitting peacefully with others on a sidewalk outside an abortion clinic. Say it is a woman and she is quietly praying and perhaps singing a religious song. Let us suppose that this peaceful activity is interfering with the ability of the clinic personnel and the patients to enter the clinic. Let us make that assumption.

Under S. 636 that nonviolent protester would be in violation of the law because she is using "physical obstruction" to interfere with abortion services.

Let us suppose further that another antiabortion protester at another abor-

tion facility is hurling large rocks at the windows of the clinic. No bodily injury results. Under S. 636, that violent protester would likewise be in violation of the law because he is using violence in order to interfere with and intimidate persons who are engaged in providing abortion services and damage to the property of the clinic.

Madam President, I hope that my colleagues will agree with me that those two hypothetical situations involve acts of a fundamentally different character. But the bill does not say that. The bill does not say that. The nonviolent pro-life protester that I have described is engaged in a peaceful sit-in reminiscent of Ghandi and the civil rights movement of Dr. Martin Luther King. She is completely nonviolent. The violent protester, on the other hand, is engaged in the use of lawless force that should not be tolerated or condoned in a society based on the rule of law.

But there is a distinct difference here. Under S. 636, what I believe to be a misguided approach, the peaceful pro-life protester that I have described is subject to exactly the same—very stiff, I might add—penalties as the rock-throwing violent political extremist.

Thus, under S. 636 the nonviolent protester, just like her violent counterpart, would face criminal penalties of 1 year in jail, and/or a substantial fine for a first violation, and 3 years and even more of a substantial fine for subsequent violations.

I ask my colleagues. Is that fair? Is that what you are trying to get at with this legislation? Is that really what you want to do? I ask you to think back to the days of the civil rights and the labor movements in which many of my colleagues who are supporting this legislation were some of the strongest proponents. And I ask you if that is fair? Is that really what you want to do?

For the peaceful protester the civil damages would be \$5,000 per violation, \$15,000 in civil penalties for a first violation, and \$25,000 in civil penalties for any subsequent violation. Using my hypothetical, that person on the third offense who was sitting and singing a religious song in front of an abortion clinic on the third offense would be fined \$25,000. Is that really what you want to do?

Madam President, the indiscriminate manner in which S. 636 penalizes both violent and nonviolent activities is contrary to the very spirit of American history and the essence of the Constitution of the United States of America, and, in essence, frankly, of the freedom to protest, to speak out about things that you believe very deeply in.

Our American tradition recognizes the fundamental distinction between lawlessness and violent acts, and acts of peaceful civil disobedience. We have seen that throughout our history.

Let me provide another illustration. If some of our States during the 1950's and 1960's had been able to impose the same kind of severe penalties on peaceful civil disobedience that S. 636 proposes, then the civil rights movement might very well have been stymied.

I say to my colleagues, some of my colleagues who are on the floor, Senator WELLSTONE and others, who were strong advocates of that movement, is that what you would like to have done to that movement in the fifties and sixties? That is what you are doing here to those people who legitimately believe that abortion is wrong, who simply want to protest that fact.

I urge my colleagues to think very carefully about that fact this morning as we consider my amendment, which I believe is much more reasonable.

Let me read some excerpts from the Encyclopedia of the American Constitution regarding civil disobedience and the civil rights movement. I ask you all to reflect upon this.

Civil disobedience is a public, nonviolent, political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government. The idea of civil disobedience is deeply rooted in our civilization, with examples evident in the life of Socrates, the early Christian society, the writings of Thomas Aquinas and Henry David Thoreau, the Indian nationalist movement led by Gandhi, and the Civil Rights activities of Dr. Martin Luther King, Jr.

Further reading from the excerpts of the Encyclopedia of the American Constitution:

The fundamental justification for civil disobedience is that some persons feel bound by philosophy, religion, morality, or some other principles to disobey a law that they feel is unjust. As Martin Luther King, Jr. wrote in his "Letter from Birmingham": "I submit that an individual who breaks a law that his conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law."

Dr. King and his followers felt compelled to disobey laws that continued the practice of segregation; they opposed the laws on moral, ethical, and constitutional grounds. Although the movement initially attempted to change the system through conventional legal and political channels, it eventually turned to the tactics of civil disobedience in order to bring national attention to its cause.

And, finally, from the same encyclopedia of the American Constitution:

The civil rights movement's tactics included sit-ins, designed to protest the laws and the practice of segregated lunch counters and restaurants. Protesters would enter restaurants, demand to be served, and when service was refused, they would refuse to leave. As a result, many were arrested on grounds of criminal trespass.

The sit-ins, freedom rides, and continued demonstrating eventually swayed public opinion and contributed to the passage of the Civil Rights Act of 1964.

Madam President, we are not talking about the violent people who commit

the violent acts, who do the shootings and the violent property damage against the abortion clinics; we are talking about the peaceful protesters who peacefully would like to exercise their constitutional rights to show their opposition to what they believe to be—and I believe to be—an act of violence in and of itself inside the abortion clinic.

This is not "John Browns." These people are not John Brown. These people are the "Rosa Parks" and the "Martin Luther Kings" we are talking about here. Let us make sure we understand that. I hope my colleagues will understand it and consider this amendment to reduce the penalties for those nonviolent people under this act.

This Senator recognizes that acts of civil disobedience are unlawful by definition, but I firmly believe—and we did not change that—that acts of politically motivated, peaceful civil disobedience should only be punished in generally the same manner as with the same underlying unlawful conduct when engaged in by anybody else. All we are asking for is reason.

If, for example, pro-life protesters commit an unlawful trespass, then they should be subjected to the same kind of penalties as other trespassers who have no other political motivation. To impose a more severe penalty on a politically motivated trespasser than on the ordinary trespasser for the same conduct is viewpoint discrimination; pure and simple, that is what it is. Moreover, it is, I submit, viewpoint discrimination that is fundamentally inconsistent with the first amendment to the Constitution of the United States.

Madam President, the committee report contends that S. 636 is modeled on Federal civil rights laws. That is what their report says—that it is modeled on Federal civil rights laws. But I note that the Federal civil rights laws cited by the committee report do not include the term "physical obstruction," because that is the key in the language of the bill on page 5 under section 2715, "Prohibited Activities": "Whoever by force or threat of force"—no problem, I agree with you—"or by physical obstruction intentionally injures, intimidates," et cetera.

What is physical obstruction? Is it the young woman I talked about who was sitting on the ground in front of the clinic singing and praying? Is that physical obstruction? If she does that three times, should she spend up to a year or two in jail and pay a \$25,000 fine? Is that really what you want? Would you have supported doing that to Rosa Parks and Martin Luther King and so many others during the civil rights movement?

My amendment addresses this flaw—and it is a flaw, a very serious flaw—in a straightforward manner. We have all debated the issue of abortion on this

floor before. It is a contentious issue, and I think we all have respect for each other's views. I am trying to appeal here to reason, to let you understand how far we are with this legislation—though well-intentioned—and I think all of us on this side agree with the violent portion.

But my amendment addresses this in a straightforward manner by drawing a clear and a very distinct line between violent and nonviolent protest activities. First, my amendment preserves the bill's tough penalties on the violent activities. We do not touch it. Second, it does so by making absolutely clear that the stiff fines and prison terms specified under the bill apply to the offenses involving force or the threat of force or any violent activity. No problem with that.

My amendment recognizes that nonviolent civil disobedience is unlawful by providing jail terms of not more than 30 days—that happened during the civil rights movement, and it can continue to happen here—for the first offense, and 60 days for the second and subsequent offenses, if it continues. Our amendment deals with that. We change the legislation to make it 30 and 60 for those who violate the act in a manner that does not involve force or the threat of force but, rather, peaceful protest.

Madam President, under my amendment, acts of violent lawlessness will be punished with appropriately severe penalties. We do not change the underlying legislation. But acts of civil disobedience like the mass sit-ins that draw on the rich traditions of Gandhi and King are not, under my amendment, subject to harsh penalties. They are under this bill. Read it. But, at the same time, those acts of civil disobedience are punished under my amendment, because they are unlawful, with a reasonable punishment.

It is critical and fair, Madam President, that we make a fundamental distinction between these two: violent and nonviolent demonstrations. And for that reason, I believe that this bill is aimed at preventing pro-life protesters from obstructing the entrances to abortion clinics, because this bill is abortion specific. There is no such law aimed at preventing strikers in labor unions from protesting a factory or a business. It does not apply to them. It does not apply to the civil rights people, and I am not advocating that it should.

But why does it specifically mention abortion clinics? Why are we discriminating against one group of people who feel deeply about an issue? If they commit a violent act, put them in jail and give them the penalties they deserve. If they are peacefully protesting, as others have done, then treat them with the respect they deserve and the rights they have under the Constitution of the United States. That is all I am asking.

I want to say that I appreciate the work of and the discussions the Senator from Massachusetts and I had in trying to work toward some compromise on the language regarding the peaceful protesting. I have made some changes in my amendment as a result of those conversations. I think we still may be a little bit apart on the injunctive aspect of this legislation and also on the penalties. But I have moved some to try to accommodate him, and I hope that perhaps we will be able to reach a compromise on this. If we cannot, then I will be prepared at the appropriate time to seek the yeas and nays on my amendment. I will withhold that for the moment, but I would like to reserve that right.

At this time, Madam President, I yield the floor.

Mr. KENNEDY. Madam President, I yield myself 5 minutes on the amendment.

Madam President, first of all, I want to thank the Senator from New Hampshire for his willingness to enter into a dialog and discussion. I talked to him last evening about his amendment, I think he stated very well that he is most concerned about the nonviolent aspects of this legislation and has, in a good-faith effort, tried to address those with his amendment. I appreciated the opportunity to talk with him about it.

As the amendment has been put before the Senate, it would not be acceptable in terms of the objectives that we are attempting to achieve.

Basically, we are trying to go back to the prior Bray decision which did not limit, for example, injunctive relief. There are certain circumstances where injunctive relief has some terms, but prior to Bray there was no overall limitation and many areas were covered by injunctive relief in order to ensure the protection of constitutional rights. The amendment of the Senator from New Hampshire would put a limitation on that.

Therefore, for that reason, and others that I will mention briefly, it would be unacceptable.

Madam President, Dr. King did not seek to block entry into places where he engaged in protest. Those who sat at the lunch counters did not seek to block access to the counters. They merely wanted to be served.

Here the protesters are seeking to block exercises of constitutional rights. That is not what Dr. King was really all about.

He was not interested in closing the door. He was interested in opening the door. That is the very fundamental and significant distinction.

Finally, Madam President, what we are talking about is a constitutional right. With all respect to my friend from New Hampshire, we do not want to trivialize the penalties in terms of individuals being able to achieve those constitutional rights.

I am very much concerned that with the amendment of the Senator from New Hampshire has offered, we would be in danger of trivializing those kinds of protections.

I will talk further about the amendment. But I see my friend from Minnesota seeks recognition.

How much time does the Senator wish?

Mr. WELLSTONE. I think 2 or 3 minutes.

Mr. KENNEDY. I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I just wanted to respond to my good friend from New Hampshire, and he is a good friend. We differ on views, but he is someone I really respect. Sometimes we agree on issues.

I do think that one major difference was the one that the Senator from Massachusetts pointed out. Having been in North Carolina and having been a small part of that civil rights movement, we were involved in trying to make sure that, in fact, each and every citizen had a constitutional right. We were trying to overturn the system of apartheid which we had in the South which meant we were trying not to block people being able to eat at restaurants regardless of color or use a restroom but to make sure each citizen could do so.

I think the civil rights analogy is precisely the opposite. It is the law of the land that women have a right to go to the clinic and have a right to choose to have an abortion.

What is happening is that constitutional right is being blocked much like the right to be able to eat at a lunch counter regardless of the color of one's skin was really being denied a group of citizens. Thus, there is a need for a Federal role.

I would say to my friend from New Hampshire that, as we speak here today on the floor of the Senate, it has been brought to my attention that at the Milwaukee clinic Dr. Paul Simers right now as we debate this amendment on the floor of the Senate is being blocked from being able to enter his clinic by 20 blockaders. Police are not able or are not enforcing the restraining order. As a result, there is a patient with an incomplete miscarriage. She needs treatment. She is inside the clinic. My understanding is that there is one staff person with her but not a nurse.

This you could argue is nonviolent. You could argue that within the framework of the amendment of the Senator from New Hampshire you have 20 blockaders. I assume that they are not being violent. I would certainly hope so. But as a matter of fact, the result of what they are doing is that you have a woman who is in dire need of care inside the clinic and you have a doctor

who is being blocked by 20 blockaders who are nonviolent, but it is certainly the use of force in the sense they are blocking the doctor from being able to go in and provide this woman with care.

So, I think as we think about what is at stake here there is a compelling reason for this legislation. Therefore, in the absence of further changes in language, I would certainly oppose the amendment proposed by the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from New Hampshire controls 3 minutes 32 seconds.

Mr. SMITH. Madam President, I wish to respond to a couple of points made by my colleague.

I repeat again that in the legislation there is no distinction between force or threat of force or physical obstruction. There is no distinction between those terms in terms of penalties. That is my objection.

I would certainly say that as to anyone who is a perhaps a young woman, with three children, who opposes abortion, who happens to sit down and sing and pray in front of an abortion clinic, who gets 30 days in jail away from her family as a result of doing this, I hardly think that is a trivial penalty. That is a very serious penalty, and it is a disruptive penalty to that young woman and her family who believes very deeply about what she cares for and cares about.

I strongly disagree with my colleague from Massachusetts that this is a trivial penalty. As a matter of fact, if it is done a second time, it is 60 days. So they are serious penalties.

Again, in relation to the comparison of the civil rights movement with this situation, they wanted equal treatment. Martin Luther King, Rosa Parks, and all of those, wanted equal treatment.

The issue is the same. Pro-lifers want equal treatment. They want equal protection of the lives of unborn children under the Constitution of the United States. They are doing it peacefully. They have a right as peaceful people to not be treated like criminals for the same reason that those people who protested in those restaurants, on those buses, and in the streets of Atlanta and Selma for that same reason, that they should not have been treated like criminals. There is no difference.

Let us not cloud this by saying it is one issue of wanting to get into a restaurant or to be seated at a restaurant. Let us not be so specific that we lose sight of the real issue here.

The real issue here is: Do you respect the right of civil disobedience, peaceful protesting? Do you make a distinction between peaceful protesting and criminal activity? That is the issue before us

on this legislation, and that is the difference in my amendment that I am adding to this legislation. If you support a peaceful protest being a criminal activity, then you would be opposed to my amendment because that is the distinction here.

Madam President, I ask for the yeas and nays on my amendment and yield back the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Madam President, I think I have time on the amendment. Am I correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 14 minutes. The Senator from New Hampshire has 28 seconds.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, it is my intention, when the Senator from New Hampshire concludes, to offer a second-degree amendment.

How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 18 seconds. The Senator from New Hampshire has 28 seconds.

Mr. SMITH. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

AMENDMENT NO. 1192 TO AMENDMENT NO. 1191

(Purpose: To lower the maximum penalties applicable for offenses not involving force or threat of force)

Mr. KENNEDY. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1192 to the Smith amendment numbered 1191.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 1 of the amendment, line 1, strike out "page 6" and all that follows through the end thereof and insert in lieu thereof the following: "page 7, line 6, insert after 'that,' the following: 'for an offense involving exclusively a nonviolent physical obstruction, the length of imprisonment shall be not more than 6 months for the first offense and not more than 18 months for a subsequent offense.'"

Mr. KENNEDY. Madam President, the Senator from New Hampshire has made, I think, a useful and valid point, and that is drawing a distinction between the civil and criminal penalties with regard to nonviolent demonstrations. We have moved in his direction to recognize that distinction but not to the extent that it is acceptable to the Senator from New Hampshire.

I believe, under his amendment, it would severely restrict both the criminal and civil remedies in a way that was not there prior to the Bray decision. It is our intention to go back prior to the Bray decision, and that is why I offer this second-degree amendment.

Madam President, the pending Smith amendment would severely limit the availability of civil remedies for nonviolent blockades of abortion clinics and would effectively gut the authority in the Federal courts that the Federal courts had prior to the Bray decision to enjoin blockades.

Injunctions would be limited in duration to 60 days in length. That was not there prior to the Bray decision. And, also, under the amendment of the Senator from New Hampshire, it is targeted just to the particular clinic. Prior to the Bray decision it could be more expansive.

What we are trying to do is to ensure that in a particular area, should the injunction be granted, it would be applicable to the area and to the region. Under the law prior to the Bray decision, those injunctions could be altered; they could be adjusted to accommodate the conditions at that particular time. The amendment of the Senator from New Hampshire is a good deal more restrictive.

The second-degree amendment I have sent to the desk will preserve the important civil remedy while reducing the criminal penalties for nonviolent offenders. It would provide for a maximum criminal penalty for nonviolent first offenders of 6 months. Those are maximum criminal penalties. Under the sentencing guidelines, of course, nonviolent first offenders would often get lower sentences.

A comment has been made that 30 days and 60 days are a long period of time. What we are talking about is the maximum 30 days in the legislation and very, very few—I inquired of staff about how many instances actually required that amount of time. It is very difficult to imagine, quite frankly, that that amount of time was applicable to any of the offenders.

But the pending Smith amendment would cap the criminal penalty to 60 days no matter how many times the offender acted to violate the criminal law—which is what we are really driving at. You could say the first time was an experience. But what is happening in many different communities is the fact that you have individuals that go out time in and time out, time in and time out, and involve themselves in these kinds of activities.

Clearly, we are not breaching the legitimate first amendment rights or the rights of protest and demonstration in this. What we are talking about is the violence. That happens to be the thrust of this legislation.

The pending Smith amendment would, as I mentioned, cap criminal

penalties at 60 days no matter how many times the offender acted to violate the criminal law.

Our second-degree amendment strikes a fair balance. It reduces the criminal penalty for nonviolent offenders to a maximum of 6 months. It falls within the sentencing guidelines to take into consideration any aggravating or mitigating circumstances, clearly, and 18 months for subsequent offenses.

I think it would be a clear indication that if an individual does violate this law for the first time, it is not a felony, but if they are going to be involved in repetitive violations, it is going to be a felony.

What we are talking about, as was stated very clearly by the Senator from Nevada, is basically violence, and what we are talking about are constitutional rights. And we are intending that there be a distinction between the violent and the nonviolent, as the Senator has pointed out. But we also want to make sure when we are talking about constitutional rights we are talking about ensuring that those rights are going to be protected. And violating someone else's constitutional rights is a fundamental and serious matter.

Madam President, I hope our amendment will be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I reserve the remainder of my time.

Mr. SMITH. Madam President, I rise in opposition to the second-degree amendment offered by the Senator from Massachusetts.

First of all, let me say I appreciate that he moved somewhat from the very extreme position that he had in the original legislation. But he has not moved far enough in order to be fair.

Under the underlying bill, if you peacefully protested and did not commit any violent act or in any way attempt to create or threaten to commit any violent act, under the underlying bill the penalty was 1 year. Senator KENNEDY has moved that to 6 months. On the second offense he moves from 3 years to 18 months.

But the bottom line is you are still a felon. You are a convicted felon under the Kennedy bill.

Our amendment, our first-degree amendment says 30 days, and 60 days; 30 days for the first offense, even in a peaceful protest—we accept that as the penalty—and 60 days for the second offense. But, again, let me remind my colleagues of what we are doing here. I will use another example.

A young woman, housewife perhaps, who has three children, who has never had any type of criminal activity in her life, she simply believes morally that abortion is wrong, comes to an abortion clinic, peacefully protests—perhaps with a sign, perhaps by sitting

in the street singing or praying, whatever the case may be. That is her crime.

The second time she does that under the Kennedy amendment she could be sentenced to a maximum of 18 months in jail, become a felon, be away from her family for 18 months for exercising her constitutional right of civil disobedience. That is the penalty here. That is what we are doing.

I cannot for the life of me understand why anyone would want to do that to an individual in the example that I gave. Again, the debate has been focused on the violent portion, on the murder of Dr. Gunn, on the other violent acts that have taken place. I do not condone those acts. Neither does anyone else. Those acts were senseless acts of violence that were wrong just like the act of abortion is a senseless act of violence inside the clinic. That is another issue.

The point is, we do not condone those violent acts and my amendment does not discuss those violent acts. We do not change the penalties for those violent acts in the underlying bill with my amendment. They stay the same. We are looking at this portion of this bill which says, "by force or threat of force or by physical obstruction." No one in this debate, in spite of my challenge, has come forth and said what physical obstruction is.

A young woman with children, responsibilities at home, sits down in the street in front of a clinic and says, "I really wish that we could stop the abortions that are going on in that clinic because those are my religious principles"—she is going to be sentenced to a maximum of 6 months in jail for the first time she does it.

Some of the people who are standing up here today have been the strongest proponents of the rights of women in the United States of America—they say they are. They would put a woman in jail for 18 months for simply saying and protesting peacefully that she does not think a life should be taken in the act of abortion. Something strange is happening here. This debate has taken on a twist that is just beyond this Senator, I guess, because I simply do not understand it.

I yield the floor.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1192 AS MODIFIED

Mr. KENNEDY. Madam President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment and the amendment is so modified.

The amendment (No. 1192), as modified, is as follows:

"(b) PENALTIES.—Whoever violates this section shall—

"(1) in the case of a first offense, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 3 years, or both;

except that, for an offense involving exclusively a nonviolent physical obstruction, the length of imprisonment shall be not more than six months for the first offense and not more than 18 months for a subsequent offense, and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a medical facility that provides pregnancy or abortion-related services.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

"(i) in an amount not exceeding \$15,000, for a first violation; and

"(ii) in an amount not exceeding \$25,000, for any subsequent violation.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

"(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, such Attorney General may com-

mence a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B)."

Mr. KENNEDY. Madam President, I indicate to the membership it is basically a conforming amendment and a technical one.

This bill does not cover constitutionally protected protest. Peaceful expression of a person through picketing, leafleting, or praying outside a clinic, counseling center, et cetera—it does not cover that, No. 1. Only when a view is expressed through force or threat of force or physical obstruction or destruction of property would there be a violation of law. It is important that we understand what this legislation is about and what it is not about.

It is clear that clinic blockades involving the physical obstruction of access to the facilities are not constitutionally protected conduct. As the Supreme Court said in the Cox versus Louisiana, a group of demonstrators could not insist upon the right to cord off a street or entrance to a public or private building and allow no one to pass who did not agree to listen to their exhortations. That is what we are talking about.

Even where the blockades and invasions do remain peaceful, they still obstruct access to the facility depriving women of the ability to exercise their constitutional right to choose or to obtain other health care offered by the facility. There is no first amendment protection for obstruction of public or private facilities and no reason to exempt it from punishment.

It is critical that this legislation prohibit and penalize such obstructions.

Equating these clinic blockades and invasions with the tradition of civil disobedience practiced by Mahatma Gandhi and Martin Luther King is an insult to both of these great leaders. These clinic assaults, and that is what we are talking about, assaults, are intended to block—not enhance, not to achieve—but to block the exercise of a constitutional right. Dr. King and the civil rights activists of the fifties and sixties, by contrast, used peaceful civil disobedience in their effort to guarantee the constitutional right to equal protection of the laws; not to interfere with anyone else's constitutional right. That is a basic and fundamental distinction.

I hope at the appropriate time the Senate will accept my amendment.

I reserve the remainder of my time. Mr. SMITH. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There are 15 minutes 4 seconds remaining.

Mr. SMITH. I yield Senator HATCH whatever time he wishes to consume.

Mr. HATCH. I thank my dear colleague.

Madam President, the Smith amendment meaningfully distinguishes between violent and nonviolent conduct. The Kennedy second-degree amendment would effectively wipe out this distinction. I believe the American tradition of dealing with peaceful civil disobedience requires support for the Smith amendment. I am kind of alarmed by what is going on here on this particular issue.

A major defect in S. 636 is that, notwithstanding all the rhetoric you will hear about violence, S. 636, this bill, entirely fails to differentiate between violent and nonviolent activity. Under S. 636, a person who commits an entirely peaceful violation, a grandmother, for example, quietly sitting with a group of others on a sidewalk outside an abortion clinic, is subject to the same stiff penalties as a person who brandishes a gun. That is ridiculous. I respectfully submit this failure to differentiate between violent and nonviolent activity betrays all the core principles we all cherish. Our American tradition recognizes the fundamental distinction between acts of violent lawlessness and acts of peaceful civil disobedience.

Acts of violent lawlessness appropriately invite severe penalties. But acts of peaceful civil disobedience, mass sit-ins, for example, that draw on the tradition of Gandhi and Martin Luther King, Jr., should not be subjected to such steep penalties. Such acts are, of course, not privileged. Civil disobedience is, by definition, unlawful. Acts of peaceful civil disobedience should, however, be punished roughly in the same manner and to the same extent as like conduct engaged in by anyone else.

For example, if protesters commit unlawful trespass, they should be subject to roughly the same penalties that other trespassers face. To impose a substantially more severe penalty presents the threat of viewpoint discrimination, no matter how cleverly disguised.

Had States during the fifties and sixties been able to impose and uphold such severe penalties on peaceful civil disobedience, the civil rights movement might well have been snuffed out in its infancy.

A broad range of peaceful anti-abortion activity may be disruptive and interfere with lawful rights of others. The same, it must be noted, was true of civil rights protests: They were, and they were intended to be, disruptive and they interfered with the then lawful rights of others. But they were right.

It is not my point to debate the relative moral standing of the anti-abortion and civil rights movements. Nor do I suggest that peaceful civil disobedience should not be punished. I would simply like to emphasize the

grave danger of viewpoint discrimination inherent in imposing the same severe penalties on civil peaceful disobedience as on violent lawlessness.

It has been, and undoubtedly will be, contended that S. 636 is modeled on Federal civil rights laws. I must point out, however, that, among other things, the Federal civil rights laws that have been cited do not contain the term "physical obstruction," and they have been construed to apply only to acts of violence or threats of violence. In extending its severe penalties to peaceful civil disobedience, S. 636 departs radically from the models on which it purports to rely.

To sum up my first major objection, violent activity is fundamentally different from peaceful civil disobedience. S. 636 utterly fails to recognize that particular difference and, therefore, I think should be defeated.

Senator KENNEDY, the distinguished chairman of the committee and manager of the majority on this bill, has said that S. 636 is necessary to restore the situation to what it was before the Bray case. But as the ninth circuit ruling last week shows, the very statute that was at issue in Bray is still being used to block pro-life protests. So it is simply not true to say that the severe penalties under S. 636 are needed to restore the status quo before Bray. That Ninth Circuit Court of Appeals case makes that clear.

Madam President, I yield back the remainder of my time to my colleague from New Hampshire.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. KENNEDY. If the Senator will just yield, obviously the Senator is entitled to how much time he wishes to use. I note that the Senator from California wants to make a brief comment. It is related to both this amendment and the general bill. So whenever it is suitable, I will yield to her at that time.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. SMITH. How much time remains?

The PRESIDING OFFICER. Nine minutes forty seconds.

Mr. SMITH. Madam President, again, let me repeat what we are talking about in terms of the difference between the second-degree amendment and the first-degree amendment, which I have offered. The second-degree amendment by the Senator from Massachusetts does pull back from the original bill, and I have already complimented him on that in terms of the criminal penalties for those who may be peacefully protesting in front of an abortion clinic. But it still makes them a felon: Second offense, maximum of 18 months in jail; first offense, 6 months in jail.

If we want to talk about physical obstruction, we certainly would have to agree that the sit-ins and protests of the civil rights movement resulted in physical obstruction, but they were also civil disobedience. Those people in the 1960's who conducted those sit-ins were heroes to many of my colleagues who today are on the floor favoring this underlying legislation. And today, by those same colleagues, those same proponents of the civil rights legislation, they are felons. Heroes yesterday; felons today.

What is the difference? The difference is what you are protesting against. That is the only difference; that is the only difference. The civil rights movement protested against discrimination and segregation, and rightfully so. The protesters we are talking about today are protesting against abortion. Heroes yesterday; criminals today.

The Senator from Massachusetts said it was an insult to the memory of King and Gandhi to use that comparison. I would be willing to challenge the Senator from Massachusetts or anyone else. If Dr. King were here today and could speak out, Dr. King would be pro-life. Dr. King would be for the protection of innocent human life, and he would also be standing up for those people who want to physically sit down and protest in front of an abortion clinic.

Mrs. BOXER. Will the Senator yield for a question?

Mr. SMITH. In one moment I will. That is really the issue. It is hard to say because Dr. King is not here to speak, but Dr. King, in my opinion, would speak in behalf of the unborn and Dr. King would speak for the right of those people to peacefully protest.

We are hearing a lot of discussion here which is off the subject, which is what happens around here too much. The subject of this legislation that deals with the violent protesters and the violent people we do not differ with. My amendment does not touch that. My amendment is talking about the physical obstruction clause in this bill which is linked with force or threat of force. A sit-in was physical obstruction. I really do not understand the logic of making one person a felon today who would have been a hero yesterday, and you are doing it on the basis of what the protest is about. Examine your conscience and think about that. It is really the issue.

I will be happy to yield to the Senator.

Mrs. BOXER. Madam President, I thank the Senator very much. I would just say to the Senator, I think we really do a disservice to Dr. King, his memory, and his beliefs to assume what he would be saying in this debate. I find it, frankly, insulting.

I could think, because Dr. King was one of my heroes, that Dr. King, if he

was here, would stand up and say people have a right to their constitutional protections, but I do not know that he would say that. But I will say to the Senator that if—I ask the Senator, does he have any direct knowledge that Dr. Martin Luther King would come out on this side of the issue? Because, again, I certainly do not think that anything was ever written by Dr. King about this, and my own view is he would be standing on the side of freedom and the constitutional rights that we have.

Mr. SMITH. If I can reclaim my time and respond briefly to a rather facetious remark made by the Senator from California, I am not a psychic and I am not communicating with Dr. Martin Luther King, lest somebody think I may be. Maybe someone else is, but I am not.

I also will say, Dr. King—it is a matter of record—believed in nonviolence. Can anybody stand here on the floor and tell me that abortion is not a violent act against the unborn child?

Mrs. BOXER. Is that a question to this Senator?

Mr. SMITH. I will ask the Senator from California to answer that question specifically. Is it a violent act against an unborn child?

Mrs. BOXER. I think that a woman's right to choose is—

Mr. SMITH. Answer my question. Is abortion a violent act against an unborn child?

Mrs. BOXER. I think the question is a loaded question, and that a woman's right to choose is about her constitutional rights. I think that if the Senator thinks I was being facetious, let me tell the Senator, I was not. I was hurt by the Senator's comments because Dr. Martin Luther King is a hero of mine. He is one of the reasons I am in politics. And to suggest that the Senator from New Hampshire knows what he would be saying I think is an insult to his memory.

Mr. SMITH. If I can reclaim my time, Madam President, I did not say I knew what Dr. Martin Luther King would say. I said I believe if Dr. Martin Luther King were here today, he would be defending the rights of the unborn. He would also be defending the rights of those people who want to peacefully protest in front of an abortion clinic just like he defended the rights of those who wanted to sit in and peacefully demonstrate for the end of segregation and discrimination. I believe that is a fair comparison.

The comment was made by the Senator from Massachusetts that it was an insult to the memory of Dr. King. I simply responded to that comment. That is really the extent of it.

I believe that Gandhi and King would be very much in favor of supporting unborn children. I think we also have to realize that unborn women are also part of this. We are now getting back

into the content of the issue of abortion when in fact the issue here is whether or not the Senator and I, all of us on the Senate floor, wish to make a criminal out of a woman or a man, but let us talk about a woman for a moment since that seems to be the focus here—a woman having the right to simply sit down peacefully in front of a clinic and say through prayer perhaps or through a placard, whatever she chooses, that abortion is wrong.

Now, it is interesting that in the New York Times this morning we had an editorial which basically pointed out, "By holding to the basic bill, Congress can rise to its duty of safeguarding the constitutional rights of women who choose to have abortions and the safety of those who provide them."

But it also should have added another line which would say that in doing so, we will trample the rights of those who oppose abortion and the rights of unborn women in the process. That is what should have been added to the New York Times editorial.

This issue is really quite simple. Let us not cloud it with a lot of emotional debate. The issue is do you want to make a criminal out of a person, including young women, many of whom are going to be arrested, prosecuted, convicted, and placed in jail for up to 6 to 18 months, for simply saying in a peaceful way that abortion is wrong? If that is what you want to do, then you should vote for the Kennedy substitute and vote for the underlying amendment.

I yield the floor.

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

Mr. KENNEDY. I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President and the Senator from Massachusetts, I thank you.

I stand for Senator KENNEDY's second-degree amendment. I stand for this basic act. I have been to these Operation Rescue situations. I have seen the dynamics that take place. Seeing it on television, or reading about it in the newspaper cannot really convey all that is involved in a clinic blockade.

Let me outline the national situation for a moment: In the last few years, and especially this year, there is a disturbing trend of increasing violence at family planning clinics—not lessening violence. Threatening letters are sent to doctors. Patients are blocked from safe access to clinics. Clinics are invaded. They are sprayed with toxic chemicals. They are burned to the ground. One doctor has been shot and killed; other murders have been attempted. And the organizers of these protests often go from State to State to participate in the organization, the strategizing, and the implementation

of these blockades. These are more than just peaceful protests. They are very often actual blockades, strategized and put together in a way to prevent access, to discourage access by threat, by intimidation, or by force.

So these are not necessarily peaceful protests. Sometimes they are really examples of vigilante extremism, and they often mirror the spread of hate crimes and random violence across our society.

This year alone, there have been more than 1,400 acts of violence against abortion providers and patients, and cases of arson and vandalism directed at clinics have more than tripled over the past 3 years.

A report found that, in 1993, more than 50 percent of clinics surveyed have experienced some form of violence: Death threats, stalking, arson, bomb threats, blockades. The economic impact of clinic violence is also large. Just through September of this year, in the first 9 months, there was \$3.7 million of damage to clinics throughout our country.

Let me talk about my State, California, where there has been a tremendous amount of violence. Let me cite the following examples from the past 9 months: 5 clinics in San Diego sprayed with butyric acid, a chemical that causes painful irritation to the skin and eyes; facilities in and around Riverside doused with the same chemical, causing \$100,000 in damage; throughout the summer, clinics in San Jose targeted for blockades and invasions—not peaceful protests, but blockades and invasions, that cost public agencies over \$1 million in overtime, costs for prosecution, and other expenses.

At a blockade, antiabortion activists storm and surround a clinic. They often use military-style tactics to prevent women from entering.

These are not peaceful civil rights sit-ins. Women who seek abortions in blockaded clinics must attempt to run the gauntlet of pushing, verbal abuse, and physical obstruction. State and local law enforcement agencies have often attempted to prevent clinic blockades, but their efforts have been undercut by minimum penalties and limited resources available to them.

One incident in particular stands out from the many examples of clinic violence this year. On September 20, in Bakersfield, CA, someone poured gasoline around the perimeter of the only clinic in town that provided a full range of reproductive and medical services. That clinic was burned to the ground. The \$1.4 million fire also demolished eight other businesses, including one that provides home health care to the terminally ill.

Before the arson, doctors in the communities had been sent threatening questionnaires. Let me read from the Los Angeles Times to tell you exactly how this works.

In April, the letters and questionnaires started to arrive at certain obstetricians' offices inquiring whether the doctor performs abortions or refers patients to clinics that perform them.

Dr. Tracy Flanagan, 36, an ob/gyn physician then in private practice, received such a letter and was outraged at the implied intimidation and threat. She refused to answer, and received a second letter, which gave her a deadline and warned: "If we do not receive a response from you, we will consider this to be an indication that you perform abortions."

So, in other words, you either answer the questionnaire or these groups target you. They assume you perform the abortion.

The article goes on to say that:

"[The letters] also said she would be 'outed'—a tactic that involves publishing names of doctors who allegedly perform abortions and picketing at those doctors' homes and offices. In a small city like this, with about 50 ob/gyns for a population of 200,000, such publicity could ruin a practice.

In fact, Dr. Flanagan left Bakersfield out of fear. She now practices in San Francisco at the University of California Medical Center.

She said, and I quote:

"Some colleagues said I shouldn't answer. Others said I should take a public stand [to protest the letter-writers' methods]. But Dr. [David] Gunn had already been shot in Florida, and it was unclear to me just how far these people would go. So I sent a letter saying I did not perform abortions, which was correct at the time.

This is the kind of threat and intimidation that is going on in California at present. Doctors are sent letters and they are expected to reply. If they do not, they are threatened. If they do not respond a second time, they are "outed."

These are the many reasons it is important to have substantial penalties, to say we are not going to tolerate these kinds of things. If I may quickly conclude, I think, Madam President, the point here is that acts that I have talked about are not nonviolent; moreover, these acts are intended to block women's rights to privacy.

So I am proud to support the second-degree amendment and to support this legislation. I believe it is legislation that is necessary and overdue.

Ms. MIKULSKI. Madam President, will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Ms. MIKULSKI. I thought that the Senator's statements were well taken, and I know the Senator's devotion to the cause of nonviolence. I too am troubled by the fact that we would never want to stop a nonviolent protest. A group of nuns saying a rosary across the street from a clinic I believe—is it the Senator's understanding that would be acceptable under this framework that we are passing; that it will continue to allow the nonviolent protest?

Mrs. FEINSTEIN. That is correct.

Ms. MIKULSKI. Is it also the Senator's belief that this is so narrowly

drawn and therefore would allow both first amendment, literally first amendment rights, but also the figurative first amendment rights which is the nonviolent protest; that does not harass, intimidate, or exacerbate? Violence would be prohibited?

Mrs. FEINSTEIN. That is correct.

Ms. MIKULSKI. I thank the Senator for clarifying that. I believe we want to continue to allow that nonviolent protest but at the same time stop the violence and the harassment.

Mrs. FEINSTEIN. I thank the Senator very much. I thank her for her very good work.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Massachusetts has 1 minute remaining.

Mrs. FEINSTEIN. If I might just conclude.

Mr. KENNEDY. I yield the remaining minute to the Senator.

The PRESIDING OFFICER. The Senator is recognized.

Ms. MIKULSKI. Mr. President, I rise today to support the Kennedy amendment to the crime bill. I believe that the Freedom of Access to Clinic Entrance Act, which Senator KENNEDY is offering as an amendment, is a perfect complement to the crime bill. In fact, passing this amendment is essential—if we are going to curb the escalating pattern of terrorism, harassment, vandalism, and violence that is being committed against health clinics across this Nation and protect health care providers from violent attacks.

Nine months ago almost to the day—Dr. Gunn was killed in front of a Pensacola clinic that provided abortion services. His death was shocking. And it sent an urgent message to Congress that it was time for action. Within weeks we had a bill. That legislation is now before this body for immediate consideration.

The problem we are seeking to address is clear: State and local law enforcement are being overwhelmed. Radical pro-lifers have elevated the war against the freedom to choose to a new level of domestic terrorism. And our local officials do not have the capacity to fight this coordinated national campaign.

From 1977 through April 1993 more than 1,000 acts of violence—including: 36 bombings, 81 arsons, 131 death threats, 84 assaults, 2 kidnappings, 327 clinic invasions, and 1 death have been reported. Doctors in my State have been forced to wear bulletproof vests to work. And women live in fear that they may not be able to gain access to the medical services they need.

It is a fundamental tenet of this country that we all have the right to lawful demonstration—whatever our beliefs. All of us here support that. But opponents of abortion have substituted vigilantism for lawful demonstrations. They have interfered with a woman's

constitutionally protected right to obtain an abortion. They have destroyed clinic facilities—leaving women without access to health care facilities. And they have threatened the safety of individuals providing health care services.

This terrorism must be stopped. These violent and lawless actions have made a mockery of the Constitution.

We must be able to protect health care providers like Dr. Gunn. We must assure them that they do not have to risk their life—or the sanctity of their homes—and the safety of their families—because of the health care services they provide. The Government has a historic role to play in protecting the health and safety of its citizens.

But according to our new Attorney General—the highest law enforcement official in this country—current Federal law is inadequate—

We need new Federal authority to help local law enforcement put a stop to the large-scale, national, systematic campaign of terrorism and violence going on today.

This amendment is especially urgent because of recent Supreme Court action earlier this year in *Bray versus Alexandria* that severely curtailed the effectiveness of an existing statute to remedy abortion clinic blockades. The Supreme Court left Congress with the responsibility of ensuring that women are able to exercise their right to get an abortion free from intimidation or violence.

This bill would do that. It would authorize civil and criminal penalties for interference with access to abortion service—regardless if that interference occurred at the site of a clinic—as part of a large scale action—whether it involved sabotage in the middle of the night—or if it involved an attack on an abortion provider in his or her home or car. And it meets the Reno test—

It is narrowly drawn and contains strong, but necessary medicine to address the specific problem of interference with access to abortion services;

It protects the expression of free speech and does not violate the first amendment; and

It establishes sufficient civil and criminal penalties to give law enforcement officials sufficient tools for curbing the violence.

The Attorney General has urged us to pass this bill. So has the American Medical Association and countless women's groups from across the country. I call on my colleagues to do the same.

This bill says no to violence. No to harassment. And no to terrorism. It says yes to free speech. Yes to legitimate demonstrations. And yes to the protection of women seeking access to health care services and the dedicated men and women who provide those services at clinics across this country.

I yield the floor.

Mr. KENNEDY. Madam President, how much time remains?

The PRESIDING OFFICER. There is no time remaining on the side of the proponents of the amendment, and there are 17 seconds remaining on the side of the opponents.

Mr. KENNEDY. In the general debate I understand I have 4 minutes left. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield that time to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank my friend for yielding.

Madam President, I rise today as an original cosponsor of S. 636, the Freedom of Access to Clinic Entrances Act, to express my strong support for immediate action on this important legislation. In many places across this Nation, including communities in my own State of Rhode Island, physicians, medical clinic workers and patients have been subjected to violence—or the threat of violence—because they perform abortions, or work at clinics that perform abortions, or are seeking an abortion.

While I recognize and strongly support the right to protest peacefully, I do not believe that this right allows any individual to inflict fear, violence, or pain on others, or to destroy property. And I firmly believe that crime cannot masquerade as free speech or free expression, subjecting individuals who are involved in a constitutionally protected activity—abortion services—to murder, arson, stalking, and other heinous crimes.

During Labor Committee consideration of this measure, concerns were raised about the measure's constitutionality and breadth. The committee made several modifications which were intended to ensure that the legislation is fair—by including medical clinics that provide pregnancy-related services as well as abortion-related services—and protective of the constitutional right to free speech. I firmly believe that the bill before us draws a fair, reasonable, and constitutional line between the right of protesters to protest, and the right of women to obtain reproductive services, including abortion services, and of medical personnel to provide these services.

Madam President, it is important for Senators to realize that this is not some abstract debate on a point of law that may or may not affect real people. This is of great importance to many Americans and many Rhode Islanders. On November 3, 1993, Ms. Barbara Baldwin, executive director of Planned Parenthood of Rhode Island, described in a speech some of what she and other Rhode Islanders, including Rhode Island Planned Parenthood's courageous

medical director, Dr. Pablo Rodriguez, have had to face in recent months.

I would like to quote for a moment from the remarks of Barbara Baldwin, executive director of Planned Parenthood—and a good friend, well known to this Senator—from Rhode Island.

In December our waiting room was invaded twice. * * *

In January our Medical Director's face appeared on a wanted poster, and they sent the poster to his home, his office and our clinic.

In March our clinic was blockaded twice by minute men blockades, small but effective. [Also], our Medical Director's driveway was mined with nails. He got 4 flat tires, and his wife stepped on a nail when she went jogging. He has two small children and lives in a remote area of the state.

In April I walked from work to a neighborhood restaurant for lunch, was followed unknowingly, and after being seated two men began yelling, calling me a murderer [sic], and then telling everyone in the restaurant I had blood on my hands and murdered babies for a living. [Also] * * *, our building was splashed with red xerox toner and we were forced to repaint the entire building. Later it was painted with green fluorescent paint.

[Also] [i]n April I was followed in my car on two different occasions as I was going home. I diverted my route and hid once at the airport and once at McDonald's.

In May we were picketed * * *, and our staff were identified by name, and often told their homes would be picketed. * * *

This kind of treatment is simply not right, and should not be permitted, and is not legal.

Madam President, no one engaged in a constitutionally protected activity should have to endure the fear, harassment, and prospect of violence that the Rhode Island Planned Parenthood staff and patients have had to endure. Thank goodness, no one has been seriously hurt in our State as a result of these tactics. But people in other States have been hurt, and, as we all know, Dr. David Gunn died in Florida after being shot by a protester.

I firmly believe that the legislation before us today is necessary to prevent this kind of orchestrated violence and harassment, to protect medical clinic personnel and patients, and to ensure that women continue to be able to exercise their constitutional right to reproductive freedom.

I hope that the Senate will approve this legislation today and send a message that we will no longer tolerate this attack on the rights of American women.

I congratulate the Senator from Massachusetts for his leadership in this battle.

Mr. HATCH. Madam President, I yield 2 minutes off the bill in addition to my 17 seconds to the distinguished Senator from New Hampshire.

Mr. SMITH. Madam President, I would like to respond briefly to the Senator from Maryland, who I see is still on the floor, because I know she is concerned about this as well. I want to read from the report language.

The act is carefully drafted so as to not prohibit expressive activities that are con-

stitutionally protected, such as peacefully carrying picket signs, making speeches, handing out literature, or praying in front of a clinic, so long as these activities do not cause a physical obstruction.

Using your analogy of the nuns, if 10 nuns obstruct access to that clinic, praying with the rosary, they can be sentenced to 6 months in jail. So the bottom line is that this bill, as written, can result in nuns going to jail for peacefully protesting if they obstruct access. How do we define obstructing access? Is it sitting in front of the clinic or sitting in the street? What is obstruction? It is not clearly spelled out. I want to make it clear that if you want it to result in the possibility of putting nuns in jail, maybe we ought to vote for the underlying amendment.

Madam President, I am concerned about the time. Has the time expired on the other side on the Kennedy amendment?

The PRESIDING OFFICER. It has expired.

Mr. SMITH. How much time do I have?

The PRESIDING OFFICER. All time on the amendment has expired on both sides. Four minutes were yielded by the Senator from Massachusetts from the bill. Four minutes were yielded by the Senator from Utah on the bill. There are now 39 seconds remaining on that 4 minutes for the Senator from New Hampshire. There are no seconds remaining for the Senator from Massachusetts.

Mr. KENNEDY. Parliamentary inquiry. What is the current matter before the Senate?

The PRESIDING OFFICER. The pending question is the Kennedy amendment No. 1192, as modified.

AMENDMENT NO. 1193 TO AMENDMENT NO. 1191
(Purpose: To differentiate between violent and nonviolent activities)

Mr. SMITH. Madam President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 1193 to amendment No. 1191.

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

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

The amendment is as follows:
Strike all after "PENALTIES" and insert in lieu thereof the following:

"—Whoever violates this section shall—
"(1) in the case of a first offense involving force or the threat of force, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense involving force or the threat of force after a prior conviction for an offense involving force or the threat of force under this section, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 3 years, or both;

except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life. In the case of offenses not involving force or the threat of force, whoever violates this section shall be imprisoned not more than 30 days.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of conduct prohibited by subsection (a) and involving force or the threat of force may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a medical facility that provides pregnancy or abortion-related services.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damage, an award of statutory damages in the amount of \$5,000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

"(i) in an amount not exceeding \$15,000, for a first violation involving force or the threat of force; and

"(ii) in an amount not exceeding \$25,000, for any subsequent violation involving force or the threat of force.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

"(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, such Attorney General may commence a civil action in the name of such State as *parens patriae* on behalf of natural persons residing in such State, in appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or

permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B)."

The provisions of this amendment shall take effect one day following the enactment of this Act.

Mr. SMITH. Madam President, this second-degree amendment is substantively identical to the first-degree amendment, which I have already offered. It is the same amendment.

My purpose in offering it is simply so that I have the opportunity to have a vote on my amendment. In the event that the Kennedy amendment should be agreed to, I would not have a vote on my first-degree amendment. That is the purpose for offering the second-degree amendment to the Kennedy amendment.

I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Will the Senator yield while I try to clarify the parliamentary situation?

Mr. SMITH. If I have any time left.

Ms. MIKULSKI. I ask unanimous consent that the time of the Senator be extended by 2 minutes.

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

Ms. MIKULSKI. The Senator from New Hampshire and I are absolutely committed to the concept of non-violent protesting. I would like to bring to the Senator's attention that when I used my point about the nuns walking and saying their prayers or singing a hymn, the Senator mentioned that they could be placed in jail.

I want to bring to the Senator's attention that it is my understanding from the bill that prohibited activities would be "by force or threat of force," or by physical obstruction that intentionally injures, intimidates, or interferes; or attempts to injure, intimidate, or interfere with the person. And then it goes on.

Even if nuns were in front of the door, I cannot believe that they would be threatening by force or threatening to intentionally injure. Therefore, their type of protest would be in the spirit that has been common practice in nonviolent demonstration activity. It is the intentional injuries or the threat of force that I believe are the operational concepts. Is that the Senator's understanding, or do we have two different understandings of the bill?

Mr. SMITH. I will respond with whatever time is left. I agree that I think the motive of the Senator is the same. I do not question that. I think that the language does not handle that. I think that physical obstruction is physical obstruction. If 10 nuns are sitting in front of an abortion clinic and people cannot get in, I assume that under the underlying bill, without my amend-

ment being agreed to, those nuns could be arrested, could be sentenced to 6 months in prison. And were it to be the second offense, they could be sentenced to 8 months in prison and could be felons. That is my understanding, and it is also the understanding of counsel regarding this matter. So I say we ought to be very careful here.

I think my amendment is very reasonable. I think we ought to take a good, hard look at what we are doing here on the Senate floor today.

Mr. KENNEDY. Madam President, as I understand it, we are back to 20 minutes a side on the Senator's amendment.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Madam President, we want to point out, for the benefit of the Members, what effectively we are doing in this amendment. As I understand it, what was in the initial amendment of the Senator from New Hampshire—and that is what is before the Senate—is unacceptable, because that effectively undermines what we were attempting to do to return to the Bray decision, which would permit, for example, in the areas of injunction, no time limitation. He provides a time limitation on it. That did not exist prior to Bray. We are trying to go back to the situation prior to that Bray decision at which time effectively there was no violence. There was no violence, or limited violence.

The Senator from New Hampshire can talk all he wants about the ability of people to demonstrate and protect their first amendment rights. They are protected. It is clear. It is specific in the language of the bill as well as in the report.

All of us have been around here long enough to understand what often happens in the U.S. Senate, sometimes intentionally, sometimes not. But in a number of instances, people do not describe accurately what is in the bill and then differ with it.

I must say, Madam President, what we are attempting to do is to go back to the situation where we have permitted the injunctions that were available and utilized when there was the real possibility of danger and physical violence, and to ensure that constitutional rights are going to be protected. I know that the Senator differs with that and will describe a different situation, but that is what we are doing, what we intend to do, and that is what this bill is effectively about.

We had attempted, in good faith, to draw a distinction between the civil and criminal penalties. That was not acceptable to the Senator from New Hampshire. But we believe if you are going to violate a constitutional right, you do not trivialize it by talking about 30 or 60 days and a misdemeanor; you make it a felony on the second offense. We either consider this a fundamental or basic right, or we do not.

If we do, you have to put in the teeth. I was around here when we passed the 1968 Housing Act. It was wonderful. You could read that legislation, and it effectively, on the face of it, eliminated discrimination in housing. But it did not do it because it had no real teeth. If we are talking about doing something in this area, we ought to do it.

We waited until the mid-1980's to try to pass a housing bill that did something against discrimination.

It is not acceptable. The Senator's amendment is not acceptable if we are serious about protecting fundamental rights.

I reserve the remainder of my time.
The PRESIDING OFFICER. Who yields time?

Senator SMITH addressed the Chair.
The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I ask for the yeas and nays on the underlying Kennedy amendment No. 1192, as well.

The PRESIDING OFFICER. The request is not in order at this time.

Mr. KENNEDY. Madam President, I ask unanimous consent that it be in order at this time to accommodate the Senator.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered on the underlying Kennedy amendment No. 1192, as modified.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

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

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

PRIVILEGE OF THE FLOOR

Mr. PACKWOOD. Madam President, I ask unanimous consent that Steve Grimaud, a participant in the legislative fellowship program working in my office, be granted floor privileges on the freedom of access bill and on the crime bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, as I understand, all the other time has been yielded.

The PRESIDING OFFICER. The time on this amendment has expired.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is advised that the amendment of the Senator from New Hampshire numbered 1193 is technically not in order at this time. The yeas and nays, however, have been ordered on amendment No. 1192.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1192, AS FURTHER MODIFIED

Mr. KENNEDY. I send a modification of the amendment to the desk and ask unanimous consent that it be in order.

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

The amendment is so modified.

The amendment (No. 1192), as further modified, is as follows:

In lieu of the language proposed to be inserted, insert:

"(b) PENALTIES.—Whoever violates this section shall—

"(1) in the case of a first offense, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 3 years, or both;

except that, for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than \$10,000 and the length of imprisonment shall not be more than six months, or both, for the first offense; and the fine shall be not more than \$25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results it shall be for any term of years or for life.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a medical facility that provides pregnancy or abortion-related services.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

"(i) in an amount not exceeding \$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations; and

"(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000, for any other subsequent violation.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

"(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, such Attorney General may commence a civil action in the name of such State, as *parens patriae* on behalf of natural persons residing in such State, in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

Mr. KENNEDY. I ask unanimous consent to have 2 minutes, 1 minute for the Senator from New Hampshire, if he has a question, and for explanation.

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

Mr. KENNEDY. Madam President, what we have basically done is adjust the penalty in this legislation with regard to the amendment itself. That, I think, makes it more consistent with what the Senator originally was desirous of. In the legislation it was \$100,000, and \$250,000 for the second offense. We are down to \$10,000 and \$25,000 maximum.

There was one other provision talking about maximums and minimums, and they have been adjusted in a similar way. We did it with civil penalties.

That is the extent of the modification. So I just wanted the Senator to understand that.

Mr. SMITH. Madam President, I say to the Senator, I appreciate the modification. I think the modification certainly does move a long way, from \$100,000 and \$250,000 penalties down to \$10,000 and \$25,000. However, the point is that these are still criminal offenses and very stiff fines. But I appreciate the fact that the Senator has made those modifications, which he did not have to do. We appreciate that.

The PRESIDING OFFICER. All time has expired on the amendment. The yeas and nays have been ordered. The clerk will call the roll on amendment No. 1192, as modified.

Mr. SMITH. May I ask for one clarification of the Senator from Massachusetts? Are those just for the peaceful, nonviolent? Are the criminal penalties the same criminal penalties?

Mr. KENNEDY. The Senator is correct. It is only for the peaceful, nonviolent.

Mr. SMITH. I thank the Senator for that clarification.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1192, as further modified, to amendment No. 1191. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. DORGAN], and the Senator from Tennessee [Mr. MATHEWS] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

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

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—56

Akaka	Glenn	Murray
Baucus	Graham	Nunn
Biden	Harkin	Packwood
Bingaman	Hollings	Pell
Boxer	Inouye	Pryor
Bradley	Jeffords	Reid
Bryan	Kennedy	Riegle
Bumpers	Kerrey	Robb
Byrd	Kerry	Rockefeller
Campbell	Kohl	Sarbanes
Chafee	Lautenberg	Sasser
Cohen	Leahy	Shelby
Daschle	Levin	Simon
DeConcini	Lieberman	Simpson
Dodd	Metzenbaum	Specter
Dole	Mikulski	Stevens
Durenberger	Mitchell	Wellstone
Feingold	Moseley-Braun	Wofford
Feinstein	Moynihan	

NAYS—40

Bennett	Faircloth	Lugar
Bond	Ford	Mack
Breaux	Gorton	McCain
Brown	Gramm	McConnell
Burns	Grassley	Murkowski
Coats	Gregg	Nickles
Cochran	Hatch	Pressler
Conrad	Hatfield	Roth
Coverdell	Heflin	Smith
Craig	Helms	Thurmond
D'Amato	Hutchison	Wallop
Danforth	Johnston	Warner
Domenici	Kempthorne	
Exon	Lott	

NOT VOTING—4

Boren	Kassebaum
Dorgan	Mathews

So the amendment (No. 1192), as modified further, was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Madam President, I would like to say a few words explaining why I voted for the Kennedy amendment to the pending bill.

As this amendment was originally drafted, the maximum criminal penalties for those who engage in nonviolent activities obstructing access to abortion clinics would remain at \$100,000 for first-time violations and \$250,000 for each subsequent violation. I thought these penalties were too high, particularly for nonviolent protestors, and sought to reduce them substantially. For purposes of establishing criminal penalties, it is important that we distinguish between violent activities and peaceful, nonviolent protests.

After discussions with my colleague from Massachusetts, he agreed to modify his amendment so that the maximum criminal penalties would be reduced by 90 percent—to \$10,000 for first-time violations and \$25,000 for each subsequent violation. Keep in mind, they were \$100,000 to \$250,000.

In addition, the original Kennedy amendment made no distinction between violent protests and nonviolent protests for purposes of the civil actions available to the U.S. Attorney General and the attorneys general of each of the States. Senator KENNEDY agreed to modify his amendment so that the maximum civil penalties that may be awarded are reduced to \$10,000 for first-time violations and \$15,000 for each subsequent violation. Under the original Kennedy amendment, the maximum fines were \$15,000 for first-time violations and \$25,000 for each subsequent violation.

I still think they are too high, do not misunderstand me. But I think we made a big, big change for the better. In my view, it is a step in the right direction.

Madam President, I am not totally satisfied that these modifications go far enough. But, in my view, they are a step in the right direction. Since the amendment, as modified, substantially reduces the maximum criminal penalties that can be imposed on nonviolent protestors, I voted for its adoption.

AMENDMENT NO. 1191, AS AMENDED

Mr. KENNEDY. Madam President, I have conferred with the Senator from New Hampshire. He has agreed that a vote on the underlying amendment now is not necessary. And so I ask unanimous consent to vitiate the vote that was previously ordered.

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

The question is on agreeing to amendment No. 1191, as amended.

The amendment (No. 1191), as amended, was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, may we have order, please?

The PRESIDING OFFICER. There will be ordered.

AMENDMENT NO. 1190

Mr. HATCH. Madam President, in order to expedite this, it is my understanding that both sides can agree on the Hatch amendment. So I ask unanimous consent that the yeas and nays be vitiated.

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

Mr. HATCH. I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment numbered 1190.

The amendment (No. 1190) was agreed to.

Mr. HATCH. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. CHAFEE. Madam President, I wish to express my strong support for the Freedom of Access to Clinic Entrances Act, which has been reported by the Committee on Labor and Human Resources.

It is interesting to note that this came out of that committee on a bipartisan vote. In other words, while there were four Republicans who voted against it, there were three Republicans who voted for it in the committee.

In my view, this bipartisan compromise does a careful job of balancing the right to peaceful protest with a woman's right to reproductive health services.

The House, as I understand it, is also taking up the legislation this week. So the chances are good that we can put a bill on the President's desk in rather short order.

The amendment by the Senator from New Hampshire, as I understand it, would reduce the penalties. It seems to me that the second offense penalty suggested by the Senator from New Hampshire appears to be very mild. It goes to a maximum of 60 days as opposed to the length of time that is provided within the legislation.

S. 636 would make it a Federal offense to impede access to abortion-related services, including pregnancy counseling services.

It would also make the damage or destruction of property of such facilities a Federal crime.

Moreover, S. 636 would enable victims of clinic violence to seek injunctive relief in civil damages. These are very, very important steps. To confront the escalating tide of violence around the country, the bill also gives the Attorney General and the State attorneys general critical enforcement roles through our Federal and State courts.

Madam President, this issue is not about a woman's right to choose or

about free speech. Indeed, some of the bill's very supporters count themselves among the pro-life movement. This issue is about violence; it is about destruction of property; it is about intimidation; and it is about terrorism. And, indeed, it is even about murder.

Should we wait for more innocent victims to join Dr. Gunn, the Florida physician who was shot to death this past March? Or are we prepared to say, "Enough is enough"?

Now, I would like to bring to the attention of the Senate those tactics that have been used in my home State of Rhode Island against Planned Parenthood and its staff just over the past 12 months.

In December, the medical director began receiving subscriptions to magazines and other unwanted publications.

In January, the medical director's face appeared on a wanted poster that was sent to his office and home. "Wanted for murder" and the medical director's face appeared on it.

In March, the clinic was blockaded twice by activists, and the director's driveway was mined with nails which blew out four tires and caused his wife an injury.

In April, a clinic employee was intimidated at a restaurant by two men who began yelling that she was a murderer, and had blood on her hands for murdering babies. That same woman was also followed in her car by another car on two occasions.

In April, the clinic was splashed with red xerox toner and had to be repainted—only to face another assault with green fluorescent paint.

In May, the clinic was picketed every day, and staff were identified by name by the picketers and told their homes would also be picketed.

The clinic ultimately went to court, and a restraining order was granted to one of its employees to stop two individuals from talking to, following, or approaching her. The order was later violated by one of those individuals. Here is the interesting fact and why I think we need Federal legislation. Both of the men covered under the restraining order have been arrested in Texas, Ohio, New York, the District of Columbia, Wisconsin, Georgia, and Arizona.

In other words, this is a calculated conspiracy. Both of the men covered under the restraining order that was granted in Rhode Island had been arrested in Texas, Ohio, New York, the District of Columbia, Wisconsin, Georgia, and Arizona, and they had also served time in North Dakota and North Carolina.

From 1977 to April of this year, more than 1,000 acts of violence have been committed against reproductive health services personnel in the United States. These acts include some 36 bombings, 81 arsons, 131 death threats, 84 assaults, 2 kidnappings, 327 clinic invasions and 1 murder, and people say

we do not need to take some action? Another 6,000 blockades and other disruptions were reported over that same period.

Madam President, these are not the tactics of passive resistance; they are the acts of emboldened extremists who believe society will continue to tolerate their illegal behavior under an ambiguous mantle of free speech. I say, "enough is enough." It is time for us to draw the line, and restore needed balance by passing S. 636, and by rejecting the amendments that will be offered to this bill.

Ms. MOSELEY-BRAUN. Madam President, I support this legislation because it will protect reproductive health care providers and their patients from the deliberate campaign of terror and violence that has been targeted toward them.

As is all too obvious from any cursory review of our Nation's newspapers, there is a history of violence perpetrated against health care clinics that provide comprehensive reproductive services. In the last 16 years, more than 1,000 acts of violence have been reported. These acts of violence include at least 36 bombings, 18 arsons, 84 assaults, 131 death threats, 2 kidnappings, 327 clinic invasions, and 1 murder.

I am sad to say that these acts of violence are not on the wane, Madam President, but continue to grow in number and in intensity. Six weeks ago, a clinic in Peoria, IL, which has been providing women's health care services for 19 years, was firebombed. Property damage was estimated at \$10,000. Thank goodness, no one was hurt.

Despite the best intentions, State and local law enforcement officers have been unable to adequately safeguard medical providers, patients, and clinics against this dangerous activity. State and local laws against trespassing, vandalism, assault, and homicide are not adequate. A national response is necessary because this is an interstate problem. Offenders routinely plan their activities in one jurisdiction and then cross State lines to carry them out. In many localities, offenders grossly outnumber the police and local facilities, including jail cells and courthouses. This legislation is therefore critically necessary to fully shield law-abiding physicians and women from continued interference with their constitutional rights.

This is a narrow piece of legislation; it has been carefully crafted. It fully protects the rights of peaceful protesters to demonstrate. It is modeled after Federal civil rights laws that prohibit unlawful interference with an individual's attempt to exercise the right to vote. It does not cover peaceful picketing, praying, singing, leafleting, or sidewalk counseling. Moreover, this legislation is even handed. It protects

centers that counsel against abortion, staff, and patients, as well as clinics that offer abortion services, their staff, and their patients.

This legislation targets any act of force, threat of force, or physical obstruction involving reproductive health centers only if there is intentional injury, intimidation, or interference with a person trying to obtain or provide pregnancy or abortion-related services.

It does not punish anyone for their views. It punishes only when a person acts to obstruct a clinic entrance, harm a doctor, or intimidate a woman trying to access health care services.

Law enforcement officials support this legislation as an important and necessary tool to discourage this violence. That is why this amendment has been endorsed by Attorney General Reno, as well as the National Association of Attorneys General.

To conclude, Madam President, I would like to affirm that abortion is legal in this country. Some people do not believe in abortion, and they have the right to protest, and to educate the public of their viewpoint. But this debate is not about abortion. It is about violence. Those who do not believe in abortion do not have the right to murder, commit arson, or harass medical providers or women who seek medical care from clinics that provide full reproductive services. I thank the Senator from Massachusetts for offering this legislation, and urge its passage so that we can send a clear message that this kind of violence and terror will not be tolerated.

Mr. WOFFORD. Madam President, I wish to engage in a short dialogue with my distinguished colleague from Massachusetts, Mr. KENNEDY, about the Freedom of Access to Clinic Entrances Act.

When I first became aware that Senator KENNEDY was introducing this legislation I was pleased because, like so many others, I was appalled by the events in Wichita, KS in 1991 in which those opposed to abortion blockaded the entrance of health clinics that offered the procedure.

Since that time we have witnessed a number of painful incidents across the country in which violence has been perpetrated against abortion providers and facilities. Most recently in my home State of Pennsylvania, in the town of Lancaster, a Planned Parenthood clinic was firebombed. These incidents and the potential for others like them illustrates that there is a need for S. 636.

During the Labor Committee markup of the bill, I expressed my general support for S. 636 but also raised my serious concerns regarding the use of the term "abortion-related" to describe the type of services protected by the legislation.

Madam President, I would like to clarify this issue regarding the bill. It

is my understanding that when this bill is brought to the Senate floor the term "abortion-related" services will be changed in S. 636 to "pregnancy or abortion-related" services. Am I correct in my understanding?

Mr. KENNEDY. The Senator is correct. The term "abortion-related" services has been changed to "pregnancy or abortion-related" services. I believe this change refines the language of the legislation to make clear that it protects access to services relating to pregnancy without diminishing its protection of a woman's access to health clinics that perform abortions.

Mr. WOFFORD. As I stated during the markup, it is my belief that this legislation should serve as a rule of reason to persuade people on all sides of this deep controversy not to move beyond peaceful protest and truly civil disobedience, over the threshold into physical obstruction, intimidation and violence. It is my further belief that this change addresses the concerns I raised in committee, and with it, I offer my name as a cosponsor of S. 636. I look forward to working for its passage.

Mr. KENNEDY. I would like to thank my distinguished colleague from Pennsylvania for his support. I too look forward to working with him for immediate passage.

Mr. WOFFORD. Let me close by thanking my distinguished colleague from Massachusetts for his clarification and his willingness to work with me in crafting a piece of legislation that I can fully support. I yield the floor.

Mr. BAUCUS. Madam President, I rise today to express my support for S. 636, the Freedom of Access to Clinic Entrances Act. This legislation would make obstructing access to clinics a Federal crime and would establish criminal and civil penalties for acts of violence and threats of force that seek to intimidate women from obtaining abortion services or doctors and nurses from providing abortion services.

An example from my State of Montana illustrates the desperate need for this legislation. One of my constituents is Dr. Susan Wicklund. Dr. Wicklund, a practicing physician in Bozeman, received many threatening and graphically violent letters over a period of a few months. Fearing that the situation could turn violent, I contacted the Attorney General's office and asked them to investigate.

Imagine my shock and outrage when the Attorney General's office responded that there was nothing they could do; there was "no cause of action prosecutable under current Federal law." This is wrong. A woman's right to choose is a constitutional right in this country. The Federal Government must be allowed to protect health care providers whose lives are threatened merely because they help women exer-

cise their constitutional right. Dr. Wicklund should not have to live in fear simply because she is doing her job and abiding by the law. This legislation would offer Dr. Wicklund, and many doctors like her around the country, protection and relief from the constant harassment they face just because they are doing their job.

Madam President, this legislation would also address the difficulties faced by State and local police when confronted by clinic blockades. For example, in Missoula, MT, most of the protesters arrested last year after blockading the Blue Mountain Woman's Clinic were not from the community. Since local authorities often have trouble sharing information with other jurisdictions, it is important for Federal agencies to step in and coordinate the response if necessary.

Sadly, that same Missoula clinic was recently burned to the ground at the hands of an arsonist, becoming the second Montana clinic closed due to arson in the last 2 years. Under S. 636, arson, if committed because a clinic provides abortion services, would be classified as a Federal criminal offense, with strict penalties for the individuals responsible. Strong penalties would help deter future criminal acts. The Blue Mountain Woman's Clinic might still be intact today if stiff federal penalties had been in place. This bill deserves broad support from all who are opposed to this kind of senseless violence.

As we all know, the spread of violence surrounding the choice issue is on the rise in this country. We need to address it head on. We cannot stand by any longer and watch as more doctors are murdered like Dr. Gunn in Florida.

The first amendment to the Constitution guarantees all Americans the right to peaceful assembly. This bill is carefully crafted to ensure that this right is not violated. Peaceful expression of anti-abortion views will not be penalized by this legislation. However, as should be the case, violent and intimidating behavior will be punished in a strict, but fair manner.

I ask my colleagues to help deter violence in this country by voting for this important legislation.

Mr. LAUTENBERG. Madam President, I rise in support of the Freedom of Access to Clinic Entrances Act. As an original cosponsor of this legislation, I have long supported efforts to stop violence and harassment at our Nation's reproductive health clinics.

Madam President, the Supreme Court has upheld a woman's constitutional right to choose in numerous court cases beginning with *Roe versus Wade*. Despite these legal assurances, the right to choose has been greatly eroded recently.

States have enacted waiting periods, so-called informed consent laws, and other impediments to reproductive health services that do not apply to

people seeking other health services. On top of all of this, clinic violence, harassment, and obstruction have increased dramatically. This was dramatized by the cold-blooded murder of Dr. David Gunn earlier this year outside of a Pensacola, FL, health clinic. His murder took place after years of harassment and posting of "wanted signs" with his picture on it. But this was no isolated incident.

Since 1977, opponents of choice are responsible for more than 1,000 acts of violence against abortion providers, including bombing, arson, death threats, kidnappings, assaults, shootings, and clinic invasions.

Also during this time period, antichoice protesters have committed over 5,000 acts of disruption, including clinic blockades, bomb threats, hate mail, harassing phone calls, and demonstrations.

Madam President, this legislation will make it a Federal crime to prohibit someone from obtaining abortion services or assisting someone who desires these services by force, threat of force or physical obstruction.

This legislation does not make it illegal for people to protest civilly. It does not restrict freedom of speech. It simply prevents violence, obstruction and harassment of women and health care professionals.

Madam President, the women of this country must have a real right to choose, not an abstract one. If we allow violence, vandalism, and harassment to continue at reproductive health clinics, women will not be able to exercise this constitutional right.

I urge my colleagues to support this legislation.

Mr. HARKIN. Madam President, I rise in support of the Freedom of Access to Clinic Entrances Act. This important legislation, which I have cosponsored, provides for Federal action to address the wave of violence and harassment of health care facilities that provide abortion services. It is time for a Federal response to the blockades of clinics, and the violence, and harassment directed at clinic employees, health professionals, and patients.

The statistics tell the story. There have been hundreds of cases of clinic invasions, vandalism, death threats, arson, and bombings. Most distressing is the tragic case of Dr. David Gunn, who was brutally shot in the back by an antiabortion extremist. In 1992 alone, some 194 violent incidents were documented, with 16 cases of arson, 116 cases of vandalism, 9 assaults, 8 death threats, and 26 invasions. This is a problem of national scope, requiring a national response.

Attorney General Janet Reno has testified that current Federal law is inadequate to address this problem. After the assassination of Dr. Gunn, 16 of my Senate colleagues joined me in calling

for an investigation of these activities by the Federal Bureau of Investigation on March 18, 1993. On April 9, Director William Sessions responded to our letter.

Director Sessions stated that, "The Department of Justice concluded that current Federal criminal laws are not adequate to address the issues of denial of access and related violence at abortion facilities." Therefore, the FBI is precluded from undertaking the kind of comprehensive investigation demanded by this pattern of abuse and violence.

But beside the violence directed at clinics, clinic blockades are being used to prevent patients from entering these clinics, or to harass them if they attempt to enter. The Federal Government must respond to these incidents as well as incidents involving the use of force.

Some argue that clinic blockades are an exercise of the constitutional right to free speech. I believe that a person's right to swing his fist ends where my nose begins. The same is the case in this instance. I strongly defend the right of antiabortion protesters to picket, pray, or otherwise oppose the performance of abortions. These protesters have strongly held views, and they have the constitutional right to express them.

However, as with the fist, their rights ends where another person's rights begin. These protesters have the right to express their views. But others who disagree with those views, or who choose not to listen to them, have an equal right to ignore their protests.

Some suggest that this issue should be handled by State and local officials, rather than the Federal Government. But the national campaigns of Operation Rescue and other antiabortion extremist groups are calculated precisely to overwhelm the resources of local law enforcement agencies. In 83 incidents in 1992, some 2,580 arrests were made in clinic blockades. Protesters converge on protest sites from across the Nation, and some people travel from protest to protest. The flood of protesters gathering from around the country often overwhelms the local capacity to jail blockaders. Often, blockaders who are released immediately return to the blockade. Adequate detention facilities are needed to address these tactics.

Blockades are not analogous to the nonviolent protests of the civil rights movement. There is a fundamental difference between people protesting to vindicate their rights to be treated as equal citizens, and people whose protest is intended to prevent others from exercising their lawful rights. Unlike the protests at lunch counters in the 1960's, which were intended to ensure equal access for all, and to force a change in law, these protests are intended to force the blockaders' views on those who disagree, regardless of the others' legal rights.

But let me also state what this bill is not about. It is not about preventing people from praying in public. It is not about silencing protests. It does not prohibit sit-ins, except if those sit-ins physically obstruct access to a clinic. And it is not about whether abortion is right or wrong.

The right to choose is protected under the Constitution, as a part of the fundamental right to privacy, and this measure is intended to ensure that women may exercise that right. This legislation is a law enforcement measure, not an abortion rights measure. I strongly support this bill, and I urge its adoption.

Mr. SIMPSON. Madam President, I am and always have been pro-choice, and I also firmly support the right of a woman to have free and unrestricted access to all necessary health care facilities.

I am in whole-hearted support of the principle which the sponsors of this legislation are addressing. I also join with them in condemning in the strongest manner possible the violent acts that have occurred—murder, bombing, physical threats, and violence have absolutely no place in our society. In particular, such acts have no place associated with political debate on issues as important and as contentious as the choice or antiabortion issue. In my view, such criminal behavior should be punished very severely, indeed.

This is a very thorny issue: In its pure sense, this legislation addresses certain forms of physical obstruction—in the form of political protest—and imposes sanctions on that behavior.

As I stated, Madam President, I am strongly pro-choice. I am also strongly pro-free speech. And I have been listening most attentively to the debate on this legislation. I have been weighing the various concerns raised by our colleagues, and I want to commend them on a most thoughtful and thought-provoking debate.

However, Madam President, one thing has become clear to me. This really is not an issue of pro-choice or pro-life. What we are faced with is legislation responding to the actions of extremists.

Extremists have abused their constitutional rights in a manner which has prevented other, innocent citizens, from availing themselves of their own rights.

The fact is that all of the rights we speak of here are based in the first amendment. And that has made the debate much more contentious.

In any area of our life, if one group uses their rights to abuse or to limit the rights of others, the Government has been called upon to act. That is our duty and that is why we are here posed to act.

The level of interference with the rights of others—women in this in-

stance—has reached such extremes that we in Congress must act. It is my view that this legislation is appropriate. The fact that it is needed, however, is most regrettable.

Mrs. MURRAY. Madam President, throughout the debate on the crime bill last week, we heard over and over again about the horrible consequences of violence in our society today. Like many people across this Nation, I believe that it is time for us to demonstrate to our children that we do not condone these acts of violence, and that we will not tolerate them.

The bill before us today is necessary because of the campaign of terror being perpetrated against abortion clinics, doctors, and patients across the Nation.

Madam President, I fully support our first amendment rights under the U.S. Constitution. However, it is time for us to acknowledge that violence is not a mode of free speech. It is not a way to express an opinion about a woman's constitutional right to choose.

Since 1977, more than 1,000 acts of violence have been directed at abortion providers. Women's health care providers across the Nation have faced bombings, arson, death threats, kidnappings, assaults, and shootings.

Just 2 months ago, the Family Planning Associates clinic in Bakersfield, CA, was destroyed by arson, causing \$1.4 million in damage. Also in September, a Planned Parenthood office in Lancaster, PA, was severely damaged by a firebomb. In August of this year, Dr. George Tiller of Kansas was shot. In March, Dr. David Gunn was murdered in Florida.

Madam President, I have heard from physicians in my home State of Washington. They are alarmed at the increasing violence against women's health care providers. One doctor wrote:

Every time I walked toward the building, I thought to myself that some anti-choice terrorist could have set a bomb and that my life could be on the line. Fortunately, so far I have been able to work unimpeded, but with every assault on a clinic around the country I have worried about the safety of my staff as well as that of my patients. The next time a gun is fired, it could well hit a patient or staff member. The psychological toll all this takes on clinic staff is enormous, as you can well imagine.

Attorney General Janet Reno says that Federal legislation is necessary. According to the Attorney General, "The problem is national in scope, local law enforcement has been unable to deal effectively with it, and existing Federal law is inadequate to provide a complete response."

Madam President, the Freedom of Access to Clinic Entrances Act is a response to violence. This legislation is necessary, and long overdue. It outlaws clinic violence while protecting legitimate free speech activities.

This bill contains a message that we as responsible adults must send today.

No more violence. I urge my colleagues to vote for this bill, and I thank Senator KENNEDY for his leadership in bringing it before us.

Mr. PACKWOOD. Madam President, I rise today to voice my strongest support for the Freedom of Access to Clinic Entrances Act. I am proud that I have been a cosponsor of this legislation for three consecutive Congresses.

This act would provide a critical safeguard to the right of all women not only to choose to have an abortion but in many cases to seek basic health services. At the same time, this legislation works evenhandedly to protect providers of pregnancy counseling and adoption services from unlawful protest activities.

I commend Senators KENNEDY and KASSEBAUM and the Senate Labor Committee for their diligent work and diplomacy in drafting a bill that I hope will be agreeable to most Senators, whether they identify themselves as being pro-choice or pro-life.

For at least the last 15 years, a contract campaign of violence has been waged against providers of abortion, a legal medical procedure. Antiabortion activists have used blockades, bombings, intimidation, and even murder as tools to close clinics.

My home State, Oregon, has been disproportionately affected. In 1 year alone, three torchings of clinics caused more than a half a million dollars in damages. In Forest Grove, OR, fliers were distributed offering a \$1,000 reward for any information leading to the arrest of a doctor who performs abortions, and a death threat was sent to a clinic. During the blockage of a Portland clinic, patients were struck in the face and knocked against a car. These are just a few examples from a long unfortunate string of incidents.

The time has come to put an end to this madness. Violence is reprehensible for any reason. In our democratic system, the protesters clearly have the right to disagree with *Roe versus Wade* and pursue legal means to reverse this decision. This bill protects the rights of those on all sides of this controversial issue to peacefully exercise their rights under the first amendment. But those who use extreme and often criminal tactics to express their views must be stopped.

Madam President, I hope this legislation will be enacted in the near future. Its enforcement will help put behind us a tragic chapter in our history where disagreements between citizens have led to bloodshed. I thank the Chair.

Mr. LEVIN. Madam President, I am pleased to be a cosponsor of the Freedom of Access to Clinic Entrances Act of 1993, and welcome the opportunity to support this bill today on the Senate floor.

On January 13, 1993, the Supreme Court handed down its decision on *Bray versus Alexandria Women's*

Health Clinic. In this decision, the Court struck down a lower court ruling which had held that a Federal civil rights law could be used to stop abortion protesters from blockading reproductive health clinics. In overruling the lower court decision, the Supreme Court held that the Ku Klux Klan Act does not provide a Federal cause of action against persons obstructing access to abortion clinics.

Prior to the Supreme Court's ruling, several Federal courts had issued injunctions against clinic blockages based on the Ku Klux Klan Act. These injunctions proved highly effective in curbing large blockades. In ruling that this Federal law does not apply to clinics, the Supreme Court removed the possibility that those affected by clinic violence could invoke this law to obtain Federal court injunctions.

The incidence of clinic violence is on the rise. Recently, the Feminist Majority Foundation concluded a nationwide survey of clinic violence that occurred during the first 7 months of 1993. Of clinics participating in the survey, 50.2 percent experienced violent acts including death threats, stalking, chemical attacks, arson, bomb threats, invasions, and blockades.

Clinics located in Michigan were among those that faced the most acute violence. Of 13 Michigan clinics who responded to the survey, four reported receiving death threats, three received bomb threats, four experienced chemical attacks, and clinic staff were stalked at three clinics. One Michigan clinic was the victim of attempted arson, and an organized blockade was conducted at another clinic.

With the intensification of clinic violence and the lack of effective alternatives to address this violence, the need for the Freedom of Access to Clinic Entrances Act is clear. This bill would prohibit the obstruction of access by women to pregnancy or abortion-related services. More specifically, it would prohibit the use of force, threat of force, or physical obstruction to injure, intimidate, or interfere with a person seeking private abortion or pregnancy-related services. It would also prohibit the destruction of clinic property and ensure that persons injured by clinic obstruction, as well as State attorneys general, could seek redress in the Federal courts.

Concerns have been raised that this legislation, if passed, would restrict the first amendment rights of anti-abortion protesters to peacefully demonstrate. This is not true. The bill would prohibit only acts or threats of force, physical obstruction, and destruction of property. Picketing, distributing pamphlets and other materials, and peacefully expressing views would not be affected by this legislation whose activities are protected. The Clinic Access Act addresses conduct—not speech—and draws a strict delineation between the two.

This bill is even-handed in that it would extend identical protection to both clinics that offer abortion-related services, their staff, and patients and pro-life counseling centers and their staff and patients. Intentional care has been taken in the bill language to clarify this point.

The fact remains that the right to terminate a pregnancy remains a constitutional right under the right to privacy as ruled by the Supreme Court. Individuals should not be threatened, harmed, or prevented from exercising this right. Similarly, individuals performing legal abortion services should also be protected from harm.

For these reasons and others, I will support passage of this legislation.

Mr. DANFORTH. I am a pro-life Senator. I have always been pro-life and I remain strongly pro-life. I believe that abortion on demand is the wrongful destruction of life and that *Roe versus Wade* was decided incorrectly. If I could change the decision in that case, I would do it without hesitation. Abortion on demand cheapens life and the skyrocketing incidence of abortion in America is a national tragedy.

Those are my personal, deeply held opinions. I recognize that many Americans disagree vehemently with me. Abortion is a complex issue. They are entitled to their opinion as I am to mine. Unfortunately, tragically, the law now sides with them.

As the Senate considers the Freedom of Access to Clinic Entrances Act, the debate will revolve around many issues. For me, the issue is not abortion. It is how we conduct the debate about abortion and whether we can continue to allow violence and intimidation to be used as weapons in that debate. I do not see that as a complex issue at all.

So I will vote for passage of S. 636. Because when I vote, I do so as a Senator, sworn to uphold the Constitution. And as long as the Government of this country protects the right to an abortion it is my obligation to protect from violence Americans who seek to exercise their rights—even if I am personally dismayed that such a right is held to exist.

I have fought to change the law's permissive view of abortion and will continue to do so. As Missouri's State attorney general, I even argued before the Supreme Court to uphold the right of my State to impose restrictions on abortion. But my fight will always remain within the bounds of the law. We are a nation of laws. Those who break the law—those who use violence—no matter how they try to justify it, must be stopped. That is the essence of the rule of law.

I believe Americans of conscience must not be denied the right to decry abortion. They must be permitted to protest and lobby and pray and carry signs. Even if what they say offends people. Congress must protect their

right to speak and assemble peacefully while they struggle to change the law.

What they cannot do is threaten people, harass people, intimidate people. Certainly they cannot hurt people. But the committee report which accompanies S. 636 tells of arsons, bombings, shootings, death threats, assaults, kidnappings, even a murder—acts of violence aimed at Americans who seek to exercise a hotly debated but constitutionally protected right. The report tells of the inability and unwillingness of some local authorities to enforce State laws and the coordination of such activities across State lines.

In such circumstances, it is appropriate for the Federal Government to act. I believe that S. 636 will not hinder legal protests. It will limit the genuine debate to lawful civil discourse, where it belongs.

Mr. McCAIN. Madam President, I oppose the Freedom of Access to Clinic Entrances Act, S. 636. As strongly as I believe in the sanctity of life, I am as strongly opposed to violence as a means by which to prevent or intimidate a woman from obtaining an abortion or a practitioner from performing an abortion. As objectionable as abortion is to me personally, violence can never be the answer. I completely and unequivocally condemn the March 1993 killing of Dr. David Gunn and all other acts of violence against abortion clinics and providers of abortion services.

However, S. 636 is not the appropriate vehicle to address these outrageous and indefensible acts. As drafted, it is overbroad and infringes upon the constitutionally protected free speech of our citizens. It imposes harsh Federal penalties on those who engage in protests, even if entirely nonviolent, on the basis of a specific disfavored viewpoint—opposition to abortion. While the bill's sponsors have made efforts to create the pretense that it is evenhanded, protecting both abortion and antiabortion activities, in fact it is specifically devised to stifle the expression of those opposed to abortion. Mr. President, this measure will have a profoundly chilling effect on free speech. I am also deeply concerned that it singles out a class of citizens—those who seek or perform abortions—and gives them protections beyond those available to other Americans.

Because I believe that this bill is fundamentally flawed, I supported amendments to improve it by penalizing only violent behavior, and creating a legal cause of action against individuals who react violently against those who are peacefully protesting. I also supported an amendment by Senator HATCH to penalize violent behavior against religious institutions such as churches and synagogues. We should use our limited Federal law enforcement resources to protect our citizens against violence, not against free speech.

Mr. GORTON. Madam President, the issue before us today is one of how we

can prevent violence which surrounds some demonstrations at health clinics which provide pregnancy or abortion-related services. Persons on both sides of the abortion issue agree that the violence must stop.

Few will deny that the gross acts of violence against abortion clinics, pro-life counselling centers, and places of religious worship are unconscionable. Each of these types of facilities have experienced arson, bombings, and other types of destructive attacks. The persons who seek and the persons who provide the services of these facilities have been physically harassed and, at times, have even had their lives threatened or endangered.

I support the Freedom of Access to Clinic Entrances Act, in order to ensure safe access of legal services provided at medical facilities and at places of religious worship.

Equally important, however, is that we treat all sides equally and do not trample on fundamental constitutional rights such as the freedom of speech. This bill has come a long way toward reaching that fair equilibrium.

This bill achieves a balance between two diametrically opposed points of view. It is of vital importance that we send a clear message that the violence which has occurred at some demonstrations will not be tolerated, and must end. It is also of great importance that we not infringe upon the constitutionally protected freedoms of speech, assembly and protest.

Mr. DANFORTH. I would like to ask the chairman a few questions about the Freedom of Access to Clinic Entrances Act. Many of my constituents from Missouri Right to Life whom I have supported for a long time have communicated certain concerns about the underlying legislation. They are concerned that this legislation will "suppress pro-life picketing, leafleting and sidewalk counseling outside abortion clinics by use of * * * lawsuits and injunctions" made possible by this act. Is it the intent of the drafters of this legislation to allow lawsuits to be filed against peaceful picketers who are not attempting to prevent ingress or egress from an abortion clinic and are conducting their protests in a peaceful and orderly manner?

Mr. KENNEDY. Although we cannot control the filing of lawsuits, it would not be our intention that a lawsuit of this type be successful as long as the picketers were not threatening or obstructing or attempting to injure, intimidate, or interfere with a person or a provider's access to the abortion clinic in question.

Mr. DANFORTH. By the chairman's response, I assume that the same would be true with peaceful leafleting and noncoercive counseling outside of an abortion clinic.

Mr. KENNEDY. Subject to the same conditions, I would agree with the Senator from Missouri.

Mr. DANFORTH. If I might ask the chairman one additional series of questions about the legislation. My pro-life constituents have also voiced another related concern. Many of them participate in nonviolent "sit-ins" at abortion clinics to demonstrate their heartfelt, intense opposition to the wrongful taking of human life occurring there. These "sit-ins" may make it more difficult for an individual to gain entrance to the clinic, just as civil rights marchers in the 1960's made it more difficult to gain entrance to certain stores, which had discriminatory policies. For example, sit-ins were held at Woolworths in which participants took every available seat at the lunch counter. Now, I am sure that this action made it difficult to gain entrance to the lunch counter to purchase food. But, is it the chairman's intention to make nonviolent sit-ins, in which a person still has access to a building, albeit access is made more difficult, a violation of Federal law?

Mr. KENNEDY. I would answer the Senator that it is not the intention of the sponsors of this bill to make nonviolent sit-ins a violation of Federal law, unless the sit-in is arranged in such a way as to constitute a physical obstruction, defined in the legislation. As long as a person has access to and egress from an abortion clinic and as long as the protest is not arranged so as to make it unreasonably difficult or hazardous to gain that ingress and egress, then I do not believe that the situation in question would violate this legislation.

Mr. DANFORTH. The chairman's response raises the central concern of this Senator about the legislation in question—the meaning of the term "unreasonably difficult or hazardous." I understand that if this legislation becomes law, this term will be defined on a case-by-case basis in the courts. But, I am wondering if the chairman would indulge me in a few hypotheticals to give the courts some guidance. If a group of pro-life Missourians with placards in their hands and prayers on their lips, created a line across the front of an abortion clinic and left room for one individual to pass, without physically restricting that individual's freedom of movement, does the chairman believe that these demonstrators would have made ingress or egress from the abortion clinic unreasonably difficult or hazardous?

Mr. KENNEDY. As the Senator from Missouri properly pointed out, the ultimate definition of this term will be left to the courts. But, I do not mind explaining my understanding of the term "unreasonably difficult or hazardous." In the hypothetical which you have presented, I do not believe that the protesters would have made access to the clinic unreasonably difficult or hazardous as long as they left a reasonable amount of room for a person to enter and leave the building.

Mr. DANFORTH. Would the chairman's analysis change if the same group of protesters were heatedly and forcefully telling the person wanting access to the clinic about the facts that her action would be the wrongful taking of human life, and that in their eyes, it would amount to murder? If the protesters still allowed the person access, albeit more limited access than would be available without any protesters, would the chairman agree with me that this scenario should not be considered as making access to the clinic unreasonably difficult and hazardous?

Mr. KENNEDY. As long as the protesters left a reasonable amount of room for a person to enter and leave the building I do not believe that their voicing of their opinions regarding abortion would change my analysis. Of course, this law would make it a violation of Federal law for those protesters to threaten a person with violence or to place them in reasonable apprehension of bodily harm because of their desire to gain entrance or egress from an abortion clinic.

Mr. DANFORTH. I thank the chairman for taking the time to discuss this matter with me.

Mr. BRYAN. Madam President, earlier this year, this Nation experienced a most unfortunate escalation of people's differences on the issue of abortion. The murder of Dr. David Gunn outside the medical clinic where he worked and had provided legal abortion services, sickened Americans on both sides of the issue.

We have all seen on television women seeking legal medical services being physically prevented from gaining access to the facilities where those services are provided. We have all heard about health care providers throughout this country who literally put their lives on the line to provide that legal health care to those women.

We have all heard of the bombing and destruction of family planning clinics. We have heard the experiences of health care providers who work in those facilities whose houses have been picketed, whose children have been harassed at school, and whose phones have become the vehicle for threats of all kinds.

This violence and intimidation cannot be tolerated. Women who are simply trying to exercise their legal right to choose abortion-related services without interference, without fear, and without intimidation must be protected. Today we can ensure their access to those services are protected.

Let me make it clear that this bill will not interfere with anyone's right to peacefully express themselves in protest—regardless of which side they are on in the abortion debate. I would not support this legislation if it did. This bill will, however, ensure women seeking legal medical services can get

those services without fear for their physical safety.

The abortion issue will continue to be debated and protested. But that debate and those protests must be conducted without the violence and the intimidation that have characterized the issue recently.

Today we must take action to protect women seeking legal abortion-related services, and health care workers who provide those legal services. As a cosponsor of the Freedom of Access to Clinic Entrances Act of 1993, I urge my colleagues to support this legislation, and take the step necessary to guarantee the right to choose can be exercised.

Mr. DURENBERGER. Before we vote on this bill, I have some questions about the operative language, contained in section 2715(a).

My purpose in offering these questions to the chief sponsor of this legislation is to clarify what activities will be allowed and which will be prohibited if this legislation becomes law.

My understanding is that facilities covered by this legislation include both those facilities providing abortion-related services or other pregnancy-related medical services to women and pro-life counseling centers or so-called pro-life crisis centers. Is that correct?

Mr. KENNEDY. Yes, that is correct. The bill is even-handed in that it protects both those facilities providing abortions or abortion counseling and those that counsel women not to terminate their pregnancy. I should also point out that a significant number of patients at clinics providing abortions are seeking medical attention—such as pap smears, birth control, and so forth—that are entirely unrelated to the termination of a pregnancy. These patients are protected too.

Mr. DURENBERGER. I thank my colleague for that response.

My understanding is that, under this bill, a person or group of people could not physically block access to a facility that provides abortion-related services or pro-life counseling services. Is that correct?

Mr. KENNEDY. That is correct. The bill prohibits physical obstruction, which is defined to mean rendering ingress to or egress from the facility impassable, or unreasonably difficult or hazardous. Blockades and invasions of facilities that block access obviously are prohibited by this language. Human gauntlets that impede access are also prohibited. Other examples include pouring glue into locks, chaining people and cars to entrances, strewing nails on areas leading to doors, and blocking entrances with immobilized cars.

Mr. DURENBERGER. I also understand this bill would not interfere with constitutionally protected rights of free speech and lawful assembly.

Mr. KENNEDY. That is correct. The conduct that this bill prohibits—acts

and threats of force, physical obstruction, and damage or destruction of property—is not constitutionally protected. Activities that are protected by the first amendment—peaceful expression of views in nonthreatening, non-obstructive ways—are not restricted by this legislation.

Mr. DURENBERGER. As I understand it, under this bill, pro-life protestors gathering outside a medical facility could picket, pray, chant, wail, yell, sing, hold signs, wave banners, hand out pamphlets, sidewalk counsel and carry on similar activities protected by the first amendment. That would all be perfectly legal. They could not be sued or be subject to criminal penalties for that activity.

Mr. KENNEDY. That is right. As long as those activities did not threaten force or physically block access to the facility.

Mr. DURENBERGER. Would it be allowable under this bill for a group of pro-life protesters to sit down in the path of people trying to get into a facility?

Mr. KENNEDY. They could, as long as they were not physically obstructing the entrance. If a patient is forced to walk over strewn bodies, for example, ingress could well become unreasonably difficult or even hazardous, in which case there would be a prohibited physical obstruction. On the other hand, ingress and egress would not be considered "unreasonably difficult or hazardous" if people trying to enter or leave a facility could easily get past protesters who may be sitting in the sidewalk approaching a clinic entrance.

Mr. DURENBERGER. Under this bill, you define "intimidate" to mean placing a person "in reasonable apprehension of bodily harm." Is that definition meant to encompass emotional damages?

Mr. KENNEDY. "Bodily harm" as used in the definition of intimidate is intended to have the same meaning that is given in other Federal laws, such as 18 U.S.C. 1365: "a cut, abrasion, bruise, burn, or disfigurement; physical pain; illness; impairment of the function of a bodily member, organ or mental faculty; or any other injury to the body, no matter how temporary." These are not the only kinds of injuries that are compensable under the law, however. If a use or threat of force or a physical obstruction intended to injure, intimidate, or interfere with a patient or provider causes purely emotional injury, for example, that injury would be compensable. For example, if someone fires a weapon at a doctor but misses, the doctor could recover if he could prove that he had suffered an emotional injury. On the other hand, conduct that is not prohibited by this legislation, but that nonetheless upsets someone—for example, nonobstructive sidewalk counseling, taunts of "baby

killer," holding up disturbing photographs—could not result in criminal or civil liability.

Mr. DURENBERGER. So, in the latter example, the individual who was upset by a taunt or a photograph or some other legitimate exercise of First Amendment expression could not obtain damages for emotional distress?

Mr. KENNEDY. That is correct.

Mr. DURENBERGER. I also have two questions about the new language contained section 2715(c) of the bill. I understand that that language limits those that may bring lawsuits under this bill to persons involved in obtaining or providing or seeking to obtain or provide pregnancy or abortion-related services.

Mr. KENNEDY. That is right. Before this modification was made, there was no limitation on who might have a private cause of action under S. 636. In fact, that language was broad enough to cover protesters. Now, only those involved in obtaining or providing services have a private right of action under subsection (a)(1).

Mr. DURENBERGER. By defining "aggrieved person" in this way, was it your intention to exclude clinic escorts or so-called clinic defenders?

Mr. KENNEDY. That is correct. Demonstrators, clinic defenders, escorts, and other persons not involved in obtaining or providing services in the facility may not bring such a cause of action.

Mr. DURENBERGER. I thank my colleague for his responses.

Mr. FEINGOLD. Madam President, I rise to speak in support of S. 636 which would ensure freedom of access to clinics while protecting the right to peacefully demonstrate.

Although some of my colleagues might want to characterize this issue as solely about abortion, it most certainly is not. It is primarily a response to a nationwide pattern of violence that ranges from murder and woundings to bombings, arson, chemical attacks, and other vandalism. Local authorities have either been unable, or in some cases, unwilling to curb this spread of violence, and it is the responsibility of the Federal Government to step in now to help ensure that women seeking to exercise their constitutional right to an abortion are not denied access to clinics which provide these services.

The violent crimes I speak of are systematically directed as denying women their constitutionally protected right to choose, and are not unlike the pattern of violence we witnessed during the civil rights unrest of the 1960's.

In fact, Attorney General Janet Reno recently said the following in providing testimony on this legislation:

The reluctance of local authorities to protect the rights of individuals provides a powerful justification for the enactment of federal protections that has been invoked pre-

viously by Congress in passing laws to protect civil rights.

Just as our current circumstances closely parallel those of the 1960's the legislation we are now considering is patterned after civil rights legislation from that time—the voting rights act of 1965.

Madam President, I would like to take a moment to talk about the kinds of violence I have seen take place in my home State.

At least two recent Milwaukee Journal articles outlined the incidents which have occurred at Wisconsin clinics or to Wisconsin abortion providers in 1993: According to these articles:

Bullets were fired into one clinic on four separate occasions;

A Wisconsin doctor received a letter saying the anonymous writer would "hunt you down like any other wild beast and kill you";

Butyric acid was poured at the entrance of another clinic forcing the clinic to close for 4 days and costing an estimated \$48,000 for clean-up by a hazardous materials unit;

Protesters bound themselves together inside of a van that was then used to ram a clinic entrance; and

Three protesters jumped on top of a patient's car as she drove through the parking lot.

This is by no means an inclusive list, nor are these incidents as violent as what has occurred in some other States, but they do illustrate the need for swift action.

Are all of the protesters from Wisconsin? Many are not. The offensive letter sent to the Wisconsin doctor I just mentioned had a California postmark. The woman who was charged with the attempted murder in the shooting and wounding of Kansas doctor, George Tiller, was also wanted in Wisconsin in connection with a blockade at a Milwaukee clinic, and unpaid citations are on file in Milwaukee for residents of Florida, Kansas, Washington State, New York, and several of Wisconsin's bordering States.

I do not mean to say that every clinic incident or demonstration is violent or illegal. Quite the contrary. Wisconsin planned parenthood reported to me they have been the object of picketing 301 times thus far in 1993. They characterize these incidents as "mostly lawful," and the lawful, peaceful expressions of free speech will continue to be protected.

Madam President, I am a cosponsor of the Freedom of Access to Clinic Entrances Act, because I believe we have a serious problem with escalating violence during what should be peaceful demonstrations at abortion clinics. Though I disagree with them, I respect deeply the beliefs and convictions of those who oppose abortion. I also respect deeply the rights of women to seek this legal medical procedure. This amendment does not curtail the rights

of abortion opponents to protest peacefully at abortion clinics. It does reduce the chance for violent confrontation and it does restrict appropriately the blocking of clinic entrances. It has been carefully crafted to avoid interferences with peaceful protests or expressive conduct which is protected by the first amendment. For these reasons, I support and urge passage of this legislation.

Mr. RIEGLE. Mr. President, I rise in support of Freedom of Access to Clinic Entrances Act. Congress needs to enact this legislation to ensure that all individuals have free and unhindered access to reproductive health facilities.

America has a long history of protecting the rights of individuals to peacefully protest and assemble in public. Recently however, some forms of protest have crossed the line between organized protests and infringement on the rights of others. These instances have become increasingly more frequent in protests involving abortion facilities.

Some protesters have blockaded abortion facilities, physically preventing women from entering the facility. These obstruction tactics effectively deny women access to medically legal services. Additionally, some protesters have embarked on organized campaigns of harassment and intimidation of health care providers who work in abortion clinics. Patients and staff at abortion clinics deserve Federal protection from physical obstruction, intimidation, and harassment.

The Freedom of Access to Clinic Entrances Act prohibits blockades or protests intended to injure, intimidate or interfere with individuals seeking entrance to a facility that provides reproductive services. The act protects those who legally provide abortion services from similar forms of protest. Violation of this act would be punishable by Federal law. The act is modeled after existing law which prohibit behaviors that prevent others from exercising their right to vote or enjoying the benefits of Federal programs.

The act is limited in scope. The Freedom of Access to Clinic Entrances Act will not deny any individual their first amendment right of freedom of speech. Peaceful activity such as picketing and distributing information will not be affected. Public protests at reproductive health facilities will continue to be legal so long as such protests do not injure or obstruct individuals entering abortion facilities.

Mr. President, the Freedom of Access to Clinic Entrances Act continues to preserve the first amendment right of all individuals to engage in peaceful protest while ensuring that women have access to reproductive health centers without fear of physical harassment or intimidation. I support the Freedom of Access to Clinic Entrances Act and encourage my colleagues to support this important legislation.

Mr. DOLE. Mr. President, I would like to say a few words about the access to abortion clinic bill, which passed the Senate earlier today.

In 1991, the city of Wichita was the site of one of the largest abortion clinic protests ever. The protest literally tore the city apart, disrupting lives, interfering with businesses, and transforming much of Wichita into a media circus of protestors, police, and camera crews, and needless to say, the protest experience served only to deepen the already deep divisions separating the pro-life and pro-choice citizens of the Wichita community.

Even today, the memory of the protest experience still lingers. These memories will not fade away, as the citizens of Wichita remain hopeful they will not have to endure a repeat of the disruptive events that took place in 1991.

Now, Mr. President, my record is clear: I have consistently voted in support of the pro-life position.

But like the overwhelming majority of Americans, I do not condone violence either, whether the violence is directed at an abortion clinic or at a counseling center that promotes alternatives to abortion like adoption. And for this reason, Mr. President, I voted for the bill.

In my view, violence serves only to promote more violence, more mutual distrust, more anger, and less understanding.

Obviously, abortion is one of the great moral and political dilemmas of our time. But if, at some point in our Nation's history, we are to solve this dilemma and put the abortion debate behind us, the key to our success will not be violence and hate, but a reconciliation borne out of mutual understanding and respect.

Mr. President, earlier today, I endorsed the Hatch substitute amendment, which I believe strikes a fair balance between the competing interests at stake here. Unfortunately, this amendment was not adopted by the Senate.

I also supported two other amendments that the Senate failed to adopt—a second amendment, offered by my distinguished colleague from Utah, limiting the protections of the bill only to clinics that perform legal abortions, and an amendment offered by my distinguished colleague from Indiana, Senator COATS, that extends the bill's prohibitions to those who engage in violence against pro-life activists.

Finally, throughout this debate, I thought it was important that the abortion clinic access bill distinguish between violent activities and peaceful, nonviolent protests. Our country has a rich tradition of nonviolent civil disobedience and this is one tradition that should be preserved.

As a result, I was able to prevail upon my colleague from Massachu-

setts, Senator KENNEDY, to reduce by 90 percent the maximum criminal penalties for nonviolent protestors blocking access to abortion clinics—from \$100,000 for first-time violations and \$250,000 for each subsequent violation, to \$10,000 for first-time violations and \$25,000 for each subsequent violation.

Although these new, lower penalties are still too punitive, I do believe they represent a step in the right direction.

If and when the bill is brought to conference, it is my hope that these monetary penalties, as well as the maximum terms of imprisonment proposed in the bill, will be reduced even further. The penalties for engaging in nonviolent civil disobedience should not be as severe as those that have been proposed. The punishment should fit the crime, not exceed it.

In the coming weeks, I will be working with my colleagues to inject more balance into the bill by attempting to reduce the severity of these penalties.

Mr. President, violence will never, ever untie the Gordian knot of abortion. Our only hope for ultimately resolving the abortion issue lies in the power of persuasion—peaceful, non-violent, persuasion. It is my hope that this debate will serve to remind us of this truth.

Mr. FORD. Madam President, may we have order, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Just for the benefit of the membership, I would like to inquire of the Senator from Utah as to the status of the additional amendments. I think we have made good progress this morning and I am grateful to all of our Members for their cooperation. I wonder if the Senator might be able to indicate what amendments are outstanding and what the intention of the Senator is so that we all would be advised.

Mr. HATCH. Madam President, it is my understanding that we are going to go to the Coats amendment now, with 40 minutes equally divided, subject to a second-degree amendment. And then a Hatch amendment, which I hope we will not use all the time on, and then another Hatch amendment, which will be a substitute that I hope we do not use all the time on.

Mr. KENNEDY. Just so we do understand, then, we will go to the Coats amendment rather than the Hatch amendment which had been ordered, and we will ask consent to be able to do that, then we will come back to the Hatch amendment, and then another Hatch amendment; is that the Senator's understanding?

Mr. HATCH. Yes.

Mr. KENNEDY. And then to final passage.

And we obviously reserve our right for a second-degree amendment.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. BREAU). The Senator from Indiana.

Mr. COATS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order. The Senate will be in order before business will proceed.

The Senator from Indiana is recognized.

Mr. FORD. Mr. President, I believe unanimous consent is necessary to go to the amendment of the Senator from Indiana. Therefore, I ask unanimous consent that his amendment be taken out of order.

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

The Senator is recognized.

Mr. COATS. Mr. President, the issue that we are debating today is a part of a broader issue—the issue of abortion. It is an issue that has divided our Nation, divides neighbors and families and friends and has led to incidents of violence, which we all regret. We have discussed that this morning.

Mr. KENNEDY. Mr. President, could we have order?

The PRESIDING OFFICER. The Senator will suspend. Those Members desiring to engage in conversation will please retire to the cloakrooms. Discussions will please cease so that the Senate can be in order.

The Senator from Indiana.

Mr. COATS. Mr. President, I think if there is something that we can all agree on here in the Senate this afternoon, it is that we want to stop the violence that occurs around this particular issue. We want to stop the violence in whatever form and for whatever reason that occurs as a result of the passions that are raised as people engage in this issue.

In fact, our whole discussion last week on the Senate floor was over the matter of how we can reduce the level of crime and reduce the level of violence in this country. We talked about increasing penalties. We talked about guns. We have spoken of the success of boot camps. We talked about providing new prison space and putting policemen on corners in streets across this country. And we passed a number of amendments in that regard.

Today, however, we are debating a bill that will potentially seek to fill some of those newly created prison spaces with ordinary, law-abiding citizens who happen to care very deeply and passionately about an issue of conscience and who dare to express their views.

On initial glance, S. 636 leaves the impression that violence that occurs in terms of access to health facilities or abortion-related facilities is all one-sided; that the only force or threat of force or intimidation or coercion that exists exists on the side of those who are preventing access.

And while that has happened, and while we lament that that has happened and regret that that has happened, and while we are taking appropriate steps to try to prevent that from

happening, it is important to understand that there is violence that occurs on the other side of the equation, on the other side of the protest line.

Let me quote from one of the witnesses who appeared before our committee in discussing this issue. Donald McKinney, an attorney from Wichita, testified to us about the numerous acts of violence he has seen perpetrated by the so-called clinic support individuals. I quote from him:

I witnessed a woman assaulted by a male clinic supporter who blindsided her with a body block. That same abortion supporter lit a cigarette and held it near the hair of women pro-lifers as they sang worship songs. They blew smoke in their faces and berated them with obscene language. One pro-life sidewalk counselor was shot in the back with a pellet gun. A window on my vehicle was shot out. Many pro-lifers have been physically assaulted or have had property damaged.

This individual, Donald McKinney, continued:

There is a need for Federal legislation to protect constitutional rights at abortion clinics, but the need is for legislation to protect first amendment freedom of speech and religious expression. This need exists also.

The incident that was related to our committee unfortunately is not an isolated incident. We have heard a number of descriptions of incidents that have occurred that I regret and that I believe we should do everything we can to prevent from occurring in the future. But we also need to understand that these incidents occur to individuals on both sides of this issue and both sides of this protest.

In late January 1992, a New Jersey abortion clinic agreed to pay two pro-life demonstrators \$15,000 in settlement of their assault and battery—

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order. Those Senators wishing to engage in conversation should retire to the cloakroom. The Senator deserves to be heard by his colleagues. The Senate is not in order. The Senator from Indiana.

Mr. COATS. Mr. President, I thank you for the order. I am flattered so many Senators are on the floor. I cannot take too much pleasure in that, however, because none of them are listening to what I am saying, but at least they are on the floor.

Let me go back to my description of some of these incidents that have taken place and the violence that has occurred that has affected those who are seeking to demonstrate their convictions on the pro-life side of the question.

In January 1992, a New Jersey abortion clinic agreed to pay two pro-life demonstrators \$15,000 in settlement of their assault and battery claims arising from an incident in which the clinic personnel tried to rip away signs the two were carrying and swung at one of them.

In January 1993, an abortionist in Clive, IA, was arrested for punching a pro-life organizer and for damaging his car.

In December 1992, a judge gave probation to two male proabortion activists who assaulted a female pro-life demonstrator. Pro-life activists have been pushing and shoving pro-life protesters, including clergymen, outside clinics.

On March 11, 1993, the day after Dr. Gunn was murdered, a death threat was left on the answering machine of Tennessee Right to Life. The threat stated that a person with a gun would shoot people at the next pro-life gathering.

In June 1990, five pro-life advocates in the Knoxville area found fake pipe bombs in their driveways in an apparent attempt to intimidate them from protesting.

This goes on and on and I could point out a number of other instances. I do not point them out because I condone them. I do not. I do not condone any form of violence related to this issue. In fact, threatening life or taking life in the name of defending life is hypocritical at best and certainly something that we cannot condone. But I point these out merely to demonstrate that this disarming and trampling of free speech rights on one side of the debate will not solve the problem.

The question that we as a Senate body need to ask is: Should Congress be in the business of protecting people from messages that disturb their conscience? In light of the first amendment, I think that answer has to be no. Should we make sure that the penalties that are applied for force or threat of force or intimidation be equally applied to the rights of individuals regardless of which side of the political issue that they happen to come down on?

In testimony presented to our Labor Committee, Attorney General Janet Reno stated, and I quote:

The right of individuals in that minority—
Referring to pro-lifers—

to express their views must be respected. The freedom that our society affords individuals to express even the most unpopular opinions is the bedrock upon which our democracy rests and makes us virtually unique. Peaceful antiabortion protesters—

Attorney General Reno went on to say—

fit within this tradition.

Mr. President, this bill, if not amended by the Coats amendment, will put a real chill on the exercise of free speech by pro-life activists.

The authors of the Kennedy amendment attempt to alleviate what I consider a serious overbreadth and vagueness problem in the bill by a "rule of construction," which says:

Nothing in this section shall be construed or interpreted to prohibit expression protected by the first amendment of the Constitution.

According to constitutional experts who have looked at this question, the conclusion is, and I quote:

One cannot simply write a bill that encroaches on free speech rights and then add a disclaimer in this fashion. In the area of abortion rights, for example, a State could not save a criminal prohibition of abortion by disclaimer that "nothing in this section that shall be construed to prohibit conduct protected under the law." This kind of absurd approach to drafting—

He goes on to say—

includes constitutionally protected conduct within its sweep but then leads citizens to read and interpret Supreme Court opinions and determine which applications of the statute are actually in effect.

Mr. President, someone would say, "Well, the bill may indeed be unconstitutional; we'll have to let the Supreme Court make that final determination." But how many people will have to go to jail or be prosecuted under the terms of this legislation before this constitutionality is decided on?

The committee report to S. 636 fails to shed any light on the problem of the bill's application as well. Because on page 28, the report states:

The act is carefully drafted so as not to prohibit expressive activities that are constitutionally protected, such as peacefully carrying picket signs, making speeches, handing out literature, or praying in front of a clinic (so long as these activities do not cause a "physical obstruction" making ingress to or egress from the facility impassible or rendering passage to it difficult or hazardous).

Mr. President, that is precisely the point. Activities that are otherwise legal and protected by the first amendment will, under the bill before us, be subject to an additional requirement that they not physically obstruct. The addition of the phrase "physical obstruction" is troublesome as it does not appear in any of the existing laws that S. 636 is said to be modeled after. This is a new term, and while the bill now includes a definition for its application, it is unclear.

Mr. President, the amendment I will shortly be sending to the desk is intended to recognize that there is a delicate balance which exists that protects both first amendment interests and a woman's right to privacy. The amendment I am sending to the desk creates a cause of action for protesters who are injured, intimidated or interfered with when they are attempting to exercise legally protected free speech rights near a medical facility, that facility being defined in the bill before us.

My amendment simply says that those penalties that are applied to individuals who violate the act in the name of protecting and expressing pro-life sentiments will be applied to those who are seeking to express pro-choice sentiments if they, by force or threat of force or intimidation, interfere with the lawful protests of those seeking to express their opinion on the pro-life side of the question.

In brief, the amendment reads: Whoever by force or threat of force intentionally injures, intimidates, or interferes with, or attempts to do the same with any person who is participating lawfully in speech or peaceful assembly concerning reproductive health services shall be subject to the penalties provided in the act.

The amendment also strikes a rule of construction in the Kennedy amendment which prohibits any additional causes of action for protesters.

Mr. President, the amendment that I am offering here is narrow in scope—in fact, narrower than I would like. However, I believe it is a critical addition to this bill before us because under its provisions individuals who interfere with persons engaged in lawful and peaceful protest will be subject to the penalties of the act.

The inclusion of protections for protesters is vital if we are serious about alleviating the violence that takes place in these protests.

Mr. President, I wish to make sure that Members understand I am not equating the incidents of violence or force or threat of force that have occurred against pro-life demonstrators with those that have occurred against those seeking to ensure access to this facility. I do not know if there is a balance. I do not know if there is an equation. Certainly on the basis of media reports and things that I have heard, there is more violence that occurs on the access side of the question than on the protest side of the question. But that does not mean there is not violence that occurs on the other side of this equation.

If we are truly sincere in eliminating, or reducing to the extent that we can, violence that occurs at these clinics, we need to understand and apply sanctions to violence wherever it occurs by whomever it occurs. We have to reduce hostility on both sides of the issue. Failure to address this in a meaningful yet fair way amounts to a form of content discrimination that I do not think we should support.

Passing the Kennedy amendment in its present form would set a precedent. If its logic were broadly applied, who knows what methods of peaceful protest are denied to a movement of conscience in the future. It is simply not our job to pick and choose who should be denied tools of expression still available to others. My amendment intends to equalize the penalties that apply under this legislation to those who by force or threat of force intimidate or attempt to intimidate those seeking to express their opinions on this most volatile and divisive issue that faces us.

I see no reason why the Coats amendment cannot be supported by Members of this body who are on either side of this issue—pro-life, pro-choice, pro-access, antiaccess. I see no basis for ob-

jecting to this amendment regardless of where you come down on this question from a philosophical or political basis. Therefore, I hope we can have solid support for the amendment that I am offering.

AMENDMENT NO. 1194

(Purpose: To add a cause of action relating to infringement on exercise of lawful speech or assembly)

Mr. COATS. With that, Mr. President, I send this amendment to the desk and ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Indiana.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 1194.

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

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

The amendment is as follows:

Notwithstanding any other provision in this Act add the following:

The language on page 6, between lines 7 and 8 is deemed to have inserted the following:

"(3) by force or threat of force intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person who is participating, or who has been seeking to participate, lawfully in speech or peaceful assembly regarding lawful reproductive health services at or near a medical facility (as defined in this section)."

Mr. COATS. I again repeat my call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

The Senator yields the floor.

The Senator from Minnesota seeks recognition?

Mr. DURENBERGER. Mr. President, I rise to offer my support for the bill offered by my colleague from Massachusetts, and if I may to respond to the statement made by my dear friend and colleague from Indiana right near the end of his comments before he introduced his amendment, and that is why would anyone on either side oppose this particular amendment.

Mr. KENNEDY. Mr. President, I yield 10 minutes of my time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DURENBERGER. I thank my colleague.

Mr. President, some are characterizing the legislation before us as an abortion bill. I can sort of tell from some of the lobbyists lined up out in the corridors as we are coming to and from these votes that is a characteristic. A lot of them are trying to line this up between prochoicers and proliferers, as

we characterize them in political terms.

But having been through this now for a year, I must say I do not share that view. In its earlier versions, the case could be made that this bill took sides in that controversy, but the bill that we are voting on today does not. I view this bill as an attempt by the Congress and the Nation to endorse an old-fashioned notion, one might call it, of civility in our national debates. Call it what you will, civility or nonviolence or respect for human dignity, it is something that is too often lacking in our society.

Ask anyone who has been in Washington as long as I have or ask the good people who engage in peaceful protest, and they will tell you that in Washington or in our political campaigns or in demonstrations across this country, we are witnessing the deterioration of legitimate debate into mean-spirited attacks and sometimes physical confrontation.

In the abortion controversy, a minority of activists on both sides have engaged in an increasingly violent, and I would say increasingly dangerous, form of protest. The fundamental right of a people to express themselves in peaceful protest is constitutional. We must protect the rights of every citizen to live in this country and to go about their business without fear for their personal safety.

While the bill does not address the deep moral and constitutional conflict in this country about abortion, it does declare it is our policy that this conflict will be addressed by peaceful, civil, and nonviolent means.

I supported the passage of S. 636 in the form it was voted out of the committee, but I voted for it at the time in the hope and, as the chairman knows, with the expectation that it would be improved subsequently. The chairman has, indeed, made every effort since that time to make this a bill which needs and deserves all of our support and without amendment.

Let me outline some of the ways in which Senator KENNEDY has improved the bill. We were concerned that the bill might be constitutionally "overbroad" under the first amendment, that it might be held void for vagueness, as they say, by the courts. To address this concern, they have added in relatively strict definitions for some of the key terms in the bill.

The words "physical obstruction" are now defined as making access to or from a medical facility impassable, unreasonably difficult, or hazardous. The word "intimidate" means to place a person in reasonable apprehension of bodily harm, and the words "interfere with" mean to restrict a person's freedom of movement.

These definitions mean that the bill makes specific acts illegal. It is not an assault on anyone's speech or self-expression on the issue of abortion. In

fact, the legislation now states expressly, it shall not be construed or interpreted to "prohibit expression protected by the first amendment of the Constitution."

My colleague from Massachusetts has also added a section that provides legal protection for parents and legal guardians. Under this amendment, parents and guardians cannot face legal penalties for counseling their children not to have an abortion.

Some were concerned that the initial legislation was not even-handed. It looked like a pro-choice bill, pure and simple, and I was one of these people.

To respond to this concern, Senator KENNEDY has broadened the definition of "abortion-related services" to include "pregnancy and abortion-related services." Now the bill not only protects facilities that perform abortions but also those that provide a broad range of health and pregnancy-related services, including counseling about adoption and other alternatives to abortion.

The Senator also deleted a section that would have given the Secretary of HHS broad investigative power to determine whether the provisions of S. 636 had been violated and, where appropriate, to refer the matter to the Attorney General for civil action.

And now to the point. Most significantly, this bill now allows only clinic patients and personnel to obtain legal relief. Only clinic patients and personnel are entitled to obtain legal relief. This change makes it clear that people outside a facility who are there for ideological reasons, for or against the abortion, as we saw all summer long during the exercise of Operation Rescue in Minneapolis and St. Paul, do not have a private right of action under the law.

This is the issue raised by the amendment of my dear colleague from Indiana. During the committee markup, I voted for an amendment just like it because, as drafted then, protesters who were at the clinic because they felt strongly against abortion and wanted to express that could be arrested potentially for their protest. But somebody who showed up on the other side, on the other side of the street, to protest the protesters and to express their views could not be. And I supported the amendment by my colleague from Indiana because it evened out the treatment. It made it more balanced.

At that time the bill, as drafted, would allow pro-choice protesters, those protecting the right of entrants, or the demonstrating, if you will, against the other demonstrators, a private right of action under private law.

What the bill now does, because of the modifications that were worked out after the bill left the committee, is to take away that private right or course of action under Federal law. Now there is no need to extend that

same right to pro-life protesters or demonstrators. The bill, as currently drafted before us, allows legal relief only to clinic patients and personnel. And this is the critical, if you will—not the only, but the critical—change that has been agreed to by the proponents of this legislation and by the Senator from Massachusetts.

We have recognized that Federal law should be extended narrowly to protect only those who were actually attempting to obtain or provide medical or counseling services. It does not protect the escorts. It does not protect the antidemonstrators, if you will.

I am convinced now, Mr. President, that this legislation strikes the right balance between protecting clinic patients and protecting the legitimate rights of clinic protesters. No one will be jailed for gathering in front of a clinic picketing, praying, chanting, shouting, holding signs, waving banners, or sidewalk counseling. That would all be perfectly legal under this bill.

The legislation has been greatly improved. It is a serious solution to a real problem of clinic violence which many of us have experienced in our communities. The Supreme Court has consistently held for over two decades now that the right to terminate a pregnancy is protected by the U.S. Constitution. I have voted many, many times to change that constitutional interpretation. But it remains the law of the land.

I cannot stand here and condone the harassment, violence, and blockades against women and doctors who are exercising, or attempting to exercise their constitutional right, even though I may disagree with them.

I firmly believe that violence in the name of a cause accomplishes little more than to damage that cause. We are all on the side of life. We are on the side of peace. That is why we all ought to join the effort to eliminate the violence and the fear of violence that is poisoning our attempt to foster a true pro-life ethic in this country.

There is just no escaping this conclusion. Some say the bill is a Federal solution to a State problem, that we, in Congress, have no business meddling in what is essentially a local government responsibility.

But I must say to my colleagues the record is by now very clear, whether it is Wichita, Minneapolis, or wherever you want to go. There are many times when the problem is too big for local authorities to deal with. State and local law enforcement agencies have been outmanned and overwhelmed by national scale, nationally orchestrated attempts to close abortion facilities by physically blocking access to them and promoting violence against patients.

Local police departments in the Minneapolis-St. Paul area are being forced—in our case, this summer—to

make substantial dollar investments in the policing of clinic protesters. I cannot tell you how many hundreds of thousands of dollars have been invested in our community in anticipation of something that we all know has occurred in other instances.

The PRESIDING OFFICER. The Chair informs the Senator that his 10 minutes allocated have expired.

Mr. KENNEDY. Mr. President, I have talked with the majority leader. He has indicated that he would want us to proceed for a reasonable period of time. So I would be glad to yield another 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, the hour will be extended. The Senator is recognized for an additional 3 minutes.

Mr. DURENBERGER. Mr. President, I appreciate the chairman yielding.

I will be brief.

One clinic administrator in our community had to spend \$12,000 in legal fees to get restraining orders against activists who threatened and stalked her.

I would love to put in the RECORD, except it is too personal, the fear expressed by a lot of these people who have been stalked, have garbage dumped on their lawn, who month after month, week after week, year after year are waiting for somebody to appear in the middle of the night and blow them away.

This is happening on both sides. I think the most egregious this summer in Minneapolis-St. Paul were by the other side, not the pro-life side. I mean recognizable folks in our community showed up to do the same thing to the other people. That is my only point for getting involved as I have in all of this.

We have had two efforts to blow up an abortion clinic in Robinsdale, MN. I do not think it is right. I do not think it is reasonable. I do not think it is pro-life.

So, Mr. President, I think the reality is that the Senator from Indiana and I both have the same end and the same objective in mind. I believe that over time his amendment in the committee, Senator HATCH's effort in the committee, and so forth, have persuaded the chairman to change this bill in ways that I would argue that all of us should oppose the amendment, and that we should all support the passage of this bill.

I believe it is time for people of good will on both sides of the issue to make every possible effort to put their common interest first. And our common interest I think is to reach a peaceful, democratic, and constitutional solution to this problem. With our votes today let us honor the principle that violence is no solution to the issues that divide us. That is what the vote is all about. I hope we look beyond the abortion issue and support the kind of compromise that this is, which will

help us in our efforts to combat violence.

Local police departments in the Twin Cities are being forced to make substantial dollar investments in the policing of clinic protests. One clinic administrator had to spend \$12,000 in legal fees to get restraining orders against activists who have threatened and stalked her. One of whom has actually signed a statement endorsing violence as an appropriate antiabortion tactic.

The restraining order against that proviolence activist expires next month.

There have already been two attempts in the last year alone to blow up an abortion clinic in Robbinsdale, MN. The people who work there have been harassed, both at work and at their homes.

Let me note, in fairness, that there have been abuses by those on both sides of the abortion debate. This past summer, during operation rescue's 12-week training session in the Twin Cities, Minnesotans received a forceful reminder that harassment, vandalism, and lack of respect for the rights of individuals are not the exclusive province of either extreme in this debate.

But it is clear that we need to look for a solution. We need to put an end to this climate of fear that is poisoning the debate on abortion.

I believe that this bill will help us find the answer. The actions of too many individuals on both sides have not been about rational discourse and changing people's minds. They have been about hate and fear and physical violence.

I believe that it is time for individuals of good will on both sides of this issue to make every possible effort to put their common interest first—and our common interest is to reach a peaceful, democratic, and constitutional solution.

Senator KENNEDY, Senator KASSEBAUM, and I have been able to put aside our differences on the underlying issue of abortion, and reach agreement on a bill that we believe will help curb abuses by both sides. Again, my vote is an antiviolence vote—it is not a vote to support one side or the other.

Let me stress once again that this legislation is not perfect. It is a compromise that does not satisfy either side.

But it is fair. And, it will help create an environment in which we can work toward a peaceful, democratic, and constitutional solution to the abortion controversy.

With our votes today, let us honor the principle that violence is no solution to the issues that divide us. That is what this vote is about. I hope you will look beyond the abortion issue and support a compromise which will help us in our efforts to combat violence.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, how much time is on this side?

The PRESIDING OFFICER. The Senator controls 20 minutes. The Senator spoke for 15, and retains 20 minutes.

Mr. COATS. Mr. President, I yield myself two minutes to respond to the Senator from Minnesota.

The Senator from Minnesota is correct when he says that the bill does now limit the right to bring civil actions against protesters. And from that standpoint, the bill has been improved. But what the Senator did not say was that peaceful protesters will still be subject to criminal penalties and fines if they fall under the physical obstruction definition.

In the report which was submitted with the bill, it states that, on page 28, the act is carefully drafted so as now to prohibit expressive activities that are constitutionally protected such as the peaceful carrying of picket signs, making speeches, handing out literature or praying in front of a clinic.

What the Senator from Minnesota said, left out when he quoted this, is the parentheses which follow which says, "so long as these activities do not cause a 'physical obstruction' making ingress to or egress from the facility impassable or rendering passage to it difficult or hazardous."

That is what the crux of the argument has been this morning: Should the application of criminal penalties be applied to those who are engaged in what is defined as lawful peaceful protest?

As events have proven, those protesters' constitutional rights are interfered with on both sides of the issue. They are spat upon, beat, pushed, shoved. There is violence that occurs, and yet no criminal punishment is available against the perpetrators of the action.

So it is not evenhanded, as the Senator has suggested. What we are simply trying to do is make sure that it is an evenhanded application of both civil and criminal rights of action under this legislation.

Mr. DURENBERGER. Will the chairman yield me 2 minutes?

Mr. KENNEDY. I yield 2 minutes to the Senator.

Mr. DURENBERGER. I probably did not include all of the language, but I was not trying to read the report. It is not to be interpreted as trying to give half a definition. The reality is that the penalties are for physically obstructing, intimidating, or interfering with access to health clinics.

Therefore, anyone on either side of the protest who is guilty of physical obstruction, intimidation, and interfering with access to the clinic is going to potentially be guilty of a crime and can be arrested. The assumption I make is that somebody who is there to sort of protect, by protest or by demonstration, access to the clinic is not going to commit a crime against those

who are physically obstructing, intimidating, or interfering with access.

Mr. COATS. Mr. President, if I may respond to that, I just read off a list of threats of force and intimidation and of crimes that have been committed against those who are peacefully protesting. I think the fallacy in the Senator's argument is that he assumes that that does not happen. It happens, regrettably, on both sides of this question. There is a long list of incidents of violence that have occurred against those who were there protesting peacefully and lawfully.

I am not in any way condoning unlawful protest. I do support the language in Senator KENNEDY's bill that provides the penalties, both civil and criminal, against those who are unlawfully denying access to the clinic and taking away the rights of those women seeking entrance into the clinic or those performing the legal services of the clinic.

What I am simply saying here is that our goal ought to be to reduce violence wherever it occurs and however it occurs and by whomever it occurs relative to these reproductive health service clinics or these medical clinics. And since violence occurs both ways, let us have the bill apply an evenhanded application of penalties both ways, with the goal, again, of reducing or hopefully eliminating whatever violence might occur at these facilities.

Mr. DURENBERGER. Maybe 30 seconds to reply, Mr. President, if I might. What the bill does now—the extension of Federal jurisdiction here is only to the act of physically obstructing access to the clinic. So if somebody on either side of the issue physically obstructs access to the clinic, they are guilty of a crime. That is the narrow definition of this bill—obstructing access to the clinic.

Mr. COATS. Our whole debate has been over the definition of physical obstruction and what that means. We just went through that debate with Senator SMITH. It appears that if a group of nuns are on a public sidewalk in front of a clinic, lawfully so, protesting, and are sitting there saying prayers or singing songs, they are going to be subject to the penalties of this legislation, and subject to not only fines but imprisonment for their activities.

I am simply trying to say that we ought to protect those who are lawfully protesting what they in deep conscience believe to be their right to do, and that is the purpose of this amendment.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

Mr. President, I want to thank the Senator from Minnesota for both his comments and for the very constructive suggestions he has made and for his responses to these last inquiries.

The Supreme Court indicated in a unanimous opinion last June in the

case of Wisconsin versus Mitchell, upholding a hate crimes law, that physical assault is not by any stretch of the imagination expressive conduct protected by the first amendment. Violence or other types of potentially expressive activities that produce special harms distinct from their communicative impact are entitled to no constitutional protection.

In the famous case of Cox versus Louisiana, it was pointed out that a group of demonstrators could not insist upon the right to cordon off a street or entrance to a public or private building and allow no one to pass who did not agree to listen to their exhortations.

What we are talking about in these cases are violence, threats of violence, or obstruction to prohibit entrance into these facilities. I think any fair reading of the various cases decided by the Supreme Court of the United States would substantiate the position that those of us who support the legislation are expressing here today.

Mr. President, I understand now the leaders are on the floor and wish to address the Senate. So we will defer action on this measure. There is a short time left on the amendment of the Senator from Indiana. There will be a short debate on the amendment of the Senator from Utah and a short debate on the substitute and, hopefully, we will get to final action in the early afternoon.

I see my friend from California and also the Senator from Illinois on the floor. At the request of the majority leader, I will withhold our time and address this issue shortly after the caucuses.

LEAVE OF ABSENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from North Dakota [Mr. DORGAN] be granted leave of the Senate under the provisions of paragraph 2 of rule VI to be absent from the session of the Senate today and tomorrow, November 16 and 17, to accompany a member of his family who was scheduled to have major surgery during this time.

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

THRIFT DEPOSITOR PROTECTION ACT OF 1993

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 714) an original bill to provide funding for the resolution of failed savings associations, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 714) entitled "An Act to provide funding for the resolution of failed savings associations,

and for other purposes," do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Completion Act".

SEC. 2. FINAL FUNDING FOR RTC.

Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended—

(1) in paragraph (3), by striking "until April 1, 1992"; and

(2) by adding at the end the following new paragraphs:

"(4) CONDITIONS ON AVAILABILITY OF FINAL FUNDING IN EXCESS OF \$10,000,000,000.—

"(A) CERTIFICATION REQUIRED.—Of the funds appropriated under paragraph (3) which are provided after April 1, 1993, any amount in excess of \$10,000,000,000 shall not be available to the Corporation before the date on which the Secretary of the Treasury certifies to the Congress that, since the date of the enactment of the Resolution Trust Corporation Completion Act, the Corporation has taken such action as may be necessary to comply with the requirements of subsection (w) or that, as of the date of the certification, the Corporation is continuing to make adequate progress toward full compliance with such requirements.

"(B) APPEARANCE UPON REQUEST.—The Secretary of the Treasury shall appear before the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, upon the request of the chairman of the respective committee, to report on any certification made to the Congress under subparagraph (A).

"(5) RETURN TO TREASURY.—If the aggregate amount of funds transferred to the Corporation pursuant to this subsection exceeds the amount needed to carry out the purposes of this section or to meet the requirements of section 11(a)(6)(F) of the Federal Deposit Insurance Act, such excess amount shall be deposited in the general fund of the Treasury.

"(6) FUNDS ONLY FOR DEPOSITORS.—Notwithstanding any other provision of law other than section 13(c)(4)(G) of the Federal Deposit Insurance Act, funds appropriated under this section shall—

"(A) be used only for the purposes of protecting insured depositors or the administrative expenses of the Corporation; and

"(B) not be used in any manner to benefit shareholders of an insured depository institution in connection with any type of resolution by the Corporation or the Federal Deposit Insurance Corporation of an insured depository institution for which the Corporation has been appointed conservator or receiver or any other insured depository institution in default (as defined in section 3(z)(1) of the Federal Deposit Insurance Act) under any provision of law, or the provision of assistance in any form under section 11, 12, or 13 of the Federal Deposit Insurance Act."

SEC. 3. RTC MANAGEMENT REFORMS.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(w) RTC MANAGEMENT REFORMS.—

"(1) COMPREHENSIVE BUSINESS PLAN.—The Corporation shall establish and maintain a comprehensive business plan covering the operations of the Corporation, including the disposition of assets, for the remainder of the Corporation's existence.

"(2) MARKETING REAL PROPERTY ON AN INDIVIDUAL BASIS.—The Corporation shall—

"(A) market all assets consisting of real property (other than assets transferred in connection

with the transfer of substantially all of the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver) on an individual basis, including sales by auction, for no fewer than 120 days before such assets may be made available for sale or other disposition on a portfolio basis or otherwise included in a multiasset sales initiative; and

"(B) prescribe regulations—

"(i) to require that the sale or other disposition of any asset consisting of real property on a portfolio basis or in connection with any multiasset sales initiative after the end of the 120-day period described in subparagraph (A) be justified in writing; and

"(ii) to carry out the requirement of subparagraph (A).

"(3) DISPOSITION OF REAL ESTATE RELATED ASSETS.—

"(A) PROCEDURES FOR DISPOSITION OF REAL ESTATE RELATED ASSETS.—The Corporation shall not sell real property or nonperforming real estate loans which the Corporation has acquired as receiver or conservator, unless—

"(i) the Corporation has assigned responsibility for the management and disposition of such assets to a qualified person or entity to—

"(I) analyze each asset on an asset-by-asset basis and consider alternative disposition strategies for such asset;

"(II) develop a written management and disposition plan; and

"(III) implement that plan for a reasonable period of time; or

"(ii) the Corporation has made a determination in writing, that a bulk transaction would maximize net recovery to the Corporation, while providing opportunity for broad participation by qualified bidders, including minority- and women-owned businesses.

"(B) DEFINITIONS.—

"(i) IN GENERAL.—The Corporation may, by regulation, define any term in subparagraph (A) for purposes of such subparagraph.

"(ii) SPECIAL RULE.—In defining terms pursuant to clause (i) for purposes of subparagraph (A), the Corporation may define—

"(I) the term 'asset' so as to include properties or loans which are legally separate and distinct properties or loans, but which have sufficiently common characteristics such that they may be logically treated as a single asset; and

"(II) the term 'qualified person or entity' so as to include any employee of the Thrift Depositor Protection Oversight Board or any employee assigned to the Corporation under subsection (b)(8).

"(C) IMPLEMENTATION.—The Corporation may implement the requirements of this paragraph in such manner as the Corporation considers, in the Corporation's discretion, to be appropriate.

"(D) EXCEPTIONS.—This paragraph shall not apply to—

"(i) assets transferred in connection with the transfer of substantially all the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver;

"(ii) nonperforming real estate loans with a book value equal to or less than \$1,000,000;

"(iii) real property with a book value equal to or less than \$200,000; or

"(iv) real property with a book value in excess of \$200,000 or nonperforming real estate loans with a book value in excess of \$1,000,000 for which the Corporation determines, in writing, that a disposition not in conformity with the requirements of subparagraph (A) will bring a greater return to the Corporation.

"(E) COORDINATION WITH PARAGRAPH (2).—No provision of this paragraph shall supersede the requirements of paragraph (2).

"(4) DIVISION OF MINORITIES AND WOMEN'S PROGRAMS.—

"(A) IN GENERAL.—The Corporation shall maintain a division of minorities and women's programs.

"(B) VICE PRESIDENT.—The head of the division shall be a vice president of the Corporation and a member of the executive committee of the Corporation.

"(5) CHIEF FINANCIAL OFFICER.—

"(A) IN GENERAL.—The chief executive officer of the Corporation shall appoint a chief financial officer for the Corporation.

"(B) AUTHORITY.—The chief financial officer of the Corporation shall—

"(i) have no operating responsibilities with respect to the Corporation other than as chief financial officer;

"(ii) report directly to the chief executive officer of the Corporation; and

"(iii) have such authority and duties of chief financial officers of agencies under section 902 of title 31, United States Code, as the Thrift Depositor Protection Oversight Board determines to be appropriate with respect to the Corporation.

"(6) BASIC ORDERING AGREEMENTS.—

"(A) REVISION OF PROCEDURES.—The Corporation shall revise the procedure for reviewing and qualifying applicants for eligibility for future contracts in a specified service area (commonly referred to as 'basic ordering agreements' or 'task ordering agreements') in such manner as may be necessary to ensure that small businesses, minorities, and women are not inadvertently excluded from eligibility for such contracts.

"(B) REVIEW OF LISTS.—The Corporation shall—

"(i) review all lists of contractors determined to be eligible for future contracts in a specified service area (commonly referred to as 'basic ordering agreements' and other contracting mechanisms; and

"(ii) prescribe appropriate regulations and procedures,

to ensure the maximum participation level possible of minority- and women-owned businesses.

"(7) IMPROVEMENT OF CONTRACTING SYSTEMS AND CONTRACTOR OVERSIGHT.—The Corporation shall—

"(A) maintain such procedures and uniform standards for—

"(i) entering into contracts between the Corporation and private contractors; and

"(ii) overseeing the performance of contractors and subcontractors under such contracts and compliance by contractors and subcontractors with the terms of contracts and applicable regulations, orders, policies, and guidelines of the Corporation,

as may be appropriate for the Corporation's operations to be carried out in as efficient and economical a manner as may be practicable;

"(B) commit sufficient resources, including personnel, to contract oversight and the enforcement of all laws, regulations, orders, policies, and standards applicable to contracts with the Corporation; and

"(C) maintain uniform procurement guidelines for basic goods and administrative services to prevent the acquisition of such goods and services at widely different prices.

"(8) AUDIT COMMITTEE.—

"(A) ESTABLISHMENT.—The Thrift Depositor Protection Oversight Board shall establish and maintain an audit committee.

"(B) DUTIES.—The audit committee shall have the following duties:

"(i) Monitor the internal controls of the Corporation.

"(ii) Monitor the audit findings and recommendations of the inspector general of the Corporation and the Comptroller General of the United States and the Corporation's response to the findings and recommendations.

"(iii) Maintain a close working relationship with the inspector general of the Corporation and the Comptroller General of the United States.

"(iv) Regularly report the findings and any recommendation of the audit committee to the Corporation and the Thrift Depositor Protection Oversight Board.

"(v) Monitor the financial operations of the Corporation and report any incipient problem identified by the audit committee to the Corporation and the Thrift Depositor Protection Oversight Board.

"(9) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Corporation shall maintain procedures which provide for a prompt and determinative response to problems identified by auditors of the Corporation's financial and asset-disposition operations, including problems identified in audit reports by the inspector general of the Corporation, the Comptroller General of the United States, and the audit committee.

"(10) ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.—

"(A) APPOINTMENT.—The chief executive officer shall appoint, within the division of legal services of the Corporation, an assistant general counsel for professional liability.

"(B) DUTIES.—The assistant general counsel for professional liability appointed under subparagraph (A) shall—

"(i) direct the investigation, evaluation, and prosecution of all professional liability cases involving the Corporation; and

"(ii) supervise all legal, investigative, and other personnel and contractors involved in the litigation of such claims.

"(C) REPORTS TO THE CONGRESS.—The assistant general counsel for professional liability shall submit semiannual reports to the Congress not later than April 30 and October 31 of each year concerning the activities of the counsel under subparagraph (B).

"(11) MANAGEMENT INFORMATION SYSTEM.—The Corporation shall maintain an effective management information system capable of providing complete and current information to the extent the provision of such information is appropriate and cost-effective.

"(12) INTERNAL CONTROLS AGAINST FRAUD, WASTE, AND ABUSE.—The Corporation shall maintain effective internal controls designed to prevent fraud, waste, and abuse, identify any such activity should it occur, and promptly correct any such activity.

"(13) FAILURE TO APPOINT CERTAIN OFFICERS OF THE CORPORATION.—The failure to fill any position established under this section or any vacancy in any such position, shall be treated as a failure to comply with the requirements of this subsection for purposes of subsection (i)(4).

"(14) REPORTS.—

"(A) DETAILED DISCLOSURE OF EXPENDITURES.—The Corporation shall include in the annual report submitted pursuant to subsection (k)(4) a detailed itemization of the expenditures of the Corporation during the year for which funds provided pursuant to subsection (i)(3) were used.

"(B) PUBLIC DISCLOSURE OF SALARIES.—The Corporation shall include in the annual report submitted pursuant to subsection (k)(4) a disclosure of the salaries and other compensation paid during the year covered by the report to directors and senior executive officers at any depository institution for which the Corporation has been appointed conservator or receiver.

"(C) COMPREHENSIVE LITIGATION REPORT.—The Corporation shall develop and provide semiannually a comprehensive litigation report of all civil actions which—

"(i) are filed by the Corporation pursuant to section 11(k) of the Federal Deposit Insurance Act or any other provision of applicable law as-

serted by the Corporation as a basis for liability of—

"(1) directors or officers of depository institutions described in subsection (b)(3)(A); or

"(11) attorneys, accountants, appraisers, or other licensed professionals who performed professional services for such depository institutions; and

"(ii) have been filed before January 1, 1993, and remain open, or are initiated, on or after January 1, 1993.

"(15) MINORITY- AND WOMEN-OWNED BUSINESSES CONTRACT PARITY GUIDELINES.—The Corporation shall establish guidelines for achieving a reasonably even distribution of contracts awarded to the various subgroups of the class of minority- and women-owned businesses whose total number of registered contractors comprise not less than five percent of all minority- or women-owned registered contractors.

"(16) CONDITIONS ON DISCRETIONARY WAIVERS OF CONFLICTS OF INTEREST.—The Corporation may not grant any waiver from the requirements of any regulations prescribed by the Corporation relating to conflicts of interest to any minority or nonminority contractor who is otherwise eligible (under such regulations) for such waiver unless the contractor is under subcontract with a minority- or women-owned business, or is part of a joint venture described in subsection (r)(2), for the performance of a portion of the contractor's obligation under the contract.

"(17) CONTRACT SANCTIONS FOR FAILURE TO COMPLY WITH SUBCONTRACT AND JOINT VENTURE REQUIREMENTS.—The Corporation shall prescribe regulations which provide sanctions, including contract penalties and suspensions, for violations by contractors of requirements relating to subcontractors and joint ventures.

"(18) MINORITY PREFERENCE IN ACQUISITION OF INSTITUTIONS IN PREDOMINANTLY MINORITY NEIGHBORHOODS.—

"(A) IN GENERAL.—In considering offers to acquire any insured depository institution, or any branch of an insured depository institution, located in a predominantly minority neighborhood (as defined in regulations prescribed under subsection (s)), the Corporation shall prefer an offer from any minority individual, minority-owned business, or a minority depository institution, over any other offer that results in the same cost to the Corporation as determined under section 13(c)(4)(A) of the Federal Deposit Insurance Act.

"(B) CAPITAL ASSISTANCE.—

"(i) ELIGIBILITY.—In order to effectuate the purposes of this paragraph, any minority individual, minority-owned business, or a minority depository institution shall be eligible for capital assistance under the minority interim capital assistance program established under subsection (u)(1) and subject to the provisions of subsection (u)(3), to the extent that such assistance is consistent with the application of section 13(c)(4)(a) of the Federal Deposit Insurance Act under subparagraph (A).

"(ii) TERMS AND CONDITIONS.—Subsection (u)(4) shall not apply to capital assistance provided under this subparagraph.

"(C) PERFORMING ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the Corporation may provide, in connection with such acquisition and in addition to performing assets of the depository institution or branch, other performing assets under the control of the Corporation in an amount (as determined on the basis of the Corporation's estimate of the fair market value of the assets) not greater than the amount of net liabilities carried on the books of the institution or branch, including deposits,

which are assumed in connection with the acquisition.

"(D) FIRST PRIORITY FOR DISPOSITION OF ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the disposition of the performing assets of the depository institution or branch to such individual, business, or minority depository institution shall have a first priority over the disposition by the Corporation of such assets for any other purpose.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) ACQUIRE.—The term 'acquire' has the meaning given to such term in section 13(f)(8)(B) of the Federal Deposit Insurance Act.

"(ii) MINORITY.—The term 'minority' has the meaning given to such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

"(iii) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution' has the meaning given to such term in subsection (s)(2).

"(iv) MINORITY-OWNED BUSINESS.—The term 'minority-owned business' has the meaning given to such term in subsection (r)(4).

"(19) SUBCONTRACTS WITH MINORITY- AND WOMEN-OWNED BUSINESSES.—

"(A) IN GENERAL.—The Corporation may not enter into any contract for the provision of services to the Corporation, including legal services, under which the contractor would receive fees or other compensation or remuneration in an amount equal to or greater than \$500,000 unless the Corporation requires the contractor to subcontract with any minority- or women-owned business, including any law firm, and to pay fees or other compensation or remuneration to such business in an amount commensurate with the percentage of services provided by the business.

"(B) LIMITED WAIVER AUTHORITY.—

"(i) IN GENERAL.—The Corporation may grant a waiver from the application of this paragraph to any contractor with respect to a contract described in subparagraph (A) if the contractor certifies to the Corporation that the contractor has determined that no eligible minority- or women-owned business is available to enter into a subcontract (with respect to such contract) and provides an explanation of the basis for such determination.

"(ii) WAIVER PROCEDURES.—Any determination to grant a waiver under clause (i) shall be made in writing by the chief executive officer of the Corporation.

"(C) REPORT.—Each quarterly report submitted by the Corporation pursuant to subsection (k)(7) shall contain a description of each waiver granted under subparagraph (B) during the quarter covered by the report.

"(D) DEFINITIONS.—For the purposes of this paragraph—

"(i) MINORITY.—The term 'minority' has the meaning given to such term by section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

"(ii) MINORITY- AND WOMEN-OWNED BUSINESS.—The terms 'minority-owned business' and 'women-owned business' have the meaning given to such terms in subsection (r)(4).

"(20) CONTRACTING PROCEDURES.—In awarding any contract subject to the competitive bidding process, the Corporation shall apply competitive bidding procedures no less stringent than those in effect on the date of the enactment of the Resolution Trust Corporation Completion Act."

(b) BORROWER APPEALS.—Section 21A(b)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) APPEALS.—The Corporation shall implement and maintain a program, in a manner acceptable to the Thrift Depositor Protection Oversight Board, to provide an appeals process for business and commercial borrowers to appeal decisions by the Corporation (when acting as a conservator) which would have the effect of terminating or otherwise adversely affecting credit or loan agreements, lines of credit, and similar arrangements with such borrowers who have not defaulted on their obligations."

(c) GAO STUDY OF PROGRESS OF IMPLEMENTATION OF REFORMS.—

(1) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the manner in which the reforms required pursuant to the amendment made by subsection (a) are being implemented by the Resolution Trust Corporation and the progress being made by the Corporation toward the achievement of full compliance with such requirements.

(2) INTERIM REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit an interim report to the Congress containing the preliminary findings of the Comptroller General in connection with the study required under paragraph (1).

(3) FINAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress containing—

(A) the findings of the Comptroller General in connection with the study required under paragraph (1); and

(B) such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate.

(4) DISCLOSURE OF PERFORMING ASSET TRANSFERS.—

(A) REPORT REQUIRED.—The Comptroller General of the United States shall submit an annual report to the Congress on transfers of performing assets by the Corporation to any acquirer during the year covered by the report.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall contain—

(i) the number and a detailed description of asset transfers during the year covered by the report;

(ii) the number of assets provided in connection with each transaction during such year; and

(iii) the fair market value, as determined by the Comptroller General, of each transferred asset at the time of transfer.

SEC. 4. EXTENSION OF STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding at the end the following new paragraph:

"(14) EXTENSION OF STATUTE OF LIMITATIONS.—

"(A) TORT ACTIONS FOR WHICH THE PRIOR LIMITATION HAS RUN.—

"(i) IN GENERAL.—In the case of any tort claim—

"(I) which is described in clause (ii); and

"(II) for which the applicable statute of limitations under section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act has expired before the date of the enactment of the Resolution Trust Corporation Completion Act,

the statute of limitations which shall apply to an action brought on such claim by the Corporation in the Corporation's capacity as conservator or receiver of an institution described in paragraph (3)(A) shall be the period determined under subparagraph (C).

"(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i)(I) with respect to an institution described in paragraph (3)(A) is a claim arising from fraud, intentional misconduct resulting in

unjust enrichment, or intentional misconduct resulting in substantial loss to the institution.

"(B) TORT ACTIONS FOR WHICH THE PRIOR LIMITATION HAS NOT RUN.—

"(i) IN GENERAL.—Notwithstanding section 11(d)(14)(A) of the Federal Deposit Insurance Act, in the case of any tort claim—

"(I) which is described in clause (ii); and

"(II) for which the applicable statute of limitations under section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act has not expired as of the date of the enactment of the Resolution Trust Corporation Completion Act,

the statute of limitations which shall apply to an action brought on such claim by the Corporation in the Corporation's capacity as conservator or receiver of an institution described in paragraph (3)(A) shall be the period determined under subparagraph (C).

"(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i)(I) with respect to an institution described in paragraph (3)(A) is a claim arising from gross negligence or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct relating to the institution.

"(C) DETERMINATION OF PERIOD.—The period determined under this subparagraph for any claim to which subparagraph (A) or (B) applies shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act); or

"(ii) the period applicable under State law for such claim.

"(D) SCOPE OF APPLICATION.—Subparagraphs (A) and (B) shall not apply to any action which is brought after the date of the termination of the Resolution Trust Corporation under subsection (m)(1)."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)(A)(ii)) is amended by inserting "(other than a claim which is subject to section 21A(b)(14) of the Federal Home Loan Bank Act)" after "any tort claim".

SEC. 5. LIMITATION ON BONUSES AND COMPENSATION PAID BY THE RTC AND THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding after subsection (w) (as added by section 3(a) of this Act) the following new subsections:

"(x) PERFORMANCE-BASED CASH AWARDS.—

"(1) ESTABLISHMENT OF PERFORMANCE APPRAISAL SYSTEM REQUIRED.—The Corporation shall be treated as an agency for purposes of sections 4302 and 4304 of title 5, United States Code.

"(2) PROCEDURES FOR PAYMENT OF PERFORMANCE-BASED CASH AWARDS.—

"(A) IN GENERAL.—Section 4505a of title 5, United States Code, shall apply with respect to the Corporation.

"(B) LIMITATION ON AMOUNT OF CASH AWARDS.—For purposes of determining the amount of any performance-based cash award payable to any employee of the Corporation, under section 4505a of title 5, United States Code, the amount of basic pay of the employee which may be taken into account under such section shall not exceed the amount which is equal to the annual rate of basic pay payable for level I of the Executive Schedule.

"(3) ALL OTHER BONUSES PROHIBITED.—Except as provided in paragraph (2), no bonus or other cash payment based on performance may be made to any employee of the Corporation.

"(4) EMPLOYEE DEFINED.—For purposes of this subsection, subsection (y), and sections 4302 and

4505a of title 5, United States Code (as applicable with respect to this subsection), the term 'employee' includes any officer or employee assigned to the Corporation under subsection (b)(8) and any officer or employee of the Thrift Depositor Protection Oversight Board.

"(y) LIMITATIONS ON EXCESSIVE COMPENSATION.—

"(1) COMPENSATION.—Notwithstanding any other provision of this section, no employee (as defined in subsection (x)) may receive a total amount of allowances, benefits, basic pay, and other compensation, including bonuses and other awards, in excess of the total amount of allowances, benefits, basic pay, and other compensation, including bonuses and other awards, which are provided to the chief executive officer of the Corporation.

"(2) NO REDUCTION IN RATE OF PAY.—Notwithstanding paragraph (1), the annual rate of basic pay and benefits, including any regional pay differential, payable to any employee who was an employee as of the date of the enactment of the Resolution Trust Corporation Completion Act for any year ending after such date of enactment shall not be reduced, by reason of paragraph (1), below the annual rate of basic pay and benefits, including any regional pay differential, paid to such employee, by reason of such employment, as of such date.

"(3) EMPLOYEES SERVING IN ACTING OR TEMPORARY CAPACITY.—Notwithstanding paragraph (1), in the case of any employee who, as of the date of the enactment of the Resolution Trust Corporation Completion Act, is serving in an acting capacity or is otherwise temporarily employed at a higher grade than such employee's regular grade or position of employment—

"(A) the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such capacity or at such higher grade shall not be reduced by reason of paragraph (1) so long as such employee continues to serve in such capacity or at such higher grade; and

"(B) after such employee ceases to serve in such capacity or at such higher grade, paragraph (2) shall be applied with respect to such employee by taking into account only the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such employee's regular grade or position of employment.

"(4) ALLOWANCES DEFINED.—For purposes of paragraph (1), the term 'allowances' does not include any allowance for travel and subsistence expenses incurred by an employee while away from home or designated post of duty on official business."

(b) TECHNICAL AND CONFORMING AMENDMENT.—

(1) Section 5314 of title 5, United States Code, is amended by striking the item added to such section by section 315(c) of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991.

(2) Section 21A(a)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(6)) is amended by adding at the end the following new subparagraph:

"(K) To establish the rate of basic pay, benefits, and other compensation for the chief executive officer of the Corporation."

SEC. 6. FDIC—RTC TRANSITION TASK FORCE.

(a) ESTABLISHMENT REQUIRED.—The Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall establish an interagency transition task force for the purpose of facilitating the transfer, in accordance with section 21A of the Federal Home Loan Bank Act, of the operations and personnel of the Resolution Trust Corporation to the Federal Deposit Insurance Corporation or the FSLIC Resolution Fund, as the case may be, in a coordinated

manner which best preserves and utilizes the operational systems and personnel teams of the Resolution Trust Corporation which have successfully performed management, conservatorship, receivership, or asset-disposition functions.

(b) MEMBERS.—

(1) IN GENERAL.—The transition task force shall consist of such number of officers and employees of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation as the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the chief executive officer of the Resolution Trust Corporation may jointly determine to be appropriate.

(2) APPOINTMENT.—The Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the chief executive officer of the Resolution Trust Corporation shall appoint the members of the transition task force.

(3) NO ADDITIONAL PAY.—Members of the transition task force shall receive no additional pay, allowances, or benefits by reason of their service on the task force.

(c) DUTIES.—The transition task force shall have the following duties:

(1) Examine the operations of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to identify differences in the operations of the 2 corporations which should be resolved to facilitate an orderly merger of such operations.

(2) Evaluate the differences in the operational systems of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation.

(3) Recommend which of the operational systems of the Resolution Trust Corporation should be preserved for use by the Federal Deposit Insurance Corporation.

(4) Recommend procedures to be followed by the Federal Deposit Insurance Corporation and the Resolution Trust Corporation in connection with the transition which will promote—

(A) coordination between the 2 corporations before the termination of the Resolution Trust Corporation; and

(B) an orderly transfer of assets, personnel, and operations.

(5) Evaluate the management enhancement goals applicable to the Resolution Trust Corporation under section 21A(p) of the Federal Home Loan Bank Act and recommend which of such goals should apply to the Federal Deposit Insurance Corporation.

(6) Evaluate the management reforms applicable to the Resolution Trust Corporation under section 21A(u) of the Federal Home Loan Bank Act and recommend which of such reforms should apply to the Federal Deposit Insurance Corporation.

(d) REPORTS TO BANKING COMMITTEES.—

(1) REPORTS REQUIRED.—The transition task force shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate no later than January 1, 1995, and a 2d report no later than July 1, 1995, on the progress made by the transition task force in meeting the requirements of this section.

(2) CONTENTS OF REPORT.—The reports required to be submitted under paragraph (1) shall contain the findings and recommendations made by the transition task force in carrying out the duties of the task force under subsection (c) and such recommendations for legislative and administrative action as the task force may determine to be appropriate.

(e) FOLLOWUP REPORT BY FDIC.—Not later than January 1, 1996, the Federal Deposit Insurance Corporation shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the

Committee on Banking, Housing, and Urban Affairs of the Senate containing—

(1) a description of the recommendations of the transition task force which have been adopted by the Corporation;

(2) a description of the recommendations of the transition task force which have not been adopted by the Corporation;

(3) a detailed explanation of the reasons why the Corporation did not adopt each recommendation described in paragraph (2); and

(4) a description of the actions taken by the Corporation to comply with section 21A(m)(3) of the Federal Home Loan Bank Act.

SEC. 7. AMENDMENTS RELATING TO THE TERMINATION OF THE RTC.

(a) AMENDMENT RELATING TO TRANSFER OF PERSONNEL AND SYSTEMS.—Section 21A(m) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)) is amended by adding at the end the following new paragraph:

"(3) TRANSFER OF PERSONNEL AND SYSTEMS.—In connection with the assumption by the Federal Deposit Insurance Corporation of conservatorship and receivership functions with respect to institutions described in subsection (b)(3)(A) and the termination of the Corporation pursuant to paragraph (1)—

"(A) any management, resolution, or asset-disposition system of the Corporation which the Secretary of the Treasury determines, after considering the recommendations of the interagency transfer task force under section 5(c)(3) of the Resolution Trust Corporation Completion Act, has been of positive benefit to the operations of the Corporation (including any personal property of the Corporation which is used in operating any such system) shall, notwithstanding paragraph (2), be transferred to and used by the Federal Deposit Insurance Corporation in a manner which preserves the integrity of the system for so long as such system is efficient and cost-effective; and

"(B) any personnel of the Corporation involved with any such system who are otherwise eligible to be transferred to the Federal Deposit Insurance Corporation shall be transferred to the Federal Deposit Insurance Corporation for continued employment, subject to section 404(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and other applicable provisions of this section, with respect to such system."

(b) AMENDMENT RELATING TO DATE OF TERMINATION.—Section 21A(m)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)(1)) is amended by striking "December 31, 1996" and inserting "December 31, 1995".

SEC. 8. SAIF FUNDING AUTHORIZATION AMENDMENTS.

(a) AMENDMENT TO SAIF FUNDING PROVISION.—Section 11(a)(6)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(D)) is amended to read as follows:

"(D) TREASURY PAYMENTS TO FUND.—To the extent of the availability of amounts provided in appropriation Acts and subject to subparagraphs (E) and (G), the Secretary of the Treasury shall pay to the Savings Association Insurance Fund such amounts as may be needed to pay losses incurred by the Fund in fiscal years 1994 through 1998."

(b) CERTIFICATION OF NEED FOR FUNDS AND OTHER CONDITIONS ON SAIF FUNDING.—Section 11(a)(6)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(E)) is amended to read as follows:

"(E) CERTIFICATION CONDITIONS ON AVAILABILITY OF FUNDING.—Notwithstanding subparagraph (J), no amount is authorized to be appropriated for payments by the Secretary of the Treasury in accordance with subparagraph (D) for any fiscal year unless the Chairperson of the Board of Directors certifies to the Congress,

at any time before the beginning of or during such fiscal year, that—

"(i) such amount is needed to pay for losses which can reasonably be expected to be incurred by the Savings Association Insurance Fund during such year;

"(ii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rates which would be required in order to cover, from such additional assessments, losses incurred by the Fund during such year; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to cover such losses could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default);

"(iii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rates which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses incurred by the Fund during such year; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default);

"(iv) as of the date of certification, the Corporation has in effect procedures designed to ensure that the activities of the Savings Association Insurance Fund and the affairs of any Savings Association Insurance Fund member for which a conservator or receiver has been appointed are conducted in an efficient manner and the Corporation is in compliance with such procedures; and

"(v) with respect to the most recent audit of the Savings Association Insurance Fund by the Comptroller General of the United States before the date of the certification—

"(I) the Corporation has taken or is taking appropriate action to implement any recommendation made by the Comptroller General; or

"(II) no corrective action is necessary or appropriate as a result of such audit."

(c) AVAILABILITY OF UNEXPENDED RTC FUNDING FOR SAIF.—Section 11(a)(6)(F) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(F)) is amended to read as follows:

"(F) AVAILABILITY OF RTC FUNDING.—At any time before the end of the 2-year period beginning on the date of the termination of the Resolution Trust Corporation, the Secretary of the Treasury shall provide, out of funds appropriated to the Resolution Trust Corporation pursuant to section 21A(i)(3) of the Federal Home Loan Bank Act and not expended by the Resolution Trust Corporation, to the Savings Association Insurance Fund for any year such amounts as are needed by the Fund and are not needed by the Resolution Trust Corporation if the Chairperson of the Board of Directors has certified to the Congress that—

"(i) such amounts are needed by the Savings Association Insurance Fund;

"(ii) any amount transferred shall be used only for losses incurred by the Fund;

"(iii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under sec-

tion 7(b) during such year at the assessment rates which would be required in order to cover, from such additional assessments, losses incurred by the Fund during such year; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to cover such losses could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default); and

"(iv) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) during such year at the assessment rates which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses incurred by the Fund during such year; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government (through an increase in the number of institutions in default)."

(d) APPEARANCES BEFORE THE BANKING COMMITTEES.—Section 11(a)(6)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(H)) is amended to read as follows:

"(H) APPEARANCE UPON REQUEST.—The Secretary of the Treasury and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation shall appear before the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, upon the request of the chairman of the respective committee, to report on any certification made to the Congress under subparagraph (E) or (F)."

(e) AMENDMENTS TO AUTHORIZATION OF APPROPRIATION.—Section 11(a)(6)(J) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(J)) is amended—

(1) by striking "There are" and inserting "Subject to subparagraph (E), there are"; and

(2) by striking "of this paragraph, except" and all that follows through the period and inserting the following: "of subparagraph (D) for fiscal years 1994 through 1998, except that the aggregate amount appropriated pursuant to this authorization may not exceed \$8,000,000,000."

(f) RETURN OF TRANSFERRED AND UNEXPENDED AMOUNTS TO TREASURY.—Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended by adding at the end the following new subparagraph:

"(K) RETURN TO TREASURY.—If the aggregate amount of funds transferred to the Savings Association Insurance Fund under subparagraph (D) or (F) exceeds the amount needed to cover losses incurred by the Fund, such excess amount shall be deposited in the general fund of the Treasury."

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 11(a)(6)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(G)) is amended by striking "subparagraphs (E) and (F)" and inserting "subparagraph (D)".

(2) The heading of section 11(a)(6)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(G)) is amended by striking "SUBPARAGRAPHS (E) AND (F)" and inserting "SUBPARAGRAPH (D)".

SEC. 9. MORATORIUM EXTENSION.

(a) CONVERSION MORATORIUM UNTIL SAIF RECAPITALIZED.—Section 5(d)(2)(A)(ii) of the Federal Deposit Insurance Act is amended—

(1) by striking "before the end" and inserting "before the later of the end"; and

(2) by inserting "or the date on which the Savings Association Insurance Fund first meets

or exceeds the designated reserve ratio for such fund" before the period.

(b) CLARIFICATION OF DEFINITION.—Section 5(d)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(2)(B)) is amended—

(1) by striking the period at the end of clause (iv) and inserting "; and"; and

(2) by adding at the end the following new clause:

"(v) the transfer of deposits—

"(I) from a Bank Insurance Fund member to a Savings Association Insurance Fund member; or

"(II) from a Savings Association Insurance Fund member to a Bank Insurance Fund member,

in a transaction in which the deposit is received from a depositor at an insured depository institution for which a receiver has been appointed and the receiving insured depository institution is acting as agent for the Corporation in connection with the payment of such deposit to the depositor at the institution for which a receiver has been appointed."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Clauses (ii) and (iii) of section 5(d)(2)(C) of the Federal Deposit Insurance Act and section 5(d)(3)(1)(i) of such Act are each amended by striking "5-year period referred to in" and inserting "moratorium period established by".

SEC. 10. REPAYMENT SCHEDULE FOR PERMANENT FDIC BORROWING AUTHORITY.

Section 14(c) of the Federal Deposit Insurance Act (12 U.S.C. 1824(c)) is amended by adding the following new paragraph:

"(3) INDUSTRY REPAYMENT.—

"(A) BIF MEMBER PAYMENTS.—No agreement or repayment schedule under paragraph (1) shall require any payment by a Bank Insurance Fund member for funds obtained under subsection (a) for purposes of the Savings Association Fund.

"(B) SAIF MEMBER PAYMENTS.—No agreement or repayment schedule under paragraph (1) shall require any payment by a Savings Association Insurance Fund member for funds obtained under subsection (a) for purposes of the Bank Insurance Fund."

SEC. 11. DEPOSIT INSURANCE FUNDS.

Section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) in subparagraph (C) by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) notwithstanding any other provision of law other than section 13(c)(4)(G), used only for the purposes of protecting insured depositors and shall not be used in any manner to benefit shareholders of an insured depository institution in connection with any type of resolution by the Corporation or the Resolution Trust Corporation of any insured depository institution for which the Corporation or the Resolution Trust Corporation has been appointed conservator or receiver or any other insured depository institution in default under any provision of law, or the provision of assistance in any form under this section or section 12 or 13."

SEC. 12. MAXIMUM DOLLAR LIMITS FOR ELIGIBLE CONDOMINIUM AND SINGLE FAMILY PROPERTIES UNDER RTC AFFORDABLE HOUSING PROGRAM.

Section 21A(c)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)) is amended—

(1) in subparagraph (D), by striking clause (ii) and inserting the following new clause:

"(ii) that has an appraised value that does not exceed—

"(I) \$67,500 in the case of a 1-family residence, \$76,000 in the case of a 2-family residence,

\$92,000 in the case of a 3-family residence, and \$107,000 in the case of a 4-family residence; or

"(II) only to the extent or in such amounts as are provided in appropriation Acts for additional costs and losses to the Corporation resulting from this subclause taking effect, the amount provided in section 203(b)(2)(A) of the National Housing Act, except that such amount shall not exceed \$101,250 in the case of a 1-family residence, \$114,000 in the case of a 2-family residence, \$138,000 in the case of a 3-family residence, and \$160,500 in the case of a 4-family residence.";

(2) in subparagraph (G)—

(A) by moving subclause (I) two ems to the left and redesignating such subclause as clause (i); and

(B) by striking subclause (II) and inserting the following new clause:

"(ii) that has an appraised value that does not exceed—

"(I) \$67,500 in the case of a 1-family residence, \$76,000 in the case of a 2-family residence, \$92,000 in the case of a 3-family residence, and \$107,000 in the case of a 4-family residence; or

"(II) only to the extent or in such amounts as are provided in appropriation Acts for additional costs and losses to the Corporation resulting from this subclause taking effect, the amount provided in section 203(b)(2)(A) of the National Housing Act, except that such amount shall not exceed \$101,250 in the case of a 1-family residence, \$114,000 in the case of a 2-family residence, \$138,000 in the case of a 3-family residence, and \$160,500 in the case of a 4-family residence."

SEC. 13. CHANGES AFFECTING ONLY FDIC AFFORDABLE HOUSING PROGRAM.

(a) INCLUSION OF SUBSIDIARIES' PROPERTIES IN PROGRAM.—Section 40(p) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)) is amended in paragraphs (4)(A), (5)(A), and (7)(A), by inserting before "and" each place it appears the following: "(including in its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary has as its principal business the ownership of real property)".

(b) IMPLEMENTATION OF PROGRAM.—Notwithstanding any provisions of section 40 of the Federal Deposit Insurance Act or any other provision of law, in carrying out such section 40 during fiscal year 1994 the Federal Deposit Insurance Corporation shall be deemed in compliance with such section if, in its sole discretion, the Corporation at any time modifies, amends, or waives any provisions of such section in order to maximize the efficient use of the available appropriated funds. The Corporation shall not be subject to suit for its failure to comply with the requirements of this provision or section 40 of the Federal Deposit Insurance Act in carrying out such section 40 during fiscal year 1994.

SEC. 14. CHANGES AFFECTING BOTH RTC AND FDIC AFFORDABLE HOUSING PROGRAMS.

(a) NOTICE TO CLEARINGHOUSES REGARDING PROPERTIES NOT INCLUDED IN PROGRAMS.—

(1) RTC.—Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended by adding at the end the following new paragraph:

"(16) NOTICE TO CLEARINGHOUSES REGARDING INELIGIBLE PROPERTIES.—

"(A) IN GENERAL.—Within a reasonable period of time after acquiring title to an ineligible residential property, the Corporation shall provide written notice to clearinghouses.

"(B) CONTENT.—For ineligible single family properties, such notice shall contain the same information about such properties that the notice required under paragraph (2)(A) contains with respect to eligible single family properties. For ineligible multifamily housing properties,

such notice shall contain the same information about such properties that the notice required under paragraph (3)(A) contains with respect to eligible multifamily housing properties. For ineligible condominium properties, such notice shall contain the same information about such properties that the notice required under paragraph (14)(A) contains with respect to eligible condominium properties.

"(C) AVAILABILITY.—The clearinghouses shall make such information available, upon request, to other public agencies, other nonprofit organizations, qualifying households, qualifying multifamily purchasers, and other purchasers, as appropriate.

"(D) DEFINITIONS.—For purposes of this paragraph:

"(i) INELIGIBLE CONDOMINIUM PROPERTY.—The term 'ineligible condominium property' means a condominium unit, as such term is defined in section 604 of the Housing and Community Development Act of 1980—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed the applicable dollar amount limitation for the property under paragraph (9)(D)(ii)(II); and

"(III) that is not an eligible condominium property.

"(ii) INELIGIBLE MULTIFAMILY HOUSING PROPERTY.—The term 'ineligible multifamily housing property' means a property consisting of more than 4 dwelling units—

"(I) to which the Corporation acquires title in its capacity as conservator (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed, for such part of the property as may be attributable to dwelling use (excluding exterior land improvements), the dollar amount limitations under paragraph (9)(E)(i)(II); and

"(III) that is not an eligible multifamily housing property.

"(iii) INELIGIBLE SINGLE FAMILY PROPERTY.—The term 'ineligible single family property' means a 1- to 4-family residence (including a manufactured home)—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed the applicable dollar amount limitation for the property under paragraph (9)(G)(ii)(II); and

"(III) that is not an eligible single family property.

"(iv) INELIGIBLE RESIDENTIAL PROPERTY.—The term 'ineligible residential property' includes ineligible single family properties, ineligible multifamily housing properties, and ineligible condominium properties."

(2) FDIC.—Section 40 of the Federal Deposit Insurance Act (12 U.S.C. 1831q) is amended by adding at the end the following new subsection:

"(g) NOTICE TO CLEARINGHOUSES REGARDING INELIGIBLE PROPERTIES.—

"(I) IN GENERAL.—Within a reasonable period of time after acquiring title to an ineligible resi-

dential property, the Corporation shall provide written notice to clearinghouses.

"(2) CONTENT.—For ineligible single family properties, such notice shall contain the same information about such properties that the notice required under subsection (c)(1) contains with respect to eligible single family properties. For ineligible multifamily housing properties, such notice shall contain the same information about such properties that the notice required under subsection (d)(1) contains with respect to eligible multifamily housing properties. For ineligible condominium properties, such notice shall contain the same information about such properties that the notice required under paragraph (1)(1) contains with respect to eligible condominium properties.

"(3) AVAILABILITY.—The clearinghouses shall make such information available, upon request, to other public agencies, other nonprofit organizations, qualifying households, qualifying multifamily purchasers, and other purchasers, as appropriate.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) INELIGIBLE CONDOMINIUM PROPERTY.—The term 'ineligible condominium property' means any eligible condominium property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

"(B) INELIGIBLE MULTIFAMILY HOUSING PROPERTY.—The term 'ineligible multifamily housing property' means any eligible multifamily housing property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

"(C) INELIGIBLE SINGLE FAMILY PROPERTY.—The term 'ineligible single family property' means any eligible single family property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

"(D) INELIGIBLE RESIDENTIAL PROPERTY.—The term 'ineligible residential property' includes ineligible single family properties, ineligible multifamily housing properties, and ineligible condominium properties."

(b) PREFERENCE FOR USE FOR HOMELESS FAMILIES.—

(1) RTC.—Section 21A(c)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(5)) is amended—

(A) by striking "(5) PREFERENCE FOR SALES.—When" and inserting the following:

"(5) PREFERENCES FOR SALES.—

"(A) LOW-INCOME USE.—When"; and

(B) by adding at the end the following new subparagraph:

"(B) USE FOR HOMELESS FAMILIES.—In selling any eligible residential property, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer to purchase the property for use in providing housing or shelter for homeless individuals (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families."

(2) FDIC.—Section 40(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(f)) is amended—

(A) in paragraph (1), by striking "IN GENERAL" and inserting "LOW-INCOME USE"; and

(B) by adding at the end the following new paragraph:

"(4) USE FOR HOMELESS FAMILIES.—In selling any eligible residential property, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer to purchase the property for use in providing housing or shelter for homeless individuals (as such term is defined in section 103 of the Stewart B.

McKinney Homeless Assistance Act) or homeless families."

(c) **AFORDABLE HOUSING ADVISORY BOARD.**—(1) **ESTABLISHMENT.**—There is hereby established the Affordable Housing Advisory Board (in this subsection referred to as the "Advisory Board") to advise the Thrift Depositor Protection Oversight Board and the Board of Directors of the Federal Deposit Insurance Corporation on policies and programs related to the provision of affordable housing, including the operation of the affordable programs.

(2) **MEMBERSHIP.**—The Advisory Board shall consist of—

(A) the Secretary of Housing and Urban Development;

(B) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation (or the Chairperson's delegate), who shall be a nonvoting member;

(C) the Chairperson of the Thrift Depositor Protection Oversight Board (or the Chairperson's delegate), who shall be a nonvoting member;

(D) 4 persons appointed by the Secretary of Housing and Urban Development not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, who represent the interests of individuals and organizations involved in using the affordable housing programs (including nonprofit organizations, public agencies, and for-profit organizations that purchase properties under the affordable housing programs, organizations that provide technical assistance regarding the affordable housing programs, and organizations that represent the interest of low- and moderate-income families); and

(E) 2 persons who are members of the National Housing Advisory Board pursuant to section 21A(d)(2)(B)(ii) of the Federal Home Loan Bank Act (as in effect before the date of the effectiveness of the repeal under subsection (c)(2)), who shall be appointed by such Board before such effective date.

(3) **TERMS.**—Each member shall be appointed for a term of 4 years, except as provided in paragraphs (4) and (5).

(4) **TERMS OF INITIAL APPOINTEES.**—

(A) **PERMANENT POSITIONS.**—As designated by the Secretary of Housing and Urban Development at the time of appointment, of the members first appointed under paragraph (2)(D)—

(i) 1 shall be appointed for a term of 1 year;

(ii) 1 shall be appointed for a term of 2 years;

(iii) 1 shall be appointed for a term of 3 years; and

(iv) 1 shall be appointed for a term of 4 years.

(B) **INTERIM MEMBERS.**—The members of the Advisory Board under paragraph (2)(E) shall be appointed for a single term of 4 years, which shall begin upon the earlier of (i) the expiration of the 90-day period beginning on the date of the enactment of this Act, or (ii) the first meeting of the Advisory Board.

(5) **VACANCIES.**—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(6) **MEETINGS.**—

(A) **TIMING AND LOCATION.**—The Advisory Board shall meet 4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or the Board of Directors of the Federal Deposit Insurance Corporation. In each year, the Advisory Board shall conduct such meetings at various locations in different regions of the United States in which substantial residential property assets of the

Federal Deposit Insurance Corporation or the Resolution Trust Corporation are located. The first meeting of the Advisory Board shall take place not later than the expiration of the 90-day period beginning on the date of the enactment of this Act.

(B) **ADVICE.**—The Advisory Board shall submit information and advice resulting from each meeting, in such form as the Board considers appropriate, to the Thrift Depositor Protection Oversight Board and the Board of Directors of the Federal Deposit Insurance Corporation.

(7) **ANNUAL REPORTS.**—For each year, the Advisory Board shall submit a report containing its findings and recommendations to the Congress, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation. The first such report shall be made not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

(8) **DEFINITION.**—For purposes of this subsection, the term "affordable housing programs" means the program under section 21A(c) of the Federal Home Loan Bank Act and the program under section 40 of the Federal Deposit Insurance Act.

(d) **TERMINATION OF NATIONAL HOUSING ADVISORY BOARD.**—

(1) **TERMINATION.**—The National Housing Advisory Board under section 21A(d)(2) of the Federal Home Loan Bank Act shall terminate upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

(2) **REPEAL.**—Paragraph (2) of section 21A(d) of the Federal Home Loan Bank Act is repealed upon the expiration of the period referred to in paragraph (1).

(e) **PROVISION OF INFORMATION REGARDING SELLER FINANCING TO MINORITY- AND WOMEN-OWNED BUSINESSES.**—

(1) **RTC.**—Section 21A(c)(6)(A)(ii) of the Federal Home Loan Bank Act is amended by adding at the end the following new sentences: "The Corporation shall periodically provide, to a wide range of minority- and women-owned businesses engaged in providing affordable housing and to nonprofit organizations, more than 50 percent of the control of which are held by 1 or more minority individuals, that are engaged in providing affordable housing, information that is sufficient to inform such businesses and organizations of the availability and terms of financing under this clause; such information may be provided directly, by notices published in periodicals and other publications that regularly provide information to such businesses or organizations, and through persons and organizations that regularly provide information or services to such businesses or organizations. For purposes of this clause, the terms 'women-owned business' and 'minority-owned business' have the meanings given such terms in subsection (r), and the term 'minority' has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989."

(2) **FDIC.**—Section 40(g)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(g)(1)(B)) is amended by adding at the end the following new sentences: "The Corporation shall periodically provide, to a wide range of minority- and women-owned businesses engaged in providing affordable housing and to nonprofit organizations, more than 50 percent of the control of which are held by 1 or more minority individuals, that are engaged in providing affordable housing, information that is sufficient to inform such businesses and organizations of the availability and terms of financing under this subsection; such information may be provided directly, by notices published in periodicals and other publications that regularly provide information to such businesses or organizations, and through persons and organizations that regu-

larly provide information or services to such businesses or organizations. For purposes of this subparagraph, the terms 'women-owned business' and 'minority-owned business' have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term 'minority' has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989."

(f) **AUTHORITY TO CARRY OUT UNIFIED AFFORDABLE HOUSING PROGRAM.**—

(1) **RTC.**—Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(17) **UNIFIED AFFORDABLE HOUSING PROGRAM WITH FDIC.**—

"(A) **RTC AUTHORITY.**—During the period ending at the end of September 30, 1994, the Corporation shall have the authority and shall carry out the responsibilities of the Federal Deposit Insurance Corporation under section 40 of the Federal Deposit Insurance Act, subject to the agreement under subparagraph (B). To the extent practicable, the Resolution Trust Corporation shall coordinate its activities under this subsection with activities involved in carrying out such responsibilities to provide for effective and efficient management and operation of all such activities.

"(B) **AGREEMENT AND CONSULTATION.**—Not later than 60 days after the date of the enactment of this Act, the Resolution Trust Corporation and the Federal Deposit Insurance Corporation shall enter into an agreement for the Resolution Trust Corporation to carry out the responsibilities described in subparagraph (A) during the period referred to in such subparagraph. Such agreement shall provide—

"(i) for the Resolution Trust Corporation to act as a contractor of the Federal Deposit Insurance Corporation for the purpose of carrying out such responsibilities of the Federal Deposit Insurance Corporation;

"(ii) for the payment of fees for administrative costs incurred by the Resolution Trust Corporation in carrying out such responsibilities;

"(iii) a method for determining the extent to which the provisions of section 40 of the Federal Deposit Insurance Act shall be effective, in accordance with the limitations under subsection (b)(2) of such section;

"(iv) for the disposition of proceeds from the sales of properties under such section 40; and

"(v) a method for making seller financing available to purchasers of properties, in accordance to the provisions of section 40(g)(1) of such Act.

The Resolution Trust Corporation shall consult with the Affordable Housing Advisory Board under section 13(c) of the Resolution Trust Corporation Completion Act in preparing to carry out such responsibilities.

"(B) **TRANSFER TO FDIC.**—On and after October 1, 1994, the authority and responsibilities of the Resolution Trust Corporation under this subsection shall be carried out by the Federal Deposit Insurance Corporation. Beginning not later than April 1, 1994, the Resolution Trust Corporation shall consult with the Federal Deposit Insurance Corporation and such Advisory Board to prepare for the Federal Deposit Insurance Corporation to carry out such authority and responsibilities."

(2) **FDIC.**—Section 40(n) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(n)) is amended to read as follows:

"(n) **RESPONSIBILITY TO CARRY OUT PROGRAM.**—

"(1) **AFFORDABLE HOUSING PROGRAM OFFICE.**—The Corporation shall establish an Affordable Housing Program Office within the Corporation

to carry out the provisions of this section after October 1, 1994, and to carry out the provisions of section 21A(c) of the Federal Home Loan Bank Act after such date with respect to any eligible residential properties and eligible condominium properties under such section not disposed of by the Resolution Trust Corporation before such date. The Federal Deposit Insurance Corporation shall dedicate certain staff of the Corporation to the Office and shall consult with the Resolution Trust Corporation and the Affordable Housing Advisory Board under section 13(c) of the Resolution Trust Corporation Completion Act in carrying out its responsibilities. Beginning not later than April 1, 1994, the Federal Deposit Insurance Corporation shall consult with the Resolution Trust Corporation and such Advisory Board to prepare for the Affordable Housing Program Office of the Federal Deposit Insurance Corporation to carry out the authority and responsibilities of the Resolution Trust Corporation under such section 21A(c).

(2) UNIFIED AFFORDABLE HOUSING PROGRAM WITH RTC.—During the period ending at the end of September 30, 1994, the authority and responsibilities of the Corporation under this section shall be carried out by the Resolution Trust Corporation pursuant to the agreement entered into under section 21A(c)(17)(B) of the Federal Home Loan Bank Act by the Federal Deposit Insurance Corporation and the Resolution Trust Corporation.

(g) LIABILITY PROVISIONS.—

(1) RTC.—Section 21A(c)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(11)) is amended by adding at the end the following new subparagraph:

(D) CORPORATION.—The Corporation shall not be liable to any depositor, creditor, or shareholder of any insured depository institution for which the Corporation has been appointed receiver, or of any subsidiary corporation of a depository institution under conservatorship or receivership, or any claimant against such an institution or subsidiary, because the disposition of assets of the institution or the subsidiary under this subsection affects the amount of return from the assets.

(2) FDIC.—Section 40(m)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(m)(4)) is amended—

(A) by inserting after "receiver," the following: "or of any subsidiary corporation of a depository institution under conservatorship or receivership,";

(B) by inserting "or subsidiary" after "an institution"; and

(C) by inserting "or the subsidiary" after "the institution".

SEC. 15. RIGHT OF FIRST REFUSAL FOR TENANTS TO PURCHASE SINGLE FAMILY PROPERTY.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by inserting after paragraph (14) (as added by section 4 of this Act) the following new paragraph:

(15) PURCHASE RIGHTS OF TENANTS.—

(A) NOTICE.—Except as provided in subparagraph (C), the Corporation may make available for sale a 1- to 4-family residence (including a manufactured home) to which the Corporation acquires title only after the Corporation has provided the household residing in the property notice (in writing and mailed to the property) of the availability of such property and the preference afforded such household under subparagraph (B).

(B) PREFERENCE.—In selling such a property, the Corporation shall give preference to any bona fide offer made by the household residing in the property, if—

"(i) such offer is substantially similar in amount to other offers made within such period

(or expected by the Corporation to be made within such period);

"(ii) such offer is made during the period beginning upon the Corporation making such property available and of a reasonable duration, as determined by the Corporation based on the normal period for sale of such properties; and

"(iii) the household making the offer complies with any other requirements applicable to purchasers of such property, including any downpayment and credit requirements.

(C) EXCEPTIONS.—Subparagraphs (A) and (B) shall not apply to—

"(i) any residence transferred in connection with the transfer of substantially all of the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver;

"(ii) any eligible single family property (as such term is defined in subsection (c)(9)); or

"(iii) any residence for which the household occupying the residence was the mortgagor under a mortgage on such residence and to which the Corporation acquired title pursuant to default on such mortgage."

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding at the end the following new subsection:

(u) PURCHASE RIGHTS OF TENANTS.—

(1) NOTICE.—Except as provided in paragraph (3), the Corporation may make available for sale a 1- to 4-family residence (including a manufactured home) to which the Corporation acquires title only after the Corporation has provided the household residing in the property notice (in writing and mailed to the property) of the availability of such property and the preference afforded such household under paragraph (2).

(2) PREFERENCE.—In selling such a property, the Corporation shall give preference to any bona fide offer made by the household residing in the property, if—

"(A) such offer is substantially similar in amount to other offers made within such period (or expected by the Corporation to be made within such period);

"(B) such offer is made during the period beginning upon the Corporation making such property available and of a reasonable duration, as determined by the Corporation based on the normal period for sale of such properties; and

"(C) the household making the offer complies with any other requirements applicable to purchasers of such property, including any downpayment and credit requirements.

(3) EXCEPTIONS.—Paragraphs (1) and (2) shall not apply to—

"(A) any residence transferred in connection with the transfer of substantially all of the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver;

"(B) any eligible single family property (as such term is defined in subsection (c)(9)); or

"(C) any residence for which the household occupying the residence was the mortgagor under a mortgage on such residence and to which the Corporation acquired title pursuant to default on such mortgage."

SEC. 16. PREFERENCE FOR SALES OF REAL PROPERTY FOR USE FOR HOMELESS FAMILIES.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

(16) PREFERENCE FOR SALES FOR HOMELESS FAMILIES.—Subject to paragraph (15), in selling any real property (other than eligible residential property and eligible condominium property, as such terms are defined in subsection (c)(9)) to which the Corporation acquires title, the Cor-

poration shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer that would provide for the property to be used, during the remaining useful life of the property, to provide housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families."

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

(v) PREFERENCE FOR SALES FOR HOMELESS FAMILIES.—Subject to subsection (u), in selling any real property (other than eligible residential property and eligible condominium property, as such terms are defined in section 40(p)) to which the Corporation acquires title, the Corporation shall give preference among offers to purchase the property that will result in the same net present value proceeds, to any offer that would provide for the property to be used, during the remaining useful life of the property, to provide housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families."

SEC. 17. PREFERENCES FOR SALES OF COMMERCIAL PROPERTIES TO PUBLIC AGENCIES AND NONPROFIT ORGANIZATIONS FOR USE IN CARRYING OUT PROGRAMS FOR AFFORDABLE HOUSING.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

(17) PREFERENCES FOR SALES OF CERTAIN COMMERCIAL REAL PROPERTIES.—

(A) AUTHORITY.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer—

"(i) that is made by a public agency or nonprofit organization; and

"(ii) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (I) homeownership and rental housing opportunities for very-low, low-, and moderate-income families, or (II) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

(B) DEFINITIONS.—For purposes of this paragraph:

(i) ELIGIBLE COMMERCIAL REAL PROPERTY.—The term "eligible commercial real property" means any property (I) to which the Corporation acquires title, and (II) that the Corporation, in the discretion of the Corporation, determines is suitable for use for the location of offices or other administrative functions involved with carrying out a program referred to in subparagraph (A)(ii).

(ii) NONPROFIT ORGANIZATION AND PUBLIC AGENCY.—The terms "nonprofit organization" and "public agency" have the meanings given the terms in subsection (c)(9)."

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

(w) PREFERENCES FOR SALES OF CERTAIN COMMERCIAL REAL PROPERTIES.—

(1) AUTHORITY.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers

to purchase the property that will result in the same net present value proceeds, to any offer—

"(A) that is made by a public agency or non-profit organization; and

"(B) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (i) homeownership and rental housing opportunities for very-low, low-, and moderate-income families, or (ii) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

"(2) DEFINITIONS.—For purposes of this subsection:

"(A) ELIGIBLE COMMERCIAL REAL PROPERTY.—The term 'eligible commercial real property' means any property (i) to which the Corporation acquires title, and (ii) that the Corporation, in the discretion of the Corporation, determines is suitable for use for the location of offices or other administrative functions involved with carrying out a program referred to in paragraph (1)(B).

"(B) NONPROFIT ORGANIZATION AND PUBLIC AGENCY.—The terms 'nonprofit organization' and 'public agency' have the meanings given the terms in section 40(p)."

SEC. 18. FEDERAL HOME LOAN BANKS HOUSING OPPORTUNITY HOTLINE PROGRAM.

The Federal Home Loan Bank Act (12 U.S.C. 1422 et seq.) is amended by inserting after section 26 the following new section:

"SEC. 27. HOUSING OPPORTUNITY HOTLINE PROGRAM.

"(a) ESTABLISHMENT.—Each of the Federal Home Loan Banks shall establish and operate a program substantially similar (in the determination of the Board) to the 'Housing Opportunity Hotline' program established in October 1992, by the Federal Home Loan Bank of Dallas.

"(b) PURPOSE.—Each program established under this section shall provide information regarding the availability for purchase of single-family properties that are owned or held by Federal agencies and are located in the Federal Home Loan Bank district for such Bank. Each Federal Home Loan Bank shall consult with such agencies to acquire such information.

"(c) REQUIRED INFORMATION.—Each program established under this section shall provide information regarding the size, location, price, and other characteristics of such single family properties, the eligibility requirements for purchasers of such properties, the terms for such sales, and the terms of any available seller financing, and shall identify properties that are affordable to low- and moderate-income families.

"(d) TOLL-FREE TELEPHONE NUMBER.—Each program established under this section shall establish and maintain a toll-free telephone line for providing the information made available under the program.

"(e) DEFINITIONS.—For purposes of this section:

"(1) FEDERAL AGENCIES.—The term 'Federal agencies' means the Farmers Home Administration, the Federal Deposit Insurance Corporation, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the General Services Administration, the Department of Housing and Urban Development, the Resolution Trust Corporation, and the Department of Veterans Affairs.

"(2) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence, including a manufactured home."

SEC. 19. CONFLICT OF INTEREST PROVISIONS APPLICABLE TO THE FDIC.

(a) IN GENERAL.—Section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822) is amend-

ed by adding at the end the following new subsection:

"(f) CONFLICT OF INTEREST.—

"(1) APPLICABILITY OF OTHER PROVISIONS.—

"(A) CLARIFICATION OF STATUS OF CORPORATION.—The Corporation shall be an agency for purposes of title 18, United States Code.

"(B) TREATMENT OF CONTRACTORS.—Any individual who, pursuant to a contract or any other arrangement, performs functions or activities of the Corporation, under the direct supervision of an officer or employee of the Corporation, shall be deemed to be an employee of the Corporation for the purposes of title 18, United States Code, and this Act. Any individual who, pursuant to a contract or any other agreement, acts for or on behalf of the Corporation shall be deemed to be a public official for the purposes of section 201 of title 18, United States Code.

"(2) ESTABLISHMENT OF REGULATIONS.—The Board of Directors shall prescribe regulations governing conflict of interest, ethical responsibilities, and post-employment restrictions applicable to officers and employees of the Corporation.

"(3) USE OF CONFIDENTIAL INFORMATION.—The Board of Directors shall prescribe regulations applicable to independent contractors governing conflicts of interest, ethical responsibilities, and the use of confidential information consistent with the goals and purposes of titles 18 and 41, United States Code.

"(4) DISAPPROVAL OF CONTRACTORS.—

"(A) IN GENERAL.—The Board of Directors shall prescribe regulations establishing procedures for ensuring that any individual who is performing, directly or indirectly, any function or service on behalf of the Corporation meets minimum standards of competence, experience, integrity, and fitness.

"(B) PROHIBITION FROM SERVICE ON BEHALF OF CORPORATION.—The procedures established under subparagraph (A) shall provide that the Corporation shall prohibit any person who does not meet the minimum standards of competence, experience, integrity, and fitness from—

"(i) entering into any contract with the Corporation; or

"(ii) being employed by the Corporation or any person performing any service for or on behalf of the Corporation.

"(C) INFORMATION REQUIRED TO BE SUBMITTED.—The procedures established under subparagraph (A) shall require that any offer submitted to the Corporation by any person under this section and any employment application submitted to the Corporation by any person shall include—

"(i) a list and description of any instance during the 5 years preceding the submission of such application in which the person or a company under such person's control defaulted on a material obligation to an insured depository institution; and

"(ii) such other information as the Board may prescribe by regulation.

"(D) SUBSEQUENT SUBMISSIONS.—

"(i) IN GENERAL.—No offer submitted to the Corporation may be accepted unless the offeror agrees that no person will be employed, directly or indirectly, by the offeror under any contract with the Corporation unless—

"(I) all applicable information described in subparagraph (C) with respect to any such person is submitted to the Corporation; and

"(II) the Corporation does not disapprove of the direct or indirect employment of such person.

"(ii) FINALITY OF DETERMINATION.—Any determination made by the Corporation pursuant to this paragraph shall be in the Corporation's sole discretion and shall not be subject to review.

"(E) PROHIBITION REQUIRED IN CERTAIN CASES.—The standards established under sub-

paragraph (A) shall require the Corporation to prohibit any person who has—

"(i) been convicted of any felony;

"(ii) been removed from, or prohibited from participating in the affairs of, any insured depository institution pursuant to any final enforcement action by any appropriate Federal banking agency;

"(iii) demonstrated a pattern or practice of defalcation regarding obligations to insure depository institutions; or

"(iv) caused a substantial loss to Federal deposit insurance funds,

from service on behalf of the Corporation.

"(5) ABROGATION OF CONTRACTS.—The Corporation may rescind any contract with a person who—

"(A) fails to disclose a material fact to the Corporation;

"(B) would be prohibited under paragraph (6) from providing services to, receiving fees from, or contracting with the Corporation; or

"(C) has been subject to a final enforcement action by any appropriate Federal banking agency.

"(6) PRIORITY OF FDIC RULES.—To the extent that the regulations under this subsection conflict with rules of other agencies or Government corporations, officers, directors, employees, and independent contractors of the Corporation who are also subject to the conflict of interest or ethical rules of another agency or Government corporation, shall be governed by the regulations prescribed by the Board of Directors under this subsection when acting for or on behalf of the Corporation."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)) is amended to read as follows:

"(2) OTHER DEFINITIONS.—

"(1) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' means the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation.

"(2) COMPANY.—The term 'company' has the meaning given to such term in section 2(b) of the Bank Holding Company Act of 1956."

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply after the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 20. RESTRICTIONS ON SALES OF ASSETS TO CERTAIN PERSONS.

(a) IN GENERAL.—Section 11(p) of the Federal Deposit Insurance Act (12 U.S.C. 1821(p)) is amended by redesignating paragraphs (1) and (2) as paragraphs (2) and (3) and by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) PERSONS WHO ENGAGED IN IMPROPER CONDUCT WITH, OR CAUSED LOSSES TO, DEPOSITORY INSTITUTIONS.—The Corporation shall prescribe regulations which, at a minimum, shall prohibit the sale of assets of a failed institution by the Corporation to—

"(A) any person who—

"(i) has defaulted, or was a member of a partnership or an officer or director of a corporation which has defaulted, on 1 or more obligations the aggregate amount of which exceed \$1,000,000 to such failed institution;

"(ii) has been found to have engaged in fraudulent activity in connection with any obligation referred to in clause (i); and

"(iii) proposes to purchase any such asset in whole or in part through the use of the proceeds of a loan or advance of credit from the Corporation or from any institution for which the Corporation has been appointed as conservator or receiver;

"(B) any person who participated, as an officer or director of such failed institution or of

any affiliate of such institution, in a material way in transactions that resulted in a substantial loss to such failed institution;

"(C) any person who has been removed from, or prohibited from participating in the affairs of, such failed institution pursuant to any final enforcement action by an appropriate Federal banking agency; or

"(D) any person who has demonstrated a pattern or practice of defalcation regarding obligations to such failed institution."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11(p) of the Federal Deposit Insurance Act (12 U.S.C. 1821(p)) is amended—

(1) in paragraph (2) (as so redesignated by the amendment made by subsection (a) of this section)—

(A) by striking "individual" and inserting "person"; and

(B) by striking "paragraph (2)" and inserting "paragraph (3)";

(2) in paragraph (3) (as so redesignated by the amendment made by subsection (a) of this section)—

(A) by striking "individual" each place such term appears and inserting "person"; and

(B) by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)";

(3) by adding at the end the following new paragraph:

"(4) DEFINITION OF DEFAULT.—For purposes of paragraphs (1) and (2), the term 'default' means a failure to comply with the terms of a loan or other obligation to such an extent that the property securing the obligation is foreclosed upon."; and

(4) by striking the heading and inserting the following new heading: "(p) CERTAIN SALES OF ASSETS PROHIBITED.—"

SEC. 21. WHISTLEBLOWER PROTECTION.

Section 33(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831j(a)(2)) is amended—

(1) by striking "or Federal Reserve bank" and inserting "Federal reserve bank, or any person who is performing, directly or indirectly, any function or service on behalf of the Corporation";

(2) by striking "or" at the end of subparagraph (B);

(3) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(4) by adding at the end the following new subparagraph:

"(D) the person, or any officer or employee of the person, who employs such employee."

SEC. 22. FDIC ASSET DISPOSITION DIVISION.

(a) IN GENERAL.—Section 1 of the Federal Deposit Insurance Act (12 U.S.C. 1811) is amended—

(1) by striking "There is hereby created" and inserting "(a) ESTABLISHMENT OF CORPORATION.—There is hereby established"; and

(2) by adding at the end the following new subsection:

"(b) ASSET DISPOSITION DIVISION.—

"(1) ESTABLISHMENT.—The Corporation shall have a separate division of asset disposition.

"(2) MANAGEMENT.—The division of asset disposition shall have an administrator who shall be appointed by the Board of Directors.

"(3) POWERS AND DUTIES OF DIVISION.—The division of asset disposition shall exercise all the powers and duties of the Corporation under this Act relating to the liquidation of insured depository institutions and the disposition of assets of such institutions."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1995.

SEC. 23. PRESIDENTIALLY-APPOINTED INSPECTOR GENERAL FOR FDIC.

(a) IN GENERAL.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ", the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation," after "Chairperson of the Thrift Depositor Protection Oversight Board"; and

(2) in paragraph (2), by inserting "the Federal Deposit Insurance Corporation," after "the Resolution Trust Corporation".

(b) NO REDUCTION IN RATE OF PAY OF EXISTING EMPLOYEES OF THE OFFICE OF THE IG OF THE FDIC.—

(1) IN GENERAL.—Notwithstanding paragraphs (7) and (8) of section 6(a) of the Inspector General Act of 1978, the annual rate of basic pay and benefits, including any regional pay differential, payable to any employee of the office of the inspector general of the Federal Deposit Insurance Corporation who was an employee of such office as of the date of the enactment of the Resolution Trust Corporation Completion Act for any year ending after such date of enactment shall not be reduced, by reason of the amendment made by subsection (a) of this section, below the annual rate of basic pay and benefits, including any regional pay differential, paid to such employee, by reason of such employment, as of such date.

(2) EMPLOYEES SERVING IN ACTING OR TEMPORARY CAPACITY.—Notwithstanding paragraph (1), in the case of any employee described in such paragraph who, as of the date of the enactment of the Resolution Trust Corporation Completion Act, is serving in an acting capacity or is otherwise temporarily employed at a higher grade than such employee's regular grade or position of employment—

(A) the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such capacity or at such higher grade shall not be reduced by reason of the applicability of paragraph (7) or (8) of section 6(a) of the Inspector General Act of 1978 so long as such employee continues to serve in such capacity or at such higher grade; and

(B) after such employee ceases to serve in such capacity or at such higher grade, paragraph (1) shall be applied with respect to such employee by taking into account only the annual rate basic pay and benefits, including any regional pay differential, payable to such employee in such employee's regular grade or position of employment.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "the Federal Deposit Insurance Corporation,"

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General, Federal Deposit Insurance Corporation."

SEC. 24. DEPUTY CHIEF EXECUTIVE OFFICER.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding at the end the following new subparagraphs:

"(E) DEPUTY CHIEF EXECUTIVE OFFICER.—

"(i) IN GENERAL.—There is hereby established the position of deputy chief executive officer of the Corporation.

"(ii) APPOINTMENT.—The deputy chief executive officer of the Corporation shall—

"(I) be appointed by the Chairperson of the Thrift Depositor Protection Oversight Board, with the recommendation of the chief executive officer; and

"(II) be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i) of this paragraph.

"(iii) DUTIES.—The deputy chief executive officer shall perform such duties as the chief executive officer may require.

"(F) ACTING CHIEF EXECUTIVE OFFICER.—In the event of a vacancy in the position of chief executive officer or during the absence or disability of the chief executive officer, the deputy chief executive officer shall perform the duties of the position as the acting chief executive officer."

SEC. 25. DUE PROCESS PROTECTIONS RELATING TO ATTACHMENT OF ASSETS.

Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) by striking subsection (i)(4)(B) and inserting the following new subparagraph:

"(B) STANDARD.—

"(i) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subparagraph (A) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(ii) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to such party's right to due process as Rule 65 (as modified with respect to such proceeding by clause (i)), the relief sought under subparagraph (A) may be requested under the laws of such State."; and

(2) in subsection (b), by adding the following new paragraph:

"(9) STANDARD FOR CERTAIN ORDERS.—No authority under this subsection or subsection (c) to prohibit any institution-affiliated party from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets, or other property may be exercised unless the agency meets the standards of Rule 65 of the Federal Rules of Civil Procedure without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate."

SEC. 26. GAO STUDIES REGARDING FEDERAL REAL PROPERTY DISPOSITION.

(a) RTC AFFORDABLE HOUSING PROGRAM.—The Comptroller General of the United States shall conduct a study of the program carried out by the Resolution Trust Corporation pursuant to section 21A(c) of the Federal Home Loan Bank Act to determine the effectiveness of such program in providing affordable homeownership and rental housing for very low-, low-, and moderate-income families. The study shall examine the procedures used under the program to sell eligible single family properties, eligible condominium properties, and eligible multifamily housing properties, the characteristics and numbers of purchasers of such properties, and the amount of and reasons for any losses incurred by the Resolution Trust Corporation in selling properties under the program. Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the results of the study under this subsection, which shall describe any findings under the study and contain any recommendations of the Comptroller General for improving the effectiveness of such program.

(b) SINGLE AGENCY FOR REAL PROPERTY DISPOSITION.—The Comptroller General of the United States shall conduct a study to determine the feasibility and effectiveness of establishing a single Federal agency responsible for selling and otherwise disposing of real property owned or held by the Department of Housing and Urban Development, the Farmers Home Administration of the Department of Agriculture, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation. The study shall examine the real property disposition procedures of such agencies and corporations, analyze the feasibility of consolidating such procedures through such single agency, and determine the characteristics and authority necessary for any such

single agency to efficiently carry out such disposition activities. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the study under this subsection, which shall describe any findings under the study and contain any recommendations of the Comptroller General for the establishment of such single agency.

SEC. 27. EXTENSION OF RTC POWER TO BE APPOINTED AS CONSERVATOR OR RECEIVER.

Section 21A(b)(3)(A)(ii) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(3)(A)(ii)) is amended by striking "October 1, 1993" and inserting "April 1, 1995".

Amend the title so as to read: "An Act to provide for the remaining funds needed to assure that the United States fulfills its obligation for the protection of depositors at savings and loan institutions, to improve the management of the Resolution Trust Corporation ('RTC') in order to assure the taxpayers the fairest and most efficient disposition of savings and loan assets, to provide for a comprehensive transition plan to assure an orderly transfer of RTC resources to the Federal Deposit Insurance Corporation, to abolish the RTC, and for other purposes."

Mr. MITCHELL. Mr. President, I move that the Senate disagree to the House amendments, agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. RIEGLE, Mr. SARBANES, Mr. DODD, Mr. D'AMATO, and Mr. GRAMM conferees on the part of the Senate.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. MITCHELL. Mr. President, tomorrow the House of Representatives will vote on the North American Free-Trade Agreement, one of the most important issues that this Congress will address. This trade agreement provides the United States with historic opportunities for the future: Expanding markets in the hemisphere, increasing U.S. exports to emerging markets, and promoting social and economic stability throughout the Americas.

But the issue of the North American Free-Trade Agreement transcends even these broad economic opportunities provided to U.S. businesses and workers. The agreement is more important even than the promise of environmental cooperation with our neighbors and economic stability for Mexico and the rest of the Americas. It will define the U.S. role in the global economy and in world affairs well into the 21st century.

This is a historic vote, and the issue will be decided by the Members of the House of Representatives. Let me make it clear and unmistakable: The Senate will pass the North American Free-Trade Agreement. There should be no uncertainty about that. There is no uncertainty about that. The Senate will pass the agreement.

If Congress approves this agreement, the United States will affirm its leadership role in this hemisphere and around the world. The United States economy will reap the benefits of expanded markets in Mexico, the Caribbean, Central and South America. The United States and Mexico will work cooperatively to improve the border infrastructure, and all three nations will work to protect the environment of North America.

If the House rejects the agreement, however, it will send an ominous signal to the world: The United States fears the challenges of this post-cold war global economy.

We must have the courage and the confidence to lead this country into the next century. We cannot relieve or remake the past.

Our economic security depends on providing American companies and workers with access to foreign markets. In 1992, this Nation exported goods valued at over \$420 billion, a 36-percent increase over 1988 exports, and more than 7 percent of U.S. gross domestic product. The future of the American economy is closely linked to its ability to respond to the demands of the global marketplace.

Our trading competitors already recognize the importance of seizing new opportunities in the international marketplace. Japan is developing new markets in the Far East. The European Community is searching out new opportunities in Eastern Europe and the nations of the former Soviet Union. The United States must compete with our trading partners in these and other emerging markets.

The North American Free-Trade Agreement presents the United States with an opportunity to create an economy of \$6.5 trillion and 370 million people. In the past 7 years, United States exports to Mexico have grown sharply, from approximately \$12 billion in 1986 to over \$40 billion in 1992. The United States trade balance with Mexico has improved from a \$5.7 billion deficit in 1987 to a \$5.4 billion surplus in 1992. Mexico is now our third largest trading partner.

The principal purpose of the North American Free-Trade Agreement is the removal of trade barriers between the three nations. Over time, the agreement will eliminate Mexican tariffs, which average roughly 10 percent—more than 2½ times the average United States tariff of 4 percent. The agreement also eliminates numerous non-tariff barriers that require United States companies to invest or manufacture in Mexico in order to supply the Mexican market. Simply put, Mexico now provides many incentives for United States companies to move to Mexico. This trade agreement is a good deal for the United States because it replaces unfair trading practices with fair trading rules.

If the United States does not capitalize on this opportunity, our competitors will. Our trading partners in Asia and Europe will sell their consumer products, commodities, capital goods and services in the Mexican market. And the United States, its companies and its workers will lose exports and jobs.

Maine companies and workers have already benefited from expanded trade with Mexico. Maine exports to Mexico have increased 774 percent from 1987 to 1992. Maine companies now are selling to Mexico a wide range of products, from leather to metal products to electronics to apparel.

A close examination of the agreement reveals that it will help Maine industries sell more of their goods and services in Mexico. For example, the Mexican tariffs on Maine sardines, solid wood products, lumber, pulp and paper will be eliminated over a 10-year period. Mexico also will eliminate its 10-percent tariff on semiconductor and its 20-percent tariff on computers.

Mexico now prohibits access for all fresh and seed potatoes. This agreement will allow United States and Maine potato growers to challenge—and eliminate—this unfair ban on United States potatoes. Also, the Mexican tariffs on potatoes will be eliminated over a 10-year period.

There are just a few examples of Maine industries that will benefit under this trade agreement. Many Maine companies have contacted me, urging me to support it.

Hardwood Products Co. of Guilford, ME, wrote:

The Mexican market is essentially closed to us by restrictions, although our products could compete. With the passage of NAFTA, our business projects an estimated 13 percent increase in sales, equivalent to approximately 40 jobs.

That is one small company in a small Maine town.

UNUM Life Insurance Co., a large Maine insurance company, has written:

At this time, UNUM does not market in Mexico. The Mexican market has been essentially closed to foreign providers of financial services. The NAFTA represents a significant potential opportunity for UNUM and the life insurance industry. As the economy and standard of living in Mexico grows, so will the demand for financial services.

That is a large company in a large city.

These companies support the agreement not because it provides a new labor market, but because it provides an important new export market for Maine products.

The global economy is continually changing. Tomorrow, the House of Representatives will decide whether the Nation will actively engage the challenges of this post-cold war world, or whether this Nation will reject new opportunities for the future. I believe that the North American Free-Trade

Agreement will provide historic opportunities for both Maine and the Nation in the 21st century.

I hope and urge that it be approved. The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I thank the majority leader for a very fine statement.

I wonder, before I make a brief statement, if I could pose a question to the majority leader.

In the event the House passes NAFTA tomorrow, would it be the intention of the majority leader to move as quickly as we could, or is there some other matter that might intervene?

Mr. MITCHELL. Mr. President, as always, I will consult with the distinguished Republican leader and the appropriate committee chairmen before making any scheduling decisions.

It remains my hope and intention that we will be able to complete this session of Congress by the close of business next Tuesday, one week from tonight. There are a number of other measures which we must act on prior to then, besides NAFTA, and I will discuss the best way to proceed to get all of them done with the Republican leader at any time of his convenience.

Mr. DOLE. I thank the majority leader. It might be maybe at sometime this afternoon the two of us might get together. We had a discussion on our side with the leadership, and I want to accommodate the majority leader wherever we can. Perhaps when we have any time this afternoon we could discuss it. Mr. MITCHELL. I look forward to that.

I would simply say that, without making any decision on precisely when we will do it, I am determined that if the House approves the North American Free Trade Agreement tomorrow, the Senate will not adjourn until the Senate has also approved it. That is something on which I can state without any hesitancy or equivocation.

Mr. DOLE. Mr. President, I share the views of the majority leader.

If the House does act favorably, as I believe they will, I certainly think we have an obligation to stay here until it is completed.

Mr. LEVIN. Mr. President, if the Republican leader will yield for a unanimous consent request, I ask unanimous consent that after he complete his statement I be allowed to proceed as though in morning business on NAFTA for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Senator BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the same allowance be made to the Senator from Montana. I frankly have about 8 min-

utes. I would like to speak on the same subject.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2:30 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that following Senator BAUCUS' remarks the Senate stand in recess to accommodate the respective party conferences until 2:30 p.m.

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

The Republican leader.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. DOLE. Mr. President, as the majority leader has stated, tomorrow is going to be a big day in the House of Representatives. It is going to be a day where I believe the Members of the House in a bipartisan way are going to approve the North American Free-Trade Agreement, I think with a few votes to spare.

I thank, first of all, my House colleagues who looked at this carefully, looked at the agreement carefully, and decided it is in America's best interest to vote in the affirmative on the North American Free Trade Agreement.

A lot of Members are still undecided, but I think now we are seeing most undecided Members say: "We are going to vote aye. We are going to vote for the agreement."

It is my hope that more will do that in both parties, because, as someone said, it is the right thing to do. This is not a partisan debate. It never has been a partisan debate. Nobody knowingly wants to put anybody out of work.

We think we are going to create more jobs and opportunities. There probably have been exaggerations on both sides of the debate on what it will do or what it may not do.

We have had debates on the Larry King show last night and last week. I am not certain how many votes were changed, but there has been a lot of focus on the North American Free-Trade Agreement. There has been a lot of focus in our State of Kansas where it is supported, I think, by the great majority of people.

I would say, as the Senator from Maine has indicated in his State, when you go out and take a look and talk to some of the businesses that say they are going to increase their employment if NAFTA is approved, it gives you a pretty good idea of why it ought to be supported.

And the same is true in the agricultural sector in my State and other States. Nearly every ag group in the State of Kansas supports the free-trade agreement because they believe it is going to benefit them. It may also ben-

efit Mexico. It may also benefit Canada. But, as our first and third largest trading partners, that is fine.

And I think we just need to continue to keep in mind that every time a dollar is spent in Mexico for imports, 70 cents of that comes back to the United States. And they are a fast-growing market.

It seems to me that our success in job opportunities and the future for growth in America is not going to depend just on Mexico, because, as has been pointed out many times, their economy is about one-twentieth of ours, but there are other countries in Central and South America sort of standing in line wanting to do the same thing.

What do they want to do? They want to trade with the United States. When they trade with the United States, it is going to create jobs and opportunities.

And if it fails—we have heard the arguments and I think they are fairly accurate—I do not believe that Mexico is going to show great sympathy. They will not announce sort of global amnesty for American companies. They will celebrate our frightened rejection of new trade opportunities. Then they will move to conquer markets we could have dominated.

It seems to me this is what is going to happen with the countries from the outside, maybe the Japanese, maybe somebody else.

Mexico, in the meantime, is going to continue to pursue free-trade arrangements with other Latin American countries, if NAFTA fails. Without NAFTA, Mexico will continue to pursue policies of growth and economic modernization.

It just seems to me we do not want to announce our retreat tomorrow, or whenever the vote is in the Senate, that we are going to retreat in the global marketplace. We do not want to huddle on the sidelines while the rest of the world decides where economic opportunities may be. We do not want to give up the fruits of 40 years of leadership in the world as champions of free trade, open markets, and rising standards of living.

Any way you pose the question, Mr. President, I think the answer is no. We do not want to do those things.

So I believe that NAFTA will be approved. I want to commend the President of the United States for his efforts. I want to commend, as I said, particularly my colleagues in the House for their efforts.

And I want to stand here as a Republican and praise Republicans for their support for the North American Free-Trade Agreement. They have recognized that this agreement was negotiated in the Bush administration and is going to be implemented in the Clinton administration; that it is totally bipartisan; that there is no time for partisanship. I commend my colleagues

on the Republican side in the House as I anticipate what the vote may be tomorrow.

I suggest we will even do better in the Senate. I think the percentage of votes in favor of the North American Free-Trade Agreement will be better in the Senate.

So I urge my colleagues who have not yet made a determination on our side of the aisle—the Republican side of the aisle in the Senate—that this might be a good day to do that, to indicate your strong support. Because every time somebody stands up over here and sends a positive message, it might help increase the margin in the House of Representatives.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from Michigan.

NAFTA

Mr. LEVIN. Mr. President, on a number of occasions I have taken this floor to explain my opposition to NAFTA; that there are many reasons to oppose it, one of the many reasons being that Mexico was allowed to continue, at a slightly reduced level, discriminatory restrictions on American autos and auto parts for 10 years.

Now, if you are pro-NAFTA, you say, "Well, after 10 years, they are going to get rid of their discriminatory restrictions on those products." But I do not think we ought to tolerate those restrictions for 10 more months, much less for 10 more years. And that is one of the many reasons why I stated my opposition to NAFTA.

The same thing is true with many other products in other parts of the country where under NAFTA, Mexico is allowed to continue discriminatory restrictions on our goods for 10 years.

But today I want to focus on the numbers game which the administration is playing about how many jobs will be created by NAFTA. The administration claims over and over again that NAFTA will create 200,000 new U.S. jobs by 1995. In fact, it is one of the central selling points of NAFTA. Way up in front of the literature that is produced to sell NAFTA you will almost always see that figure—200,000 new U.S. jobs will be created by 1995.

President Clinton said, "I believe NAFTA will create 200,000 American jobs in the first 2 years." Secretary Bentsen said, "We calculate that we'll pick up 200,000 more jobs in the next 2 years alone." Secretary Brown said, "The administration forecasts that NAFTA will create an additional 200,000 high-wage jobs by 1995." Ambassador Kantor said, "We estimate a gain of 200,000 [jobs], just in the first 2 years."

So the 200,000 jobs claim is a central selling point of the administration.

We decided to test that out in the Governmental Affairs Committee. We

invited the administration to come. We invited Ambassador Kantor, but he did not make it. Instead, they sent up the Acting Under Secretary of Commerce for Economic Affairs, Paul London. We held a hearing in the Governmental Affairs Committee and asked Mr. London to explain the basis for the 200,000 figure. He made some important revelations as to exactly how the administration bases its claim that NAFTA will result in 200,000 U.S. jobs by 1995.

Mr. President, I call the math that is used by the administration to make their 200,000 jobs claim "NAFTA math." The principles of NAFTA math would make most elementary school-teachers wince. For instance, NAFTA math only counts jobs claimed to be created by increased exports—that is the 200,000 jobs—while totally ignoring jobs that are displaced by increased imports from Mexico.

Now here is the way President Clinton and Secretary Bentsen came up with the 200,000-job figure. President Clinton says, "Every time we sell \$1 billion of American products and services overseas, we create 20,000 jobs." Treasury Secretary Bentsen then arrives at the 200,000 new jobs number based on a hoped-for increase of \$10 billion in United States exports to Mexico by 1995.

According to the administration's math—or NAFTA math—since each billion in exports is claimed to create about 20,000 jobs, \$10 billion in exports equals about 200,000 jobs.

That claim is a gross distortion. It looks at only half the story. If you use the whole picture and look at both exports and imports, jobs which will be lost because of the job displacement effect of increased imports from Mexico should be deducted from any jobs claimed to be created by increased exports.

But what the administration is doing is like looking at half a ledger—the revenue side—while ignoring the other half of the ledger—the expenses—and then claiming great profits.

In last Wednesday's hearing, Commerce Under Secretary London admitted that the 200,000-job gain number is a gross number based solely on hoped-for increased exports to Mexico. The Commerce Department, he acknowledged, has not deducted jobs displaced by imports from the 200,000-job gain claim that the administration is making. When I asked how many jobs would be lost from increased imports from Mexico, Mr. London said that some would be lost but no attempt was made to quantify that number.

So the administration has not even done the calculation regarding how many jobs are lost from imports, although they admit that some jobs will be lost. They do not even have a formula or a methodology to do the estimate on jobs lost from imports. But they have a very elaborate formula to calculate jobs gained from exports.

What we confirmed at this hearing, Mr. President, is that every single United States export to Mexico is counted as a job creator. By the way, even those exports which are not job creators in the normal sense, such as parts and components, that now shift to Mexico and that previously were assembled in the United States.

In looking at the 1992 United States trade balance with Mexico—exports and imports—the administration takes the export number—one-half of the ledger—and says that every single export is a job creator. They totally ignore the other half of the picture, the imports. Not one single import is counted by the administration as a job loser—not one. The import half is ignored. Every single dollar in the export half is given a job-creating number—every dollar. Every dollar on the import half is ignored. No losses or jobs are subtracted from the gains. One-half of the picture is presented to the American people in that 200,000 job claim of the administration.

Mr. President, it is time for the administration to play it straight and stop using distortions and NAFTA math to sell this agreement. If the administration is really as confident as it appears to be about its case for NAFTA, it should be willing to make that case without resorting to creative math.

Look at both sides of the picture, not just half. If you are going to attribute job gains to exports—and obviously many of them are job creators—then you have to look at the job losses that some imports create and deduct the job losses from the job gains when talking about NAFTA-created jobs. Otherwise, it is half the ledger, half the picture and a distortion which gives a false impression to the American people.

Mr. President, I yield the floor, and I thank the Chair.

(Mr. LEVIN assumed the chair.)

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

RESOLUTION OF CANADIAN WHEAT ISSUE

Mr. BAUCUS. Mr. President, I first want to compliment the majority leader and the minority leader for their recent statements very enthusiastically supporting the North American Free-Trade Agreement and also stating unequivocally the North American Free-Trade Agreement, if passed by the House, will definitely be passed by the full Senate. I think they are right in that assessment.

I also believe Senator DOLE, from Kansas, is correct in suggesting that with momentum moving toward those in favor of passage of the North American Free Trade Agreement, that passage in the House is not only likely but it is probably going to pass by more than one vote.

Mr. President, I rise to discuss the benefits of the North American Free-Trade Agreement as it applies to U.S. agriculture, particularly for wheat. Unfortunately, wheat farmers got a poor deal in the 1988 United States-Canada Free-Trade Agreement. They got a poor deal because the administration that negotiated the agreement cared little about the trade problems of wheat farmers. They cared a lot about a lot of the problems of other people but little about the problems of wheat farmers. As a result of their experiences with the Canadian Free-Trade Agreement, wheat farmers across the country, especially those in the State of Montana, have been especially concerned about free-trade agreements in general and specifically about the North American Free-Trade Agreement.

Most of us have a relatively positive image of Canada as a neighbor and a trading partner to the north, and in most areas this positive image is justified. More goods and services are traded between the United States and Canada than are traded between any other two nations in the world. The \$200 billion-plus annual trade between our two countries dwarfs trade between any other two nations, and both nations—the United States and Canada—benefit tremendously from bilateral trade.

But there are some problems. Canada has a penchant for erecting trade barriers in the form of subsidies that often spark trade disputes when the United States responds. I am hopeful that this dispute will not grow worse with the new liberal government in Canada.

But by far, the largest problem we have with Canada is agriculture. The Reagan administration largely declined to cover agriculture in the United States-Canada Free-Trade Agreement because they anticipated a successful conclusion to the GATT negotiations on agriculture; that is in the Uruguay round of negotiations on the General Agreement on Tariffs and Trade. Seven years later, however, these GATT negotiations still have not been concluded.

Not surprisingly, the United States-Canada Free-Trade Agreement is a very poor agriculture agreement. Wheat farmers have borne the burden. Both United States and Canada are world-class wheat producers, but the Canadians are allowed, under the Canadian Free-Trade Agreement, to use transportation subsidies to ship wheat to the United States, but the United States is forbidden from using these same export subsidies on shipments to Canada.

Further, Canada is able to maintain a Government-controlled monopoly to purchase all wheat grown in Canada and sell it on the world market. All transactions of the Canadian Wheat Board are secret, but knowledgeable observers have contended for years

that the Wheat Board consistently and intentionally undersells United States export prices to the detriment of American farmers. Our prices, our offers of sales overseas are not secret; they are essentially public.

Given these substantial competitive advantages built into the Canadian Free-Trade Agreement, it is not surprising that Canadian wheat exports to the United States have more than tripled in the last 5 years to reach 1.32 million metric tons last year. But United States exports of wheat to Canada have held steady at zero.

In addition, Canada has managed to keep United States wheat out of the Canadian market with a combination of import licenses and end use certificates and Wheat Board maneuvering.

Canada has also periodically been able to displace wheat exports to Mexico even though the United States has an obvious geographic advantage over shipping wheat to Mexico. Canada must actually ship wheat through or around the United States wheat fields to reach Mexico. Thus, the Wheat Board has been able to export wheat to Mexico using a combination of transportation subsidies and predatory pricing.

On November 4, the Canadian Wheat Board announced its intention to continue to export wheat to Mexico even if it means heavier unfair subsidies and more predatory prices.

The Bush administration failed to address all these problems by allowing Canada to unilaterally withdraw agriculture from the NAFTA negotiations. But the Clinton administration has reversed this pattern of neglect and taken four steps to address these inequities.

First, several months ago the Clinton administration announced that it would employ the Export Enhancement Program on exports of wheat to Mexico to counter Canadian subsidies. The use of EEP, the Export Enhancement Program, has been helpful in regaining United States market share in Mexico. Use of the EEP must continue until Canada agrees to end its subsidies to Mexico.

Second, the Clinton administration has agreed to include end-use certificates on wheat and barley imports from Canada in the legislation to implement the NAFTA.

These end-use certificates are essentially identical to the end-use certificates that Canada imposes on imports from the United States. They are essentially certificates that follow imports of shipments of wheat to their final destination. Their purpose is to ensure that imported wheat is not commingled with U.S. wheat and reexported at American taxpayer expense.

Wheat producers have insisted on these certificates for years, and now my colleagues from wheat States should understand a vote against

NAFTA is a vote against end-use certificates. If the NAFTA is turned down, there will be no end-use certificate program.

In light of the difficulty we have had passing these certificates over the last several years, we may not be able to locate another vehicle to pass this very important legislation.

Third, the Clinton administration today announced that it is prepared to take strong action to stop Canada's unfair trade practices. President Clinton has given Secretary of Agriculture Mike Espy 60 days to consult with Canada to bring an end to these practices. If the consultations are not successful, the administration will initiate a section 22 action to restrict Canadian wheat imports in the United States. This strategy is the only realistic approach to addressing unfair Canadian practices.

According to a recent study by USDA, imports of wheat from Canada have cost the United States \$600 million over the last 4 years in higher farm program costs. This is exactly the problem that section 22 is designed to prevent, and the United States specifically reserved the right to employ section 22 in the United States-Canada Free-Trade Agreement. Action is long overdue.

Finally, the administration has agreed to begin discussions with Mexico and Canada to define unfair trade of wheat. The administration will also press the Mexican Government to employ its unfair trade laws against Canadian wheat entering Canada to ensure a level playing field for American wheat farmers. Hopefully, these discussions will lead to a final solution to the wheat dispute in which all three countries agree to truly free-trade of wheat in North America.

In light of this impressive show of attention to their concerns, the National Association of Wheat Growers has now enthusiastically endorsed the NAFTA.

Many of us who represent sugar-producing interests should also be pleased to note that in the last few weeks an arrangement has been worked out with Mexico on sugar. The Bush administration, unfortunately, left a glaring hole in their version of the NAFTA that would have allowed Mexico to game the United States sugar program with bookkeeping tricks. The Mexicans could have gained almost unlimited access to the United States sugar market simply by substituting corn sweetener for sugar in its domestic soft-drink industry.

But once again, the Clinton administration worked effectively and quickly to address this loophole. A meaningful fix is now in place that is enthusiastically endorsed by the American sugar producers.

Over the last few weeks, the administration has been criticized by some, mostly opponents of the NAFTA, for

making changes to win NAFTA's passage.

The three biggest arrangements involve wheat, sugar, and citrus, but these deals are hardly cynical, back-room deals that sacrifice the public interest. In fact, in each case they strengthen the NAFTA and further the objectives of free and fair trade. I repeat, they strengthen the objectives of free and fair trade.

In the case of wheat, the arrangement actually advances the cause of free-trade by pressing Canada to eliminate transportation subsidies and other unfair trading practices. The action under section 22 is in direct retaliation for these unfair subsidies and will be lifted if Canada ends these practices. The NAFTA is strengthened by this so-called deal. It was entirely appropriate for the administration to seek to address these and other legitimate trade problems in the context of the NAFTA.

Further, the measures the administration has taken on wheat actually save taxpayers some \$600 million over 4 years. Those are figures according to the USDA.

In my part of the Nation, the debate about the NAFTA is primarily a debate about trade with Canada, not with Mexico. And the biggest trade problem with Canada involves agriculture, most notably wheat. By responding substantively to the problems ignored by previous administrations with regard to wheat, the Clinton administration has demonstrated that they are willing to defend American trading interests. The Clinton administration will implement the NAFTA in a manner that maximizes benefits to the United States.

The Clinton administration's actions demonstrate that it is capable of conducting a strong trade policy and promoting American interests. This administration has repaired the weaknesses of the United States-Canada Free Trade Agreement and the Bush administration's NAFTA.

I want my colleagues representing wheat and sugar farmers to make no mistake. The NAFTA is now a good deal for wheat and sugar farmers. Wheat farmers will be immensely better off with the NAFTA than without it, no longer at the mercy of unfair Canadian trade barriers.

I am confident the Clinton administration will do an equally fine job implementing the NAFTA, and I urge my colleagues in both the House and the Senate, particularly those concerned with the fate of wheat and sugar farmers, to support the NAFTA.

Mr. President, I yield the floor.

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. The Senate will stand in recess until 2:30.

Thereupon, the Senate, at 1:26 p.m., recessed until 2:30 p.m.; whereupon, the

Senate reconvened when called to order by the Presiding Officer (Mr. KERRY).

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut, [Mr. DODD], is recognized.

ORDER OF PROCEDURE

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business for a period of 6 minutes.

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

NAFTA

Mr. DODD. Mr. President, I want to rise this afternoon to spend a couple of minutes talking about the North American Free-Trade Agreement. I realize that tomorrow the other body will consider the North American Free-Trade Agreement and that there is a lot of discussion in this town about the merits and demerits of that proposal.

Let me, at the outset, say that a lot of attention has been paid, properly so, rightfully so, to the impact of the North American Free-Trade Agreement on the American economy and on the economies of our respective States and districts. I pointed out in this Chamber that for my State of Connecticut, I believe that the North American Free-Trade Agreement is a net plus in terms of the jobs that will be created. We have thousands of jobs in my State today that are directly tied to trade with Mexico.

I think the likelihood of expanding economic opportunities for those smaller high-technology firms and for larger companies will be enhanced with the adoption of the North American Free-Trade Agreement.

I want to put aside for a couple of minutes the impact on the North American Free-Trade Agreement on our domestic economy, as important as those issues are, and refer, if I may, to a column written the other day by someone I do not often find myself in agreement with. I speak of Charles Krauthammer who wrote a column called "The Liberal Betrayal." As I said, I do not normally find myself in agreement with Mr. Krauthammer on these issues. But I think the point he makes in his editorial is one that ought not be lost in the closing hours of the debate on NAFTA.

It was 10 years ago, in April 1983, Mr. President, that I was asked by then minority leader, ROBERT BYRD, of West Virginia, to provide the Democratic response to President Reagan's speech to a joint session of Congress on Central America.

At that time, I pointed out that I thought the problems that were confronting Nicaragua, El Salvador, and Guatemala were based, not on an East-West confrontation, but on the absence

of food, jobs, and decent shelter for families in those countries. If we could address the underlying problems that were causing so much difficulty in these nations, I argued that the kind of violent activities that we saw would by and large not be taking place.

I made a very strong case for it. I believed in it then, and I believe in it now. It is one of the reasons why I support NAFTA. It is not a perfect agreement. It has its problems, and it has its flaws. But I recall over the decade of the eighties the blood that was spilled on this floor as we fought over El Salvador, Nicaragua, and other countries in the region, arguing about what the source of their difficulties were.

The Reagan administration, in many regards, thought that a military solution was the answer. Many of us on this side argued just the opposite—that, if you deal with the underlying problems of social inequities, you could really provide some answers to the violence and unrest down there.

The great irony today in my view, is that the North American Free-Trade Agreement and future free-trade pacts that may follow are our best hope for raising the standard of living in this hemisphere. I do not think it is going to do it next year, or in 5 years, or in 10 years. But it can begin the process of providing a better life for people in these countries. I think it may help alleviate the economic problems that have been the source, in my view, of much of the turmoil that has plagued this hemisphere for a good part of this century and the previous one.

So I hope that as Members of the other body and this body, particularly on my side of the aisle, consider the North American Free-Trade Agreement they would not be unmindful of how important these issues are. If during the 1980's you agreed that the problems of Latin America ought to be focused on and dealt with on a social, economic, and political basis, here is your opportunity; maybe the only opportunity we will get before the close of this century to address exactly those issues that we thought were the cause of the problems.

So, Mr. President, I think there are good reasons for supporting this North American Free-Trade Agreement on the basis of what it does economically for our States and this country. But there are other good reasons to support this agreement as well.

For those who argue during the 1980's that Marxism and communism were not the sole reasons for the problems in Central and South America, here is your opportunity to finally be able to do something in a concrete way that will actually address the very issues you thought were important during the 1980's.

For that reason, I sincerely hope that the people who are still undecided on this issue will consider this aspect as

they weigh the merits and demerits in the closing 24 hours of debate before they will have that vote tomorrow in the other Chamber. And consider, just consider what a difference this might make in the future of the people who are seeking a better tomorrow for themselves and their families.

We are not going to do it through aid. There is not enough money in the appropriations process to make a difference that way. Trade can make a difference. It can raise the standard of living.

My hope is that argument will convince some who are undecided on this agreement and move them to support it.

Mr. HELMS. Regular order, Mr. President.

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Regular order is amendment No. 1194.

Who yields time?

ORDER OF PROCEDURE

Mr. BOREN. Mr. President, could I ask unanimous consent, if I might, to proceed as if in morning business just to respond for 3 minutes to what has been said by the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I will not object to this request. We all want to try to accommodate our Members. We are under a tight time limit on these other amendments. We want to, and indeed both leaders indicated, bring this to a conclusion. So I will not object at this time.

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

NAFTA

Mr. BOREN. Mr. President, I will be very brief and to the point.

I want to commend my colleague for the remarks he has just made. The Senator from Connecticut and I spent many hours in the past debating policies related to Central and South America. We have not always been on the same side. We both understood the importance of economic improvement of that region if we are going to have political and social stability. This is our own hemisphere we are talking about. This is our own neighboring nation that we are talking about in terms of the trade agreement with Mexico.

If we miss this historic opportunity to build this long-term economic relationship and to improve the economic strength of both nations, we are simply asking for additional economic insta-

bility in the region, more pressures on our border in terms of immigration, and more strains in our relationships in many other ways.

This will be a tragedy for this country if NAFTA is rejected by this Congress. It is important for the United States of America to be part of the largest market in the world. It is important for political reasons. It is important for economic reasons. Other nations want access to the largest market in the world. We will not have the largest market in the world if NAFTA is rejected. It is important in terms of our whole stance in terms of building a competitive economy that will provide jobs for our children and our grandchildren.

If we allow ourselves to give in to the tactics of fear in this debate, if we allow ourselves to be convinced that an economy 5 percent of the size of our own is so strong and can be so overwhelming in terms of our economy that we will shrink from competing with it, where will we have the courage to compete in the international marketplace anywhere else in the world?

Finally, we should stop to consider this point. If the American people truly believe that all the jobs are going to flee this country, to move to Mexico, or someplace else where there are far lower wages than there are in the United States, those jobs can go right now under existing law. Jobs can be moved across the border, plants can be moved across the border where there are lower wages, and those products that are produced under existing law can be sent back into the United States duty free right now.

So if the jobs are going to be lost, they are already going to be lost. In fact, in the future, as labor and environmental standards are improved in Mexico under this agreement, it will become less attractive, not more attractive for jobs to be moved out of the United States.

Let us think about something else. Mexico is now our second largest market in the world for manufactured products. It is the third largest market in the world for all products. Here is one example: I spoke to a manufacturer in Tulsa, OK, recently, who employs 250 people. His largest market now for the product he makes is Mexico. He has to pay a 15- to 20-percent tariff on all of the products he produces in Tulsa to ship into Mexico. He indicated to me that now he can move across the border, put his plant across the border, sell in Mexico duty free and still sell to the American marketplace duty free. If NAFTA does not pass, that is exactly what he will do, move his plant across the border so he can sell into the Mexican market without having to pay the Mexican tariff. If NAFTA is adopted, he will keep the 250 jobs in Tulsa, OK, because he will be able to sell into the Mexican marketplace without that tariff.

Let us think about the facts and not be led by fear. Let us take the long view, and let us have enough vision to understand what is in the true national interest of this country. Let us, instead of playing politics, act in the long-range interests of this country by ratifying the NAFTA agreement.

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. COATS. Mr. President, under the time remaining on my amendment, which I believe is 15 minutes, I yield 10 minutes to the Senator from North Carolina.

Mr. HELMS. Mr. President, naturally, I support the Coats amendment, but I want to talk in general terms about the underlying bill.

Talk about double standards. What this Senate is about to do is so flagrant, so devoid of logic and fairness, that it defies comprehension. Is this the world's greatest deliberative body that so many talk about so often? Or is it merely a politically correct outfit that is more interested in the next election than in the next generation?

Think about it, Mr. President. The Senate is rushing to declare that non-violent protests by one group of American citizens are criminal acts—but this same Senate is silent in seven languages about the advocates of every liberal cause that comes down the pike which is equally disruptive.

You name it, Mr. President, and in every case the political liberals are left untouched—the animal rights activists, the antinuclear power crowd, the antiwar zealots.

And then there are those motley people who constantly march in the streets for what they call "homosexual rights." By the way, Mr. President, I have never once heard one of the sponsors of the pending legislation voice a critical syllable about the vulgar people who parade up and down America's streets demanding that sodomy be regarded as "just another lifestyle." No, sir, they focus on the pro-life people, the people who are objecting to the deliberate destruction of innocent human life.

Then there are the noisy advocates of women's rights, D.C. statehood, so-called civil rights—and, of course, the advocates of the deliberate destruction of the most innocent, most helpless humanity imaginable—unborn babies. These advocates chant that they are pro-choice and the Senate never gives a thought to the question about the choice to do what.

So while the rhetoric of supporters of this bill, S. 636, focuses heavily on the issue of violence, the bill's language is in fact aimed at all pro-life protesters, not just the handful who are violent—and, incidentally, whose activities I oppose. There are and always have been

laws to punish violent and unlawful protests at abortion clinics or anywhere else, and these laws must be enforced.

But the sweeping language of this bill stipulates that even persons engaged in nonviolent sit-ins at abortion clinics, or who picket or distribute pro-life literature outside of abortion clinics shall be subjected to harsh criminal and civil penalties. You cannot find a mention of any other group.

This bill goes far beyond discouraging and punishing the reprehensible acts of a few violent extremists in the pro-life movement. This legislation seeks to silence the entire pro-life movement by forbidding, in effect, the willingness of individual pro-lifers to speak out, even peacefully, for fear of being selectively and aggressively prosecuted and/or sued in court by the U.S. Attorney General no less, and the State attorneys general, no less, or by any and all self-proclaimed "aggrieved" pro-abortion claimants.

Even if one assumes that the same penalties for nonviolent as well as violent political activities are necessary, the double standard of applying them only to pro-life protests is not. This double standard should lead the United States Supreme Court to find this bill unconstitutional on its face, because restricting and criminalizing an individual's motivation for his acts in this way, as opposed to outlawing the acts themselves, is a clear violation, I believe, of the Constitution's protection for freedom of expression under the First Amendment.

But, Mr. President, where is the Senate's indignation about other protest groups that, like the pro-life protesters, have a few extremists in their ranks? Why is the Senate silent in the face of actions such as the December 10, 1989, protest by 4,500 ACT-UP members who interrupted mass inside St. Patrick's Cathedral in New York; where 111 protesters were arrested for trespassing, disorderly conduct, and resisting arrest for acts such as chaining themselves to pews, spitting on and throwing condoms at church members, and desecrating the cathedral and the holy communion.

How about the firebombing of the Right to Life office in Gainesville, FL, this past February?

This past March 15, an abortion rights protector, while protesting outside a pro-life meeting at Holy Family Catholic Church, in South Bend, IN, was arrested for spitting on a Catholic priest.

On March 13 of this year, in Fremont, CA, pro-abortion rights protesters "taunted, yelled, kicked at, scratched, and chased a small group of men from the parking lot of Bethel Baptist Church where a statewide meeting of Operation Rescue had been planned. They also blocked entry to and exit from the church." I am quoting from

the San Francisco Examiner of March 14 of this year.

On September 19 of this year 75 to 100 homosexual protesters descended on Hamilton Square Baptist Church in San Francisco, banging on the church doors, destroying church property and jostling members of the church to protest the church's public opposition to homosexuality. No charges were brought against the protesters by the police.

Mr. President, not one of these types of protesters is covered by the enhanced penalties this bill sets up for both violent and nonviolent pro-life protesters.

I could go on and on and on, Mr. President. But where do we get off practicing double standards as being politically correct and important? I pray that this bill, when it is passed, will quickly end up in the U.S. Supreme Court, because I am eager to see how the justices will rule.

Mr. President, this is how the underlying bill works. The penalties established in the legislation apply only if the prohibited actions are committed because—because—a facility, or the services rendered or sought by an individual, are abortion-related. For example, the committee report, on page 24, states that the bill's penalties and prohibitions are not invoked if the protest activity is motivated by concerns about the environment, or for other reasons—making it clear that a protester's opposition to abortion, not the nature of his or her actions, is what will trigger their punishment under this legislation.

For instance, as the bill was originally reported out of committee and before the vote on the previous amendment, all pro-lifers violating this law would have been subject to a criminal fine of up to \$100,000, or imprisonment up to 1 year, or both, for a first offense. And for a second offense there is a fine up to \$250,000 or up to 3 years in prison or both.

These criminal penalties are draconian enough, but this legislation also allows anyone providing or seeking an abortion—or the U.S. Attorney General, or the States attorneys general—to sue pro-life protesters in Federal court for civil damages including compensatory and punitive damages, attorneys fees, and costs. And even if compensatory or punitive damages cannot be proved, this law gives pro-abortion plaintiffs the right to seek \$5,000 in statutory damages in lieu of actual damages. However, a pro-life defendant who successfully prevails in such a lawsuit is not entitled to collect attorney's fees, costs, or damages from the pro-abortion plaintiff under the bill, even if the pro-life protection proves the case was frivolous to begin with.

Mr. President, another egregious aspect of this bill is the fact that it does not distinguish between, on the one hand, nonviolent sit-ins and picketing by pro-lifers and, on the other hand, actual violence—which the majority of

the pro-life movement abhors as being inconsistent with the core of pro-life beliefs.

Under this bill, even nonviolent pro-life picketers will be forced to defend themselves in court. Pro-lifers will be hauled into court on the mere assertion of an aggrieved party that they were interfered with in obtaining or providing an abortion since—in their subjective judgment—even nonviolent picketing makes passage to or from an abortion clinic unreasonably difficult.

Even if a court later exonerates a pro-life protester on the basis that passage was not made unreasonably difficult in the court's judgment, the enormous cost in time and money to prove their innocence will discourage any participation in future protests even though they may be legal.

I say again, Mr. President, that under this bill, even nonviolent pro-life picketers will be forced to defend themselves in court. How much will that cost them in time and money?

Does this bill do that to labor union protesters or any of the other protesters who clog our streets from time to time?

Oh, of course, that is all right. Boys and girls will be boys and girls. Do not pay any attention to them. But, get those pro-lifers. And that is the real intent of this legislation.

I noticed in a letter from Janet Reno, Attorney General of the United States, to Senator KENNEDY, that was passed out just this morning, that Ms. Reno says: "I understand that S. 636, the Freedom of Access to Clinic Entrances Act, will be considered by the Senate," so forth so on. "I wish to restate my strong support for S. 636 and urge its enactment."

She goes on to say that she opposes "amendment of the bill to expand its coverage to other situations." Of course, what she means is she opposes expanding the bill to include any type of protester other than pro-life protesters.

So you see, Mr. President, she is going after the pro-lifers and no one else.

Now let us look at the issue from a different perspective—which brings us to the letter from the Secretary of Labor, Robert Reich, that was also passed out this morning. He says:

DEAR SENATOR KENNEDY: I am writing to express my opposition to an amendment proposed by Senator Orrin Hatch that would make it a Federal offense to physically intimidate or interfere with a person in connection with a labor dispute. The amendment would impose criminal and civil penalties and subject individuals to damages, including statutory damages of \$5,000.

Of course, Senator HATCH never offered this amendment, but look at what Secretary Reich goes on to say about applying the penalties for pro-lifers in this bill to labor protesters and strikers as well as the Hatch amendment would have done. He says:

The [Hatch] amendment is also unfair. It would permit the imposition of heavy federal fines and damages for one kind of wrong in a labor dispute while leaving others under the current rules, which make such conduct subject to injunctive relief, but not to civil money penalties, damages or criminal prosecution. * * *

[If the aggrieved employees respond by picketing and blocked a truck making deliveries to the employer's property, they would each be liable under the Hatch amendment for \$5,000 in statutory damages, plus costs, fees, compensatory damages, and punitive damages. In addition, they could be subject to one year's imprisonment and fines.

Mr. President, Secretary Reich makes the very point that we are trying to make on the floor today. Applying such draconian criminal and civil penalties to just one side of a political dispute, or one kind of protestors and not all protestors, is blatantly unfair. And that is precisely the point Senator HATCH intended to drive home with his amendment, if he had offered it, to include labor protesters under this bill's penalties.

Mr. President, I ask unanimous consent that the entire text of Secretary Reich's letter, as well as a detailed analysis of the bill from the Republican Policy Committee both be printed in the RECORD at the conclusion of my remarks.

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

DEPARTMENT OF LABOR,
SECRETARY OF LABOR,

Washington, DC, November 15, 1993.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express my opposition to an amendment proposed by Senator Orrin Hatch that would make it a federal offense to physically intimidate or interfere with a person in connection with a labor dispute. The amendment would impose criminal and civil penalties and subject individuals to damages, including statutory damages of \$5,000.

The amendment is unnecessary. There has been no showing of a nationally organized, interstate campaign of violence directed at a class of people in the context of labor relations as there has been in the context of abortion rights. Strike violence and picketline misconduct are generally handled by the National Labor Relations Board and local police authorities without the need for state intervention, let alone the intervention of the Justice Department. The vast majority of collective bargaining contracts are settled without strikes, and only a small number of strikes and lockouts involve violence of any kind.

The amendment is also unfair. It would permit the imposition of heavy federal fines and damages for one kind of wrong in a labor dispute while leaving others under the current rules, which make such conduct subject to injunctive relief, but not to civil money penalties, damages or criminal prosecution.

For example, under the terms of the amendment, an employer who threatened to fire his 100 employees if they voted for a union would not be subject to damages or criminal and civil penalties—only to a cease and desist order. If the employer carried out

his threat and did fire them, he would be liable only for back pay. But if the aggrieved employees responded by picketing and blocked a truck making deliveries to the employer's property, they would each be liable under the Hatch amendment for \$5,000 in statutory damages, plus costs, fees, compensatory damages, and punitive damages. In addition, they could be subject to one year's imprisonment and fines.

I urge the Senate to reject the Hatch amendment to the Freedom of Access to Clinic Entrances Act of 1993.

Sincerely,

ROBERT B. REICH.

U.S. SENATE,

REPUBLICAN POLICY COMMITTEE,
Washington, DC, November 15, 1993.

DEAR SENATOR HELMS: This is in response to your request for an assessment on the constitutionality of S. 636, the so-called Freedom of Access to (Abortion) Clinic Entrances Act. S. 636 imposes steep federal penalties (up to \$100,000 and/or one year in jail for a first offense, up to \$250,000 and/or 3 years for repeaters) on persons impeding access to medical facilities providing abortion of abortion referral, even in cases where there is no violence or threat of violence. In addition, expansive private civil remedies are provided for those "aggrieved by reason" of such conduct.

PUNISHMENT OF PRO-LIFE THOUGHT

The criminal standard of S. 636 is only met if the offender is acting because the facility provides abortion services. Thus, the opinion or viewpoint or thoughts of the offender directly constitute an element of the crime. This is clearly pointed out in the Committee Report (p. 24), which states that the operative section of the bill—

"... prohibits the intentional damage or destruction of property of a medical facility *only* if the offender has acted "because" the facility provides abortion-related services. Thus, for example, if an environmental group blocked passage to a hospital where abortions happen to be performed, but did so as part of a demonstration over harmful emissions produced by the facility, the demonstrators would *not* violate this Act (though their conduct might violate some other law, such as local trespass law). In that example, the demonstrators' motive is related to the facility's emissions policy and practices and not its policy and practices on abortion-related services." [Emphasis added.]

[Note: The Committee's hypothetical example of a protest over emissions policy does not address the applicability of the Act if emissions were the product of an incineration facility to dispose of aborted infants.]

A footnote to the above excerpt goes on to explain that the offender's motive constitutes "an element of the offense." In other words, the subjective intention of the offender to stop abortions is a necessary element of the crime, without which the Act does not apply. In short, the motivating thought is punished.

The constitutional infirmity of this aspect of S. 636 is pointed out by two noted scholars (Michael Stokes Paulsen of the University of Minnesota Law School and Michael W. McConnell of the University of Chicago Law School) in their written testimony to the Committee on May 20, 1993 (pp. 16-19):

"The most fundamental premise of First Amendment law is that government may not penalize speech or conduct on the basis of its content or viewpoint [according to a 1992 U.S. Supreme Court decision, *R.A.V. v. City*

of St. Paul; cited below as *R.A.V.*]. . . . [T]his principle applies even to government regulation of the *unprotected* aspects of expression: government may not regulate even unprotected speech or conduct out of hostility to the views being expressed by such conduct. . . . As the [Supreme] Court explained in *R.A.V.*, "nonverbal expressive activity can be banned because of the action it entails, but not because of the ideas it expresses." [original emphasis]

S. 636 WILL NOT PROTECT PRO-LIFE DEMONSTRATORS

The Committee Report (pp. 24-25) states (rather unconvincingly) that even pro-life counselling centers would be protected by S. 636. To address that issue, Senator Kennedy will substitute a Committee amendment for the original text when the bill is considered on November 16, in which "pregnancy" services are also covered. However, nothing in the bill's origin suggests that there is any other goal but protecting abortion clinics and that inclusion of other services in purely pro forma.

This is illustrated by the fact that S. 636 affords pro-life demonstrators have absolutely no protection from attack by pro-abortion activists. As Profs. Paulsen and McConnell point out:

"These hearings have shown (and far more evidence could be supplied) that lawful pro-life demonstrators often are assaulted by pro-choice activists and mistreated by local law enforcement authorities—in violation of their civil rights. If the drafters of this legislation were concerned about constitutional violations in the abortion context, they would provide redress against these unlawful acts, no less than against the unlawful acts of anti-abortion protesters. The one-sidedness of the proposed bill strongly suggests that it is an instrument of partisanship—of strong preference for one side in this rancorous public debate." [original emphasis]

Indeed, when it was recently proposed to add language to S. 636's companion bill in the House (H.R. 796) that would have extended civil remedies to pro-lifers assaulted by pro-abortion activists, the ACLU weighed in with a letter (July 29) stating the following:

"[W]e believe that clinic providers rightly fear that this amendment could be used to harass them. The expense of time and energy needed to defend these types of lawsuits would be enormous, and an onslaught of new federal nuisance suits would be extraordinarily burdensome to clinics who [sic] already find themselves under siege." [cited in October 25 letter to Senators by Doug Johnson of the National Right to Life Committee; his notation of grammatical error]

Not only does this illustrate the one-sidedness of S. 636—that its intent is to hit only pro-life, not pro-abortion, protesters—but it reveals what may be the more important intent of the bill: to have a "chilling effect" on perfectly legal picketing and leafletting activities at abortuaries. The same kind of nuisance suits from which the ACLU seeks to protect clinics would be greatly facilitated by S. 636 if brought against pro-lifers. If protesters who had no intention of committing trespass or otherwise engaging in lawful conduct were subject to such suits—even if they ultimately were vindicated—the legal costs and jeopardy of homes and property would be sufficient for many to decide to not take that risk. Many critics of S. 636 allege that this, even more than the unlawful trespass activities, is the more potent intention of the bill.

This is further highlighted by the fact that under S. 636 only the plaintiff (i.e., the

abortion) can be reimbursed for attorney and expert witness fees. The pro-life defendant cannot receive reimbursement, even he is vindicated in court. This is an open invitation to punitive, even spurious, lawsuits.

"RIGHT" TO ABORTION ONLY RIGHT PROTECTED

To return to the selectivity of the bill: not only is it squarely aimed at pro-life, versus pro-abortion, activities, it does not at all address non-abortion-related activities that also interfere with the exercise of legally protected rights. These include, in Paulsen and McConnell's summary: animal rights raids on research labs, anti-nuclear and anti-war sit-ins at nuclear power plants and blockades at campus recruitment offices, and "gay rights" interference with church services. They observe:

"If the drafters of this legislation were genuinely concerned about the effects of unlawful political protest tactics in general, they would broaden the statute to encompass all such instances of unlawful protest that interferes with the rights of others, irrespective of the object of the protest." [original emphasis]

The Committee Report attempts to defend the "thought crime" aspect of S. 636 by pointing out (p. 29) that the Supreme Court, in upholding a Wisconsin "hate crime" statute, stated that it is permissible to punish— "... conduct motivated by a discriminatory point of view more severely than the same conduct engaged in for some other reason or for no reason." [Wisconsin v. Mitchell; cited below as Mitchell]

Mitchell involved a Wisconsin statute upheld by the Court, whereas R.A.V., cited earlier, involved a similar city ordinance in the same state which the Court had struck down. The difference, according to law professor David M. Smolin of the Cumberland Law School (Alabama), is that the Mitchell statute—

"... involve[d] the enhancement of the penalty for a separate and preexisting crime against the person, aggravated battery, such enhancement being based on the intentional selection of the battery victim because of his race. The ordinance invalidated in R.A.V., by contrast, specifically targeted the expressive nature of certain symbols, such as a Nazi swastika, because of the hateful message sent by such symbols." [written testimony submitted to the Committee on May 18]

Finally, though this is not directly suggested by any of the authorities, I think it is permissible to distinguish the Mitchell statute from S. 636 in the following way. In Mitchell, the Court was dealing with what was already a crime of violence, where the hate thought component, as it related to selection of a victim, was treated by the statute as an aggravating factor. Indeed, the hate thought is intimately connected with the violence committed. In S. 636, on the other hand, we are dealing (in the case of physical obstruction) with a non-violent act, which would not constitute a Federal offense at all except for the thought motivating the behavior. The thought in question, moreover, has no natural connection to commission of violent acts, and indeed sees itself as preventing violence. In this respect, the case of *Bray v. Alexandria Women's Health Clinic*, 1993, is significant in its holding that 19th century anti-Ku Klux Klan statutes could not be applied to blockades of abortion clinic, because the effort was not to deprive women of their civil rights but to save infants. (Indeed, it was the finding of the *Bray* Court that the anti-Klan statutes were not applicable to abortion protests that gave birth to S. 636.)

OVERBREADTH AND VAGUENESS

Thus, it appears that the validity of S. 636 on this point would largely hinge on whether it appeared more directed at extending harsher punishment to already criminal activity, because of an aggravating circumstance (i.e., targeting), or whether it was really directed at the expressive content. The answer to this question, according to Smolin, may be related to the issues of "overbreadth and vagueness":

"Thus, for example, if S. 636 only covered acts of violence or actual violence, it would be more like the penalty enhancement statute . . . upheld in . . . Mitchell. By contrast, if S. 636 extends to political protests, or focuses on the message, then it is more like flag burning at a political protest, or like the ordinance invalidated in R.A.V."

Clearly, there are reasons to see S. 636 as quite broad. For example, the Committee Report claims that S. 636 is "modeled" on Federal civil rights laws, such as 18 U.S.C. Sec. 245 "which prohibits force or threat of force to willfully injure, intimidate, or interfere with any person" regarding voting. The Report neglects to mention, however, that S. 636 prohibits "physical obstruction" (as well as force and threat of force), a standard not found in the cited statute. As Prof. Smolin points out, this leads to a vagueness question:

"A sidewalk counselor stepping in front of a pregnant woman to offer her literature cannot know, as the Act is currently written, whether a momentary 'physical obstruction' violates the Act. As Judge Learned Hand once noted, '[o]ne may obstruct without preventing, and the mere obstruction is an injury * * * for its throws impediments in its way.'"

Prof. Smolin notes the invalidation by the courts of statutes seeking to prohibit animals rights activists from getting in the way of hunters:

"[T]he Second Circuit [has] held that a Connecticut statute making it criminal to 'interfere with the lawful taking of wildlife by another person' was unconstitutionally vague on its face. The Second Circuit stated that the term 'interfere' 'can mean anything' and 'is so imprecise and indefinite that it is subject to any number of interpretations.'" [Dorman v. Satti, 1988]

I hope the foregoing is of use to you.

Sincerely,

JAMES GEORGE JATRAS,
Policy Analyst.

The PRESIDING OFFICER. The 10 minutes yielded to the Senator from North Carolina has expired.

Who yields time?

Mr. KENNEDY. Mr. President, I understand that I have 4 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself that time.

Mr. President, the amendment of the Senator from Indiana is really unnecessary. Our bill does not address peaceful protest by either side. A protester who is assaulted has remedies under State law.

There is no nationwide pattern of violence against the protesters. That has really not been the case. There may be anecdotal stories and information, some of which have been referred to. But there is no nationwide pattern of

violence against protesters, and that has not been established.

Our bill is evenhanded. It does not give demonstrators on either side the right to sue. It does not give either the prochoice or the prolife demonstrators the right to sue.

As reported by the Labor Committee, S. 636 permits any person aggrieved by the prohibited conduct to sue for damages or injunctive relief.

That could have been read to permit suits against abortion clinic attackers brought by a patient or doctor or also a clinic defender or prochoice demonstrator.

Some felt this unfair because prolife demonstrators who have assembled outside the same clinic would not have the same right to sue for interference with their rights.

As modified, the bill will permit suits only by the persons involved in or obtaining or providing, or seeking to obtain or provide services in the facility.

Thus, the measure now makes clear that it creates no new remedies for activists on either side who claim that demonstrators on the other side have been interfering with their rights.

The pending Coats amendment would give prolife demonstrators a chance to bring harassment suits against providers, clinics, and doctors—those we are trying to protect. Any time there is any jostling between the demonstrator on either side of the abortion debate there will be a suit. There is a real basis for this fear.

Randall Terry recently set up a new Legal Offense Fund dedicated to filing multiple lawsuits against anyone alleged to have abused prolife demonstrators. His fundraising letter says:

Your gift today will help the American Anti-Persecution-League establish a \$100,000 Legal Offense Fund. Notice I didn't write legal defense fund.

Instead, AAPL will fund attorneys to go on the offensive against anyone who abuses prolife demonstrators. They are going to play legal hardball. They are going to win.

Our weapon will be multiple civil lawsuits.

So a cause of action for prolife demonstrator will transform the bill from a clinic access bill to a clinic harassment bill, further clogging the Federal courts in the process. Since the bill now provides no private right of action by demonstrators on either side of the abortion debate, it would be particularly unfair to expand it to provide prolife demonstrators with a cause of action for alleged interference with their rights.

I will include the letter from Janet Reno, a copy of which is at each Senator's desk. She says there is no record demonstrating the need to expand the bill to cover this situation Senator COATS has talked about, and she knows this expansion of the bill would be inconsistent with the proper distribution of law enforcement responsibilities between local and Federal authorities.

I ask unanimous consent that the letter from Attorney General Reno be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, November 15, 1993.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that S. 636, the Freedom of Access to Clinic Entrances Act, will be considered by the Senate on Tuesday, November 16. I wish to restate my strong support for S. 636 and urge its enactment.

As I stated in my testimony before the Committee on Labor and Human Resources, this legislation is essential to curb an escalating pattern of interference with the access of women to abortion services. This interference has gone beyond the legitimate expression of opposing views as opponents of abortion have resorted to force, threats of force, physical obstruction and destruction of property. These activities have occurred in all parts of the country and have overwhelmed the ability of local law enforcement to respond.

The Department of Justice is fully committed to using all of the tools now at its disposal to address this problem. The limits to our existing authority, however, make enactment of S. 636 essential.

S. 636 is narrowly drawn to address this problem. It contains strong, but necessary medicine to address the specific problem of interference with access to abortion services. The creation of a new federal crime and civil cause of action is justified by the nationwide scope of this problem, its severity, the inadequacy of local law enforcement to address it, and the important constitutional right that is being protected. A strong legislative record has been created that justifies this expansion of federal authority.

The narrow focus of this bill on activities that interfere with access to services related to pregnancy or abortion is important to the justification for its enactment. I oppose amendment of the bill to expand its coverage to other situations. No record exists demonstrating that expansion is necessary to address equally serious interference on a nationwide scale with another constitutional right, which local authorities are not equipped to protect adequately. Without such a record, expansion of the bill's coverage would be inconsistent with the proper distribution of law enforcement responsibilities between local and federal authority. Such expansion would weaken the bill. The Department of Justice, therefore, supports enactment of S. 636 in its current form.

In conclusion, I urge the Senate to pass this important legislation.

Sincerely,

JANET RENO.

Mr. KENNEDY. I hope the amendment is not accepted.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. COATS. Mr. President, it is my understanding the Senator from Massachusetts will be offering a second-degree amendment to my amendment shortly. I think we should move to that fairly expeditiously.

I will just say, in the time that I have remaining, that what we are at-

tempting to do here is to balance two rights.

One is the legal right of access to an abortion clinic for women seeking services from that clinic.

The second is the right of those who have convictions to the contrary to protest same through legal means.

A cause of action exists against those who block that access if they violate the standards as set forth in Senator KENNEDY's bill. But no cause of action exists for those who are legally protesting that action if the same actions occur against them as occur against those seeking access.

So we are attempting to balance those two rights. We think those rights are guaranteed under the Constitution and that we ought to try to find some semblance of balance.

We do not believe that Senator KENNEDY's rule of construction as outlined in the legislation has the effect of law in balancing that right, and it certainly does not do anything toward providing the cause of action which we hope by providing cause of actions on both sides will eliminate the violence that has occurred at these clinics that everyone on this floor wants to try to reduce or eliminate.

That is the argument I will be making against the Senator's second-degree amendment and in favor of my amendment.

If the Senator from Massachusetts wants to yield back his time under the underlying Coats amendment, I will yield back the remainder of my time, and we can go to the second-degree amendment.

Before I do that, I will be happy to yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague because I appreciate the battle that is waged here. This is never an easy issue. I really appreciate the effort that he has made.

I was concerned about part of the earlier debate when one of our very dear Senators came on the floor, who I do not think understands the bill very well, because the bill does not address at all the problem of pro-abortion violence at abortion clinics. Remember what I said. It does not address at all pro-abortion violence. That is pretty important because this is hardly a neutral bill under constitutional law.

In the context of protests at abortion facilities, the bill's criminal and civil penalties will only apply against pro-life people. We all know there is violence on both sides from time to time. I do not countenance violations from wherever it comes. I think it is a denigration of the pro-life cause for anybody who claims to be pro-life to be violent or to create violence. But there is some pro-choice violence at these clinics too, and there is nothing done in this bill to take care of that.

The bill, as I view it, will, therefore, give pro-abortion activists a virtual license to harass pro-life people without any consideration at all to the other side of this question.

I think the Coats amendment is needed to achieve peace on both sides. I commend the distinguished Senator for being willing to come here and make this point.

In their understandable eagerness to protect abortion clinics from violence, the drafters of this bill have, I am afraid, been insufficiently attentive to first amendment values and rights. I believe that it is possible both to protect against violence at abortion clinics and to safeguard first amendment rights.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATCH. I yield myself 2 additional minutes from the bill.

The PRESIDING OFFICER. The Senator has that right. The Senator is recognized.

Mr. HATCH. As I said, I believe that it is possible both to protect against violence at abortion clinics and to safeguard first amendment rights. The Coats amendment would do just that, and I urge my colleagues to support it.

Let us begin with the fact that violence and abuse at abortion clinics comes from both sides of the line. I am not going to argue over which side is nastier. On different occasions, one side or the other may be. The important point is to put an end to the violence and abuse on both sides. This bill is one-sided and that is the problem and that is what the distinguished Senator is pointing out. Imagine for a moment that S. 636, in its current form, were to become law. Suddenly, those on the clinic side of the battle would have a virtual license to harass and provoke peaceful pro-life protesters, since they would know that the slightest bit of retaliation would subject to pro-lifers to the severe penalties of the bill. Contrary to what has been said by some, recent revisions to S. 636 do not remedy this imbalance. History teaches us clearly that you do not achieve peace by disarming only one of the combatants. The way to achieve peace is to treat both sides equally, and to make clear that conduct that is unacceptable by one side will be unacceptable by the other.

This common sense is reinforced by the first amendment. Just as persons seeking abortion are exercising a protected right, so are persons speaking out on abortion. The Coats amendment would simply ensure that first amendment rights are protected as much as the right to abortion.

In short, anyone who values first amendment rights at least as much as abortion should support the Coats amendment.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I am prepared at this time to send an

amendment to the desk. The Senator from Indiana has yielded back his time, as I understand it, and I would be prepared to do so also.

The PRESIDING OFFICER (Mr. WELLSTONE). The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I believe my time has expired as well, and, if not, I yield back the remainder of my time.

AMENDMENT NO. 1195 TO AMENDMENT NO. 1194
(Purpose: To protect rights guaranteed under the first amendment)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mrs. BOXER, proposes an amendment numbered 1195 to amendment No. 1194.

In lieu of the matter proposed to be inserted, insert the following:

SEC. . RULE OF CONSTRUCTION.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to interfere with the rights guaranteed to an individual under the First Amendment to the Constitution, or limit any existing legal remedies against forceful interference with any person's lawful participation in speech or peaceful assembly.

Mr. KENNEDY. Mr. President, if there are concerns that have been expressed about interfering with first amendment rights, what we are saying very clearly here is we are not trying to add, we are not trying to detract. Whatever is out there now with respect to first amendment rights, we have included in the legislation, and we are glad to restate it again here this afternoon.

Mr. President, I yield myself 5 minutes.

Mr. President, I am somewhat amazed at the statements of my friend from Utah about the one-sidedness of this legislation, because nothing could be farther from the truth, or any reference to the legislation itself.

It talks about pregnancy or abortion-related services—pregnancy services on the one hand and abortion-related services on the other. And then in the definitions of pregnancy or abortion-related services, the term "pregnancy or abortion-related services" includes medical, surgical, counseling, or referral services provided in a medical facility relating to pregnancy or the termination of a pregnancy.

That was very well crafted to include pro-life centers and counseling centers, referral centers, as well as those that are going to provide abortion services to women.

So, quite frankly, we have tried to demonstrate—not tried to demonstrate; we have made sure that this legislation would be balanced in that particular way, even though we were

hard-pressed to find any evidence other than anecdotal evidence about the threats to pro-life facilities.

So I think that is very important to just mention at this time.

Mr. President, the amendment that I have just sent to the desk is to eliminate any doubt that this bill will not interfere with any person's right under the first amendment or limit any existing legal remedies against forceful interference with anyone's lawful participation in speech or peaceful assembly. There are remedies now in the law for people who are protesting and exercising their first amendment rights who may be injured in the process by counterdemonstrators. They can sue for damages under State tort laws.

My amendment makes clear that nothing in this bill limits those remedies. And the amendment on behalf of myself and the Senator from California further makes clear that no new Federal suits can be brought by either side, demonstrators or counterdemonstrators. And I believe that certainly addresses any misunderstanding or misapprehension that Members may have on that issue.

It is not a new issue. It is one that we have faced during the course of the development of the legislation in the committee and as we were debating and discussing it or with our colleagues. Senator DURENBERGER and Senator KASSEBAUM have a very clear understanding as to exactly what we are doing in terms of the balance of this legislation and in relation to these first amendment rights.

So I am hopeful, Mr. President, that we will have acceptance of this amendment, which has been offered by the Senator from California and myself.

I yield 7 minutes to the Senator from California.

Mrs. BOXER. I thank the chairman for yielding to me. I am very pleased to be working with him on this amendment.

The Kennedy-Boxer second-degree amendment is a unifying amendment. It is bringing us together as Americans. It is saying quite clearly that every single person in this country has a right to have their first amendment rights protected and that, in fact, notwithstanding anything in this law, anyone can sue if their first amendment rights have been interfered with.

It does not talk about who is anti-choice or pro-choice, Mr. President. It just says all of us as Americans, whatever our view on any subject, have a right to free speech and to have that right protected.

So I really do believe that we should vote for this second-degree amendment.

Now, the Senator from Utah says that the legislation without the Coats amendment is one-sided. I refer my friend, the Senator from Utah, to page 5 and 6 of the bill where it is clearly

stated in section 2715 that anyone who commits violence, either at an abortion clinic or at a pregnancy counseling center—which, by the way, includes both sides of this equation—shall be subjected to penalties. So the bill applies quite equally, as you can see on page 6, both to abortion-related services or pregnancy-related services.

I am very pleased to be a cosponsor of this particular amendment. I am proud to be a part of it because I think where the Senator from Indiana is taking us is on a very divisive path. He is singling out one group, when, in fact, the bill itself, Mr. President, is quite even-handed. It warns all of our citizens, whatever side you are on on this subject, pro-choice or anti-choice, that you better respect people's first amendment rights, and that you better respect people's right to live in peace without violence.

So I hope that we will adopt this amendment. I want to read it again:

Notwithstanding any other provision of this act, nothing in this act shall be construed to interfere with the rights guaranteed to an individual under the first amendment to the Constitution or limit any existing legal remedies against forceful interference with any person's lawful participation in speech or peaceful assembly.

I call this, in my opinion, the unifying amendment, and I hope that it will be adopted. I hope we can then move on with this very important bill. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Will the distinguished Senator yield some time?

Mr. COATS. I will be happy to yield some time to the Senator from Utah. We are operating on a 40-minute equally divided timeframe. How much time does the Senator wish?

Mr. HATCH. If I can have 5 minutes.

Mr. COATS. I yield 5 minutes to the Senator from Utah.

Mr. HATCH. Mr. President, as I read this amendment:

Notwithstanding any other provision of this act, nothing in this act shall be construed to interfere with the rights guaranteed to an individual under the first amendment to the Constitution or limit any existing legal remedies against forceful interference with any person's lawful participation in speech or peaceful assembly.

If that read that we intend to give the same rights to pro-life protesters as we do to pro-abortion protesters, then I could see there was fairness here. But apparently there is no desire to give exactly the same protections to those who are pro-life people as they want to give to pro-abortion people. That is the difference here.

I guess the authors of the amendment are hoping that the courts will not see this subtle difference. Why not give the same first amendment protection to the pro-life people as you are giving to the pro-abortion people in this bill? The only answer is that some

people appear to value abortion more than they do the first amendment.

Mrs. BOXER. Will the Senator yield for a moment?

Mr. HATCH. If I can just make these points and then I will be happy to.

Mrs. BOXER. Sure.

Mr. HATCH. The second-degree amendment does not address the problem of pro-abortion violence at abortion clinics. It protects the abortion facilities and this bill probably protects pro-life facilities. What it does not do is protect pro-life protesters the same as it protects pro-abortion protesters at abortion clinics.

What Senator KENNEDY has said is beside the point when he talks about other respects in which the bill is arguably neutral. It is not neutral in that respect, and that is the defect in this bill; it is a constitutional defect in this bill. The second-degree amendment of the distinguished Senators from Massachusetts and California does not give those whose first amendment rights are interfered with any right to enforce those rights. That is the constitutional point that I am making.

If you read on page 5, it says:

Prohibited Activities. Whoever (1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from obtaining or providing pregnancy or abortion-related services.

It is limited to protect those who are pro-abortion at or near these facilities, but it does not protect the pro-life people from vicious attacks or violence by pro-abortion people at abortion clinics. That is the point that I am making. It is an important point. It is one you just cannot cast aside because you write an amendment that looks like you are protecting everybody's first amendment rights and freedom. The fact is that amendment does not do that. It does not resolve that particular problem.

The inequality in this bill is at the abortion clinics. That is where the inequality is.

I yield back the remainder of my time to the distinguished Senator from Indiana.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator is just incorrect. If he would look at page 7 of the legislation, it talks about rights of action: Any person aggrieved by reason of the conduct, who is a person "involved in providing or seeking to provide or obtaining or seeking to obtain services in a medical facility that provides pregnancy or abortion-related services."

So it limits the rights of action. Then the legislation in the rules of construction talks about "Nothing in

this section will be construed or interpreted to prohibit expression protected by the first amendment or create new remedies for interference with expressive acts protected by the first amendment occurring outside of a medical facility regardless"—regardless—"of the point of view expressed."

The Senator can keep saying that it only does it for one and does not do it for the other and can take up all the time. We are certainly satisfied, and not only are we satisfied, but we have the support of Senator DURENBERGER and Senator KASSEBAUM, who originally took that position, who were careful in terms of making sure that it was going to be balanced and fair, evenhanded. That is what their letter is all about. How much time do I have?

The PRESIDING OFFICER. The Senator has 11 minutes 26 seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I thank the chairman for yielding. Again, it is strange to have legislation in front of you which is clearly evenhanded which has the support of people who feel the same way as the Senator from Indiana and the Senator from Utah on the issue of abortion and believe that the Coats amendment is wrong and the Kennedy-Boxer approach is correct. It is like we are debating two different things.

Again, I urge my colleagues and friends to simply read the underlying bill. Page 5, page 6, page 7 repeats the appropriate language over and over again. What it basically says is this: If you commit violent acts or you intimidate, harass or hurt people, no matter what your views are, you are going to be in trouble for it. That is what this bill ought to do. It should stop violence no matter what your philosophical point of view is on the issue of abortion. And that is what the bill does.

The second-degree amendment should put the Senators' minds to rest. If they are not happy with the legislation, my goodness, it is clear enough, as Senator KENNEDY has explained over and over and over again. He now offers this amendment which clearly states that every single person in the United States of America is entitled to first amendment rights, and notwithstanding this legislation or any other, they have the right to bring action if their rights are interfered with.

So, Mr. President, I do not mind debating it on the facts. It is fair to disagree with one another on the facts, but I have to second the Senator from Massachusetts, the chairman of the committee, on his point, which simply says that this bill is evenhanded. To stand up here and say that it is not goes against the very words in this bill which clearly show that it relates to pregnancy or abortion-related services. So we are covering both aspects here. I cannot imagine how a Senator, like Senator DURENBERGER would be with

us on this bill, and others, who happen to share the view of the two Senators from Utah and Indiana; that they would not be with us if they felt we were not being evenhanded. I yield the floor.

Mr. HATCH. Will the Senator yield to me?

Mr. COATS. I will be happy to yield the Senator from Utah additional time to respond.

Mr. HATCH. I would like to ask the question. Can either the Senator from Massachusetts or the Senator from California answer this question? Can pro-abortion protesters be punished for violence at abortion clinics? And the answer, I might as well give to you, is no, under this bill. Abortion protesters may be protected at pro-life clinics or pro-life facilities, but pro-abortion protesters cannot be punished under this bill for violence at abortion clinics the way it is written. And the answer to that is no, even if they are violent against the pro-life people.

No matter what they do at abortion clinics, they are not punished under this bill. That is as clear cut as I can make it, and that is what your bill says and that is why the COATS amendment is so needed.

I yield back the remainder of my time.

Mr. KENNEDY. I yield myself 1 minute. That is the most cockamamie reasoning I have heard in the Senate.

Mr. HATCH. Show me in the bill.

Mr. KENNEDY. What we are talking about is the ability to gain entrance. We are staying away from the protesters outside, pro-life or other protesters outside of a clinic. We are staying away from that. The Senator might like to get into that, but we are staying away. We have a very targeted, limited guarantee to individuals who want to be able to go into that facility. That is what we are talking about. Now you can debate all afternoon if you want to and say this is dealing with protesters here and protesters there. If that protester is threatening with violence and committing violence or obstructing the entrance there, then they are covered in here.

What happens out across the street we are not saying; we are not getting involved in that. We are saying whatever the law is on the first amendment now is the law when we pass that bill. So if the Senator wants to say, "Well, what happens if there are pro-choice demonstrators, where in the bill are you handling pro-choice demonstrators; show it to me." If they commit violence at a facility, they are included. If they do not, and fall outside the definitions, they are not. That is true whether it is a pro-life facility or a facility that offers abortion. That is the answer.

Mr. HATCH. Then the answer is "no," that it is not true that pro-abortionists can be punished for violence at

abortion clinics. What we are asking here is can you punish pro-abortion protesters or pro-choice protesters, whatever you want to call them, if they attack pro-life protesters at an abortion clinic, and the answer is "no" under this bill.

Mr. KENNEDY. Excuse me. Yes, they are, under this bill.

Mr. HATCH. Show me the language, because it is not in here.

Mrs. BOXER. If I could just say—

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 3 more minutes.

Mrs. BOXER. I thank the Senator.

I would just add my voice to the incredulous response of the Senator from Massachusetts to some of these statements.

Whether or not this bill passes, there are laws in each and every State against violence, against abuse, against attack. What we are looking at in this bill is the clinics themselves, regardless of whether they are providing abortion services or whether they are providing pregnancy counseling and alternatives to abortion.

But for the Senator to stand up and say that people who commit violent acts are not going to be arrested or detained—in other words, what I am saying to the Senator is that we have laws in this land that deal with this. The Senator from Massachusetts says we are talking about clinics, we are talking about people having the right to move forward, to gain entrance to a pregnancy counseling center, as you may call it, or to a health facility where abortion is provided. This is evenhanded.

Mr. HATCH. Will the Senator yield?

Mrs. BOXER. People who break the law will pay the consequences.

Mr. HATCH. Will the Senator yield?

Mrs. BOXER. Yes.

Mr. HATCH. Many States have laws that would provide some action against it. We are talking about a piece of legislation here you are trying to pass that is unconstitutional in this respect because it is not neutral. The point I am making is the bill does not provide any remedies for pro-abortion violence at abortion clinics. Pro-choicers will not be subject to the same penalties as pro-lifers engaged in identical conduct at the same site.

Now, that is the problem with this bill. That is the problem that the distinguished Senator from Indiana is trying to correct. If he does not correct it, this bill will not be neutral, this bill will not be constitutional, and all the efforts that you are putting forth at this point will be in vain.

What is the problem with clarifying the language and saying that if pro-abortion or pro-choice protesters attack pro-life protesters at an abortion clinic, they can be subject to the same penalties as pro-life protesters who at-

tack pro-abortion protesters? I do not think the pro-life protesters should do that. I do not think that they should be able to get away with that. But neither do I think that pro-choice protesters ought to be able to get away with that. That is a fundamental weakness of this bill. To his credit, the distinguished Senator from Indiana is pointing that out very clearly. That is what his amendment is about. Frankly, I do not see any argument. To just say everybody has the first amendment rights does not cure the defect.

Mr. COATS. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 14 minutes and 51 seconds remaining.

Mr. COATS. And the Senator from Massachusetts?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining.

Mr. COATS. Mr. President, let me make a couple of points. No. 1, what Senator KENNEDY has attempted to do is utilize a rule of construction to address the concern that has been raised by myself and the Senator from Utah and others, and particularly in regards to that rule of construction I would like to raise the question as to whether or not that validly addresses the issue the authors think it does.

We received in committee written testimony from two distinguished professors, Professor Paulson from the University of Minnesota Law School, as well as a recognized constitutional scholar, Prof. Michael McConnell from the University of Chicago Law School, and I quote from them. They say:

Such a savings provision—

That is, this rule of construction—

does nothing to save the statute from vagueness or overbreadth problems. It does not define more precisely the terms being used, nor does it narrow the scope of constitutional applications of the statute. Indeed, Senate bill 636 omits language contained in the House version of the bill which, while insufficient, at least makes clear that certain expressive activity is not sought to be regulated. The House bill, as marked up in committee, provides that this section does not prohibit any expressive conduct including peaceful pickets or peaceful protests protected by the first amendment.

So point No. 1 is we question whether or not a rule of construction can be the savings provision that the authors intend it to be to deal with this problem of providing the first amendment rights to individuals protesting the actions taking place at the abortion clinics. And some distinguished constitutional law professors have said it does not serve that purpose.

Second, we are in trouble here today because the Kennedy amendment adds a new standard by which individuals can be held accountable and subject to civil and criminal penalties. It adds the standard of physical obstruction. Much of our debate today has centered

around this new standard, but people have not realized that this was added to the standards outlined in the original Civil Rights Act.

Now, physical obstruction gets us into trouble here in defining just how we apply these penalties, because we get into the situation talked about this morning of a nun or group of nuns or religious protesters or any protesters occupying a public place, say, a sidewalk, in front of an abortion clinic in a peaceful protest, say, sitting on the sidewalk singing hymns or praying, and constituting physical obstruction because those who are seeking access to the health clinic have to step around or step over or step through those individuals.

That now is a cause of action against those individuals who are lawfully protesting and subjects them to both civil and criminal penalties and may find themselves in jail paying a very substantial fine.

"Physical obstruction" is the term that is new to civil rights law. The bill presented here by the Senator from Massachusetts is modeled on the 1964 civil rights law, but that law did not contain the phrase "physical obstruction," and therefore we are dealing with a new standard.

I would like to get back to the point everyone was talking about this morning in terms of the goal of this bill. The goal of this bill, as proponents of the bill talked about this morning, was to end the violence; we have to find a way to stop the violence that is occurring at these abortion facilities.

We all abhor that violence, and we all are seeking to find a remedy for that violence, to at least reduce it, and hopefully eliminate it.

The Senator from Massachusetts has proposed that we apply portions of the 1964 Civil Rights Act with very tough penalties. He said we have to have something with teeth in it in order to stop this violence. So we have these very tough civil and criminal penalties that are applied.

But as the Senator from Utah has repeated, and I have said over and over, they are not applied in an equitable manner. So violence that might occur at an abortion facility—force, intimidation, interference—which is conducted by pro-life individuals protesting the action taking place at that clinic against pro-abortion activists, that violence raises causes of action with very severe civil-criminal penalties against persons perpetrating that violence. But if the tables are turned and the pro-abortion individuals do exactly the same thing to the pro-life individuals at that clinic, no new cause of action arises.

That is the inequity which exists in the substitute amendment offered by the Senator from Massachusetts, which we are trying to remedy with these amendments. Senator SMITH offered an

amendment earlier, which, unfortunately, was rejected, trying to separate the penalties for violent and non-violent. It was amended by Senator KENNEDY and they are reduced thankfully, but the penalties still exist.

What I am trying to do is simply say that those individuals who are exercising lawful protest, who are guaranteed them under their first amendment rights, if those individuals are subject to the same kind of threat of force, attempt of force, intimidation by proabortion activists, if they are subject to that same action, they ought to also have a cause of action that provides equity on both sides. It is only when we have that equity on both sides that we will reduce the violence or hopefully eliminate the violence that is currently taking place which we all do not condone and we all abhor.

That is the reason, in order to get to that question, in order to get to a vote on the Coats amendment, that we have to defeat the second-degree amendment offered by Senator KENNEDY which I contend—the Senator from Utah and many others contend—will not address the question.

So, Mr. President, at the appropriate time, when the debate is finished, I will move to table that, and we will have a vote on it.

At this point I yield, reserving the remainder of my time.

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

Mr. President, I know that the Senator from Indiana is troubled by the words "physical obstruction." The Senator used that very term in his own bill at the time of the markup, justifiably so.

I will include in the RECORD the justification for that, the United States Code and the Supreme Court cases which define that as a definable term.

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

KEY TERMS IN BILL ARE NOT UNCONSTITUTIONALLY VAGUE OR OVERBROAD

1. PHYSICAL OBSTRUCTION

In *Cameron v. Johnson*, 390 U.S. 611 (1968), the Supreme Court held that a statute prohibiting picketing in such a manner as to "obstruct or unreasonably interfere with free ingress or egress" to and from court-houses was not vague or overbroad under the First Amendment. The Court held that the statute "clearly and precisely delineates its reach in words of common understanding. It is a precise and narrowly drawn regulatory statute." Id. at 616. The term used in our bill—"physically obstruct"—is narrower than "obstruct or unreasonably interfere," and therefore clearly valid under *Cameron*.

Many other statutes prohibit "obstructions" of various kinds. For example,

43 U.S.C. 1063, prohibiting obstruction of transit over public lands by the use of "force, threats, intimidation . . . or other unlawful means" has been on the books since 1885, and was upheld by the Supreme Court in 1922.

See also 18 U.S.C. 1507, prohibiting "interfering with, obstructing, or impeding the administration of justice";

18 U.S.C. 112, prohibiting "obstruction" of a foreign official in the performance of his duties;

18 U.S.C. 1752, prohibiting "obstructing or impeding ingress or egress" to or from designated federal grounds.

Mr. KENNEDY. Second, Mr. President, a pro-choice activist who blockades or bombs a pro-life counseling center is subject to the exact same criminal and civil liability as a pro-life activist who blockades or bombs an abortion clinic, period.

Finally, Mr. President, I will include in the RECORD the resolution of the State attorney generals, the National Association of Attorney Generals, a resolution that was passed without opposition that endorses this legislation.

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

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL RESOLUTION TO SUPPORT LEGISLATION TO PROTECT PATIENTS AND HEALTH CARE PERSONNEL AT FAMILY PLANNING CLINICS

Whereas, as chief legal officers for our respective states, we take pride in our diverse communities, their historic respect for life and property, and the American tradition of open and peaceful discussion of issues of public policy; and

Whereas, we strongly support every citizen's constitutional freedom of speech, which includes peaceful, legal public witness, assembly and picketing; and

Whereas, we recognize that many citizens of the country hold deep convictions regarding the abortion issue; and

Whereas, bombing, arson, murder and any other acts of criminal violence are clearly not appropriate means of addressing issues of public policy in the United States; and

Whereas, the recent murder of Dr. Gunn outside his clinic in Florida is the latest example of violence against family planning clinics; and

Whereas, since 1980 in the United States, over 400 bombings, arsons and acts of vandalism have been directed against family planning clinics; and

Whereas, the recent United States Supreme Court ruling in *Bray vs. Alexandria*, holding that federal courts have no jurisdiction under existing civil rights laws to act to protect patients and employees of family planning facilities, made clear the need for Congress to act; and

Whereas, the Congress is considering legislation such as H.R. 796, The Freedom of Access to Clinic Entrances Act of 1993, which would, among other things;

1. Make assaults and attacks on medical personnel and property at family planning facilities a federal criminal offense and make clear the federal law enforcements' power to act.

2. Establishes a private right of action for parties injured by such criminal conduct.

3. Authorizes the United States Attorney General to bring civil suits to obtain injunctions against offensive conduct, seek damages for the victims, and impose stiff fines on the perpetrators; and

Whereas, many individuals including United States Attorney General Janet Reno have already spoken out forcefully in support of this sensible legislation;

Now, Therefore, Be It Resolved That the National Association of Attorneys General:

1. While not taking a public position on the abortion issue, condemns any and all acts of

criminal violence directed against family planning clinics; and

2. Urges Congress to adopt legislation designed to protect women, physicians and other health personnel from violence aimed at family planning clinics across the country where abortions are performed, without unduly infringing on the right to peaceful protest; and

3. Commends those who pursue peaceful, legal discussion of the abortion issue and appeals to all citizens concerned about the abortion issue to conduct all public discussions in a peaceful and legal manner; and

4. Urges Congress to expressly authorize state Attorneys General to enforce in the federal courts in their states the provisions of any federal law aimed at violence at family planning facilities; and

5. Authorizes its Executive Director and General Counsel to transmit these views to appropriate members of the Administration, Congress, and other interested individuals and associations.

Mr. KENNEDY. Mr. President, I think that we have responded to these questions both in the legislation and with the second-degree amendment.

I yield my remaining time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President. I appreciate the Senator yielding.

Mr. President, this amendment is no remedy at all. In fact, this amendment is what might be called sometimes a killer amendment. It seeks to change the legislation by expanding it to unenforceability. It expands the language of the legislation to cover demonstrators and their activities in regards to the whole clinic access issue.

What about the principles, Mr. President? What about the people who are actually using the clinic, seeking to use the clinic, the people who work there? The principles of women, the clinic owners, the doctors—those are the individuals to whom the bill is addressed. And the whole idea behind this legislation and the specific language of the legislation protects access to the clinics, protects the woman in the exercise of her constitutional rights.

Neither side with regard to third parties, the demonstrators, is addressed or protected in this bill. This does not say you can be a pro-life demonstrator or a pro-choice demonstrator, and you are going to have a private right created under this legislation. It only creates a right of action with regard to the specific individuals who are directly affected, to the principals in this whole debate, not to third parties.

This amendment would expand it to third parties, and would thereby give rise to the unenforceability of the law. But probably as insidiously or even more insidiously, it will expand and change this from a clinic access bill to a clinic harassment bill by further clogging the Federal courts in the process.

I point out, Mr. President, that there is evidence and we have seen letters

from fundraisers on the pro-life side of this issue, the larger controversy involved here, that says quite simply, that lawsuits will be used to continue the harassment and the violence as a way to continue to promote that particular cause.

Quite frankly, the organization which sent out a fundraising letter said:

Your gift today will help the American Anti-Persecution League establish a legal offense fund. Notice I did not write legal defense fund. Instead AAPL will fund attorneys to go on the offensive against anyone who abuses pro-life demonstrators. They are going to play legal hardball and they are going to win. Our weapons will be multiple civil lawsuits.

This amendment gives them the right to file those multiple civil rights lawsuits.

I will just say, Mr. President, this is a killer amendment. This is a hostile amendment.

I encourage the Members of the Senate to vote against it.

Thank you.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I just simply state that once again we are talking about two rights here, a woman's right to an abortion, and first amendment right guaranteed to every American to freedom of speech, freedom of assembly, and the right to protest actions that they in good conscience do not believe in.

What we are trying to do with this bill is to find a balance between both of those rights. No one is seeking to deny women their constitutionally court-ordered guaranteed right to abortion. I do not agree with that. But it is a legal right available to them, and nothing that we are doing seeks to take that away.

By the same token, we do not want to jeopardize the first amendment rights which, after all, are first amendment rights that we hold very dear and very precious. Therefore, the Coats amendment seeks to address that question I think in the only valid way.

I urge our colleagues to give us an opportunity to have a straight up-or-down vote on that question; whether or not we are going to balance those rights or whether they are going to be one-sided.

We cannot have a vote on that unless we table the Kennedy second-degree amendment. Again, at the appropriate time, I will offer a motion to do so.

In response to the argument of the Senator from Illinois about clogging up the courts, I think back to the time of the march for racial equality and the civil rights protests of the sixties. I do not think anybody worried too much about clogging up the courts. In fact, instead of clogging up the courts, we ended up providing the very guarantees of rights to minorities in this country that were long overdue.

So I do not think we should use the argument of clogging up the courts as a way of saying the rights are not available to Americans who are protesting issues that they feel very passionately and very deeply about and are doing so in a legal manner.

Therefore, I hope that we can get to the underlying question, and solve this so that we can move forward and do what we all really want to do, collectively, and that is to end this violence that is occurring at these abortion clinics around the country and related to the whole issue of cause of abortions.

This is a debate that deeply divides us. We need to have this debate. It is important that individuals from both sides of the debate have the opportunity to express their deeply-held views. It is also important that we do not do anything to deny their right to express those views.

Hopefully we can conduct that debate on a national basis and on a civil basis and not in a way that incites or promotes any kind of violence. That is what we are really all about here. There really should be no disagreement on this issue.

Mr. President, I yield reserving whatever remaining time I might have.

The PRESIDING OFFICER. All the time of the Senator from Massachusetts has expired on the amendment.

Mr. COATS. Mr. President, I yield back all my time.

I move to table the Kennedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

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

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—36

Bennett	Exon	Lott
Bond	Fairecloth	Lugar
Brown	Ford	Mack
Burns	Gramm	McCain
Coats	Grassley	McConnell
Cochran	Gregg	Murkowski
Coverdell	Hatch	Nickles
Craig	Hatfield	Pressler
D'Amato	Heflin	Roth
Danforth	Helms	Smith
DeConcini	Johnston	Thurmond
Dole	Kempthorne	Wallop

NAYS—63

Akaka	Breaux	Conrad
Baucus	Bryan	Daschle
Biden	Bumpers	Dodd
Bingaman	Byrd	Domenici
Boren	Campbell	Durenberger
Boxer	Chafee	Feingold
Bradley	Cohen	Feinstein

Glenn	Leahy	Reid
Gorton	Levin	Riegle
Graham	Lieberman	Robb
Harkin	Mathews	Rockefeller
Hollings	Metzenbaum	Sarbanes
Hutchison	Mikulski	Sasser
Inouye	Mitchell	Shelby
Jeffords	Moseley-Braun	Simon
Kassebaum	Moynihan	Simpson
Kennedy	Murray	Specter
Kerrey	Nunn	Stevens
Kerry	Packwood	Warner
Kohl	Pell	Wellstone
Lautenberg	Pryor	Wofford

NOT VOTING—1

Dorgan

So the motion to lay on the table the amendment (No. 1195) was rejected.

(Later the following occurred:)

Mr. BREAUX. Mr. President, on roll-call No. 370, I was present and voted "no." The official record has me listed as absent. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I think yeas and nays had been ordered earlier. I would be glad to proceed with voice votes on these two amendments, if it is agreeable. I have talked to the Senator from Indiana, and it is acceptable to him. If there is no other objection by the membership, I ask unanimous consent that the votes that were ordered earlier be vitiated.

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

The question is on agreeing to the second-degree amendment.

The amendment (No. 1195) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 1194), as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I understand my friend from Utah has an amendment that will be offered by him and then a substitute; am I correct?

Mr. HATCH. That is correct. And I do not think we need to take all the time on this amendment. We will try to be as short as we can.

Mr. KENNEDY. We will try to expedite this. We may have a second-degree amendment, but we will try to expedite this and get an early resolution of these matters.

I thank the membership.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1196

(Purpose: To prevent S. 636 from being used as a vehicle to protect illegal abortions)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1196.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 6, lines 1 and 6, amend proposed sections 2715(a) (1) and (2) to add the word "lawful" between "providing" and "pregnancy or abortion-related services".

On page 10, line 8, change "and" to "or".

On page 11, line 7, add the following new subsection 2715(e)(3):

"(3) **LAWFUL.**—The term 'lawful' means in compliance with applicable laws and regulations relating to pregnancy or abortion-related services."

Remember the remaining provisions of subsection 2715(e).

The PRESIDING OFFICER. There will be order in the Chamber. The Senator from Utah has the floor. There will be order in the Chamber. All conversation will desist.

The Senator may proceed.

Mr. HATCH. Mr. President, I offer an amendment that would remove the protections that the current version of S. 636 would accord illegal abortions. The current version of S. 636, unlike the original version, would provide blanket protection to illegal abortions. Indeed, S. 636 might well effectively cripple most or all State regulation of abortion, including regulation that serves solely to protect the health of women. For example, an unlicensed late-term abortionist would have a civil cause of action for at least \$5,000 in compensatory damages and for punitive damages against State officials who attempted to prevent him from performing illegal abortions.

The stated rationale for S. 636 is that those exercising a legally protected right should be protected in exercising that right. That rationale plainly does not extend to unlawful conduct such as illegal abortions.

My amendment would remedy this defect in S. 636 by ensuring that it does not cover illegal abortions.

The supporters of S. 636 may claim that it would not create any liability for enforcement by State or local law enforcement authorities of State or local laws. This claim, however, is not supported by the unambiguous text of the bill. Nothing in the provision defining prohibited activities exempts enforcement activities by State officials. Likewise, the relevant rule of construc-

tion set forth in S. 636 provides merely that the amendment shall not be construed to "prevent any State from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section" and I want to emphasize that it does not provide that S. 636 shall not be construed to subject State officials to liability for enforcement activities.

In short, S. 636 would nominally permit enforcement of State laws regulating abortion, but it would give those subject to enforcement a separate, and extremely potent, civil cause of action against State officials. Moreover, S. 636 would also give illegal abortionists the same extremely potent civil cause of action against any Good Samaritan citizen who responsibly attempted to deter an imminent and dangerous illegal abortion.

It has been suggested by the supporters of S. 636 that protection of illegal abortions is necessary to prevent the possibility of abusive litigation discovery.

But the danger of abusive discovery exists in every piece of litigation. Our system has developed a workable method of preventing such abuses.

The trial judge will control what discovery is and is not permissible. It is disturbing, to say the least, that the amendment would protect illegal abortions in order to eliminate routine aspects of litigation that all other litigants in this country face.

So I urge my colleagues to support this amendment. Basically, all that it does is prevent blanket protection for illegal abortions. I think that is a worthy objective. That is why I offer it. I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, I oppose inserting the word "lawful" to make the bill apply only when force or obstruction is used against lawful abortion services. The amendment may sound uncontroversial, even appealing on its face. In reality, however, it is unnecessary and would seriously undermine the bill.

First, this is unnecessary to ensure that State law enforcement officials cannot be sued for enforcing State abortion laws. This bill does not authorize such suits. It applies only to private, not official, conduct.

In the legislation on page 10, it points out:

Nothing in this section shall be construed or interpreted to deprive State and local law enforcement of responsibility for prosecuting the acts that may be violations of this section that are violations of State or local law.

So if there is illegal activity, the States still have the requirement and the responsibility for that kind of enforcement and they are the ones who

ought to consider it. If there are parties that know of illegal activities, they ought to be in a position of reporting them to the State authorities to enforce those laws. That is the way, basically, our Federal system works.

The committee report states the act creates no civil or criminal liability for the enforcement by State or local law enforcement authorities of State or local laws, including those regulating the performance of abortion or availability of abortion-related services.

This could not be much clearer as to what is expected and not expected in terms of State authority.

There is, Mr. President, no evidence, in any event, that the providers that are being targeted with blockades, arson and assault are providing illegal abortions. You would think you would want to be able to make the case that this is a problem if we are going to try and address it. But we do not believe that case has been made; neither does the Attorney General believe that that case has been made. That is not really the problem, as we understand it.

As the Senator pointed out, the problem with inserting the word "lawful" in the legislation, as this amendment would do, is that it would give every defendant in both criminal and civil cases a chance to argue that his or her conduct did not violate this law because the provider that was targeted was not acting lawfully. Defendants would routinely argue that the clinics they were blockading or bombing or doctors they assaulted were not complying with the State regulations on such matters as parental notice, informed consent or waiting periods. And to assert this defense, the defendant then would ask for discovery of all the provider's records on these matters.

The Justice Department believes that this would be a litigation nightmare, and I agree. Every prosecution of someone who blockaded a clinic or assaulted a doctor would be converted effectively into a fishing expedition and into the practices of the victim, the clinic or the doctor. It is not enough to argue the rules limiting discovery might help to prevent abuses when there is no reason to enact the law in the form that is subject to such abuse.

So, Mr. President, there is no reason that private parties charged with violating this law should not be able to defend themselves by claiming that they were merely trying to enforce State laws and prevent unlawful abortions. The States can do that job themselves. No matter how some might feel about abortion, they should not be permitted to take the law into their own hands.

What we do not want to encourage are vigilante movements in various communities. We have that now with Operation Rescue. Just to give them another opportunity to go ahead with their harassment that they are involved in and threatening the lives and

the well-being and the health of our fellow citizens is not something that this bill is about or that we in this Senate should be about.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, my amendment simply remedies a major defect in this bill by ensuring that it does not cover illegal abortions. Why not limit protections of this bill to lawful abortions? I cannot imagine any rationale that could be used to rebut the import of that question.

This whole debate shows how extreme this bill is on the proabortion side. I think it would have a lot more support if it was not so extreme, if it did not rush to support illegal abortions and illegal abortionists, to avoid the mere risk of abusive discovery, which is about the only argument they can make. That is a risk every litigant faces. I have been in all kinds of litigation in my lifetime as an attorney. Every case involves the potential abuse of discovery. But to use that as an excuse to not knock out illegal abortions in this bill shows how extreme this bill is.

S. 636 very simply protects illegal abortion. It is that simple. Why is it so difficult to want to knock it out? Why is it the Holy Grail of all abortion legislation, that you cannot knock out illegal abortions? I do not know, but that is all that is involved in this amendment. We are making the bill apply only to lawful abortions. That seems to be fair. It seems to be right. It seems to be legal. It seems to make sense. It certainly is a good argument to make.

There is not much more I care to say about it. I am prepared to go to a vote. I am prepared to yield back the remainder of my time.

Mr. NICKLES. Will the Senator yield?

Mr. HATCH. I will be happy to yield whatever time the Senator needs.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for up to 13 minutes 54 seconds.

Mr. NICKLES. Mr. President, one, I wish to congratulate and compliment Senator HATCH. I, frankly, am shocked and surprised that the manager of the bill will not accept this amendment. It is a heck of a thing to say that we want to have this additional Federal protection, including criminal penalties and civil remedies, even for illegal abortion.

When I heard Senator HATCH had this amendment, I thought this was an amendment that would not really be debated; that it would be accepted. I hope that the Senator from Massachusetts will accept this amendment. Even from his perspective, I do not see that

this amendment would be detrimental to his case or his cause because I know—or I think I know—that the Senator from Massachusetts does not advocate in any way, shape or form illegal abortion.

So I hope that the Senator will agree with the Senator from Utah and accept this amendment. Maybe that is not a possibility. Maybe the Senator has the votes to kill any amendment that is offered on this side. But I hope that some of our colleagues will listen to some of the debate that has been raised by my friends and colleagues from New Hampshire and Indiana.

I will just touch on a couple of the comments that were made and a couple of the amendments offered. My friend and colleague from New Hampshire offered an amendment that said, "Well, wait a minute, let's look at these penalties. The penalties do not apply to any civil rights disturbances; they apply only to ones related to abortion services and only to those people who might be involved in obstruction of access to an abortion clinic."

What about the so-called proabortion rights people who are harassing people who are on the pro-life side? The Senator from Indiana raised this question. I know I heard my friends and colleagues who were debating the other side of the issue say this was an even-handed bill. It is not. The criminal penalties and civil remedies protect only those persons on the proabortion rights side.

I think most of our colleagues are aware of the fact that many times, when these debates and demonstrations take place outside of a clinic, you have groups on both sides of the issue. Unfortunately, this bill only has remedies and protections for those on the proabortion rights side and it increases penalties—criminal penalties—felonies applicable to those who are engaged in demonstrations, peaceful demonstrations, lawful demonstrations on the prolife side of the question. That is not equitable. That is not fair. This bill is not balanced.

My colleague from New Hampshire said that the penalties were extreme, and they are. To have 6 months' and then have 18 months' penalties for individuals who are lawfully, peacefully demonstrating their objection to abortion is extreme. I cannot help but think that there are some inequities. I can see a case where at a hospital, if they were picketing or demonstrating against a hospital because they performed abortion services, they could have the full weight of this new Federal law thrown against them, fines of \$10,000 for the first offense and \$25,000 for the second offense and 18 months in jail. And there might be a couple of nuns who are there praying together trying to change the policy of this hospital. They could be put into jail for 18 months and fined \$25,000, and my guess

is for most nuns that is a very significant fine. My guess is that the \$25,000 fine for most people who would engage in this type of demonstration is a very significant fine.

But I believe it is also legal if the nurses' union wanted to demonstrate and picket outside that hospital for higher wages. That would be legal, no restrictions whatsoever. I just find this to be very one-sided, very unbalanced, and certainly not fair. No question about it, it is definitely a suppression of freedom of speech and freedom of assembly. I do not have any doubt it is going to be declared unconstitutional. But I am bothered by a lot of the debate, and I am bothered by this amendment because this amendment seemed so acceptable. I have a hard time seeing why we want to have a new Federal statute to improve access for illegal abortion.

Again, I encourage the proponents of this bill to accept this amendment, and I compliment my friend and colleague from Utah for offering it. I hope it would be accepted and included as a small improvement on a bill that I think needs a lot of improvement.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized for up to 5 minutes.

Mrs. BOXER. I thank the Chair very much.

I call the amendment that has been offered the vigilante amendment, Mr. President. If people want to put an end to violence at clinics, you have to vote against this amendment, or for the substitute, if one is offered. Let me tell you why.

Any protester who might be violent—and as you know, we support the right of peaceful protest, but any protester that might be violent at a clinic, who wanted to attack a doctor or a nurse, could simply say in defense: I shot that doctor because I thought there was an unlawful abortion going on.

Let me repeat that. Any violent protester who is determined to commit violence, Mr. President, under this amendment could commit this act of terror and violence and say as an excuse that I thought there was an illegal abortion going on.

I would like to point out how ironic this particular amendment is because those who offer it always talk about States rights and how important States rights are, and about how the Federal Government should not trample on States rights.

The fact is we have State laws that regulate these clinics. We have State laws that tell us what a legal abortion is. To take away that right and put it in the hands of the people who have shown they support violence undermines this bill that has been worked on

so long and so hard by the Senator from Massachusetts and his committee, and which has bipartisan support in the Senate—and I might add support from those who call themselves pro-choice and antichoice. This is a killer amendment, and we have to defeat it.

What we need to do is to make sure our States enforce the law, not give the law over to people who could under this amendment kill and then use it as an excuse by saying that they thought there was something illegal going on. That is vigilantism. Anyone who is for law and order and for the States being able to enforce the law will vote this down.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator controls 12 minutes 22 seconds.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, the Senator from California has stated this very well. No. 1, different States have different laws governing these kinds of procedures. In Massachusetts, they are different from California, and they are different from New York. So the question is who is going to enforce them. Are we going to let the States enforce them or are we going to have private parties enforce them? And beyond that, there was no representation during the course of the hearings, there has been no representation by any of the law enforcement officials, there has been no pleading by the States attorneys general that they cannot control their situations with regard to illegal abortions. They are not asking the Congress of the United States for this kind of authority and power.

We have made it very explicit in the legislation that they have the responsibility to enforce their State laws, and that is what is important.

In listening to the argument here, to say how in the world can you possibly support a bill if there is going to be illegality going on in the State, we just had the crime bill. Why do we not say we are not going to provide funding to the State of Oklahoma until they stop all crime?

Let us deal with the issues, Mr. President. The issues are targeted; they are focused. They deal with facilities that are going to provide counseling for prolife, and we are also going to have protections for individuals who want to exercise their constitutional rights on abortion. It is targeted and balanced. That is why we have the unanimous support of the State attorneys general and why we have been able to gain the strong bipartisan support on this particular measure.

So, Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH].

Mr. HATCH. I have to say that I am always impressed whenever the distinguished Senator from Massachusetts stands up and argues for the rights of the States; it is always an elevating and very good thing to hear, but the fact is that all I am trying to prevent is benefits to the illegal abortionists from this bill.

Why is it so difficult for the sponsors of this bill to outlaw illegal abortion and to not allow the benefits of this bill to go to illegal abortionists? To me it makes sense. I think it would make sense to any fair person. Why should we be worrying about protecting the rights of illegal abortionists and how can we let the sponsors get away with their own excuse that the amendment might lead to abusive discovery in litigation or it might lead to more litigation? It will not, anyway. This amendment does not override States rights in any degree. On the contrary, it simply makes sure that Federal law does not give any benefits for what is unlawful under State law.

You cannot listen to this debate without worrying about this bill and how radical it is. The fact is it is a very radical bill. And when they stand here and fight against getting benefits to illegal abortionists or for illegal abortion out of the bill, you know something is wrong.

I think this bill could have a lot more support if they would fine tune some of these things. I have to say the amendments we have been bringing up are very good ones. But I cannot imagine a better amendment than one that says that illegal abortions should not benefit from this bill, and illegal abortionists should not benefit from this bill.

There are no State laws being overriden here. The fact of the matter is that the very arguments being made by the proponents of this bill are so radical that you have to question an awful lot of other things in this bill as well. But right now, I am limiting my questioning to just one thing. Let us get rid of illegal abortion, and let us not give rights to illegal abortionists. Let us not protect illegal abortion. Let us not worry about whether it is going to cause abusive discovery because judges are very capable of taking care of that as they do in every litigation case.

I just do not understand the arguments from the other side. All we are simply saying is that the Federal law should not give benefits for what is unlawful under State law. This bill allows it. This bill permits those benefits.

I have to say I am appalled at the way our colleagues do not seem to un-

derstand that. All we are going to do is just try to make whatever benefits come from this bill come from lawful things rather than illegal things.

I yield the remainder of the time to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for up to 5 minutes 18 seconds.

Mr. NICKLES. Mr. President, I wish to make a couple of comments. I thank my friend and colleague from Utah. I know I heard Senator KENNEDY state that this bill is balanced. I ask the Senator to correct me if I am wrong, but this bill is not balanced, at least in my opinion, because it allows people who are engaged in a peaceful sit-in to be sued, to be subjected to criminal penalties. And the counter of that, if you had people on the pro-abortion side who would harass or intimidate or get engaged in pushing or shoving or some types of violence, the pro-lifers do not have civil remedies available. There are no criminal penalties against anyone who would be on the pro-abortion side of an argument that might turn violent.

So there are civil and criminal penalties against people engaged in demonstrating outside of abortion clinics but not the other way around. That is not balanced. That is one-sided. That is not fair.

I ask my friend and colleague from Massachusetts if I am incorrect, and I would also ask him—this bill protects persons who are providing or obtaining pregnancy or abortion-related services. I ask my colleague. Does that also include demonstrators on the pro-abortion rights side? Again there are many cases. Demonstrations have people on the pro-life side. But does the bill protect escorts? Does it protect people who would be demonstrating in favor of abortion rights? Could they be designated as escorts for the day? And would they have protections, enhanced protection under this bill?

Mr. KENNEDY. The response is that we were debating that about 4 or 5 hours ago. We are glad to come back and revisit it, if that is the desire of the Senator from Oklahoma.

It provides the protections for the individuals and for the doctors and medical team at the particular facility, whether it is a facility that is counseling and conferring on the pro-life on pregnancy matters or whether on the abortion services as well. Those are protected in terms of the pro-life counseling and those that are involved in the clinical services.

Mr. NICKLES. If the Senator will yield further, would that mean—again, in big demonstrations, could the clinic use escorts, 40 or 50 escorts? Can they put on a shirt that says they are working at the clinic? Would this give them protection for that day or that purpose?

Mr. KENNEDY. No, it would not.

Mr. NICKLES. I appreciate my colleague's answer.

In my opening comment I said in response to the Senator's question as far as the bill being balanced, suppose you have a large group of pro-life demonstrators and a large group of pro-abortion rights demonstrators, and they are engaged in singing, or they are engaged in shouting. Now, correct me if I am wrong, but under the Senator's bill the people on the pro-abortion rights side would be able to file civil actions against the pro-life demonstrators, but the pro-life demonstrators could not file civil or criminal actions against the pro-abortion rights demonstrators.

Mr. KENNEDY. That is not an accurate characterization. We have just debated those allegations for the last 2 hours. Pro-choice activists who blockade or bomb a pro-life counseling center are subject to the exact same criminal and civil liability as a pro-life activist who blockades or bombs an abortion clinic. That is parity.

Mr. NICKLES. If the Senator will yield, he did not answer my question. That was assuming a different scenario. I said if you had a pro-life activist group engaged in heated discussion with a pro-abortion rights group outside the same abortion clinic, and they are both engaged in a significant, heated discussion—and some people would say that would qualify under this bill—correct me if I am wrong, but the pro-abortion rights demonstrators have legal rights against the pro-life group and the pro-life group does not have legal rights under this bill against the pro-abortion rights group.

Mr. KENNEDY. No, that is not correct.

Mr. NICKLES. So the pro-life group would have legal action against—

Mr. KENNEDY. This bill does not apply in terms of the demonstrators. I do not know how many more times we have to say it. It does not apply in terms of the demonstrators. That is what the last vote was on. We are saying whatever is going to be the appropriate kinds of first amendment rights—

The PRESIDING OFFICER. All time controlled by the Senator from Utah and yielded to the Senator from Oklahoma has expired. The Senator from Massachusetts controls 10 minutes and 11 seconds.

Mr. KENNEDY. I yield myself 3 minutes.

The fact of the matter is this does not create those kinds of rights in terms of those that are going to be out there picketing on the pro-life side and those that are pro-choice. Whatever applies in terms of first amendment rights, in Oklahoma or Massachusetts, they will be protected. Whatever the tort law is in Massachusetts or Oklahoma, they will be protected. This bill

is about access. It is not about demonstrators.

I know that there are those who say, no matter how many times we say it and no matter how many times we refer to the legislation, no matter how many times we go to the report, no matter how many times we refer to the good work that has been done by Senators DURENBERGER and KASSEBAUM, no matter how many times we refer to the State attorneys general, there are just some people that say that is not the case. It is the case.

If the Senator has another question, I would be glad to yield him my time.

Mr. NICKLES. Mr. President, I appreciate my colleague's response, but I do not concur with his answer, much to his surprise. There has been significant debate on this point.

Mr. President, the Senator from Massachusetts just mentioned that this bill is about access. And the points are, I believe, that the civil remedies or the criminal penalties will only apply to those persons who are under this bill perceived to be denied access.

My point is that there are some real inequities because you have many people who might be determined to deny access, who want to demonstrate on statehood on behalf of the District of Columbia. They are not going to be penalized under this bill. You have people that might be demonstrating for equal rights for gay rights activities. Well, they are not subject to these penalties. This singles out only those persons who are demonstrating, even in a peaceful way, against or around an abortion clinic. It does not even say it has to be in the vicinity of the abortion clinic. This is a very far-reaching bill, Mr. President.

I compliment my colleague from Utah for his amendment. I hope my colleagues will support his amendment.

I yield the floor. I thank my friend from Massachusetts for yielding the time.

AMENDMENT NO. 1196, AS MODIFIED

Mr. HATCH. Mr. President, I send a modification to my amendment to the desk.

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

The amendment (No. 1196), as modified, is as follows:

On page 6, line 1, amend proposed sections 2715(a)(1) to add the word "lawful" between "providing" and "pregnancy or abortion-related services".

Mr. KENNEDY. Mr. President, I will yield the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

AMENDMENT NO. 1197 TO AMENDMENT NO. 1196
(Purpose: To clarify that nothing in this Act affects State regulation of abortion)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mrs. BOXER, proposes an amendment numbered 1197 to amendment No. 1196.

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

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

The amendment is as follows:

In lieu of the matter to be inserted insert the following: "pregnancy or abortion-related services: *Provided, however,* That nothing in this section shall be construed as expanding or limiting the authority of States to regulate the performance of abortions or the availability of".

Mr. KENNEDY. Mr. President, I offer this amendment on behalf of myself and Senator BOXER from California. I yield myself 3 minutes.

Mr. President, the second-degree amendment makes it crystal clear that this law will not expand or contract the authority of States to regulate abortion. It will not affect State abortion laws at all or the ability of the State or local authorities to enforce those laws. The second-degree amendment I sent to the desk says this expressly, so there can be no misunderstanding about that.

States have the responsibilities, and the States have not requested any additional kind of authority. There has been no representation, in terms of the development of this legislation, that that kind of an additional authority is necessary, and this puts the responsibilities where the responsibilities should be, which is with the State authorities and with the local communities. I hope that this amendment will be accepted.

I yield 3 minutes to the Senator from California.

Mrs. BOXER. Mr. President, again, I just want to say that the chairman of the committee, Senator KENNEDY, has reached to the heart of the issue in question. If this is really a legitimate amendment, then I think it ought to be supported. If the makers of the initial amendment are serious about making sure that there are standards at these clinics and that only legal abortions are performed, I think they should embrace this amendment. Because what this amendment essentially says in plain English is that nothing in the bill can be construed as expanding or limiting the authority of the States to regulate the performance of abortion, or the availability of pregnancy or abortion-related services.

Again, my friends who put forward the initial amendment are always arguing for the States to have this opportunity, and here the Senator from Massachusetts says that nothing in this bill changes that. The States can enforce the laws and determine what is legal and act on what is illegal.

Mr. President, the proper way to deal with the performance of illegal abortions is to call the police, not blockade the clinic, not to take the law into your own hands and say: I think something is happening inside there and it gives me a license to put someone's face on a wanted poster and use violence to get what I cannot get legally.

So I think that this substitute is very important, because we are in essence saying very clearly: Let the message go out from this U.S. Senate, that the States have the right to pass the laws that affect these facilities and to enforce those laws. What this bill is doing, and why it is so important, is it is saying to both sides of the abortion debate: You cannot be violent. You cannot hurt people who are exercising their constitutional rights.

Anything that would undermine this premise of the bill, which has been so carefully crafted by the chairman—and which has so much bipartisan support—we should defeat. I think that Senator KENNEDY, by putting forward this second-degree amendment, is doing what needs to be done. He is saying it loud and clear. If there are any illegal activities going on in these clinics, the States should enforce the law. But we are not going to give over law enforcement to vigilantes on either side of this debate. So let us support the Senator from Massachusetts. I yield back to the Senator.

Mr. KENNEDY. If the Senator will yield for a question. Does the Senator not agree that what we are attempting to deal with is the incidents of violence and even death or murder, firebombing, the throwing of acid? There have been 30,000 arrests in incidents which have taken place in recent years. We are trying to deal with the blockades and violence.

Does the Senator agree with me that unless we take this amendment that we now have, the second degree, if an individual believed there was some kind of noncompliance with State laws in terms of parental consent or other regulations—just believed that to be true—he could go out and throw the acid, could attack the individuals, and there would be no protections under this legislation for the innocent people who need the protection; is that the understanding of the Senator?

Mrs. BOXER. Absolutely. The Senator has presented it for all to hear that if we do not accept this second-degree amendment and the underlying amendment is adopted, we are essentially saying—I have heard the word radical used here in this debate by those on the other side. Let me tell you what is radical. What is radical is putting acid through a clinic door and injuring innocent people. What is radical is forcing doctors to wear bulletproof vests. What is radical is killing people who do not agree with you. That is what is radical.

What this underlying legislation is saying is no more to both sides, no more violence. The Senator is exactly right. If we do not pass this substitute, I fear the message that will come out of this Senate will be an invitation to those who want to take the law into their own hands, to continue the violence, and as an excuse to say: I thought something illegal was going on.

That is my long answer to the Senator's short question.

Mr. KENNEDY. I think the Senator made an excellent answer.

Mr. NICKLES. Will the Senator from Massachusetts yield?

Mr. HATCH. Mr. President, let me make a couple of comments, and then I will yield some time to ask any questions.

This second-degree amendment will do absolutely nothing to change the fact that this bill would give Federal protection to acts that are illegal under State law. How can you justify that? I would like to vote for something that prevents violence against abortion clinics and against the prolife facilities. But this bill is very flawed. One of the biggest flaws is that it protects acts that are illegal under State law. I might add that this second-degree amendment is another false cosmetic change.

My amendment has nothing to do with vigilantes. I do not know how anybody can use that language with regard to the amendment. This is not a question of subjective belief, whether somebody thinks that an illegal act is being performed. It is actual illegality that matters. This bill protects actual illegality; it gives protection to it. How can we justify it? How can anybody justify that? It is a defective bill.

Frankly, why are we in the business of protecting illegality and using it as an excuse that it might involve abusive discovery. That is no argument. The fact of the matter is that there is no reason why we should be allowing illegality in any way. It has nothing to do with vigilantism. This amendment of mine, which they are now trying to amend with this cosmetic change, simply makes sure Federal law does not give benefits for what is unlawful under State law. It is simple. It would benefit this bill and would help to correct it. I do not know how anybody can argue against it.

I yield whatever time the Senator from Oklahoma might need.

Mr. NICKLES. Mr. President, I will ask my friend and colleague from Massachusetts. I am trying to decide what this second-degree amendment is. It says:

In lieu of the matter to be inserted—

So he strikes the Hatch language or the Hatch amendment. And then he says:

insert the following:

Nothing in this section shall be construed as expanding or limiting the authority of

States to regulate the performance of abortions or the availability of * * *.

Does this mean the Senator from Massachusetts is now in favor of allowing the States to have parental notification laws or a 24-hour waiting period? Is he affirming the State's right to have regulation of the performance of abortions?

Mr. KENNEDY. This does not attempt to dictate to the States any procedures on those particular matters.

As the Senator by his question points out, there is enormous variety in all of the States in terms of the limitations. Obviously, the Roe versus Wade and Webster decisions are controlling in certain aspects, but there are different provisions in State laws, and this does not expand or contract those.

Mr. NICKLES. Would my friend from Massachusetts agree with me that we shall allow those States that wish to have regulations, such as a parental notification or a 24-hour waiting period, to have the ability to pass these regulations?

Mr. KENNEDY. The Senator knows very well what the Roe versus Wade decision has provided and what is permissible and what is not permissible under that decision.

That decision in a very clear way demonstrated the particular rights of privacy and liberty under this Supreme Court holding, and the States, within those guidelines, have made decisions that are consistent, by and large, with the decision of the Supreme Court. This does not affect that in one way or the other.

Mr. NICKLES. If the Senator will yield for one additional question, then I was hoping when I read this language that maybe my friend and colleague from Massachusetts—and maybe my friend and colleague from California—would be opposing the so-called Freedom of Choice Act, because the Freedom of Choice Act would expressly prohibit the waiting period and parental notification legislation and other legislation that States have enacted. It would preempt those. I was hoping maybe by reading this language my friend and colleague would now be opposing that legislation and be in support of the State's right in making some now legal restrictions on abortion. I am not sure that my colleague went that far, but I was hopeful that maybe he might.

Mr. KENNEDY. I appreciate the good will the Senator expressed toward us, but I do not intend to take the time of the Senate to further express my strong commitment on the issue of choice. That is not what this is about.

What this is really about is about violence and whether the amendment that was being offered by the Senator from Utah is going to fundamentally lessen the issue of violence or enhance it, as I think appropriately stated by the Senator from California, with vigilante actions.

We have tried to address this in a way which I believe is consistent with the underlying thrust of the legislation.

I yield the remainder of my time.

Mr. NICKLES. I think I still have the floor.

Mr. President, I ask the Senator from Massachusetts one additional question. I tried to hone this down. I heard my friend and colleague say that this is not about protesters. I am afraid that this language is about protesters. I know he said it is about access.

Again I heard my colleague say that he thinks this legislation is balanced. I stated—and my colleagues on this side have stated—that we feel it is not balanced.

Let me ask him a very defined question. At an abortion clinic—correct me if I am wrong—pro-life protesters are subject to criminal penalties and pro-abortion rights protesters are not. Am I correct?

Mr. KENNEDY. Anyone who obstructs the entrance for the reasons defined in this legislation—because of the pregnancy services or abortion services provided inside—will be in violation.

Mr. NICKLES. The Senator did not answer my question.

Mr. KENNEDY. I heard the question, because we have been hearing the same question all afternoon, and we have been answering. It might not be the answer that the Senator wants to hear but, nonetheless, it is what the legislation is about.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator retains the floor.

Mr. NICKLES. Mr. President, I shall make a couple comments. My colleague says "anyone who obstructs." My comment is that many times and at many places where you have a confrontation between pro-lifers and people who are pro-abortion rights people, you have a conflict. The facts are that the people who are on the pro-life side of the equation are subject to criminal penalties but not the other way around. Those who are on the pro-abortion rights side are not subject to criminal penalties. So this is not fair or balanced legislation.

Mr. President, concerning this second-degree amendment, this amendment says nothing. This amendment is like most of the other second-degree amendments that we have had on almost every single amendment. It is nothing but cover. It is nothing but a fig leaf. It basically says:

Nothing in this section shall be construed as expanding or limiting the authority of States to regulate the performance of abortions or the availability of * * *.

In other words, it does not do anything. It is one or two sentences that say nothing. It is cover. It maybe will help people vote with my friend and colleague from Massachusetts.

I compliment him and his staff for coming up with such great legal ambi-

guities that maybe will confuse people and give people cover for voting against this amendment and against the amendment of our friends and colleagues from New Hampshire and Indiana. It is a fig leaf. It does nothing. This language very clearly does nothing. It says:

Nothing in this section shall be construed as expanding or limiting the authority of States * * *.

It does nothing.

The amendment of my friend and colleague from Utah says: Make sure we do not give an expanded Federal right for civil and criminal penalties for illegal abortions. There are some clinics that specialize in late-term abortions. They make more money that way. There are some clinics that are mills that specialize in the destruction of unborn human beings in the seventh, eighth, and ninth month, well after viability and in most cases quite illegal. My friend and colleague from Utah is saying: Wait a minute. Let us not give them this special protection.

Unfortunately, the proponents of this legislation will not agree.

This is a very common sense amendment, and I am bothered by the fact that it is being opposed.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I will yield in a minute.

Mrs. BOXER. I thank the Senator.

Mr. NICKLES. I am bothered by the fact that this is opposed, because I would like to share with my friend and colleague a story that I read by a person who worked in a clinic in Wichita that specializes in late-term abortions—specializes in them. They do lots of them, and they make a lot more than the \$250 or \$300 that is made for abortions that are performed quite commonly in the first trimester. They make a lot more money. I am bothered by the fact of what is happening in a lot of States.

As a matter of fact, looking at State laws, 30 States have laws regulating and prohibiting post-viability abortions; 25 States have some form of parental notification or consent laws; and about 20 States have some form of informed consent or waiting period.

I am bothered by the fact that you would have some States that do have laws that say we do not want abortions after viability, and my friend and colleague says let us not give special Federal protection to violation of those laws.

I heard my friend and colleague from California make some comment: Wait a minute. If we pass the amendment of the Senator from Utah this is going to be vigilante time.

I just make mention that the case in point where Dr. Gunn, who was murdered—and I denounce that criminal activity. That happened in the State of Florida. The State of Florida has laws

against murder. The individual who committed that crime could receive penalties all the way up to, and including, death.

There are State penalties. There is State enforcement. There are State laws against arson. There are State laws against using acid on and destroying private property.

So to insinuate that if we do not pass this bill there will be no protection—and that some type of vigilante activity will be OK—is absurd.

As a matter of fact, the individual who committed that crime is now in prison and is awaiting trial. Again, that penalty could go all the way up to the death penalty.

I make comment that we are creating a very special class and saying that it is illegal under Federal criminal penalties, with fines of \$10,000 for the first offense, and a felony and a fine of \$25,000 for a second offense, for someone to engage in demonstrating outside an abortion clinic. That may be holding a sign and saying "abortion kills," or "it is a child not a choice," and they may be holding hands, praying. And we are going to subject them to that kind of penalty. I find that to be very, very unfair; very unequal.

I would just urge my colleagues to support the amendment by my friend from Utah and to defeat the underlying bill, as well.

I am happy to yield for a question.

Mrs. BOXER. I thank the Senator very much for yielding.

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

The PRESIDING OFFICER. The Senator controls 6 minutes and 18 seconds.

Mr. NICKLES. I reserve the remainder of my time. I would be happy to respond to a question on the time of the Senator from California.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Massachusetts controls 13 minutes and 14 seconds.

Mr. KENNEDY. I yield 7 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for up to 7 minutes.

Mrs. BOXER. Thank you very much. And I thank the Senator for being willing to engage in a respectful dialog with me.

The Senator has stated that he is aware that there are clinics that are routinely providing abortions that are illegal. I wonder if the Senator from Oklahoma would tell me if he has reported those clinics to the police, the proper authorities in those States?

Mr. NICKLES. I would respond to the Senator, I personally have not. But I will also respond to the Senator that those statements have been made to the police and there have been attempts to prosecute, or there have been

attempts to try to get the States to prosecute individuals for their illegal abortions.

Mrs. BOXER. I would say to the Senator that the appropriate way to deal with this is to call the police, not to have an amendment here that essentially sends a message to people that they should take the law into their own hands. And that is really the essence of the debate on this particular amendment.

And I think, if I might say, that the Senator from Massachusetts has in the underlying bill been very careful to be evenhanded. Philosophical preferences do not come into play here. If you are violent and you are pro-choice, or if you are violent and you are anti-choice, the fact is you are covered under this bill.

Mr. NICKLES. Will the Senator yield?

Mrs. BOXER. Let me just finish my point.

If there are clinics that are breaking the law, an appropriate call should be made to the police.

I am shocked to hear the Senator say that this amendment is a fig leaf. I cannot believe that the Senator from Oklahoma thinks his State's laws are fig leaves. I know he does not. I certainly do not believe California's State laws are fig leaves. It is serious law.

What we are saying here very clearly is that we support the language in this bill. We point out that nothing in this bill should be construed as expanding or limiting the authority of States to regulate the performance of abortion or the availability of pregnancy or abortion-related services.

We could not be clearer here. And the Senator tried to say, "Well, does that go for other issues, as well?" This bill deals only with violence at clinics. Whether the clinic is a pro-life clinic or a clinic that provides abortions, the law applies.

Mr. NICKLES. Will the Senator yield?

Mrs. BOXER. I am happy to yield, but I would like to yield on the Senator's time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, on our time—

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized on time chargeable to the Senator from Utah. The Senator has 6 minutes and 5 seconds remaining.

Mr. NICKLES. Mr. President, I will just mention that I think my colleague from California is wrong.

My colleague from California said, "Hey, this bill outlaws violent activity," and she said it applies to pro-choice people or pro-abortion rights people as well as to pro-life people.

I will ask my friend and colleague from California, if you are outside of an abortion clinic and if you have a

pro-life demonstration—if I could have my colleague's attention—

Mrs. BOXER. Yes. I know what you are going to ask me, because you asked it several times.

Mr. NICKLES. If you are outside of an abortion clinic and you have a confrontation, these criminal penalties apply only to pro-life demonstrators. They do not apply to the so-called pro-abortion rights demonstrators.

Mrs. BOXER. Let me just repeat: A pro-choice activist who blockades or bombs a pro-life counseling center is subject to the exact same criminal and civil liabilities as a pro-life activist who blockades or bombs an abortion clinic.

This bill deals with access to clinics, I say to my friend. It does not deal with an omnibus crime bill.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. My colleague from California read the same scripted answer that my colleague from Massachusetts read, and it does not answer the question. The question is very simple. If you have a confrontation outside of an abortion clinic, pro-life demonstrators are subjected to criminal penalties and pro-abortion rights demonstrators are not. That is not equal. That is not fair.

Mr. KENNEDY. And that is not the bill.

Mr. NICKLES. Madam President, I have the floor.

The PRESIDING OFFICER (Ms. MIKULSKI). As I understand it, the Senator from California has the floor.

Mr. NICKLES. Madam President, I have the floor.

Mrs. BOXER. I would say, I reserved the remainder of my time and the Senator wanted to ask me a question, so he has the time at this point.

The PRESIDING OFFICER. The Senator from Oklahoma is using his time yielded by the Senator from Utah, but the Senator from California has the floor.

Is that correct?

Mr. NICKLES addressed the Chair.

Mrs. BOXER. Madam President, if I have the floor, I would like to respond.

The PRESIDING OFFICER. The Chair wishes to clarify that the Senator from California has the floor. If the Senator from California wishes to yield to the Senator from Oklahoma, it should be for the purposes of a question. If the Senator from Oklahoma wishes to speak when the Senator from California concludes her statement, then the Chair will look for recognition for the Senator.

Mrs. BOXER. Madam President, how much time is left for the Senator from Massachusetts?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mrs. BOXER. Madam President, I would like to respond to the Senator,

because we are getting to the point where we are having some interruptions, and we are equally guilty of that.

The Senator from Oklahoma is posing the question again. It is about, I think, the seventh or eighth or ninth time that this Senator has heard it. He is posing the question about whether or not a pro-life person is treated in the same manner as a pro-choice person.

I think we have stated over and over that the answer is yes, because we are dealing in this bill, Madam President, with safeguarding the right of every individual in America to have access to a clinic, whether they are going for pregnancy counseling in a pro-life center or whether they are going for abortion counseling in a family planning clinic. And in the exercise of that right, we say in this bill, anyone who interferes with it in a violent fashion, seeks to intimidate or harm or hurt, will be prosecuted.

Now we are not talking about an argument that is going on three blocks away. This is not an omnibus crime bill. There are laws of this land that prohibit violent activity. But in this bill, we are targeting these clinics.

I think the amendments that have come before this body from the people who do not like this bill—and they are very clear that they do not like this bill—these amendments are undermining the underlying legislation. I understand that. They are trying to gut this legislation. They are trying to make it worthless.

So it is important to stand up and defeat these amendments and pass the substitute amendments.

The Kennedy amendment is very clear. Again, it says nothing in this section shall be construed as expanding or limiting the authority of States to regulate the performance of abortions or the availability of pregnancy or abortion-related services.

Madam President, we are not reaching to other questions and other issues that the Senator from Oklahoma would like us to. Those debates we will have in the future.

Mr. NICKLES. Will the Senator yield?

Mrs. BOXER. I will be happy to yield to the Senator on his own time.

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

The PRESIDING OFFICER. The Senator has 4 minutes and 54 seconds.

Mr. NICKLES. How much time remains on the other side?

The PRESIDING OFFICER. There remains 6 minutes and 42 seconds.

Mr. NICKLES. Madam President, I would like to ask my friend and colleague from California a question and I would like to see if I cannot clarify this issue.

Am I correct that if, at an abortion clinic, pro-lifers block entrance to the clinic, they are penalized under this bill? Is that correct?

Mrs. BOXER. If my colleague reads the section, it is anyone who intimidates or tries to use violence, be they pro-choice or anti-choice. So we do not say one side or the other. I am trying to answer the Senator. I am not trying to use up his time, I am just trying to answer the Senator.

Mr. NICKLES. The answer is yes?

Mrs. BOXER. That is not what I said. I said anyone who intimidates, interferes, or uses violence, whether they are pro-choice or pro-life.

Mr. NICKLES. Let me ask my colleague another question. If pro-abortion demonstrators attack the pro-lifers who are blocking the clinic entrance, are they penalized under this bill?

Mrs. BOXER. I am giving the Senator the same answer that he keeps rejecting and he says is scripted, which is that a pro-choice activist who blocks the gates—

Mr. NICKLES. But your—

Mrs. BOXER. When the Senator asks me a question and then interrupts me as I answer, it is hard for me to answer.

Mr. NICKLES. But your scripted answer applies to a different issue. That applies to a pro-life clinic, if pro-choicers are demonstrating against that. I did not ask that question.

I said if you have pro-lifers demonstrating outside an abortion clinic and they are attacked by pro-choicers, would the pro-choicers be subjected to the penalties under this bill?

Mrs. BOXER. Attacks from demonstrators on either side are not the subject of this bill. I repeat to my good friend from Oklahoma, this bill deals with access to clinics.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma continues to hold the floor.

Mr. NICKLES. Madam President, I appreciate my friend and colleague's statement, because she is right. People who block access to a clinic, either type of clinic—they are subjected to the penalties of this bill. If those people are attacked, the attackers are not subjected to the penalties of this bill.

I make mention of that because they are not. So I have heard people say we are against violence outside of clinics. But, frankly, it is only those people who could be characterized as pro-lifers, or anybody blocking access to a clinic—and, frankly, that is only going to be pro-lifers blocking access to an abortion clinic—but if they are attacked by people who support abortion rights, and sometimes these things unfortunately do become confrontational, there is no action or cause of action under this bill. So it is inequitable.

I make that point. I would say the inequity is so stark, and so unreal, and so unfair, and so unbalanced that, really, we ought to be ashamed. I do have some confidence, though, that the Supreme Court is going to throw this en-

tire bill out as being unconstitutional and a gross infringement on first amendment rights.

Unfortunately, it looks like the Senate is going to pass it. I hope that is not the case. But I think we have made our point, and the point is very clear that this bill, unfortunately, would allow people to attack some people who are demonstrating—maybe even demonstrating peacefully, maybe holding hands praying, and saying, "Let us not destroy innocent, unborn human beings"—and unfortunately this bill only attacks them and their civil liberties. I think that is a gross injustice.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I am prepared to yield back the remainder of my time.

Mr. HATCH. Madam President I am prepared to yield back the remainder of my time. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Madam President, I move to table the KENNEDY amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

JOINT REFERRAL—THE NOMINATION OF OLIVIA A. GOLDEN TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES

Mr. KENNEDY. Madam President, as in executive session I ask unanimous consent that the nomination of Olivia A. Golden to be the Commissioner on Children, Youth, and Families, Department of Health and Human Services, be jointly referred to the Committee on Labor and Human Services and the Committee on Finance.

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

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Madam President, I yield back the remainder of my time.

Mr. HATCH. I yield back the remainder of time.

The PRESIDING OFFICER. The question now occurs on the motion to lay on the table the amendment of the Senator from Massachusetts. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—35

Bennett	Exon	Mack
Bond	Faircloth	McCain
Breaux	Gramm	McConnell
Burns	Grassley	Murkowski
Coats	Gregg	Nickles
Cochran	Hatch	Pressler
Coverdell	Hatfield	Reid
Craig	Helms	Roth
D'Amato	Johnston	Smith
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	

NAYS—64

Akaka	Glenn	Moseley-Braun
Baucus	Gorton	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Nunn
Boren	Heflin	Packwood
Boxer	Hollings	Pell
Bradley	Hutchison	Pryor
Brown	Inouye	Riegle
Bryan	Jeffords	Robb
Bumpers	Kassebaum	Rockefeller
Byrd	Kennedy	Sarbanes
Campbell	Kerrey	Sasser
Chafee	Kerry	Shelby
Cohen	Kohl	Simon
Conrad	Lautenberg	Simpson
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dodd	Lieberman	Warner
Durenberger	Mathews	Wellstone
Feingold	Metzenbaum	Wofford
Feinstein	Mikulski	
Ford	Mitchell	

NOT VOTING—1

Dorgan

So the motion to lay on the table the amendment (No. 1197) was rejected.

Mr. KENNEDY. Madam President, I move to reconsider.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I have talked to the Senator from Oklahoma. I understand he is agreeable to vitiate the yeas and nays on the two amendments. Therefore, I would ask unanimous consent that the order for the two rollcall votes be vitiated.

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

The question is now on agreeing to amendment 1197.

The amendment (No. 1197) was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to amendment No. 1196, as amended.

The amendment (No. 1196), as amended, was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, if we could have the attention of the Members, I think I state correctly that the Senator from Utah will offer a complete substitute, and I do not expect to speak on that for 2 minutes literally.

Mr. HATCH. I only intend to speak roughly 2 minutes. But I have the distinguished Senator from Oregon who

would like to take 5 minutes. I think we can keep our side below 7 minutes.

Mr. KENNEDY. Just for the information of the Members, we do not anticipate a second-degree amendment. We will not offer that, which ought to be news for the Members. We hope others do not, as well. Then we expect to go right to final passage. There has been a request for a rollcall, just so we have some understanding for the Members about what the timing would be.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I agree with the Senator from Massachusetts. I do not want a second-degree amendment on this. This is a substitute amendment.

AMENDMENT NO. 1198

(Purpose: To provide for a substitute amendment)

Mr. HATCH. Madam President, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1198.

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

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

The amendment is as follows:

On page 1 of the amendment, strike out line 1 and all that follows through the end thereof and insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1993".

SEC. 2. PURPOSE.

It is the purpose of this Act to protect and promote the public health and safety and activities affecting interstate commerce by prohibiting the use of force, threat of force or physical obstruction to injure, intimidate or interfere with a person seeking to obtain or provide reproductive health services (including protecting the rights of those engaged in speech or peaceful assembly that is protected by the First Amendment to the Constitution), and the destruction of property of facilities providing reproductive health services, and to establish the right of private parties injured by such conduct, as well as the Attorney General of the United States, to bring actions for appropriate relief.

SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

Title XXVII of the Public Health Service Act (42 U.S.C. 300aaa et seq.) is amended by adding at the end thereof the following new section:

"SEC. 2715. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

"(a) PROHIBITED ACTIVITIES.—Whoever—

"(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person who is or has been seeking to obtain or provide lawful reproductive health services;

"(2) intentionally damages or destroys the property of a medical facility or in which a

medical facility is located, or attempts to do so, because such facility provides lawful reproductive health services; or

"(3) by force or threat of force intentionally injures, intimidates or interferes with any person who is participating, or who has been seeking to participate, lawfully in speech or peaceful assembly regarding reproductive health services,

shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c). Nothing in this subsection shall be construed to subject a parent or legal guardian of a minor to any penalties or civil remedies under this section for activities of the type described in this subsection that are directed at that minor.

"(b) PENALTIES.—Whoever violates this section shall—

"(1)(A) in the case of a first offense involving force or the threat of force, be fined in accordance with title 18 or imprisoned not more than 1 year, or both; and

"(B) in the case of a second or subsequent offense involving force or threat of force after a prior conviction for an offense involving force or threat of force under this section, be fined in accordance with title 18 or imprisoned not more than 3 years, or both; except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life; or

"(2) in the case of an offense not involving force or the threat of force, be imprisoned not more than 30 days.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) involving force or threat of force may commence a civil action for the relief set forth in subparagraph (B).

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

"(i) in an amount not exceeding \$15,000, for a first violation involving force or the threat of force; and

"(ii) in an amount not exceeding \$25,000 for any subsequent violation involving force or the threat of force.

"(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to—

"(1) prevent any State from exercising jurisdiction over any offense over which it

would have jurisdiction in the absence of this section;

"(2) deprive State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section or that are violations of State or local law;

"(3) provides exclusive authority to prosecute, or exclusive penalties for, acts that may be violations of this section and that are violations of other Federal laws;

"(4) limit or otherwise affect the right of a person aggrieved by acts that may be violations of this section to seek other available civil remedies;

"(5) prohibit expression protected by the First Amendment to the Constitution; or

"(6) unreasonably interfere with the right to participate lawfully in speech or peaceful assembly.

"(e) DEFINITIONS.—As used in this section:

"(1) INTERFERE WITH.—The term 'interfere with' means to intentionally and physically prevent a person from accessing reproductive health service or exercising lawful speech or peaceful assembly.

"(2) INTIMIDATE.—The term 'intimidate' means intentionally placing a person in reasonable apprehension of immediate bodily harm to him- or herself or to a family member.

"(3) MEDICAL FACILITY.—The term 'medical facility' includes a hospital, clinic, physician's office, or other facility that provides health or surgical services.

"(4) PHYSICAL OBSTRUCTION.—The term 'physical obstruction' means rendering impassable ingress to or egress from a facility that provides reproductive health services, or rendering passage to or from such a facility unreasonably difficult or hazardous.

"(5) REPRODUCTIVE HEALTH SERVICES.—The term 'reproductive health services' includes medical, surgical, counselling or referral services relating to pregnancy.

"(6) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."

SEC. 4. EFFECTIVE DATE.

This Act shall take effect with respect to conduct occurring on or after the date of enactment of this Act.

Mr. HATCH. Madam President, I do not intend to take a lot of time.

Mr. BUMPERS. Parliamentary inquiry, Madam President. What is the time agreement on this? Is there a time agreement?

The PRESIDING OFFICER. Forty minutes equally divided.

Mr. KENNEDY. It is the intention of the two managers to take 2 minutes each.

Mr. HATCH. The Senator from Oregon wants 5 minutes. Madam President, I intend to be brief. There is no reason to have a lengthy debate here. We all understand what has been going on. This substitute amendment contains the same tough penalties as the original bill for any violent activity in or near an abortion clinic. It makes a differentiation between violent activity and peaceful civil demonstrations and peaceful civil disobedience. So it clarifies that.

It protects first amendment rights on both sides, and it removes the protection for illegal abortion. It is basically the same bill with the corrections that

I think will make it constitutional, that I think would get 100 percent of the Senators to vote for it and, frankly, would show that everybody in this body is against the violence that has been occurring. If it is not accepted, we will be split, and naturally we will not have the unanimity and the support for the bill that all of us would like to see.

That is all I have to say about it. I do not intend to say anything else.

I yield 6 minutes to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, several years ago, I supported a resolution in the Senate which condemned the violent attacks that were being carried out against health care facilities, especially those that provided abortions. At that time I said "the use of violence is never permissible and those who engaged in such acts must accept the full penalty of the law for their actions." I still believe that today. I have always felt that one should work within the law to bring about change—whether it's to stop a war one does not believe in, or to stop the taking of a life through abortion.

As one who opposes abortion, I have worked to change our Nation's law with regard to abortion. I have tried to refocus the debate away from abortion toward the circumstances that lead women to have abortions. As a society, we must address the important causes—the root causes—that force women to choose abortion. We have the tools to make abortion a moot issue, if only we can move beyond the issue of whether abortion is right or wrong, to the real life situations that force women to make that choice. We have made progress, but we still have a long road ahead of us.

Madam President, it is after much thought and consideration that I rise today to oppose the legislation before us. I do so not because I support or condone in any way the violent attacks that are being carried out—I do not—it is because I oppose creating Federal penalties that focus primarily on those individuals who oppose abortion by singling out abortion-related facilities for special treatment. Those who support this legislation do not dispute this fact, although changes have been made in the bill so that these penalties extend to pro-life counseling centers as well. They argue that the attacks and violence are directly attributable to those individuals in the pro-life movement. To me, by creating this special category we are perpetuating the divisions between pro-life and pro-choice supporters and making it more difficult to focus on the root causes of abortion.

Although there is precedent in the law for the creation of Federal criminal penalties to protect a specific industry, this legislation was only passed

last year. It is important to note that although Federal law regulates labor disputes that interfere with the flow of commerce, State penalties apply to acts of violence that result from labor disputes. With this limited history, I am not convinced that creating a new Federal cause of action targeted to a specific enterprise with both criminal and civil penalties is the appropriate response.

In fact, at this time I am inclined to support new Federal penalties only in the broadest of perspectives; that is, to protect public access to all commercial enterprises. Drawing upon the idea put forth by our distinguished colleague from Kansas, Senator KASSEBAUM, why should we tolerate any acts of violence whether they be against health care facilities, medical research facilities, churches, or small businesses? If we are going to create a Federal cause of action, let us send the message that we, as a society, will not accept violent attacks which prevent people from exercising their constitutional rights in any setting.

Supporters of this legislation have argued vigorously against broadening the scope of the bill beyond abortion services. They state that problems with violence have not been sufficiently documented to warrant such an expansion, and where problems exist State and local laws have provided adequate deterrents. For me it is an issue of fairness. How can one differentiate between violence that results from a clinic blockade versus the violence that results from a labor dispute? What about violent attacks by environmentalists, or antiwar protesters. Is tree spiking any worse than spraying noxious fumes into a clinic? I do not think so. They are both acts of violence that disturb the flow of commerce. And if we are going to create a Federal cause of action to address these acts, we should not treat them differently.

Madam President, I understand the ramifications of the violence to which many health care facilities have been subjected. In my own State of Oregon during 1992 three clinics were attacked by arsonists who caused substantial damage. That is why the Oregon Legislature recently revised the State's criminal mischief statute to provide stronger criminal penalties for acts of violence that damage, disrupt, or interfere with access to essential public services, including medical services obtained at doctors offices and places where licensed medical practitioners provide health care services.

I might also say that I believe that the State and Federal authorities should work together to prosecute those who are responsible for violent acts that prevent individuals from accessing those services.

Such disruptions now constitute a class C felony under Oregon law. This

law gives State prosecutors a stronger means to punish those who interfere with a woman's right to seek a legal abortion. I fully support Oregon's legislation to protect access to essential public services because it applies broadly to all public services. And, I believe State and Federal authorities should work together to prosecute those who are responsible for violent acts that prevent individuals from accessing these services. This violence cannot be tolerated.

As I stated earlier, this type of legislation should be broader in scope, aimed at preventing violence in all places of commerce.

I hope that before supporting this legislation, my colleagues will carefully weigh the issue of fairness and evenhandedness in crafting Federal penalties as a deterrent to acts of violence. Instead of singling out abortion-related facilities for special treatment, let us work together to address the causes of abortion in order to remove the need for protests and blockades and to make abortion a moot issue.

Madam President, let me also say until we begin to talk about contraception and the perfectability of contraception and medical research, until we begin to talk about sex education in our schools and elsewhere, we are still dealing with only the results that force women into actions of abortion.

Mr. HATCH. Madam President, I have been informed that I need to yield 5 minutes to the distinguished Senator from New Hampshire. I believe he will be the last to speak on our side.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, the debate today, unfortunately, has gotten off the focus. All of us who have spoken out on this bill are supportive of what Senator KENNEDY has in his legislation regarding violence. But we are not talking about violence in some of the examples we have seen here. We are talking about nonviolence.

You would think that all of the people who have been out there in the pro-life movement and have protested against abortion clinics were murderers and violent criminals, to hear the debate. Unfortunately, though, there has not been a lot of focus on some of the comments that have been made by those on the other side.

I have here with me a copy of a booklet called "Clinic Defense, A Model, First Edition," March 1990, which was published by the Bay Area Coalition Against Operation Rescue. It might be interesting to hear some of their comments.

Here is their basic philosophy:

Our philosophy is that our first line of defense for protection of reproductive rights is self-defense. We cannot rely on courts, police or legislators to protect our fundamental rights to control our bodies and reproductive options.

We have heard that many organizations tell people not to "touch" Operation Rescue,

but this, of course, is not really clinic defense.

We are prepared to pick 'em up and move 'em out. This can be done in a concerted way, using several or all of us at a time, to maximize effectiveness, and to minimize danger to individual defenders from police. * * *

Work with defenders around you to focus on a person or persons who need to be removed; identify them, and push the Operation Rescue out from one defender to the next until they are put out of the defense line.

Listen to this:

Rescuers have an inordinate sense of modesty and "honor" about being accused of touching women. There are innumerable instances of clinic defenders neutralizing male OR's by shouting, "get your hands off me, don't you dare touch me," all the while they are tugging or pushing Operation Rescue out of the line.

These are the tactics coming from the other side—and that is not everybody, and I do not imply that it is everybody. It even gets worse. I quote again from the booklet, which reads as follows:

Clinic Escorting. As Operation Rescue has shifted to picketing and blockading, we've learned that we can't relax and just let them "just" picket.

Mr. President, I ask unanimous consent that this document be printed in the RECORD, because it speaks for itself.

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

[Bay Area Coalition Against Operation Rescue (BACAOR)]

CLINIC DEFENSE: A MODEL

BACAOR STRATEGY

Our philosophy is that our first line of defense for protection of reproductive rights is self defense. We cannot rely on courts, police or legislatures to protect our fundamental rights to control our bodies and reproductive options.

CLINIC DEFENSE TACTICS

We have heard that many organizations tell people not to "touch" OR [Operation Rescue], but this of course is not really clinic defense.

We are prepared to pick em up and move em out. This can be done in a concerted way, using several or all of us at a time, to maximize effectiveness, and to minimize danger to individual defenders from police, OR, or OR cameras.

Work with defenders around you to focus on a person or persons who need to be removed; identify them, and push the OR out from one defender to the next until they are put out of the defense line.

[Rescuers] have an inordinate sense of modesty and "honor" about being accused of touching women. There are innumerable instances of clinic defenders neutralizing male OR's by shouting "get your hands off me, don't you dare touch me" all the while they are tugging or pushing OR out of the line.

THE POLICE

We do not call police ourselves during a hit. Our best work is done before police arrive, or when there are not enough police there to prevent us from doing what we have to do. Get in place before cops can mess with

it; establish balance of power early, do key acts requiring physical contact with OR as much as possible before cops have enough people to intervene.

Try to keep them out of it. If they are cruising by, wave them on. Be a voice of authority and reason; let them know we have it all under control and everything is just fine, thank you, officer. (Another good argument for official vests or shirts is that it gives us a tremendous amount of authority.)

CLINIC ESCORTING

As OR has shifted to picketing more than blockading, we've learned that we can't relax and let them "just" picket. It's critical to keep pushing, to not lend any legitimacy to their harassment of women on any level. As much as we can, we are drawing lines, saying, no, you cannot picket on the sidewalk in front of the clinic; this is our territory. Go across the street, go away, go wherever—but as far away from the clients as is possible to assert. Even if the sidewalk is "public," we've had success at putting enough of us out, early enough, to basically bully the ORs into staying across the street.

OR DOGGERS

We assign one or two escorts to be with [sidewalk counselors] at all times—one on one if we can. These "doggers" are there to focus on and engage the OR, and to place ourselves physically between them and the client. We may use handheld cardboard signs * * * to put up a visual block between the OR and a client.

There are also the marchers * * * who walk around in small groups, pray and harass women from the periphery * * * We assign several escorts per group of these ORs—the object is to round them up and neutralize them.

TACTICS WITH THE ORS

The way people cope with the ORs when there is not a client present runs the gamut from having long philosophical conversations to doing sexual and religious baiting. * * * Having explicitly sexual conversations can really make an anti uncomfortable without directly engaging him. Singing "Goddess" songs while they do their Hail Marys is a lovely way to affirm an alternative view of appropriate religious activities.

Isolate and Humiliate. It is critical to separate in some way the resident OR leader or troublemakers. We assign them a particular escort and do our best to isolate them from the others by getting them to lose their cool, look foolish, argue with us, etc. Although in general sexual jokes or extreme harassment are not useful with the OR picketers (they tend to settle right into martyrdom) if baiting an OR about his treatment of women, his sexuality, and how many times he masturbates will keep him from bothering clients and from being able to effectively direct the others, do it.

Remember, we are under no obligation to be polite to these people. They are here to harass women and torment them, and no matter how nice they are to you, that agenda doesn't change. They have already broken Miss Manners code by being at the clinic at all—don't let them think they can make up for it by being "polite."

TEMPORARY RESTRAINING ORDERS

A Temporary Restraining Order (TRO) is a legal device currently in use by several clinics across the country. * * * One example of a TRO's application to certain situations is to prevent a picketer from walking or standing in a given area. This is useful when the sidewalk area fronts the clinic closely, and a

"legal" moving sidewalk picket by OR in that area would legally allow OR to get very close to incoming clients. Some clinics have been successful in getting the court to authorize a "free zone," such as a 5-foot wide space from a clinic entrance to the street where picketers are prohibited from stepping. One clinic obtained a TRO to keep picketers out of a private parking lot. Restraining picketers from approaching the client's cars has also been granted.

We believe the clinics are not a legitimate forum for anti-abortion harassment, and it is not a "free speech" issue. Of course in some instances, a TRO may act as a deterrent to picketers and reduce their presence or effect at the clinic, but in cases where determined groups of OR have made it clear they will be there every single week, the struggle to abide by the arbitrary "rules" set forth by a TRO can be prohibitive of other tactics escorts may need to effectively keep OR at bay.

Mr. SMITH. I will conclude my portion of the debate, since I have been here engaging in it since 8 o'clock this morning.

To sum up, Mr. President, there are five reasons why S. 636 should be defeated. First, it is extreme. Second, it sets a terrible precedent. Third, it is vague. Fourth, it is hypocritical. And fifth, it is unconstitutional.

Let me be specific. There is no distinction in the bill between the violent and the peaceful protesters. You can conduct a sit-in peacefully, as a nun might do, praying with her rosary, and be put in jail for as long as 18 months, and can be fined \$25,000 for simply sitting and saying the rosary if you block the entrance.

Read the legislation if you do not think that is true.

Second, it is a terrible precedent. It is going to come back and bite some of the very people who have been such strong proponents of this legislation today. That is because some day, somewhere along the line in the future, there is going to be another social or political protest movement that you are going to want to support. And those who oppose that movement will be back out here opposing these kinds of harsh penalties on that movement. When that happens, you are not going to see this Senator out here saying you cannot do that. I am not going to be that hypocritical.

S. 636 does not define "physical obstruction"; it is very vague. There is no distinction. It is hypocritical for the very reason I gave. We did not see this same protest against the civil rights movement—and rightfully so—or for labor's right to protest in front of a business. We do not see it with the environmentalists, who are perhaps protesting against logging or some other matter.

S. 636 is unconstitutional, very simply, because freedom of speech and assembly is protected in the first amendment and it is being denied under this legislation. This is a very radical bill, and it is very unfortunate, frankly,

that the amendment offered—the substitute by Senator HATCH—is not going to pass and that many of the amendments that Senators NICKLES, COATS, myself and Senator HATCH have offered all day have been defeated. It is unfortunate. I think we are going to see a serious constitutional challenge to this bill, and rightfully so. I hope that challenge is successful.

I yield the floor.

Mr. KENNEDY. Madam President, first of all, I want to express, on behalf of Senator BOXER and others, our appreciation for the cooperation that we have received here. We hope that the Senate will reject the amendment of the Senator, the substitute amendment. Effectively, what it represents is an assembling of all of the other amendments we have rejected during the course of the day. That is the bottom line. It is another vote on everything that we have rejected earlier today.

A final point. I will put into the RECORD a list of all of the organizations that have embraced and support our current underlying legislation, which represent the State attorneys general; various religious organizations; business and professional; various women's organizations; medical and health organizations.

I ask unanimous consent that that list be printed in the RECORD.

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

ENDORSERS OF S. 636

WOMEN'S ORGANIZATIONS

- American Association of University Women
- Black Women's Agenda, Inc.
- B'nai B'rith Women
- Center for Women Policy Studies
- Clearinghouse on Women's Issues
- Coalition of Labor Union Women
- Fund for the Feminist Majority
- General Federation of Women's Clubs
- Mexican American Women's National Association
- National Association of Commissions for Women
- National Council of Jewish Women
- National Displaced Homemakers Network
- National Organization for Women
- NOW Legal Defense and Education Fund
- National Women's Conference Center
- National Women's Conference Committee
- National Women's Law Center
- National Women's Party
- National Women's Political Caucus
- Older Women's League
- Women for Meaningful Summits
- Women of All Colors
- Women's Action for New Directions
- Women's Activist Fund
- Women's International League for Peace and Freedom
- Women's Legal Defense Fund
- YWCA of the USA

REPRODUCTIVE RIGHTS ORGANIZATIONS

- National Abortion Federation
- National Abortion Rights Action League
- Planned Parenthood Federation of America

MEDICAL AND HEALTH ORGANIZATIONS

- American College of Obstetricians and Gynecologists

- American Medical Association
- American Medical Women's Association
- American Nurses Association
- American Psychological Association
- National Black Women's Health Project
- Society for the Advancement of Women's Health Research
- Women's International Public Health Network

CIVIL LIBERTIES ORGANIZATIONS

- American Civil Liberties Union
- People for the American Way
- Women's Institute for Freedom of the Press

BUSINESS AND PROFESSIONAL ORGANIZATIONS

- National Federation of Business and Professional Women
- National Association of Negro Business and Professional Women's Clubs, Inc.
- National Association of Social Workers

RELIGIOUS ORGANIZATIONS

- American Ethical Union
- American Humanist Association
- American Jewish Committee
- American Jewish Congress
- Americans For Religious Liberty
- Catholics for a Free Choice
- Methodist Federation For Social Action
- National Service Conference of the American Ethical Union
- Presbyterian Church (USA), Washington, D.C. Office
- Presbyterians Affirming Reproductive Options
- Religious Coalition for Abortion Rights
- Union of American Hebrew Congregations
- United Church of Christ, Board for Homeland Ministries
- United Church of Christ, Coordinating Center for Women
- United Church of Christ, Office for Church and Society
- United Methodist Church, General Board of Church & Society, Ministry of God's Human Community
- United Synagogue of Conservative Judaism
- Women of Reform Judaism: National Federation of Temple Sisterhoods

STATE ATTORNEYS GENERAL

- National Association of Attorneys General
- PUBLIC POLICY ORGANIZATIONS
- Center for the Advancement of Public Policy

Mr. KENNEDY. It is my hope that we reject the substitute and move to final passage. I am prepared to yield my time.

Mr. HATCH. I am prepared to yield my time, but I will make one last comment. Yes, this contains corrections, but it is exactly the same bill as Senator KENNEDY's with the corrections made. I hope that we can accept this amendment.

I yield the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on amendment No. 1198 offered by the Senator from Utah. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

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

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—38

- | | | |
|-----------|------------|-----------|
| Bennett | Faircloth | Lugar |
| Bond | Ford | Mack |
| Breaux | Gramm | McCain |
| Burns | Grassley | McConnell |
| Coats | Gregg | Murkowski |
| Cochran | Hatch | Nickles |
| Conrad | Hatfield | Pressler |
| Coverdell | Heflin | Roth |
| Craig | Helms | Smith |
| D'Amato | Hutchison | Thurmond |
| Danforth | Johnston | Wallop |
| Dole | Kempthorne | Warner |
| Exon | Lott | |

NAYS—61

- | | | |
|-------------|---------------|-------------|
| Akaka | Glenn | Moynihan |
| Baucus | Gorton | Murray |
| Biden | Graham | Nunn |
| Bigman | Harkin | Packwood |
| Boren | Hollings | Pell |
| Boxer | Inouye | Pryor |
| Bradley | Jeffords | Reid |
| Brown | Kassebaum | Riegle |
| Bryan | Kennedy | Robb |
| Bumpers | Kerrey | Rockefeller |
| Byrd | Kerry | Sarbanes |
| Campbell | Kohl | Sasser |
| Chafee | Lautenberg | Shelby |
| Cohen | Leahy | Simon |
| Daschle | Levin | Simpson |
| DeConcini | Lieberman | Specter |
| Dodd | Mathews | Stevens |
| Domenici | Metzenbaum | Wellstone |
| Durenberger | Mikulski | Wofford |
| Feingold | Mitchell | |
| Feinstein | Moseley-Braun | |

NOT VOTING—1

- Dorgan

So the amendment (No. 1198) was rejected.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on final passage.

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

The yeas and nays were ordered.

Mr. HATCH. Mr. President, like millions and millions of other Americans opposed to abortion, I categorically and unequivocally condemn acts of violence against abortion clinics and their personnel. Such desperate acts of violence are no answer to the violence of abortion itself.

S. 636 is not, however, a well-honed or appropriate Federal response to the problem of violence outside abortion clinics. I will identify some of the major defects in S. 636, but before I do, let me offer a couple observations prompted by our ongoing consideration of the crime bill.

We have heard much over recent days from both the majority leader and Senator BIDEN about the need to recognize the primary role of States in criminal law enforcement. I agree very much with this, and have worked hard to make sure that State and local law enforcement will have the resources that they need to combat the growing problem of violent crime on our streets.

The need to recognize the primary role of State and local law enforcement is especially compelling on such matters as trespass. Unfortunately, S. 636 betrays this principle. Lending Federal enforcement assistance where needed is

one thing; federalizing local trespass law is quite another. S. 636 would do the latter, and it thereby contravenes the sound counsel that the majority leader and the Senator from Delaware have been offering.

We have also heard much in recent days about the shortage of prison space in this country and the need to make sure that violent offenders serve their full sentences. Here again, S. 636 violates this counsel, as it would subject large numbers of people who have engaged in entirely nonviolent activity to Federal prison terms.

Let me now highlight the core provisions of S. 636, and then identify the major defects that I see in that bill. S. 636 would make activity that is already illegal under State law also a crime under Federal law, and would subject such activity to extremely harsh penalties. Under the bill, anyone who "by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been * * * obtaining or providing pregnancy or abortion-related services" would face a criminal penalty of 1 year in jail and a large fine for a first violation, and 3 years in jail and a larger fine for any subsequent violation. In addition, S. 636 would also authorize private parties, the Attorney General and State attorneys general to seek large civil penalties against such person. For example, private parties could obtain \$5,000 per violation plus unlimited private punitive damages, and both the U.S. Attorney General and State attorneys general could obtain civil penalties of thousands of dollars per violation.

These extremely harsh penalties might well be warranted if S. 636 addressed only violent activity. Here again, however, it must be emphasized that States already have and impose even more severe penalties for violent activity, and a slew of Federal statutes is also available to address violent conduct.

A major defect in S. 636 is that, notwithstanding all the rhetoric you will hear about violence, S. 636 entirely fails to differentiate between violent and nonviolent activity. Under S. 636, a person who commits an entirely peaceful violation—a grandmother, for example, sitting silently with a group of others on a sidewalk outside an abortion clinic—is subject to the same stiff penalties as a person who brandishes a gun.

I respectfully submit that this failure to differentiate between violent and nonviolent activity betrays core principles that we all should cherish. Our American tradition recognizes the fundamental distinction between acts of violent lawlessness and acts of peaceful civil disobedience. Acts of violent lawlessness appropriately invite severe

penalties. But acts of peaceful civil disobedience—mass sit-ins, for example, that draw on the tradition of Gandhi and Martin Luther King, Jr.—should not be subjected to such steep penalties.

Such acts are, of course, not privileged. Civil disobedience is, by definition, unlawful. Acts of peaceful civil disobedience should, however, be punished roughly in the same manner and to the same extent as like conduct engaged in by anyone else. For example, if protesters commit unlawful trespass, they should be subjected to roughly the same penalties that other trespassers face. To impose a substantially more severe penalty presents the threat of viewpoint discrimination, no matter how cleverly disguised.

Had States during the 1950's and 1960's been able to impose and uphold such severe penalties on peaceful civil disobedience, the civil rights movement might well have been snuffed out in its infancy. A broad range of peaceful antiabortion activity may well be disruptive and may interfere with the lawful rights of others. The same, it must be noted, was true of civil rights protests: they were, and were intended to be, disruptive, and they interfered with the then-lawful rights of others.

It is not my point here to debate the relative moral standing of the anti-abortion and civil rights movements. Nor do I suggest that peaceful civil disobedience should not be punished. I would simply like to emphasize the grave danger of viewpoint discrimination inherent in imposing the same severe penalties on peaceful civil disobedience as on violent lawlessness.

It has been and undoubtedly will be contended that S. 636 is modeled on Federal civil rights laws. I must point out, however, that, among other things, the Federal civil rights laws that have been cited do not contain the term "physical obstruction," and they have been construed to apply only to acts of violence or threats of violence. In extending its severe penalties to peaceful civil disobedience, S. 636 departs radically from the models on which it purports to rely.

To sum up my first major objection: Violent activity is fundamentally different from peaceful civil disobedience. S. 636 utterly fails to recognize this difference.

The second major problem with S. 636 is that it elevates the right to abortion above even first amendment rights. Let me explain carefully, for this point is critical. I am not here arguing that S. 636 itself violates the first amendment; I will discuss that point shortly, and ultimately the courts would have to decide it. What is beyond dispute is that in the clash between abortion and free speech, S. 636 would provide special protection to abortion that it would not provide to the constitutional guarantee of free speech.

As the testimony at a Labor Committee hearing this spring amply demonstrated, violence and abuse at abortion clinics come from both sides. If this problem is to be dealt with, it must be dealt with evenhandedly.

If S. 636 in its current form were to become law, those persons confronting peaceful, lawful pro-life demonstrators would suddenly have a virtual license to harass and provoke them, since they would know that the slightest bit of retaliation would subject the pro-life demonstrators to the severe penalties under the bill. The clear lesson of history is that peace is not achieved by disarming only one of the contestants. The way to achieve peace is to treat both sides equally and to make clear that conduct that is unacceptable by one side will be unacceptable by the other.

Consistent with these principles, it is imperative that those exercising their lawful first amendment rights to speak out against abortion have the same protections from violence and abuse as those seeking abortion. Unless the right to abortion is to be elevated above even the first amendment, the penalties under the bill should be extended to those who, by force or threat of force, injure, intimidate, or interfere with persons lawfully exercising their first amendment rights at abortion-related facilities.

The third major problem with S. 636 is that it would surely chill the exercise of first amendment rights. In practice, of course, those who would have to take account of the prospect of the draconian penalties under S. 636 would be not simply those who would actually engage in the activities prohibited by it, but also those who might even possibly be alleged—rightly or wrongly—to have engaged in those activities. Because S. 636 delegates an astonishing amount of what is in essence prosecutorial authority to State attorneys general and to private parties—including abortion clinics—and because it offers them the bonanza of substantial monetary penalties, it is a virtual certainty that innocent persons who have done nothing more than engage in the lawful exercise of their first amendment rights will be targeted and pursued. The chilling effect on legitimate first amendment speech is therefore likely to be intense.

Another glaring defect of S. 636 is that it would protect illegal abortions. As a result, it could effectively cripple most or all State regulation of abortion, including regulation that serves solely to protect the health of those obtaining abortions. For example, an unlicensed late-term abortionist would, under the plain language of the bill, have a civil cause of action for at least \$5,000 in compensatory damages and for punitive damages against State officials who attempted to prevent him from performing illegal abortions.

The supporters of S. 636 may claim that it would not create any liability for enforcement by State or local law enforcement authorities of State or local laws. This claim, however, is not supported by the text of S. 636. Nothing in the provision defining prohibited activities exempts enforcement activities by State officials. Likewise, the relevant rule of construction provides merely that S. 636 shall not be construed to "prevent any State from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section"; it does not provide that S. 636 shall not be construed to subject State officials to liability for enforcement activities.

In short, S. 636 would nominally permit enforcement of State laws regulating abortion, but it might well give those subject to enforcement a separate, and extremely potent, civil cause of action against State officials. Moreover, S. 636 would clearly give illegal abortionists the same extremely potent civil cause of action against any good samaritan citizen who responsibly attempted to deter an imminent and dangerous illegal abortion.

The stated rationale for S. 636 is that those exercising a legally protected right should be protected in exercising that right. That rationale plainly does not extend to protection of unlawful conduct, such as illegal abortion.

It has been suggested by the supporters of the bill that protection of illegal abortions is necessary to prevent the possibility of abusive litigation discovery. But the danger of abusive discovery exists in every piece of litigation, and our system has developed a workable method of preventing such abuses: the trial judge will control what discovery is and is not permissible. It is disturbing, to say the least, that S. 636 would protect illegal abortions in order to eliminate routine aspects of litigation that all other litigants in this country face.

My final major objection to S. 636 is that it discriminates against the pro-life viewpoint. Granted, this discrimination is cleverly disguised. But, as the Supreme Court recently reemphasized in *Church of Lukumi v. Hialeah* [(U.S. June 11, 1993)], "[f]acial neutrality is not determinative" of a statute's compliance with the first amendment. *Id.*, at 12. While the *Church of Lukumi* case concerned the free exercise clause of the first amendment, there is every reason to believe that its analysis applies equally to the first amendment's free speech clause. Among the lessons of the *Church of Lukumi* case are that the first amendment "protects against government hostility which is masked, as well as overt," slip op., at 12, and that "the effect of a law in its real operation is strong evidence of its object," *id.* at 13.

S. 636 clearly masks a hostility to the pro-life viewpoint. While facially

neutral as between abortion facilities and pro-life facilities, it fails to provide pro-life speakers the same needed protection from violence and abuse as those seeking and providing abortion. It also singles out abortion-related activity for harsh penalties that do not apply to many other causes engaged in similar conduct. The clearly intended effect of S. 636 in its real operation would be to disadvantage pro-life speech significantly.

I have many more substantive objections to the bill. For example, the delegation of so much enforcement authority to private and State entities undermines a stated rationale for the bill: the asserted need for careful, coordinated Federal action.

Finally, Mr. President, one of my concerns with this bill is that it would treat violence differently depending on the cause engaged in the violence. In other words, any action, from the mundane to the deadly, would be covered by the bill if the targets of this action provide abortion services.

The same is not true for those who do not provide abortion services. If a striking union member kills another employee, if a group of strikers goes on a rampage and burns and destroys property, if they blockade traffic, harass local citizens, and threaten spouses and children—the bill is silent. According to the proponents, the only violence worth addressing in Congress is violence committed against those who provide abortion services. All other victims are somewhat less important.

What makes this proposition even more incredible is that the record of union violence in recent decades is so pronounced. Even this year, we have seen an incredible degree of violence in connection with an ongoing strike by the United Mine Workers of America.

Mr. President, I ask unanimous consent that a list of examples of the kind of violent acts that have marred United Mine Worker strikes be included in the RECORD at the conclusion of my remarks. This union is not alone, however. There are many other examples of union violence over the past decades.

The point is, Mr. President, that I believe labor violence in recent years equals if not surpasses the degree and amount of violence against abortion clinics.

There should be not politically acceptable violence. Killings, shootings, beatings, countless threats and millions of dollars in property damage should not be ignored simply because they are committed in connection with a labor dispute. There is no logical reason while the millions of Americans who have been victimized by labor violence should not enjoy the same protections that my colleagues are so ready to provide to those who run abortion clinics.

Mr. President, I was prepared to offer an amendment to correct this failure

in the legislation but I have been told that one of my colleagues will offer the striker replacement bill as a second degree amendment to mine. My only recourse under the existing unanimous-consent agreement would be to offer second degree amendment after second degree amendment, which would violate the spirit of the agreement.

Consequently, I will not offer my amendment. Instead, my colleagues will be asked to vote today to endorse the notion that those who provide abortion services are more important than any other Americans. We will be asked to endorse the inexplicable position that violent acts against abortion clinics deserve congressional attention but killings, beatings, and rampages during labor strikes do not. That is simply not acceptable.

EXAMPLES OF VIOLENCE

In September 1979 during a United Mine Workers strike in Wayne County, KY, a coal company's security guard was shot only 2 hours after an injunction was ordered prohibiting violence at the facility.

In June 1980 a United Mine Worker official was arrested for shooting a mine security guard in the back with a high-caliber hunting rifle.

In April 1981 striking mine workers and coal truck drivers engaged in a gun battle that wounded four men.

In May 1981 striking coal miners went on a destructive rampage in West Virginia, burning trucks, smashing office windows, and setting fire to the office of a coal company.

Also in May 1981 a nonunion mine was assaulted by heavy gun fire coming from striking United Mine Workers.

In February 1982 the home of the chief negotiator for a coal company was hit by dynamite bombs 2 days in a row.

In May 1985 a 35-year-old man was killed by snipers as he drove a truck that had been hauling nonunion coal. The man left behind two children and a pregnant wife.

Also in May 1985 another coal truck driver was shot and injured by sniper fire as he was transporting coal during a strike.

In August 1985 an owner of a strike-bound coal company was hit by sniper fire at his facility.

A State court in Virginia issued a restraining order against the United Mine Workers following union violence during the Pittston strike. Fines stemming from that order have exceeded \$50 million. The union has appealed the order to the Supreme Court. The Clinton administration has filed an amicus brief in support of the right of the State court to impose the order and the fines.

In 1987, the Fourth Circuit Court of Appeals issued an order against the United Mine Workers as a result of the union's violence against subsidiaries of the A.T. Massey Coal Co. Under the

order, which was intended to curb future violence, the union is required, among other things, to train its members about appropriate conduct during a strike, to teach them that firearms are not allowed on the picket line, and that blockades, attacks on motor vehicles, and similar conduct was not permissible.

During February 1993 it is reported that at several mines, windows were broken in trucks and cars; rocks were thrown at supervisors and guards; steel balls and bolts were fired from slingshots at guards and supervisors; a supervisor was shot with a pellet gun; a truck was burned by a Molotov cocktail; and gunshots were fired into the side of a mine office.

On May 18, 1993, a train, which had left a mine in Perry County, IL, was derailed outside of Coulterville. Several strikers had placed flares on the track, forcing the engineer to stop the train. While some of the strikers were asking the engineer to return the train to the mine, someone tampered with the emergency braking system. When the engineer focused on fixing the braking system, the bottoms of several of the cars were opened, dumping more than 500 tons of coal on the tracks. When the train began to move again, five cars were derailed. It took the railroad over 12 hours to clean up the coal, reset the cars on the track, and reopen the rail line. The railroad will have to pay for these damages. Several days later, supervisors discovered that several spikes holding rails in place had been removed or loosened minutes before another train passed over a track on company property.

On the night of June 1, 1993, a pipe bomb exploded outside a mine supervisor's home in Perry County, IL. Metal fragments from the bomb struck the side of the house, blew a hole in the yard and damaged a fence. The supervisor, his wife, and children were at home at the time of the explosion. The Bureau of Alcohol, Tobacco, and Firearms is investigating the bombing.

On June 3, 1993, after dropping off wire rope at a mine in Perry County, IL, a truck driver was followed by a pickup truck with Illinois license plate, "UMWA 12." The driver of the pickup repeatedly attempted to pass the truck, while his passenger threw jackrocks at the truck's tires. The truck was followed into Missouri, where the truck driver was able to call the police. The police arrested the driver and owner of the pickup, who was also the president of the United Mine Workers local at the mine. When they searched the pickup, the police found an M-1 carbine, a .38 automatic pistol and clip, a .22 caliber pistol, firecrackers, a slingshot, ball bearings, jackrocks, a radio scanner, a two-way radio, electronic eavesdropping equipment, an ice-pick, a variety of camouflage clothing, and a ski mask.

On June 8, 1993, a convoy of supply trucks attempted to enter the premises of another mining operation. The lead trucks came under attack. The windshield of a petroleum products truck was broken and six of its tires were flattened. Fearing additional damage, the convoy was forced to turn around and not enter the mine.

On June 9, 1993, a striker at another mine attacked a vendor's truck with a baseball bat, while another striker destroyed the truck's radiator. A third striker pointed a pistol at the driver.

On June 13, 1993, an electrical transformer at a mine came under gunfire. The repairmen who arrived to fix the damage caused by the bullets were bombarded with rocks. The local union president and vice president were identified. Later that day, some 21 picketers threw rocks at security guards.

On Sunday, June 13, 1993, at approximately 8 p.m., near a West Virginia mine, a caravan of supervisors in both personal cars and a bus were driving on a public road on their way back to the mine from a weekend break. At a point where the road was being repaired and only one lane was open, more than 20 people dressed in camouflage, hoods, and masks attacked the cars, breaking windshields and damaging the vehicles. The cars driven by women were damaged the most. One person was seriously injured when an individual ran directly up to one car and threw a large rock through the passenger window, striking the passenger on the shoulder and arm.

On June 14, 1993, a fire broke out at a coal company's preparation plant in West Virginia. The fire began when someone opened a valve on a diesel storage tank and set it afire. The fire also destroyed a bulldozer. Jackrocks were placed around five trucks. The damage cost almost \$300,000.

On June 18, 1993, a mining supervisor was driving on a public road when he noticed he was being followed. The car sped in front of him and pulled over to the side of the road. The supervisor stopped his car and got out in order to film the other car with his camcorder. When he turned the camcorder on, he was attacked by two employees, whom he recognized. He was knocked to the ground and kicked, and his camcorder was stolen.

Late at night on June 19, 1993, some 200 picketers massed at a wooden bridge near the entrance of a West Virginia mine. The security guards became worried and called for reinforcements. The strikers dumped tires and other debris on the bridge and set them on fire in an attempt to burn down the bridge. The local fire department was called but refused to cross a picket line. The guards fired tear gas into the mob to disperse it and shots were fired. The 12 guards were able to put out the fire, but 1, who has responded to the call for reinforcements, was struck in

the head by a rock. An ambulance was called but the ambulance was unable to cross the bridge. The emergency personnel were allowed to walk to the injured guard, and he was taken to the hospital, where he received 13 stitches to his face and head. Some 2 hours after being called, the local police arrived at the mine and promptly searched the guards. No weapons were found, since the guards are not armed. The strikers were not searched and finally dispersed at daylight.

On June 23, 1993, rifle fire at a West Virginia coal mine damaged the mine's large, electrical transformer, which provides most of the power for the facility. The cost of the damage was more than \$300,000.

On June 30, 1993, at a mine in West Virginia, rifle fire damaged the main electrical transformer, creating more than \$500,000 worth of damage.

On July 14, 1993, a 70-ton electrical transformer, which provided power to a mine in Pike County, IN, was vandalized, and the substation was disabled. Electrical service to the mine was lost, but nearly 2,000 other utility customers also lost their power, including 8 people who are on life support systems. The utility was able to make arrangements with the local Red Cross and the sheriff's department to provide temporary shelter and relief for these individuals. It will take a week to replace the transformer, at a cost of more than \$500,000 to the utility.

On July 19, 1993, at a mine in West Virginia, strikers threw rocks, damaging several buildings and vehicles and an electrical transformer was ruined by rifle fire. When a tow truck arrived on the scene to remove the damaged vehicles, a striker attempted to throw jackrocks under the truck and was arrested by the police.

On July 21, 1993, at a mine in West Virginia, the electrical transformer was shot several times and disabled, cutting off power to the mine. This mine has been known as a gaseous mine, making electrical ventilation to avoid methane gas buildup especially critical. Several individuals who were underground at the time were forced to evacuate the mine on foot.

On July 22, 1993, Ed York, an employee of an independent contractor, was shot and killed as he tried to leave Arch of West Virginia Ruffner mine. Mr. York had been cleaning out a pond, a job he had performed for years, to make sure that mine was in compliance with various environmental rules and regulations. This was not work performed by the union. Mr. York was killed when a four-car convoy he was in came under attack by camouflaged strikers wearing masks. The strikers hurled rocks at the lead vehicle, slowing it down. Several shots were fired and Mr. York was hit in the back of the head and killed.

On October 1, 1993, a foreman at a coal mine in Illinois had his home vandalized. His truck tires were slashed, paint was thrown on the vehicle, and a container of antifreeze was put in the backyard, so that it could be reached by the foreman's prize show dog. The show dog was the mother of 23 championship puppies. Antifreeze is deadly and painful poison for a dog, because it has a sweet aroma and taste that dogs love, but it can cause total kidney dysfunction. Despite the efforts of local veterinarians, the dog finally died after several extremely painful days. Four other company supervisors had their homes vandalized the same night.

This month, up to 75 United Mine Workers blocked salaried employees from entering a Blacksville, WV, mine for 2½ hours. The homes of two foremen were vandalized, causing more than \$5,000 worth of damage at one home. Bricks were thrown through one window, landing on a bed where a 12-year-old child was sleeping.

Recently, a Federal grand jury in West Virginia indicted eight people for various criminal acts stemming from the murder of Edward York. The indictment contains the following assertions:

On or about July 22, 1993, defendant Jerry Dale Lowe discharged the Colt Trooper Mark III .357 caliber magnum revolver, serial No. 30259U, striking and killing John Edward York, also known as Eddie York, the driver of a Deskins vehicle.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the committee substitute amendment, as amended.

The committee substitute amendment, as amended, was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—69

Akaka	Brown	Danforth
Baucus	Bryan	Daschle
Biden	Bumpers	DeConcini
Bingaman	Byrd	Dodd
Bond	Campbell	Dole
Boren	Chafee	Domenici
Boxer	Cohen	Durenberger
Bradley	Conrad	Feingold

Feinstein	Lautenberg	Pryor
Ford	Leahy	Reid
Glenn	Levin	Riegle
Gorton	Lieberman	Robb
Graham	Mathews	Rockefeller
Harkin	McConnell	Roth
Hollings	Metzenbaum	Sarbanes
Hutchison	Mikulski	Sasser
Inouye	Mitchell	Shelby
Jeffords	Moseley-Braun	Simon
Kassebaum	Moynihan	Simpson
Kennedy	Murray	Specter
Kerrey	Nunn	Stevens
Kerry	Packwood	Wellstone
Kohl	Pell	Wofford

NAYS—30

Bennett	Gramm	Lugar
Breaux	Grassley	Mack
Burns	Gregg	McCain
Coats	Hatch	Murkowski
Cochran	Hatfield	Nickles
Coverdell	Heflin	Pressler
Craig	Helms	Smith
D'Amato	Johnston	Thurmond
Exon	Kempthorne	Wallop
Faircloth	Lott	Warner

NOT VOTING—1

Dorgan

So the bill (S. 636), as amended, was passed, as follows:

S. 636

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1993".

SEC. 2. CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) medical clinics and other facilities throughout the Nation offering abortion-related services have been targeted in recent years by an interstate campaign of violence and obstruction aimed at closing the facilities or physically blocking ingress to them, and intimidating those seeking to obtain or provide abortion-related services;

(2) as a result of such conduct, women are being denied access to, and health care providers are being prevented from delivering, vital reproductive health services;

(3) such conduct subjects women to increased medical risks and thereby jeopardizes the public health and safety;

(4) the methods used to deny women access to these services include blockades of facility entrances; invasions and occupations of the premises; vandalism and destruction of property in and around the facility; bombings, arson, and murder; and other acts of force and threats of force;

(5) those engaging in such tactics frequently trample police lines and barricades and overwhelm State and local law enforcement authorities and courts and their ability to restrain and enjoin unlawful conduct and prosecute those who have violated the law;

(6) this problem is national in scope, and because of its magnitude and interstate nature exceeds the ability of any single State or local jurisdiction to solve it;

(7) such conduct operates to infringe upon women's ability to exercise full enjoyment of rights secured to them by Federal and State law, both statutory and constitutional, and burdens interstate commerce, including by interfering with business activities of medical clinics involved in interstate commerce and by forcing women to travel from States where their access to reproductive health services is obstructed to other States;

(8) the entities that provide pregnancy or abortion-related services engage in com-

merce by purchasing and leasing facilities and equipment, selling goods and services, employing people, and generating income;

(9) such entities purchase medicine, medical supplies, surgical instruments, and other supplies produced in other States;

(10) violence, threats of violence, obstruction, and property damage directed at abortion providers and medical facilities have had the effect of restricting the interstate movement of goods and people;

(11) prior to the Supreme Court's decision in *Bray v. Alexandria Women's Health Clinic* (113 S. Ct. 753 (1993)), such conduct was frequently restrained and enjoined by Federal courts in actions brought under section 1980(3) of the Revised Statutes (42 U.S.C. 1985(3));

(12) in the *Bray* decision, the Court denied a remedy under such section to persons injured by the obstruction of access to abortion-related services;

(13) legislation is necessary to prohibit the obstruction of access by women to pregnancy or abortion-related services and to ensure that persons injured by such conduct, as well as the Attorney General of the United States and State Attorneys General, can seek redress in the Federal courts;

(14) the obstruction of access to pregnancy or abortion-related services can be prohibited, and the right of injured parties to seek redress in the courts can be established, without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or other law; and

(15) Congress has the affirmative power under section 8 of article I of the Constitution as well as under section 5 of the Fourteenth Amendment to the Constitution to enact such legislation.

(b) PURPOSE.—It is the purpose of this Act to protect and promote the public health and safety and activities affecting interstate commerce by prohibiting the use of force, threat of force or physical obstruction to injure, intimidate or interfere with a person seeking to obtain or provide pregnancy or abortion-related services, and the destruction of property of facilities providing pregnancy or abortion-related services, and by establishing the right of private parties injured by such conduct, as well as the Attorney General of the United States and State Attorneys General in appropriate cases, to bring actions for appropriate relief.

SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

Title XXVII of the Public Health Service Act (42 U.S.C. 300aaa et seq.) is amended by adding at the end thereof the following new section:

"SEC. 2715. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

"(a) PROHIBITED ACTIVITIES.—Whoever—

"(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing pregnancy or abortion-related services: *Provided, however,* That nothing in this section shall be construed as expanding or limiting the authority of States to regulate the performance of abortions or the availability of pregnancy or abortion-related services;

"(2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to

injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of worship; or

"(3) intentionally damages or destroys the property of a medical facility or in which a medical facility is located, or attempts to do so, because such facility provides pregnancy or abortion-related services, or intentionally damages or destroys the property of a place of religious worship,

shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

"(b) PENALTIES.—Whoever violates this section shall—

"(1) in the case of a first offense, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 3 years, or both;

except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than \$10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall be not more than \$25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a medical facility that provides pregnancy or abortion-related services.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

"(i) in an amount not exceeding \$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations; and

"(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000, for any other subsequent violation.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

"(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, such Attorney General may commence a civil action in the name of such State, as *parens patriae* on behalf of natural persons residing in such State, in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

"(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to—

"(1) prevent any State from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section;

"(2) deprive State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State or local law;

"(3) provide exclusive authority to prosecute, or exclusive penalties for, acts that may be violations of this section and that are violations of other Federal laws;

"(4) limit or otherwise affect the right of a person aggrieved by acts that may be violations of this section to seek other available civil remedies;

"(5) prohibit expression protected by the First Amendment to the Constitution; or

"(6) create new remedies for interference with expressive activities protected by the First Amendment to the Constitution, occurring outside a medical facility, regardless of the point of view expressed.

"(e) DEFINITIONS.—As used in this section:

"(1) INTERFERE WITH.—The term 'interfere with' means to restrict a person's freedom of movement.

"(2) INTIMIDATE.—The term 'intimidate' means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.

"(3) MEDICAL FACILITY.—The term 'medical facility' includes a hospital, clinic, physician's office, or other facility that provides health or surgical services or counselling or referral related to health or surgical services.

"(4) PHYSICAL OBSTRUCTION.—The term 'physical obstruction' means rendering impassable ingress to or egress from a medical facility that provides pregnancy or abortion-related services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.

"(5) PREGNANCY OR ABORTION-RELATED SERVICES.—The term 'pregnancy or abortion-

related services' includes medical, surgical, counselling or referral services, provided in a medical facility, relating to pregnancy or the termination of a pregnancy.

"(6) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."

SEC. 4. RULE OF CONSTRUCTION.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to interfere with the rights guaranteed to an individual under the First Amendment to the Constitution, or limit any existing legal remedies against forceful interference with any person's lawful participation in speech or peaceful assembly.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect with respect to conduct occurring on or after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. I want to extend my appreciation to the staff who did such an excellent job on developing and facilitating passage of this legislation, particularly Judy Appelbaum of my staff who did outstanding work on her first major piece of legislation. I offer my thanks to the following staff for all their efforts: Senator KENNEDY: Judy Appelbaum, Jeff Blahner, Ron Weich, Lucy Koh; Senator BOXER: Rebecca Rozen; Senator HATCH: Ed Whalen, Sharen Prost; Senator MIKULSKI: Robyn Lipner; Senator FEINSTEIN: Alexander Russo; Senator MURRAY: Helen Howell; Senator MOSELEY-BRAUN: Dana Bender; Senator KASSEBAUM: Kimberly Barnes-O'Connor; Senator DURENBERGER: Dean Rosen.

ORDER OF BUSINESS

Mr. SPECTER. Mr. President, parliamentary inquiry. Under the pending unanimous consent agreement, is S. 1657, the Specter bill on habeas corpus, now the business of the Senate?

The PRESIDING OFFICER. The Senator is correct, with 3 hours for debate, 2 hours under the control of the Senator from Pennsylvania [Mr. SPECTER], and 1 hour under the control of the Senator from Delaware [Mr. BIDEN].

Mr. SPECTER. Mr. President, my distinguished colleague from Alaska, Senator STEVENS, has asked for 5 minutes on a matter relating to his State.

I ask unanimous consent at this time that he be permitted to speak without the time charged to the bill and without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska.

TWENTIETH ANNIVERSARY OF TRANS-ALASKA PIPELINE AUTHORIZATION ACT

Mr. STEVENS. Mr. President, today marks the 20th anniversary of the

Trans-Alaska Pipeline Authorization Act. It was signed into law by President Nixon on November 16, 1973. That momentous occasion was of great importance to our entire Nation and really of absolute importance to my State of Alaska. It came about after a long battle on the floor of the Senate. That battle was finally won when the then-Vice President, Vice President Agnew, broke the tie. It was the only vote he ever cast.

In November of 1973, our Nation was in the grips of a crisis, an energy crisis. Just a few weeks earlier, on October 17, 1973, Arab oil-producing states began cutting exports of oil to the United States. Within a few days, they enforced a total embargo of oil exports to our country. Petroleum supplies were disrupted and gasoline and heating oil prices increased dramatically. Soon there were shutdowns of gas stations and talk of rationing gasoline. Heating oil shortages in the East, followed by escalating prices caused some Americans to literally go without heat.

The energy crisis of 1973 was one of the reasons the Trans-Alaska pipeline system was authorized. The benefits our country received from that important decision 20 years ago exceeded all of our expectations.

It was one of the major projects that helped us climb out of the economic problems that plagued us in the 1970's.

It is hard to imagine the incredible expansion in the economy that the Trans-Alaska Pipeline—we call it TAPS—has provided our Nation over the last 20 years, and the positive impact it continues to produce. There were many ways this project helped our economy.

It boosted the economy during construction of the pipeline.

It reduced imported crude oil which greatly decreased our trade deficit.

It stimulated the economy on the west coast through refining of the crude oil.

It brought in a U.S. fleet to carry the Alaska crude oil to the lower 48. The 800-mile, 48-inch pipeline was built between November 1973 and June 1977. It was an outstanding accomplishment, achieved by 70,000 workers at a cost of \$8 billion. Parts and materials to build the project were purchased in all 50 States.

As an example of the amount of private expenditures this pipeline has generated, I ask unanimous consent to submit for the RECORD a list of the amounts that have been spent in each of the States for North Slope oil development between 1980 and 1991. These are actual dollars spent in all 50 States.

Back in 1973, critics claimed that the oil from Prudhoe Bay represented only a 600-day supply of oil for our country. But Prudhoe Bay currently accounts for one-fourth of all U.S. production—or about 1.7 million barrels per day.

The peak throughput was during the Persian Gulf war. TAPS was pumping nearly 2.2 million barrels a day at the President's request to help offset the decline in imports due to the war. It has been pumping steadily for over 16 years—more than 5,900 days straight.

That does not mean there are no problems with TAPS. The Bureau of Land Management recently commissioned an audit of the pipeline and they did find some problems. And those problems should not be taken lightly. I support efforts to make sure that TAPS continues to run smoothly, efficiently, and safely.

The BLM audit team also found that TAPS has moved "extremely large quantities of oil * * * without creating lasting environmental problems." There is no doubt about that. The Trans-Alaska Pipeline has been operating over 16 years and has delivered 9 billion barrels to our Nation—with no major mishaps.

The BLM audit team rightly cited the commitment of the many workers as the reason for the Trans-Alaska Pipeline's good record for transporting oil to our Nation. Remember, all of that oil is consumed in the United States. We owe those workers our gratitude for the many years of fine work that has helped deliver 9 billion barrels of oil.

But how soon some people forget about the importance of the Trans-Alaska Pipeline to our Nation. The Department of Energy's recent publication "The U.S. Petroleum Industry: 1970-1992" does not even mention the authorization, the construction, or the production from the TAPS as a significant event affecting the U.S. petroleum industry.

TAPS helped boost our economy and our petroleum industry. But now our petroleum industry is in desperate trouble—and I believe it will lead to serious economic problems similar to those experienced during the energy crises of 1973 and 1978.

Domestic crude oil production is dropping, and now stands at less than 7 million barrels per day, the lowest in 30 years. The Prudhoe Bay field currently provides 25 percent of the total production—but is declining by 10 percent per year.

In 1992 the United States imported 50 billion dollars' worth of oil—accounting for more than half of our trade deficit. In 1989, the United States only imported \$45 billion in oil accounting for only 40 percent of the trade deficit.

The United States is perilously dependent on foreign oil. During the Arab oil embargo in 1973 when oil prices skyrocketed, we imported 36 percent of our crude oil and petroleum products. Today that figure has grown to more than 43 percent and is rapidly climbing.

At any moment, world events beyond our control could create another economic disaster like we had in 1973.

We need to revive the domestic oil industry. The oil and gas industry has been given a bad name—much like the timber industry—and it is not deserved. The oil industry is not just a few large companies. It is many small independent oil and gas producers that are an integral part of our country's economy.

Between 1982 and 1992 the electronics industry lost 166,000 jobs, the steel industry lost 150,000 jobs, and the textile industry lost 62,000 jobs.

But the oil and gas industry lost more than 400,000 jobs. More than any other industry.

So I would like to pay tribute on the 20th birthday of the Trans-Alaska Pipeline to the many fine men and women who helped build the pipeline and those who now work day-in and day-out to keep it running smoothly. They deserve our recognition and our thanks.

I ask unanimous consent that a table showing the dollars spent in each State for North Slope oil development between 1980 and 1991 be printed in the RECORD, along with two articles from the New York Times in 1973 that describe the conditions that existed in our country at the time we did authorize this enormous project in my State.

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

Dollars spent in each State for North Slope Oil Development between 1980 and 1991

Texas	\$6,740,000,000
Alaska	4,900,000,000
California	3,100,000,000
Pennsylvania	1,590,000,000
Washington	1,350,000,000
New York	680,000,000
Oklahoma	517,000,000
Colorado	292,000,000
Illinois	218,000,000
Oregon	209,000,000
Wisconsin	187,000,000
Louisiana	172,000,000
Utah	157,000,000
Georgia	105,000,000
Ohio	98,000,000
Missouri	90,000,000
Idaho	86,000,000
Kansas	86,000,000
Michigan	85,000,000
Minnesota	81,000,000
Nebraska	76,000,000
New Jersey	61,000,000
Massachusetts	60,000,000
Arkansas	54,000,000
Indiana	51,000,000
North Carolina	48,000,000
South Carolina	44,000,000
New Mexico	41,000,000
Iowa	39,000,000
Maryland	34,000,000
Florida	31,000,000
Connecticut	25,000,000
Delaware	21,000,000
Wyoming	16,000,000
Kentucky	14,000,000
Arizona	10,000,000
Nevada	10,000,000
North Dakota	10,000,000
Alabama	7,000,000
Rhode Island	7,000,000
Maine	6,000,000

New Hampshire	6,000,000
Tennessee	6,000,000
Hawaii	5,000,000
Virginia	5,000,000
Montana	4,000,000
Mississippi	2,000,000
Vermont	2,000,000
West Virginia	2,000,000
South Dakota	1,000,000

[From the New York Times, Oct. 22, 1973]

FOUR MORE ARAB GOVERNMENTS BAR OIL SUPPLIES FOR U.S.

(By Richard Eder)

BEIRUT, LEBANON, Oct. 21—Four Persian Gulf oil producers—Kuwait, Qatar, Bahrain and Dubai—today announced a total embargo of oil to the United States.

The announcements made the cutoff of Arab oil to the United States theoretically complete. Of the 17 million barrels of crude and heating oil and refinery products used by the United States each day, approximately 6 per cent has been imported from the Arab states.

At the same time, the Netherlands, which has been accused by the Arabs of being pro-Israel, was the object of reprisals today. Iraq announced the nationalization of Dutch oil holdings in the country. Previously Iraq has nationalized American holdings.

Not even the Arab producers themselves believe that the use of the oil weapon against the United States will have much immediate effect, although if maintained for a long period it could prevent serious problems. There is, for example, no simple way to prevent oil sold to European countries from finding its way to the United States.

Today's moves completed a second phase of Arab governments' decision to use oil to put pressure on the United States to abandon or reduce its support of Israel.

Last Wednesday, meeting in Kuwait, the Arabs announced that each nation would cut oil production by 5 per cent each month. These escalating cuts would continue, it was declared, until Israel evacuated the lands taken in 1967 and made restoration to the Palestinian refugees. This over-all squeeze on oil consumers was to be applied flexibly. Countries that gave "concrete assistance" to the Arab cause, it was announced, would not suffer cuts. Countries considered unfriendly—the United States in particular—would be made to bear the effect of the progressive curtailment.

The formula was purposely unclear and flexible. It was designed not simply to punish countries for supporting the Arab insufficiently, but also to encourage them to change their policies. Countries that adopted a stiffer line toward Israel could find themselves placed in a more favored category.

At the same time, the use of the over-all reduction in production, especially as it escalated each month, would make it less and less likely that the European countries, for instance would allow oil sold to them be sent to the United States.

The Kuwait meeting was followed by announcements of more United States military aid to Israel and President Nixon's request for a \$2.2-billion appropriation to pay for it. This seems to have set in motion the second phase of the oil squeeze.

Several states, among them Saudi Arabia and Qatar, announced that the first production cuts would be 10 per cent rather than 5 per cent. In the case of Saudi Arabia, whose production dwarfs that of the others, the 10 per cent cut would replace the first two monthly 5 percent reductions.

The results would be roughly the same, but the initial bite would be much harder.

Then over the last three days, the oil states began successively announcing a total embargo on oil to the United States. By tonight these included Saudi Arabia, Libya, Kuwait, Abu Dhabi, Qatar, Algeria, Bahrain and Dubai.

The total embargo on the United States could mean that the other form of pressure, the production cut, will begin to be felt in Europe and Japan somewhat later than it otherwise would have done. This is because the United States took close to 10 per cent of the Arab output.

[From the New York Times, Dec. 3, 1973]

TRAFFIC OFF SHARPLY ON GASLESS SUNDAY

(By David A. Andelman)

Millions of drivers, facing padlocked gas pumps and warnings of an energy crisis, kept their cars at home yesterday.

While city streets in New York, in Los Angeles and in between, carried their light Sunday traffic, many of the country's major superhighways and parkways were barren stretches of asphalt and concrete, their service islands bare, their toll-takers inactive.

It was a day when more than 90 per cent of the nation's 220,000 service stations closed, observing the first voluntary nationwide shutdown to conserve gasoline.

The pattern that emerged was one of a conservative motorist, willing to venture a short distance from home to visit friends or relatives but unwilling to risk a long Sunday drive into the country.

There were the cases, too, of those stranded without gas, of others siphoning fuel out of parked cars, of private planes standing at municipal airports, and of the few gas station owners who stayed open being flooded, even mobbed, by those who needed their fuel.

In the New York area, all reports from officials of the American Automobile Association, police officials and toll-takers showed traffic on the major arteries significantly lighter than normal.

The Verrazano-Narrows Bridge had a 25 per cent drop in traffic, and on the Goethals and Bayonne Bridges and Outer-bridge Crossing between Staten Island and New Jersey, that drop reached 35 per cent.

On the Gov. Thomas E. Dewey Thruway in New York, Joseph Guardino, a supervisor at the Hawthorne interchange, said that traffic was lighter than on any Sunday in his 18 years with the Thruway Authority.

By nightfall, most police officials on the major arteries, bridges and tunnels were continuing to report lighter traffic. "There were hardly any cars on the roads at 4 P.M.," said a spokesman for the Long Island State Parkway Police.

And officials of the Port Authority of New York and New Jersey reported that traffic on the George Washington Bridge was 18 per cent lighter than last Sunday.

Throughout the country, the pattern was repeated again and again. The North Carolina Highway Patrol reported a 50 to 75 per cent drop in the usual Sunday traffic; the Florida Turnpike reported travel off 60 per cent; the California Highway Patrol estimated traffic off 30 per cent on major arteries, and a Massachusetts State Police dispatcher said traffic was "way down" for a Sunday on the Massachusetts Turnpike.

But there were many who did venture out and some ran into trouble almost immediately.

At the Slootsburg service islands on the New York thruway, Vernon Stevens and Sal Angilletta, who had been hunting in Decatur, N.Y., coasted their gasless car into the service area.

"We filled it right up to the nozzle last night," Mr. Stevens moaned. "But we just couldn't make it home to Mamaroneck."

With a State Highway Patrolman standing by, a red and white service truck pumped five gallons into their tank.

For others improvident enough to run out, the process was more expensive, however. William Varian, the afternoon tow-truck operator on the Bronx River Parkway, covering the area outside of Yonkers, said that if anyone did run out of gas, and none had by mid-afternoon, he would get one dollar's worth, for a dollar, plus a \$7.50 service charge, plus tax. The total bill—\$9.05.

But most of the automobile clubs in the metropolitan area reported that it appeared that individuals were generally not venturing forth unless they had carefully calculated all the distances involved and the gas they had on hand.

Dean Zellner, of Ramsey, N.J., who was waiting with his wife and two children in front of the Radio City Music Hall for the start of the Christmas show, observed:

"I made sure I had a full tank yesterday, and I checked the mileage [35 miles each way] to make sure I'd have enough. If I didn't have the gas, I wouldn't be here."

In Rockland County and on Long Island, others couldn't wait. The Palisades Parkway police arrested 17-year-old Kevin Iscarino of Massapequa, L.I., on charges of siphoning gas from a parked car. He was released on \$50 bail.

The Suffolk County police reported that some motorists, unable to find open gas stations, were siphoning gas from the tanks of parked school buses in open lots and from cars parked at private homes.

The Connecticut Automobile Club began a special crisis program for A.A.A. members and all drivers—a toll-free hotline number (800-922-1633) and an 18-member task force to answer queries and refer drivers in Connecticut to the handful of that state's service stations that remained open.

"Because this is the first weekend of the closing, there is a lot of confusion," said Richard Herbert, the club's president. "We live in a seven day-week world where people will go on driving."

Elimination of all but the most vital of this Sunday driving was the announced intention behind the decision by President Nixon last Sunday to request all of the country's service stations to close down between 9 p.m. Saturday and midnight Sunday—a decision he said that would conserve 2.1 million gallons of oil each week.

EFFECTIVENESS QUESTIONED

For the present, the closings are voluntary, but passage of the National Energy Emergency Act, now before Congress, will mandate the gasless Sunday. Until then, some gas stations are still pumping gas.

The Jantzen Beach Shell station on Interstate 5 in Portland, Ore., figured to pump 12,000 gallons of gas yesterday—three times as much as normal. And in remote Arlington, Ore., all three dealers stayed open yesterday.

"We're in the middle of nowhere," explained Al Pollentier, a Shell station owner. "If they run out of gas they are out of luck. Why, we have people here who have to travel 50 miles to go to church."

It was such instances of gasoline stations that remained open pumping vast quantities of gas and the long lines queuing up well into the night on Saturday wherever stations remained open—motorists stocking up for the gasless Sunday and the possibility of vastly diminished stocks even Monday morning—

that caused some to question the over-all effectiveness of the shutdown in terms of total savings in gas consumption.

"When the figures come in, we're going to find this was merely a symbolic gesture," said Edward L. Weidenfeld, former counsel to the House Committee on Interior and Insular Affairs, now a leading Washington lawyer. "Much weekend driving is done on one tank of gas—and that's the tank they're selling Saturday night."

For many it was a vast inconvenience, but for others it was an economic catastrophe as well. Shirley Richardson, desk clerk in a motor lodge at Hollywood and Ventura Freeway in North Hollywood, Calif., said occupancy was off nearly one-third last night.

And at Schmidt's Motor Lodge in a ski area north of Duluth, Minn., business was poor. "People had the gasoline to get here, but they were worried about returning home tonight."

Thomas A. Warren of Warren's Garden Center in Water Mill, L.I., was even more worried. Business, particularly Christmas tree orders, was down 75 percent from last year.

Mr. STEVENS. My thanks to my good friend from Pennsylvania for allowing me time.

HABEAS CORPUS REFORM

The PRESIDING OFFICER. Under the previous order, the Senate will now consider S. 1657, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1657) to reform habeas corpus procedures.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

Mr. SPECTER. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

Mr. SPECTER. Mr. President, this amendment is designed to speed up the process of Federal court proceedings which review the death penalty from State courts where those proceedings have become so long that they consume as much as 17 years and destroy the ability of the death penalty to serve as a deterrent to crimes of violence.

I submit, Mr. President, the evidence is compelling that the death penalty is an effective deterrent against crimes of violence, the proposition that I shall develop at some length. But it is indisputable that 37 States of the United States have decided as a matter of public policy that the death penalty is the law of those 37 States.

The current crime bill, which is virtually finished, has the imposition of the death penalty based on its deterrent effect and based on its being a just punishment. Seventy percent of the American people have repeatedly sup-

ported the death penalty, and when this Chamber has voted on the death penalty for acts like terrorism, to stop terrorism and the murder of U.S. citizens abroad, more than 70 U.S. Senators customarily say they are for the death penalty. So there is no doubt that is the law of the land in a majority of the States and has been sanctioned in the current crime bill as Federal law to impose the death penalty.

But what happens when there are challenges to the constitutionality of the death penalty, when those cases are taken to the Federal court under a procedure known as habeas corpus, which is a Latin phrase which means to have the body. Its purpose is designed to make sure that the constitutional rights of the defendant are observed, a proposition to which I am thoroughly dedicated, to preserve the constitutional rights of the defendants to make sure they are thoroughly examined and thoroughly protected. But at the same time there are rights that society has to have its laws carried out, and the effect of the long delays has been unfair to everyone.

An international tribunal has declared that American practices, where someone is kept on death row for more than 8 or 9 years, violates cruel and unusual punishment; that it is unfair to the defendant to be kept on death row in a state of suspended animation not knowing what is going to happen to him or her and when. The studies have shown that it is unfair to the families of the victims of crime to have these cases pending for 10, 12, 17 years without a resolution of the matter. It is a basic factor of human nature that it is important to have matters resolved, to have them resolved fairly, but to have them resolved.

The consequence of this extended Federal procedure has been really sort of an incredible tale. The best way to depict it so people can understand the scope of the problem is to put it on large charts. Behind me I have a chart which summarizes the proceedings in one case. This is the case of the State of California versus Robert Alton Harris.

The Harris case began in July of 1978 when Harris was arraigned for a double murder. And in 104 entries in this case Harris challenged the death penalty in the State courts of California and in the Federal courts.

On 10 separate occasions, as these five charts show, Harris filed petitions for what is called the writ of habeas corpus in the State courts; and interspersed, he filed petitions for writs of habeas corpus in the Federal courts on five occasions; and, interspersed with that, on 11 occasions the Supreme Court of the United States entertained petitions to influence the outcome of his case. At the same time, there were several petitions in the State courts pending; there were several petitions in

the Federal courts pending; and there were multiple papers filed in the U.S. Supreme Court.

This has led the criminal justice system in California into a state of virtual anarchy. The attorney general of the State of California wrote to me by letter dated October 28 complaining bitterly about the central problem in this case involving unnecessary delay, thwarting the will of the State of California in carrying out the death penalty, and keeping the defendant, Robert Harris, on death row in a state of suspended animation on what an international court has categorized as cruel and unusual punishment, as being fundamentally unfair to the defendant.

This case is not unusual. We have a series of charts which set forth other cases. The case of Beasley versus the Commonwealth of Pennsylvania, which originated in 1980 with two murders in Philadelphia, and is pending some 13 years later and is unresolved; the case of Lesko versus Lehman, where the defendant and codefendant were charged with the murder of a police officer in 1980, and 13 years later the case is unresolved; the case of Charles Campbell, charged in 1982 with a triple murder, and 11 years later, having wound its way through the courts of the State of Washington, the case is unresolved; the case of La Rette versus Delo, charged with murder in 1980, and now 13 years later the case is still unresolved.

I ask unanimous consent, Mr. President, that the chronology of these cases and the full text of the letter from Attorney General Lungren appear at the conclusion of my statement as if read in full on the Senate floor.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, this chart is worth 100,000 words in depicting the kind of delay present as a result of habeas corpus. The blue lines which appear on the chart on Harris, Beasley, Lesko, Campbell, and La Rette represent the State court delay; the red lines represent the Federal court delay; and the green lines represent the State hearings.

The expense is enormous, really incalculable. When you figure the cost of maintaining prisoners on death row, it is a half million dollars a case. When you consider the cost of the legal services, it is in excess of that figure. When you consider the cost of the court time in the district court, circuit court, Supreme Court, the State courts, it is in excess of any of those figures.

Mr. President, I do not base my argument on the factor of cost. I do not believe that there is any price for a human life or any cost to do justice. But when a defendant has been fairly convicted of murder in the first degree and capital punishment has traditionally been reserved for the most heinous and outrageous of those crimes, it is

fair and just that after the legal issues have been considered and the constitutional issues have been considered that the case would come to a close.

I have had experience as an assistant district attorney in trying murder cases. I have had experience in the appellate courts of Pennsylvania, my home State, in arguing cases before the Supreme Court of Pennsylvania in upholding the death penalty, and have had experience on the habeas corpus cases in the State courts, in the Federal courts, and have seen a very careful and judicious use of the death penalty.

My practice was—and I think this is a practice of people across the country—not to ask for the death penalty unless it was reviewed personally by me as the elected district attorney of the city and county of Philadelphia. And in a jurisdiction which had some 500 homicides a year, the death penalty was requested two or three or four or five times.

At the present time, there are almost 2,500 inmates on death row in the United States. The precise figure, Mr. President, on the statistics gathered at the end of 1991, which are the most recent statistics available, are 2,482 cases. During the course of 1977 to 1993, when the death penalty was reimposed, for those years, the death penalty has been carried out in 1977 once; 1978, none; 1979, twice; 1980, none; 1981, once; 1982, twice; 1983, five times; 1984, 21; 1985, 18; 1986, 18; 1987, 25; 1988, 11; 1989, 16; 1990, 23; 1991, 14; 1992, 31; and 1993, 31.

That is against almost 2,500 cases where juries and courts, after due deliberation, have concluded that the death penalty is the appropriate penalty. Why, Mr. President, is the death penalty imposed? It is imposed because of the judgment by the legislatures of most of the States of the United States; and by the judgment of the U.S. Senate, in the bill which is currently pending, where we have imposed the death penalty, for example, for the assassination of a President; or where the death penalty is imposed in Pennsylvania for cold-blooded murder of a police officer, or for a robbery. I had cases where a person committed 10, 15 robberies, and murdered in the course of those robberies—where the people were absolutely incorrigible.

And the experience has been that the death penalty is an effective deterrent.

One of the cases which illustrates this very well was a matter that I argued in the Supreme Court of Pennsylvania 30 years ago, when there were three young men, Williams, Cater, and Rivers, ages 19, 18, and 17, and they decided to commit a robbery of a grocery store in north Philadelphia.

Williams was the oldest of the three. He was 19 years old. He had a gun. He and Cater and Rivers made plans to commit the robbery, and Williams brandished his gun. Cater and Rivers,

who had marginal livelihoods, said they were not going to go on the robbery if Williams carried his gun. They said they were not going to go on the robbery because they did not want to run the risk of having someone murdered and face the possibility of the death penalty.

How do we know that? We know that because all three confessed, and their confessions were corroborated; that is, there was evidence which supported and substantiated their confessions. And it was undisputed that two of them—Rivers and Cater—did not want to go along because Williams was going to carry the gun and the death penalty might result.

Williams put the gun in the drawer, closed the drawer, and unbeknownst to Cater and Rivers, as they were walking out, Williams reached back into the desk drawer, got the gun, took it along; and as you might suspect, during the course of the robbery, the grocer resisted and Williams used the revolver and shot and murdered the grocer. Williams was executed. Ultimately, Cater and Rivers received a life sentence. They received a life sentence because the facts of the case show that they were really not culpable to the same extent.

There are many cases compiled by the experts which have confirmed the deterrent effect of capital punishment. A week ago Thursday, when this bill was on the floor in its early stage on November 4, I set forth in some detail a long line of cases, evidence of capital punishment being a deterrent: The opinion of Justice McComb in *People versus Love* in California; the statistical studies from the Los Angeles Police Department for a book written by a noted authority, Frank Carrington, a book entitled "Neither Cruel nor Unusual," testimony given by the Assistant Attorney General for the U.S. Department of Justice, Henry Peterson; an article by the Houston district attorney, Carol Vance, who was a contemporary of mine when I was district attorney of Philadelphia—all on the experience that the death penalty is a deterrent.

Mr. President, whether that conclusion is accepted or not, it is undisputable that 37 States in the United States have enacted the death penalty and as a matter of their determination, it was not carried out. The course of these cases depicted on this chart shows the enormous and inordinate delays and the impossibility of carrying out the death penalty.

The pending legislation provides for the Federal court to take jurisdiction of the case, to review the constitutional issues as soon as the case is decided.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator has spoken for 20 minutes.

Mr. SPECTER. I thank the Chair. I now yield myself 10 additional minutes

as a guide to the time limits which are available for the argument and presentation of this matter.

This legislation provides that the Federal Government will have jurisdiction after a defendant has exhausted his direct appeals in the State court, which means after the defendant has taken an appeal to the State supreme court and has applied to the U.S. Supreme Court for a writ of certiorari, at that stage, the Federal courts would have jurisdiction. It would not be necessary for the defendant to go back to the State courts to challenge the conviction by what is called State habeas corpus. But as soon as the direct appeal is finished, there would be a time requirement, which is identical with the bill advanced by the Senator from Delaware, chairman of the Judiciary Committee, Senator BIDEN, for 180 days to file a petition.

The district court would then have a time limit of 180 days to consider the constitutional issues raised. There would be an opportunity for the defendant to present all legal and factual arguments, without limitation. And this is important, Mr. President, because, under existing law, if it is determined that the defendant has not exhausted the State habeas corpus, it goes back to the State and frequently back to the Federal court and frequently back to the State, as it was done in the Harris case, with 10 State habeas corpus petitions, 10 Federal habeas corpus petitions and 11 times in the U.S. Supreme Court and 1 full hearing in the U.S. district court; then an appeal to the circuit court, which would have a time limit of 120 days; then a Supreme Court petition for cert, which have traditionally been handled expeditiously. That timetable, Mr. President, would complete the entire process of Federal court review in less than 2 years and in a full and a fair way.

One of the reasons why there is so much delay is because of successive petitions, where the defendant goes back to the State court and then goes back to the Federal court, and the Federal court says there has not been an exhaustion of remedies in the State court, and the delay is interminable.

Under this legislation, a successive petition would be permitted only if there was an intervening decision which involved a fundamental constitutional right, and only if that would affect the outcome of a case on the determination of guilt or the determination of sentence, or if there is newly discovered evidence which genuinely was not available from when the first petition was filed. The procedural safeguard or guarantee that there will not be an abuse of this system is that a subsequent petition can only be permitted if the court of appeals allows it, two judges on the court of appeals, which is a rigorous standard. That standard was suggested to me by a very

distinguished Federal judge, Chief Judge John Newman of the Court of Appeals for the Second Circuit.

This procedure, Mr. President, is substantially the same that was passed by the Senate on May 24, 1990 under a bill which was introduced by Senator THURMOND, Senator HATCH, Senator SIMPSON, and myself, where we dealt with the tough issue of retroactivity, which has been a major stumbling block by provision that intervening decisions which involve fundamental constitutional rights would be considered, even if they came down after the death sentence was imposed.

After a great deal of deliberation, it was decided that this was a realistic and reasonable standard to be imposed without unduly infringing on having cases heard and so many cases relitigated.

Bear this in mind: There have been very few matters on retroactive application coming down. In a timespan where there is only an interval of 2 years or less, it is not as if you have 15 years where there are a lot of decisions coming down which could affect the pending litigation. This is the essence of the proposal.

I am going to ask that the distinguished managers of the bill come to the Chamber so we can discuss some of the specifics on my time. But before I do so, I wish to make a couple of generalized comments as to where the habeas corpus provisions fit into the overall plan of a criminal justice system.

Mr. President, more than two decades ago, in 1972, a national commission on which I served established a blueprint to reduce violent crime in America by more than 50 percent. Regrettably, in the intervening 21 years, relatively little has been done and America is plagued by crimes of violence which are really unnecessary if the Congress and the State legislatures would take the action necessary to combat crime and combat crime effectively.

That blueprint involves these steps:

First, there has to be a diversion of lesser cases from the criminal justice system so that the courts can concentrate on the serious cases. The Philadelphia model was used on what is called preindictment probation, later labeled ARD, accelerated rehabilitative disposition, a real tongue twister, which takes first offenders on non-violent crimes out of the system, which eliminated from my criminal docket, when I was district attorney in Philadelphia, 8,000 cases a year.

The second step was the abolition of plea bargaining so that you did not have aggregated robbery cases going out on probation, which happens again and again and again in this country, or where you have first-degree murderers who were sentenced to the death penalty, as Senator KAY BAILEY HUTCHISON

pointed out to me, and several dozen were released in 1976 when the Supreme Court of the United States overturned the death penalty and their sentences were commuted, and now some of them cannot be found.

The critical aspect of the criminal justice system is the sentence. If an adequate sentence is not imposed the whole process is meaningless.

Then there has to be realistic rehabilitation for the juvenile offenders, for first offenders, and for second offenders. I have had legislation pending in the Senate, and this bill does provide some significant advances on the issue of rehabilitation.

This bill provides \$1.2 billion to establish early intervention teams of police, social workers, school teachers, and doctors to identify troubled youngsters and work with juvenile offenders. This is an enormous addition from the few dollars which I had as the district attorney of Philadelphia for a program of juvenile justice.

The PRESIDING OFFICER. The 10 minutes have expired.

Mr. SPECTER. I thank the Chair and ask for a reminder at the expiration of an additional 10 minutes.

The current bill further provides that the Justice Department would finance police athletic leagues, Big Brothers and Big Sisters programs, and Girls and Boys Clubs in high crime areas. This kind of crime prevention is indispensable.

Then there has to be realistic rehabilitation for those who are in jail. It is no surprise that if someone leaves jail as a functional illiterate, cannot read or write, has no trade or skill, is drug dependent, and walks out of that jail, that person, man or woman, is soon going to be caught in a revolving door and is soon going to be back in jail.

I have had legislation pending for 12 years on this subject, and for 4 years when I had the opportunity to serve as chairman of the District of Columbia Appropriations Committee that committee took the lead, Congress passed, and the President signed education and job training programs which were relatively substantial but regrettably they have not been carried out.

What has to be undertaken is a program of realistic rehabilitation which is obviously going to benefit the defendant, but what the people do not realize is that a primary purpose is to stop criminal repeaters. Violent criminals, who are criminal repeaters, who are habitual offenders, commit 70 percent of the violent crimes in America.

So when we make an effort to deal with the criminal repeater by intercepting that recidivism and stopping repeaters by realistic rehabilitation, we are really dealing with the benefit of society at large as well as trying to help the individual.

Once the individual becomes a career criminal at that juncture, in my opin-

ion, the courts have to throw the book at him or her, and there has to be a life sentence.

More than 40 States have habitual offender statutes where someone convicted of three or four major felonies gets a life sentence. One of the first bills which I introduced in 1981 was the armed career criminal bill, which was passed by the Senate in 1984 and has been widely noted as one of the most effective, if not the most effective tool in dealing with criminal repeaters by a provision which says that if someone has been convicted of three or more crimes of violence and that person is caught in possession of a firearm, then that person goes to jail for life.

Now, under the Federal system, life means 15 years to life. So if someone is eligible for parole, that is a determination made by the prison authorities. It is unrealistic to keep people in jail forever. That may be right or that may be wrong, but that is the system. It may need reconsideration. But we have not dealt with the career criminals and the habitual offenders in a tough enough way once that determination has been made.

This bill puts up substantial money, some \$3 billion, for regional prisons, an idea long advanced by the Senator from Delaware, the chairman of the Judiciary Committee, and advanced by myself to have Federal jails house habitual criminals.

When I was district attorney of Philadelphia, I frequently made applications to the trial court to have people sentenced under the Pennsylvania habitual offender statute, and it was virtually impossible to get the courts to act because of jail overcrowding.

These are criminals who move in interstate commerce. These are criminals who are really involved in drugs. And these are criminals who really ought to be a Federal responsibility in the Federal leadership role.

This bill finally provides some \$3 billion to provide regional prisons which can house such career criminals.

There are other provisions of this bill, which are excellent provisions. There will be \$3 billion for boot camp correctional facilities for nonviolent offenders, which would stress self discipline, remedial education, job training, and drug treatment.

There is another \$870 million in grants to communities to provide funds to fight violence against women to be used to operate rape crisis shelters, battered women shelters, counseling for victims of sexual abuse and domestic violence, and the training of law enforcement specialists who work with abused women.

Mr. President, the current bill is a significant step in the right direction, taking some \$22 billion which the Congress calculates is available as a result of reductions in governmental operations and directing it to crime.

Mr. President, this is a significant step forward on quite a number of lines which were outlined in 1972 by the national commission where they dealt with realistic rehabilitation, where the 1972 commission outlined the blueprint for realistic rehabilitation dealing with vocational training, job training, educational training, drug dependency, and when dealing with repeat offenders and habitual criminals to have life sentences.

But this is only a start, Mr. President. We have the material resources in the United States of America to reduce violent crime by more than 50 percent if we ever make up our minds to do so. We have the wherewithal to deal with criminal repeaters by locking them up and throwing away the key. But that can only be done in our society if we first give a chance to the juveniles and the first offenders and some second offenders to have realistic rehabilitation.

The other aspect of concern, Mr. President, is an attack on the underlying causes of crime. There are some who disagreed with the total use of \$22 billion. It is important to fight crime, but there is a real question as to whether some of that money might be directed to an urban agenda on job training and housing and education.

There is a real need in this country for Americans to attack the crime problem themselves. This was brought into sharp focus just a few days ago on Saturday when President Clinton delivered an emotional appeal on stopping crime from the pulpit of the church where Dr. Martin Luther King delivered his last sermon in Memphis, TN. President Clinton sounded the clarion call with his so-called bully pulpit, saying that people have a responsibility for the rise in violence. President Clinton expressed his concern, in a way which captures more attention than a speech by a Senator on this floor, about the social ills in our country and his determination to address the crime problem head on and his concern for the thousands of murders which are committed each year.

He did not talk about the death penalty, at least in the reports that I read, but he might have because President Clinton supports the death penalty as a deterrent against violent crime. But he did comment about the 160,000 children who stay home from school each day in fear of violence. And when those 160,000 children stay home every day because of fear of violence, they are not getting the education, they are not getting the background, they are not getting the job training.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. SPECTER. I calculate that I have used 40 minutes of my 2 hours.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I ask for another reminder at another 10-minute mark.

Mr. President, when those 160,000 children are afraid to go to school, we are destroying a large part of their opportunity to achieve an education and to be productive citizens and really to avoid the crime cycle.

I speak from my own personal experience and the experience of my brother and two sisters and our immigrant parents and the opportunity for the Specter family to have a share of America as a result of education. When I went to school in Wichita, KS, as a child; in Russell, KS, as a high school student; and at the University of Oklahoma and the University of Pennsylvania in college, I was not afraid of being mugged or shot on the street. That is the sort of thing we have to take a stand on.

Now, I have been somewhat elaborate, Mr. President, in spelling out the outline, really the blueprint, of a crime control system in this country. But I have worked in the criminal justice system for years as an assistant district attorney and then administered a large office with 165 assistant district attorneys in Philadelphia, with some 30,000 crimes, some 500 homicide cases, and I am convinced that if we really set our minds to realistic rehabilitation, we could take many out of the crime cycle. Where there are habitual offenders, they have to have life sentences. It would be a saving to have the kind of resources dedicated to education, drug education for youngsters, job training for people in jail, literacy training for people in jail, job opportunities so they do not go back to a life of crime in a crime industry which is incalculable, in excess of \$500 billion estimated by some and probably in excess of \$1 trillion on a gross national product of this country of some \$6 trillion. We can do the job if we make up our mind to do so.

Mr. President, the symbol and the flagship for law enforcement in the United States is the death penalty. Now, I know that there are many people who disagree with me about whether the death penalty ought to be imposed. I respect those who are against the death penalty on grounds of conscientious scruples.

There are some people who argue that the death penalty is not a deterrent. Now, that is a subject for debate. For reasons I have already specified this evening and on November 4 in an earlier speech, an opening statement on the crime bill, I submit that the evidence is overwhelming that capital punishment is a significant deterrent and that law-abiding citizens ought not to be deprived of capital punishment.

Whatever anybody may say about the issue of conscientious scruples or whatever anybody may say about whether the death penalty is a deterrent, it is a fact that 37 States have the death penalty, and in our system of laws, those 37 States are entitled to have the penalty enforced.

Under the crime bill which the Senate is about to pass, the death penalty is present for many serious offenses, like the assassination of a President. And it is true, Mr. President, that the defendant has rights and it is the Federal court which is the final arbiter, the final decisionmaker to see to it that the defendant has his full constitutional rights.

When I was district attorney of Philadelphia and an assistant district attorney, I was very concerned that the full range of the defendant's rights be accorded, and I have maintained in this body a keen interest and stiff advocacy for civil rights and an appropriate balance on defendants' rights.

But the legislation which is proposed here removes what the Congress imposed. The Congress, by legislation, said there had to be an exhaustion of State remedies, but that has exhausted the system. The legislation proposed would have the full appellate procedure in the State courts and after being upheld by the State Supreme Court and after cert is denied by the U.S. Supreme Court, which is customary, then to come to the Federal courts, full hearing, a timetable which is realistic and which can be extended if cause is shown.

But there can be a balance for society's interest, and the defendant would not be in a state of suspended animation, the families of the victims would not be in a state of suspended animation, and the most visible part of the American criminal justice system—the capital punishment cases—would not be the laughingstock of the country when they take up to 17 years to be decided with repetitive appeals; many, many cases, like the Harris case, some 15 years, with 10 habeas corpus proceedings, 5 Federal proceedings, 11 petitions to the Supreme Court of the United States.

I close this portion of my presentation with a letter which I have just received from the Attorney General of the State of Arizona, and it is like the letter from the attorney general of California which I read earlier where Attorney General Lungren was complaining bitterly about the delays in the Federal courts.

These cases are really not well understood by many people. It is a difficult matter to wade through these habeas corpus cases in hearings in the Judiciary Committee and it takes a lot of sitting through these cases when a person is an assistant district attorney.

I recall vividly as a young assistant district attorney having State habeas corpus cases where a person would be convicted of murder in the first degree, get the death penalty or life imprisonment, and then, before going to the Federal court, would come back to the State court and file the petition for a writ of habeas corpus and put all the materials in which the State supreme court had already decided.

It would come to the trial court judge and it would sit on his desk for days and weeks and months and years, because it was a matter of no importance. It had already been decided. Finally, it would wind its way through the courts taking several years—5 years like the Harris case, 10 years like the Beasley case. Then I would go to the Federal court and as assistant district attorney would argue a case in the Federal court on habeas corpus, and the judge would come upon an issue which he said might not have been raised in the State court. Then the Federal judge would have to send the case back to the State court, because that was the law which is on the books to this day. It would go back to the State court, like the Harris case, and be there for a long time again, and then come back and have to be reexamined.

I will take an additional 10 minutes now, Mr. President, to take up one more case which I think is very important—the distinguished chairman of the committee is on the floor at this time—before getting to the letter from the attorney general from Arizona.

This case is an illustration of the interminable delay in the judicial system. It is a case which was decided unanimously by the Supreme Court of the United States in a case captioned *People versus Castille*.

In this case, which was not a death case but the principle is the same, the defendant was convicted of a serious crime in the Philadelphia Common Pleas Court. He took an appeal to the State supreme court. Then he went back to the district court and the district court said he had not exhausted his State remedies so they sent it back to the State court. But the defendant decided to take an appeal to the Court of Appeals for the Third Circuit. So he took an appeal to the court of appeals and they disagreed with the district court and said you have exhausted your State remedies and sent it back to the district court. But then the district attorney took an appeal to the U.S. Supreme Court.

Mr. Justice Scalia wrote an opinion saying that, on the record, the first time it went through the Supreme Court of Pennsylvania it was unclear on the record whether the supreme court dismissed the case as a matter of their discretion or whether the supreme court dismissed the case after considering the merits. And the Supreme Court of the United States sent it back to the circuit court and the circuit court then wrote a long opinion on the procedural nuances and sent it back to the district court.

That kind of a tennis game makes absolutely no sense. It is up to the Congress to deal with the issue.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that upon the use or yielding back of time on S. 1657, Senator BIDEN be recognized to move to table the bill; that the bill then be laid aside and the Senate resume consideration of S. 1607, the crime bill; that the vote on Senator BIDEN's motion to table S. 1657 occur at 9:30 a.m. on Wednesday, November 17; that upon the disposition of S. 1657, the Senate resume consideration of S. 1607 and vote on Senator FEINSTEIN's amendment No. 1152 to be followed by a vote on Senator LEVIN's amendment No. 1151, as amended, with both actions occurring without any intervening action or debate; that the agreement governing consideration of the crime bill be modified to provide for the remaining 10 listed amendments, except for Senator DOLE's amendment, shall be considered this evening in the order provided for in the existing consent agreement; that any votes ordered in relation to these amendments be stacked to occur on Wednesday, November 17, immediately following the disposition of Senator LEVIN's amendment No. 1151; that these remaining 10 floor amendments, except for Senator DOLE's amendment, must be offered by the close of business today or they will no longer be in order; and that all other provisions of the existing consent agreement governing S. 1607 remain in effect.

I further ask unanimous consent that the time for debate previously agreed upon with respect to S. 1657 be reduced this evening by a total of 30 minutes, 15 minutes off Senator SPECTER's time, 15 minutes off Senator BIDEN's time; and that at 9 a.m. tomorrow, Senator SPECTER be recognized to address the Senate for 15 minutes and at 9:15, Senator BIDEN be recognized to address the Senate for 15 minutes and the vote to occur at 9:30, as previously stated.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object, I just ask one point of clarification. I do not believe that the majority leader means I have to use 15 minutes first, but I have 15 minutes after 30 and can speak for 5 and yield to Senator BIDEN and reserve the remainder of 10 minutes. So the total is 15 minutes.

Mr. MITCHELL. It is my intention the Senator will speak from 9 to 9:15, and it means Senator BIDEN would not have to come at 9 and could come at 9:15 and respond.

Mr. SPECTER. That is of concern to me because it is necessary, in my view, to have an exchange with Senator BIDEN.

Mr. MITCHELL. The Senator has 1 hour and 45 minutes to do that tonight.

Mr. SPECTER. If the time is to be meaningful tomorrow, I would like to have that opportunity then as well.

Does that pose some problem for the majority leader?

Mr. MITCHELL. No, it does not. I would just like to get this over with.

Mr. SPECTER. I would, too. I have been waiting for 10 days to try to bring this up. I finally have. I have been on tap all the time but to have—

Mr. MITCHELL. If it is agreeable with Senator BIDEN, I am agreeable with it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, in view of this agreement, there will be no further rollcall votes this evening. Senators should be aware, however, that there will be a series of rollcall votes beginning promptly at 9:30 a.m. tomorrow, with the first vote to be on Senator BIDEN's motion to table S. 1657; the second vote to be on Senator FEINSTEIN's amendment; the third vote to be on Senator LEVIN's amendment; and then additional votes to be stacked with respect to the amendments that will be debated this evening, including the amendment by the Senator from North Carolina, which has just been briefly discussed and the other amendments listed in the order which is Order No. 260 printed at page 2 of today's Calendar of Business.

So there will be no further rollcall votes this evening. There will be a series of rollcall votes tomorrow beginning at 9:30. Senators should be prepared for a long evening tomorrow as we attempt to complete action on this bill and take up other matters on which we must make good progress if we are to meet our objective of completing this session prior to Thanksgiving.

I thank all of my colleagues for their cooperation, and I yield the floor.

Mr. SPECTER addressed the Chair.

HABEAS CORPUS REFORM

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1657.

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

The PRESIDING OFFICER. The Senator has 52 minutes remaining this evening.

Who yields time?

Mr. SPECTER. I yield myself an additional 10 minutes at this time.

Mr. President, prior to the interruption, I was referring to the procedures which, I submit, make absolutely no sense and are very time consuming, an expense to the taxpayers to run the judicial system and having sentences of the court not carried out.

I will return to that point as briefly as I can to make the point with this case of *People versus Castille*, which reached the Supreme Court of the United States in 1989.

This is a case where the defendant raised four objections. The district court said he had not exhausted his remedies in the State court. The court of appeals reversed, saying that he had. The Supreme Court reversed the court of appeals saying that he had exhausted his remedies in the State court on two points but not as to two others, in a very lengthy opinion which took the time of nine Justices and arguments in the Supreme Court at a high cost to the taxpayers.

So they split the four hairs, two on one side and two on the other. The case then went back to the court of appeals for the third circuit. Again, more briefs, more arguments, and if you are a Philadelphia lawyer you can understand this opinion, if you read it three times. The court of appeals distinguished the two claims, said as to one it had been exhausted because it was procedurally barred. It would take a half-hour to explain that. But the second claim as to ineffective assistance of counsel could be maintained, and they sent it back to the district court.

What should have been done, Mr. President, was when the case got to the Federal court the first time, the district court, the court should have had a hearing on all four points. I have been at many of those hearings, and it would have taken probably a day-and-a-half or 2, 3 at the most, and the court could have written an opinion in another day or 2 or 3, and it would have been finished. But because of these convoluted, really ridiculous rules the case goes back and forth, court to court to court, like a tennis ball.

We have the power in the Congress to correct that. These are not constitutional issues. It is not a matter for constitutional amendment. It is a question of procedure, statute. And if we change the Federal statute which requires so-called exhaustion of State remedies and say that the Federal court will take up the case at an early stage and under a time limit, we can solve this problem.

As I said a few moments ago, the concluding comment is a letter from the attorney general of the State of Arizona, Grant Woods, dated October 27, which I received just a few days ago, and it says this:

Dear Senator SPECTER. As the United States Senate takes up the issue of habeas corpus reform, and specifically the issue of excessive delays, please do not forget the single most important problem facing the majority of States today under the present system—the failure of Federal courts to rule once the cases are issued. In Arizona, nearly one-third of Arizona's 110 death row inmates have petitions for habeas corpus relief pending in the Federal court. In 56 percent of those cases, the petition was filed more than

5 years ago. In five of those cases, the petition was filed nearly 10 years ago.

And when Attorney General Woods points out in an attempt to get these 10-year-old cases moving, the State of Arizona asks the Ninth Circuit Court of Appeals, the ninth circuit "summarily denied the State's petition without even so much as requesting the district court to respond."

That is what is happening. It is not a matter, Mr. President, of the Federal court having a minuscule effect on State court proceedings. It is true that only a small number of cases are prosecuted in the Federal courts, but all of the State court convictions are reviewable under Federal court habeas corpus, and these convoluted rules are tying up 2,400 death cases, and attorneys general around the country are tearing their hair, and district attorneys are, and it is a system which works to everyone's disadvantage. The defendant is kept waiting on death row in a way which a European court said was cruel and unusual punishment. The will of a majority of the States of the United States cannot have their sentences carried out. The whole criminal justice system is a mockery with the flagship of the symbol being held in disrepute by cases which are pending for up to 17 years.

Mr. President, I ask at this time unanimous consent that cosponsors be listed on the bill including Senator SIMPSON, Senator WARNER, Senator D'AMATO, Senator GORTON, Senator BROWN, Senator FAIRCLOTH, Senator HUTCHISON, and I believe there are other Senators who have made inquiries and I would welcome any additional cosponsors.

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

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

I ask how much time I have remaining out of the full 2 hours?

The PRESIDING OFFICER. The Senator has 45 minutes remaining this evening.

Mr. SPECTER. I thank the Chair. And 15 minutes for tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it will be deducted equally for both sides.

Mr. SPECTER. I object to that, Mr. President.

The PRESIDING OFFICER. That is the regular order.

Mr. SPECTER. I am about to propound a unanimous-consent request, but I will not do it until either the chairman or the ranking member come to the floor, so I do not have to propound a unanimous-consent request.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I am not going to take much time. I am going to be very blunt.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. First of all, let me compliment the Senator for tackling this subject, which he accurately points out I think very few people have either had the opportunity, the experience, or the inclination to know or learn much about.

When we have discussed habeas corpus in the context of prior crime bills, if you listened to the debate, most people would think habeas corpus was the name of a criminal, a guy named habeas corpus who is somehow crouched behind a garbage can in an alley of one of our center cities about to reach out and molest someone or deprive someone of their valuables when in fact anyone who files a habeas corpus petition is someone already in jail, already having been convicted, and already out of harm's way, doing no harm to society other than the nuisance he or she may in fact cause the system.

I might also add that a significant number of these habeas corpus petitions—and the Senator has pointed out some of the outrageous delays, and there are numerous outrageous delays, but as the Senator knows better than most on this floor, in capital cases about 40 percent of the habeas petitions filed are granted; 40 percent of the time the petitioner is viewed to be right by the Federal court, and in fact is not at all frivolous and in fact either has that point and/or their case or a portion of their case or the sentence re-heard or retried.

So the Senator has pointed out the worst cases, and he is correct. He is absolutely correct. But as he knows better than most, being a first-rate lawyer and a practitioner of some years of the art of prosecution under our constitutional system, he also knows 40 percent of the time there is nothing frivolous at all about them. So I think we should keep that in perspective, No. 1.

No. 2, I quite frankly think the habeas situation and the abuse of it has to be remedied. I spent the better part of the last 4 years attempting to come up with what I think is a remedy.

I have in the past introduced and had passed, at least in the conference report of previous crime bills, the Biden habeas corpus provisions or some form of it. This year I started back as early as January—I am not being solicitous when I say this—with my able staff who knows this subject inside and out and have been prosecutors themselves, I might add, in the U.S. court system, in the U.S. attorneys offices, and we spent the better part of 7 or 8 months negotiating with the district and National District Attorneys Association, and the Attorneys General Association, the Association of Attorneys General. I do not know the actual name, but the attorneys general in each of the 50 States.

We reached a compromise, with notable exceptions like Mr. Lungren who

does not think there is such a thing as habeas corpus, in my view. We debated for years former Congressman, now California attorney general, who I say respectfully I think has the most wrong-headed notion of habeas corpus of any human being I know who understands the subject. But I respect his view. It is, I think, seventeenth century, but I respect it. He is one of the few attorneys general who disagreed with the compromise of the majority of the attorneys general in the Nation. But it is a longstanding debate, I might say to my friend, Attorney General Lungren of California. He used to be Congressman Lungren. We used to have these debates on a regular basis.

But there are those like Congressman Lungren and others on this floor who argue that what we should do is eliminate Federal habeas corpus, period, in the so-called "full and fair doctrine."

So we have extremists at both ends. We have those, in my view, who think the system works just fine now, that there is no abuse, that there is no unnecessary delay. We have folks like Mr. Lungren who think we should do away with habeas corpus at the Federal level altogether, both wrong-headed.

I compliment my friend from Pennsylvania doing what he has always done, recognizing a hard fought and seriously considered and legislatively refined constitutional remedy called habeas corpus.

As the Presiding Officer knows, who is a first-rate lawyer and served in the legislature of his State as chairman, I believe, on the Judiciary Committee of his State senate, it has been called, as we three lawyers know the great writ. It has been around a long time in our English juris judicial system.

So I compliment my friend for trying to connect and come up with a solution.

I might add, the Specter amendment, as I read it, is the Biden amendment—with a few changes, important changes, significant changes—that Biden took out of the crime bill.

The reason I did is not because we had not reached agreement after painstaking negotiation that literally took tens of hours of my time and literally several hundred hours of the time of staff and individuals, of our attorneys general and their staffs, as well as DA's and their staffs, and their organizational staffs and mine. We, notwithstanding that, withdrew the legislation, the so-called Biden-Reno habeas corpus fix from this bill, very bluntly, because we could not get a crime bill with it in it; real simple.

In order to get the unanimous-consent agreement that is going to allow us to finish this massive crime bill tomorrow, the chairman, speaking, had to agree, under some considerable pressure from those who indicated they would not likely let this bill come to a vote were we not able to work it out,

that I would withdraw the habeas corpus language that I had and, in effect, fight another day; leave the law as it is now, as interpreted by the Supreme Court.

An interesting phenomena occurred. A number of the people who are viewed, as I have up to now, at least, been viewed, as a defender of the writ of habeas corpus and called the Emergency Committee to Save Habeas Corpus—and some of the leading editorial writers in America and the leading papers in America, it might be an exaggeration to say vilified, but at a minimum strongly castigated me for having reached this compromise with the attorneys general and the DA's, only to find out when I agreed to take it out of the bill in order to get the whole bill moving, I received a letter saying, please do not take it out of the bill, leave it in the bill because it is a good provision.

I hope that they remember that next year when we revisit this issue so we can come along with what I believe to be a genuine fix, in the best sense of that word, for habeas corpus, eliminating the excesses, as well as preserving, I might add—40 percent of the time that a prisoner convicted of a capital offense has sent a piece of paper through the bars out to the Federal court, and said, "My constitutional rights have been violated, I need a new trial,"—you have to reconsider this point—4 out of 10 times the Federal court has said, "You are right."

So there is nothing frivolous about the need for the existence of Federal review of habeas corpus petitions in State capital cases.

So, having said that, I find myself in an unusual position. Ordinarily what I would do, if this were still in the crime bill, I would negotiate with my friend from Pennsylvania, who I think would acknowledge the need and legitimacy of Federal review, as a matter of fact, eliminate State review at the front end of habeas corpus petitions after the direct review process has been completed at the States to go directly to Federal courts.

So this is not a Senator who is trying to do away with Federal review of Federal habeas. This is a Senator who acknowledges the importance of it, and in the front end does away with State review in order to speed the process up. Because, as a practical matter, if you must file in Federal court, as the Senator's legislation, which is a modification, an important modification, what the so-called Biden habeas review was, what you have to do is you have to do that, I believe, in 6 months. The prospect of you exhausting your remedial opportunities for State habeas corpus in this 6 months is not real, so you are going to go straight to Federal court. That is the intention.

My problem with it is, though I think it just turns federalism on its ear, I

think what you have happen is since, as the Senator knows better than I, constitutionally we cannot pass a law that denies the State the right to have Federal or State habeas review under the State constitution or under State law, they can go back and review it. So we cannot say to States, you cannot ever review under State habeas corpus the conviction and/or the sentence of a defendant.

So what I fear may happen is that in the effort to speed things up, we will just reverse the process; that the Senator will, in fact, get us immediately into Federal court. I understand his rationale for doing so. I understand his attempt to speed the process up, which I wish to do, and in the so-called Biden habeas fix which I have taken out of the bill for other reasons, as I have mentioned earlier, I attempt to do the same thing, speed up. But not by eliminating at the front end, in effect, State habeas review.

So what will happen is, I fear, after the Federal claim has been heard, the petitioner can go right back into State court and file a State habeas review petition under the State constitution, for example. I do not know that it saves much time.

But the truth of the matter is, out of respect for the Senator from Pennsylvania and his knowledge and deep interest in this issue, I am responding not because I think it makes much sense to respond now. If I wanted to have Federal habeas corpus reform pass now, I would have never withdrawn the Biden bill. The one I am for is the Biden bill, or I would come along and amend the Senator in the second degree, essentially, with the Biden habeas bill.

But that would be bad faith on my part because, in order to get the compromise here, I had on the entire crime bill—this must be confusing as the devil to anybody watching this on C-SPAN—but in order to get a compromise on this 500 page, \$22.6 billion bill, I had to swallow my ego, and I had to put off to another day the BIDEN compromise that had been painstakingly negotiated by me and my staff with the attorneys general and the district attorneys and ultimately supported by not only attorneys general and the DA's, but by the liberal habeas corpus community.

It is the only time I am aware of, ever, since I have been here in 20 years, that the DA's, the AG's, and so-called liberals have all agreed on how to fix habeas. Not all DA's agree; not all attorneys general, but a majority of attorneys general and the National District Attorneys Association voted on the Biden-Reno compromise. So I am in a strange position. If I were to push and amend the Senator's legislation to make it more palatable to me and were I to succeed, I would have violated the spirit of the agreement I have made

with my colleagues on the Republican side to withdraw habeas from consideration at this moment and take it up the way the House wishes to take it up. The House did the same thing. They said: We are not going to consider habeas corpus reform in calendar year 1993. We are going to take it up in calendar year 1994. So my Republican friends—not all of them—said: BIDEN, do not go with your habeas corpus in this bill—and I think it is a legitimate point they made—because we do not want to fight that and get it tangled up in this bill. The House is not going to do it anyway until next year. So let us take habeas corpus out and put it over until next year, and when the House considers it, we should consider it. Then we can fight it out.

My friend from Utah, who is an able trial lawyer, has a very different view on habeas corpus than the Senator from Delaware and the Senator from Pennsylvania. He does not like BIDEN's proposal or SPECTER's. He has his own. So this is a very long way of saying what I can say in a compound sentence. We made an agreement in order to pass an important \$22 billion crime bill—to put off deciding how to reform habeas corpus until next calendar year.

Therefore, notwithstanding that the Senator from Pennsylvania has some very good suggestions, most of which I agree with, there are three important points I disagree with. One, eliminating State review, front end. Two, what he does not do with Teague versus Lane in not reversing it. Three, elimination of the exhaustion doctrine. With those three exceptions, I agree with the bill.

Rather than fight it out now, as part of a much larger agreement to move on and do something about the crime problem in America, I have agreed to withhold. Therefore, I am not going to take anymore of the time. I am going to be prepared to yield back but for the 15 minutes I have tomorrow morning. I am not going to do it at the moment.

But I will be prepared to yield back my time, or at least not speak more on it myself and assure the Senator from Pennsylvania that I will debate with him and, under our rules, joust with him next year on this bill to try to get a bill that he and I both can agree with, because I am sure anything he and I can agree with, the Senator from Utah and the Senator from South Carolina will not be able to agree with.

So we will have a nice little fight about it next year. That is as blunt and as honest as I can be with the Senator about why I am either, A, not going to attempt to amend you to make it more what I want or, B, vote for you, which is better than what many of my colleagues want to see happen with habeas corpus.

In fact, I am going to move to table it at the appropriate time under the unanimous-consent agreement at 9:30 tomorrow morning.

Mr. SPECTER. Mr. President, there are a number of things on which I disagree with my distinguished colleague from Delaware, but none where I disagree with him more than when he said it was confusing for the people watching this on C-SPAN, because I do not think anybody is watching this on C-SPAN.

Mr. BIDEN. I am certain my mother is.

Mr. SPECTER. Because I think after we got through with the way the U.S. Supreme Court handled the remand to the circuit court after the circuit court had reversed the district court, which had denied exhaustion of remedies, I think the automatic changers went wild across America for the few sets who were watching C-SPAN 2.

I do not think this is confusing to anybody. I say "anybody," because when I made my presentation, there were no Senators on the floor. The staffs were here and they understood everything because they are highly intelligent. I do not think anybody has been confused so far.

Mr. BIDEN. I did not mean to imply the Senator from Pennsylvania confused anyone. What I was suggesting was the rationale the Senator from Delaware is offering as to why he is going to move to table something he thinks should be fixed, which may be confusing to people, not the Senator's proposal. I just think the Senator's proposal is misguided, not confusing.

Mr. SPECTER. I understood what the Senator meant. I was trying to add a little lightness for a short sound bite to this discussion.

Let me take up the serious issues. When the Senator from Delaware says that 40 percent of the cases are granted and that the writ of habeas corpus is not frivolous, I agree totally. But I think he is making my case. When 40 percent of the habeas corpus petitions are granted, why is there so much delay and why are so many defendants' rights being delayed by this obscure, convoluted system, instead of dealing with the merits as opposed to having procedural matters occupy the totality virtually of the court opinions? Why not deal with whether there was the ineffective assistance of counsel, whether there was a violation of the line-up rule, or whether there was a violation of search and seizure?

The bill which I have proposed preserves Federal habeas corpus in its entirety. When my distinguished colleague from Delaware talks about some who want to eliminate Federal habeas corpus because of the full and fair doctrine, that is not this Senator. I believe that the full and fair doctrine would just result in more remands to the State court to decide what was full and fair. And there is an opinion by the sixth circuit on the full and fair doctrine where the three judges gave three different interpretations of the full and

fair doctrine, which is why I do not believe in that and why I have not advocated it.

When my colleague from Delaware says bluntly that he has taken habeas corpus out of the crime bill, I understand Senator BIDEN's blunt talk because I have heard a lot of it in the course of the past 12½ years on the ride from Washington, DC, to Wilmington—frequently on the ride from Wilmington to Washington, DC. The Senator gets off a little soon, and I go on to Philadelphia. I think it is time some of the blunt conversations of JOE BIDEN and ARLEN SPECTER were put in the CONGRESSIONAL RECORD.

This is not the highlight of our conversations, and it is a little hard to take a court reporter on the Metroliner, but I welcome this chance to deal with the specifics as to what my colleague from Delaware has raised.

The Senator from Delaware says that my bill does away with State review and my bill turns federalism on its ear.

I say that is not so for a very direct reason, and that is that the State courts can review death penalty cases as long as they want to, but I do not want the Federal courts to review death penalty cases forever. The Federal system is that the Federal courts make the decision on what constitutional rights really mean.

Without getting into details of offending people, we have had a long history in this country where the State courts were inadequate. This is why we have come to the Federal courts since *Brown v. Mississippi* in 1936, where the Federal courts first stepped into State criminal practice on an outrageous beating and a coerced confession case. But in the Congress we decide what the Federal court jurisdiction will be.

When my colleague from Delaware talks about a deal made with the district attorneys and the attorneys general, I wonder why I ran for the United States Senate. I should have stayed as a district attorney in Philadelphia so I could have had a voice in determining what Federal habeas corpus would be. If I were a powerful district attorney, I could negotiate with the chairman of the Judiciary Committee. But I am not prepared to accept what the State DA's do or the national DA's do or the attorneys general do. I think that is a matter for Senator BIDEN, Senator HATCH, Senator THURMOND, the 100 Senators and 435 Members of the House. I know my colleague from Delaware agrees with that. I understand the considerations on the negotiations.

I had some discussions with some of the negotiators, which I talked to my colleague from Delaware about, where some of us were not included, and I am not disagreeing with that. I just do not want to be preempted by that. I want to have an opportunity when this bill comes to the floor to offer an amendment, and I think my colleague from

Delaware will agree with me that it was tough going for me to get the floor to talk about this subject. I did not succeed in getting it on the bill. That is all right with me.

It is off the bill, and it is off the bill because the Senator from Delaware wanted to get this crime bill passed with a minimum of controversy. I salute him for that. This is an important bill. I went through a long list of provisions on prevention, education, drug treatment, rehabilitation, and extra jail space, which are good provisions, coming to some extent to grips with the 1972 commission which laid out a blueprint to fight violent crime, and there is no one in the Senate who is more determined to do that than the Senator from Delaware.

But now we have a separate bill, and what happens on this bill will not influence or foul up the crime bill from being passed without the controversy of habeas corpus.

We had a big fight about this in 1990. We had a petition for reconsideration of this amendment, the essential provisions of this amendment. There are some changes. I submit they are slight, but someone might debate that. It passed by a vote of 52 to 46. I want to take this up with my colleague from Utah in a minute.

Now we have a separate bill. And when we have a separate bill, I say to my colleague from Delaware, it does not affect this very good bill, mostly good bill. Some things have to be changed like the 13-year-old jurisdiction which we talked about from Philadelphia to Baltimore or Washington to Baltimore. Some things have to be changed, but it is a good bill.

Mr. BIDEN. Mr. President, will the Senator yield on the point about this is a separate bill on my time?

Mr. SPECTER. Do it on the Senator's time?

Mr. BIDEN. Yes.

Mr. SPECTER. Fine.

Mr. BIDEN. Mr. President, part of the unanimous-consent agreement and the rationale the Senator from Delaware agreed to withdraw his—when I speak of myself in the third person I begin to worry—my habeas corpus bill, in return for doing that it was agreed by the opponents of the Brady bill that they would not attach a habeas corpus provision to the Brady bill.

So, notwithstanding the fact that it is a separate bill, this agreement extends to separate pieces of legislation. The Brady bill is a freestanding bill we will take up after this bill, not part of the crime bill.

Some of the opponents of the Brady bill in the past have done what Democrats who opposed other legislation might do as well. I am not in any way criticizing. They attempted to add to the Brady bill things that supporters of Brady could not swallow. We use the terminology in the Senate "killer

amendments." You amend a bill which the majority of the body likes very much with an amendment that a plurality could not accept, thereby killing the underlying bill.

One of the reasons I withdrew the Biden habeas corpus provision was my concern, and I only mentioned the negotiation with the attorneys general and the DA's, not to suggest that they should have more say than any Senator for they did not run for the Senate and they are not Members of the Senate, but only to point out how hard I worked on trying to get a sound habeas corpus provision in the crime bill. But my concern was not only that the crime bill would be delayed and/or not passed if I did not withdraw my provision but that another thing I feel very strongly about the Brady bill, that the Brady bill would become mired in the habeas corpus debate, which I think would have been close to a guarantee that that would have happened.

One of the things that one of the former chairmen of the Judiciary Committee, with whom I had a great friendship but almost never agreed with anything about, and that was the former distinguished Senator, now deceased, from Mississippi, Senator Eastland. Senator Eastland asked me when I first got here 20 years ago, when I asked him for help on an issue he said with a deep southern accent, "Son, did you count?"

And I asked him what he meant by that. He said: "Did you count, c-o-u-n-t? Did you count where the votes were?"

The one thing I have gotten relatively good at doing in the Senate is counting votes.

I observed that on a half dozen occasions over the last 5 or 6 years, when we voted in the Senate on habeas corpus my team has lost. My side of the argument has been defeated.

Now, I think my bill had a much better chance this time because now I had as allies at least the majority of attorneys general and DA's, who were my opponents last time, and they do affect how Senators vote. When 2, 5, 10 or 20 district attorneys in the States of Texas, Illinois, California, Pennsylvania, or whatever, call their United States Senator and say, "I am unalterably opposed to this," I found in my experience Senators pay attention to this and it tends to lose me that Senator's vote.

This time I had DA's and attorneys general calling Senators saying vote for this.

But the point is that I cared a lot about the Brady bill as well as the crime bill, something my friend from Utah and I disagree on substantively. I was very concerned, I say to my friend from Pennsylvania, because the House has no habeas corpus provision in the crime bill and/or freestanding, that there is no realistic possibility of getting habeas corpus passed this year, any reform, period.

If the Senator's bill passed tomorrow there is nothing to conference. The House will not even take it up.

The other thing I hoped I learned to do over the years in addition to count is to be practical and not waste a lot of time. So since the House was not bringing it up until next year and since it could be attached to something that would ruin the chances of that something passing, for instance, the Brady bill, I agreed to withdraw my provision in the Biden crime bill that related to habeas corpus in return for a commitment that my friends, who have a very much more narrow view of habeas corpus than I do, would yield and not attach any habeas corpus, which they are entitled to do. They are entitled under the rules of the Senate to add habeas corpus and their version to any bill that they want to come to the Senate.

If they attach it to the Brady bill, it means the Brady bill does not pass. I have counted. The last six times they attached it to something, they won.

Now it would have been closer this year, but let me recap quickly since, no matter what we do on this floor between now and Christmas regarding habeas corpus, it means nothing in terms of getting a change in the law on habeas corpus because the House will not have acted, has no intention of acting, and will not act until next year; and because, if they attached it to something I cared deeply about—that is, the Brady bill—it might confuse the issue so much that the Brady bill would not pass this year.

And since I like the Biden habeas corpus provisions much better than I like the Specter habeas corpus provisions, for all of those reasons, I see no sense in taking a lot more of the Senate's time debating the merits and demerits of the Biden position on habeas corpus and the Specter position on habeas corpus.

So, consequently, I am still of the view that what we should do is we should take up habeas corpus next year, next calendar year, debate it with my friend from Utah, who disagrees with me on this—we agree on a lot, but we disagree on habeas corpus and how to "fix" it—debate it with my friend from Pennsylvania, with whom I am much closer on what the fix should be for doing away with frivolous claims under habeas corpus, and then debate it with the House of Representatives and come up with a solution.

So for all those reasons, Mr. President, I believe that, although the Senator is making a genuine contribution here tonight in reminding our colleagues, and those who are listening in the press who do know a fair amount about this issue, that there are some legitimate and important changes that must be made in the present system of habeas corpus, that that ultimately will not be resolved, notwithstanding that contribution, until next year.

Because I want to see the Biden crime bill—which, hopefully, before it is over will be the Biden-Hatch crime bill, because we are getting awful close on this issue—the \$22 billion Biden crime bill, or the bill, whatever you want to call it—I just happen to have introduced it—the crime bill passed, and I want to see the Brady bill passed. I will withdraw to fight another day on the habeas corpus bill, because the worst that happens, from my perspective, on habeas corpus is the present law remains as it is. We do not get, as a Nation, the much more conservative position on habeas corpus that has been proposed by my friends from Utah and South Carolina, Senator THURMOND, and many others, but we do not get what I think should be done, the Biden habeas corpus provision. We end up with the status quo as it is on habeas corpus, and we put off fixing that to next year.

I am satisfied to try to fix the fact that we are 100,000 cops short, that we need to spend tens of billions of dollars, literally—we are going to spend over \$22 billion on dealing with the crime problem. In addition to that, that we put in—and I will put in the RECORD what I refer to—a thing I had my staff put together for me. It is entitled, "The Biden Bill: Beyond Crime and Punishment." It talks about the things that we recognize that there are two sides to solving the crime equation; that is, punishing violent criminals is one part of the solution and reaching out to those who have not committed crimes but were at risk of doing so is the other part.

Although much of the floor debate in the Senate is focused on penalties and punishment because of the amendments offered by other Senators, the underlying Biden crime bill contains many initiatives that are still intact, and considerable funding that is still intact to deter crime by helping at-risk youth and nonviolent offenders from getting permanently into the crime stream in this country.

The provisions of the bill that address the underlying causes of crime—not just the punishment for it—but the causes. We can punish everybody, but if we do not do something about that cadre of children between the ages of 5 and 15 who have no parents, who are on drugs, who are unsupervised, who are clearly the future predators, the violent criminals in America, if we do not do something about that cadre of black, white and Hispanic youth who are being ignored now, we can have 500,000 cops and we are still going to be at risk in this country.

And so, in addition to being the toughest crime bill we have ever passed by putting 100,000 cops in the street, by putting in \$6 billion for prison and boot camp construction, by increasing penalties, by doing all these things, we also provide \$1.2 billion for early inter-

vention teams—police, social workers, educators, doctors, working together to take kids who have not committed any crimes but are clearly in the at-risk group and identify them now.

We do that for children with learning disabilities. We do that for children with medical problems. We should do that for children who we know as sure as we are standing here are going to be the violent criminals of tomorrow, left unattended as they have been.

Mr. SPECTER. Will the Senator yield?

Mr. BIDEN. I will yield in just a second.

I will yield after I ask unanimous consent that all those provisions in the underlying Biden crime bill, which have not been altered, which relate to prevention and treatment and alternatives to incarceration, be printed in the RECORD at this point.

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

THE BIDEN BILL: BEYOND CRIME AND PUNISHMENT

The Biden Crime bill recognizes that there are two sides to solving the crime equation: punishing violent criminals is one part of the solution; reaching out to help those who have not committed crimes, but are at risk to do so, is the other part. Although much of the Senate floor debate focused on penalties and punishment because of the amendments offered by other Senators, the Biden Crime Bill contains many initiatives and considerable funding to deter crime by helping at-risk youth and nonviolent offenders.

The provisions in the Biden bill that address the underlying causes of crime include:

COMMUNITY POLICING PREVENTION AND TREATMENT PROGRAMS

Of the total \$8.9 billion authorized for community policing programs, \$1.2 billion may be used to fund innovative prevention programs, such as:

Early intervention teams: police, social workers, educators and doctors working together to intervene early in the lives of juvenile victims and offenders—to help them turn their lives around.

Proactive Prevention: police involvement in prevention programs for youth, such as:

The Police Athletic League.
Big Brothers/Big Sisters programs.
Girls' and Boys' Clubs.

ALTERNATIVES TO INCARCERATION

Boot Camps: Up to \$3 billion dollars for boot camps as an alternative to prisons to help get young, non-violent offenders back on their feet. Offenders assigned to boot camps receive a reduced sentence—boot camp terms lasts no more than six months.

Boot camps must provide intensive drilling and supervision, involving work programs, education and job training, and drug treatment.

Boot camp participants must receive aftercare services, to be coordinated with human service and rehabilitation programs, such as:

Educational and job training programs.
Drug counseling or treatment.
Halfway house programs.
Job placement programs.
Self-help and peer group programs.

Drug Courts: \$1.2 billion in grants to states for Drug Court programs to provide an alter-

native to prison and to help non-violent drug offenders get the treatment they need to get their lives back on track.

Instead of serving time, a drug offender agrees to participate in a "Drug Court" program with drug testing and treatment. If an offender fails the tests, he or she becomes subject to graduated alternative punishments, which intensify treatment and supervision, but stop short of traditional incarceration. Such alternatives include:

Community service programs which employ offenders with nonprofit and community organizations.

Community-based incarceration like halfway houses, weekend incarceration, and electric monitoring.

Boot camp programs.

If an offender fails the Drug Court program completely and is sentenced to prison, they receive treatment there—in facilities set apart from general prison population. These programs must address the offender's social, behavioral and vocational problems, as well as drug addiction.

Preference in making grants is given to states providing assurance that offenders are provided with aftercare services, such as:

Educational and job training programs.
Self-help and peer group programs.

JUVENILE DRUG TRAFFICKING AND GANG PREVENTION

Authorizes \$100 million in state grants for drug and gang prevention programs, such as: Education, prevention, and treatment programs for at-risk juveniles.

Academic, athletic, and artistic after-school activities.

Sports mentor programs where athletes serve as role models and counselors for kids at risk for gang and drug activity.

Alternative activities in public housing projects, such as Girls' and Boys' clubs, scout troops, and little leagues.

Education and treatment programs for juveniles exposed to severe violence.

Pre- and post-trial drug abuse treatment for juvenile offenders.

Treatment for drug-dependent pregnant juveniles and drug dependent juvenile mothers:

Training for judicial and correctional agencies to identify, counsel, and treat drug-dependent or gang involved juvenile offenders.

DRUG TREATMENT AND PREVENTION

Community Substance Abuse Prevention Grants: \$60 million over three years for coalitions of community organizations (such as schools, health and social service agencies, parents, civic groups, academics) to:

Plan and implement comprehensive long-term strategies for drug abuse prevention.

Coordinate drug abuse services and activities, including prevention activities in schools.

Drug Treatment in Prisons: Establishes a schedule for drug treatment for all federal drug-addicted prisoners.

VIOLENCE AGAINST WOMEN

Grants to fight violence against women: Authorizes \$870 million over 3 years for state grants to combat violence against women, with a special earmark for high intensity crime areas. Programs can include:

Expanding or strengthening victim services programs, such as:
rape crisis centers.
battered women's shelters.
rape and family violence programs, including nonprofit organizations assisting victims through the legal process.

Training law enforcement officers to more effectively identify and respond to violent crimes against women.

Expanding units of law enforcement officers specifically to target violent crimes against women.

Victim Counselors: Authorizes \$1.5 million for federal victim/witness counselors in sex and domestic violence cases.

Indian Tribes: Authorizes \$30 million over 3 years for grants to Indian tribes for programs to reduce violence against women.

Rape Education: Authorizes \$65 million for rape prevention and education programs, starting in junior high school, such as:

Educational seminars for students and training programs for professionals.

Public awareness programs in under-served racial, ethnic, and language minority communities.

Help for the Homeless and Runaways: Provides \$10 million for education and prevention grants addressing the problem of homeless and runaway women and girls, such as: street-based outreach and education programs.

treatment and counseling programs for runaway, homeless and street youth who are at risk of being subjected to sexual abuse.

Battered Women's Shelters: Provides \$300 million in grant money specifically for the operation of shelters for women and their children who are fleeing violent homes.

National Family Violence Hotline: Authorizes \$1.5 million.

Youth Education: Provides \$400,000 for programs to educate youth about family violence and abuse.

Safe Colleges: Targets \$20 million for rape and violence prevention and education on college campuses.

SAFE SCHOOLS

\$100 million for local school and community grants, to be used for:

Drug and alcohol education and training programs.

Counseling programs for children who are victims of school crimes.

Programs to provide alternative, constructive programs for youth at risk for gang recruitment.

SEXUAL VIOLENCE AND CHILD ABUSE

The "Oprah" bill: Authorizes \$40 million to develop a national criminal background check system for those who provide care to children, the elderly, or the disabled.

The Child Safety Act: Authorizes \$60 million in state grants for the establishment of supervised child visitation centers for families with a history of violence or abuse.

Mr. BIDEN. Lastly, Mr. President, I would point out that the vast majority of the bill, a significant majority of the bill that adds up to about \$4 billion, the things I am talking about, there is another \$18 billion which is just flat, old, undeniably needed, in my view, tough law-and-order provisions. We must take back our streets.

I think this bill has to pass. That is why I took the habeas corpus provisions out of it.

Second, we are going to go, hopefully tomorrow or the next day, to the Brady bill. I think that bill must pass to make us safer in this country. And I did not want habeas corpus attached to that, thereby killing it. That is why I withdraw the habeas corpus provision to debate it and fight it next year.

I am in no way attempting to criticize the Senator for bringing up his proposal. I think he is totally within

his rights. He has been attempting to do it for over a year and a half. He is totally committed to it. He understands it as well or better than anybody in the U.S. Congress, let alone the Senate, and we are much closer on the solution than we are apart, the Senator from Pennsylvania and I.

But I just suggest we lock arms next year to try to defeat my equally as informed colleague from Utah and my colleague from South Carolina and my colleagues from other States who do not agree with the Senator from Pennsylvania and me about the need to preserve, enhance, and correct the Federal habeas corpus part of this petition. They would like to, in large part, do away with Federal habeas, with some notable exceptions.

So that is why we did what we did. I hope my colleague does not take offense that I did not spend more time with him debating the details of the differences he and I have on this bill, because, to put it very bluntly, it is not going anywhere.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time does the Senator from Delaware have remaining?

The PRESIDING OFFICER. Twelve minutes.

Mr. BIDEN. I will reserve the remainder of that time for tomorrow morning.

Mr. SPECTER. Does the Senator from Delaware have 15 minutes, in addition to the 12 minutes?

The PRESIDING OFFICER. The Senator has 12 minutes remaining this evening and then 15 minutes tomorrow.

Mr. BIDEN. Mr. President, if the Senator will yield, I would be delighted to yield the remainder of my time, when he wishes to have it, to my distinguished colleague and ranking member of the Judiciary Committee, the remaining 12 minutes. And I apologize to him.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

The PRESIDING OFFICER. Thirty-six minutes.

Mr. SPECTER. I thank the Chair.

If I may have the attention of my colleague from Delaware, it has not been a year and a half. It has been more than 3 years. We last took up this matter on the Senate floor on May 24, 1990, when substantially this amendment was agreed to 52 to 46.

My colleague from Delaware points out that the House would not take up this bill anyway. I understand that and I agreed to this arrangement in order to break the logjam and let the crime bill, the Biden bill, go through. Because when the Senator from Delaware has put those provisions in by unanimous consent, I had recited most of

them, all of them I could think of, and had a long list, because they are good provisions.

But I would say to my colleague from Delaware that I do want to take up the three narrow points which he mentions. And I also want to take up with the Senator from Utah, his concerns. Because I suggest to my colleague from Delaware that my bill is very close to the bill of the Senator from Delaware and is not too far from the bill of the Senator from Utah. I say it is not far from the bill of the Senator from Utah because the Senator from Utah cosponsored this bill in 1990. There are some changes but I think they are relatively minor. When the Senator from Utah returns to the floor—but while the Senator from Delaware is here I want to take up the three changes which he articulates.

One is that I eliminate habeas corpus at the front end; second, that he disagrees with me on the Teague issue; and, third, that he disagrees with me on the exhaustion rule.

I suggest to my colleague from Delaware that points 1 and 3 are about the same. The point I was on when the Senator from Delaware asked me to yield was my point that this bill does not affect State habeas corpus. This bill does not affect State habeas corpus, and I think under our federal system, the Federal Government cannot affect habeas corpus in the State, or at least properly so. But this bill only deals with a question of when the Federal courts have jurisdiction, and we may decide that.

I think my colleague from Delaware will agree with me that the Congress can decide that question.

Mr. BIDEN. Will the Senator yield on that point? He is absolutely correct. If I can have 30 seconds—

Mr. SPECTER. But only 30 seconds.

Mr. BIDEN. Just 30 seconds. The point I was making was the purpose of skipping, at the front end, States' habeas corpus, was to save time, I thought. My point is it is not going to save any time.

Mr. SPECTER. That is conclusory and you may be right or you may be wrong. And I suggest you are not correct because the big delay comes in when you have Federal habeas corpus and States habeas corpus mixed up. I argue and submit to my colleague from Delaware that if the Federal courts got out of habeas corpus and the States could do whatever they like, there would be a tremendous clamor in the courts of South Carolina and the courts of Delaware and the courts of Pennsylvania and certainly the courts of Utah to get the State habeas corpus fixed, finished, if the Federal Government was not involved.

So when you talk about eliminating it at the front end, I leave State review on direct review. State courts have to review the conviction, the State supreme court has to affirm the sentence,

penalty of death. But what I do not do is allow the States to go back again on State habeas corpus, as I sat through as a young assistant DA, again and again and again, these mountains of meaningless State habeas corpus. That is, they cannot do that without having Federal jurisdiction attached under a timetable.

Then you come to the exhaustion point, which I think is essentially the same as point 1. On the exhaustion point, I submit to my colleague from Delaware that this Congress ought to decide when the Federal courts are going to take up these cases. And that the overwhelming logic is not the logic of the Supreme Court in *People versus Castille*, a never-ending tennis ball, but the logic of the federal system is for us to say as Members of Congress, and maybe the Senator from Delaware will agree with this in 1994 when he does not have the collateral considerations of the other matters—but I say the logic is forcefully on the side of this Congress saying when the Federal court takes it up—and it makes sense to take it up early, not too early—let the State court decide it, and then the Federal court takes it up.

Then there is the question of Teague. I submit to my colleague—

Mr. BIDEN. If the Senator will yield 5 seconds, he is probably correct on the second point. I can see my way clear to probably agree with him on the point he just made. On the point he is about to raise I doubt we can agree.

Mr. SPECTER. I heard the point about agreeing with me. What was the last part?

Mr. BIDEN. The point you are about to raise relative to Teague, I doubt we can agree on.

Mr. SPECTER. Fine. I said to my friend from Delaware I knew he would listen, and my object was to convince him that my amendment ought to be adopted. I think my bill cannot be conferenced this year, 1993, even if it passes like it did in 1990. I am prepared to wait until 1994. I think we are going to have to wait until 1994 to conference the Biden bill; perhaps wait until 1994 for a lot of matters.

Mr. BIDEN. I agree.

Mr. SPECTER. Now I want to take up the issue of Teague where the Senator from Delaware thinks he will not agree. The Teague issue is a little different in my bill from Senator BIDEN's bill, but not much different. And the Teague provision was crafted in this cloakroom to win the support of the distinguished Senator from Utah.

Mr. BIDEN. If the Senator will yield, if you throw him over to me maybe we can work something out.

That was humor, attempted humor.

Mr. SPECTER. I did not hear you. Well, I laughed retroactively.

This point on fundamental constitutional rights was crafted in the cloakroom very late one night. My colleague

from Utah will remember, I think, the Senator from Delaware popped in occasionally in the spirit of ecumenicism to help us along on our efforts.

For those who may have turned on C-SPAN—they could not have been watching this too long or they would have turned it off—the issue on Teague, which is a U.S. Supreme Court decision which is very tough on retroactivity, says that if constitutional rights are decided by the Supreme Court in, say, 1989, they will not be applied to a case when the death penalty was imposed in 1985.

My own view is that, where the death penalty is as final and as extreme, that we ought not to try to avoid retroactive application. But I understand that my friend from Utah has a different view. That is why, when Senator HATCH, Senator THURMOND, Senator SIMPSON, and I hammered out this agreement in the Republican cloakroom in 1990, we came up with language which appears in section 304 of this bill as follows. And it is: "In cases subject to this chapter"—well, that is not the operative sentence. It is the next sentence.

A court considering a claim under this chapter shall consider intervening decisions by the Supreme Court of the United States which establish fundamental constitutional rights.

At this point I am not going to get involved, but I will come back to it at a later time for the Senator from Delaware, on his language, to discuss with him what I submit is the closeness and virtual practical identity between that language and the language in the Biden bill.

And the other language on successive petitions I have taken from the Biden bill. And I accept the statement of the Senator from Delaware that my bill is very similar to his. It differs on exhaustion and it differs on time limits.

Mr. BIDEN. If the Senator will yield, I did not mean that as a criticism. I am delighted he did.

Mr. SPECTER. No, I took it as a compliment. I had enough sense to openly adopt. I did not copy, I adopted, openly adopted.

But the differences were what I saw as an assistant DA on the problems of exhaustion, which is a change, and on the time limits. But aside from that on the successive petitions with the gatekeepers is different with the court of appeals, but the standard for successive petitions was the same and that standard was agreeable to the Senator from Utah.

What we are really talking about with the Senator from Utah—which is different in this bill from the one he cosponsored in 1990—is the issue of exhaustion of remedies.

I know, as I said, my colleague from Delaware was determined and zealous in his interest to promote the interest of justice and have an effective crimi-

nal justice system, but that same statement applies to the Senator from Utah. They have been a team, Senator BIDEN and Senator HATCH. I hope neither takes umbrage at that.

What the Senator from Utah will get from this amendment is something that he has long yearned for, when he took this floor and eloquently spoke on many occasions about the 17-year-old case in Utah—if I can have the attention of my colleague from Utah—on the times when he spoke about a case which lasted 17 years, a horrendous murder case, first degree, where death penalty was not imposed for 17 years. When Senator THURMOND spoke first on the amendment, which is substantially the same as the one I am talking about now, because the distinguished Senator from South Carolina, Senator THURMOND, was the lead sponsor, this is what Senator THURMOND said on May 23, 1990:

I rise today to offer, along with Senator SPECTER, a tough habeas corpus reform proposal which strikes at the heart of our Nation's habeas corpus problem: Delay.

Then he goes on to say a little later:

... A new proposal which appropriately addresses the need to establish a definite timeframe for Federal consideration of death penalty cases.

Then he refers to the tremendous number of habeas corpus petitions filed from 127 in 1941 to 1,020 in 1961 to 9,880, almost 10,000, by 1988. Then he points out, again quoting Senator THURMOND:

This amendment would, for the first time, establish a definite timetable for completion of Federal habeas corpus cases within 1 year from the time the death sentence becomes final in the State court.

And this is the critical language, if Senator HATCH will listen to this:

It would bypass State habeas corpus proceedings which currently invoke so much delay.

I ask my colleague from Utah, with a tremendous time savings here, with the elimination of the delays which troubled him so much with the case from his home State of Utah for 17 years and with a bill which is the same as the one he cosponsored in 1990, except for this one change on exhaustion—and bearing in mind that the State still has the ultimate control as a matter of State rights to bring it back for more State habeas corpus, the State still has the ultimate pardoning authority, the State still has the control over the imposition of the death penalty—that it is only the congressional determination as to when the Federal court has jurisdiction, why not remove the provision in the Federal Code which requires a State to exhaust remedies when, as illustrated by *Peoples v. Castille*, it is a never-ending tennis game, when illustrated by Harris, which is not as bad as the case you cited, but the exhaustion issue results in 10 State habeas corpus, 5 Federal habeas corpus, 11 petitions to the Supreme Court of the United

States, interminable costs and enormous delay?

I know my colleague agrees with me on this proposition that the delay on capital punishment cases makes a mockery of the criminal justice system and that capital punishment is an important tool for law enforcement and a deterrent. In order to utilize this flagship issue, this symbolic issue, this important issue for criminal law enforcement, why not make the change in the Congress to allow the Federal courts to take up these cases after the State has had the first review up on direct appeal?

Mr. HATCH. Actually, I want to compliment the distinguished Senator for bringing this debate to a head. I agree with him. It is a travesty of justice to have the repetitive frivolous appeals that currently occur under current law. He cited the Utah case, the Andrews case, where we had 18 years and 28 appeals, up through the State and the Federal courts, time and time again. Every one of them frivolous, every one found to be frivolous. He had committed the murders. They were heinous crimes. They were brutal crimes. They were torture crimes. Frankly, those appeals cost my State millions of unnecessary dollars.

The goal of the distinguished Senator from Pennsylvania is exactly the same as mine, and that is to make sure that people are constitutionally protected in their rights—these criminal defendants—and that they have one complete shot up through the system. There is much in what the distinguished Senator is arguing for that I can agree with, and he knows that. With regard to the differences between 1990 when his amendment passed by 51 votes—

Mr. SPECTER. 52 to 46—

Mr. HATCH. With my support, we were trying to compromise that matter and trying to pacify and get people together. I much prefer what happened in 1991 when I brought the Hatch habeas corpus amendment to the floor on a major crime fight then. Frankly, I felt it was a stronger bill than the 1990 bill. That passed 58 to 40, with the support, I might add, of the distinguished Senator from Pennsylvania.

There is much within his bill that I certainly agree with, and I want to commend him for it. In my opinion, I do not think there is anybody in this body who has more knowledge about these matters than he does. Some of us have dealt with them, some of us have worked on them, but I do not think anybody exceeds his ability. He certainly has had plenty of prosecutorial experience with regard to how the laws can be convoluted and misused with regard to habeas corpus.

As a matter of fact, if you look at a number of the things the Senator talks about—the time requirements, I agree with those in his bill. He sets time limitations for the Federal courts' consid-

eration for determination of habeas corpus provisions.

Mr. SPECTER. Will the Senator yield to me? I want to be sure this is on the Senator's time.

Mr. HATCH. I do not think it is. Let me just answer your question then.

Mr. SPECTER. Parliamentary inquiry. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. SPECTER. Is Senator HATCH speaking on my time?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor and the time is being charged to him.

Mr. HATCH. If I am talking too long, I will be happy to answer a specific question.

Mr. SPECTER. You answered my question.

Mr. HATCH. Basically I am saying—

Mr. SPECTER. I want the time to go to you.

Mr. HATCH. I do not have anything more to say than I have said. We have our differences. I think the amendment in 1991 was a far better, tighter amendment than the one in 1990, and it was adopted by a larger majority, 58 to 40. I believe it would be adopted again. That is one reason why we are willing to take habeas down because I believe the courts are moving in the direction of the 1991 Hatch amendment. But be that as it may, I want to commend the Senator from Pennsylvania for raising our consciousness on this.

Mr. SPECTER. If I may focus the question even more narrowly, which I attempted to do before, but let me repeat that: What is wrong with eliminating the exhaustion requirement of the U.S. Code saying that Federal jurisdiction attaches at the time the direct appeal is finished by the State Supreme Court and cert denied by the U.S. Supreme Court?

Mr. HATCH. The only things I can think of there is that it does prohibit States from first addressing the constitutional error before the Federal Government is involved.

Mr. SPECTER. If I may suggest to my colleague—

Mr. HATCH. I do not think the States would be able to determine the facts either.

Mr. SPECTER. The State does have the opportunity to address all the issues before the direct appeal. The appeal goes to the State Supreme Court and cert is denied, so the State has full review on direct appeal.

I ask my colleague to amplify the question again with my experience, when I handled these cases as an assistant District Attorney in the appeals division, we would take the case to a State supreme court. It could be a murder conviction, death penalty; it could be life imprisonment.

The case would come back and there would be a State habeas corpus pro-

ceeding filed with the trial judge. It would raise all the same issues, and it would lie on the trial judge's desk and nothing would be done because the State supreme court had decided it. Why not say at that point, with the State supreme court having decided all the issues, that it goes to the Federal court?

Mr. HATCH. Well, as the Senator knows, there are some issues that cannot be decided on direct appeal, they have to be decided on collateral appeal, ineffective assistance of counsel and other similar issues. That is one reason why I have some difficulty with it.

Mr. SPECTER. Suppose you use the California system where the only issue is advocacy of counsel at trial. In California, they have a proceeding to determine adequacy of counsel after the verdict, before the appeal. If we had the issue of adequacy of counsel—and bear in mind, I say to the Senator, that we are talking about a very tight timeframe. We are not talking about 17 years, 18 years like the Utah case—

Mr. HATCH. No, the Senator is not.

Mr. SPECTER. Where they think up a lot of different issues. But we are talking about a direct appeal, and if you had the California system to consider adequacy of counsel—

Mr. HATCH. I have to say to the distinguished Senator that I think his approach is worth studying. It is certainly worth consideration. We ought to have hearings on it. It is worth looking into, and I think we ought to have hearings on it. We ought to make some determinations with regard to it. Adequacy of counsel has to be determined at some point—it may be the California system will work, but adequacy of counsel has to be determined before you can subject a person to the death penalty.

Mr. SPECTER. The California system takes up the issue of adequacy of counsel—

Mr. HATCH. That is right.

Mr. SPECTER. Which my colleague has raised and appropriately so. If you cover that, why not let the Federal court take the case?

Mr. HATCH. At that point it may very well be that a good review of this would indicate that that would be the step to take.

Mr. SPECTER. I suggest to my colleague that he is as expert on habeas corpus as we are going to find in the Congress in this millennium. The Senator has read the cases. He has had the hearings, and he knows the field. I think Senator BIDEN does, too. There are a number of us who do. I suggest that the time has come for us to make the judgment. Every day we wait these cases like Harris and cases like the 18-year-old Utah case keep going and going and going.

Mr. HATCH. I agree. I agree. One of my major problems with the Senator's habeas provision is the overruling of

Teague and really the overruling of the Sawyer case as well. In both of those cases, I think the way the Senator is approaching it will actually lead to as many, if not more, habeas corpus appeals, because he continues to allow retroactivity if there is a question of fundamental rights.

Mr. SPECTER. I ask my colleague, as we discussed informally a few days ago, what cases have come down on retroactivity since Teague? I do not believe there has been a single one that has come down which would provide a problem for the prosecution on retroactivity. Can my colleague identify any?

Mr. HATCH. Well, Penry versus Lynaugh, which was in 1989, Butler versus McKellar in 1991. Those were cases that were the result of Teague, or the cases that followed Teague.

Mr. SPECTER. What principles on retroactivity were established there that were problems?

Mr. HATCH. In the Teague case the Supreme Court established two exceptions to the bar against retroactive new rules in habeas litigation. One was that if the new rule places the kind of conduct or class of defendants beyond the power of the general law making authority such as the death penalty for rape as being declared unconstitutional; or, two, if the new rule addresses the bedrock procedural element of criminal procedure on a matter which so significantly changes its law that the rule is watershed, the rule has to be applied retroactively.

Mr. SPECTER. That is where they said you could apply them retroactively.

Mr. HATCH. Teague and its bookend case, the Griffith case, both establish a bright line rule of law which ensures the uniform application of new rules. And I think you have to admit that Teague has improved the landscape of habeas litigation.

Mr. SPECTER. If I may just say, and then I wish to reserve the remainder of my time, I believe that you will find since Teague there have not been rules which could be applied retroactively which would raise a problem for what my colleague from Utah is raising. But even if so, I would say that there will have to come a day in this Chamber, and especially with the House, where, if we are to have the utility of the death penalty—if I could have the attention of my colleague from Utah—if we are going to have the availability of the death penalty and not keep going around in circles, then we are going to have to make an accommodation, a compromise. And I suggest that the language my colleague from Utah, Senator SIMPSON, Senator THURMOND, and I hammered out—Senator SIMPSON has cosponsored the bill again—is a conservative compromise. And that is why I hope my colleague would accept this amendment.

Mr. HATCH. If the Senator will yield, it is an improvement on the Biden habeas approach. There is no question about it. What I do not want to do is go back to the old Linkletter standard where really there were no rules.

Mr. SPECTER. I agree with my colleague we should not return to that, but I would say that the language which he and I agreed upon in 1990, carefully crafted language, is what we should accept here this evening.

I yield the floor, Madam President, and ask how much time I have remaining.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator has 9 minutes 20 seconds.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I will just say this, that the Spector bill overturns the Supreme Court's decision in Teague versus Lane. That was a 1989 decision. Now, in that case the Court held that once the criminal's conviction became final, new rules of civil procedure are not retroactively applicable. In other words, you are not going to be able to just continue to take every new rule that comes down the line. The Spector bill provides that the new rules are retroactive if they involve fundamental rights. This, according to the attorneys general with whom I have consulted, will increase the litigation and delay the surrounding capital litigation as well.

Now, in addition, the Spector bill, as I understand it, also overturns the Supreme Court decision in Sawyer versus Woodley. That is a 1992 case, a year ago. The Court in Sawyer held that successive petitions can only be heard where actual innocence is established. And to show actual innocence, the petitioner has to show, one, innocence of the crime or, two, show but for constitutional error no reasonable juror would find the petitioner eligible for the death penalty.

Now, the Spector bill repudiates Sawyer, as I view it, in two respects. No. 1, the burden of proof required of the petitioner, clear and convincing, is abandoned. That has been the burden of proof. And No. 2, new mitigating evidence could be raised and presented to set aside a death sentence after the death sentence has been issued.

Now, I have great problems with that approach to things. And admittedly the Spector bill will not get us back to Linkletter in the eyes of many people, but I am afraid that if we go back to the cases of Linkletter versus Walter or Stovall versus Denno, where the courts were required to apply balancing tests, we are going to get into worse shape than we are in today. Frankly, in some respects, I think because of the overrule of Teague and Sawyer, we would wind up in worse shape than we are today. So I am very concerned about it.

I agree with the distinguished Senator from Pennsylvania, this is a worthwhile matter to investigate, to hold hearings on, and to really look into in every way we can to try to resolve. But I have to tell you, I do not think that either the BIDEN or the SPECTER approach toward habeas corpus is going to stop these excessive appeals when they overrule or partially overrule the Teague and Sawyer cases.

I think they guarantee that we are going to have incessant bills and the concomitant delays, and the failure to implement the death penalty as it should be implemented, and of course all of the concomitant costs that the States have to go through.

The Hatch amendment that was passed in 1991, 58 to 40, would pretty much put an end to it. It would give them the right through the process one time. You go through the State process, you go through the Federal process one time, and that is it. If their claim was "fully and fairly litigated," that is it, unless they really can show a true constitutional issue or a true injustice or proof of innocence, that it would have to come from new, undiscovered evidence. Frankly, it needs to be done in that way.

But I am willing to put that up against the bill of the distinguished Senator from Pennsylvania, and, of course, the bill of my friend from Delaware, the chairman of the committee.

This is an important issue. There is no use kidding about it. We would not be spending this time if it was not important.

But last, let me say one other thing. I believe the Supreme Court is moving in the right direction. That is one of the reasons I am willing to have habeas stricken from this bill, because it is a matter of great contention, it is a matter that is difficult to understand, and difficult to explain. Yet, it is causing problems all over this country. I would like to see the Court continue to move in this direction where these frivolous appeals are going to be ended once and for all. I believe they are getting there, and I believe they will get there because they themselves realize it is ridiculous what is going on right now.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Madam President, I am pleased at this time to yield to my distinguished colleague from Washington, a cosponsor of the bill, Senator GORTON, for 3 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, on the charts which my colleague from Pennsylvania has submitted, the death penalty delay in the State court which is of the shortest duration, 3 years, is the Campbell case which arises in the State of Washington. It also has the dubious distinction of having the second longest such delay in Federal court of collateral habeas corpus proceedings, one in which there was apparently a deliberate or a near deliberate delay on the part of an antideath penalty judge simply delaying the imposition of that death penalty by refusing to make any decision, by refusing to sign a decision of the court.

That, it seems to me, focuses attention on what, to lay people, is the key issue here: How long should it take to provide justice in connection with the most serious of the crimes which come before our courts? To what extent can we permit total technicalities and a constant claim of newly discovered evidence to delay the final imposition in a death penalty case?

Clearly, the Senator from Utah has improved the situation in which we found ourselves when this bill was reported to the floor. The Biden amendment would have added a complexity to the system. By striking the Biden amendment we at least leave the system in its present status quo. I agree with the Senator from Utah, the Supreme Court is probably gradually improving the situation on its own.

It is the view of this Senator that the Specter amendment will once again, if only modestly, lessen the multiplicity of collateral appeals and somewhat shorten the outrageous nature, the endless nature, of the appeals which we see here on this chart.

The costs to society are high, as a result, in dollar figures. The fact is that justice delayed is justice denied. Justice is not generally speaking accomplished by these kinds of delays, but the greatest single vice is the constant erosion of trust and confidence in our system of justice on the part of the people of the United States. They become increasingly cynical when they see horrendous murders, death penalty sentences delayed, delay after delay.

The people of the United States want to do justice. They do not wish to execute innocent persons. But they do wish an end to delays which seem to them never to come to termination at all.

So there are questions which have little to do with the justice or the accuracy of the original verdict or sentencing. In that connection, the Specter amendment will provide an improvement, and deserves our support.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank my distinguished colleague from Washington for those very cogent

statements. He has said in the course of 3 minutes what others of us have not said in 30 minutes or more.

I think it is worth a moment also of reflection as to how many cases my colleague from Washington argued in the United States Supreme Court in his distinguished career as the attorney general of the State of Washington—if he would yield for a question—14 cases. I have been there on two occasions myself. There are many lawyers who have not gotten to the Supreme Court of the United States to argue cases. I think some who are sitting there have not gotten there to argue cases.

I think that Senator GORTON has put his finger on the crux of the issue which I was trying to develop with the Senator from Utah; that is, that if we are going to stop the 10-, 12-, 15-, 18-year proceedings, that we are going to have to come to grips with this issue on some of the tough matters and not have 100 percent our own way; and, that if we are to have the death penalty imposed, we ought not to go back to hearings but we ought to take a bill which has been worked out.

I would submit, Madam President, in response directly to what the Senator from Utah has said, that this bill meets his concerns. When he talks about Teague—and he read from the Teague case, he was reading from the section where retroactivity was permitted where it was fundamental—the Teague case did impose a tough standard of disallowing retroactive application.

In 1990, the Senator from Utah agreed with the language which is in the Specter amendment. He deemed that adequate on the issue of retroactivity, and I think any fair reading would say that was adequate to protect the concerns which he has articulated.

When he has objected to some terms of the Specter amendment on the Sawyer case, let me just say that the district attorneys, and the attorneys general who were looking after the prosecution side, found this language sufficient. I would suggest to the Senate, Madam President, and to the public at large, when you have a successive petition which would "demonstrate that no reasonable sentencing authority would have found an aggravated circumstance or other condition of eligibility for a capital or noncapital sentence or otherwise would impose the sentence of death," that that is a mighty tight standard.

When you talk about aggravating and mitigating circumstances and the underlying Biden bill allows a jury not to impose the death penalty in its discretion, they do not have to weigh aggravating or mitigating, that is different from what happens on habeas corpus. This is technical, but it is important.

I submit that this standard is not too lenient when it would demonstrate that no reasonable sentencing author-

ity could impose the death penalty. How can we ask that the death penalty stand if no reasonable sentencing authority would have found the death penalty? This is a standard which has been approved and sanctioned by the prosecutors, the national district attorneys and the attorneys general. And I do not think we ought to look for a tougher standard, if it is tougher as to what the Senator from Utah asks for.

Parliamentary inquiry, Madam President. How much time is remaining?

The PRESIDING OFFICER. There is 1 minute 24 seconds.

Mr. SPECTER. How much time does the other side have?

The PRESIDING OFFICER. There are 7 minutes 3 seconds.

Mr. SPECTER. I inquire of my colleague from Utah if he intends to use more of his time.

Mr. HATCH. I do not. I am prepared to yield the remainder of my time.

Mr. SPECTER. I ask if we might have the distinguished Senator from Delaware present because there is one other subject I would like to discuss with him, if he is on the premises.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Madam President, in conclusion with the minute I have left—and the Senator from Delaware has a few minutes left—I will conclude by saying that I think this has been an instructive debate. I think that the essential points are very close. The Senator from Delaware has said that he thinks we are very close on the exhaustion issue. The Senator from Utah agrees that in 1990 he was with me on the retroactivity point. And the issue about successive petitions where no reasonable person could say the death penalty should be imposed, I think, speaks strongly for my amendment. We have 15 minutes more. I think that the case has been presented in a very strong fashion in support of my amendment. In the remaining time, I would like to explore with the Senator from Delaware the language which is contained in—

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. I ask for 30 seconds to complete the question as to the applicable law and retroactive portion of the Biden bill, if it is not substantially similar to the retroactive provision in the Specter bill, section 2257.

Mr. BIDEN. I believe, yes. I did not hear the first part of the question.

Mr. SPECTER. The question is: Is not the language from the Biden bill, which essentially provides—the new rule constitutes a watershed rule of criminal procedures implicating fundamental fairness and accuracy of the criminal proceeding; is that not substantially the same as the language in my bill which says the court, considering the claimant for this chapter shall consider intervening decisions by the Supreme Court of the United States which established fundamental constitutional rights? Is not the issue of fundamental constitutional rights very close to the language of implicating fundamental fairness?

Mr. BIDEN. I think not, Senator. I think it goes beyond fundamental constitutional rights. That is why I chose the language I did. Assuming that we succeed—the Senator from Utah and I—tomorrow in tabling the amendment, I would be delighted to, in the context of the committee and/or on the floor and prior to going to committee and the floor, to discuss that in great detail. If it is helpful, I will be happy to enter into the RECORD the way in which I think there is still a very wide gap, as I see it, because we toyed with the idea of using similar language and concluded that it did not encompass all I wished. I will hold it until tomorrow so my staff does not have to spend all evening coming up with the explanation. Tomorrow I will put in the RECORD a more detailed explanation of the distinction between the language the Senator from Pennsylvania has and what was in the underlying Biden bill.

Mr. SPECTER. I thank my colleague. The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. HATCH. I may soon yield the remainder of our time, but I will withhold that to see if Senator THURMOND wishes to speak.

Mr. BIDEN. If the Senator will yield me 30 seconds. I believe it is appropriate for me at this time under the unanimous consent—I am sorry, we still have some time then. When all time is yielded back or used, I will then ask for the yeas and nays on the motion to table, and the vote is to take place tomorrow.

Mr. HATCH. I will now be happy to yield the remainder of our time.

Mr. BIDEN. All time has been yielded back, Madam President. Therefore, I ask for the yeas and nays on the motion to table the Specter amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Parliamentary inquiry, Madam President. I want to be sure that the motion to table has not yet been made. There are 30 minutes for argument tomorrow.

Mr. BIDEN. That is the intention of the manager, Madam President.

The PRESIDING OFFICER. The order would permit the 30 minutes of debate notwithstanding the motion.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, S. 1657 is laid aside to occur at 9 a.m., Wednesday, followed by 30 minutes of debate and a vote on the motion to table.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1607, the crime bill.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1607) to control and prevent crime.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I believe under the unanimous-consent agreement, the next amendment that we are to take up is the amendment of the distinguished Senator from Texas, Senator HUTCHISON. While she is preparing to make her case, I have been trying to clear her amendment on our side. I may be able to save her a considerable amount of time. The last Democrat who had an objection to her amendment has now agreed that I can accept the amendment. I do not mean for her not to speak to it. But on our side, we will be prepared to accept the Hutchison amendment, once offered and explained by the distinguished Senator from Texas. I assume the Republican manager may accept it.

Mr. HATCH. We are prepared to accept the amendment, as well, and are very pleased to do so.

Mr. BIDEN. I will, at the appropriate time, after the Senator from Texas is finished, ask unanimous consent to vitiate the vote tomorrow on the Hutchison amendment as soon as she is willing to have her amendment accepted.

AMENDMENT NO. 1158

Mrs. HUTCHISON. Madam President, last year Congress prohibited the distribution of Pell grant funds to prison inmates who are under death sentences or serving sentences of life without parole. This was a step in the right direction, Mr. President, but during the past year those who are serving lesser sentences—for offenses like carjacking, armed robbery, rape, and arson—received as much as \$200 million in Pell funds, courtesy of the American taxpayer.

This is not right. This is not fair to the more than 1 million eligible students who were denied Pell grants last year because there was not enough

money in the program. It is not fair to the millions of parents who work and pay taxes, and then must scrape and save and often borrow to finance their children's educations.

My amendment is aimed at stretching every possible dollar for those young people who stay out of trouble, study hard, and deserve a chance to further their education, fair to working Americans who pay their taxes and do without in order that their children will have advantages they never had: a better education, more opportunities, a better future.

The American people are frustrated by a Federal Government and a Congress that cannot seem to get priorities straight. They are frustrated and angry by a Federal Government that sets rules that put convicts at the head of the line for college financial aid, crowding out law-abiding citizens.

One police officer whose daughter couldn't qualify for a Pell grant summed up his frustration when he said recently, "Maybe I should take my badge off and rob a store."

I believe people who have made a mistake, who have been convicted of a crime and are serving time in jail, generally deserve a second chance. To provide that second chance, the Federal Government spends \$100 million or so each year on prisoner education and training programs. State governments add to this total. This educational assistance money, however, is available only to prison inmates—to provide a second chance.

But the issue I raise is whether we will act to provide for a first, perhaps only, chance for 100,000 young people who qualify for Pell grants but who are denied educational assistance because there isn't enough money.

Congress created the Pell Grant Program in 1972, in order to help the children of poor and working class families have a chance to go to college. We have appropriated ever increasing sums of money for the program ever since, because higher education is an investment in our children's and our Nation's future. For recipients of Pell grants, 95 percent of whom come from families with annual incomes of less than \$30,000, 70 percent below \$15,000, financial aid is very often the difference between going to college and building a better future, and going to work in lower paying jobs.

For more than 10 years, however, Congress has looked the other way while increasingly large amounts of Pell grant money has been diverted from the students for whom it is intended, to imprisoned convicts.

As I said at the outset, this is not fair. It is not fair to taxpayers. It is not fair to law-abiding citizens. It is not fair to the victims of crime. But we can set things right. We only need to make a choice. And for me, it is an easy choice.

My amendment would put \$200 million in the hands of more than 100,000 students and their parents, who have worked and studied and saved and scrimped for a chance at more schooling. They are my choice. I hope a majority of my colleagues also will choose to support them, to put at the head of the line, not the end, Americans who work and raise families and pay taxes.

Madam President, I would like to make an inquiry of the chairman. I would be happy not to make a talk. I do understand when you declare victory and go home. I would be happy to give back the time if the chairman would prefer that, or I would be happy to talk if the next Senator is not ready.

Mr. BIDEN. The distinguished Senator from Texas has worked very hard on this amendment. If she would be willing to summarize her amendment it would facilitate. She is entitled to take the time to summarize her amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I certainly appreciate the Senator from Delaware accepting my amendment and certainly appreciate the Senator from Utah for all the work that he has done to make this possible.

Let me just summarize my amendment and say that what we are going to be able to do, because of the acceptance of this, is reserve Pell grants, which are stipends, for children of low-income working families. Ninety-five percent of the grants for these children to be able to go to college come to parents of children in families that make under \$30,000 a year. Seventy percent of those come from families that earn under \$15,000 a year.

So this is a very important grant for these families to give their children the opportunity to go to college, many times something they could not do for themselves.

What has happened is that because prisoners have zero income they have been able to step to the front of the line and push law-abiding citizens out of the way to get these grants for college educations. In fact, what this amendment will do is free up the \$200 million that was going to prisoners to have their educations funded, and it will now go to the children of these low-income families for whom the Pell grants were originally intended.

Let me say that I think that prisoners who want to get an education deserve a second chance, and, in fact, the Federal Government does put up almost \$100 million to do that, and States do supplement that program. I am very much a supporter of that.

But these are a different type of grant. They are educational grants. They are for the children of low-income families, and many of these families have to borrow to send their chil-

dren to school anyway, but these Pell grants give them that extra boost. It may be \$1,500 or \$2,000 a year, depending on the family.

So this is going to give 100,000 young people, Madam President, the opportunity to have that first chance, that chance that may make the difference in their lives.

I thank the Senator from Delaware and the Senator from Utah for accepting this amendment and giving these kids a chance.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, let me again compliment the Senator from Texas and thank her for doing what a number of those of us who are more senior around here have not learned to do, and that is be gracious enough, as she always is, when she prevails to yield back her time. I wish everyone could take a lesson from her, and I thank her for her consideration as it relates to the time.

Madam President, I ask unanimous consent that the unanimous consent agreement that calls for us acting on the Hutchison amendment tomorrow morning be vitiated, not the whole request, only the amendment.

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

Mr. BIDEN. Madam President, I urge adoption of the amendment.

Mr. HATCH. The amendment is acceptable and I urge its adoption.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BIDEN. We yield back all our time, Madam President.

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

The amendment (No. 1158) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As I understand it we are going to move to the Boxer amendment at this time. So I ask unanimous consent that—

The PRESIDING OFFICER. It is difficult to hear the Senator from Utah. Order, please.

Mr. HATCH. Madam President, I was concerned about the Senator from New York. I did not think he was here. He is next up on the amendment train.

Mr. BIDEN. Madam President, what is the business before the Senate?

The PRESIDING OFFICER. The crime bill.

Mr. BIDEN. Madam President, let me be more specific.

The PRESIDING OFFICER. The amendment of the Senator from New York is the next amendment.

Mr. BIDEN. Madam President, let me ask my friend from New York if he would consider yielding for the following purpose: In order for us to accommodate an immediate need of the Senator from North Carolina, we allowed the Senator from North Carolina, who had an amendment that was the Helms-Graham amendment on prison caps, we allow the Senator from North Carolina to make his plea for his amendment earlier this evening and move ahead of the line.

I would respectfully suggest that since the Senator from Florida is a cosponsor of that amendment and he is only going to speak, as I understand, roughly 5 minutes on that amendment, that we allow the Senator from Florida to take 5 minutes and then the Senator from Delaware will not use the 15 minutes to respond but 5 minutes to respond. So we will be delaying the Senator from New York a total of 10 minutes, but it seems to me a more orderly way to do it.

Mr. D'AMATO. I certainly have no objection.

Mr. BIDEN. I ask unanimous consent that we move back to the Helms-Graham amendment and, as I understand, the Senator from Florida is going to seek to use 5 minutes of 15 minutes he has on another amendment to make his case. Is that correct?

Mr. GRAHAM. Madam President, it had been my intention at the appropriate time to offer another amendment, No. 8 on the list of amendments to be offered. I can defer that and speak on both of those items at that time or I can speak on the prison caps amendment at this time, whichever would be preferable.

Mr. BIDEN. If the Senator would be willing to speak on the prison caps amendment now and then we will go back to the regular order of how the UC suggests we take up amendments, that would be I think the most orderly way if he would be willing.

The PRESIDING OFFICER. Without objection, the Senator from Florida is recognized for 5 minutes.

AMENDMENT NO. 1159

Mr. HELMS. I call up the amendment and ask it be stated.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina has 5 minutes on the amendment.

Mr. HELMS. Do you not wish to state the amendment?

The PRESIDING OFFICER. The clerk will report the amendment for the information of Senators.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. GRAMM, and Mr. GRAHAM, proposes an amendment numbered 1159.

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

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

Mr. HELMS. Madam President, I ask unanimous consent the following Senators be added as original cosponsors of the amendment, in addition to Mr. GRAMM of Texas, Mr. GRAHAM of Florida and myself, add these Senators: Senators MACK, FAIRCLOTH, DOLE, THURMOND, HATCH, KASSEBAUM, BURNS, MCCAIN, MCCONNELL, and STEVENS.

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

Mr. GRAHAM. Madam President, I would speak briefly on the amendment that has been offered by the Senator from North Carolina, and the Senator from Texas, and myself relative to the Federal role in establishing the maximum population in local jails and State prisons.

The Federal Government's involvement in this is a function of the eighth amendment to the Constitution which prohibits cruel and unusual punishment.

Our amendment is simple and straightforward. It says that the Federal courts enforcing that provision shall establish those standards that assure that the constitutional prohibition against cruel and unusual punishment is not violated but that the court shall not exceed that standard.

There has been great concern that the pattern of Federal court orders relative to prison construction and operation and population have been setting higher and higher standards that have gone far beyond those necessary to assure that the constitutional standard of cruel and unusual is not violated.

The effect of this has been to reduce the ability of States to provide housing for those persons who are committed to local jails or State correctional facilities for incarceration.

The effect of that limitation has been that many States, including my own, have had to turn serious offenders out onto the streets in order to open a bed space for a person who is being admitted into that institution.

In our State of Florida, it is estimated that less than 50 percent of the time that should have been served based on court order is in fact being served because of the necessity to move people through the system in order to stay consistent with court ordered limitations and to create space for those persons who have been ordered into the system.

I believe, Madam President, that one of the things that we ought to be doing as we, the Federal Congress, debate a Federal crime bill is to be sensitive to the fact that has been reiterated time and time again during this debate. That is that the vast majority of responsibility in America's criminal justice system rests with local communities and the States. The Federal role is a relatively narrow one.

One of the things the Federal Government can do is to avoid imposing

excessive mandates on States and local communities which inhibit their ability to carry out responsible programs.

Madam President, I do not believe that local communities and States are in the position or are inclined to conduct their correctional facilities in inhumane, barbarous ways. They have a sense of responsibility to their communities. They understand that most of the people who are once incarcerated are eventually going to return to their communities and that effective programs inside the correction institutions can be some of the most determinative steps in what will happen to those people once they are released from prison.

What I object to is the Federal Government using the eighth amendment to impose standards that are even higher than the standards which the Federal Government uses in its own penal institutions. I believe that that is Federal Government run amuck, where it is imposing a standard that results in a turnstile type of justice. Things like the use of double bunking in prisons, things like the use of the kinds of less expensive corrections facilities, such as the Senator from Ohio was demonstrating during the debate last week. Those are the types of innovative activities that ought to be allowed and should not be, but, in fact, are, in many instances, prohibited because of overzealous Federal court orders.

So I strongly urge the adoption of this amendment which will in fact strike an immediate blow to the States' ability to provide housing for those persons who are violent and should, for the period of the sentence imposed by the court, be separated from society and society protected from them. Hopefully, something positive will happen while they are incarcerated. At least while they are incarcerated they will not be inflicting their violence on law-abiding citizens.

I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I yield myself 5 of the 15 minutes I have in opposition.

I do oppose this amendment. I understand the desire and instincts of my friend from Florida and, I might add, the Senators probably from 31 other States who are under some form of court order, or most of them, or many of them, if not all of them, Federal court order for prisoner overcrowding.

The Senator is correct that generally we leave this to localities to determine. But one thing, since the adoption of the incorporation doctrine about 65, 70 years ago, roughly the one thing we have not left to the States or local communities is interpreting the eighth amendment. That is a matter for the Federal courts to make a judgment on.

The fact of the matter is that the amendment of the Senators from North Carolina and Florida I believe, is, at least arguably, and I think in fact is, an unconstitutional encroachment on the separation of powers as a matter of policy.

The Senators' amendment does three things:

First, it eliminates the use of class action lawsuits to resolve claims that prison overcrowding violates the eighth amendment prohibition on cruel and unusual punishment.

Second, it limits the remedies that a Federal court may impose for prison overcrowding that violates the Constitution.

And, third, it requires the courts to reopen orders remedying violations of the eighth amendment every 2 years if the defendant prison system—which has been previously found in violation of the Constitution—requests reopening of the case.

I might add, we have debated on a number of other occasions, as I know the Senator from Florida, and the former Governor of Florida and Harvard Law School graduate and accomplished lawyer knows, we have debated these court-stripping amendments a number of times. Fortunately, in my view, we have never stripped the court of jurisdiction over such a fundamental, basic constitutional question as what remedy should flow from a finding of a violation of a constitutional amendment, in this case the eighth amendment.

We attempt to remedy the very things the Senator is concerned about legitimately, and that is the fact that violent criminals are let out of jail because the Federal court concludes that there is a cruel and unusual situation within the jail because of the overcrowding. But we have attempted to remedy that without running the risk of violating the Constitution.

That is why we have accepted, through the urging and the leadership of the Senator from Florida, about close to 3 billion dollars' worth of amendments in this bill to deal with prison overcrowding.

And so, I believe, although it is more expensive to do it by paying for additional prison spaces, it is the wise, constitutional, and humane way.

And I am going to sound like I am being facetious, but I am not, in what I am about to say.

The Senator indicated that he believes that localities are not inclined and do not engage in and are not desirous of engaging in cruel and unusual treatment of prisoners. I am prepared to accept as a matter of fact the assertion made by my friend from Florida. As of this moment, today, let me stipulate that there is no city, State, or county prison system in the Nation that, in fact, imposes cruel and unusual punishment upon its prisoners

due to overcrowding. I will stipulate to that for now.

But I am sure the Senator from Florida would stipulate with me there have been many States that have done just that in the past. The prison system in the State of Florida in the distant past was nothing to be proud of. It was outrageous. The prison system in the State of Delaware was outrageous. The prison system in the State of Mississippi and a number of other States—I could name almost all 50 States.

So the one place we found that there is not much of a constituency to argue against cruel and unusual treatment is in a prison system. Not many folks out there rally behind them. And understandably, because these folks are in prison because they have done something bad.

Quite frankly, the only last refuge—and I realize they say the last refuge of scoundrels is—well, the way the Constitution was written is, even scoundrels have refuge within the Constitution. Prisoners are scoundrels. They have refuge within the eighth amendment of the Constitution of the United States.

I think this is an unnecessary encroachment upon the jurisdiction of the Federal courts. To be more blunt about it, I think it can be remedied another way. The way to remedy it is the right way. Do not tamper with the Constitution and court stripping.

Although, if the Senator had the time, he would point out to me—and I will do it in the interest of fairness—that there are constitutional scholars who would argue that arguably what he is suggesting is constitutional. I think the preponderance of the weight of the authority is the opposite direction.

But there is no need to chance it. There is no need to deal with it. We correct it in the \$22 billion crime bill by providing a means by which we keep prison systems—State, local, and Federal—straight and not succumbing to what prison systems have succumbed to in our past history by being the agents for cruel and unusual treatment of prisoners within the system.

I doubt whether Americans today would conclude that someone who had not committed a violent offense or even a violent offense should be put in a cement cell with no mattress and no facilities and no heat and so on. None do that, now, I might add, that I am aware of.

But, if our prison system were able to do that, went ahead and did that, and the Federal court were stripped of the jurisdiction of making a judgment whether or not that is a systemic violation of the law by the prison system, I suspect we would all say they should be able to look at that and make that judgment—not on a case-by-case basis of each prisoner.

Madam President, I oppose the amendment offered by the senior Sen-

ator from North Carolina, both because I believe it may be an unconstitutional encroachment on the separation of powers and as a matter of policy.

The Senator's amendment does three things:

First, it eliminates the use of class action lawsuits to resolve claims that prison overcrowding violates the eighth amendment prohibition on cruel and unusual punishment;

Second, it limits the remedies that a Federal court may impose for prison overcrowding that violates the Constitution; and

Third, it requires the courts to reopen orders remedying violations of the eighth amendment every 2 years if the defendant prison system—which has been previously found in violation of the Constitution—requests reopening of the case.

Let me state at the outset why I believe the Senator's amendment may be unconstitutional. This amendment restricts authority of the Federal courts to interpret a part of the Constitution and limits the courts' remedial powers. In my view, the amendment is constitutionally infirm in each respect.

The Senator's amendment states:

A Federal court shall not hold prison or jail crowding unconstitutional *** except to the extent that an individual plaintiff inmate proves that the crowding causes the infliction of cruel and unusual punishment of that inmate.

What that really means is that courts presiding over class action lawsuits would not be permitted to hold that prison overcrowding violates the Constitution unless the court made particularized findings of cruel and unusual punishment respecting an individual plaintiff.

If we adopted this amendment, we would be stating in effect that the Federal courts—which, since the landmark case of *Marbury versus Madison*, have been considered the final arbiters of what the Constitution requires—may not make determinations of what is or is not constitutional with respect to eighth amendment litigation over prison crowding.

That is because the amendment effectively prevents a court from making a finding of system-wide constitutional violation or from remedying that constitutional infirmity—even if the court believes that is the correct result.

In so doing, this amendment flies in the face of our national history and understanding of the court's role in the constitutional system.

Moreover, this amendment does more than merely tell the courts they may not fashion a specific remedy for a constitutional violation; it further seeks to define the limits of the law under the Constitution.

It says that a Federal court may not hold that certain prison conditions violate the Constitution unless the claim is brought by an individual plaintiff—

even where other aspects of a case are properly before the court.

If a class of plaintiffs demonstrates pervasive unlawful prison conditions, this amendment says that the Federal courts may not find those conditions unlawful, and, therefore, may not fashion a remedy for the constitutional infirmity.

In addition, this amendment—in my view, unconstitutionally—restricts the ability of the Federal courts to remedy cruel and unusual punishment resulting from prison overcrowding.

Congress has never granted a Federal court subject matter jurisdiction over a particular class of claims and then stripped away the court's jurisdiction to fashion a particular remedy—although such legislation has been introduced over the years.

Therefore, the Supreme Court has never ruled on the question of whether Congress improperly intrudes on the judicial power by restricting the Federal courts' ability to fashion appropriate remedies for constitutional wrongs.

Constitutional scholars are not unanimous in the view that such a restriction would violate the Constitution, although several scholars whose opinion I respect believe such a law would, in fact, be unconstitutional.

Because of this uncertainty, I am not prepared to support an amendment that would make such novel changes in the relationship between Congress and the courts without a thorough airing of the potential constitutional problems. I submit that 30 minutes of debate on the Senate floor is not an appropriate airing of these issues.

There is another possibility. Perhaps the Senator's amendment does not purport to dictate to the Federal courts how they should and should not interpret the Constitution in this area.

The amendment provides that a court may not hold that certain conditions violate the Constitution unless an individual plaintiff proves that cruel and unusual punishment results from the condition of overcrowding.

That is already required under the law. Under the Federal Rules of Civil Procedure, rule 23, class action lawsuits are authorized. But class actions require a representative, or named, plaintiff who must prove the case on behalf of the entire class.

In the prison context, a named plaintiff would prove that a particular prison condition violated the Constitution. Of course, that showing would require that the plaintiff demonstrate injury to himself as an individual.

Thus, every class action lawsuit would already satisfy the requirements of the Senator's amendment, and, thereby, permit courts to make findings under the Constitution. That is because, in every class action, an individual plaintiff must make the showing required by the amendment.

If this is the intent of the amendment, it is entirely consistent with existing law and would, therefore, have no effect. I cannot believe, however, that the Senator from North Carolina would offer an amendment having no effect.

Therefore, I am compelled to construe his amendment as a limitation on the powers of the Federal courts to find and remedy violations of the Constitution.

Because I believe such a statute would violate the delicate separation of powers in our Federal Government, I oppose the Senator's amendment and urge my colleagues to do likewise.

Let me add that I oppose the Senator's amendment for an independent reason: The Supreme Court has already restricted the lower courts' ability to hold that prison overcrowding violates the eighth amendment.

I am aware of no case in which prison overcrowding, without more, has been held to violate the eighth amendment. Supreme Court precedents dictate that overcrowding must be combined with other problems such as unsanitary conditions, lack of medical treatment, or inadequate air filtration to support a finding of an eighth amendment violation.

Moreover, as a matter of policy, I believe it would be inappropriate to eliminate the use of class action litigation in this area of the law. If adopted, this amendment would create inefficiency in the judicial system.

Under this amendment, prison overcrowding claims would each have to be brought individually, imposing substantial burdens on scarce judicial resources.

I reiterate, I think the concern stated by the Senator from Florida is absolutely, totally legitimate. I think his remedy, that is, denying the Federal court the right to use a remedy when an eighth amendment violation is found, is the wrong way to remedy the problem. The right way to remedy the problem is what he did in the first instance in this bill. The Senator from Florida was one of the leaders in making sure that this bill provided for additional space to take nonviolent offenders out and put them in boot camps, provide space for nonviolent offenders in those boot camps. Whether it was his intention or not, that goes a long way to remedying the problem relating to overcrowding.

But ultimately the eighth amendment is the domain of the Federal court system to determine whether or not it has been violated. There is an argument, "Deny the remedy, you deny the right." This denies a remedy that I think, arguably, would render it deficient constitutionally.

So at the appropriate time when all time has been yielded back, I am going to move to table the amendment, ask for the yeas and nays, which, as I un-

derstand it under our unanimous consent agreement, means not that that vote would take place tonight but it would take place tomorrow morning in the appropriate order. But I will wait until time is yielded back.

Mr. HELMS. Madam President, there is nothing complicated or difficult to understand about this amendment and its purpose. All over America, innocent citizens are being murdered, raped, robbed, beaten, sometimes all of the above. These crimes are being committed by violent felons who have been turned loose on society by Federal judges, set free after the criminals have served only a fraction of their prison terms they received for previous acts of violence.

Most Members of the Senate can relate to the shocking stories involving their own States, but let me speak for North Carolina where Gov. Jim Hunt is doing his best to cope with this awesome problem. Last year in North Carolina alone, more than 26,000 prisoners were given early releases from prisons. These 26,000 included 88 felons convicted of murder and 37 rapists. The father of basketball star Michael Jordan, Mr. President, was killed by one such felon who had been given an early release.

This amendment proposes to set a standard for the Federal courts precisely as the Congress did in the Religious Freedom Restoration Act, which President Clinton today signed into law.

Under the pending amendment, some prisoners may have to do with a few square feet less of cell space, but that is far better than to continue to turn loose violent felons to kill or rape innocent citizens or, as happened in Charlotte last month, shooting in cold blood two fine young Charlotte police officers.

Madam President, here is the point: Those young police officers and others whose lives have been snuffed out by violent felons returned to the streets by Federal courts, these victims each will occupy a 6-foot hole in the ground for eternity because of violent criminals having been set free because prison cells were not quite large enough to suit some Federal judge.

For a change, let us think about the rights of victims of violent crimes, and this amendment will do exactly that.

I thank the Chair.

Madam President, I ask unanimous consent that it be in order for me to ask for the yeas and nays on my amendment.

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

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mr. BIDEN. I yield back the remainder of my time.

Madam President, is all time yielded back on the Helms-Graham amendment? I do not think there was any time remaining.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BIDEN. Madam President, I move to table the Helms-Graham amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur tomorrow after the disposition of the Levin amendment.

AMENDMENT NO. 1199

(Purpose: To amend the Controlled Substances Act to provide the death penalty for engaging in a continuing criminal drug enterprise involving a large quantity of drugs)

Mr. D'AMATO. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself and Mr. HATCH, proposes an amendment numbered 1199.

Mr. D'AMATO. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 30, after line 6, insert the following sections, (b) and (c):

"(b) a defendant who has been found guilty of—

"(1) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B);

"(2) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

"(3) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the

violation or from the use of the controlled substance involved in the violation;

shall be sentenced to death if, after consideration of the factors set forth in section 3592, including the aggravating factors set forth at (c) below, in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(c) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section (b) above, the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER 21.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act (21 U.S.C. 859) which was committed directly by the defendant.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act (21 U.S.C. 860) which was committed directly by the defendant.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act (21 U.S.C. 861) which was committed directly by the defendant.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant. The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

Mr. D'AMATO. Madam President, I do not intend to spend a long time ex-

plaining this amendment. Indeed, we have considered it, or an amendment very similar to it, back in 1989; again in 1990; again in 1991. What it does is provide for the death penalty for major drug dealers. Major drug kingpins are killing and maiming Americans. What our amendment does is provide for the death penalty for major drug dealers or traffickers, whether there is a murder or not.

Make no mistake about it, as defined pursuant to this section of the law, anyone who deals with the quantities that we set forth, which are 600 times over that which is required to bring about a felony, will be contributing to the death of scores and scores of Americans.

In order for that death penalty to be applicable, that person has to be involved in the sale or distribution of 132 pounds of heroin in a year. If you are involved in the sale or distribution and you had that rank and are selling 132 pounds of heroin—and that is the minimum—you are responsible for the deaths of untold numbers of people either directly or indirectly, whether through HIV, or whether the heroin addict shoots up and overdoses, or the heroin addict who unfortunately, to support his habit, uses that gun that we speak about and kills an innocent bystander or robs that variety store at night and shoots down someone or was involved in a battle over turf and kills an innocent child. And 660 pounds of cocaine must be involved in order for this to meet the threshold; 13 pounds of PCP, 66 tons of marijuana, or 7 pounds of crack.

We talk about crack addiction. We talk about the crack-addicted babies who are born into addiction. I have to tell you something, the death penalty is too good for those who bring this situation about.

The major trafficker would also be defined as one whose enterprise has gross receipts of \$20 million or more. Again, if you are dealing in that kind of drugs in those quantities, certainly you have been responsible for the death of people.

Our amendment also provides for the death penalty for the drug kingpin who engages in an attempted murder of a person with the purpose of obstructing justice, a principal leader who directs others to attempt to kill any public official, juror, witness, or member of such a person's family or household in order to obstruct the investigation or prosecution of the enterprise or an offense involved in that enterprise.

How often have we heard, unfortunately, in our urban centers today, the drug hits that are put out, the contracts that are put out by the drug kingpins. This amendment also provides for the death penalty for those members of the drug kingpin's organization that dispense, supply, or sell the stated amount of substance that directly causes the death of a person.

Drugs are one of the leading causes of crime today. I believe this amendment can make a difference. There have been some questions as relates to just how many people would be involved. According to a Justice Department study of this amendment, it is estimated that there are 50 to 75 offenders annually who will violate the drug kingpin category as it relates to the amounts—50 to 75. It is estimated that there would be 200 drug offenders satisfying the criteria of members of a continual criminal enterprise who engage in attempted murder to obstruct justice; a principal leader who directs others to kill. This comes from the Justice Department in their study. We are now saying there are at least 200 to 250 people annually who the Justice Department understands would fit this category. Let me suggest that when we talk about how many homicides come about as a result of the drug kingpins ordering assassination of other people, we are talking about 1,350.

I know Senator HATCH will speak to some of the underlying arguments. It has been said that this may be unconstitutional because there is not a death directly attributable as it covers certain of these sections. The United States has provided death penalties for cases where there is not a death actually attributable because we understand, for example in areas of espionage, that while you may not prove a direct correlation, there is that danger to the community, to the Nation. There are those people who are not killing great numbers of people through drug trafficking, but it seems to me they certainly are in an indirect way, and in a very direct way are killing our neighborhoods, our communities, and our youngsters.

Madam President, I ask unanimous consent Senator DOMENICI and my colleague from Virginia, Senator WARNER, be added as cosponsors.

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

Mr. D'AMATO. Madam President, I ask for the yeas and nays.

Mr. BIDEN. Has all time been yielded back?

The PRESIDING OFFICER. All time has not been yielded back.

Mr. BIDEN. I thank you.

Mr. D'AMATO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Madam President, I do not know whether or not Senator HATCH—I believe he is going to speak to the amendment for several minutes.

I have concluded my remarks.

Mr. WARNER. Madam President, if the Senator will allow me just about a minute and a half.

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. D'AMATO. Yes, I do.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

Mr. WARNER. Madam President, I spent a good deal of the recess period this summer and well into the fall taking a series of unusual trips, in the sense that I went down into my State and visited with every single Federal judge in his or her chambers.

I found it to be a very rewarding experience. I do not wish to compliment myself, but several of the old-time judges who had been there some time said they have no recollection of a U.S. Senator doing this before. I urge other colleagues to do it because you have to go down and sit in the front lines of those judges' chambers and in their courtrooms and let them recount to you the experiences they have each and every day in the implementation of our Federal criminal statutes.

Time and time again, the subject which has been addressed by the distinguished colleague from New York, Mr. D'AMATO, was raised on the need to get to those individuals who have primary responsibility for so much of this drug trafficking.

The members of the judiciary are concerned about the gofers, as they are called, the young people who are roped into these nets, lured into the nets. The Senator from Virginia has included in this bill legislation, as has the Senator from Wisconsin, and others, to stop the transfer to these gofers of handguns as part remuneration for their participation in this lowly drug trafficking. All too often, the gofers are caught and they have not the faintest idea about the implication of the kingpin. I think this statute begins to focus the proper attention on the need to get to the kingpins, as well as the gofers, but get to the kingpins and hold them accountable in a way that I feel will be a deterrent for participation in such activities.

I compliment my colleague from New York. I compliment the distinguished ranking member of the Judiciary Committee, Mr. HATCH.

I yield the floor.

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

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am very sympathetic and empathetic with the effort of the Senator from New York. As a matter of fact, it was in 1988 the first drug kingpin law was passed. I wrote that law. It is now law, on the books; a drug kingpin death penalty law that is on the books, different than this. There is one on the books now.

To be honest with you, when I first wrote the law and I sought the help of constitutional scholarship available, I wanted to extend it to do exactly what the Senator from New York is doing.

But after consulting with liberal and conservative constitutional scholars and Federal judges, the overwhelming consensus was that under the present rulings of the Supreme Court, unless there is an intent directly related to and able to trace the cause of death to the action of a drug kingpin, a death penalty would, in fact, in that circumstance be viewed as unconstitutional.

The Senator pointed out, I think he used the figure 1,300 assassinations ordered. All of those are covered now by the present law. In the Biden drug kingpin law that is now law, any drug kingpin who, in fact, directly orders and/or commits a murder by either standing there and administering an overdose of a drug and/or in a drug war, shooting, killing, or ordering the assassination of someone else, they are able to receive the death penalty under Federal law now.

The big difference with the proposal of the Senator from New York is, a drug kingpin who, in fact, does not directly, immediately identify the subject of the murder and his actions would still be covered. The theory being—I cannot improve on the explanation—but the theory being that any reasonable person would have to know that they are engaged in the business of running a criminal enterprise the size that is required to be a drug kingpin and/or distributing the tens, if not hundreds of pounds of potentially lethal controlled substances; that it is reasonable to assume someone will die as a consequence of that.

So the nexus the Senator from New York finds under the Constitution to make it constitutional to put someone to death for an action is that any—my words not his—any reasonable person would have to know that death would result. The analogy I made in 1988, but I could not get the consensus of the constitutional scholars, was anyone who takes out a loaded gun and indiscriminately, but nonetheless, fires into a crowd of individuals without the intent to kill anyone or anyone in particular, they should have reasonably known that death would likely result, ergo, when death results, they should be able to be held accountable for that by whatever penalty was on the books.

The same theory is proffered here. I think, unfortunately, it is a bit of a constitutional stretch. So I have in the past not moved to extend the present drug kingpin law to include what the Senator would argue are the reasonably anticipated deaths that would follow, as opposed to specifically intended damage done—death—that follows from an order of an assassination, for example.

So because I am still not convinced of its constitutionality, I will tomorrow at the appropriate time move to table the amendment. But I must say, of all the amendments being offered to-

night—and my staff is not real crazy about me acknowledging this—my knowledge, my instinct about whether or not this is constitutional is that at least it is an even shot it is constitutional. My advice from people who are much more learned in the Constitution, notwithstanding I have the dubious distinction of being an adjunct professor of constitutional law in a law school these days, I know that does not qualify me as a constitutional expert. So I am going to continue, until I can make the case more strongly, to yield to the majority body of opinion among constitutional scholars that this is unconstitutional. That is why I will move to table it.

But quite frankly, I must acknowledge that I think it is a close call. Some of the other things that are up here from my perspective that I am arguing against I do not even think are close calls. This one I acknowledge is a close call. But I have made it a practice for this Senator, when I have been in doubt about the constitutionality of an action of the Senate, I have voted against that action when I have been in doubt, because I have erred on the side of not stretching the limits of the Constitution, notwithstanding it is perfectly within our rights as a body to decide we believe it is constitutional and then leave it to the courts to resolve in debate. It has been my practice for 21 years not to proceed that way, although I am in no way criticizing those who would otherwise proceed.

This is what you call tabling with faint praise. I think it is a close call. It would be more appropriate for someone who felt very strongly about it being unconstitutional to make the case. But I do think, on balance, it is probably unconstitutional. Therefore, I will move to table it tomorrow.

I am prepared—I see the Senator is on his feet—when he finishes his comments, when he yields back time, to yield back the remainder of my time as well.

I compliment the Senator. Believe me, emotionally, politically and close to substantively, I find it very hard to move to table this, but I will for the reasons I have stated.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I certainly appreciate Chairman BIDEN's feelings. I want to thank him for the graciousness of his remarks. I understand where he is coming from. We had this discussion in the past. Indeed, we worked together to develop the drug kingpin bill back in 1988.

I am not going to repeat the arguments. We know them. I think that the area of contention is one that reasonable people can disagree and, indeed, it may take the Supreme Court to set down a standard and to rule on this case as to whether or not we have the

ability to say that if you traffic in such large amounts of drugs that you risk the death penalty being imposed. I think that we send them a case or an opportunity of a case and we send a message out that says we are serious and will do everything possible to deter those who are engaged in this kind of activity because certainly they are sapping the strength and vitality and it does result in the death of so many. Whether or not we can prove directly and whether that cause and effect must be of necessity proof of the kind of directness that some might contend, I think that is a matter for the courts to decide. So I thank the distinguished chairman.

Mr. BIDEN. Before the Senator yields back his time, because I do not want to see him be put in a spot where he has no time left, if the Senator will yield to me just a moment on my time.

The PRESIDING OFFICER. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. BIDEN. Mr. President, if we had a more flexible unanimous-consent agreement, what I would have done at this point, but I did not attempt to get an agreement because I respect the Senator's position—and quite frankly, because I respect the Senator has the votes on this, I have no doubt that a proposal that I entertain amending this amendment with, which would be minimum mandatory life in prison, no probation, no parole, is constitutional. I do not oppose the death penalty. The underlying Biden bill to which we are attaching all these things has 47 death penalties in it. I support the death penalty.

But I think the proper way to go here, so that we do not run the risk of it being ruled unconstitutional, would be to have minimum mandatory life imprisonment, no probation, no parole for a drug kingpin where you are not able to directly show the action taken by the kingpin resulted in the specific death of a specific person. I have no doubt that is constitutional, and I would prefer—and I am not asking the Senator to amend his amendment. I know he cannot do that this way.

But if in fact this passes and becomes law, it is declared unconstitutional, then I would invite the Senator to join me in taking the exact same language he has and changing the penalty to minimum mandatory life in prison, no probation, no parole, which means if you are sentenced you are there for the rest of your natural life, no matter what happens, unless you can be proven innocent at a later date as a consequence of evidence that was not available at the trial.

That is how strongly I feel about it. I just think constitutionally we are on very thin ice, and I would rather not skate on that ice.

So when the Senator from New York is prepared to yield back his time, I

will yield back what remaining time I have.

Mr. HATCH. Mr. President, will the Senator yield a few minutes to me?

Mr. D'AMATO. I will be happy to yield.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I agree with the Senator from New York. I think this is a good amendment. I think it is a constitutional amendment.

The activities of drug kingpins pose perhaps the gravest risk that we face today to our health and well-being, both as individuals and as a nation. In my home State of Utah, the spread of drugs and its attendant violence is a growing problem. Death by violence and disease, destruction of minds and bodies, follow in the wake of these unseen crime barons.

Mr. President, the time has come that we punish these evil purveyors of death and destruction as they deserve to be punished, and no longer let them hide behind the hired guns who pull the triggers for them. This was the position of the prior Republican administration. The Clinton administration, however, has retreated from this position in the crime war, apparently on the view that the death penalty is unconstitutional as applied to these major drug dealers. As I will explain in a few minutes, the case for the constitutionality of this provision is very, very strong. Significantly, an amendment on the side of the American people and the victims of drug kingpins would support this provision and defend it in the Court. The drug kingpins will have high-priced lawyers—legal hired guns—arguing for them. That the Clinton administration feels it has to take the side of drug kingpins in this matter is a disturbing development.

In 1988, Congress passed legislation to provide the death penalty for murders by drug kingpins and for drug-related murders of law enforcement officers. By passing this important legislation as part of the Anti-Drug Abuse Act of 1988, Congress acknowledged that capital punishment is a needed and proper weapon in our Nation's effort to fight the drug war. This action on the part of the 100th Congress was a valuable first step.

However, we did not go far enough. Drug kingpins are currently not subject to the Federal death penalty where they themselves are not directly involved in committing murder. But their nefarious traffic in drugs causes untold deaths and, even if they are not directly involved, untold murderous violence attendant on drug trafficking. The death penalty for these drug kingpins contained in the Dole-Hatch Neighborhood Security Act (S. 1356) sends a signal that our Nation is prepared to punish appropriately those who cause so many deaths—major drug

kingpins. These drug kingpins are responsible for untold deaths and are, in a real sense, responsible for many drug-related murders which occur on our streets every day.

S. 1356, the Dole-Hatch crime bill, provides that major drug traffickers—organizers, leaders, or administrators of continuing criminal enterprises—may be subject to the death penalty if the enterprise traffics in twice the amount of drugs which would qualify them for mandatory life imprisonment; that is, 300 kilograms of cocaine; 60 kilograms of heroin; or 70,000 kilograms of marijuana, or if the enterprise makes \$20 million or more in gross receipts during any 12-month period. Additionally, kingpins who, in order to obstruct justice, attempt to kill any public officer, juror, witness, or member of the family or household of such person shall be eligible for the death penalty.

S. 1356 also limits the application of the death penalty in these cases by requiring the jury to find that at least one or more additional aggravating factors exist and that such aggravating factor outweighs mitigating factors, if any are found. Specifically, the defendant must have: a previous conviction or offense for which a sentence of death or life imprisonment was authorized; or two or more prior felony convictions; or a previous felony drug conviction; or used a firearm; or sold drugs to persons under 21 years of age, near a school, or used minors in selling drugs; or mixed the drugs with a lethal adulterant.

The imposition of the death penalty is constitutional for drug kingpins—even for those who do not themselves pull the trigger and in those cases where no death can be directly attributed to them. Opponents of this legislation will claim that it is unconstitutional to execute an individual where death has not resulted or where no particular death can be attributed to an individual kingpin. Mr. President, such critics are wrong for two reasons. First, Anglo-American law has a long tradition of imposing the ultimate sanction against those who pose an extremely grave risk to society, even where no death directly results. A few examples are treason, certain types of espionage, and airliner hijacking.

Second, because of the enormous magnitude of the public harm drug trafficking and related violence causes, applying the death penalty to these cases is wholly consistent with the proportionality requirement of eighth amendment's cruel and unusual punishment clause.

The eighth amendment's rule of proportionality requires that the severity of punishment be proportionate to: First, the gravity of the injury caused by the offense; and second, the moral culpability, or blameworthiness, of the offender. [See, *Tison v. Arizona*, 481 U.S. 137, 148-49 (1987); *Coker v. Georgia*, 433

U.S. 584, 598 (1977); *Gregg v. Georgia*, 428 U.S. 153, 173 (1976).] The death penalty for certain cases of large scale drug trafficking meets this burden.

As stated by former Assistant Attorney General Ed Dennis at a Senate Judiciary Committee hearing in 1989 on the death penalty, "Not since the dawn of the nuclear age, have we faced a threat more pernicious, more dangerous to the security and welfare of the Nation than the current crisis involving the large-scale importation and sale of narcotics." The cost of drug abuse to America in terms of lost lives, lost productivity, crime, and health care services is immeasurable.

In addition to the pernicious effects on the individual who takes illegal drugs, drugs relate to crime in at least three ways: First, a drug user may commit crime because of drug-induced changes in physiological functions, cognitive ability, and mood; second, a drug user may commit crime in order to obtain money to buy drugs; and third, a violent crime may occur as part of the drug business or culture. [See Goldstein, *Drugs and Violent Crime, in Pathways to Criminal Violence* 16, 24-36 (N. Weiner, M. Wolfgang eds., 1989).] Studies bear out these possibilities, and demonstrate a direct nexus between illegal drugs and crimes of violence. [See generally *id.*, at 16-48.]

The connection between crime and drugs is unquestionable. For example, 57 percent of a national sample of males arrested in 1989 for homicide tested positive for illegal drugs. [National Institute of Justice, 1989 Drug Use Forecasting Annual Report 9 (June 1990).] The comparable statistics for assault, robbery, and weapons arrests were 55, 73 and 63 percent, respectively. [Ibid.]

In New York City, in 1988, 90 percent of all male arrestees tested positive for drug use. During the last administration, the budget requests for drug related funding increased to \$12.7 billion—a \$6.1 billion—93 percent—over four years. A National Institute on Drug Abuse and Drug Abuse Warning Network, DAWN, study found that between the second quarter of 1990 and the third quarter of 1991, the number of cocaine overdoses increased dramatically from below 20,000 per quarter to over 28,000. This was cited in *The President's Drug Strategy, Has it Worked?*, Senate Judiciary Committee Study, Sept. 1992, p. xxi. During this same period, heroin overdoses increased. Senator BIDEN estimates that there are 6 million hard-core drug addicts. The DAWN and Emergency Room surveys show that hard-core use has become increasingly concentrated in inner-city and monthly neighborhoods. These figures reflect that the importation, manufacture, and abuse of illicit narcotics is indeed one of the greatest problems affecting the health, welfare, and security of our Nation.

Opponents of capital punishment may argue that *Coker v. Georgia*, 433 U.S. 584 (1976), applies to this legislation. In *Coker*, a plurality of the Supreme Court, ruled that the death penalty for rape is forbidden by the eighth amendment as cruel and unusual since it was grossly disproportionate and excessive punishment. The Court defined punishment as excessive if it: First, makes no reasonable contribution to acceptable goals to punishment and hence has nothing more than the purposeless and needless imposition of pain and suffering; or second, is grossly disproportionate to the severity of the crime. In determining proportionality, the Court in *Coker* noted society's failure to re-endorse legislatively the death penalty for rape in response to *Furman v. Georgia*, 408 U.S. 238 (1972). Prior to *Furman* 18 States authorized the death penalty for rape. Afterwards only three States attempted to provide the death penalty for rape.

Significantly, the *Coker* plurality opinion stated that "the rapist, as such, does not take human life." In a real sense, a drug kingpin does take human life and causes untold violence, and the American people know it. Moreover, the enactment of this law by Congress, by representatives from among all the States, would signify the broad national consensus that was lacking in *Coker*.

That is why the amendment by the distinguished Senator from New York is so important. And I hope our colleagues will vote overwhelmingly for this amendment because it sends a message that there is a broad national consensus, something that the justices did not find in the case of rape defined in the *Coker* case.

In *Tison v. Arizona*, 481 U.S. 137 (1987), the Supreme Court found that reckless indifference to the value of human life may be every bit as shocking to the moral sense as any specific intent to kill. The Court held "that the reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death represents a highly culpable mental state, a mental state that may be taken into account in making a capital sentencing judgment. * * * [481 U.S. at 157-58.] A specific intent to kill is not required in imposing a death sentence on an individual. The class of drug kingpins covered by S. 1356 do act with reckless disregard for human life and should be subject to the death penalty.

I agree with the Senator from New York.

Large scale drug traffickers threaten millions of people. They engage in this destructive behavior purely for pecuniary gain. The Supreme Court in *Gregg* versus *Georgia* determined that the issue of whether the defendant acted for pecuniary gain is a factor to be considered relevant in determining

blameworthiness and the appropriate punishment. These cases support the argument that the death penalty is constitutional for major drug traffickers, even when they do not directly cause a death themselves.

Although the Supreme Court has not directly addressed this issue, in the context of upholding a sentence of life without parole for drug possession, a majority of the Court has recently expressed the opinion that the evils associated with drugs warranted the legislative imposition of "the second most severe penalty permitted by law." [*Harmelin v. Michigan*, 111 S. Ct. 2680 (1991) (opinion of Scalia, J., 2702) (opinion of Kennedy, J., 2705).] *Harmelin*, the defendant, was sentenced to life without parole for mere possession of 650 grams of cocaine. A plurality of the Court explained that possession, use, and distribution of illegal drugs represents "one of the greatest problems affecting the health and welfare of our population." *Treasury Employees v. Von Raab*, 489 U.S. 656, 668 (1989). Petitioner's suggestion that his crime was non-violent and victimless * * * is false to the point of absurdity. To the contrary, petitioner's crime threatened to cause grave harm to society. *Id.* at 2705-06 (opinion of Kennedy, J.).

Mr. President, the death penalty is wholly proportional to the enormous danger drug kingpins pose to our society. As Justice Powell noted in *Rummel* versus *Estelle*, "A professional seller of addictive drugs may inflict greater bodily harm upon members of society than the person who commits a single assault." *Rummel*, 445 U.S. 263, 296, n. 12 (1980) (Powell, J., dissenting). I agree with Judge Gee of the fifth circuit that whereas most killers have a desecrated and limited number of victims, drug kingpins are a cancer killing people across our entire country.

Writing for an en banc court, Judge Gee said that:

Except in rare cases, the murderer's red hand falls on one victim only, however grim the blow; but the foul hand of the drug dealer blights life after life and, like the vampire of fable, creates others in its owner's evil image—others who create others still, across our land and down our generations sparing not even the unborn. *Terebonne v. Butler*, 848 F.2d 500, 504 (5th Cir. 1988), cert. denied, 109 S. Ct. 1140 (1989).

The link between the activities of large-scale drug enterprises and death is unquestionable. Rates of drug related murder continue to rise in cities across our Nation. Reports of bystander deaths due to drug related gun fights and drive-by shootings continue to climb. Intravenous drug use is a major source of HIV infections. Congress can and should broaden the category of offenses for which the death penalty can be applied to include those individuals who pose the greatest threat to our Nation's health and safety—drug kingpins.

I do strongly support the amendment of the distinguished Senator from New York.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. D'AMATO. Mr. President, I very simply thank my ranking member, Senator HATCH, for making these observations on the constitutional basis.

I also ask unanimous consent that Senator DECONCINI be added as an original cosponsor.

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

The Chair would note that the time of the Senator from New York has expired.

The Senator from Delaware.

Mr. BIDEN. Mr. President, one of the reasons why I think the amendment of the Senator from New York is arguably constitutional is that one of the things I teach in law school is the eighth amendment, and I think that the analogy to *Tison v. Arizona* is much more analogous and more controlling than the counter-arguments.

As I said I have, I have doubt about the wisdom of the body of constitutional scholarship to suggest that the principle stated in *Tison* would not in fact render his amendment constitutional as opposed to unconstitutional. But I am nonetheless going to engage in the futile exercise of attempting to table it tomorrow, knowing full well what the outcome is likely to be.

Mr. President, I also understand the Senator from New York is attempting to accommodate the unanimous-consent agreement which was not to alter the death penalty procedures in the underlying bill has sent to the desk an amendment that may in fact not be in order. Because he acted in good faith, I wish to make sure that we get the proper unanimous-consent language which I will proffer in a moment to make his amendment in order under the existing unanimous-consent agreement.

I do that now. I ask unanimous consent that the D'Amato amendment be in order notwithstanding the fact it amends the language already amended.

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

Mr. BIDEN. If the Senator from New York is, I am prepared to yield back the remainder of the time.

Mr. D'AMATO. I believe our time has expired.

Mr. President, if I might state, I would like to thank again our distinguished chairman for his graciousness and his courtesy in dealing with this matter.

The PRESIDING OFFICER. All time having been yielded back, the question is on the amendment. The vote will occur in sequence tomorrow morning.

Mr. HATCH. Are the yeas and nays ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BIDEN. Mr. President, for the information of our colleagues, I will tell them that the vote that will be in order tomorrow, I will move to table tomorrow at the appropriate time.

The PRESIDING OFFICER. The Senator has indicated he plans to offer that motion.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent for the yeas and nays to be ordered on the Smith amendment No. 1160.

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

The yeas and nays were ordered.

Mr. HATCH. And that we place that in the appropriate order of the votes.

The PRESIDING OFFICER. Is there objection? Hearing none, it will be placed following the D'Amato amendment.

Mr. HATCH. Mr. KEMPTHORNE and I were permitted under the unanimous-consent agreement to offer an amendment at this time. However, we have worked out our differences on the community policing title. For this reason, Senator KEMPTHORNE and I—as I understand it, we have worked it out—will not offer that.

Mr. BIDEN. I believe that is correct, that has been worked out.

If the Senator will withhold for just a moment, I will check with my staff to see if that has been cleared.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Will the Senator from Utah yield for a question?

Mr. HATCH. I am happy to.

Mr. GRAHAM. Would the Senator indicate what has been the alteration again on the amendment?

Mr. HATCH. As I understand it, the Kempthorne amendment, the funding percentage, was not acceptable to the majority side of the floor. We had to work it out.

Mr. GRAHAM. As I understand, the underlying formula currently in the bill provides for 0.5 percent to be allocated to each State, and the balance to be allocated to States on a competitive basis. The effect of the original amendment was an increase in the State set-aside of 0.75 percent. I wonder if the Senator will indicate what is the alteration?

Mr. HATCH. The balance as I understand was 0.5 percent and it now goes up to 0.8 percent.

Mr. GRAHAM. I thought the original amendment was to raise it from 0.5 to 0.75.

Mr. HATCH. It may have been. I think we are now at 0.8.

Mr. GRAHAM. That means that 0.8 percent is allocated to every State and the balance is on a competitive basis.

Mr. HATCH. That is correct. That is my understanding.

Mr. GRAHAM. That means as between the underlying formula and this amendment there will be an additional three-tenths of 1 percent allocated to each State.

Mr. HATCH. That is my understanding.

Mr. GRAHAM. That will be 15 percent. What is the rationale of tabling 15 percent which otherwise would be distributed on a competitive basis and allocating it per State?

Mr. HATCH. The rationale is really that the House has a very low level, around 0.25, and this gives us some flexibility in working on it.

Mr. GRAHAM. We are already twice the House in the underlying bill, 0.5.

Mr. HATCH. That is right. But it gives us some ability to work with them. I have a feeling it will be worked out with a reasonable percentage.

Mr. GRAHAM. Frankly, Mr. President, at some point I would like to make some comments on the general movement that is occurring here in the formulas. That is the part of this bill that has not gotten much discussion. But I am concerned that this is a widening gap between the purpose of allocating these funds—that is, to fight crime—and how the money in fact is being allocated.

If you take 15 percent of the money beyond what is currently in the law and apparently we will now be some 30 to 40 percent above what the House level is in terms of allocation to individual States without having any competition or demonstration of need for the community policing dollar, we are going to be substantially diluting the capacity of that centerpiece program to have an impact that it is purported to have in terms of dealing with our most serious crime issue in our most serious sites afflicted by crime.

Mr. HATCH. If I could answer the Senator, we are trying to make sure that each State gets some allocation, especially some of the smaller States and some of the more rural States. But this is 15 percent of the \$18.9 billion that is provided in grants by the attorney general to the various States. There is no question that what we are trying to do is handle this in the best way we can across the whole 50 States.

Mr. GRAHAM. Could the Senator provide for us before we take final action on this, some analysis based on reported crimes or other indicators of criminal activity, and dollars that would be allocated for community policing under the bill as reported by the committee, and under the amendment that is now being considered?

Mr. HATCH. I am not sure we can provide that kind of analysis. All I can say is that this is something that has been agreed upon. It is an effort to protect all States. It is an effort to be able to negotiate with the House, and it

makes a lot of sense in our eyes. Frankly, we are trying to get these matters resolved. This we think is the appropriate way to do it.

But I do not know that I can put my hands on those kind of statistics at this particular time or even by tomorrow. But we will try to do so between now and the time that we meet with the House in conference, should there be a conference on this matter.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, has the Senator from Utah yielded?

Mr. HATCH. Yes. I do. I yield the floor.

Mr. GRAHAM. What is the matter before the Senate at this time?

The PRESIDING OFFICER. Under the agreed order the Kempthorne-Hatch amendment is the next amendment in order to be offered.

Mr. HATCH. As I understand the distinguished Senator from Delaware is checking his side to make sure that what we have agreed to has been agreed to. Otherwise, we will have to have a vote on the amendment.

Mr. GRAHAM. Mr. President, if I could while we are waiting, I would like to make a few comments not about this specific amendment because it appears to be an amendment in flux and therefore we do not have the statistics. I hope we will have the statistical impact.

But I have been concerned about a general drift in this bill, and that is a drift toward allocating money in a way that seems to be towering to where the problem is.

As an example, in the juvenile drug trafficking and gang prevention grants, one of the grants in this legislation, there are 17 States which had last year 71.1 percent of the crime in the country. They have 68.9 percent of the juvenile population. Under the formula that is currently in the bill, they would get 50.8 percent of the Federal money. The remaining three States and the District of Columbia, which have 28.9 percent of the total crime, 31.1 percent of the population, would get 49.2 percent of the Federal money. There seems to be a mismatch as between where the people and the crime is, and where we are directing the resources.

To put this in more specific context, and admittedly somewhat of a parochial context, unfortunately, I am sad to say that my State of Florida last year had the dubious distinction of leading the Nation in its crime index. The crime index is the number of crimes per 100,000 people in the population. Florida had 8,358 of those crimes. California had 6,679. Texas had 7,057. There are relatively high rates of crime in those three big States. We picked three other States which had a relatively low rate of crime—Wyoming with 4,575; Idaho had 3,996; North Dakota, one of the safest States in the Nation, 2,903.

If we have a formula distributing money to assist States in dealing with their juvenile drug trafficking and gang activities, you would think you would want to relay the resources from the Federal level to where the problem was. Is that in fact what our formula has done?

We have distributed to Florida for each crime 77 cents. We have distributed to North Dakota for each crime \$4.77 cents. California got 62 cents per crime. It has been the State which probably, particularly in terms of gang-related violence, has been one of the most high profile and a driving force behind this legislation. In contrast, Wyoming gets \$5.44 cents.

I am concerned that this is not peculiar to the juvenile drug trafficking and gang-prevention grants, but is a recurring theme. And we have arrived at another chapter of that theme with the proposal that in the area of community policing dollars, which are by far the largest pool of funds that will actually put people out on the streets to deal with both preventing crime and effectively investigating and making arrests for crimes that have been committed, that we are now, in a relatively casual manner, about to take 15 percent of the money that otherwise would have been distributed by some standard and distribute it to each of the 50 States on an equal-share basis.

There may be a rationale in that, but I do not think that it is very persuasive to say that the only rationale is that the House is at 0.25, the Senate now is at 0.5, and the Senate needs to be at 0.8, so there will be the maximum difference between the Senate and House when they go to conference. That is not a compelling policy rationale for what we are about to do. I think that at least the Senate ought to know what are the similar statistics relative to community policing in terms of incidents of criminality and how funds will be allocated in order to deal with that criminality. I hope that at some point, before we complete action on this bill, we will have this type of an analysis of all of the formulas.

I am going to be using, for the purposes of an amendment that I will be offering later this evening, a letter from the Governor of Texas, Ms. Ann Richards, who, after discussing the amendment I am going to be offering, goes on to raise her concern relative to the formulas in this legislation. Mr. President, I will read and offer for the RECORD a letter from Governor Richards, dated November 9, 1993, to the Honorable JOSEPH R. BIDEN, chairman of the Judiciary Committee of the U.S. Senate, in which Governor Richards States:

I am particularly concerned with the formulas that are being considered in crime legislation to allocate funds to States. These formulas, as currently written, do not allow for equity in the distribution of funds. For

example, under the current formula for substance abuse, treatment funds, in State prisons, Texas will receive \$114 per inmate, while States with smaller prison populations will receive over \$200 per inmate, with the greatest allocation \$852 per inmate going to North Dakota. This disparity in funding will further the States' reliance on Federal Government assistance in the future.

I suggest that this is an important policy issue. It goes to the credibility of our utilization of scarce Federal dollars in order to impact on a nationwide problem, which is crime, a problem that is distributed disparately among the States. North Dakota ought to take great pride in the fact that it has such a relatively low incidence of crime. But our distribution of the funds for substance abuse treatment in State prisons would indicate that the relatively few people that commit crimes in North Dakota are excessively drug addicted, because we are going to be spending approximately seven times more money to treat the prisoner in North Dakota than we do the prisoner in Texas.

There may be some rationale that the prisoner in North Dakota requires that much more substance abuse treatment than the prisoner in Texas, but that is not an obvious or intuitive conclusion one would reach. I think at least the Senate ought to have a basis for the rationale that led to the discrepancy in the distribution under the juvenile drug trafficking and gang prevention grants and now the funds Governor Richards discusses for substance abuse treatment in State prisons and the proposed amendment relative to community policing.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, since there is a lull and they are waiting on another Senator to come to the floor, I would like to speak briefly on an unrelated subject in morning business.

Mr. BIDEN. Mr. President, I ask the Senator to withhold. We have people who have amendments on the bill who are here. What is the next order of business?

Mr. HATCH. Senator GRAHAM's amendment.

Mr. GRAHAM. Are we still on the Kempthorne-Hatch amendment?

Mr. BIDEN. The Kempthorne amendment has not been offered, but I can tell the Senator that it is the intention of the managers to accept that amendment in the managers' package.

Mr. GRAHAM. Mr. President, will the chairman of the committee yield for a question?

Mr. BIDEN. Surely.

Mr. GRAHAM. If we are going to accept it, could we have some statement of the rationale why we are proposing to move from what is currently in the

bill, which is one-half of 1 percent of the funds going to each State up to now what will be eight-tenths of 1 percent, which is more than the original amendment which was offered at 0.75? The effect of that is going to be, for instance—to give an example of what this formula at the 0.75 level is—and I would like to know what the number is at 0.8—but as I understand the basic formula, it is that after the minimum allocation is distributed, then the balance of the money is distributed on an arrest-based allocation, the number of arrests per State; is that correct?

Mr. HATCH. That is not correct. If I could just answer the Senator. I acknowledge what my colleague from Florida is saying. Let me just compare it to my State of Utah. Gang violence is on the rise. Drug trafficking is on the rise. It is becoming a drug transshipment State. While the rate of crime has decreased in cities like New York, Los Angeles, and the District of Columbia, the violent crime rate increased 3.7 percent last year. Utah had 6,673 drug-related arrests, and 20 percent of those were juveniles. Although Utah's population is three times greater than the District of Columbia, Utah has less police officers. We have 2,979 versus 5,212 in the District of Columbia.

The point I am making is that statistics do not make a lot of difference here. We are concerned about some of these smaller States being overrun, and we are concerned about making sure they have enough money and enough of these police officers to be able to stop this crime.

That is one reason that we went up to 0.8, in addition to the fact that we want to be able to make it clear to the House that we feel this has to be done.

So, I do not think the Senator's State is going to be harmed at all. We have taken that into consideration in the grants process and in the whole raft of other provisions in this bill. But there are small States like mine, just to use my State which I know more about, that clearly are having serious problems, and we are trying to solve those problems.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my friend from Florida I am not crazy about this. Let me begin by saying that. Let me tell you how it came about as far as the original Kempthorne amendment would be reduced from the ability to apply under a certain set of circumstances from populations of 150,000 down to 100,000.

The end result of that original Kempthorne amendment would have been that 70 percent of the people who live in areas of 100,000 or above population centers would be competing for only 40 percent of the money, which I think is outrageous, notwithstanding I come from a rural State. The largest

city in my State has 88,000 people. The next largest city has about 30,000 people. So I do not come from a State with large population centers. But I think it would be totally inequitable.

My concern was very bluntly that might pass. So, the Senator from Utah came along with a proposal that had two purposes—to move from a minimum formulation of 0.5 percent per State to 0.8 percent for two very basic reasons.

One, to get rid of the other Kempthorne amendment. He might not characterize it that way, but that is the way I characterize it.

And, two, to strengthen our negotiating position in the House when we got to the House. The House Members have a different view than we have as Senators representing entire States.

So those are the two purposes. I believe that moving from 0.5 minimum allocation to 0.8 minimum allocation, notwithstanding that I come from the fifth smallest State in the Union in actual population, it was not motivated by that. It was motivated by the desire to make sure that the intention of the underlying Biden bill was not thwarted by having 70 percent of the population compete for 40 percent of the dollars. That is how we got to this point. That is why the Senator from Delaware is prepared to yield to the suggestion of the Senator from Utah to accept this amendment.

Mr. HEFLIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. HEFLIN. I just wanted to get that straight.

The Senator asked me if I would withhold, and then we would get into another situation. I will be glad to withhold. What is the next amendment after Kempthorne?

Mr. BIDEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIDEN. What amendment is in order?

The PRESIDING OFFICER. The next amendment is the Kempthorne-Hatch amendment.

Mr. HEFLIN. What is after that if that has been accepted?

The PRESIDING OFFICER. The Graham amendment is in order after the Kempthorne amendment.

Mr. HEFLIN. I yield the floor.

Mr. BIDEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIDEN. Is the Kempthorne-Hatch amendment one of the amendments that is contained in the unanimous-consent order for which there is going to be, unless otherwise arranged, a vote on that amendment if the yeas and nays are asked for on the amendment.

The PRESIDING OFFICER. The Chair will state that if the amendment

is offered and the yeas and nays are requested it will be in order to vote tomorrow.

Mr. BIDEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIDEN. If the amendment is not offered, it is not before the Senate; is that correct?

The PRESIDING OFFICER. The Senator is correct. If the amendment is not offered, it is not before the Senate.

Mr. BIDEN. And the Kempthorne-Hatch amendment has not been offered; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIDEN. I ask for the regular order, that we move to the next item on the agenda if that is in order.

The PRESIDING OFFICER. If that be true, that amendment will no longer be in order.

Mr. BIDEN. All right. That is fine by me.

The PRESIDING OFFICER. Without objection, we will move to the next amendment.

The Senator from Florida is recognized.

Mr. GRAHAM. Thank you, Mr. President.

AMENDMENT NO. 1200

(Purpose: To make certain amendments relating to criminal aliens)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Florida [Mr. GRAHAM] for himself, Mr. D'AMATO, and Mr. MACK, proposes an amendment numbered 1200.

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

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

The amendment is as follows: At the appropriate place insert the following:

Subtitle —Criminal Aliens

SECTION . TRANSFER OF CERTAIN ALIEN CRIMINALS TO FEDERAL FACILITIES.

(a) DEFINITION.—In this section, "criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility" means an alien who—

(1)(A) is in the United States in violation of the Immigration laws; or

(B) is deportable or excludable under the provisions of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et. seq.); and

(2) has been convicted of a felony under State or local law and incarcerated in a correctional facility of the State or a subdivision of the State.

(b) FEDERAL CUSTODY.—Subject to the availability of appropriations, at the request of a State or political subdivision of a State, the Attorney General may—

(1)(A) take custody of a criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility; and

(B) provide for the imprisonment of the criminal alien in a Federal prison in accordance with the sentence of the State court; or
 (2) enter into a contractual arrangement with the State or local government to compensate the State or local government for incarcerating alien criminals for the duration of their sentences.

Mr. GRAHAM. Mr. President, I thank the Senator from Delaware for allowing me the time to offer this amendment to the crime bill and Senators D'AMATO and MACK for their support on its behalf.

This amendment would authorize the Attorney General to take Federal custody of and imprison criminal aliens or to provide payment to State or local correctional facilities for criminal aliens. The legislation is very similar to the provision in the Immigration Reform and Control Act of 1986 that allowed for reimbursement to states of incarcerated aliens and Marielito Cubans. This amendment would, subject to appropriations, also allow reimbursement to localities.

While discussions of responsibility, federalism and unfunded mandates may not be as enthralling as many of the other amendments we have voted on in the last week, it is critical for the Federal Government to appropriately bear its responsibility and help improve its partnership with State and local governments to address the issue of crime as a partner and not a shifter of costs. This amendment would be an important signal and substantive help to State and local government in that effort.

Immigration policy is the sole responsibility of the Federal Government. However, while its strengths with respect to diversity are shared by the Nation, its costs in terms of impact of social, health and educational services are borne primarily by just a few States and localities.

FEDERAL RESPONSIBILITY

On January 31, 1993, the Governors of the States of Florida, California, Texas, New York and Illinois wrote President Clinton, just days after his inauguration, requesting that the Federal Government renew its partnership with States on the issue of immigration by honoring its responsibility and commitment to States for the unreimbursed costs associated with legalization, health and education programs and for prisons.

"This partnership," wrote the governors, "has broken down * * * because the Federal Government has failed to honor its commitment to provide reimbursement to which the States are entitled. States cannot be expected to pay the costs of policies which are fundamentally the responsibility of the Federal Government." They are right.

With respect to prison costs, they estimated the costs of incarcerating illegal alien felons in their State prisons at \$524.2 million. This should be an expense borne by the Federal Govern-

ment and we should be responsible and not continue to pass that buck on to them.

PRESENT LEGISLATION

Why? There has been a great deal of state bashing for their inability to keep prisoners behind bars and much questioning of their commitment to law and order. The Federal Government, despite lacking a national police force and being responsible for only a small percentage of arrests nationwide, seem to want to argue that we can do it better and will rush in to take over.

STATE SUPPORT FOR AMENDMENT

Governors and mayors across our Nation are probably quite cynical with a great deal of this debate on the crime bill. They can point to the Federal Government's inept attempts to control our nation's borders and the impact it has had on their communities. Texas Governor Ann Richards has written a letter to Senator Biden on criminal aliens. She writes, " * * * the Texas prison system houses some 2,000 criminal aliens who illegally crossed the United States border with Mexico permitted by weak efforts of the Federal Government to control its border. Certainly the States should not be expected to assume that responsibility abdicated by the Federal Government, although we do."

New York Governor Mario Cuomo adds, "It is the responsibility of the Federal Government to prevent illegal immigration. When the Federal Government fails at this task, the ensuing costs remain a Federal responsibility. In particular, the financial burden of incarcerating illegal alien felons have been borne exclusively by States, straining our criminal justice budgets and prison systems." Governor Cuomo estimates that 2,600 criminal aliens are housed in New York State prisons.

REGIONAL PRISONS

What has been the Federal Government's response? Aspects of the crime bill, unfortunately, have it all wrong. Despite the hard and good work put into this legislation by my colleagues, the provision relating to regional prisons concern me a great deal.

According to the Florida Department of Corrections, violent offenders have served less than 50 percent of their time on average in Florida this year. We must do something about that within our State and in the nation immediately.

In response, the Senate is preparing to pass in this bill a provision that would establish 10 regional prisons, after over 4 years of waiting, to which States can transfer prisoners, including criminal aliens, only if they meet sentencing guidelines and have served at least 85 percent of their time.

We have it backward. Rather than bearing our burden and responsibility for criminal aliens immediately and putting our own house in order by ade-

quately controlling our Nation's borders, we promise to take a few small steps to bear our responsibility by taking some criminal aliens but only after at least 4 years and only when we feel the States are doing precisely what the Federal Government determines what it thinks they should do.

In Florida's circumstance, they would get a lot further along the road toward keeping prisoners behind bars and off the streets if the Federal Government would take responsibility for its criminal aliens in the State's prison system—approximately 6 to 7 percent of the prison population. More importantly, this could happen rather quickly and not 4 to 5 years from Now.

In fact, State and local government could potentially see some relief within the next year if the Congress would pass this amendment.

Consequently, this legislation is supported by the National Conference of State Legislators, the National Association of Counties and many of our Nation's Governors, mayors, State corrections officials and law enforcement personnel.

I urge its support and passage.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GRAHAM. I yield.

Mr. HATCH. We have looked at the Senator's amendment. I am prepared to take the amendment on this side. I believe the distinguished Senator from Delaware would take it.

Mr. BIDEN. Mr. President, the Senator from Florida knows I was prepared to take his amendment awhile ago. I am glad to see we have agreement on it, and I congratulate the Senator on the passage of his amendment momentarily and I thank him for if he is inclined to yielding back the time and we are ready to move on.

Mr. GRAHAM. Mr. President, I appreciate the generous consideration of the managers of this legislation.

I ask unanimous consent to print in the RECORD letters from the Governor of Texas, the Governor of New York, the National Conference of State legislators, the attorney general of Florida, and a letter jointly signed by the Governors of California, New York, Florida, Texas, and Illinois to the President of the United States all in support of the concept of this amendment.

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

STATE OF TEXAS,

Austin, TX, November 9, 1993.

Hon. JOSEPH R. BIDEN,
 Chairman, Judiciary Committee, U.S. Senate,
 Washington, DC.

DEAR SENATOR BIDEN: You are undoubtedly better informed than I about what all other states are doing but you are wrong about this Governor and the state of Texas.

Last week, the Texas taxpayers voted to pass a bond issue that provides an additional \$1 billion for prison construction. Last session, Texas legislators appropriated \$93 million of state funds for the largest incarcerated substance abuse treatment initiative in

the nation. All of these funds are in addition to the \$1 billion bond issue for increased prisons construction that the Texas taxpayers passed two years ago.

Texas elected officials and taxpayers alike have assumed responsibility for the crime problem in this state and are requesting assistance from the federal government for a problem that is often beyond our control. For example, the Texas state prison system houses some 2,000 criminal aliens who illegally crossed the United States border with Mexico permitted by weak efforts of the federal government to control its border. Certainly the states should not be expected to assume that responsibility abdicated by the federal government, although we do.

I am particularly concerned with the formulas that are being considered in crime legislation to allocate funds to states. These formulas, as currently written, do not allow for equity in the distribution of funds. For example, under the current formula for substance abuse treatment funds in state prisons, Texas will receive \$114 per inmate while states with smaller prison populations will receive over \$200 per inmate with the greatest allocation of \$852 per inmate going to North Dakota. This disparity in funding will only further states' reliance on the federal government for assistance in the future.

Senator Bob Graham will be introducing an amendment to the Violent Crime Control and Law Enforcement Act of 1993 that would allocate funds to states based on a formula that better represents the ratio of crime across the nation.

I urge you to consider these changes to the formulas in the crime legislation currently being considered.

If I may be of any assistance, please do not hesitate to contact me.

Sincerely,

ANN W. RICHARDS,
Governor.

STATE OF NEW YORK,
Albany, NY, November 16, 1993.

Hon. BOB GRAHAM,
SH-524, Washington, DC.

DEAR SENATOR GRAHAM: I strongly support your amendment to the Violent Crime Control and Law Enforcement Act of 1993 to offset the fiscal impact of illegal alien criminals on state and local governments. Such assistance is sorely needed in New York and other states that are bearing the tremendous costs of incarcerating these aliens.

It is the responsibility of the federal government to prevent illegal immigration. When the federal government fails at this task, the ensuing costs remain a federal responsibility. In particular, the financial burdens of incarcerating illegal alien felons have been borne exclusively by states, straining our criminal justice budgets and prison systems.

The Congress recognized this responsibility when it enacted Section 501 of the Immigration Reform and Control Act of 1986: "Subject to the amounts provided in advance in appropriations Acts, the Attorney General shall reimburse a State for costs incurred by the State for the imprisonment of any undocumented alien . . . who is convicted of a felony by such state."

Unfortunately, for states such as New York, Texas, Illinois, California, and Florida that are disproportionately affected by this problem, no funds have ever been appropriated to fulfill the mandate of Section 501.

State prisons are presently facing unprecedented challenges posed by the rapid rise in their criminal alien populations. New York,

for example, is now housing an estimated 2,600 individuals who entered the U.S. illegally and then committed some other crime for which they were convicted and incarcerated. Because it costs an average of \$24,000 a year to house an inmate, New York is paying approximately \$63 million annually in incarceration costs, not including the related costs of added prison construction and an overburdened judicial system.

The cost to state governments nationwide of incarcerating illegal alien criminals is close to a billion dollars annually.

Like many of my fellow governors, I believe it is patently unfair to impose this hardship on states when the problem is not one of their own making.

Federal immigration policy governs entry into this country, and often the initial destination of immigrants. In addition, the federal government is ultimately responsible for the flow of illegal immigrants as well. New York State and others are proud to serve as gateways for the nation, but we cannot shoulder the resultant burdens alone. The costs of undocumented alien felons are of particular concern, especially as they drain precious state resources from other crime-fighting efforts and beneficial programs for our residents.

I believe that your amendment to the 1993 crime bill helps to address the negative impacts of undocumented aliens on our communities. Although this amendment is "subject to the availability of appropriations," and does not guarantee funding to states for housing these prisoners, it is a step in the right direction by affirming that the responsibility for incarcerating illegal alien criminals belongs to the federal government.

I am grateful for your leadership on this important issue. I look forward to working with you and others in the future to restore an equitable balance of responsibilities between the federal government and the states with regard to illegal alien criminals.

Sincerely,

MARIO M. CUOMO,
Governor.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, November 4, 1993.

DEAR SENATOR: I am on behalf of the National Conference of State Legislatures to register our concerns about sections of S. 1607, "The Violent Crime Control and Law Enforcement Act of 1993."

The purported purpose of habeas corpus reform is to streamline litigation. It is ironic that Section 310 is added as an enforcement mechanism subjecting states to suits in Federal court for failure to abide by new standards set by Congress with respect to the appointment of counsel. The abrogation of sovereign immunity should not be approached lightly. There has been no consideration of the potential harm to states by this section. We strongly object to using the threat of lawsuit to accomplish these congressional goals.

With respect to provisions relating to background checks for child care providers, Title VIII, we are most concerned that sufficient funds be authorized and appropriated in order for states to adequately meet the mandates of the act for disposition and automation. It is also important that states retain the flexibility to determine how the background checks may be used. Title VIII makes participation voluntary, but the restrictions binding participants may have the unintended consequence of limiting state participation in the program. We concur in

the need for improving criminal history records, but see it as only a small part of providing a safer environment in day care settings. If the federal government has a different opinion about the priority for spending to improve the records, then it must undertake the primary responsibility for funding.

Because the states have no responsibility for the control of federal immigration policy, NCSL opposes all federal attempts to shift the cost of resettling newcomers to state budgets. NCSL supports an amendment to be offered by Senator Graham respecting criminal aliens because it requires the federal government to take responsibility for the fiscal consequences of its immigration policy—here, the cost of imprisoning undocumented alien felons. NCSL further opposes efforts to curtail federal funding for mandated programs for newcomers. States should not be solely responsible for the fiscal impact of court-driven mandates such as education for undocumented alien children.

Finally, I must reiterate NCSL's strong opposition to Senator Biden's amendment for a so-called "police officers' bill of rights," a provision that would federalize noncriminal police disciplinary procedures. This amendment would remove from localities issues related to personnel administration and implicitly community relations. I can think of no other issue that is so intensely local or beyond Washington's competence.

Sincerely,

WILLIAM T. POUND,
Executive Director, NCSL

STATE OF FLORIDA,
November 15, 1993.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: I was very pleased to receive a copy of the amendments to crime bills that are on the Senate floor and you have agreed to sponsor.

Your amendment to Senate Bill 1607 which allows for the transfer of convicted aliens to federal custody is long overdue. Illegal aliens who commit crimes should be the responsibility of federal authorities and not the responsibility of overburdened state governments. The amendments that you and others have proposed for prison overcrowding suits is another long overdue reform. States have been periodically victimized by federal judges who have been much too indulgent with prison overcrowding complaints. Congress should set forth very clearly that the eighth amendment standard is what is enforceable by federal courts and no more.

Therefore, I am happy to land our strong support to your efforts this week on the crime bills.

Sincerely,

ROBERT A. BUTTERWORTH,
Attorney General.

JANUARY 31, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The United States was founded by immigrants seeking a better life for themselves and their families. America continues to offer a home to immigrants, as well as a safe harbor for those refugees fleeing oppression and persecution. If the federal government wishes to sustain a humanitarian foreign policy which fosters immigration and refugee admissions, then it must allocate the financial resources required to support this population once it has arrived.

Some immigrants and refugees have special needs which require government assistance in order to facilitate rapid assimilation. In setting immigration and refugee policy, the federal government has acknowledged these needs by mandating that both documented and undocumented immigrants be provided with medical, education, and other services. The federal government has formed a partnership with the states to deliver these services to the immigrant population. In forming this partnership the federal government recognized its responsibility to reimburse states for the costs of providing these federally mandated services.

This partnership has broken down, however, because the federal government has failed to honor its commitment to provide the reimbursement to which the states are entitled. States cannot be expected to pay the costs of policies which are fundamentally the responsibility of the federal government. This especially is the case at a time when so many states are struggling with long-term budget problems and are being forced to reassess state programs and expenditures.

We look to your Administration and the Congress to renew the federal-state immigration partnership—one that recognizes the financial strain imposed by federal mandates which are unaccompanied by fair compensation. Several steps should be taken to achieve this objective:

(1) The federal government must take immediate action to provide all reimbursement owed to the states for the provision of services to documented and undocumented immigrants and refugees.

(2) The federal government must recognize that its decisions to admit immigrants and refugees is strictly a federal one and therefore carries with it a firm federal commitment to provide full reimbursement to the states for services provided to the immigrant and refugee population.

(3) The federal government must work with the states to develop an effective federal mass immigration emergency plan.

We look forward to working with you to meet these objectives and to renewing the federal-state relationship in this vital policy area.

Sincerely,

PETE WILSON,
Governor of California.

MARIO M. CUOMO,
Governor of New York.

LAWTON CHILES,
Governor of Florida.

ANN W. RICHARDS,
Governor of Texas.

JIM EDGAR,
Governor of Illinois.

The PRESIDING OFFICER. Does the Senator urge adoption of the amendment.

Mr. GRAHAM. I do.

Mr. BIDEN. I second that.

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

The amendment (No. 1200) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HEFLIN. Mr. President, am I next?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mrs. BOXER. It is my understanding we had unanimous consent that we go down the order of amendments. As the Senator knows, I have been here since the very beginning and I am wondering if we can just stick with the order that was agreed to so I can dispose of this amendment as was requested in the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I think unfortunately for the Senator, my friend from California, we are going in order and the next amendment in order in the Heflin amendment on funding for State judges and prosecutors.

Mrs. BOXER. I say to the chairman I will happily await my turn.

Mr. BIDEN. I truly do admire the patience and loyalty of my friend from California. She is the only one who has stayed here the entire time that we have been discussing this. I am flattered. Only my sister, mother, and father would be willing to do that. I thank her for her willingness to do it as well.

Let me say, as I understand it, the order in which the remaining amendments will be considered will be Heflin, Kerry of Massachusetts, and I believe there is a strong possibility that we may accept that, although I am not certain, and then the Boxer amendment.

I can say, Mr. President, that the managers are going to accept the Kerry amendment. So after Heflin, we will go to the Boxer amendment, with a brief interlude of accepting the Kerry amendment, and then we will go to the Levin amendment, which was a 1-hour time for debate, which I sincerely hope we will not use.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as I understand it, the Heflin amendment is pending.

The PRESIDING OFFICER. It has not been offered.

Mr. HATCH. Well, when it is offered, it will be pending.

As I understand it, the distinguished Senator from Alabama is offering an amendment to try to solve the problem that will naturally arise when 100,000 new police are placed in the field that will create millions of cases. He wants to make sure that State courts will be able to handle those cases, so he would like some money to go to the State courts. But, as I understand his amendment, it is subject to appropriations, not to exceed a half billion dollars.

Mr. HEFLIN. Over 5 years.

Mr. HATCH. Over 5 years. So you are not really asking for a half a billion dollars, just subject to whatever the Appropriations Committee decides to give you in the appropriations process, not to exceed one-half billion dollars.

Mr. BIDEN. Mr. President, I do not like this amendment. I love my friend from Alabama. I do not like this amendment.

I am so tired of paying for the States on things that they should be paying for.

I must tell you how strongly I feel. The rationale for this amendment is that we are doing what the States have asked us to do, and that is provide them 100,000 new cops; and we are doing what the States have asked us to do, providing them \$6 billion in new money for State prisons; and we are doing what they asked us to do, and then the reward is, because we have done what they have asked us to do, they now are entitled for us to pay for additional State prosecutors and judges because we have given them more cops to arrest more State violators—not Federal violators, State violators—and now they say, but now, because of what you have done to us, giving us what we have asked for, we demand more money to hire more State judges.

I will accept the amendment. I think it is ridiculous, but I will accept it in a sincere hope that we do not ever have to pass it.

Mr. HEFLIN. I did not have any State people ask me for it. You have a situation where 100,000 new cops are created. If they make two arrests a day, that is 50 million new cases on a yearly basis, 5 days a week, 52 weeks a year.

Mr. HATCH. Will the Senator yield?

Mr. HEFLIN. Yes.

Mr. HATCH. I do not feel quite the same way as the distinguished chairman does.

I have to say, I do not think that the Federal Government can afford a half billion dollars, if that is what really is appropriated. But it has to be appropriated and the Senator from Alabama will have to make his case to the appropriators. If the appropriators decide that they could do it, I am prepared to accept it. I am prepared to accept the amendment. I think it is an intelligent amendment. I think it is a thoughtful one.

There is no question the distinguished Senator from Alabama is one of the most distinguished judges—justice, in fact—to ever serve in this body. He has been the chief justice of the Alabama Supreme Court and naturally is concerned about these matters.

So I am prepared to accept the amendment, if the Senator is willing to put his statement in the Record.

Mr. HEFLIN. I would like to have some legislative history behind it.

Mr. HATCH. Well, your statement will make that legislative history, plus

the fact we are going to accept your amendment.

Mr. BIDEN. Mr. President, if the Senator will yield, it is now an even clearer picture to me. Not only is the Senator from Alabama all that the Senator from Utah said, he is probably the most effective Senator in the body for his State. He gets more into Alabama than could fit into the entire State of Delaware. I admire the way he takes care of his State. I admire the fact that he is such an effective advocate for his State. All of our States should have someone as successful, although we might be bankrupt if we were all as successful as he is in helping his State and his constituency.

He says this will add 50 million new cases. There are only 14 million arrests made in all of America now with 600,000 police. We add one-sixth more and I will argue that maybe we will have one-sixth more arrests. Right now, there are 14 million arrests made with 600,000 cops. How we get, God bless us, from 14 million with 600,000 cops to 50 million with 700,000 cops is beyond me.

But I have known two things in my dealings with the Senator from Alabama. One, he almost always wins and, two, his State almost always gets the better of anything he tries to do.

And so, since this is on an authorization and I will have a chance to fight it out on an appropriations front, I am prepared to accept it, because there are some good aspects of the amendment.

But the principle of the Federal Government getting the money to pay for State court judges I think is going a little far.

But, like I said, I know if the Senator will put his statement in the RECORD, I will accept it. If he does not put it in the RECORD, I will debate it, although I know the effectiveness of the former chief justice on matters like this. Sometimes when you debate with him on things that affect the State of Alabama, you would think he was still the chief justice, because he is able to rule as autocratically as he did then. His State always seems to win when he is making the case for them. But I will yield if he will yield, and I will accept if he will cease.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. I appreciate the kind remarks, but I think the Senator is really misplacing it. He is talking about the Senator from Delaware on what he acquires for his State, rather than myself.

AMENDMENT NO. 1201

(Purpose: To authorize Federal assistance to ease the increased burdens on State court systems resulting from enactment of this act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Alabama [Mr. HEFLIN] proposes an amendment numbered 1201.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . FEDERAL ASSISTANCE TO EASE THE INCREASED BURDENS ON STATE COURT SYSTEMS RESULTING FROM ENACTMENT OF THIS ACT.

(a) IN GENERAL.—The Attorney General, acting through the Director of the Bureau of Justice Assistance (the Director), shall, subject to the availability of appropriation, make grants for States and units of local government to pay the costs of providing increased resources for courts, prosecutors, public defenders, and other criminal justice participants as necessary to meet the increased demands for judicial activities resulting from the provisions of this Act and amendments made by this Act.

(b) APPLICATIONS.—In carrying out this section, the Director is authorized to make grants to, or enter into contracts with public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in this section. The Director shall have final authority over all funds awarded under this section.

(c) RECORDS.—Each recipient that receives a grant under this section shall keep such records as the Director may require to facilitate an effective audit.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998, to remain available for obligation until expended.

(2) USE OF TRUST FUND.—Funds authorized to be appropriated under paragraph (1) may be appropriated from the trust fund established by section 1321C.

Mr. HEFLIN. Mr. President, I have offered an amendment that creates a grant program through which the Department of Justice may award State and local governments funds to assist in effectively handling the increased judicial activities which will result from enactment of this bill.

Given the vote by this Senate last week to increase by 100,000 the number of police officers on the street, coupled with a dramatic increase in the amount of prison space available to those convicted, my amendment will make grants available to participants in the justice system. I fully support the authorization of new police officers as well as new prisons, but I believe the entire crime bill will be greatly enhanced by the adoption of my amendment. The post-arrest, preconviction aspect of the fight against crime should not be overlooked.

It is a matter of fact that 100,000 new police officers and new prisons will result in more arrests. Consequently, prosecutors, public defenders, State and local court systems, along with every other facet of the due process afforded those charged with a crime,

should have adequate resources to properly dispose of these new cases.

Mr. President, if you conservatively assume that these 100,000 new police officers arrest one person per day while working a 5 day work-week, 50 weeks per year, then our criminal justice system will have to handle 25 million new cases. In reality, if each new officer arrests five people per shift, the already over-burdened court system will have an additional 125 million cases in need of disposition. More cops on the streets is a great idea, but we must follow effectively through. I believe it is prudent to ensure that once the arrest takes place, proper adjudication follows as quickly as possible.

We have all heard stories of violent criminals being returned to the streets because the criminal justice system lacks the necessary resources to operate effectively. If my amendment is not agreed to, the Senate will be passing a huge unfunded Federal mandate with devastating consequences for State and local judicial systems. There is no doubt many more violent criminals will be arrested, but without more resources, many of these defendants will simply be free on bond, possibly committing more violent offenses, or else be in jail for long periods of time awaiting trial.

Mr. President, the current crime bill is structured like an hour glass. It is very large at the top with the addition of 100,000 new police officers. The measure is also well rounded at the bottom with the creation of many new prisons and boot camps. Yet, there is a dire need to expand the middle. Given that only a limited number of defendants can proceed through the judicial system at one time, this amendment can only strengthen the existing crime bill. I urge its immediate adoption.

Mr. HATCH. I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment (No. 1201) was agreed to.

Mr. HEFLIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I believe that the order that was agreed on by the managers is that the Senator from California would proceed. I have joined her as a principal cosponsors, so I yield the floor.

The PRESIDING OFFICER. The Senator will suspend for one moment.

I believe that the regular order calls for the amendment by the Senator from Massachusetts, Mr. KERRY.

Mr. BIDEN. Mr. President, parliamentary inquiry. Is my distinguished friend from California the next order of business?

The PRESIDING OFFICER. According to the unanimous-consent agreement, the amendment of the Senator from Massachusetts is the next amendment.

Mr. BIDEN. Mr. President, I was about to inform the Senate that we are prepared to accept the Senator's amendment, as long as he does not talk about it. And if he has come to talk about it, then we will reconsider accepting the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. That is the best deal I have ever been offered, so I yield the floor.

Mr. HATCH. We are happy on this side to accept the amendment.

Mr. BIDEN. Why does the Senator not send the amendment to the desk? We will accept it right now.

AMENDMENT NO. 1202

(Purpose: To provide an additional authorization of \$150,000,000 for fiscal year 1996 for the police corps)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 1202.

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

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

The amendment is as follows:

At page 249, line 6 of the bill delete "each of fiscal years 1995 and 1996;" and insert the following: "fiscal year 1995 and \$250,000,000 for fiscal year 1996;".

Mr. KERRY. Mr. President, I was intending to send an amendment tonight to the desk concerning the police corps, and to ask for its consideration under Order No. 260, and call for the yeas and nays under that order, as set forth in the Unanimous Consent agreement entered into tonight. But I have just been informed that my amendment will be accepted by unanimous consent. I am grateful for the support the amendment concerning the police corps has received from my colleagues on both sides of the aisle.

Let me briefly summarize the substance of the amendment that has been accepted.

This crime bill authorizes a police corps program at the level of \$100 million for 1995, \$100 million for 1996, and such sums as are necessary for future years. This is the same level for this program as we started with at the beginning of this process. It is inadequate for the program. The inadequacy was acknowledged from the beginning by many.

This amendment changes the crime bill to increase the authorized level for the police corps from \$100 million in

the second year of the program, 1996, to \$250 million, subject to the decisions of the appropriators. The increase would permit an immediate increase in 1996 from 5,000 Americans graduating from the police corps to serve in police departments around the country to 10,000. The amendment would simultaneously allow an increase from 5,000 to 10,000 in the number of students receiving scholarship assistance and preparing to serve after graduation.

As conceived, a fully funded national police corps could ultimately put as many as 80,000 additional officers into local police departments. The police corps is modeled after the ROTC program, which awards college scholarships in exchange for a commitment of military service.

In the police corps program, students who accepted police corps scholarships would be obligated to spend 4 years working, for pay, in their local police departments. The students would benefit. The police departments would benefit. And law-abiding citizens would benefit.

As the New York Times editorialized last August:

At a time when there is bipartisan agreement on the need to put more cops on the beat, such a promising plan for adding to community policing strength surely deserves a much more ambitious launch. Beyond offering localities a well-educated pool of recruits—many of them minorities, which are still greatly underrepresented on many urban police forces—the Police Corps would also save money. Departments would pay Police Corps officers standard entry pay, but would be spared the costly pension and fringe benefits they pay their regular officers.

But even that is probably not as important as the less tangible value of engaging the energy and ideas of young citizens not traditionally involved in law enforcement. While many law enforcement officials support the idea, some police chiefs would prefer to stick with the kind of recruits they're used to. But by now it's also clear that the old way of doing things isn't working very well, especially in urban areas. The Senate Republican leader, BOB DOLE, says he favors spending \$250 million over the next three years on the Police Corps, with a bigger buildup in the future. That's far more than President Clinton requests, though still less than what's desirable. But money is tight, and it's hard to say where the additional funds might come from. Mr. DOLE to his credit seems willing to help Mr. Clinton and Senate Democrats find it.

It is the credit of many Senators, including Senators BIDEN and HATCH, Senator SASSER, Senator DOLE, the minority leader, Senator SPECTER, Senator MITCHELL, the majority leader, Senator KENNEDY, Senator HEFLIN, Senator SIMON, and Senator FEINSTEIN, among others, that the police corps concept is finally on the road to becoming a reality. I thank my colleagues for their support of this amendment.

Mr. BIDEN. I urge adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1202) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BIDEN. I congratulate the Senator and thank him for his cooperation.

Now I believe our patient and capable colleague from California is next.

Mr. KERRY. I just want to ask the Senator from Delaware if he thinks that was the most eloquent statement I ever made.

Mr. BIDEN. It was not, because I have heard the Senator from Massachusetts speak. If I could speak from prepared remarks as well as he can extemporaneously, I probably would not be chairman of this committee now but be able to be chairman of the Foreign Relations Committee because I would have been able to talk Senator PELL into taking the Education Committee forcing Senator KENNEDY back to the Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from California.

AMENDMENT NO. 1203

(Purpose: To add a title to the bill relating to driver's privacy)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. WARNER, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. WOFFORD, Ms. MOSELEY-BRAUN, Mr. METZENBAUM, Mr. DODD, Mr. CONRAD, Mrs. MURRAY, Mr. SIMON, Mr. REID, Mr. BUMPERS, Mr. ROBB, Mr. HARKIN, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DASCHLE, Mr. INOUE, Mr. AKAKA, Mr. CAMPBELL, Mr. PELL, Mr. KENNEDY, Mr. KERREY, Mr. BRYAN, Mr. RIEGLE, Mr. BINGAMAN, and Mr. EXON, proposes an amendment numbered 1203.

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

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

The amendment is as follows:

At the appropriate place, insert the following title:

TITLE —DRIVER'S PRIVACY PROTECTION ACT

SEC. . SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Driver's Privacy Protection Act of 1993".

(b) PURPOSE.—The purpose of this title is to protect the personal privacy and safety of licensed drivers consistent with the legitimate needs of business and government.

SEC. . AMENDMENT TO TITLE 18, UNITED STATES CODE.

Title 18 of the United States Code is amended by inserting immediately after chapter 121, the following new chapter:

"CHAPTER 122—PROHIBITION ON RELEASE OF CERTAIN PERSONAL INFORMATION

"Sec. 2720. Prohibition on release and use of certain personal information by States, organizations and persons.

"Sec. 2721. Definitions.

"Sec. 2722. Penalties.

"Sec. 2723. Effect on State and local laws.

"§ 2720. Prohibition on release and use of certain personal information by States, organizations and persons

"(a) IN GENERAL.—(1) Except as provided in paragraph (2), no department of motor vehicles of any State, or any officer or employee thereof, shall disclose or otherwise make available to any person or organization personal information about any individual obtained by the department in connection with a motor vehicle operator's permit, motor vehicle title, identification card, or motor vehicle registration (issued by the department to that individual) unless such disclosure is authorized by the individual.

"(2) A department of motor vehicles of a State, or officer or employee thereof, may disclose or otherwise make available personal information referred to in paragraph (1) for any of the following routine uses:

"(A) For the use of any Federal, State or local court in carrying out its functions.

"(B) For the use of any Federal, State or local agency in carrying out its functions, including a law enforcement agency.

"(C) For the use in connection with matters of automobile safety, driver safety, and manufacturers of motor vehicles issuing notification for purposes of any recall or product alteration.

"(D) For the use in any civil criminal proceeding in any Federal, State, or local court, if the case involves a motor vehicle, or if the request is pursuant to an order of a court of competent jurisdiction.

"(E) For use in research activities, if such information will not be used to contact the individual and the individual is not identified or associated with the requested personal information.

"(F) For use in marketing activities if—

"(i) the motor vehicle department has provided the individual with regard to whom the information is requested with the opportunity, in a clear and conspicuous manner, to prohibit a disclosure of such information for marketing activities;

"(ii) the information will be used, rented, or sold solely for a permissible use under this chapter, including marketing activities; and

"(iii) any person obtaining such information from a motor vehicle department for marketing purposes keeps complete records identifying any person to whom, and the permissible purpose for which, they sell or rent the information and provides such records to the motor vehicle department upon request.

"(G) For use by any insurer or insurance support organization, or their employees, agents, and contractors, in connection with claims investigation activities and antifraud activities.

"(H) For use by any organization, or its agent, in connection with a business transaction, when the purpose is to verify the accuracy of personal information submitted to that business or agent by the person to whom such information pertains, or, if the information submitted is not accurate, to obtain correct information for the purpose of pursuing remedies against a person who presented a check or similar item that was not honored.

"(I) For use by any organization, if such organization certifies, upon penalty of per-

jury, that it has obtained a statement from the person to whom the information pertains authorizing the disclosure of such information under this chapter.

"(J) For use by an employer or the agent of an employer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2701 et seq.).

"(b) UNLAWFUL CONDUCT BY ANY PERSON OR ORGANIZATION.—No person or organization shall—

"(1) use any personal information, about an individual referred to in subsection (a), obtained from a motor vehicle department of any State, or any officer or employee thereof, or other person for any purpose other than the purpose for which such personal information was initially disclosed or otherwise made available by the department of motor vehicles of the affected State, or any officer or employee thereof, or other person, unless authorized by that individual; or

"(2) make any false representation to obtain personal information, about an individual referred to in subsection (a), from a department of motor vehicles of any State, or officer or employee thereof, or from any other person.

"§ 2721. Definitions

"As used in this chapter:

"(1) The term 'personal information' is information that identifies an individual, including an individual's photograph, driver's identification number, name, address, telephone number, social security number, and medical and disability information. Such term does not include information on vehicular accidents, driving violations, and driver's status.

"(2) The term 'person' means any individual.

"(3) The term 'State' means each of the several States, District of Columbia, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(4) The term 'organization' means any person other than an individual, including but not limited to, a corporation, association, institution, a car rental agency, employer, and insurers, insurance support organization, and their employees, agents, or contractors. Such term does not include a Federal, State or local agency or entity thereof.

"§ 2722. Penalties

"(a) WILLFUL VIOLATIONS.—

"(1) Any person who willfully violates this chapter shall be fined under this title, or imprisoned for a period not exceeding 12 months, or both.

"(2) Any organization who willfully violates this chapter shall be fined under this title.

"(b) VIOLATIONS BY STATE DEPARTMENT OF MOTOR VEHICLES.—Any State department of motor vehicles which willfully violates this chapter shall be subject to a civil penalty imposed by the Attorney General in the amount of \$5,000. Each day of continued non-compliance shall constitute a separate violation.

"§ 2723. Effect on State and local laws

"The provisions of this chapter shall supersede only those provisions of law of any State or local government which would require or permit the disclosure or use of personal information which is otherwise prohibited by this chapter."

SEC. . EFFECTIVE DATE.

The amendments made by this title shall take effect upon the expiration of the 270-day period following the date of its enactment.

Mrs. BOXER. Mr. President, today I join the Senator from Virginia [Mr. WARNER] and 26 other cosponsors, to offer an amendment to protect the privacy of all Americans.

In California, actress Rebecca Schaeffer was brutally murdered in the doorway of her Los Angeles apartment by a man who had obtained her home address from my State's DMV.

In Iowa, a gang of teenagers copied down the license plate numbers of expensive cars, obtained the home addresses of the owners from the Department of Transportation, and then robbed them at night.

In Tempe, AZ, a woman was murdered by a man who had obtained her home address from that State's DMV.

And, in California, a 31-year-old man copied down the license plate numbers of five women in their early twenties, obtained their home address from the DMV and then sent them threatening letters at home. I want to briefly read from two of those letters.

I'm lonely and so I thought of you. I'll give you one week to respond or I will come looking for you.

Another one read:

I looked for you though all I knew about you was your license plate. Now I know more and yet nothing. I know you're a Libra, but I don't know what it's like to smell your hair while I'm kissing your neck and holding you in my arms.

When they apprehended him, they found in his possession a book entitled "You Can Find Anyone" which spelled out how to do just that using someone's license plate.

In 34 States, someone can walk into a State Motor Vehicle Department with your license plate number and a few dollars and walk out with your name and home address. Think about this. You might have an unlisted phone number and address. But, someone can find your name or see your car, go to the DMV and obtain the very personal information that you may have taken painful steps to restrict.

Mr. President, the American people think that this is wrong. In a recent Lou Harris survey, 80 percent of the people were uncomfortable with one person obtaining this type of information about another.

Can we afford to wait until every State has their own tragedy? That is not the way to legislate. Our Representatives are elected to lead, to think ahead and—at every turn—to find ways to protect the people they represent. In many States, police officers, public figures and other victims of these privacy abuses have been allowed to request that the DMV keep their home addresses confidential. Of course, these people deserve privacy and protection. But, so do all of our people.

Mr. HATCH. Will the Senator yield?
Mrs. BOXER. I will be delighted to yield.

Mr. HATCH. Mr. President, I appreciate my colleague from California's effort to control the disclosure of State department of motor vehicle [DMV] information. We need to comprehensively review the means by which government agencies disclose personal information to the public.

Stalking is a problem which is beginning to receive the attention of legislators at both the State and Federal level. I too share the concerns of my colleagues. Last Congress, I supported legislation authored by Senator COHEN which directed the Department of Justice to develop model anti-stalking legislation for the States. As well, I coauthored the Violence Against Women Act which provides \$1.89 billion to fight violence perpetrated against women. The Senate passed this measure as an amendment to the crime bill. As well, I coauthored the Chafee-Hatch amendment to the crime bill which adds another category of offenders—stalkers—to the list of persons banned from purchasing firearms.

I believe the crime bill already does much to combat stalking. I commend my colleague for wanting to do more. However, concerns have been raised by the National Governors Association, the American Association of Motor Vehicle Administrators, the American Society of Newspaper Editors, and the Newspaper Association of America. These organizations raise legitimate points:

The bill from which this amendment is taken was introduced less than 1 month ago and there has not been an adequate amount of time to assess its impact and cost;

It places unfunded mandates on the States which may result in the States prohibiting all uses of DMV information for any purpose, including legitimate business and press purposes;

It subjects the DMV's to civil penalties for wrongful disclosure of drivers license information; and

While I support the goals of the Boxer amendment, I believe it warrants careful and studious review.

We are prepared to take the Senator's amendment but I do have to add this caveat. We are prepared to take the amendment on both sides but I have had a number of people very, very concerned about it. I would like to take it under the condition that we work on it together and see if we can perfect it somewhat between now and conference. Because I have received letters, for instance, this one from the Society of Professional Journalists, Utah Headliners Chapter, which I ask unanimous consent be printed in the RECORD at this point.

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

SOCIETY OF PROFESSIONAL JOURNALISTS, UTAH HEADLINERS CHAPTER,
Salt Lake City, UT, November 16, 1993.

Hon. ORRIN G. HATCH,
Committee on the Judiciary, U.S. Senate Washington, DC.

DEAR SENATOR HATCH; the Utah Headliners Chapter of the Society of Professional Journalists has learned that there may be a vote on proposed amendments to the Crime Bill this afternoon. Among those amendments to be considered is the Boxer/Moran Driver's Privacy Protection Act of 1993. Our organization is concerned and strongly opposed to the incorporation of the measure into the Crime Bill without appropriate public hearings.

Our organization represents journalists throughout Utah and has been active in protecting the public's access to government proceedings and records. Nationally, the Society is the nation's oldest and largest journalism organization.

While we are sympathetic to the concerns about privacy connected with the proposed legislation, we believe there may be other approaches to the problem that would ensure the public's right to know while protecting against abuse of these records. For example, government could enact tough stalking laws rather than closing off records because of isolated violence associated with information gained from public records.

Consider the valuable ways journalists use driver and motor vehicle records to further the public interest. News organizations have discovered pilots, bus drivers and police officers who have DUI convictions but were still operating vehicles. In New Mexico, a series of articles based on these records, helped change the state's DUI laws and the court system's leniency with DUI convictions. Other stories have shown how dealers illegally rebuilt and resold automobile wrecks. Any Utah journalist could provide you with a list of ways reporters use these records in the public's behalf.

We also believe that this issue is better addressed on a state-by-state basis. For example, government officials, journalists and citizens recently spent five years debating Utah's new Government Records Access and Management Act. The act provides for balancing tests between the public interest and the interests of privacy. This is a much more reasonable approach than the wholesale closure of public documents. We are concerned that the Boxer/Moran legislation could be only the beginning of an unbalanced closure of records that creates double standards.

We ask for a full debate on these issues. There is a great deal of experience in Utah's government, legal and media community regarding these issues. We would be happy to use our resources to give you and your staff further information regarding this bill.

Best regards,

JOEL CAMPBELL,
for the Utah Headliners Chapter
Board of Directors.

Mr. HATCH. They are expressing a great deal of concern about the amendment of the distinguished Senator. I understand what the distinguished Senator from California is trying to do. I will personally work with her to try to make sure we can accomplish what she wants while still giving consideration to these professional journalists and others who feel her amendment might be damaging to the information-gathering process.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. HATCH. I will be delighted to.

Mr. WARNER. This is a joint effort on behalf of the Senators from California and Virginia, and so I hope my colleague will address us jointly in terms of this somewhat unusual procedure. I urge the distinguished Senator from California be permitted to complete her opening remarks and the Senator from Virginia can provide his remarks and then we should discuss with the managers such procedures as they think appropriate to work on this amendment. Because it is my clear understanding the amendment was accepted and this is the first knowledge I had there was some contingency to that acceptance.

Mr. HATCH. If I can just remark, I apologize to the distinguished Senator from Virginia. In my zeal to accept the amendment, I failed to mention that this is the Boxer and Warner amendment and we feel very deeply about that.

Frankly, what we are trying to do is finish the bill tonight. I think the distinguished Senator from California has made an eloquent statement on this matter thus far. I will be happy to listen to the rest of it, but I think if we are willing to accept the amendment, if the Senators can summarize their statements, it would help.

Mr. WARNER. Mr. President, if the Senator will yield, we will be happy to do that. But I must tell you, I express great admiration for the Senator from California, for her diligence and months of hard work, together with her staff member, Laura Schiller, working with my staff member, George Cartagena. A lot of hard work has been put into this. I was absolutely astonished that this situation existed across the United States.

I urge the managers of the bill to provide the distinguished Senator from California a few more minutes and I will be happy to curtail my remarks to just a bare few minutes response.

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

Mrs. BOXER. If I may ask, is the time currently my time?

The PRESIDING OFFICER. The Senator from California controls 10 minutes 57 seconds.

Mrs. BOXER. I would say to my friends it would be my intention to finish my remarks in less than 5 minutes and yield the remainder of the time to my distinguished coauthor, the Senator from Virginia, Senator WARNER, and I would like to proceed.

I am very pleased that this amendment will be accepted. It has been 7 months of work. In 5 minutes I think I can complete my remarks. I thank the Senator from Virginia for his tremendous courtesy and assistance in this effort.

With this amendment we have an opportunity to protect the privacy and

safety of all Americans—not just the VIP's with special clout.

This area is clearly within Congress' authority to regulate. First, this is a fundamental issue of privacy. The Supreme Court has found that people have a right to be safe in their homes, that they have a right not to have the Government make public their personal data and that Congress can use its powers—section 5 of the 14th amendment—provide remedies for violations to constitutional rights.

What's more, with mail, cars, and harassment involved, this issue clearly has an impact on interstate commerce. As such—under article 1, section 8—this area is well within Congress' authority to regulate. We all understand that interstate commerce is severely threatened when mail is used, when people are scared to drive in their cars, when their civil rights are violated, and when they live in fear of being harassed and stalked.

The amendment that I am offering today strikes a critical balance between the legitimate governmental and business needs for this information, and the fundamental right of our people to privacy and safety. Under this amendment, personal information is defined as including a driver's name, address, phone number, and social security number. It does not include information on a driver's accidents, violations or status. Let me repeat that. Nothing in this bill will stop the press, insurance companies, employers, or anyone else from obtaining information about an individual's driving record.

This amendment allows access for all governmental agencies, courts, and law enforcement personnel. It allows full access for all automobile and driver safety purposes, including manufacturers of motor vehicles conducting a recall for any purpose. It sets up fair standards for insurance companies, employers, banks, researchers, and other organizations who routinely use this information. And, that is why we have the support from so many organizations, including the American Insurance Association, a trade organization representing more than 250 major insurance companies.

Currently, most States sell personal information to direct marketers. Our bill does not stop this. It simply says that if a State chooses to sell this information to marketers, they need to give people the opportunity to opt out and say no. This policy is fair. It is consistent with the Direct Marketing Association's own ethical guidelines and with the recommendations of the landmark 1977 Privacy Commission Report.

This amendment sets up clear guidelines and fair penalties. Under this amendment, only those people and individuals who willfully violate this chapter are subject to penalties. Under

this amendment, aggrieved individuals and groups do not have a cause of action and cannot file suit. And, under this amendment, States are not liable for criminal penalties.

If you want to own or operate a car, you must register with the DMV. This amendment simply gives people more control over the disclosure of their personal information, especially for those reasons that are totally incompatible with the purpose for which the information was collected. States are free to be more restrictive with this information. This bill simply takes a national problem and gives the States broad latitude and 9 months to enact a national solution.

Mr. President, we have more than 20 business, consumer, police, physician and victims groups who have given their support to this amendment, from the Fraternal Order of Police, to the Consumer Federation of America, to the American Medical Association.

Finally, I want to again thank Senator WARNER for his strong support on this legislation, and Congressman MORAN, of Virginia, for his leadership on this issue; and my constituent from Los Angeles, Joyce Shorr, who brought this critical problem to my attention; again, the many groups that have endorsed the legislation, our 27 cosponsors.

Finally, I would like to address a couple remarks to the chairman of the Judiciary Committee, who I do not see on the floor right now but I want to pay tribute to him because he knows that I am new in the U.S. Senate. He knows how much this particular piece of legislation meant to me. Even when it looked like it was going to be controversial, he encouraged me to continue, to line up the votes and the support. We did it, and I am extremely pleased that the Senator from Virginia and I tonight will have our amendment agreed to. Of course, we will work to see that it survives the conference in a way that meets the very clear objectives: We want to protect the privacy and the safety of the people of America, and I think we will achieve that.

At this time, I yield the remainder of my time to the good Senator from Virginia, Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia has 6 minutes 56 seconds.

Mr. WARNER. Mr. President, I thank my distinguished colleague and friend, the Senator from California. I have to confess that the Senator from California and I came to the body with a somewhat different approach and philosophy. I thought to myself when I discovered this piece of legislation, largely through her efforts and the efforts of my distinguished colleague from Virginia, Congressman MORAN, who pioneered this legislation in the Congress for some several years, I thought the likelihood of a Boxer-War-

ner bill was impossible. But here we are. Impossible things do happen.

I thank my colleague for her kind remarks and for the opportunity for me and my staff to work as diligently as we could to perfect this piece of legislation.

Mr. President, I was absolutely astonished to learn that in some 30-plus States and, indeed, my own State, which has a provision that gives some restriction but people who demonstrate good reason can acquire this information. It applies to auto titles, to car registrations, to driver's licenses, auto tags—all this is open. There is a war in this country to fight for privacy. People are now fighting, and this is coming to their assistance to provide the privacy, which I and many others thought existed.

I had no idea when I went into my State to get licensed that all this information that I provided was going to be made public. Those in public life expect much of our factual data to be public but, indeed, others who are not in public life have a need to protect their privacy, and particularly women.

I shall not go into the specifics. My distinguished colleague from California cited some actual cases, but this legislation is to protect a wide range of individuals, protect them from the State agencies often for a price, a profit to the State, to release lists. Not only will the agency give out individual names and sponsors will call with an inquiry, but they give out the whole list, everybody in the State, if you want to buy it. It is somewhat expensive but you can get it. This legislation provides that, henceforth—the State is given 270 days within which to implement it—henceforth, individuals who go in to register cars, acquire permits, so forth, can clearly indicate their lack of willingness, their desire not to have that information released to marketers primarily. There are specific exceptions of course for law enforcement individuals and other areas where proven experience shows that this information should flow. But in those instances we have to presume it is somewhat protected.

The Boxer-Warner bill incorporates both the intent of the 1974 Privacy Act, which deals with the collection of personal information by Federal agencies as well as the recommendations of the landmark 1977 Privacy Protection Study Commission report. Registering with the DMV is mandatory. The Boxer bill will provide individuals with knowledge of and control over the disclosure of their personal information for uses unrelated to the purpose(s) for which it was collected.

Mr. President, the legislation will also:

Provide unlimited access for courts, law enforcement, governmental agencies, insurance companies involved in

claims investigation and antifraud activities, and for other driver and automobile safety purposes;

Allow businesses to verify information provided by the licensee and to access personal information as long as the individual has waived his or her right to confidentiality. These businesses can enter into contracts with the DMV's to facilitate this process;

Not prohibit the disclosure of information on vehicular accidents or driving violations;

Provide access to this information for marketing purposes if the licensees have been given the opportunity to prohibit such disclosure. This policy is consistent with the Privacy Commission report and with the ethical guidelines of the Direct Marketing Association;

Allow States to enact tougher restrictions and gives them room to craft their own specific responses to the regulations;

Allow the DMV's to price their sale of services to fully recover any initial costs associated with implementing this legislation—most DMV's already sell this information, and costs for implementing the additional security provisions are estimated to be negligible; and

Only penalize the States when the Attorney General has found that a State's failure to comply with these regulations was willful.

This is a superb piece of legislation badly needed to protect individuals in their fight to retain privacy.

I thank the Chair and I thank my colleague.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we are prepared to accept the amendment.

Mrs. BOXER. I am very pleased. I have no further remarks.

I understand the Senator from Virginia, Senator ROBB, has come over to lend support. I would appreciate a moment or two. How much time remains?

The PRESIDING OFFICER. The Senator from California controls 3 minutes 7 seconds.

The PRESIDING OFFICER. The Senator from Virginia is recognized with 2 minutes 45 seconds remaining.

Mr. ROBB. Mr. President, I am very pleased to join my senior colleague and the Senator from California in cosponsoring this amendment.

The right to privacy, without which the Americans are not secure in their own homes, is seriously threatened. It is easy for anyone anywhere to access information as personal as your address and phone number, even if they are not listed in the telephone directory. Even your Social Security number is available, and the chief agent giving out this kind of information is the very government that is supposed to protect its citizens.

Many Americans are infuriated and, more importantly, they are vulnerable to these violations of privacy which happen in 34 States in this country every day, my own included.

Recently, a woman in Virginia was shocked to discover black balloons and antiabortion literature on her doorstep days after she had visited a health clinic that performs abortions. Apparently, someone used her license plate number to track down personal information which was used to stalk her.

In another case in Georgia, an obsessive fan obtained the home address of a fashion model from the State Department of Motor Vehicles and assaulted her in front of her apartment.

These are but two examples of how simple it is to submit a driver's license number, pay a nominal fee to the DMV and receive a person's name and address. This is no mere loophole in a system, it is a visible gap that needs to be plugged.

Luckily, we have the opportunity to close that hole by the amendment offered by the Senator from California and my distinguished senior colleague, Senator WARNER. This amendment would place safeguards on the privacy of the driver and vehicle owners by prohibiting release of personal information to anyone without a specific business-related or government-related reason for obtaining the information.

While this bill alone will not stop people from stalking, it will inhibit States from unknowingly aiding and abetting this type of crime. Easy access to personal information makes every driver in this Nation vulnerable and infringes on their right to privacy. Government's duty is to keep citizens safe and it should not, therefore, be contributing to insecurity.

I hope that our colleagues will help to restrict easy, unlimited access to personal information by supporting this amendment.

I commend the Senator from California, my senior colleague and our colleague in the House for offering it.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent I may proceed for another minute-and-a-half.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized for 90 seconds.

Mr. WARNER. Mr. President, I pose a question to my distinguished colleague. In his former capacity as a very distinguished Governor of the Commonwealth of Virginia, it is very interesting, listening to his remarks, that this was a situation that apparently was not recognized by the Governors as being so compelling as it is today during the period when he was Governor.

I wonder if the Senator might have a recollection of how the history of the need of this legislation has evolved in the intervening years since he was

Governor of the Commonwealth of Virginia.

Mr. ROBB. Mr. President, I can respond to my senior colleague by telling him, indeed, this is a problem, like many others, that has simply evolved. In recent years, it has become increasingly evident that this information was accessible and it was being used for purposes that were certainly not intended by the framers of the actual legislation that permitted its release.

This legislation is simply designed to close an important loophole that at this point restricts the privacy that I think most of our citizens believe they have but in some cases subjects them to stalking, abuse or other improper utilization of information which simply should not be in their hands.

Mr. WARNER. Mr. President, I thank my distinguished colleague. I think this is a very important part of the legislative history that we are making tonight. It has been a relatively short period of time that the urgency for such legislation as this be adopted by the Congress. It is my fervent hope and wish that it will be.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to not only support but compliment my friend from California. She came early on with this amendment when it did not look like anybody was likely to support it at all. And because she always cooperates, she indicated she did not want to get in the way of the passage of the bill she supports, but she felt strongly about it.

One of the things I am learning is that she is a freshman Senator, but she is no freshman like I have ever seen. She has walked into this place with significant experience in the House and is frighteningly effective. I compliment her on her pushing this amendment along. It is a very important amendment. I for one would like to compliment her and the Senator from Virginia for their calling this concern and need to the attention of the Senate and the people of the country. I think it is a good amendment.

I support the amendment of the Senator from California. This amendment would make it unlawful for States to disseminate personal information about any person or organization simply because the person seeking the information can recite a driver's or motor vehicle license number.

Too often we read, or hear on television, stories about women who suffer serious injury or death after being stalked by estranged and violent husbands and boyfriends. Stalking is a crime of terror and fear, plaguing thousands of Americans every year.

By protecting the privacy of addresses and telephone numbers—which would otherwise be available at the mere mention of a license plate or driver's license number—the amendment is another weapon against this violence.

This amendment closes a loophole in the law that permits stalkers to obtain—on demand—private, personal information about their potential victims.

Under the law in over 30 States, it is permissible to give out to any person the name, telephone number, and address of any other person if a drivers' license or vehicle plate number is provided to a State agency.

Thus, potential criminals are able to obtain private, personal information about their victims simply by making a request. These open-record policies in many States are open invitations to would-be stalkers.

In my view, this amendment makes common sense. Americans do not believe they should relinquish their legitimate expectations of privacy simply by obtaining drivers' licenses or registering their cars. Yet the laws of some States do just that by routinely providing this identifying information to all who request it.

The States should not provide the mechanism for the terror that can be unleashed through the indiscriminate release of this kind of information. Some restrictions on the dissemination of private information such as an address or telephone number are reasonable and appropriate.

This amendment is narrowly tailored in that it carefully preserves the right of States to disseminate this private information for legitimate purposes such as law enforcement, automobile safety activities, and insurance investigations.

I applaud the Senator from California for her work in this regard. She provides a reasoned and measured approach to the protection of private information and the placement of yet another roadblock in the way of would-be criminals.

When time is yielded back, I am prepared to accept the amendment and again congratulate the sponsors for their persistence and insight into this problem.

THE PRESIDING OFFICER. Is there further debate?

MR. HARKIN. Mr. President, I rise in strong support of this amendment, which will ensure that the private information that drivers provide to their State licensing authorities will not be improperly disclosed to violate those drivers' right to privacy. The Drivers Privacy Protection Act, of which I am an original cosponsor, strikes a fair balance between reasonable interests of the State and the public in this information, and the rights of private citizens to be left alone.

I became aware of this issue through the plight of one of my constituents, Karen Stewart. Karen was a patient of Dr. Herbert Remer, a physician who specializes in obstetrics and gynecological care in the Des Moines area. Because Dr. Remer performs abortions,

his clinic has been the site of repeated protests by those who oppose women's right to choose.

But Karen was going to Dr. Remer to save her pregnancy, not to terminate it. She was experiencing complications, and went to Dr. Remer for treatment. Unfortunately, a few days after the visit, Karen suffered a miscarriage.

And then she received the letter. Extremists from Operation Rescue sent a venomous letter apparently intended to traumatize Dr. Remer's patients. The letter spoke of "God's curses for the shedding of innocent blood," and "the guilt of having killed one's own child." They got her name and address from department of transportation records, after they spotted her car parked near Dr. Remer's clinic.

This is one example of the potential for abuse of these public records, but it is far from the only one. According to the Des Moines Register of October 10, 1992, a gang of teens used State records to help them carry out their crimes. They would find cars with expensive stereos in parking lots and on the streets, take down their license numbers, and find the owners' home address through DOT records.

Most tragically, these records are used by stalkers to track down their victims. Rebecca Shaeffer, a promising young actress from California, was brutally murdered by an obsessed fan. That fan obtained her address from department of motor vehicles records through a private investigator.

I strongly believe that this legislation will provide important protection to every American's privacy. I want to congratulate Senator BOXER on her amendment, which is a well-balanced proposal that strongly protects privacy, yet accommodates a variety of important interests. I urge its adoption.

MR. WARNER. Mr. President, I wish to join with my distinguished colleague from California in thanking the managers of this bill. It has been a somewhat difficult task to work it through, and that has been successfully done tonight with the cooperation of the managers and their excellent staffs.

So at this point in time I believe the Senator from California would urge adoption of the amendment.

MRS. BOXER. I urge adoption of the amendment.

THE PRESIDING OFFICER. The Senator from California has urged adoption of the amendment. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1203) was agreed to.

MR. WARNER. Mr. President, I move to reconsider the vote.

MRS. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE PRESIDING OFFICER. The Senator from Michigan under the unani-

mous-consent agreement is authorized to offer an amendment upon which there will be 1 hour of debate.

AMENDMENT NO. 1204

(Purpose: To provide for imposition of the penalty of life imprisonment without the possibility of release rather than imposition of the death penalty)

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

THE PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. SIMON, Mr. HATFIELD, Mr. DURENBERGER, and Mr. PELL, proposes an amendment numbered 1204:

At the end of the bill add the following:
SEC. . MANDATORY LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE.

In lieu of any amendment made by this Act or any other provision of this Act that authorizes the imposition of a sentence of death, such amendment or provision shall authorize the imposition of a sentence of mandatory life imprisonment without the possibility of release.

MR. LEVIN. Mr. President, this amendment is introduced on behalf of Senators SIMON, HATFIELD, DURENBERGER, PELL, and myself. It would replace the death penalty in this legislation with a sentence of mandatory life imprisonment without the possibility of release.

I doubt that my position comes as a surprise to anybody who has watched the Senate year after year consider legislation to impose the death penalty.

For me, the bottom line is that the history of the death penalty is filled with examples in which innocent people have been executed or almost executed.

I cannot support a means of punishment with the finality of the death penalty when our judicial system cannot avoid making errors and mistakes. We are human. Our system of justice reflects our own fallibility as human beings.

My colleagues have seen me in the past hold up case after case after case in which people have been sentenced to death only later to be found innocent and released. Since this last debate in the Senate, the staff of the House Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee has issued a report entitled "Innocence in the Death Penalty: Assessing the Danger of Mistaken Executions."

This report briefly and concisely describes 48 cases in the past 20 years where a convicted person has been released from death row either because their innocence was proven or because there was a reasonable doubt that was raised as to their guilt. This report also examines some of the reasons why innocent people were convicted and sentenced to death. Those factors included prejudice, inadequate counsel, initial misconduct, and pressure to prosecute.

Mr. President, I ask unanimous consent at this time that the 48 cases that were identified by the Judiciary Subcommittee of the House be inserted in the RECORD in full.

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

RECENT CASES INVOLVING INNOCENT PERSONS
SENTENCED TO DEATH

The most conclusive evidence that innocent people are condemned to death under modern death sentencing procedures comes from the surprisingly large number of people whose convictions have been overturned and who have been freed from death row. Four former death row inmates have been released from prison just this year after their innocence became apparent: Kirk Bloodsworth, Federico Macias, Walter McMillian, and Gregory Wilhoit.

At least 48 people have been released from prison after serving time on death row since 1973 with significant evidence of their innocence.¹ In 43 of these cases, the defendant was subsequently acquitted, pardoned, or charges were dropped. In three of the cases, a compromise was reached and the defendants were immediately released upon pleading to a lesser offense. In the remaining two cases, one defendant was released when the parole board became convinced of his innocence, and the other was acquitted at a retrial of the capital charge but convicted of lesser related charges. These five cases are indicated with an asterisk (*).

1973: David Keaton, Florida; conviction 1971. Sentenced to death for murdering an off-duty deputy sheriff during a robbery. Charges were dropped and Keaton was released after the actual killer was convicted.

1975: Wilber Lee, Florida; conviction 1963; Freddie Pitts, Florida; conviction: 1963. Lee and Pitts were convicted of a double murder and sentenced to death. They were released when they received a full pardon from Governor Askew because of their innocence. Another man had confessed to the killings.

1976: Thomas Gladish, New Mexico; conviction: 1974; Richard Greer, New Mexico; conviction: 1974; Ronald Keine, New Mexico; conviction: 1974; Clarence Smith, New Mexico; conviction: 1974. The four were convicted of murder, kidnaping, sodomy, and rape and were sentenced to death. They were released after a drifter admitted to the killings and a newspaper investigation uncovered lies by the prosecution's star witness.

1977: Delbert Tibbs, Florida; conviction: 1974. Sentenced to death for the rape of a sixteen-year-old and the murder of her companion. The conviction was overturned by the Florida Supreme Court because the verdict was not supported by the weight of the evidence. Tibbs' former prosecutor said that the original investigation had been tainted from the beginning.

1978: Earl Charles, Georgia; conviction: 1975. Convicted on two counts of murder and sentenced to death. Charles was released when evidence was found that substantiated his alibi. After an investigation, the district attorney announced that he would not retry the case. Charles won a substantial settlement from city officials for misconduct in the original investigation.

¹The principal sources for this information are news articles, M. Radelet, H. Bedau, & C. Putnam, *In Spite of Innocence* (1992), H. Bedau & M. Radelet, *Miscarriages of Justice in Potentially Capital Cases*, 40 *Stanford L. Rev.* 21 (1987), and the files of the National Coalition to Abolish the Death Penalty.

Jonathan Treadway, Arizona; conviction: 1975. Convicted of sodomy and first degree murder of a six-year-old and sentenced to death. He was acquitted of all charges at retrial by the jury after 5 pathologists testified that the victim probably died of natural causes and that there was no evidence of sodomy.

1979: Gary Beeman, Ohio; conviction: 1976. Convicted of aggravated murder and sentenced to death. Acquitted at the retrial when evidence showed that the true killer was the main prosecution witness at the first trial.

1980: Jerry Banks, Georgia; conviction: 1975. Sentenced to death for two counts of murder. The conviction was overturned because the prosecution knowingly withheld exculpatory evidence. Banks committed suicide after his wife divorced him. His estate won a settlement from the county for the benefit of his children.

Larry Hicks, Indiana; conviction: 1978. Convicted on two counts of murder and sentenced to death, Hicks was acquitted at the retrial when witnesses confirmed his alibi and when the eyewitness testimony at the first trial was proved to have been perjured. The Playboy Foundation supplied funds for the reinvestigation.

1981: Charles Ray Giddens, Oklahoma; conviction: 1978. Conviction and death sentence reversed by the Oklahoma Court of Criminal Appeals on the grounds of insufficient evidence. Thereafter, the charges were dropped.

Michael Linder, South Carolina; conviction: 1979. Linder was acquitted at retrial on the grounds of self-defense.

Johnny Ross, Louisiana; conviction: 1975. Sentenced to death for rape, Ross was released when his blood type was found to be inconsistent with that of the rapist's.

1982: Anibal Jaramillo, Florida; conviction: 1981. Sentenced to death for two counts of first degree murder; released when the Florida Supreme Court ruled the evidence did not sustain the conviction.

Lawyer Johnson, Massachusetts; conviction: 1971. Sentenced to death for first degree murder. The charges were dropped when a previously silent eyewitness came forward and implicated the state's chief witness as the actual killer.

1986: Anthony Brown, Florida; conviction: 1983. Convicted of first degree murder and sentenced to death. At the retrial, the state's chief witness admitted that his testimony at the first trial had been perjured and Brown was acquitted.

Neil Ferber, Pennsylvania; conviction: 1982. Convicted of first degree murder and sentenced to death. He was released at the request of the state's attorney when new evidence showed that the conviction was based on the perjured testimony of a jail-house informant.

1987: Joseph Green Brown (Shabaka Waglini), Florida; conviction: 1974. Charges were dropped after the 11th Circuit Court of Appeals ruled that the prosecution had knowingly allowed false testimony to be introduced at trial. At one point, Brown came within 13 hours of execution.

Perry Cobb, Illinois; conviction: 1979; Darby Williams, Illinois; conviction: 1979. Cobb and Williams were convicted and sentenced to death for a double murder. They were acquitted at retrial when an assistant state attorney came forward and destroyed the credibility of the state's chief witness.

Henry Drake,* Georgia; conviction: 1977. Drake was resentenced to a life sentence at his second trial. Six months later, the parole board freed him, convinced he was exoner-

ated by his alleged accomplice and by testimony from the medical examiner.

John Henry Knapp,* Arizona; conviction: 1974. Knapp was originally sentenced to death for the arson murder of his two children. He was released in 1987 after new evidence about the cause of the fire prompted a judge to order a new trial. In 1991, his third trial resulted in a hung jury. Knapp was again released in 1992 after an agreement with the prosecutors in which he pleaded no contest to second degree murder. He has steadfastly maintained his innocence.

Vernon McManus, Texas; conviction: 1977. After a new trial was ordered, the prosecution dropped the charges when a key prosecution witness refused to testify.

Anthony Ray Peek, Florida; conviction: 1978. Convicted of murder and sentenced to death. His conviction was overturned when expert testimony was shown to be false. He was acquitted at his second retrial.

Juan Ramos, Florida; conviction: 1983. Sentenced to death for rape and murder. The decision was vacated by the Florida Supreme Court because of improper use of evidence. At his retrial, he was acquitted.

Robert Wallace, Georgia; conviction: 1980. Sentenced to death for the slaying of a police officer. The 11th Circuit ordered a retrial because Wallace had not been competent to stand trial. He was acquitted at the retrial because it was found that the shooting was accidental.

1988: Jerry Bigelow, California; conviction: 1980. Convicted of murder and sentenced to death after acting as his own attorney. His conviction was overturned by the California Supreme Court and he was acquitted at the retrial.

Willie Brown, Florida; conviction: 1983; Larry Troy, Florida; conviction: 1983. Originally sentenced to death after being accused of stabbing a fellow prisoner, Brown and Troy were released when the evidence showed that the main witness at the trial had perjured himself.

William Jent,* Florida; conviction: 1980; Earnest Miller,* Florida; conviction: 1980. A federal district court ordered a new trial because of suppression of exculpatory evidence. Jent and Miller were released immediately after agreeing to plead guilty to second degree murder. They repudiated their plea upon leaving the courtroom and were later awarded compensation by the Pasco County Sheriff's Dept. because of official errors.

1989: Randall Dale Adams, Texas; conviction: 1977. Adams was ordered to be released pending a new trial by the Texas Court of Appeals. The prosecutors did not seek a new trial due to substantial evidence of Adam's innocence. Subject of the movie, *The Thin Blue Line*.

Jesse Keith Brown,* South Carolina; conviction: 1983. The conviction was reversed twice by the state Supreme Court. At the third trial, Brown was acquitted of the capital charge but convicted of related robbery charges.

Robert Cox, Florida; conviction: 1988. Released by a unanimous decision of the Florida Supreme Court on the basis of insufficient evidence.

Timothy Hennis, North Carolina; conviction: 1986. Convicted of three counts of murder and sentenced to death. The State Supreme Court granted a retrial because of the use of inflammatory evidence. At the retrial, Hennis was acquitted.

James Richardson, Florida; conviction: 1968. Released after reexamination of the case by prosecutor Janet Reno, who concluded Richardson was innocent.

1990: Clarence Brandley, Texas; conviction: 1980. Awarded a new trial when evidence showed prosecutorial suppression of exculpatory evidence and perjury by prosecution witnesses. All charges were dropped. Brandley is the subject of the book *White Lies* by Nick Davies.

Patrick Croy, California; conviction: 1979. Conviction overturned by state Supreme Court because of improper jury instructions. Acquitted at retrial after arguing self-defense.

John C. Skelton, Texas; conviction: 1982. Convicted of killing a man by exploding dynamite in his pickup truck. The conviction was overturned by the Texas Court of Criminal Appeals due to insufficient evidence.

1991: Gary Nelson, Georgia; conviction: 1980. Nelson was released after a review of the prosecutor's files revealed that material information had been improperly withheld from the defense. The district attorney acknowledged: "There is no material element of the state's case in the original trial which has not subsequently been determined to be impeached or contradicted."

Bradley P. Scott, Florida; conviction: 1988. Convicted of murder ten years after the crime. On appeal, he was released by the Florida Supreme Court because of insufficiency of the evidence.

1993: Kirk Bloodsworth, Maryland; conviction: 1984. Convicted and sentenced to death for the rape and murder of a young girl. Bloodsworth was granted a new trial and given a life sentence. He was released after subsequent DNA testing confirmed his innocence.

Federico M. Macias, Texas; conviction: 1984. Convicted of murder, Macias was granted a federal writ of habeas corpus because of ineffective assistance of counsel and possible innocence. A grand jury refused to indict because of lack of evidence.

Walter McMillian, Alabama; conviction: 1988. McMillian's conviction was overturned by the Alabama Court of Criminal Appeals and he was freed after three witnesses recanted their testimony and prosecutors agreed case had been mishandled.

Gregory R. Wilhoit, Oklahoma; conviction: 1987. Wilhoit was convicted of killing his estranged wife while she slept. He was acquitted at a retrial after 11 forensic experts testified that a bite mark found on his dead wife did not belong to him.

Mr. LEVIN. Mr. President, that last point, pressure to prosecute, is well reflected in the case of Kirk Bloodsworth. This is a very recent example of a mistaken conviction of a capital offense. Kirk Bloodsworth was convicted of first-degree murder twice. The first time he was sentenced to death. The second time he was sentenced to life in prison. He was convicted of the rape and the murder of a young girl. It was a horrendous crime.

He was innocent. This was later proven, and I am going to get into that in a moment. Had he been executed instead of being given a life term for the murder of which he was convicted, the mistake that I will read about in a moment could not have been corrected.

That mistake was set forth in a CBS TV program called "Eye to Eye with Connie Chung." The name of the program was "A Free Man." It was aired on October 28, just a few weeks ago. These are some of the excerpts from this TV program.

The reporter said that:

It was the summer of 1984 in Baltimore County, Maryland. A 9-year-old girl, Dawn Hamilton, was tortured, sodomized and murdered in the woods near her home. It was one of the most horrifying crimes ever committed in the area. There was tremendous pressure to solve the case. Sixteen days and hundreds of possible suspects later, the police closed in on one 23-year-old Kirk Bloodsworth.

And the reporter then said that Robert Lazzaro was the lead prosecutor of the case, and Mr. Lazzaro is interviewed here a number of times in this transcript.

LAZZARO. We didn't have a confession. We didn't have any physical evidence.

MAGNUS. What the State did was to have two witnesses putting Bloodsworth near the murder scene, two boys ages 10 and 7. They were fishing when they saw a man walk with Dawn—

That is the little girl.

into the woods shortly before she was murdered.

LAZZARO. The crux of the case really was putting him at the scene with the girl, the two young boys.

MAGNUS. And they pegged him at 6 foot 5 and Kirk was only about 6 feet.

LAZZARO. Well, that's not unusual.

MAGNUS. They said he had blond hair. Kirk had red hair. I mean they weren't necessarily describing Kirk Bloodsworth.

LAZZARO. I understand that. But the bottom line is that they selected him independently of each other, as absolutely being the one, the person that they saw.

Lazzaro said:

Yes, I was absolutely convinced that he did it.

MAGNUS. It fit for the jury. They took only 2 hours to find Bloodsworth guilty of Dawn Hamilton's murder.

And then Bloodsworth speaking:

I was standing there. And the judge sentenced me to death for something I didn't do. And here I am and the people are applauding. I was alone. I was labeled something that's not even close to me as a person and a human being.

MAGNUS. Bloodsworth was sent to the Maryland State Penitentiary for 2 years and spent 23 hours a day in a cell just above the gas chamber.

Magnus: What Bloodsworth didn't know was that three days after his conviction, the police and prosecutors learned about a compelling possible suspect. Someone who, just after Dawn's murder, had shown up at a nearby mental health clinic * * * with, according to one witness, fresh scratches on his face. Someone who told a therapist he was in trouble with a little girl. Someone who looked like the composite. But with Bloodsworth behind bars * * * the police seemed in no rush to check out the tip.

The Baltimore County Police refused to talk to me eye to eye about the case. But we obtained the detectives' report on their only meeting with the potential suspect—David Rehill. They wrote that although he resembled the composite, Rehill was smaller than the man the little boys described. They never checked his alibi; never put him in a line-up.

What do you say to the criticism that the system closed in on one guy, with some evidence, and that everybody just stopped looking at other things that didn't fit.

Lazzaro: I would say that unfortunately that is not all that rare of an occurrence in our criminal justice system.

Since those are the words of the detective in charge of the case, I am going to repeat them.

They ought to give us a little pause.

Lazzaro: I would say that unfortunately that is not all that rare of an occurrence in our criminal justice system.

Magnus: After two years under a death sentence, Bloodsworth finally seemed to catch a break. He got a new trial on a legal technicality * * * not because of the possible suspect. In fact, although the state had known about Rehill for two years, the information was withheld from the defense until just days before the second trial. Bloodsworth's lawyers didn't have time to investigate and didn't ask for a postponement, so the second jury never heard about this potential suspect. Bloodsworth was convicted again. When evidence about Rehill finally did get to the court, it was too late. Bloodsworth was sentenced to life.

Magnus: Kirk Bloodsworth would be in prison today were it not for his persistence and the help of a lawyer of last resort. In 1989, his fifth year in prison, Bloodsworth met Bob Morin.

Morin: I walked out of the prison. And I said—this is a little scary. This kid is innocent.

Magnus: But how to prove it? Morin re-investigated and rechecked everything. Three more years went by. It looked hopeless. And then Bloodsworth heard about sophisticated new DNA tests that weren't available when he was on trial.

Magnus: A private lab analyzed the tiny semen sample. In April of this year the result came back. Bloodsworth was completely eliminated as the source of the semen. Morin called him with the news.

Magnus: On June 28, almost 9 years after he was locked up, Kirk Bloodsworth's conviction was set aside. He was free at last.

What this story seems to indicate is that it is eerily easy with a weak case to convict an innocent man.

Lazzaro: Yes. In retrospect, it is.

Let me repeat that.

Magnus: What this story seems to indicate is that it is eerily easy with a weak case to convict an innocent man.

Lazzaro: Yes. In retrospect, it is.

Not only is it possible in retrospect, it is possible prospectively too because our system of justice is fallible, because we, as human beings, are fallible.

Some proponents of the death penalty might have just heard what I read and said, well, that is terrible and tragic, but mistakes are made. Mistakes, they might say, are a cost of doing business. When trying to operate a criminal justice system in which some very bad people must be punished very harshly, I can respect that response as a response in the abstract. But I do question whether those who offer that response would make it confidently at all if Kirk Bloodsworth were not a figure in a TV program, but also their father or their brother or their uncle.

I have to believe that if they thought a member of their family was innocent, but was nevertheless sentenced to death, they would question how a justice system worthy of that name could

presume the infallibility to impose a penalty with the finality of death. I find it hard to believe that rhetoric would be as demanding or as loudly uncompromising if they thought that a member of their own family risked being executed, even though innocent, by the Government. Would a mistake then just be a cost of doing business?

Some people say, well, what about a case that absolutely—I mean how about somebody who pleads guilty to murder? I mean, you cannot make a mistake if somebody pleads guilty to murder, can you? Oh, yes, you can. You can make a mistake even then. Recently, too.

The Commonwealth of Virginia versus David Vasquez. Vasquez pled guilty to murder. Vasquez was innocent, acknowledged later by the Commonwealth to be innocent and released after serving many years in prison.

The transcript of his plea of guilty is a fascinating document. I am going to read just a portion of it.

He entered a plea of guilty with a fixed term because he was afraid that he would be found guilty and sentenced to death and did not want to take that risk. In this case, the death penalty promoted the false plea. That is one interesting part of it. That is one impact of the death penalty which is not often discussed.

But what is even more intriguing about this plea of guilty is what the officers in charge of this case testified to at the time of the taking of the plea.

Mind you, they are talking about somebody who, by the acknowledgment of the Commonwealth of Virginia recently, is totally innocent of this crime. Somebody else committed the crime. But here is what the detective in charge said at the plea of guilty, if we want to talk about fallibility and worse. Listen to this one.

The detective: Eventually he told us about a dream that he had where he described this horrible dream. Based on the information that he gave us about those dreams it lined up exactly with the murder based on the information that we had.

Question: Now, Detective Shelton, in the course of your investigation of this case, have you had occasion to consult with any physicians about the medical significance of these dreams and their contents?

Answer: Yes.

Question: What did you learn from these physicians?

Answer: That the dreams are a way to repress a crime, explain away a criminal intent, and that is a very common way of repressing this memory.

Question: OK. During the course of your discussions with him about his dreams, did he reveal to you a number of facts concerning their content?

Answer: Yes. There were facts that came up in his dream that no one on the outside knew.

Question: Would you outline very briefly, Detective Shelton, what he stated?

Answer: Yes. One of the things he talked about was the victim's hands, and he described how he put her down and in his

dreams he put her down. In fact her body was found in that position. He indicated at one point prior to her hands being tied that she was assaulted in the middle of the living room. He indicated to us that after the break in he went to the living room. That was confirmed by the position of the rope and the pubic hairs found on the rope.

Question: The position of the rope was discussed. Is that correct?

Answer: Exactly. The rope was discussed in terms of the rope lying in the middle of the living room floor. He indicated that when he came in through the window, he stepped on a hose that extended to the dryer. There are also many things discussed that were not known to anyone but us. For instance he made reference to jewelry and where it was left and that information was known only to us. He also indicated that in his dream that there were also two or three Venetian blind cords cut. That information was also known only to us.

Question: Were there three Venetian blind cords cut?

Answer: Yes.

Question: What else did he tell you with respect to rope?

Answer: He also told us in his dreams that he took the cord and wrapped the victim's hands 10 times, and that was exactly how many times her hands had been wrapped. He told us that in his dream he stood there in front of the house for several minutes prior to banging on the window. This turned out to be a fact from the information given to us.

Question: What did he indicate with respect to the purse?

Answer: He indicated that he discovered the purse at the top of the steps and he indicated to us that in his dream he emptied it out, and it was already known to us that the purse had in fact been emptied out at the top of the steps. Finally, he indicated to us that he saw something in his dream on the kitchen table. He stated what he saw was a camera. Again, this information was only available to the authorities.

That is the testimony of the detectives introduced at the time of the plea of guilty of a man who was innocent at the time he pled guilty. That was the testimony which helped persuade a court to accept a plea of guilty. That is the testimony which could not have been accurate, and was not accurate.

Yes, even people who are entering a plea of guilty can be innocent of the offense. That was a plea to murder.

This amendment which I offer on behalf of a number of our colleagues and myself recognizes our own fallibility. It imposes a harsh penalty, yet allows the criminal justice system to correct for its mistakes.

Finally, a few words on deterrence and the death penalty. Some of the people who would be subject to the death penalty under this bill face a much greater chance of death from involvement in a drug deal or a terrorist act than an imposition of the death penalty. If a greater certainty of death does not deter, how will a lesser certainty have that effect?

Second, what statistical evidence there is indicates that the death penalty does not deter on a statewide basis. As this chart indicates, the States that have a death penalty have

a higher murder rate than the States where life imprisonment is the most severe penalty that can be imposed.

In 1990, the murder rates in the States with a death penalty was 9.5. In the States without a death penalty it was 8.4. In 1992, the murder rate in the States with a death penalty had remained at 9.5. The murder rate in States without the death penalty actually declined somewhat to 7.9. But this pattern is the same as it has been for decades. The murder rate in States that have a death penalty is higher than the murder rate in the States that have life in prison as the harshest penalty that can be imposed.

Within the last couple of weeks, the district attorney in Texas, named Patrick Batchelor, raised some questions on a network news program about the deterrent value of the death penalty, as compared to life imprisonment without the possibility of release. And then we asked him if he would put his thoughts in a letter.

He wrote me the following:

Senator LEVIN, * * * I want you to understand that I firmly want the harshest punishment available to be handed out to the worst of criminals who commit these terrible murders. Having this belief and having prosecuted many capital murder cases where the death penalty was handed down, I inevitably have come to some conclusions concerning the death penalty as a punishment and as a deterrent to crime.

Then, skipping down, he said:

I feel that locking a person in a cage for the rest of his natural life with no hope of parole or ever getting out of that cage, would be a far more harsh punishment than simply putting him to sleep.

I ask unanimous consent that this letter from the district attorney of Navarro County, Patrick Batchelor, be printed in the RECORD.

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

NOVEMBER 3, 1993.

Senator CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I am writing in response to my conversation with Ms. Jackie Parker concerning my appearance in a report on capital punishment televised on the CBS Evening News a week or so ago. To clarify my position on capital punishment and the death penalty, I want you to understand that I firmly want the harshest punishment available to be handed out to the worst of criminals who commit these terrible murders. Having this belief and having prosecuted many capital murder cases where the death penalty was handed down, I inevitably have come to some conclusions concerning the death penalty as a punishment and as a deterrent to crime.

I personally feel that considering the procedure and method used presently to inflict the death penalty, it has become no different than checking into the hospital to have your appendix taken out and just not waking up from the anesthesia. I feel that locking a person in a cage for the rest of his natural life with no hope of parole or ever getting out of that cage, would be a far more harsh punishment than simply putting him to sleep.

As far as a deterrent to crime, I think most anyone looking at the crime statistics simply has to concede that the death penalty has not deterred capital murders. I say this full well knowing that there is no absolute way we can gage whether potential criminals consciously decide not to commit murder when they engage in criminal activities because of fear of the death penalty. I also can not say that a sentence of life without parole would deter capital murderers either, but I think it may be time to consider it.

If I can be of further assistance to you, please let me know.

Sincerely,

PATRICK C. BATCHELOR.

Mr. LEVIN. Mr. President, the amendment we offer imposes a very harsh penalty: Life imprisonment without the possibility of release. It imposes it for the very awful crimes that are described in the bill before us, but it does not run the risk of adding to those human tragedies where we have executed by mistake innocent persons. Until our system of justice is infallible—and it is far from that—our system will make mistakes. A death penalty mistakenly inflicted cannot be cured, unlike other mistakes in our justice system.

Life without the possibility of release, in the words of District Attorney Batchelor, is a "far more harsh punishment than simply putting a defendant to sleep." It also has the advantage of allowing our mistakes to be corrected. I yield the floor.

Mr. HATCH. How much time remains?

The PRESIDING OFFICER. The Senator from Utah controls 30 minutes. The Senator from Michigan controls 9 minutes 27 seconds.

Mr. BIDEN. Mr. President, last week I introduced an amendment to reauthorize the Court Appointed Special Advocate Programs, the Child Abuse Training Programs for Judicial Personnel and Practitioners, and the grants for televised testimony under the Victims of Child Abuse Act, a measure on which I worked with Senator REID to pass as part of the Crime Control Act of 1990. I commend both Senator REID and Senator HATCH for cosponsoring this measure.

In the past, children who were victims of abuse were often victimized a second time by our criminal justice system. The Victims of Child Abuse Act supported programs to reduce the trauma of child victims.

Through the Court-Appointed Special Advocate Program, children are assured that their interests will be adequately represented. Advocates provide for the immediate reporting of abuse, facilitate the prompt review of cases, and make recommendations for the child's best interests.

Through the Child Abuse Training Program, judicial personnel and practitioners are trained to improve the system's handling of child abuse cases. One of the main objectives is to avoid the unnecessary placement of children in foster care or institutional care.

Finally, through televised testimony, children are given a voice. Closed circuit televising and the video taping of testimony alleviate the terror that has, in the past, silenced too many of our children when forced to face their assailants in court.

These programs have gone a long way in making the system of justice more sensitive to children's needs. I am honored to have played a role in their development.

Mr. HATCH. Mr. President, I oppose the amendment offered by my colleague from Michigan. This amendment would require that capital defendants be given a sentence of mandatory life rather than a possible death sentence. It is intended to abolish capital punishment in the Federal system.

Mr. President, the proponents of this provision imply that this bill creates a Federal death penalty where none had existed before. This is not the case. There has always been a Federal death penalty. What we have lacked since the 1972 Supreme Court decision in *Furman versus Georgia*, is the constitutional procedures to allow the death penalties already on the books to be constitutionally imposed and carried out.

This bill puts in place the necessary procedures for 47 separate statutory offenses. These offenses all require murder to occur with the exception of cases involving treason, espionage, and attempted assassination.

I respect those of my colleagues who oppose the death penalty. But the people of America have spoken on the question of the death penalty. Although the death penalty statutes of 37 States were invalidated in 1972 as a result of the Supreme Court's decision in *Furman versus Georgia*, in the years that have followed 40 State legislatures have voted to adopt the death penalty. Today, 36 States have the death penalty on the books. The overwhelming margins by which the death penalties have been adopted by referendum in States like California and Illinois are also testament to the Nation's sense that this ultimate form of punishment is needed in appropriate cases.

The death penalty can be justified on several basis. First, there is retribution. Retribution embodies society's view that the most serious of crimes warrant the most severe punishment. That is also my personal view. Although I would personally use the death penalty in limited cases—and our bill prevents unfettered imposition of the death penalty—there are some crimes so brutal, so depraved, and unconscionable that justice dictates imposition of the death penalty. Some will assert that retribution should play no role in our system of justice. In response, I would note that the role of retribution in justifying the death penalty has been recognized by the Supreme Court in *Gregg v. Georgia*, 428 U.S. 153, 183 (1976).

Another justification for the death penalty is its deterrent value, both as a general deterrent and specific deterrent. No one can question its effectiveness as a specific deterrent. Murderers who are executed will clearly never kill again. Yet, there are convicted murderers who were not sentenced to death who have, either in prison or out on the streets, killed again. Had these murderers been given the death penalty, it is an undeniable fact that their second victims would still be alive.

The death penalty is also a general deterrent to crime. For some offenses this is undeniable. Consider treason, espionage, murder for hire—it is clear that the likelihood of such a crime being committed will be significantly diminished if the potential punishment includes the death penalty. This is a price some criminals will not want to risk. Finally, I believe the mere existence of the death penalty deters the commission of capital crimes generally. By associating the penalty with the crimes for which it is inflicted, society is made more aware of the horror of those crimes, and there is instilled in the citizens a need to avoid such conduct and appropriately punish those who do not.

Mr. President, more attention is given to the establishment of truth in death penalty cases than ever before. Most death penalty cases involve no claim of innocence on the part of the criminal—many confess their criminal actions and never withdraw or dispute their confession. Take, for example, the just completed trail in Virginia of Lonnie Weeks, who fatally shot Virginia State Trooper Jose Cavazos. He does not deny his guilt. In fact, he confessed to the murder and took the stand at his own sentencing and admitted guilt. His defense strategy, as in so many other cases, was to avoid imposition of the death penalty. Would those who say they oppose the death penalty because of the possibility of error, not oppose the death penalty in those cases where the defendant admits to the crimes? I doubt it.

Further, no one should be misled by the claims that the death penalty is carried out on innocent persons. I want to be abundantly clear that I do not condone the execution of an innocent person. Nor would I defend a system that does not provide appropriate safeguards against such an execution—safeguards aimed at freeing the innocent, not ending the death penalty for the guilty. It is claimed by death penalty opponents that 23 innocent people were executed in the United States. This is not true. Utah law professor and former Assistant U.S. Attorney Paul Cassell conclusively demonstrated at a recent Judiciary Committee hearing that no alleged instance of an alleged innocent person being executed has ever been proved. Mr. Cassell and former U.S. Attorney Stephen Markman authored the leading

study in this area which refutes each alleged instance of mistaken execution.

For example, take the often cited example of Joe Hill, the celebrated union organizer who, it is alleged, was wrongly executed by the State of Utah. Whatever his accomplishments as a union organizer, he was eventually convicted of a sordid murder that was not motivated by any high purpose whatsoever. He robbed a grocery store on West Temple Street in Salt Lake City, leaving the store owner and his son dead. For that reason, and no other, he was tried, convicted of murder, sentenced to death and executed.

Death penalty opponents have asserted that Joe Hill was innocent and wrongfully executed. What is the authority for this assertion? The principal source they cite to establish Hill's innocence is a book by Wallace Stegner entitled "Joe Hill: A Biographical Novel." Mr. Stegner is an author who I respect, but he is a novelist, not a historian. Even Mr. Stegner admits this in the forward of his book. He writes that the book "is fiction, with fiction's prerogatives and none of history's limiting obligations. Joe Hill, as he appears here—is an act of the imagination." This is what social scientists opposed to the death penalty cite as research? A novel.

Others will argue that the risk of executing an innocent person have been increased as a result of the Supreme Court's 1993 decision in the case of *Herrera v. Collins*, 113 S. Ct. 853 (1993). I want to remind my colleagues that the evidence in the Herrera case was overwhelming. Mr. Herrera is not an innocent man under the law. He was found guilty beyond a reasonable doubt and convicted of murdering a Texas police officer. As Justice O'Connor noted in her concurrence, "not even the dissent expresses a belief that [Herrera] might possibly be innocent." [113 S.Ct. at 871]. The case against Herrera included a deathbed declaration by his victim identifying him as the killer; a lengthy handwritten letter found on Herrera's person at the time of his arrest in which he stated that he was "terribly sorry" for crimes "that brought grief to the lives" of his victims. He even pled guilty to the murder of a second police officer.

The underlying issue before the Court in Herrera was whether the current capital sentencing schemes of the States have a sufficient array of safeguards to prevent the execution of an innocent person. The Court correctly recognized that they do. Furthermore, the Court in Herrera did leave the door open for consideration of future cases where the evidence of innocence is great and the State fails to provide a process for considering such claims after a person has been convicted.

Before I yield the floor, I want to discuss a few specific cases where the

death penalty is clearly warranted. For every misleading case cited by death penalty opponents, like the Hill or Herrera cases, there are numerous undisputed cases of depraved, heartless murders which warrant imposition of the death penalty. I believe a discussion of a few examples will demonstrate to those of my colleagues who oppose the death penalty why I, and a majority of Americans, support capital punishment.

In Ogden, UT, Pierre Selby and William Andrews robbed a hi-fi shop and in the course of their armed robbery, forced five bound victims—three of whom were teenagers—to drink cups of poisonous liquid drain cleaner. Selby also tried to force Orrin Walker, the father of one of the teenagers, to pour the drain cleaner down his own son's throat. When Walker refused, Selby attempted to strangle him to death with an electrical cord and then repeatedly kicked a ballpoint pen deep into his ear. Selby then proceeded to shoot each one of his victims in the head. Both Selby and Andrews were convicted for their crimes and received the death penalty.

In Illinois, there is the case of Henry Brisbon, the I-57 murderer. He was let off death row on a technicality. Then he turned around and murdered a prison guard. That was after having kidnapped, tortured and murdered numerous women on I-57 in Illinois.

The case of Hernando Williams who kidnapped a woman teacher off the streets of Chicago. He drove around with her in the trunk of his car for 3 days. He drove to his bail hearing for an unrelated rape charge with the still live body of his victim pounding on the inside of his car trunk. Then after forcing her to call home to say goodbye forever to her husband and children, he murdered her in cold blood.

Finally, the case of Robert Alton Harris should be mentioned. We must not forget the heinous crime Harris committed. On July 5, 1978, just 6 months after he completed a 2½ year prison term for beating a man to death, Harris decided to rob a bank in San Diego. Looking first for a getaway car, he spotted two teenage boys parked at a fast-food restaurant. Harris forced the youths at gunpoint to drive to a nearby reservoir, where he shot and killed them as they begged God to save them. Later, he ate their unfinished hamburgers.

I ask all of my colleagues, what kind of punishment is fitting for these crimes? I respect the beliefs of those who oppose capital punishment but I must admit that it is difficult for me to understand how anybody could oppose capital punishment in these cases.

These cases truly provide examples of individuals who should face imposition of the death penalty. Under current Federal law, were the Federal Government to have jurisdiction over the un-

derlying offense, the death penalty could not even be considered.

In closing, this amendment would prohibit juries from even considering the death penalty for the types of crimes I outlined above. Instead, it would provide for a mandatory life sentence. The law abiding citizens of this Nation demand action on Federal death penalty legislation, not life imprisonment legislation. They deserve to have a death penalty which will deter violent action against them and will provide swift, appropriate punishment for individuals who choose to commit heinous crimes.

For these reasons, I oppose this amendment.

Mr. HATCH. We are prepared to yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Utah has indicated a willingness to yield back the remaining time of the 29 minutes 40 seconds.

Mr. LEVIN. Mr. President, I know of no one coming to the floor at this time that wants to speak on the issue. In the absence of such folks, I will yield the remainder of my time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back.

The vote on the Levin amendment will occur immediately after the vote on the Smith amendment tomorrow, November 17.

Mr. HATCH. I ask the chair how many votes are lined up now starting at 9:30?

The PRESIDING OFFICER. Including the amendment that was just ordered, there will be total of 7 votes tomorrow morning.

Mr. HATCH. If my understanding is correct, this completes the work on the crime bill, subject to those statements in the morning and those particular amendments.

Mr. BIDEN. Mr. President, I think there is one potential outstanding amendment that remains.

Mr. HATCH. Other than Senator DOLE's amendment. Is that correct?

The PRESIDING OFFICER. Under the unanimous-consent agreement, the only amendment which is available to be offered is an amendment by Senator DOLE.

Mr. HATCH. And as I understand it, the manager's package.

Mr. BIDEN. Yes. Is that correct, Mr. President?

The PRESIDING OFFICER. Yes; that is correct.

RAPID DEVELOPMENT FORCE AMENDMENT

Mr. LIEBERMAN. Mr. President, it is time for us to recognize that the Federal Government must send more than money to our State and local officials to help them fight crime. Our State

and local police are simply overwhelmed. Criminals have the upper hand in too many cities, neighborhoods and communities across the country. The recent appeal by the Mayor of our Nation's Capital to send the National Guard, as well as the actual deployment of the Guard in Puerto Rico, are evidence enough of the extent to which local officials are desperate for Federal action.

Last week, the Senate adopted my amendment to provide the President with the authority to respond to such calls for help from local officials by declaring areas that have been particularly hard-hit by crime as violent crime and drug emergency areas. The President, with the assistance of the Attorney General, will be able to direct agencies to respond with personnel, equipment, technical, financial, managerial and other assistance, much as he is able to respond to natural disasters. I am very appreciative of the support I received from the chairman and ranking member of the committee on the amendment. I had hoped to offer a supplemental amendment that would have provided the President with a powerful additional tool with which to lead that response. Given the large number of proposed amendments to the bill and the justifiably set time agreement, my amendment has been withheld. However I am encouraged by my colleagues' interest in this issue and would like to especially thank my colleague from Massachusetts, Senator JOHN KERRY, who planned to cosponsor the amendment. Because I hope to offer the amendment at a later date, I wanted to take this opportunity to review it with my colleagues.

The amendment would have authorized the creation of a Federal rapid deployment force of 2,500 highly trained, equipped, and motivated crime fighters that would be specially designed to restore order and assist local police on a temporary basis to combat crime and violence. The rapid deployment force is a cavalry of sorts that could be dispatched, under the direction of the Attorney General, into any community in the country at the request of local authorities to provide for short-term backup for the local police force when it is confronted with a crime emergency. The unit is intended not only to assist in investigations, arrests, and prosecutions, but to participate in the patrolling of particularly hard-hit areas. The members of the unit could be drawn from existing Federal law enforcement agencies such as FBI, DEA, BATF, and the Marshals Service.

In order to ensure that this assistance is not misdirected or misused, State and local law enforcement officials would have to demonstrate that their existing resources are being organized and coordinated as effectively as possible. Local communities would be required to submit plans demonstrat-

ing the localities will take the necessary steps to prevent a rebound in the crime levels following departure of the rapid deployment force. Through these provisions, the force can be used to leverage improvements in local law enforcement.

The deployment force is designed to help a locality restore order and buy it time to organize and beef up its own anticrime and antiviolence efforts. The deployments of the force will be for limited duration to allow regrouping of local efforts. Deployment force members will be experience and highly trained, ready not only to back up local police but also to train them in the latest techniques of combating drug crime, gangs, and juvenile violence. This training role would be particularly helpful to the small and midsized cities that do not yet have sophisticated forces and are now being hit for the first time by a tidal wave of violence and crime they are not fully equipped to handle.

The case for this special unit is reinforced by recent events in my own State. Facing a particularly violent rash of gang activity in Hartford, city government and law enforcement officials launched Operation Liberty—an aggressive State and local effort to reduce violence in a number of targeted neighborhoods throughout the city. In an attempt to supplement and bolster local law enforcement efforts in dealing with this emergency, the State has provided additional police officers and other forms of tactical support sorely needed in certain areas of the city.

As a result of these coordinated efforts, citizens in affected areas are regaining a sense of security that was stripped from them by these gangs. Hartford Police Department's statistics reveal that during the first 35 days of Operation Liberty crimes against persons went down 51 percent and 38 percent in the two communities that were the focus of the patrols, as compared to the 5 weeks prior to the operation. Reported incidents involving firearms went down 64.8 percent and 61.8 percent in those two communities and 40 percent across the city.

While there will be critics of this admittedly strong medicine I am prescribing, the history of the Federal Government's role in law enforcement has been one of responding to constantly changing local needs, not—as some suggested in explaining their concerns about my amendment—a static division of authority between Federal authorities and State or local authorities. A review of the history of American law enforcement reveals what I mean.

The American law enforcement system, much like so much else in the new republic, was modeled on the system of local law enforcement in England at the time of our independence. England's system was entirely local, with a

constabulary drawn from local communities and controlled by local communities. America adopted that approach at the time it was founded. With the passage of the U.S. Constitution, a system of Federal courts and U.S. attorneys evolved for the enforcement of Federal laws. But this was a modest initial step.

Meanwhile, the pressures of industrialization and the Foreclosure Acts, which blocked access to agricultural lands, created a large, poor underclass in England with an exploding level of violence and crime. Sir Robert Peel, twice England's Prime Minister in the first half of the 19th century, saw, while serving as Home Secretary in 1829, the need for a national effort to combat what was increasingly a national problem, and so he invented Scotland Yard and the first modern police force, nicknamed the "Bobbies" from Peel's name. These new institutions evolved into a central, national force to combat crime.

America missed this step in England's movement toward national law enforcement, and the experience here with industrialization was far less painful. With a vast area to farm and occupy, and a corresponding expanding economy, America avoided England's problems of crime and violence for most of the 19th century. However, violence and crime in the Nation's huge frontier areas called for national law enforcement, with the cavalry and U.S. marshals playing a central role.

The first major step in national law enforcement in the United States came with the end of the Civil War and the early civil rights laws. To enforce these laws, the Federal Government found it necessary to establish a centralized law enforcement system dealing with what had previously been considered local issues, including voting rights, civil rights, and related violence over enforcement of these laws. The Federal Government at the time asserted the authority to establish national law enforcement and there was major growth in the Justice Department, shifting it toward a national law enforcement body. This effort was in direct response to a local problem.

With the Hayes-Tilden election and the withdrawal of Federal troops from the South, national law enforcement efforts were put on hold. However, with the post-World War I prohibition laws and the corresponding growth in organized crime, the Federal Government again asserted, in response to local needs, a national law enforcement role. The FBI was organized and expanded to combat these problems. It also took on a role fighting interstate crimes, such as bank robbery and kidnapping, that locally organized law enforcement officials could not handle.

Since this post-World War I period, the growth of national law enforcement has been steady. The Federal

Government is now deeply involved in combating drug traffic, organized crime, and the myriad of Federal crimes that come out of these areas. The FBI, DEA, AFT, and U.S. attorneys' offices are now elements in a long-established national crime effort, run centrally by the Federal Government but in cooperation with local officials.

The issue before us is not whether there is going to be a national law enforcement effort; there are many precedents for it and major elements have long been in place. The Federal Government has played an increasing role in supporting local efforts and has long been available in criminal areas for back-up and support. The Federal response to crime has always been pragmatic and flexible; one of the Nation's law enforcement strengths has been that we have avoided becoming locked into rhetoric over local or Federal control but instead have cooperated to meet local needs as they came up. The very effective Federal-State-local crime task forces continue that tradition today in numerous American cities. The amendment I would have proposed simply would have continued this ongoing historical process by making a Federal backup force available to help with local law enforcement.

More and more crime today involves drugs and weapons that are transported over State lines. Gangs are increasingly national in scope. There is substantial historical precedent for Federal action when local law enforcement needs to call on its broad Federal authority over law enforcement to help meet local needs and local crises where local officials are overwhelmed.

I note that there is very substantial protection under this proposed amendment for local law enforcement jurisdiction. First, the rapid deployment force can be used only if the chief executives of both State and local governments requested it. Second, the force would be deputized into the local enforcement agency. Third, the force would serve under overall local control, subject to a detailed command and operational deployment agreement acceptable to both State and Federal authorities. So the amendment carefully protects local law enforcement prerogatives and authority.

Mr. President, I believe that the provisions of this amendment must be enacted into law in the future if we are to send an effective signal to lawbreakers that we take their crimes seriously and are willing to fight back. The infusion of added manpower and other logistical assistance into a crime-plagued region, quickly bolsters the limited scope of local police, giving the law enforcers the force they need to use against lawbreakers. We need to adopt what we have learned from our military forces—that nothing short of overwhelming force should be brought to bear in a

battle against an enemy. That concept worked in the gulf war, and it can work in our streets if we commit ourselves to devoting the resources necessary to get the job done right.

I recognize that this amendment would have called for a significant investment of Federal resources. However, such funds as are necessary to implement this amendment could be drawn from the crime bill trust fund established by this act. We are creating in this bill some 100,000 new police positions for local communities. It seems to me that we could appropriately reserve a small percentage of these slots for a backup force which would be available as reinforcement to local law enforcement.

I believe this amendment would have been an important crime-fighting initiative. Its adoption would have gone a long way in helping to restore the public's trust and faith in government's ability to provide the security and protection to which they are entitled and deserve. I look forward to continuing the discussion concerning this amendment with my colleagues and to its inclusion in future crime control and prevention legislation.

I ask unanimous consent that the draft amendment be printed in the RECORD following my remarks.

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

At the appropriate place insert the following:

Subtitle —Rapid Deployment Strike Force
SEC. — ESTABLISHMENT.

(a) IN GENERAL.—The Attorney General shall establish in the Federal Bureau of Investigation a unit, to be known as the Rapid Deployment Force, which shall be made available to assist units of local government in combatting crime in accordance with this subtitle.

(b) ASSISTANT DIRECTOR.—The Rapid Deployment Force shall be headed by a Deputy Assistant Director of the Federal Bureau of Investigation (referred to as "Deputy Assistant Director").

(c) PERSONNEL.—

(1) IN GENERAL.—The Rapid Deployment Force shall be comprised of approximately 2,500 Federal law enforcement officers with training and experience in—

(A) investigation of violent crime, drug-related crime, criminal gangs, and juvenile delinquency; and

(B) community action to prevent crime.

(2) REPLACEMENT.—To the extent that the Rapid Deployment Force is staffed through the transfer of personnel from other entities in the Department of Justice or any other Federal agency, such personnel of that entity or agency shall be replaced through the hiring of additional law enforcement officers.

SEC. — DEPLOYMENT.

(a) IN GENERAL.—On application of the Governor of a State and the chief executive officer of the affected local government or governments (or, in the case of the District of Columbia, the mayor) and upon finding that the occurrence of criminal activity in a particular jurisdiction is being exacerbated by the interstate flow of drugs, guns, and

criminals, the Deputy Assistant Director may deploy on a temporary basis a unit of the Rapid Deployment Force of an appropriate number of law enforcement officers to the jurisdiction to assist State and local law enforcement agencies in the investigation of criminal activity. For the purposes of this subtitle, the term "State" shall be deemed to include the District of Columbia and any United States territory or possession.

(b) APPLICATION.—An application for assistance under this section shall—

(1) describe the nature of the crime problem that a local jurisdiction is experiencing;

(2) describe, in quantitative and qualitative terms, the State and local law enforcement forces that are available and will be made available to combat the crime problem;

(3) demonstrate that such State and local law enforcement forces have been organized and coordinated so as to make the most effective use of the resources that are available to them, and of the assistance of the Rapid Deployment Force, to combat crime;

(4) demonstrate a willingness to assist in providing temporary housing facilities for members of the Rapid Deployment Force;

(5) delineate opportunities for training and education of local law enforcement and community representatives in anticrime strategies by the Rapid Deployment Force;

(6) include a plan by which the local jurisdiction will prevent a rebound in the crime level following departure of the Rapid Deployment Force from the jurisdiction; and

(7) such other information as the Deputy Assistant Director may reasonably require.

(c) CONDITIONS OF DEPLOYMENT.—The Deputy Assistant Director, upon consultation with the Attorney General, may agree to deploy a unit of the Rapid Deployment Force to a State or local jurisdiction on such conditions as the Deputy Assistant Director considers to be appropriate, including a condition that more State or local law enforcement officers or other resources be committed to dealing with the crime problem. The unit shall serve under the overall control of the senior state or local law enforcement authority in the deployment area, pursuant to a clearly delineated command and operational deployment agreement reached prior to the deployment of the Deputy Assistant Director and such senior state or local authority.

(d) DEPUTIZATION.—Members of the Rapid Deployment Force who are deployed to a jurisdiction shall be deputized in accordance with State law so as to empower such officers to make arrests and participate in the prosecution of criminal offenses under State law.

SEC. — LEAVE SYSTEM.

Notwithstanding the provisions of subchapter I of chapter 63 of title 5, United States Code, the Attorney General of the United States shall, after consultation with the Director of the Office of Personnel Management, establish, and administer an annual leave system applicable to the Federal law enforcement officers serving in the Rapid Deployment Force.

SEC. — LOCATION OF UNITS AND FUNCTIONS WHEN NOT DEPLOYED.

(a) LOCATION.—Units of the Rapid Deployment Force shall be based in the nation's major regions at locations and in facilities determined by the Attorney General. Members of the Rapid Deployment Force shall receive training and education in the regional crime problems of the region where they are based. The Deputy Assistant Director whenever possible shall deploy units in the region where they are based.

(b) NON-DEPLOYMENT FUNCTIONS.—When not deployed pursuant to a deployment agreement to a locality, the Deputy Assistant Director shall use members of a unit to provide special training and education to local law enforcement agencies. To the extent Rapid Deployment Force units are not needed for deployment or training, members of such units shall be available to support ongoing regional Federal Bureau of Investigation efforts and programs, and, as appropriate, other federal law enforcement efforts, until required for deployment and training.

SEC. — AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Mr. DASCHLE. Mr. President, I am pleased to be a cosponsor of Senator DECONCINI's amendment to facilitate tribal government participation in the Cops on the Beat Program. This amendment will go a long way toward ensuring that tribal law enforcement agencies have the resources needed to address the serious crime problems facing our reservations today. As such, it is a significant addition to the crime bill.

This amendment enhances an already strong crime fighting tool. The Cops on the Beat Program is an innovative means to restore safety and a sense of security to our streets, and I commend the administration for its commitment to community-oriented policing. This concept holds special potential for Indian communities. Community policing is an idea that, given the chance, should flourish and would have a notable effect on the crime rate on Indian reservations. This amendment will help ensure that tribes have an opportunity to participate fully in this program.

The amendment will do four things. First, it will ensure that funding received by tribes under the Cops on the Beat Program does not in any way supplant or jeopardize funding received from the Bureau of Indian Affairs. Second, it will allow tribes to use federally appropriated money to satisfy the 25 percent non-federal funds requirement. This is important because tribes, like the District of Columbia—which is already covered under this provision—receive most of their law enforcement funding from Federal appropriations. Third, it will allow a tribe to submit grant proposals directly to the Attorney General, instead of submitting them first to the State. This will allow tribes to bypass the ranking process that most grant applications must undergo at the State level. Finally, this amendment expresses the sense of the Senate that tribes should receive an appropriate amount of funds under the Cops on the Beat Program.

Mr. President, it is clear that crime is reaching into the farthest corners and pockets of our society like never before. One need only listen to the statements and the stories—and even the personal testimony—given on the Senate floor in the past 2 weeks to realize that crime is touching not only

those in metropolitan areas, but residents of small towns and rural communities as well. We would be hard-pressed to find a person in America who is not touched in some way by the violence pervading our communities. This includes communities on our Nation's Indian reservations.

As a Senator who represents a number of Indian tribes, I am particularly sensitive to the need for additional law enforcement funding on reservations. I would like to briefly tell you about the law enforcement situation on one of South Dakota's reservations. The Pine Ridge Indian Reservation is located in the southwest corner of South Dakota. Pine Ridge is our Nation's second largest Indian reservation, covering an area of about 100 square miles. It has a population of over 20,000. It is also home to some of our Nation's poorest communities—it encompasses all of Shannon County, which has been listed as the poorest county in the United States in the last two national censuses. I am told that the unemployment rate on Pine Ridge is 60 to 70 percent or higher.

And yet, Pine Ridge's police force is only 100 persons strong. And this is not just police who are out on the street—it includes dispatchers, investigators, and others whose tasks are an integral part of the overall effort to combat crime. Pine Ridge is divided into nine districts, each of which has at least one community. As in so many other communities, the number of cops on the beat on Pine Ridge is not high enough. Our reservations, and Pine Ridge is only one example, are in direct need of more police on the street. The Cops on the Beat Program is an innovative attempt at addressing this need, and the community policing idea in general is one that promises to work well on reservations.

We are devoting serious effort and a significant amount of time to addressing the issue of crime. And that is as it should be. It is one of the most pressing issues facing our Nation today. The crime bill we are considering is a comprehensive and far-reaching effort to address this problem. As we debate its provision, we must ensure that no one is left out of our solution. Funding for tribal law enforcement is severely deficient, and adoption of this amendment constitutes a long-overdue step toward ensuring that the needs of tribal law enforcement agencies are not overlooked any longer. Indian communities should be given every appropriate chance to participate in this program. This amendment contributes to that objective.

Mrs. FEINSTEIN. Mr. President, I rise today as a member of the Senate Judiciary Committee to address the issue of habeas corpus reform and my strong conviction that no such reform should be effected by this Congress without complete public hearings on

the matter. There is, I believe, strong bipartisan agreement on that point.

Abuse of the writ of habeas corpus—most egregiously by death-row inmates who file petition after groundless petition—has imposed substantial burdens on already overtaxed courts and delayed properly ordered executions in case after case.

I want to see true reform achieved in this area. There are legitimate questions, however, about whether title III of S. 1607 and Senator SPECTER's legislation, neither of which have been subject to public hearings, are the best vehicles to achieve such reform. I, and many other Senators, have concluded that they are not.

I did not come to that decision lightly. This is a highly complicated issue; one that puzzles many lawyers. And habeas reform is even more difficult for a non-lawyer, like me.

Legal experts from throughout the country, and particularly from my own State of California, object strenuously to the habeas corpus reform provision in this crime bill and in S. 1657. Rather than repair a system that is now abused, they tell me that the so-called reform efforts now before the Senate will only result in more baseless appeals and more delays.

The input of these experts, Democrat and Republican alike, has been very persuasive. Before detailing what they have had to say, let me take a minute to describe one case that figures prominently in this debate and which has impacted my views on the issue.

ROBERT ALTON HARRIS CASE

On July 5, 1978, Robert Alton Harris murdered two teenage boys near San Diego, CA. Following a jury trial, he received a death sentence on March 6, 1979. His conviction became final in October 1981. Yet, Harris was able to delay the enforcement of California's capital sentence until April 21, 1992—almost 14 years later.

Over that time, Harris filed no fewer than six Federal habeas petitions, and another 10 such petitions in State court. Five execution dates were set during the pendency of his case. In all, Harris and his attorneys engineered almost 14 years of unresolved grief for the survivors of his young victims.

Against this backdrop, one of the most persuasive arguments that I have heard for striking title III of this crime bill was made in a letter to me dated October 12 from Dan Lungren, attorney general of the State of California. He wrote:

[If] Title III were in effect at the time of the Harris case, my department would likely still be litigating this case in federal court!

As Mr. Lungren underscores, the Senate must approach this issue very carefully and, indeed, guarantee that true reform is achieved.

Let me now outline what senior law enforcement officials in my State and in every corner of the country have had

to say about the proposed habeas corpus reforms in the crime bill and in Senator SPECTER's independent legislation, S. 1657.

ATTORNEYS GENERAL OPPOSED

A majority of attorneys general in the ninth circuit—the court system with 25 percent more habeas corpus reforms than the next most burdened circuit—oppose title III of the omnibus crime bill.

The attorneys general of seven jurisdictions in the ninth circuit—of 11 total—support striking title III from this crime bill. Those seven regions are: Arizona, Alaska, my home State of California, Idaho, Montana, Nevada, and the Northern Mariana Islands.

They are joined in opposition to title III by 11 other attorneys general throughout the country in: Alabama, Colorado, Florida, Georgia, Nebraska, North Carolina, South Dakota, Texas, Utah, Virginia, and Wyoming.

In total, 18 State attorneys general agree that this Congress should strike the habeas corpus provisions of the crime bill now before the Senate.

In a joint and bipartisan letter of October 29, 1993, 14 of these attorneys general wrote:

Significantly, many of the provisions contained in * * * Title III have never been debated in the Congress * * *. The legislation would also overturn or modify key U.S. Supreme Court precedent which promotes finality in our criminal justice process, including the Teague doctrine, which is essential for capital and non-capital cases. In addition, concerns have been noted over the impact of the legislation on the deterrent objective of the death penalty. All of these consequences should be carefully studied before Congress embarks down this legislative path.

I ask unanimous consent that the joint letter from which I've quoted, and similar correspondence from individual attorneys general that I have received, be printed in the RECORD at the conclusion of my remarks.

Obviously, these chief law enforcement officials want reform, but they want real reform.

DISTRICT ATTORNEYS OPPOSED

In addition to the opinions of State attorneys general, I also sought and received the advice of district attorneys, chiefs of police, and sheriffs throughout California.

Virtually every one of California's 58 district attorneys—and a unanimous board of directors of the California District Attorneys Association—oppose the habeas provisions of S. 1607.

Let me quote from the Association's Resolution of October 26, 1993:

The California District Attorneys Association Board of Directors strongly supports any motions to strike the habeas corpus provisions from the omnibus crime bill. * * * The merits of any habeas reform bill should be considered independently of other crime reform issues. The habeas provisions contained in Title III of the omnibus crime bill should not delay consideration of other anti-crime measures.]

CHIEFS OF POLICE/SHERIFFS OPPOSED

California's district attorneys are in good company. The chiefs of police or sheriffs of 24 California cities and counties spread across the State also have written to me directly to share their conviction that title III should be deleted from the bill now before the Senate. They wrote on behalf of: Baldwin Park, Costa Mesa, El Monte, Foster City, Fullerton, Glendale, Glendora, Hawthorne, Huntington Beach, Irvine, Laguna Beach, Lassen County, Long Beach, Manhattan Beach, Marysville, Montebello, Monterey Park, Pomona, Sacramento, San Carlos, San Luis Obispo, Santa Ana, Santa Barbara, and Walnut Creek.

The reason for this deep and broad concern is clear: this so-called reform will actually create exceptions and loopholes that permit endless, protracted litigation.

Although drafted with the best of intentions and care by Chairman BIDEN and Senator SPECTER, there is serious and educated doubt that title III of S. 1607 will advance the current state of the law with regard to habeas corpus.

Let me highlight three specific problems with the reforms proposed in S. 1607.

First, there is currently a one bite of the apple rule for habeas corpus petitions, according to California's attorney general.

In order for a defendant to file a second petition based on a new evidence, for example, he or she must show cause as to why the claim was not previously raised and that prejudice resulted. Alternatively, the petitioner may demonstrate that there has been a miscarriage of justice—for instance, that he or she is factually innocent or factually ineligible for the death penalty.

Under title III, however, petitioners would for the first time, have been able to present evidence related to mitigating factors in sentencing that would not have been deemed relevant or admissible when they were first sentenced, such as whether they were exposed to fetal alcohol syndrome, or parental abuse.

Thus, while the claim is made that title III would preserve the one bite rule, it actually expands the exceptions to the rule in a manner that would have allowed prisoners to file habeas petition after successive habeas petition had it become law. The exceptions would, in effect, have swallowed the one bite rule.

Second, the proposed reforms will undermine an important doctrine in habeas cases articulated by the U.S. Supreme Court in *Teague v. Lane* and refined in subsequent cases.

Today, once a judgment becomes final, the *Teague* doctrine prevents Federal courts from applying new rules of law not in effect when the defendant was convicted except in very narrow and well-understood circumstances.

Title III, as written, would expand the opportunities to apply newly announced rules to reverse State death penalty convictions. This provision also could result in prolonged habeas appeals.

Although S. 1607 is said to incorporate the *Teague* ruling, I am advised that it actually opens wide the door for newly-announced decisions to be applied retroactively.

Third, title III sets specific standards for court-appointed attorneys who must be provided to convicted felons. These standards are so strict, in fact, that fewer than 1 in 400 of California's 125,000 lawyers would meet them. As a result, this reform sets States up for inevitable lawsuits based on their failure to comply with mandated counsel qualifications standards.

Moreover, at present, there is no constitutional right or entitlement to any minimum level of counsel performance in habeas proceedings. Can Congress simply create such standards out of whole cloth? This very question will invite complicated and protracted litigation over constitutional issues and standards.

Finally in this regard, in order to meet title III's counsel requirements, California—and many other States—will be forced to spend huge sums of money to train, monitor, and provide attorneys in capital cases. Although title III provides for grants to partially defray the significant increase in the cost of capital litigation that it mandates, States must come up with at least 25 percent of the funds needed in 1994, 1995, and 1996. What's worse, the States' share of such costs will at least double to 50 percent in 1997 and remain at that minimum level every year thereafter.

Although different in several respects from title III of S. 1607, Senator SPECTER's legislation also is unlikely to reduce abuse of the Federal habeas process, according to the legal advisers that I have consulted. Let me make four key points.

First, eliminating the requirement that State prisoners must exhaust all State rights of appeal before filing a Federal habeas petition could shorten the habeas process incrementally. In so doing, however, Senator SPECTER's proposal would radically reconfigure the traditional balance of State and Federal courts' respective responsibilities.

Second, by allowing successive habeas petitions in cases in which the Supreme Court establishes new fundamental constitutional rights, S. 1657 would invite protracted litigation over the meaning of those terms and undermine the all-important *Teague* doctrine. It would be necessary to litigate, for example, what rights are fundamental, and when the Supreme Court has established such a right—rather than merely discussed, proposed, clarified, or refined an existing one.

Third, S. 1657 would require Federal courts of appeals to review second and subsequent habeas petitions before such petitions may be filed in appropriate Federal district courts. Appellate courts could permit district courts to accept such a petition only if probable cause existed that the petition satisfied the limit on successive petitions detailed in title III of S. 1607 as now written.

Interposing this additional layer of review, it has been suggested, will unnecessarily burden already overtaxed courts of appeal. Moreover, it will require courts of appeals to engage in fact-finding—an activity ordinarily reserved for trial courts at the district level.

Fourth, and finally, S. 1657 imposes time limits on district courts for ruling on habeas petitions. While that time is short on its face, the loopholes left in the provision for delay could swallow the rule. The provision thus, I fear, will not accomplish its objective.

Clearly, I have strong technical objections to the habeas corpus provisions of S. 1607 and S. 1657, based on extensive consultation with law enforcement officials throughout California and the Nation.

Before concluding, however, I also want to stress that we also must not ignore the human cost of abuse of the habeas corpus process, particularly by death row inmates. Each time there is a new petition filed in such cases, the families of the victims of brutal crimes must relive the tragedy that put the petitioner behind bars often years before. Many organizations, formed to support the victims of violent crimes, have spoken out strongly against the habeas corpus reform contained in S. 1607. Let me name a number of them:

Citizens for Law and Order, Oakland.
California Correctional Peace Office Association, Sacramento.

Justice for Murder Victims, San Francisco.

Memory of Victims Everywhere, San Juan Capistrano.

Crime Victims United, Sacramento.
Victims and Friends United, Sacramento.

Leagues of Victims and Empathizes (LOVE), Tarpon Springs, FL.

VIGIL, Round Rock, TX.

Organized Victims of Violent Crime, Madison, TN.

The Joey Fournier Anti-Crime Committee, Boston.

Citizens for a Responsible Judiciary, Apopka, FL.

Survivors of Crime, Essex, VT.

Victims of Crime and Leniency, Montgomery, AL.

Survival, Inc., Saultillo, MS.

Citizens Against Violent Crime (CAVE), Charleston, SC.

Speak Out for Stephanie Overland, KS.

Citizens for Truth in Punishment, Willis, TX.

Justice for Surviving Victims, Denver, CO.

Advocates for Survivor of Victims of Homicide, Walls, MS.

Clearly, then, there is a strong body of thought—among attorneys general, district attorneys, chiefs of police, sheriffs, and victims rights organizations—that the habeas corpus reforms contained in the crime bill and in S. 1657 present substantial and real impediments to the States, would not truncate successive habeas appeals, and would create substantial confusion and litigation.

By moving precipitously, and without benefit of further public hearings, the Senate risks unsettling hundreds of final judgments reached in criminal cases across the country. With 376 prisoners on death row in California, and 99 of the 105 pending ninth circuit habeas petitions in my State, that is simply not a risk that I am willing to take.

In conclusion, that is why I am grateful for my colleagues' unanimous consent to strike title III of the crime bill and urge them to oppose the pending legislation.

Mr. BIDEN. Mr. President, I thank everyone for their cooperation. I realize the hour is late. As the Senator from Utah has indicated, there is only one potential remaining amendment, the amendment of the Senator from Kansas, the Republican leader. Other than that, there is only final passage.

I thank everybody for their cooperation.

Mr. HATCH. Mr. President, I thank everybody for their cooperation. It has been an ordeal for everybody. But it also is turning out to be the finest anticrime bill in history. We hope we can complete it tomorrow.

MORNING BUSINESS

Mr. BIDEN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

RECENT VIOLENCE IN KASHMIR

Mr. LEAHY. Mr. President, I want to speak today about recent events in the Indian State of Kashmir along the India-Pakistan border. Since 1989, Moslem separatists there have fought a bloody war for independence from the Hindu-dominated Indian Government. Since the Indian Government first sent troops to the area in an attempt to defeat the rebels and restore order, there have been persistent reports of widespread human rights violations by both sides.

In recent weeks, a serious conflict with possible international ramifications has developed in the city of Srinagar in Kashmir. Reports indicate that separatist leaders were dem-

onstrating outside of the Hazratbal Mosque, the holiest mosque in Kashmir, when Government troops fired on them. More than 200 men, women, and children are trapped in the mosque with little food and few medical supplies.

The Indian Government says its troops originally surrounded the mosque to capture armed militants who were inside. The Government also says that it is attempting to negotiate a settlement and that the separatists in the mosque have threatened to blow it up if the Government forces do not leave. The Kashmiris say that the mosque is occupied by civilians who sought shelter on the way back from their pilgrimages. Some journalists in the area report that there are few, if any, militants inside.

Demonstrations against the Government siege have also turned bloody. When people in the nearby town of Bijbehara organized a march to the mosque to protest the Government's actions, Indian troops reportedly attacked them, firing indiscriminately on the crowd. The massacre left nearly 40 dead and 200 wounded.

The events in Kashmir have elevated tensions between India and Pakistan. The Indian Government holds the Pakistani Government accountable for supporting Kashmiri terrorists, while the Pakistanis accuse their neighbors of anti-Moslem actions.

Mr. President, while neither India nor Pakistan has threatened the other directly, the potential for this recent violence to escalate cannot be ignored. I urge the State Department to do everything possible to help bring about a peaceful end to this latest dispute.

NOTABLE QUOTABLES

Mr. HELMS. Mr. President, from time to time I offer for the RECORD a biweekly compilation of the latest outrageous, sometimes humorous, quotes from the liberal media. That description is not original with me, it is how the Media Research Center in Alexander describes its biweekly publication, Notable Quotables.

I ask unanimous consent that the November 8, 1993, issue of Notable Quotables (Vol. Six, No. 23) be printed in the RECORD at the conclusion of my remarks.

Mr. President, this publication serves the much-needed and very important purpose of puncturing the two-legged hot-air balloons who dominate much of the major media in Washington. These are journalists, broadcasters, and others who quote each other's impeccable wisdom, as they see themselves, and all of them busily and viciously attack every public figure with whom they disagree. They falsely blame all of America's problems on Ronald Reagan and George Bush; they ridicule every conservative in sight—and they never

worry about falsely accusing any of their philosophical adversaries.

A couple of examples: Bryant Gumbel of NBC's "Today" show, has a reputation for being unable to keep his roving hands off women with whom he comes in contact. Yet he presents himself as a defender of women and made slurring remarks about Senate votes in the Packwood matter.

Then there is a young woman on one of the Saturday night talk shows who has locked jaws—open. She outshouts anybody else on the show's panel—especially anyone who takes a position contrary to her various leftwing fixations.

Anyway, Mr. President, I believe a great many Senators and others may enjoy the November 8 issue of Notable Quotables.

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

NOTABLE QUOTABLES, NOV. 8, 1993

NEWSWEEK PUNDITS ON THE ELECTION: WHOOPS

"Florio will win substantially. Whitman's offer of a 30 percent tax cut, she lost all credibility. Last year's hustle doesn't work. Supply-side economics is dead."—Newsweek reporter Eleanor Clift, October 16 McLaughlin Group.

"Whitman tried a Ronald Reagan rerun and proposed a 30 percent tax cut. The lost revenue could be made up by cost-saving devices, such as no longer giving free Adidas sneakers to prison inmates. A decade after Reagan, New Jersey's voters aren't buying government by apocryphal anecdote."—Clift in Newsweek, October 25.

"I think actually there's a big national consensus developing on a lot of things. People are for some limited gun control* * * to the point where in Jim Brady, the former White House press secretary, went up to New Jersey, he's a Republican, he went to New Jersey this week to campaign for the Democrat, Jim Florio, because he's for gun control. Florio's gotten on the right side of the issue."—Newsweek Washington reporter Howard Fineman on CNN's Late Edition, October 24.

L.A. FIRES REFLECT SOCIETY'S NEGLECT

"One of the fires was started by a homeless man trying to keep warm. It represents the strains in our society, from neglect to the nihilism, the 'burn, baby' nihilism of people who actually go and start fires like this."—Eleanor Clift, October 30 McLaughlin Group.

ECONOMIC GLORY YEARS OF THE '70S?

"Adjusted for inflation, average hourly earnings show a startling picture. Income growth has been trending down for more than a decade* * * it wasn't always like this. There were glory years for the American paycheck, from 1947-1979, with the peak hitting in 1973* * * The U.S. economy shows some signs it may be perking up. Experts say, though, that it would have to continue for at least 2 or 3 years before the American paycheck could start returning to the glory years of the 1970s."—Ray Brady, October 29 CBS Evening News.

DUMB KIDS: REAGAN'S FAULT

"Ronald Reagan began the push for a constitutional amendment limiting taxes; Proposition 13 succeeded in 1978, slashing property taxes 57 percent. The state's schools have never recovered."—U.S. News 7 World

Report Senior Editor Miriam Horn in the 60th anniversary section, October 25.

CONNIE: FOR MORE THAN ONE HILLARY

"If each person is unique, do we really want to make copies? And whom would we make copies of? It's horrifying to think of anyone having that kind of power. But since we're on the subject, here goes. Howard Stern? We think one is more than enough. Paul Newman? He's clone-able. Ross Perot? He seems to be everywhere as it is. Hillary Rodham Clinton? Mmm, year."—Connie Chung discussing cloning on Eye to Eye, October 28.

CLINTON'S FREE MARKET HEALTH PLAN

"Woven through the 1,300-page health plan is a liberal's passion to help the needy, a conservative's faith in free markets and a politician's focus on the middle class."—Washington Post Reporters Steven Pearlstein and Dana Priest, October 28.

VALIANTLY DEFENDING HER MISCONCEPTION

Julie Johnson, Time Washington reporter: "I live in the Maryland suburbs, but I've been working in the city for eight years. I've never heard that gun ownership is illegal in the District of Columbia."

Cragg Hines, Houston Chronicle: "It is." Bil Eaton, Los Angeles Times: "Except by permit."

Johnson: "By permit—but that's owning. I mean you can own a gun that's permitted."

Hines: "But I believe D.C. has one of the toughest gun control laws . . ."

Johnson: "Well, but that is not the same. I think we should be clear as saying it is illegal to own a gun in the District of Columbia—that is not a true statement."—C-SPAN's Journalists' Roundtable, October 22. (Since 1977 it has been illegal for anyone but a law enforcement officer to obtain a handgun in D.C.)

WHY NO COVERAGE OF CLINTON'S VIEWS ON GAYS IN '92?

"We're liberal. When Clinton says he'll fight for gay rights or rescind the ban (on gays in the military), we're hearing something that doesn't sound outlandish to us at all. In fact, it sounded reasonable. It sounded fair."—Knight-Ridder Washington bureau editor Vicki Gowler, quoted by former Knight-Ridder reporter Carl Cannon in the premiere issue of Forbes Media Critic.

TIME: STILL PLUGGING GAS TAX HIKES

"When Clinton's 'Climate Change Action Plan' finally debuted last week, environmentalists could muster only faint praise . . . there were two major omissions: the plan does nothing to raise auto fuel-economy standards, and it contains no energy-tax hikes to boost conservation."—Time Associate Editor Michael D. Lemonick, November 1.

SPEAKING OF "USUAL SUSPECTS" . . .

"The usual suspects lined up with Packwood—Alan Simpson, Jesse Helms, Arlen Specter, et cetera. Will they be hurt by a vote Patty Murray tried to characterize as a with-us-or-agin-us women's rights vote?"—Today co-host Bryant Gumbel on the Packwood diaries vote, Nov 3. (In her book inside today, former Today producer Judy Kessler charged Gumbel with feeling for women's bras and making cruel remarks.)

NEVER MIND CHINA, NORTH KOREA, VIETNAM . . .

"No. 3-rated CBS This Morning said Monday that its sending rising star Giselle Fernandez to Cuba to broadcast live Nov. 3 through Nov. 5. Fernandez . . . will report on conditions from the world's only communist

state."—USA Today's Inside TV" section by writer Peter Johnson, October 26.

A JONESTOWN IN EACH OF US?

"But on Law and Order they do have inner cerebral lives of the richest complexity. Their scars glow in the dark. Watch Chris Noth at the shocking end of Wednesday's episode. Look at Moriarty's face. It's not just that all the craziness in the world can't be blamed on fundamentalist Muslims or Shining Path or Khmer Rouge. But Jonestown and My Lai are everywhere. It's also that there's a Jonestown in each of us."—CBS Sunday Morning TV critic John Leonard, October 31.

RATHER'S WEATHER

"Unlike the Santa Ana winds fueling the flames in California, look what the wind blew in here today in Texas. It may not be much, but the first snow of the season, and record cold dropping into Texas panhandle. Down here we call it a blue northern, nothing between Houston and a barbed white fence—the North Pole."—Dan Rather on the October 29, CBS Evening News.

JOHN MEDLIN: BANKING'S PROBLEMS CAUSED LARGELY BY SOCIALIZED PUBLIC POLICIES

Mr. HELMS. Mr. President, it is scarcely necessary for anyone to emphasize the obvious fact that bankers of North Carolina have proved to be national and international leaders. I have heretofore discussed some of them in terms of their achievements. Today I invite Senators who will take note of a significant address by John G. Medlin, Jr., at the U.S. Bankers Forum 1993 meeting in Chicago on October 20.

John Medlin is chief executive officer of the Wachovia Corp. in Winston-Salem. I have watched his splendid career beginning years ago when he first became an officer of Wachovia Bank & Trust Co.

Mr. President, John Medlin has always espoused sound, conservative economic policies. His speech in Chicago was another instance of his preaching the sound economic doctrine. For example, note this comment:

The fortunes of banks are determined over time largely by a combination of public policies, economic conditions, and management capabilities. The convergence of shortcomings in all of those areas during the past decade caused extraordinary strains and failures in the financial system of the nation.

The genesis of these problems can be found to a great extent in socialized public policies which weakened private enterprise disciplines.

Mr. President, John Medlin's Chicago speech was filled with sound advice and legitimate warnings. As always, the text of his remarks is well worth reading and I therefore ask unanimous consent that the entire text be printed in the RECORD at the conclusion of my remarks.

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

REMARKS BY JOHN G. MEDLIN, JR.

It is an honor to address this conference at the initiation of my good friend, Bob Bennett. He asked me to speak about the secrets

behind the steady profitability and growth of Wachovia. I have some discomfort with that assignment.

Success in banking is very perishable. The experiences of the past two decades suggest that in our profession it is best to avoid bragging when things have gone well. Disquietingly often, yesterday's heroes become today's has-beens.

Also, I must confess there are no particular secrets to Wachovia's success. If so, we probably would reveal them to our competitors. We simply try to excel in the practice of sound fundamentals. Frankly, it's pretty dull stuff which does not make an exciting presentation at banking conferences.

Therefore, I would like to broaden my comments to include some observations about the underlying nature and the environmental challenges of banking. Then, I will review the basic philosophies and strategies of Wachovia.

The fortunes of banks are determined over time largely by a combination of public policies, economic conditions, and management capabilities. The conference of shortcomings in all of those areas during the past decade caused extraordinary strains and failures in the financial system of the nation.

The genesis of these problems can be found to a great extent in socialized public policies which weakened private enterprise disciplines. Federal deposit insurance was both a blessing and a curse. It prevented financial panic, but also permitted unsound and uneconomic institutions to develop and grow rapidly without adequate management, capital, or regulatory supervision.

Economic conditions also caused problems for banking. Two decades of runaway federal spending and deficits destabilized the financial system and debilitated the economy. Much prosperity was borrowed from the future as an explosion of debt enabled American to spend much more than they earned and consume much more than they produced. Repayment began as higher risk loan portfolios encountered a stagnating economy, and credit problems accelerated.

The managements of banks and thrifts can't blame all their problems on bad public policy or poor economic conditions. They failed to exercise sufficient private sector restraints and disciplines to protect against the excesses of government. Sound principles were ignored in the pursuit of growth. Competition in laxity permeated the marketplace. We often let our weakest and most reckless competitors set the prevailing standards for credit and pricing practices.

Nevertheless, most banks were able to survive even while the thrift system failed. Those which maintained sound credit standards and strong capital ratios did well even while meeting liberal terms to keep good customers. However, the reemergence in recent months of unsound credit practices and uneconomic pricing suggests that some bankers still have not learned their lesson.

It is important to remind ourselves occasionally that banking serves a vital, public-utility-like function in our economic system. A banking charter gives special privileges and imposes sacred responsibilities. We must not forget that it is granted by the people who expect us to safeguard their deposits and to lend them money for worthy purposes. This places both limits and demands on the risks which can or should be taken with the public's savings.

By nature, banking operates on thin margins and modest capital which afford little cushion for asset risks. For most institutions, credit losses of two to three percent

will eliminate profits and shake confidence, and problem loans of six to seven percent can wipe out equity capital and cause insolvency. This illustrates the critical importance of careful and skilled risk management.

Banks are supposed to be a source of strength and comfort and not a cause of anxiety and weakness in times of adversity. Their function is to buffer credit, funding, and settlement risks in financial transactions rather than to increase such exposures. In order to serve as a profitable intermediary, a bank must be able to obtain funds at lower rates than its borrowers. Today, some borrowers can get money at cheaper rates than their banks.

Banking is more a qualitative art than a quantitative science. Despite many technological advances and financial innovations, it still is a highly personal process of people serving and trusting people. Rapid growth in banking often leads to trouble. Long-term success is more likely to be achieved by expanding at a manageable pace and maintaining high quality standards.

Banks should be managed as if there were no discount window for liquidity, no regulators for examination, and no deposit insurance for bailout. These are not intended to be substitutes for proper management and adequate capital. It is amusing that some of the most passionate advocates of free enterprise are so dependent on the financial safety net of government.

Financial institutions can't expect much help from the economy in the foreseeable future. Our nation still is in the throes of adjustment from the excesses of times past. The favorable effects of lower inflation and interest rates are being moderated by the enlarged debt burden, layoffs from restructuring, a decline in young adult population, and stifling regulation. These factors are restraining growth in employment, income, spending, and credit.

Despite these obstacles, the economy appears likely to continue growing moderately for the near term. However, the outlook is clouded by the enactment of large tax increases, the relentless growth in federal spending, the persistence of large budget deficits, and the prospect of even more government.

Meaningful and sustained improvement cannot be expected in the fragile American economy as long as the role of government grows and taxes rise as a percent of GDP. Federal spending is on a collision course with financial reality. Our nation needs to turn back toward an economic system motivated and disciplined more by market forces and less by government. Otherwise, our living standard and social order are likely to deteriorate further in the years ahead.

In this decade, the success of banks will depend as much on control of operating expenses, reduction of credit losses, and improvement of risk compensation as on business growth. There will not be a strong economy or a willing Congress to bail out careless management, liberal lending, or excessive costs.

While the credit losses of the financial system have declined, the level of problem assets and weakened institutions remains high by historical standards. The worst should be over until the next episode of economic and financial distress which probably will come within the next three to four years. Meanwhile, lingering credit problems will continue to haunt some banks and thrifts.

The sharply sloped yield curve of recent times is a mixed blessing for banking. It has

widened interest spreads but also is causing an outflow of consumer savings seeking better returns. This could lead eventually to increased money costs and funding problems for lesser quality institutions without strong credit ratings and ready access to wholesale financial markets. The inevitable rise in short-term rates will narrow margins for the week and the strong.

Other banking challenges include more stringent laws and regulations which make it more difficult and expensive to serve customers. This is a cost of protection by the federal safety net which also protects weak competitors, breeds excess capacity, and encourages uneconomic credit and pricing practices.

Also, there is a growing need for banks to offer a wider variety of more sophisticated services for customers such as corporate finance and consumer investment alternatives like mutual funds. In addition, more complex and expensive technology is essential to be competitive and efficient. Getting behind in these areas can make survival as difficult as having a bad loan portfolio.

Thus, the climate for financial institutions in the nineties is dramatically different from the seventies and eighties when exceptional business growth spawned extensive branch networks to provide convenient customer service. Consumer savings flooded into banks and thrifts because of rate deregulation, a relatively flat yield curve, and a big jump in deposit insurance coverage. Rapid expansion of debt created abundant loan and investment opportunities.

The expensive branch-oriented service infrastructure of most banks may not be affordable or appropriate to meeting many needs and preferences of customers in the nineties. In a sluggish economy with anemic loan and deposit growth, different business strategies are required for banks to compete successfully with other intermediaries which have much lower costs and broader services.

An example of those other financial intermediaries is Merrill Lynch, which has over \$500 billion of customer "deposits" in various forms. It offers banking services like checking accounts and loans as well as a wide variety of investment alternatives. But, it has relatively few convenient offices, does business mainly by telephone, fax, and mail, and doesn't have to worry about FDICIA, FIRREA, CRA, bank examiners, or the cost of deposit insurance.

Bank branches are not needed now for many services which traditionally have been provided there. For example, automobile, credit card, or home mortgage loans, which comprise the vast majority of consumer debt, can be originated and processed more efficiently and effectively in large volume at central locations. Also, branches are not essential to make deposits or get cash, which can be handled by automated clearing houses or teller machines, nor for most commercial banking, corporate finance, or investment services.

Strategically located branch offices will remain a vital element of the banking service delivery system, but they must do more than take deposits, cash checks, and make an occasional loan to justify their costs. I suspect the years ahead will bring a steady decline in the number of banks and retail branches as excess and unprofitable capacity is rationalized and eliminated.

To summarize the tough challenges faced by bankers: They must clean up the problems from the past and cope with increasing competition in a slow economy and a business with overcapacity; they must become

more efficient and reduce costs while providing broader services and investing in technology; and they must maintain credit quality and interest margins in a marketplace where lending practices and risk compensation already are deteriorating again.

How does the management of banking overcome those challenges? That question must be answered based on individual circumstances, but I will share with you some thoughts on the approach of our organization.

Wachovia strives to be a banking company which is prepared for all seasons. Its guiding principles and basic strategies remain the same in difficult or easier times. Our steadfast approach is to pursue progressive business strategies but within the disciplines of sound financial principles. The emphasis always, in order of priority, is on soundness, profitability, and growth.

Equal importance is placed on business development, risk management, and cost control. This requires maintaining careful balance among the marketing, credit administration, funding management, and operations functions. Our goal is to have above-average loan growth and fee income, at least average net interest margins, and below-average credit losses and operating costs. Mixed with capable and caring people, that is the basic recipe for excellence in banking.

Our top priority emphasis on soundness causes some to characterize us as conservative. In reality, we are creative but disciplined entrepreneurs who have good loan growth as well as excellent credit quality. It is possible for us to sell more aggressively and lend more safely because our bankers are better trained and more skilled in evaluating and managing risk. That is especially important in a slower growing economy which requires more determined business development efforts but is less forgiving of marginal credit judgments.

Other key strategies are to provide superior customer service, to develop broad and enduring relationships, and to avoid excessive concentrations of business and risk. Technological and operational excellence and financial strength and flexibility also are top priorities. Our ultimate goal is to maximize shareholder value by building steadily an annuity-like stream of higher quality and more dependable profits which deserve a premium price-earnings ratio.

Wachovia has long experience in operating banks across a wide geographic area. Our first offices outside Winston-Salem were established in 1902. By the 1970's our branch network had been expanded gradually to cover most of North Carolina from the mountains to the seashore. Statewide branching has been good for the state and has bred a strong and highly competitive banking system.

Since the advent of interstate banking in the Southeast during the mid-eighties, Wachovia has acquired leading banks with branches across neighboring Georgia and South Carolina. That has enabled us to stay big enough to afford modern technology and to compete effectively with larger institutions while being small enough to maintain Wachovia's special character and qualities.

Modern and uniform systems are absolutely essential today to realize the economies and provide the services needed to have a competitive and profitable interstate banking network. The South Carolina branch automation system was converted recently, and when the integration is completed there early next year, Wachovia will have common systems across its entire interstate banking network.

Wachovia will consider additional acquisitions of banks in other southeastern states whenever they can enhance per-share earnings and market value. This must take into account the cost to bring an acquiree up to our high standards of personnel professionalism, operational excellence, and credit quality as well as possible synergies and expense savings. Also, are must be taken not to pay too much for branch banking networks supported heavily in the past by lower cost consumer deposits which today are migrating to higher yield media.

Wachovia started twenty years ago adjusting its retail banking strategies to evolving changes in technology, demographics, and financial services. In 1973, we launched our Personal Banker program to build broader and closer relationships with customers as automated systems and nonbank competition began emerging. Personal Bankers are well trained in handling general banking and credit needs and sufficiently knowledgeable of other services to make prospect solicitations and referrals to specialized businesses of the company.

Simultaneously, a comprehensive retail accounts information system was developed to provide Personal Bankers with the full relationship data and profile needed to serve customers and solicit new business. Shortly afterward, automated banking machines were installed to handle routine transactions. Later, a computerized telephone capability was added for customers to obtain account information and effect routine transactions like account transfers and stop payments. Also, there has been heavy emphasis over the years on getting large employers to use automatic deposit of payroll to reduce branch traffic and costs.

Our objective has been to achieve the best possible combination of high-tech and high-touch to enable customers to use more cost-effective and convenient self-service electronic banking for routine needs but to have someone for them to contact when they require or desire personal assistance. That has necessitated a substantial investment in personnel training and systems development.

Most of our Personal Bankers still are located in full services branches, but increasingly they operate out of other less expensive offices convenient to customers without the traditional teller line and cash vault. The branch office remains important, but it is less critical to our retail banking strategy as more business is done by telephone, banking machine, or computer terminal.

Major specialized business lines such as automobile finance, credit card, discount brokerage, home mortgages, and investment services are marketed and provided centrally. Substantial referrals also are generated for these areas through the relationship management and development efforts of Personal Bankers.

Recent initiatives have materially enhanced the competitiveness and efficiency of key consumer credit services. A reassessment three years ago of credit card pricing suggested that the days of high fixed rates were numbered. A lower prime plus 2.9 percent variable rate option was introduced in 1991 and since then has been an effective generator of new accounts and loan outstandings from more creditworthy cardholders while competitors lost market share.

Consolidation last May of the sales contract-buying branches of our automobile finance group into one center quadrupled from twelve to fifty the number of loans a dealer credit officer could decision each day. Since then, the volume of loans generated has

grown nicely with considerably fewer people. Concentration of home mortgage origination into one center also has produced better efficiency, service, and volume. Most of our nine percent growth in loans compared to last year has come from the credit card, auto, and home mortgage areas.

For individuals wanting a better return on their savings, Wachovia offers a full array of direct investments in federal, state, and local government securities through its Bond and Money Market Group which is the largest underwriter and distributor of North Carolina tax-exempt issues. We also advise and market a variety of debt and equity mutual funds. More personalized investment management is provided through Trust Services. The Personal Bankers who quarter-back customer relationships hand off many referrals to those areas.

Wachovia is well advanced in making the transition from a retail banking network dominated by branches to a more efficient and effective marketing and delivery system which offers customers multiple options. The combination of our Personal Bankers, specialized businesses, modern systems, and branch offices gives us a powerful capability for selling and providing competitive and quality service.

These are a few examples of Wachovia's efforts to maintain profitability and growth in consumer financial services. Similar illustrations can be provided for corporate banking and other areas of the company. Complacency is not one of our vulnerabilities. The winds of change blow freely across our company, but we also have a good record of resisting risky fads and passing fancies.

The years ahead will even more severely test the skills of bank managements. The marketplace will be unkind to those who forsake sound principles or fail to adjust to the profound changes under way in their business. I appreciate the chance to share these thoughts and welcome any questions you may have.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at \$4,459,587,095,853.55 as of the close of business yesterday, November 15. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is exactly \$17,362.

WESTERN RESOURCES WRAP-UP

Mr. CAMPBELL. Mr. President, I ask unanimous consent that an important story by a dedicated reporter from my state be included in the RECORD immediately following my statement.

Western Resources Wrap-Up provides many Colorado citizens, decision makers and opinion-leaders with the information they need to do their jobs well and contribute knowledgeably to their communities. The article, by veteran reporter Helene C. Monberg, details the problems a small community high in the Colorado Rockies has encountered in trying to get action on long-standing environmental dangers resulting from sloppy mining practices and abuses of the past 100 years and more.

It is not only the environmental problems that worry Leadville citizens,

however, but bureaucratic headaches they're experiencing getting them cleaned up.

Recently, I worked with Chairman JOHNSTON of the Energy and Natural Resources Committee to make sure appropriations legislation expressly includes language ensuring that funds are available to move forward on clean-up efforts in Leadville.

The Superfund site in Leadville deserves the full attention of the Environmental Protection Agency and other agencies of the Federal Government to finally move this thing along. Like my friend, Helene Monberg, I want assurances that real, concrete action is being taken and that we can soon expect noticeable progress and cooperation with the community on cleaning up this site. Both of us will be following the case closely to ensure that finally, the people of this mountain community see a resolution to this problem.

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

WESTERN RESOURCES WRAP-UP

(By Helene C. Monberg)

WASHINGTON.—Mayor Robert J. Zaitz of Leadville, Colo., (pop. 3200; elevation 10,152 feet above sea level) is fed to the teeth with the way the Environmental Protection Agency (EPA) is handling the Superfund site in Leadville. "It's a scandal," he charged.

After 11 years, he told Western Resources Wrap-up (WRW) in telephone interviews on Sept. 16 and Sept. 21, "EPA is still studying the health problems here. EPA hasn't even been able to determine whether the mine dumps in the area pose a health risk," said the exasperated Leadville native, whose family name is synonymous with Leadville.

Currently EPA is completing research under the direction of a University of Michigan researcher to determine whether lead in cookie dough is "biodegradable," which means whether it poses a health hazard to children, Zaitz said. According to EPA studies, about one out of every five children in Leadville has lead levels above normal in his/her blood. By law that is a concern to EPA.

So EPA and its research team conceived of the idea of feeding cookie dough with various levels of lead in it to baby pigs to determine whether lead entered their bloodstream. "Just because kids are exposed to lead doesn't mean it's a problem. It must enter their bloodstream to be harmful. That's what this swine study is all about. By feeding small doses of lead to these animals EPA hopes to learn how much is being absorbed by the young children in Leadville," Paul Day, an environmental specialist, told Channel 4 in Denver on Sept. 6. Too much lead in one's bloodstream puts kids at risk of developing learning disabilities and may cause reduced hand-to-eye coordination and diminished IQ, according to the Centers for Disease Control. Why use pigs, as uncommon Leadville product? "We felt they would be a good animal model for young children," according to Professor Bob Peppenga, who is working on the study. This study has now moved into the brain-dissecting stage to find whether the piglets were damaged by the lead fed to them in their food, Zaitz told WRW.

Kids in Leadville, like kids everywhere, eat dirt from time to time. Zaitz and other

Leadville residents claim they know no kids who ever developed disabilities due to being exposed to lead in Leadville. Tammy Everett told Channel 4, "My grandparents used to live in California Gulch," in the heart of the Leadville Superfund site. As children, "they played in the tailings and stuff . . . and there's been . . . no problem. They haven't had any poisoning," she observed. Zaitz said that blood levels in kids in Leadville have gone down recently because many Leadville mothers have made eating dirt a no-no for their kids, have insisted on them washing their hands after playing outside, and no longer feed their kids locally grown root vegetables. "I still eat locally grown vegetables, and I'm 63, but that probably doesn't prove anything," Zaitz told WRW.

Along with EPA's piglet-lead study, Zaitz questions a lot of the other actions that EPA has taken (or has not taken) in the name of clean-up. He told WRW:

All 23 miles of Leadville have been put in the Superfund site, but it excluded the Leadville drainage tunnel on federal land.

The U.S. Government doesn't want to be stuck with any clean-up costs itself, although it directly generated much of the mine waste. He recalled that the feds cracked the whip during World War II. Uncle Sam insisted that the mines and mills in the Leadville mining district work overtime to produce vitally needed ore for the war effort. Miners were exempt from the draft. But the feds now have a lapse of memory on that count, he said.

EPA tries to push clean-up costs on "anyone with deep pockets." It does so regardless of their degree of liability, he charged. So the mining companies and others have gone to court or are trying to negotiate settlements with the feds to limit their liability.

Very little on-the-ground clean-up has taken place, but lawyers have cleaned up personally in handling the legal disputes that have arisen over the Leadville Superfund site. "Superfund is a lawyer's paradise. It's a Garden of Eden for lawyers," Zaitz charged. "They (both EPA and industry) use lawyers to try to intimidate us up here in Leadville, but they don't," he claimed.

EPA is considering a proposal to have all landowners in town remove 18 inches of top soil from their yards because of its potential lead and other metal content. Such an operation would not only be costly but "where would you put the dug-up soil?" Zaitz asked.

EPA officials, lawyers and other professionals dealing with Superfund speak in gobbledegook, and Leadville officials and residents don't know what they are talking about. Their reports are written in technical terms and go unread because they are so difficult to read. "Then EPA complains because their reports go unread," he said.

EPA uses only soil samples to establish the health hazards at Leadville. "They don't consider lead paint or lead pipes," he said. "They expect the soil to be clean enough to eat," Zaitz noted.

Because of Leadville's designation as a Superfund site, real property values in the town have dropped sharply. For example, his house in the prime residential area in town is only valued at \$50,000 in the current market, even though its true value sans Superfund site designation would be well over \$100,000, Zaitz said.

EPA expects the town and county to maintain any work done in the area under Superfund even though Leadville is just holding its own financially, and Lake County is "nearly broke," as mining is minimal in

the area now. EPA has insisted on fencing part of the area. This has prompted the local residents to call EPA "Eco-Nazis." They have put up a sign on the fence reading "East Berlin Wall-EPA." About that time Zaitz asked this WRW writer, a Leadville native, to check why it has taken so long for EPA to move ahead on this Superfund site.

Denise Link in EPA's Denver office told WRW on Sept. 16 she agreed with Zaitz that progress has been painfully slow in Leadville. "It is frustrating," she said. But she did note, and Zaitz agreed, that EPA had successfully gotten ASARCO Mining Company to build a filter plant at a cost of \$13 million and the Bureau of Reclamation has built a filter plant at the Leadville drainage tunnel at a cost of about \$6 million. The Bu/Rec plant would be more effective if it also received water from Stray Horse Gulch, a heavily mined area, but EPA hasn't suggested that because of its cost to the feds, Zaitz said. EPA's Eleanor Dwight told WRW on Sept. 21 she was writing a letter to Zaitz detailing that an "agreement in principle" had been reached.

She said it was arrived at on July 16 between EPA, and ASARCO, Newmont, Resurrection, and Hecla mining companies and D&RGW Railroad regarding their liability under Superfund, under the supervision of the U.S. District Court in Denver. She said EPA hoped the details could be worked out in a couple of months.

OPPORTUNITIES FOR PARENTS

Mr. HATFIELD. Mr. President, on June 16th of this year I introduced Senate bill 1118, legislation calling for increased participation of families in the education of their children as one of the national goals for education. I know my colleagues share my view that not only are parents critical to improving our national education system, they are the key to ensuring their children's success in school. I was impressed recently to read in the Washington Post of specific programs in place in Fairfax County where moms and dads are back in class voluntarily learning how to improve their children's education skills. These kinds of programs represent the vision embodied my legislation and thus, I ask unanimous consent that the article of November 10 entitled, "For Parents, an 'Itsy-Bitsy' Problem" be placed in the RECORD following my remarks.

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

FOR PARENTS, AN "ITSY-BITSY" PROBLEM

(By Jane Seaberry)

The dozen or so students listened intently as Fairfax County librarian Yvette Kolstrom read a story about an elephant that liked smashing cars. Then, as some of them giggled, they learned how to make paper train conductor hats and yellow and black school buses.

When the class on songs, rhymes and stories about cars, trains and planes ended, student Jerry Marterella was ready to rush out and buy the book, "The Little Engine That Could." Marterella, of Centreville, is a computer company executive and 44 years old.

In fact, everyone in Kolstrom's recent Fairfax County class was an adult, most of

them parents over 30 eager to have someone tell them the right songs, games and books to use to teach their young children.

Marterella's wife, Katherine, said she needed ideas to help her organize time with their daughter, Kristen, 23 months, so that during the day "at least I'm focusing on something and not ignoring her."

"I'm just trying to get her ready for school," added Katherine Marterella. "I think it's a lot more competitive world today."

Parents in the Washington area increasingly are signing up for classes on songs, books and crafts for young children being offered by public agencies and private day-care centers, a reflection of what specialists say is an intense search for parenting skills.

At a time when many adults have delayed starting families—older parents increased by nearly 70 percent nationally in the last decade, according to census figures—the classes help parents remember long-forgotten tales and jingles.

Many parents are too busy with careers to think creatively about how to play, so the classes provide an easy and organized way to be imaginative, child-care providers say.

"It's a quest for knowledge, this thing of the '80s and '90s. Parents want to be better prepared than they are," said Sandy Booth, a program specialist with the Parenting Education Center in Fairfax. "I doubt my parents ever read a book on parenting. I've read them. I want to be a better parent."

In Fairfax, classes at the public library teach parents to help children do art projects and sing songs and rhymes about trains, trucks, dinosaurs, clothes and other subjects. Many parents are as serious about correctly reciting "Itsy-Bitsy Spider" as they are about their careers.

At some sessions, parents with clip-boards and expensive leather briefcases stuffed with craft ideas studied finger-painting. Others in business suits sat cross-legged in a circle on the floor learning to sing, "If you're happy and you know it clap your hands."

Some private day-care centers, such as Cheska's Creative Children's Centers Inc., in Reston, have their own parents programs.

Sessions in which parents were taught songs and rhymes were second in popularity only to classes at the center on "How to Discipline Your Child," said Cheska Gosnell, the center's owner.

In Bethesda, the Bethesda Country Day School doesn't offer classes, but songs that children learn sometimes are sent home to parents along with a monthly newsletter describing other rhymes and stories.

Last month, the "Five Little Pumpkins" song was sent home "so the parent will know the words the child is singing," teacher Cindi Dixon said. "The parents really enjoy having the words to the songs."

Nursery rhymes and games are important, child specialists said, because they help children develop language, math skills and motor skills.

"You want children to be able to be good thinkers, high thinkers," said Azalee Harrison, owner of the Child Care Institute in Silver Spring, which trains teachers for day care centers.

"It's being playful and singing and being connected," said Sandra Stith, director of the Marriage and Family Therapy program at Virginia Tech, Falls Church campus. "Nursery rhymes are a way throughout history parents have connected with kids."

Springfield mother Alexandra Masterson, 37, said she attends classes regularly because she has forgotten some crafts and songs her

mother taught her. In addition, she said, she doesn't think she is as imaginative as her mother.

"A lot of this is handed down" generation to generation, Masterson said. "But I have no family here. I don't know how to do these things."

Gosnell said that many parents at her day-care center told her "they don't remember how to really get down and play anymore. They get down in the corporate world and they don't know what's appropriate to play."

So four years ago, she started father's night.

"They do the activities the preschoolers do," Gosnell said. "I had dads jumping on the trampolines, doing kids aerobics, making chocolate pudding look like it was dirt . . . but it was edible."

At other sessions, Gosnell said, parents "sit around like [at] a campfire and sing songs."

She said old-fashioned ditties are still popular, but some songs from yesteryear, such as "Row, row, row your boat" are considered boring by children today. Older parents particularly go to Gosnell for help because they feel they are out of step and don't know the newer songs that children prefer, she said.

In the Fairfax library program, parents recently learned to make collages and block prints, and to do fingerprinting and sponge printing.

Kolstrom demonstrated how to make a construction paper frame to highlight children's art. The group of about 50 women "oohed" and "aahed" in approval.

Then she began painting red, blue and yellow splashes with a roller on paper. "It was really a lot of fun to do and it wasn't hard," Kolstrom told the mothers. "It will make [children] feel they were really painting."

A popular exercise was making an elephant using patchwork squares to complement a book titled "Elmer," about a multi-pigmented pachyderm.

"Yesterday I wanted to do something and I was in slump. I couldn't think of anything," said Gale Minnich, a medical technologist from Annandale in her thirties who has a 4-year-old daughter. "Tomorrow I'm joint to cut out lots of squares and get 'Elmer.'"

IMPLEMENTATION OF THE CLEAN AIR ACT AMENDMENTS OF 1990

Mr. LIEBERMAN. Mr. President, I have had the privilege of serving during this Congress as Chairman of the Environment Committee's Subcommittee on Clean Air and Nuclear Regulation. We held four hearings on specific issues relating to implementation of the Clean Air Act, including the non-attainment provisions, small business assistance, clean cars and the acid rain trading program. The full committee also held a broad oversight hearing. The report released yesterday by Senators BAUCUS, CHAFEE, and myself, "Three Years Later: Report Card on the 1990 Clean Air Act Amendments," summarizes the conclusions and recommendations from those hearings.

When fully implemented, the Clean Air Act Amendments of 1990 will bring about a reduction of approximately 57 billion pounds annually of air pollution. But whether this number will be achieved hinges on faithful implementation of the law.

The report raises serious questions about whether the law's promise to provide healthy air as expeditiously as practicable to all Americans will be fulfilled. It gives EPA some low grades for its implementation of the act and offers some constructive criticism of the States. The principal problem areas are in the timely adoption, review and approval of State implementation plans, the advancement of the low emission vehicle, and the abatement of air toxics. Despite some of the strong warning signals raised by this report, I am optimistic that EPA Administrator Browner will review our recommendations in the report and, together with the States, will act on them.

In order to achieve the promise of the act, EPA must effectively manage the SIP review and approval process. Yesterday, November 15, 1993, our Nation's most polluted areas—including the State of Connecticut—were required to submit plans to EPA demonstrating that they will achieve a 15-percent reduction in emissions of volatile organic compounds, one of the major contributors to ozone, by 1996 from 1990 levels. These plans are the single most important requirement in title I of the act dealing with nonattainment and one of the most important requirements in the entire law. In the past, without firm interim requirements, deadlines for meeting health-based standards were simply not met.

The report calls on EPA to assign the highest priority to reviewing today's submittals and to working with the States to correct any deficiencies in these SIP submittals. Unfortunately, EPA does not have management systems in place to assure that this will occur. Our report calls on EPA to adopt and implement such systems immediately.

The automobile is the most significant contributor to smog and carbon monoxide pollution. The emission reductions that can be achieved from cleaner cars are critical to the efforts of States to reduce pollution. Instead of developing and promoting these cars, U.S. automakers have been spending their time in court fighting the efforts of States to adopt cleaner cars. Until recently, as addressed in this report, EPA had failed to provide adequate assistance to States—particularly those in the Northeast—seeking to adopt California's clean car programs.

The report recommends that EPA play a leadership role in supporting State efforts to adopt the California car and gives EPA very low marks for its failure to do so over the last three years. Last week, EPA took an important step forward by filing a brief in support of New York State's efforts to adopt the California program. I was encouraged by this positive action.

The air toxics program is stalled. The administrator should make fundamental decisions on the approach to setting

the technology-based standards and the staff should carry out the broad directions expeditiously.

As the report indicates, in the areas of acid rain and stratospheric ozone depletion, EPA has done an excellent job. At a hearing the Subcommittee held last month on acid rain, I was particularly pleased to learn that the market-based program is achieving reductions in an earlier timeframe and at a lower cost than anticipated. We need to harness the forces of the market to improve environmental protection wherever appropriate.

EPA has the talent and leadership—and the support of the President—which should enable it to perform well in ALL areas of the Act.

The cause of many of the problems with implementation of the act does not rest with Administrator Browner. The last Administration's Council on Competitiveness and OMB delayed issuing many regulations or pressured EPA to issue inadequate regulations. Congressman HENRY WAXMAN, chairman of the Subcommittee on Health and Environment of the House Energy and Commerce Committee and one of the principal authors of the amendments, filed a lawsuit in June 1992 (amended in November 1992) against EPA for missed statutory deadlines under the last administration. He cited 86 areas missed statutory deadlines. In the Subcommittee's hearing on implementation of Title I, State and local officials sharply criticized both the timeliness and adequacy of a number of key Bush administration regulations or proposed regulations.

The work recommended in the report is important and urgent. When I came to the Senate 5 years ago, one of my top priorities was to be involved in enacting a strong new Clean Air Act. Connecticut has the unfortunate distinction of being the only state where the air quality in the entire State is designated as being in noncompliance with the health-based standard for ozone. The State is a victim of emissions from nearby states and acid rain transported from other parts of the country. Tests taken several years ago show that the rainfall in the State is among the most acidic in the Nation.

Air pollution is an insidious threat to human health. It invades our lungs, and it does so from the day we're born until we die. And more and more evidence points out that a lot of people are dying a lot sooner than they should because of the air they breathe. I have visited St. Francis Hospital in Hartford and heard about the pain, suffering and heartache caused by air pollution directly from Dr. Thomas Godar, former president of the American Lung Association, who threatens the victims of air pollution.

Since enactment of the law in 1990, the scientific evidence on health effects from air pollution has shown it to

be even worse than originally thought. At one hearing the Subcommittee held, we learned that recent studies show that 50,000 to 60,000 premature deaths a year are caused by pollution from small, respirable airborne particles known as particulate matter which are emitted without violating the current standard. We also heard strong evidence that the current ozone standard is not adequate to protect the public health.

The Committee also has heard disturbing testimony about the adverse health effects from toxic chemicals released into the environment, particularly effects in the offspring of the generation exposed to the chemicals.

Pollution controls will cost American businesses and consumers some money, to be sure. But the States are working hard to develop the most cost-effective strategies, and they need greater assistance from EPA in this effort. The law requires EPA and States to implement a special program to assist smaller businesses in carrying out the requirements in the most cost-effective manner possible and in adopting pollution prevention approaches so they can avoid regulation altogether. The Report contains recommendations on how EPA can do a better job in this program. The Clean Air Act and the 1991 transportation legislation also provide sources of funding for the States to implement many of these programs. The report finds that the States are not using some of this funding in the manner intended by Congress—to implement Clean Air Act programs. EPA and the Department of Transportation need to provide greater direction to the States.

But those who cite the economic costs associated with implementing the Clean Air amendments need to be reminded that failure to implement the act effectively also costs money—some estimates are as high as hundreds of billions of dollars in health care costs each year. The report recommends that EPA actively work with the States in educating the public about the consequences of failure to implement various control measures. Everyone needs to be reminded about the suffering behind the doors of St. Francis Hospital.

It is not exaggeration to say that in the next year the Nation will have a good sense of whether the law's promise of healthy air will be fulfilled. Twenty-three years ago, the law first required that States and EPA meet national ambient air quality standards and regulate emissions of air toxics. The American public deserves to have the law's requirements finally fulfilled.

As chairman of the Clean Air Act and Nuclear Regulation Subcommittee, I will be continuing the in-depth oversight of the implementation process we started this year.

LAW DAY SALUTE TO AMERICA'S LAW ENFORCEMENT PROFESSIONALS

Mr. HOLLINGS. Mr. President, late on the evening of November 10, the Senate by unanimous consent adopted my amendment to S. 1607, the anticrime bill, to officially designate May 1, 1994 as Law Day, U.S.A., with an express emphasis on saluting the work of America's law enforcement personnel. This amendment stands on its inherent merit. However, it is all the more pertinent given the extraordinary reliance the anticrime bill places on the cop on the beat. The bill will contribute to fielding some 100,000 new police officers in communities across this nation, and it will build 10 new regional Federal prisons to keep criminals off the street. It is only appropriate, therefore, that we designate May 1, 1994 as a special day to salute the front-line service of these professionals in America's war on crime.

Heretofore, Mr. President, the purpose of Law Day has been defined somewhat vaguely as a day to celebrate justice under the law, to advance equality, and to encourage respect for law. My amendment preserves this tradition, but seeks to sharpen the focus of Law Day as a day of salute to our Nation's law enforcement personnel—the men and women who protect our lives and property, patrol our roadways, and staff our correctional facilities.

Bear in mind, Mr. President, the law's presence is perhaps most immediate and profound on the police officer's beat and in the jailhouse. This amendment gives special recognition to America's constables, sheriff's deputies, police officers, detectives, wardens and correctional officers. Truly, these men and women stand as the first-line defense of our laws and of our civil order. They are devoted to their jobs, tireless in their efforts, and often underpaid for their efforts. Moreover, their jobs are inherently dangerous. Even on seemingly routine assignments, these public servants put at risk their own safety in order to guarantee the safety of others.

Of course, we all honor those who have fallen in the line of duty as law enforcement officers. But let me be clear: First and foremost, my amendment seeks to salute the living. America owes these men and women an incalculable debt—a debt not of dollars, but of gratitude and deep respect. It was an honor to sponsor this amendment. I appreciate my colleagues' strong, bipartisan support in writing it into law.

THE ASYLUM PROBLEM

Mrs. KASSEBAUM. Mr. President, I offered with Senator SIMPSON an amendment to the crime bill (S. 1607) to stem the flow of aliens seeking political asylum and to return to the

original intent of the asylum law. I appreciate my colleagues' adoption of this amendment and their future support of these reforms. The flood of asylum claims has swamped the system. The backlog of asylum cases is increasing at the average rate of 10,000 to 12,000 per month. Last March, the total backlog of cases was close to 200,000. Today, only 7 months later, the total is an astounding 340,000.

Who are the people that are seeking asylum? In about 14,000 cases last year, asylum was sought immediately upon arrival at airports and other ports of entry. However, this compares to over 100,000 applications last year from persons who had lived and worked in the United States for some time. Often, they were here illegally and sought asylum only to avoid deportation.

In fact, political asylum is the magic phrase for hundreds of thousands of aliens whose claims are simply not meritorious. Yet, these aliens are given a work permit and, due to the backlog of cases and the many layers of appeal, they can plan on years of residency in the United States. This practice distorts the original intent of the asylum law and is unfair to American workers and taxpayers. It is difficult to explain to constituents why this abuse is allowed to continue.

My amendment, which was the result of discussions with the Department of Justice, the Department of State, Senator SIMPSON, and other members of the Judiciary Committee, declared that our asylum policy today should be what the law originally intended. When the Refugee Act of 1980 was written, the intent was to protect aliens who, because of events occurring after their arrival here, could not safely return home. The amendment declared further that persons outside their country of nationality who have a well-founded fear of persecution if they return should apply for refugee status at one of our refugee processing offices abroad. Finally, the amendment called for reform of our immigration, refugee, and asylum laws to correct the current problems.

We are faced with an enormous backlog of cases and a whole process that is in disarray. The current abuse mocks and perverts the intent of the Refugee Act of 1980. Returning to the original intent of the law is the logical way to address this problem.

THE NAFTA DEBATE

Mr. DASCHLE. Mr. President, the debate on the North American Free-Trade Agreement, or NAFTA, has been a hot one, to say the least. It has been characterized by deeply-held feelings and strong rhetoric—on both sides of the argument. And throughout this process it has often been difficult to separate fact from emotion.

I noted a headline in this morning's newspaper that proclaimed, "Ameri-

cans Are Split on Trade Accord, Poll Finds." What struck me about the ensuing story was not so much that this nationwide poll found Americans in a statistical dead heat over the merits of NAFTA, but rather what it says about the depth of public understanding of the nature and implications of the agreement.

The article relates that:

If the measure is described as one that would create jobs in the United States, most of those who say they are opposed switch sides. Similarly, when NAFTA is described as a pact that would result in a loss of jobs, most supporters become opponents. Such a change in information can shift the responses to 85 percent either in favor of, or opposed to, the agreement.

This poll reinforces my sense that this is largely an interest group debate. And that is not, by definition, bad.

What it does mean, however, is that it is particularly important for individual Members of Congress to independently evaluate the arguments and information presented by interest groups, including the administration, and reach an independent judgment as to what is best for their constituents and the country.

That is what I have tried to do.

I have asked questions of those who are experts and are deemed impartial. On most issues, I have obtained satisfactory answers—not iron-clad assurances, but satisfactory and thoughtful responses.

I have also learned that we will never know all the facts about NAFTA until it takes effect. That is not a reason to vote against the agreement. It is just a fact.

I understand the concerns of those who fear the agreement could hurt U.S. workers, and I do not discount those concerns. However, most economic studies conclude the nation will gain more jobs than it loses from trade with Mexico under NAFTA.

I have also heard eloquent arguments and reviewed statistical data that indicate that NAFTA makes economic sense for our country and presents a strategic opportunity to strengthen America's economic and political base in our own hemisphere.

In the final analysis, NAFTA will provide a definite and comprehensive schedule for eliminating Mexico's barriers to trade. When NAFTA is fully implemented, U.S. producers of commodities and other products and services will be able to sell freely in the Mexican market—and will be able to do so without having to locate there. With some 90 million consumers in Mexico, NAFTA will provide a boost that our economy needs. That can only have a positive effect on employment and wages in our country.

There are also several aspects of NAFTA that I would like to change. None is so fundamental that it would cause me to alter my general sense of what is the right thing to do. There are

probably as many desired changes to the agreement as there are members of Congress—maybe more.

Again, that is not a reason to vote against the agreement. It is just a function of negotiating and finalizing a trade pact among nations.

I hope that, when all is said and done, the American people will realize that NAFTA is an issue over which reasonable and thoughtful men and women—those who truly wish to do what's right for their country—can differ.

Many of my concerns about NAFTA have been shared by others, including the impact of the agreement on U.S. workers and on the environment. The Administration has not only made a good faith effort to provide assurances on these issues, it has taken concrete action on them.

I have concluded that NAFTA will increase employment in our country, not decrease it. This is a real opportunity for job growth that we should not miss.

To be sure, there will be some job losses, and the Administration's proposal for worker retraining will help alleviate the pain that some U.S. workers undoubtedly will experience due to NAFTA. While that pain is no small consideration, the job losses from NAFTA are expected to be only a small fraction of the dislocation currently experienced annually through corporate down-sizing and other factors.

I have also looked more deeply into the question of whether a significant number of companies will decide to move to Mexico as a result of NAFTA. In light of the lack of infrastructure, delivery systems, supplies, educated workers and the like in Mexico, I simply cannot agree with those who envision a mass exodus of United States corporations.

In fact, there is evidence that the lowering of Mexican tariffs and other import restrictions will enhance the ability of U.S. businesses—especially small businesses, which do not have the capital to move south—to remain in the United States while selling their products in the Mexican market.

On the environment, I am convinced that NAFTA not only will enable the United States to maintain its strict standards, but also will provide leverage for encouraging Mexico to enforce its environmental laws more forcefully.

In the course of the debate on NAFTA, I have also raised specific concerns about the agreement. Specifically, I have been concerned that approval of NAFTA might lock in unfair Canadian practices with respect to wheat. These practices have enabled Canada to gain 75 percent of the Mexican market in wheat and have increased concerns about Canadian wheat entering United States export programs.

I have also sought assurances that NAFTA's rules of origin will be strictly

enforced. These rules are designed to clearly identify the origin of goods and ensure that countries that are not parties to NAFTA are not able to illegally avail themselves of its benefits.

Finally, I have raised questions about our ability to maintain and enforce sanitary and phytosanitary standards for animals, plants, and other food products crossing our borders.

I and a number of my colleagues have negotiated with the White House on these matters. Those negotiations are complete and, I am pleased to say, have been successful.

In a letter released today, the President has committed to requesting the International Trade Commission to initiate in 60 days an investigation under section 22 of the Agricultural Adjustment Act as to whether Canadian imports are threatening our wheat program. This investigation is required before sanctions can be imposed. Unless the Canadians agree to make concessions before that time, the section 22 investigation will begin.

The legislation that will implement NAFTA under U.S. law, which Congress will begin voting on tomorrow, already contains a provision that will require end-use certificates on wheat entering the United States. The President has further committed to instructing the Secretary of Agriculture to act quickly on this requirement and to make certain that it is effectively administered. This should ensure that foreign agricultural commodities do not benefit from U.S. export programs.

With respect to enforcement of NAFTA's rules of origin, U.S. Trade Representative Mickey Kantor has committed in writing to working closely with members of Congress to ensure vigorous enforcement of those rules, so that illegal transshipments do not occur. The incidence of illegal transshipments, as well as the adequacy of food inspection under NAFTA, will be monitored as a result of an amendment I sponsored to the NAFTA implementing legislation.

That amendment requires the Secretary of Agriculture to report to Congress annually on these matters, so that Congress can respond quickly and appropriately if problems arise over the 10-year period during which most NAFTA benefits are phased in.

We are at a critical turning point in the post-cold war period. The United States like many other countries, is facing serious economic problems. We can turn inward, or we can seek to take the next, albeit risky, step of swimming with the tide of global trade.

We cannot ignore the fact that Mexico is our third-largest trading partner. We must continue to break down the sea walls of trade restrictions, as other have done and as we have been a leader in doing in the past.

NAFTA is also the right thing to do. This is not a case of United States

opening its markets in hopes that others will follow suit. The United States barriers to trade are already low, while Mexico's average tariff is several times higher than ours. We are saying that we are willing to eliminate what little barriers we have for a wide-ranging commitment on the part of our neighbor to the south to completely open its markets.

It is with all of these points in mind that I will vote for the North American Free-Trade Agreement.

HON. DAMON J. KEITH

Mr. RIEGLE. Mr. President, today I rise to pay tribute to the Honorable Damon J. Keith, an extraordinary individual and one of the great jurists in our Nation's history.

A native Detroit, Judge Keith was appointed to the United States Court of Appeals for the Sixth Circuit in 1977 with my enthusiastic support. He had earlier served on the U.S. District Court for the Eastern district of Michigan—as a U.S. District Judge for 40 years, and later as Chief Justice of that court.

Throughout his career, Judge Keith has distinguished himself by single-minded devotion to public service, outstanding civic leadership, a passionate commitment to the principles of equality and civil rights, and a rock-solid, unwavering defense of the Constitution of the United States.

In recognition of Judge Keith's dedication to upholding the United States Constitution, Chief Justice Warren Burger appointed him Sixth Circuit Chairman of the Committee of the Bicentennial of the Constitution in 1985. Two years later, Chief Justice William Rehnquist named him national chairman of the Judicial Conference Committee on the Bicentennial. In 1990, President George Bush appointed him to the Committee on the Bicentennial of the United States Constitution. Judge Keith's leadership in planning the celebration of this milestone in U.S. history earned him richly deserved national recognition and acclaim.

In 1992, the National Bar Association honored Judge Keith with its highest distinction, the C. Francis Stratford Award. The State Bar of Michigan has also recognized his accomplishments. In 1991, the Association honored him with its Champion of Justice Award. The Michigan State Bar also declared his decision in *United States versus Sinclair*,¹ which involved wiretapping, as Michigan's Fifteenth legal milestone. Judge Keith has also been awarded the Martin Luther King, Jr. Freedom Award from The Progressive National Baptist convention, and the Thurgood Marshall Award from the

Wolverine Bar Association among many other awards.

Earlier this month, Wayne State University announced the establishment of the Damon J. Keith Law Collection. The first of its kind, the Keith Collection will house historical documents, personal papers, photographs, and memorabilia of African-American lawyers and judges, as well as important legal records. It will be a priceless archive for students and scholars now and in the future.

Judge Keith is a graduate of the Wayne State University School of Law and Howard University Law School. He holds more than 20 honorary doctorate degrees from prestigious colleges and universities throughout this Nation.

Judge Keith is a courageous, compassionate champion of justice who has earned the respect and admiration of all who know him.

On November 20, 1993, the Detroit Chapter of the National Lawyers' Guild will hold a tribute dinner to honor Judge Damon Keith.

I am very proud to add my voice to those honoring this distinguished jurist, tireless public servant, and true fighter for justice, the Honorable Damon J. Keith.

A TRIBUTE TO LT. GEN. JEAN E. ENGLER

Mr. WARNER. Mr. President, I rise today to pay tribute to an outstanding Army officer, Lt. Gen. Jean E. Engler, who passed away on November 10, 1993, at the age of 84.

General Engler began his military career as an enlisted soldier in 1928. Ten years later he was appointed to the U.S. Military Academy and began his career as a bright, young military officer.

During the 41 years General Engler served his country, he proved to be a valiant and able soldier. He rose to the position of Commanding General of the U.S. Army in Japan and served in that position from 1961-63. From 1966-67, he was the Deputy Army Commanding General of Logistics in Vietnam. His decorations included four Distinguished Service Medals, two Legions of Merit, a Bronze Star, and an Air Medal.

After retiring from the Army, General Engler continued to serve the military community by becoming involved with several military organizations. He was the executive vice president of the American Ordnance Association and the Defense Preparedness Association. He also was the Chief of Staff of the Military Order of the World Wars.

General Engler was a dedicated officer who was committed to the mission of our military. He will be sorely missed by those who were privileged to serve with him.

¹ *United States v. Sinclair*, 321 F. Supp. 1074 (E.D. Mich. 1971).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Zaroff, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of January 5, 1993, the Secretary of the Senate on November 15, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 142. Joint resolution designating the week beginning November 7, 1993, and the week beginning November 6, 1994, each as "National Women Veterans Recognition Week."

MESSAGES FROM THE HOUSE

At 3:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 881. An act to prohibit smoking in Federal buildings.

H.R. 1137. An act to amend the Geothermal Steam Act of 1970, and for other purposes.

H.R. 2559. An act to designate the Federal building located at 601 East 12th Street in Kansas City, MO, as the "Richard Bolling Federal Building."

H.R. 2620. An act to authorize the Secretary of the Interior to acquire certain lands in California through an exchange pursuant to the Federal Land Policy and Management Act of 1976.

H.R. 2868. An act to designate the Federal building located at 600 Camp Street, in New Orleans, LA, as the "John Minor Wisdom United States Courthouse."

H.R. 3186. An act to designate the United States courthouse located at Houma, LA as the "George Arceneaux, Jr., United States Courthouse."

H.R. 3286. An act to amend the act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and for other purposes.

H.R. 3318. An act to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single occupancy motor vehicles.

H.R. 3321. An act to provide increased flexibility to States in carrying out the Low-Income Home Energy Assistance Program.

H.R. 3356. An act to designate the United States courthouse under construction at 611

Broad Street in Lake Charles, LA, as the "Edwin Ford Hunter, Jr., United States Courthouse."

H.R. 3445. An act to improve hazard mitigation and relocation assistance in connection with flooding, to provide comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes.

H.R. 3485. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995 and 1996.

S.J. Res. 129. Joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, VA, to honor the 270 victims of the terrorists bombing of Pan Am Flight 103.

The message also announced that the House has passed the bill (S. 433) to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 654. An act to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations.

S. 1490. An act to amend the United States Grain Standards Act to extend authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such act, and to improve administration of such act, and for other purposes.

S.J. Res. 19. Joint resolution to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.

H.J. Res. 79. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994, as "National Family Week."

The enrolled bills and joint resolutions were subsequently signed by the President Pro Tempore (Mr. BYRD).

MEASURES REFERRED

The following bills were read and referred, as follows:

H.R. 2559. An act to designate the Federal building located at 601 East 12th Street in Kansas City, MO, as the "Richard Bolling Federal Building"; to the Committee on Environment and Public Works

H.R. 2868. An act to designate the Federal building located at 600 Camp Street, in New Orleans, LA, as the "John Minor Wisdom United States Courthouse"; to the Committee on Environment and Public Works;

H.R. 3186. An act to designate the United States courthouse located at Houma, LA, as the "George Arceneaux, Jr., United States Courthouse"; to the Committee on Environment and Public Works;

H.R. 3356. An act to designate the United States courthouse under construction at 611

Broad Street in Lake Charles, LA, as the "Edwin Ford Hunter, Jr., United States Courthouse"; to the Committee on Environment and Public Works;

H.R. 3445. An act to improve hazard mitigation and relocation assistance in connection with flooding, to provide comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes; to the Committee on Environment and Public Works; and

H.R. 3485. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1994, 1995, and 1996; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 16, 1993, he had presented to the President of the United States the following enrolled bill:

S.J. Res. 142. Joint resolution designating the week beginning November 7, 1993, and the week beginning November 6, 1994, each as "National Women Veterans Recognition Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1753. A communication from the Secretary of the Senate transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from April 1, 1993 through September 30, 1993; ordered to lie on the table.

EC-1754. A communication from the President of the United States, transmitting, pursuant to law, a notice of extension of the national emergency with respect to the proliferation of chemical and biological weapons; to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 286. A bill to reauthorize funding for the Office of Educational Research and Improvement, to provide for miscellaneous education improvement programs, and for other purposes (Rept. No. 103-183).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

H.R. 856. A bill to improve education in the United States by promoting excellence in research, development, and the dissemination of information.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 1659. A bill to amend the Law Enforcement Officers Protection Act of 1985; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1660. A bill to establish the Great Falls Historic District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURENBERGER (for himself and Mr. PELL):

S. 1661. A bill to amend the Occupational Safety and Health Act of 1970 to provide for uniform warnings on personal protective equipment for occupational use, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WOFFORD:

S. 1662. A bill to amend the Housing and Community Development Act of 1974 to increase the maximum amount of community development assistance that may be used for public service activities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. DODD, Mr. COHEN, Mr. CHAFEE, Mr. COATS, Mr. GLENN, Mr. GRASSLEY, Mr. HEFLIN, Mr. INOUE, Mrs. KASSEBAUM, Mr. LAUTENBERG, Mr. LEVIN, Mr. REID, Mr. SASSER, Mr. SHELBY, Mr. WARNER, Mr. WELLSTONE, Mr. METZENBAUM, Mr. JOHNSTON, Mr. WOFFORD, Mr. SIMON, Mr. DURENBERGER, and Mr. HATCH):

S.J. Res. 151. A joint resolution designating the week of April 10 through 16, 1994, as "Primary Immune Deficiency Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. D'AMATO, Mr. MOYNIHAN, Mr. HELMS, Mr. LAUTENBERG, Mr. DODD, Mr. WOFFORD, Mr. BRADLEY, Mr. MITCHELL, Mr. SASSER, Mr. FORD, Mr. LIEBERMAN, Mr. LEVIN, Mr. PELL, and Mr. KERRY):

S. Res. 165. A resolution to state the sense of the Senate with respect to the compliance of Libya with United Nations Security Council Resolutions; to the Committee on Foreign Relations.

By Mr. BROWN:

S. Res. 166. A resolution to express the sense of the Senate that all able-bodied Federal prison inmates should work and that the Attorney General shall submit to Congress a report describing a strategy for employing more Federal prison inmates; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 1659. A bill to amend the Law Enforcement Officers Protection Act of 1985; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS PROTECTION ACT
• Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill that would

amend the Law Enforcement Officers Protection Act of 1985. In 1986, the Senate passed that legislation by a vote of 97-1. The act made it unlawful to manufacture or import armor-piercing ammunition. President Reagan signed the bill into law on August 8, 1986.

As I said in 1986, cop-killer bullets have no place in the arsenal of any sportsman or law-abiding citizen. They have only one purpose—to injure or kill police officers, Federal law enforcement officers, or even Presidents when they are wearing bullet-proof vests. The Senate has the responsibility to protect the Nation's law enforcement officers.

We did this in 1986, and must do so again now. It has recently come to our attention that a Swedish-made bullet, the M39B, does not fall under the 1986 prohibition because of its composition. The M39B is a 9mm round capable of piercing the soft body armor worn by police because it has a thick steel jacket surrounding a lead core—rather than the hard projectile core in other armor-piercing rounds.

The Bureau of Alcohol, Tobacco, and Firearms [BATF] supports a ban on the M39B, which would be limited to this kind of ammunition only. The Fraternal Order of Police and the Federal Law Enforcement Officers Association have also endorsed this legislation.

We need this bill to protect our police officers. We cannot stand idly by, waiting for the day when M39B bullets fall into the hands of criminals. That day has not arrived yet, but it will if we fail to act. We must ban the M39B now.

Mr. President, I ask unanimous consent that the text of the bill and letters from BATF, the Fraternal Order of Police, and the Federal Law Enforcement Officers Association be printed in the RECORD at the conclusion of my remarks.

I urge my colleagues to support this vitally important legislation.

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

S. 1659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Law Enforcement Officers Protection Act of 1985, Amendment."

SEC. 101. ARMOR-PIERCING AMMUNITION DEFINITION.

Section 921 (a)(17) of Title 18, United States Code, is amended by revising subparagraph (B) and adding a new subparagraph (C) to read as follows:

"(B) The term 'armor piercing ammunition' means—

"(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

"(ii) a jacketed projectile which may be used in a handgun and whose jacket has a

weight of more than 25 percent of the total weight of the projectile.

"(C) The term 'armor piercing ammunition' does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Secretary finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Secretary finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device."

DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,

Washington, DC, November 4, 1993.

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

DEAR SENATOR MOYNIHAN: As the Senate takes up the issue of controlling handgun ammunition, I would like to take this opportunity to make you aware of a particularly dangerous type of ammunition now coming into circulation.

The M39B is a 9mm Parabellum caliber cartridge which defeats police soft body armor, but which is not subject to current law governing armor piercing handgun ammunition. As you know, current law controls handgun ammunition when the projectile or projectile core is made entirely of one or more defined metals.

The M39B escapes being covered because it utilizes an overly thick steel bullet jacket. The core of the bullet is lead.

Clearly as 9mm handguns continue to expand their market share, we in law enforcement are faced with the threat of offenders armed with high capacity, rapid firing handguns filled with ammunition, each round of which will punch through a policeman's body armor.

I know you appreciate the seriousness of this issue, and I hope you find the information about this ammunition informative. Please be assured of our interest in working with you on this issue and of our willingness to answer any questions you may have.

Sincerely yours,

JOHN W. MAGAW,
Director.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Columbus, OH, November 4, 1993.

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

DEAR SENATOR MOYNIHAN: On behalf of the Fraternal Order of Police, I applaud your efforts to address the increasing violence in this country by introducing legislation aimed at controlling the distribution of ammunition. I now request that you take your proposed legislation an extra step by banning the sale of the M39B bullet.

The M39B bullet is a 9mm Parabellum caliber cartridge that is able to penetrate soft body armor used by police departments. As you know, armor piercing ammunition is tightly regulated by the Gun Control Act. This particular bullet is not currently controlled by those regulations.

It is imperative that M39B ammunition be banned from use, for the protection of the men and women in law enforcement who are charged with protecting the citizens of the United States.

Your continued support of the law enforcement community is appreciated by the members of the Fraternal Order of Police.

Sincerely,

DEWEY R. STOKES,
National President.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
Amityville, NY, November 4, 1993.

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

DEAR SENATOR MOYNIHAN: On behalf of the Federal Law Enforcement Officers Association, I am writing to thank you for attention to the terrible threat gun violence has become to our Nation's health.

I also want to take this opportunity to ask you to examine what can be done to stop the sale of the M39B 9mm Parabellum round of ammunition.

The M39B effectively penetrates soft body armor; but because its steel jacket, rather than the bullet or core of the projectile, gives it this ability it is untouched by existing law.

This is a round of ammunition that has found its way through a loophole in the law and is aimed at the heart of police officers everywhere.

We thank you as always for your interest in the public safety and urge you to act to stop the spread of this new "cop killer" ammunition.

Sincerely,

VICTOR OBOYSKI, Jr.,
Executive Vice President. •

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1660. A bill to establish the Great Falls Historic District, and for other purposes; to the Committee on Energy and Natural Resources.

GREAT FALLS PRESERVATION AND
REDEVELOPMENT ACT OF 1993

• Mr. LAUTENBERG. Mr. President, I'm pleased to have Senator BILL BRADLEY join me in introducing the Great Falls Preservation and Redevelopment Act of 1993, legislation that recognizes the historic significance of the Great Falls area of Paterson, NJ.

I'm proud to say that I was born in Paterson. My father worked in the mills, and I experienced first-hand the historic importance of industry in the city.

Paterson is known as America's first industrialized city. Alexander Hamilton played a role here when, in 1791 he chose the area around the Great Falls for his laboratory and to establish the Society for the Establishment of Useful Manufactures. Textiles held special significance; Paterson was once called "Silk City" as the center of the textile industry.

While rich in history, the area is also blessed by great natural beauty and splendor. It is an oasis of beauty in an urban environment. Its resources offer not just educational and cultural opportunities, but economic and recreational ones as well.

The Federal government acknowledged all this by designating the area a national historic landmark, a formal

recognition by the National Park Service.

The roots and contributions of this area run deep. New industries were responsible for thriving businesses, tight-knit families and for many of the residents, the first homes of immigrants, who arrived in the United States through nearby Ellis Island.

Many of the industries from Great Falls have moved elsewhere. But we are left with an area whose significance is great for people like me.

I find a source of inspiration in remembering my father in those thriving mills of Paterson, so I look at Paterson, and the Great Falls area, as a reminder of who I am. We must value our personal and collective histories, because they connect us to our families and to each other.

Paterson is not alone in this story. New Jersey is rich in industrial, urban history. New Jersey played a major role in the industrial revolution.

I sought to highlight this role when I secured funds in the fiscal year 1992 Interior appropriations bill to establish the Urban History Initiative in three cities in New Jersey. Paterson is one of those cities.

Paterson's urban history program is in its early stages. The cooperative agreement was recently signed and things are moving. This infusion of funds has succeeded in initiating Paterson's historic revitalization.

But this bill formalizes the current partnership among the city, its residents, and the Federal Government. It establishes the Great Falls Historic District and provides a long-term Federal presence in the area. The resources of Great Falls are just beginning to be tapped—we need this bill to give the resources the focus they deserve.

Such historical recognition provides important educational, economic, and cultural benefits. Its value is immeasurable.

The Secretary of the Interior will enter into cooperative agreements with nonprofits, property owners, State and local government to assist in interpreting and preserving the historical significance and contributions of the Great Falls to the city, to industry, and to our heritage.

This bill does not impose Federal Government's heavy hand on the residents and businesses. The city doesn't want that, and neither does the Park Service.

Instead, the bill initiates and facilitates cooperative agreements among interested parties. The Secretary will determine properties of historical or cultural significance, and provide technical assistance, interpret, restore or improve these properties. This historic and cultural recognition leads to economic revitalization in the area.

This bill, when enacted, will play an important part in advancing the historic revival of Paterson and of the

Great Falls. In turn, it will boost the economic vitality of the region while restoring the importance of our industrial heritage for our children. I look forward to watching this bill become reality.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 1660

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Falls Preservation and Redevelopment Act of 1993".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "District" means the Great Falls Historic District established under section 4; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 3. PURPOSE.

The purpose of this Act is to preserve and interpret the educational and inspirational benefit of the unique and distinguished contribution to our national heritage of certain historic and cultural lands, waterways, and edifices of the Great Falls Historic District. Such purpose shall be carried out with an emphasis on harnessing this unique urban environment for its educational and recreational value, and enhancing economic and cultural redevelopment within the District.

SEC. 4. GREAT FALLS HISTORIC DISTRICT.

(a) ESTABLISHMENT.—There is established in the city of Paterson in the county of Passaic in the State of New Jersey the Great Falls Historic District.

(b) BOUNDARIES.—The boundaries of the District shall be the boundaries as specified for the Great Falls Historic District listed on the National Register of Historic Places.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the District through cooperative agreements in accordance with this Act.

(b) GRANTS; COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In expending sums made available pursuant to this Act, the Secretary may make grants to, and enter into cooperative agreements with, nonprofit entities for—

(A) the purchase of property or easements; (B) emergency stabilization; and (C) the establishment of a coordinated fund.

(2) PURPOSE.—Grants and cooperative agreements entered into under this subsection shall be used to carry out this Act, including the following activities:

(A) An evaluation of—
(i) the condition of historic and architectural resources existing on the date of enactment of this Act; and
(ii) the environmental and flood hazard conditions within the District.

(B) Recommendations for—
(i) rehabilitating, reconstructing, and adaptively reusing such historic and architectural resources;
(ii) preserving viewsheds, focal points, and streetscapes;
(iii) establishing gateways to the District; and
(iv) establishing and maintaining parks and public spaces;

(v) restoring, improving, and developing raceways and adjacent areas;
 (vi) developing public parking areas;
 (vii) improving pedestrian and vehicular circulation within the District;
 (viii) improving security within the District, with an emphasis on preserving historically significant structures from arson; and
 (ix) establishing a visitor's center.

(c) RESTORATION, MAINTENANCE, AND INTERPRETATION.—

(1) IN GENERAL.—The Secretary may enter into cooperative agreements with the owners of properties within the District of historical or cultural significance as determined by the Secretary, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties.

(2) REQUIREMENTS.—Each agreement entered into pursuant to paragraph (1) shall contain provisions ensuring that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes; and

(B) no changes or alterations shall be made in the property except by mutual agreement.

(d) COOPERATIVE AGREEMENTS WITH STATE.—In administering the District, the Secretary may enter into cooperative agreements with the State of New Jersey, or any political subdivision thereof, for rendering, on a reimbursable basis, rescue, firefighting, and law enforcement services, cooperative assistance by nearby law enforcement and fire preventive agencies, and for other appropriate purposes.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.●

Mr. BRADLEY. Mr. President, I am pleased today to join Senator LAUTENBERG in introducing the Great Falls Preservation and Redevelopment Act. Senator LAUTENBERG has been for a number of years a true leader for the preservation of Paterson's historic Great Falls in New Jersey. I would note especially his efforts to create a New Jersey Urban History Initiative. This National Park Service program, which was initiated in the summer of 1992, is allowing the Park Service to work directly with the local citizens to preserve the Great Falls Historic District.

This is truly the broadest support for this legislation in my State. Congressman KLEIN is to be commended for his work in the House of Representatives. He has introduced this legislation in the House. Mayor Pascrell is strongly supportive of this effort and has today come down from New Jersey to testify before a House subcommittee to that effect. Former Congressman Roe also sought to protect and celebrate the Great Falls of Paterson. Many others in the community are enthusiastic and active in this effort.

The city of Paterson and the Great Falls have a long and rich history. In the early days of the Nation, when water power was the engine for industrial growth, Alexander Hamilton handpicked the Great Falls as a center

for American industry. With \$8,000 in seed money, Hamilton and his Society for Useful Manufacturers purchased 700 acres and hired Pierre L'Enfant to design the town. From this auspicious beginning in 1792, Paterson developed into a national industrial power. Its textile factories made cotton cloth and sails that were the best available. Along the river were invented the Colt revolver, the Rogers steam locomotive, and the Curtiss-Wright aircraft engines.

In 1976, the Secretary of the Interior designated the Great Falls National Historic Landmark District. As a result of this declaration and the Urban History Initiative, the Park Service has been directly involved in the ongoing preservation effort. With this new bill, we validate this assistance and pledge our own enthusiasm, commitment and personal involvement.

From my work with the New Jersey Coastal Heritage Trail and the shore communities, from the work on various wild and scenic rivers in New Jersey, and from a variety of other preservation projects, I've seen how crucial it is to have professional guidance and recognition. The very difficult job of preserving the Great Falls District falls ultimately on the local citizens. The Federal Government cannot do the job for them. But we owe them our support. Don't underestimate the power of a little help and a little recognition. This bill will not mandate the preservation of this important area. However, I believe it will achieve that end. I urge my colleagues to support this bill.

By Mr. DURENBERGER (for himself and Mr. PELL):

S. 1661. A bill to amend the Occupational Safety and Health Act of 1970 to provide for uniform warnings on personal protective equipment for occupational use, and for other purposes; to the Committee on Labor and Human Resources.

WORKER PROTECTION WARNINGS ACT OF 1993

● Mr. DURENBERGER. Mr. President, I rise today to introduce the Worker Protection Warning Act of 1993. I am proud to join Senator PELL in cosponsoring this important legislation.

The Worker Protection Warning Act directs the Occupational Safety and Health Administration [OSHA] to develop and mandate uniform warnings and instructions for equipment designed to protect workers from workplace hazards. OSHA will develop these warnings in cooperation with workers, employers, human factors experts, manufacturers of safety equipment, and other experts in the field.

Companies who manufacture protective equipment, as well as employers and employees who use these products will benefit from this legislation. Current manufacturers' warnings and instructions are not uniform, even those

on similar personal protective equipment. Consequently, workers have to be retrained every time they use new brands of equipment or when they are hired by new employers.

To add to this confusion, warning and instruction methods are determined on a State by State basis. Therefore, the system tends to be inconsistent and confusing to all involved—workers, employers, safety directors, and equipment manufacturers.

Uniform Federal warnings will greatly reduce the difficulty many manufacturers face in attempting to comply with multiple State guidelines. In addition, uniform warnings will simplify instructions, limit training and retraining time, and—ultimately—help protect workers.

More effective warnings will mean fewer accidents caused by protective equipment misuse.

The warnings required by this bill must go beyond notifying employers and employees of the risks of bodily injury. In addition, the warnings must also detail a product's limitations, its proper uses, and common misuses.

OSHA will also define the means by which equipment manufacturers will convey the warnings, and will require employers to communicate the warnings to their workers, train them in the proper use of equipment, and warn them of the safety consequences if they do not follow these instructions.

Mr. President, under this legislation, manufacturers of personal protection equipment will remain liable for workers' injuries resulting from design and manufacturing defects, and for failing to supply necessary warnings. However, a national standard should result in fewer court proceedings.

I look forward to working with my colleagues on the Senate Labor and Human Resources Committee to ensure passage of this important legislation.●

By Mr. LIEBERMAN (for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. DODD, Mr. COHEN, Mr. CHAFEE, Mr. COATS, Mr. GLENN, Mr. GRASSLEY, Mr. HEFLIN, Mr. INOUE, Mrs. KASSEBAUM, Mr. LAUTENBERG, Mr. LEVIN, Mr. REID, Mr. SASSER, Mr. SHELBY, Mr. WARNER, Mr. WELLSTONE, Mr. METZENBAUM, Mr. JOHNSTON, Mr. WOFFORD, Mr. SIMON, Mr. DURENBERGER, and Mr. HATCH):

S.J. Res. 151. A joint resolution designating the week of April 10 through 16, 1994, as "Primary Immune Deficiency Awareness Week"; to the Committee on the Judiciary.

PRIMARY IMMUNE DEFICIENCY AWARENESS WEEK

● Mr. LIEBERMAN. Mr. President, I rise today to introduce a joint resolution to declare the week beginning April 10, 1994, as Primary Immune Deficiency Awareness Week. Primary immune deficiency is a genetic defect to

the immune system that presently affects 1 in 500 persons, most of them children, in the United States. This condition often provokes a lifetime of serious illnesses and sometimes results in death, yet many doctors and families know little about the disease. Primary immune deficiency is frequently misdiagnosed and not properly treated. Therapy and medicines which can significantly improve the health of those suffering from primary immune deficiency, protect their vital organs, and save their lives, do exist, but many families and patients suffer alone with little medical or psychological support.

The Modell family of the State of Connecticut has suffered through the tragedy of losing a loved one to primary immune deficiency. Jeffrey Modell struggled bravely with this disease until it took his life at the age of 15. Fred and Vicky Modell experienced the enormous medical, emotional, and financial difficulties of dealing with the primary immune deficiency on their own. After the ordeal was over, they realized the need for an organization which would provide families who are struggling to overcome PID with a place to turn for help. They founded the Jeffrey Modell Foundation, a national, nonprofit research foundation which operates a 24-hour information and referral hotline and helps fund and coordinate the struggle against primary immune deficiency through work in three areas; research, physician and patient education, and patient support.

The Modell Foundation has done an extraordinary job toward realizing all three goals, but we must expand our efforts to increase public awareness. Some 500,000 Americans are known to be affected by this disease. We need to ensure that parents and health care professionals are aware of the symptoms of primary immune deficiency, that they know where to turn for assistance, and that we are supporting research efforts to increase the medical community's understanding of this condition.

I urge my colleagues to join me in declaring the week April 10 through April 16, 1994 as National Primary Immune Deficiency Awareness Week. I ask unanimous consent that the text of the resolution be printed in the RECORD following my remarks.

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

S.J. RES. 151

Whereas primary immune deficiency is a congenital defect in the immune system such that the body cannot adequately defend itself from infection;

Whereas primary immune deficiency is most often diagnosed in children and affects more children than leukemia and lymphoma combined;

Whereas primary immune deficiency is believed to affect 500,000 Americans and possibly more because the defect is often undiagnosed and misdiagnosed;

Whereas many forms of primary immune deficiency are inherited;

Whereas there are currently considered to be 70 forms of primary immune deficiency ranging from severe combined immune deficiency (which is fatal if untreated) to chronic recurring infections and allergies that cannot be managed with prophylactic antibiotics;

Whereas the earliest symptoms of primary immune deficiency are easily confused with a number of common illnesses or infections so that physicians often fail to diagnose and treat the underlying problem;

Whereas once suspected, primary immune deficiency can be diagnosed through a series of blood screenings that test immune function;

Whereas early intervention and treatment can save lives and prevent permanent damage to lungs and other organs;

Whereas many forms of treatment are available once a specific diagnosis is made;

Whereas procedures such as bone marrow transplants may result in complete cure, and other treatments like monthly infusions of gamma globulin dramatically reduce a patient's risk of infections and enable the patient to lead a normal life;

Whereas patients may have long periods of normal health then suddenly be stuck by severe fevers and infections;

Whereas lack of public awareness can lead to anxiety and leave families isolated and confused; and

Whereas education is essential to make the general public, health care professionals, employers, and insurers more knowledgeable about primary immune deficiency: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 10 through 16, 1994, is designated as "Primary Immune Deficiency Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities. •

By Mr. WOFFORD:

S. 1662. A bill to amend the Housing and Community Development Act of 1974 to increase the maximum amount of community development assistance that may be used for public service activities; to the Committee on Banking, Housing, and Urban Affairs.

COMMUNITY DEVELOPMENT FLEXIBILITY ACT

• Mr. WOFFORD. Mr. President, today I am introducing the Community Development Flexibility Act to help communities deal with pressing social problems.

The Community Development Block Grant Program has enabled communities to improve upon their housing and infrastructure stock. It also permits communities to spend up to 15 percent of their CDBG funds on public service activities such as crime prevention. The time has come to enable communities to commit more of their CDBG resources to these public service activities. The Community Development Flexibility Act would increase the public service cap from 15 to 20 percent.

My hope is that communities would use these additional resources for

crime prevention—especially for community policing efforts. The issue of crime touches every neighborhood in every city and town in every State of this Nation. No one is immune from the ravages of random violent acts that have increased in number beyond our ability to control them with traditional policing methods.

If success in fighting crime could be measured accurately by the number of people we put behind bars, then we would not have the problems we face today. The United States has the highest incarceration rate of any industrialized nation. Yet the United States has a rate of violent crime 5 times that of Canada and 10 times that of England.

In my own State of Pennsylvania violence is on the rise. In the city of Pittsburgh drug and gang violence have taken over the streets of many of the cities' poorest neighborhoods. In Philadelphia like other major cities across the country, the increased incident of crime has crippled local police resources and held captive law abiding citizens.

Our communities and our local law enforcement agencies are demanding that we provide them with the resources they need to take innovative steps to stem the growth in crime.

This legislation will help us get there. I have heard from the city of Pittsburgh, which has told me that the 15 percent cap is creating a serious burden on its ability to pursue a coherent local strategy for making its neighborhoods safe. I agree with Pittsburgh Mayor Sophie Masloff who wrote me to say that crime prevention goes hand in hand with housing and economic development activities, so ardently pursued by the CDBG program.

And while many may hope would be that communities would use the resources to create safe neighborhoods—this legislation does not tie the hands of local officials to respond to their community's needs. Communities could use these resources for the variety of purposes permitted under the CDBG program. Washington should be cautious in dictating to local governments and this legislation will increase their flexibility to deal with the problems they face.

I ask unanimous consent that the full text of the Community Development Flexibility Act appear following my remarks.

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

S. 1662

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

SECTION 1. SHORT TITLE.

This Act may be known as the "Community Development Flexibility Act."

SEC. 2. CDBG ASSISTANCE FOR PUBLIC SERVICE ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

- (1) by striking "15 per centum" each place it appears and inserting "20 percent"; and
 (2) by striking "15 percent" and inserting "20 percent".

ADDITIONAL COSPONSORS

S. 81

At the request of Mr. NICKLES, the names of the Senator from Wyoming [Mr. WALLOP] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 81, a bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from California [Mrs. BOXER] and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 465

At the request of Mr. DASCHLE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 465, a bill to amend the Internal Revenue Code of 1986 to encourage the production of biodiesel and certain ethanol fuels, and for other purposes.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1082

At the request of Mr. COCHRAN, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1082, a bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health, and for other purposes.

S. 1329

At the request of Mr. D'AMATO, the names of the Senator from Georgia [Mr. NUNN], the Senator from New Jersey [Mr. BRADLEY], the Senator from New Hampshire [Mr. GREGG], the Senator from Massachusetts [Mr. KERRY], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1428

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1428, a bill to amend the Public Health Service Act to provide for programs regarding women and the human immunodeficiency virus, and for other purposes.

S. 1429

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1429, a bill to amend the Public Health Service Act to establish programs of research with respect to women and cases of information with the human immunodeficiency virus, and for other purposes.

S. 1432

At the request of Mr. HOLLINGS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1432, a bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry.

S. 1437

At the request of Mr. DOLE, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

S. 1478

At the request of Mr. PRYOR, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1478, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to ensure that pesticide tolerances adequately safeguard the health of infants and children, and for other purposes.

S. 1503

At the request of Mr. WELLSTONE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1503, a bill to expand services provided by the Department of Veterans' Affairs for veterans suffering from post-traumatic stress disorder (PTSD).

S. 1552

At the request of Mr. WARNER, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Illinois [Mr. SIMON], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1552, a bill to extend for an additional two years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial.

S. 1575

At the request of Ms. MIKULSKI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1575, a bill to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.

S. 1605

At the request of Ms. MIKULSKI, the names of the Senator from California [Mrs. BOXER] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1605, a bill to authorize the Secretary of Transportation to convey vessels in the National Defense Reserve Fleet to certain nonprofit organizations.

S. 1651

At the request of Mr. D'AMATO, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1651, a bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the United States Military Academy at West Point, New York.

S. 1657

At the request of Mr. SPECTER, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Virginia [Mr. WARNER], the Senator from New York [Mr. D'AMATO], the Senator from Washington [Mr. GORTON], the Senator from Colorado [Mr. BROWN], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1657, a bill to reform habeas corpus procedures.

SENATE JOINT RESOLUTION 141

At the request of Mr. SARBANES, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 141, a joint resolution designating October 29, 1993, as "National Firefighters Day".

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. RIEGLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Concurrent Resolution 36, a concurrent resolution expressing the sense of the Congress that United States truck safety standards are of paramount importance to the implementation of the North American Free Trade Agreement.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 50, a concurrent resolution concerning the Arab boycott of Israel.

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Texas [Mr. GRAMM], the Senator from Nevada [Mr. REID], the Senator from Colorado [Mr. BROWN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Resolution 148, a

resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE RESOLUTION 155

At the request of Mr. HATCH, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Resolution 155, a resolution commending the Government of Italy for its commitment to halting software piracy.

SENATE RESOLUTION 164

At the request of Mr. MOYNIHAN, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Illinois [Mr. SIMON], the Senator from Arizona [Mr. DECONCINI], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. DORGAN], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maryland [Ms. MIKULSKI], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Resolution 164, a resolution expressing the sense of the Senate commemorating the bombing of Pan Am Flight 103.

AMENDMENT NO. 1158

At the request of Mr. PRESSLER, his name was added as a cosponsor of amendment No. 1158 proposed to S. 1607, a bill to control and prevent crime.

AMENDMENT NO. 1159

At the request of Mr. HELMS, the names of the Senator from Florida [Mr. MACK], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Kansas [Mr. DOLE], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. MCCAIN], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of amendment No. 1159 proposed to S. 1607, a bill to control and prevent crime.

AMENDMENT NO. 1175

At the request of Mr. LIEBERMAN his name was added as a cosponsor of amendment No. 1175 proposed to S. 1607, a bill to control and prevent crime.

AMENDMENT NO. 1181

At the request of Mr. DECONCINI the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Nevada [Mr. REID], the Senator from Hawaii [Mr. INOUE], the Senator from Colorado [Mr. CAMPBELL], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of amendment No. 1181 proposed to S. 1607, a bill to control and prevent crime.

AMENDMENT NO. 1189

At the request of Mr. DODD, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of amendment No. 1189 proposed to S. 1607, a bill to control and prevent crime.

SENATE RESOLUTION 165—RELATING TO LIBYA'S COMPLIANCE WITH U.N. SECURITY COUNCIL RESOLUTION

Mr. KENNEDY (for himself, Mr. D'AMATO, Mr. MOYNIHAN, Mr. HELMS, Mr. LAUTENBERG, Mr. DODD, Mr. WOFFORD, Mr. BRADLEY, Mr. MITCHELL, Mr. SASSER, Mr. FORD, Mr. LIEBERMAN, Mr. LEVIN, Mr. PELL, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 165

Whereas Pan American Airways Flight 103 was destroyed by a terrorist bomb over Lockerbie, Scotland, on December 21, 1988; Whereas the bombing killed 270 people, and 189 of those killed were citizens of the United States, including the following citizens from 21 States, the District of Columbia, and United States citizens living abroad:

(1) ARKANSAS.—Frederick Sanford Phillips.
(2) CALIFORNIA.—Jerry Don Avritt, Surinder Mohan Bhatia, Stacie Denise Franklin, Matthew Kevin Gannon, Paul Isaac Garrett, Barry Joseph Valentino, Jonathan White.

(3) COLORADO.—Steven Lee Butler.
(4) CONNECTICUT.—Scott Marsh Cory, Patricia Mary Coyle, Shannon Davis, Turhan Ergin, Thomas Britton Schultz, Amy Elizabeth Shapiro.

(5) DISTRICT OF COLUMBIA.—Nicholas Andreas Vrenios.

(6) FLORIDA.—John Binning Cummock.

(7) ILLINOIS.—Janina Jozefa Waido.

(8) KANSAS.—Lloyd David Ludlow.

(9) MARYLAND.—Michael Stuart Bernstein, Jay Joseph Kingham, Karen Elizabeth Noonan, Anne Lindsey Otenasek, Anita Lynn Reeves, Louise Ann Rogers, George Watterson Williams, Miriam Luby Wolfe.

(10) MASSACHUSETTS.—Julian MacBain Benello, Nicole Elise Boulanger, Nicholas Bright, Gary Leonard Colasanti, Joseph Patrick Curry, Mary Lincoln Johnson, Julianne Frances Kelly, Wendy Anne Lincoln, Daniel Emmett O'Connor, Sarah Susannah Buchanan Philipps, James Andrew Campbell Pitt, Cynthia Joan Smith, Thomas Edwin Walker.

(11) MICHIGAN.—Lawrence Ray Bennett, Diane Boatman-Fuller, James Ralph Fuller, Kenneth James Gibson, Pamela Elaine Herbert, Khalid Nazir Jaafar, Gregory Kosmowski, Louis Anthony Marengo, Anmol Rattan, Garima Rattan, Suruchi Rattan, Mary Edna Smith, Arva Anthony Thomas, Jonathan Ryan Thomas, Lawanda Thomas.

(12) MINNESOTA.—Philip Vernon Bergstrom.

(13) NEW HAMPSHIRE.—Stephen John Boland, James Bruce MacQuarrie.

(14) NEW JERSEY.—Thomas Joseph Ammerman, Michael Warren Buser, Warren Max Buser, Frank Ciulla, Eric Michael Coker, Jason Michael Coker, William Allan Daniels, Gretchen Joyce Dater, Michael Joseph Doyle, John Patrick Flynn, Kenneth Raymond Garczynski, William David Giebler, Roger Elwood Hurst, Robert Van

Houten Jeck, Timothy Baron Johnson, Patricia Ann Klein, Robert Milton Leckburg, Alexander Lowenstein, Richard Paul Monetti, Martha Owens, Sarah Rebecca Owens, Laura Abigail Owens, Robert Plack Owens, William Pugh, Diane Marie Rencevicz, Saul Mark Rosen, Irving Stanley Sigal, Elia Stratis, Alexia Kathryn Tsairis, Raymond Ronald Wagner, Deder Lynn Woods, Chelsea Marie Woods, Joe Nathan Woods, Joe Nathan Woods, Jr.

(15) NEW YORK.—John Michael Gerard Ahern, Rachel Maria Asrelesky, Harry Michael Bainbridge, Kenneth John Bissett, Paula Marie Bouckley, Colleen Renee Brunner, Gregory Capasso, Richard Anthony Cawley, Theodora Eugenia Cohen, Joyce Christine Dimauro, Edgar Howard Eggleston III, Arthur Fondler, Robert Gerard Fortune, Amy Beth Gallagher, Andre Nikolai Guevorgian, Lorraine Buser Halsch, Lynne Carol Hartunian, Katherine Augusta Hollister, Melina Kristina Hudson, Karen Lee Hunt, Kathleen Mary Jermyn, Christopher Andrew Jones, William Chase Leyrer, William Edward Mack, Elizabeth Lillian Marek, Daniel Emmet McCarthy, Suzanne Marie Miazga, Joseph Kenneth Miller, Jewell Courtney Mitchell, Eva Ingeborg Morson, John Mulroy, Mary Denise O'Neill, Robert Italo Pagnucco, Christos Michael Papadopoulos, David Platt, Walter Leonard Porter, Pamela Lynn Posen, Mark Alan Rein, Andrea Victoria Rosenthal, Daniel Peter Rosenthal, Joan Sheanshang, Martin Bernard Carruthers Simpson, James Alvin Smith, James Ralph Stow, Mark Lawrence Tobin, David William Trimmer-Smith, Asaad Eidi Vejdani, Kesha Weedon, Jerome Lee Weston, Bonnie Leigh Williams, Brittany Leigh Williams, Eric Jon Williams, Stephanie Leigh Williams, Mark James Zwynenburg.

(16) NORTH DAKOTA.—Steven Russell Berrell.

(17) OHIO.—John David Akerstrom, Shanti Dixit, Douglas Eugene Mallicote, Wendy Gay Mallicote, Peter Raymond Peirce, Michael Pescatore, Peter Vulcu.

(18) PENNSYLVANIA.—Martin Lewis Apfelbaum, Timothy Michael Cardwell, David Scott Dornstein, Anne Madelene Gorgacz, Linda Susan Gordon-Gorgacz, Loretta Anne Gorgacz, David J. Gould, Rodney Peter Hilbert, Beth Ann Johnson, Robert Eugene McCollum, Elyse Jeanne Saraceni, Scott Christopher Saunders.

(19) RHODE ISLAND.—Bernard Joseph McLaughlin, Robert Thomas Schlageter.

(20) TEXAS.—Willis Larry Coursey, Michael Gary Stinnett, Charlotte Ann Stinnett, Stacey Leanne Stinnett.

(21) VIRGINIA.—Ronald Albert Lariviere, Charles Dennis McKee.

(22) WEST VIRGINIA.—Valerie Canady.

(23) UNITED STATES CITIZENS LIVING ABROAD.—Sarah Margaret Aicher, Judith Bernstein Atkinson, William Garretson Atkinson III, Noelle Lydie Berti, Charles Thomas Fisher IV, Lilibeth Tobila Macalooloo, Diane Marie Maslowski, Jane Susan Melber, Jane Ann Morgan, Sean Kevin Mulroy, Jocelyn Reina, Myra Josephine Royal, Irja Synhove Skabo, Milutin Velimirovich.

Whereas on November 14, 1991, the United States Government and the Government of the United Kingdom indicted two intelligence agents of the Government of Libya, Abdel Basset Ali Al-Megrahi and Lamen Khalifa Fhimah, in the bombing of Pan American Airways Flight 103;

Whereas on November 27, 1991, the Government of the United Kingdom and the United

States Government jointly declared that the Government of Libya must—

(1) surrender for trial all persons in Libya charged with criminal acts relating to the bombing, and accept responsibility for any such acts of officials of such government;

(2) disclose all information in the possession of such government with respect to the bombing, including the names of the persons responsible, and allow full access to any witnesses, documents, and other material evidence (including any bomb detonation timers similar to those used in the bombing) under the jurisdiction of such government; and

(3) pay appropriate compensation to the victims of the bombing;

Whereas on January 21, 1992, the United Nations Security Council adopted Resolution 731 which called on the Government of Libya to comply with the demands referred to in paragraph (4);

Whereas on March 31, 1992, in response to the noncompliance of the Government of Libya with Resolution 731, the United Nations Security Council adopted Resolution 748 which imposed limited economic sanctions on Libya;

Whereas on November 11, 1993, in response to the continued noncompliance of the Government of Libya with Resolution 731, the United Nations Security Council adopted Resolution 883 which imposed further economic sanctions on Libya; and

Whereas the Government of Libya continues to refuse to comply with United Nations Security Council Resolutions: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should take all appropriate actions necessary to secure the compliance of the Government of Libya with United Nations Security Council Resolution 731, including, if necessary, the imposition of an embargo on oil produced in Libya.

SENATE RESOLUTION 166—RELATING TO THE EMPLOYMENT OF FEDERAL PRISON INMATES

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 166

Resolved,

SECTION 1. SENSE OF THE SENATE THAT ABLE-BODIED CONVICTED FELONS IN THE FEDERAL PRISON SYSTEM SHOULD WORK AND THAT THE ATTORNEY GENERAL SHALL SUBMIT TO CONGRESS A REPORT DESCRIBING A STRATEGY FOR EMPLOYING MORE FEDERAL PRISON INMATES.

(a) FINDINGS.—The Senate finds that—

(1) Federal Prison Industries was created by Congress in 1934 as a wholly owned, non-profit government corporation directed to train and employ Federal prisoners;

(2) traditionally, one-half of the Federal prison inmates had meaningful prison jobs; now, with the increasing prison population, less than one-quarter are employed in prison industry positions; and

(3) expansion of the product lines and services of Federal Prison Industries beyond its traditional lines of business will enable more Federal prison inmates to work, and such expansion must occur so as to minimize any adverse impact on the private sector and labor.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) all able-bodied Federal prison inmates should work;

(2) in an effort to achieve the goal of full Federal prison inmate employment, the Attorney General, in consultation with the Director of the Bureau of Prisons, the Secretary of Labor, the Secretary of Defense, the Administrator of the General Services Administration, and the private sector and labor, shall submit a report to Congress not later than March 31, 1994, that describes a strategy for employing more Federal prison inmates;

(3) the report shall—

(A) contain a review of existing lines of business of Federal Prison Industries;

(B) consider the findings and recommendations of the final report of the Summit on Federal Prison Industries (June 1992–July 1993); and

(C) make recommendations for legislation and changes in existing law that may be necessary for the Federal Prison Industries to employ more Federal prison inmates; and

(4) the report shall focus on—

(A) the creation of new job opportunities for Federal prison inmates;

(B) the degree to which any expansion of lines of business of Federal Prison Industries may adversely affect the private sector or displace domestic labor; and

(C) the degree to which opportunities for partnership between Federal Prison Industries and small business can be fostered.

AMENDMENTS SUBMITTED

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

HATCH AMENDMENT NO. 1190

Mr. HATCH proposed an amendment to the bill (S. 636) to amend the Public Health Service Act to permit freedom of access to certain medical clinics and facilities, and for other purposes, as follows:

On page 6, between lines 2 and 3, insert the following as new section 2715(a)(2): "by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the first amendment right of religious freedom at a place of worship; or"

Re-number current section 2715(a)(2) as 2715(a)(3), and add the following at the end of line 7 on page 6: "or intentionally damages or destroys the property of a place of religious worship,"

On page 11, line 15, add "or to or from a place of religious worship" after "services" and before the comma, and add "or place of religious worship" after "facility" on line 16 of page 11.

SMITH AMENDMENT NO. 1191

Mr. SMITH proposed an amendment to the bill S. 636, supra; as follows:

Strike page 6, line 14 through the end of page 9 and insert the following:

"(b) PENALTIES.—Whoever violates this section shall—

"(1) in the case of a first offense involving force or the threat of force, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United

States Code), notwithstanding any other law), or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense involving force or the threat of force after a prior conviction for an offense involving force or the threat of force under this section, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 3 years, or both;

except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life. In the case of offenses not involving force or the threat of force, whoever violates this section shall be imprisoned not more than 30 days for the first offense and 60 days for the second and subsequent offenses.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of conduct prohibited by subsection (a) and involving force or the threat of force may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a medical facility that provides pregnancy or abortion-related services. Any person aggrieved by reason of conduct prohibited by subsection (a) and not involving force or the threat of force may commence a civil action for temporary, preliminary, or permanent injunctive relief not to exceed 60 days against the individual or individuals who engage in the prohibited conduct. Such injunctive relief shall apply only to the site where the prohibited conduct occurred.

"(B) RELIEF.—In any action under subparagraph (A) involving force or the threat of force, the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgement, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons in being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against such respondent—

"(i) in an amount not exceeding \$15,000, for a first violation involving force or the threat of force; and

"(ii) in an amount not exceeding \$25,000, for any subsequent violation involving force or the threat of force.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

"(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, such Attorney General may commence a civil action in the name of such State as *parens patriae* on behalf of natural persons residing in such State, in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B)."

KENNEDY AMENDMENT NO. 1192

Mr. KENNEDY proposed an amendment to amendment No. 1191 proposed by Mr. SMITH to the bill S. 636, *supra*; as follows:

On page 1 of the amendment, line 1, strike out "page 6" and all that follows through the end thereof and insert in lieu thereof the following: "page 7, line 6, insert after 'that,' the following: 'for an offense involving exclusively a nonviolent physical obstruction, the length of imprisonment shall be not more than 6 months for the first offense and not more than 18 months for a subsequent offense.'"

SMITH AMENDMENT NO. 1193

Mr. SMITH proposed an amendment to amendment No. 1191 to the bill S. 636, *supra*; as follows:

Strike all after "PENALTIES" and insert in lieu thereof the following:

"Whoever violates this section shall—
 "(1) in the case of a first offense involving force or the threat of force, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 1 year, or both; and
 "(2) in the case of a second or subsequent offense involving force or the threat of force after a prior conviction for an offense involving force or the threat of force under this section, be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 3 years, or both;

except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life. In the case of offenses not involving force or the threat of force, whoever violates this section shall be imprisoned not more than 30 days.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of conduct prohibited by subsection (a) and involving force or the threat of force may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a medical facility that provides pregnancy or abortion-related services.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against such respondent—

"(i) in an amount not exceeding \$15,000, for a first violation involving force or the threat of force; and

"(ii) in an amount not exceeding \$25,000, for any subsequent violation involving force or the threat of force.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

"(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, such Attorney General may commence a civil action in the name of such State as *parens patriae* on behalf of natural persons residing in such State, in appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B)."

The provisions of this amendment shall take effect one day following the enactment of this Act.

COATS AMENDMENT NO. 1194

Mr. COATS proposed an amendment to the bill S. 636, *supra*; as follows:

At the appropriate place, insert the following:

"Notwithstanding any other provision in this Act add the following:

The language on page 6, between lines 7 and 8 is deemed to have inserted the following:

"(3) by force or threat of force intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person who is participating, or who has been seeking to participate, lawfully in speech or peaceful assembly regarding lawful reproductive health services at or near a medical facility (as defined in this section)."

KENNEDY (AND OTHERS) AMENDMENT NO. 1195

Mr. KENNEDY (for himself and Mrs. BOXER) proposed an amendment to the bill S. 636, *supra*; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . RULE OF CONSTRUCTION.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to interfere with the rights guaranteed to an individual under the First Amendment to the Constitution, or limit any existing legal remedies against forceful interference with any person's lawful participation in speech or peaceful assembly.

HATCH AMENDMENT NO. 1196

Mr. HATCH proposed an amendment to the bill, S. 636, *supra*; as follows:

On page 6, lines 1 and 6, amend proposed sections 2715(a) (1) and (2) to add the word "lawful" between "providing" and "pregnancy or abortion-related services".

On page 10, line 8, change "and" to "or".
 On page 11, line 7, add the following new subsection 2715(e)(3):

"(3) LAWFUL.—The term 'lawful' means in compliance with applicable laws and regulations relating to pregnancy or abortion-related services."

Renumber the remaining provisions of subsection 2715(e).

KENNEDY (AND OTHERS) AMENDMENT NO. 1197

Mr. KENNEDY (for himself and Mrs. BOXER) proposed an amendment to the amendment No. 1196, proposed by Mr. HATCH, to the bill S. 636, *supra*; as follows:

In lieu of the matter to be inserted insert the following: "pregnancy or abortion-related services: *Provided, however,* That nothing in this section shall be construed as expanding or limiting the authority of States to regulate the performance of abortions or the availability of.

HATCH AMENDMENT NO. 1198

Mr. HATCH proposed an amendment to the bill, S. 636, *supra*; as follows:

On page 1 of the amendment, strike out line 1 and all that follows through the end thereof and insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1993".

SEC. 2. PURPOSE.

It is the purpose of this Act to protect and promote the public health and safety and activities affecting interstate commerce by prohibiting the use of force, threat of force or physical obstruction to injure, intimidate or interfere with a person seeking to obtain or provide reproductive health services (including protecting the rights of those engaged in speech or peaceful assembly that is protected by the First Amendment to the Constitution), and the destruction of property of facilities providing reproductive health services, and to establish the right of private parties injured by such conduct, as well as the Attorney General of the United States, to bring actions for appropriate relief.

SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

Title XXVII of the Public Health Service Act (42 U.S.C. 300aaa et seq.) is amended by

adding at the end thereof the following new section:

"SEC. 2715. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

"(a) PROHIBITED ACTIVITIES.—Whoever—

"(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person who is or has been seeking to obtain or provide lawful reproductive health services;

"(2) intentionally damages or destroys the property of a medical facility or in which a medical facility is located, or attempts to do so, because such facility provides lawful reproductive health services; or

"(3) by force or threat of force intentionally injures, intimidates or interferes with any person who is participating, or who has been seeking to participate, lawfully in speech or peaceful assembly regarding reproductive health services,

shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c). Nothing in this subsection shall be construed to subject a parent or legal guardian of a minor to any penalties or civil remedies under this section for activities of the type described in this subsection that are directed at that minor.

"(b) PENALTIES.—Whoever violates this section shall—

"(1)(A) in the case of a first offense involving force or the threat of force, be fined in accordance with title 18 or imprisoned not more than 1 year, or both; and

"(B) in the case of a second or subsequent offense involving force or threat of force after a prior conviction for an offense involving force or threat of force under this section, be fined in accordance with title 18 or imprisoned not more than 3 years, or both; except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life; or

"(2) in the case of an offense not involving force or the threat of force, be imprisoned not more than 30 days.

"(c) CIVIL REMEDIES.—

"(1) RIGHT OF ACTION.—

"(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) involving force or threat of force may commence a civil action for the relief set forth in subparagraph (B).

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

"(2) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—

"(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, and such conduct raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States District Court.

"(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory damages to persons aggrieved as de-

scribed in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

"(i) in an amount not exceeding \$15,000, for a first violation involving force or the threat of force; and

"(ii) in an amount not exceeding \$25,000 for any subsequent violation involving force or the threat of force.

"(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to—

"(1) prevent any State from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section;

"(2) deprive State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section or that are violations of State or local law;

"(3) provides exclusive authority to prosecute, or exclusive penalties for, acts that may be violations of this section and that are violations of other Federal laws;

"(4) limit or otherwise affect the right of a person aggrieved by acts that may be violations of this section to seek other available civil remedies;

"(5) prohibit expression protected by the First Amendment to the Constitution; or

"(6) unreasonably interfere with the right to participate lawfully in speech or peaceful assembly.

"(e) DEFINITIONS.—As used in this section:

"(1) INTERFERE WITH.—The term 'interfere with' means to intentionally and physically prevent a person from accessing reproductive health service or exercising lawful speech or peaceful assembly.

"(2) INTIMIDATE.—The term 'intimidate' means intentionally placing a person in reasonable apprehension of immediate bodily harm to him- or herself or to a family member.

"(3) MEDICAL FACILITY.—The term 'medical facility' includes a hospital, clinic, physician's office, or other facility that provides health or surgical services.

"(4) PHYSICAL OBSTRUCTION.—The term 'physical obstruction' means rendering impassable ingress to or egress from a facility that provides reproductive health services, or rendering passage to or from such a facility unreasonably difficult or hazardous.

"(5) REPRODUCTIVE HEALTH SERVICES.—The term 'reproductive health services' includes medical, surgical, counselling or referral services relating to pregnancy.

"(6) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."

SEC. 4. EFFECTIVE DATE.

This Act shall take effect with respect to conduct occurring on or after the date of enactment of this Act.

THE CRIME BILL

D'AMATO AMENDMENT NO. 1199

Mr. D'AMATO (for himself, Mr. HATCH, Mr. DOMENICI, and Mr. WARNER) proposed an amendment to the bill, S. 1607, to control and prevent crime; as follows:

On page 30, after line 6, insert the following sections, (b) and (c):

"(b) a defendant who has been found guilty of—

"(1) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B);

"(2) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

"(3) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation;

shall be sentenced to death if, after consideration of the factors set forth in section 3592, including the aggravating factors set forth at (c) below, in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(C) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section (b) above, the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist: 3

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or

knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER 21.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act (21 U.S.C. 859) which was committed directly by the defendant.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act (21 U.S.C. 860) which was committed directly by the defendant.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act (21 U.S.C. 861) which was committed directly by the defendant.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant. The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

GRAHAM (AND OTHERS) AMENDMENT NO. 1200

Mr. GRAHAM (for himself, Mr. D'AMATO and Mr. MACK) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

Subtitle —Criminal Aliens

SECTION . TRANSFER OF CERTAIN ALIEN CRIMINALS TO FEDERAL FACILITIES.

(a) DEFINITION.—In this section, "criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility" means an alien who—

(1)(A) is in the United States in violation of the Immigration laws; or

(B) is deportable or excludable under the provisions of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); and

(2) has been convicted of a felony under State or local law and incarcerated in a correctional facility of the State or a subdivision of the State.

(b) FEDERAL CUSTODY.—Subject to the availability of appropriations, at the request of a State or political subdivision of a State, the Attorney General may—

(1)(A) take custody of a criminal alien who has been convicted of a felony and is incarcerated in a State or local correctional facility; and

(B) provide for the imprisonment of the criminal alien in a Federal prison in accordance with the sentence of the State court; or

(2) enter into a contractual arrangement with the State or local government to compensate the State or local government for incarcerating alien criminals for the duration of their sentences.

HEFLIN AMENDMENT NO. 1201

Mr. HEFLIN proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC. . FEDERAL ASSISTANCE TO EASE THE INCREASED BURDENS ON STATE COURT SYSTEMS RESULTING FROM ENACTMENT OF THIS ACT.

(a) IN GENERAL.—The Attorney General, acting through the Director of the Bureau of Justice Assistance (the Director), shall, subject to the availability of appropriation, make grants for States and units of local government to pay the costs of providing increased resources for courts, prosecutors, public defenders, and other criminal justice participants as necessary to meet the increased demands for judicial activities resulting from the provisions of this Act and amendments made by this Act.

(b) APPLICATIONS.—In carrying out this section, the Director is authorized to make grants to, or enter into contracts with public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in this section. The Director shall have final authority over all funds awarded under this section.

(c) RECORDS.—Each recipient that receives a grant under this section shall keep such records as the Director may require to facilitate an effective audit.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998, to remain available for obligation until expended.

(2) USE OF TRUST FUND.—Funds authorized to be appropriated under paragraph (1) may be appropriated from the trust fund established by section 1321C.

KERRY AMENDMENT NO. 1202

Mr. KERRY proposed an amendment to the bill S. 1607, supra; as follows:

At page 249, line 6 of the bill delete "each of fiscal years 1995 and 1996;" and insert the following: "fiscal year 1995 and \$250,000,000 for fiscal year 1996;"

BOXER (AND OTHERS) AMENDMENT NO. 1203

Mrs. BOXER (for herself, Mr. WARNER, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. WOFFORD, Ms. MOSELEY-BRAUN, Mr. METZENBAUM, Mr. DODD, Mr. CONRAD, Mrs. MURRAY, Mr. SIMON, Mr. REID, Mr. BUMPERS, Mr. ROBB, Mr. HARKIN, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DASCHLE, Mr. INOUE, Mr. AKAKA, Mr. CAMPBELL, Mr. PELL, Mr. KENNEDY, Mr. KERREY, Mr. BRYAN, Mr. RIEGLE, Mr. BINGAMAN, and Mr. EXON) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following title:

TITLE —DRIVER'S PRIVACY PROTECTION ACT

SEC. . SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Driver's Privacy Protection Act of 1993".

(b) PURPOSE.—The purpose of this title is to protect the personal privacy and safety of licensed drivers consistent with the legitimate needs of business and government.

SEC. . AMENDMENT TO TITLE 18, UNITED STATES CODE.

Title 18 of the United States Code is amended by inserting immediately after chapter 121, the following new chapter:

"CHAPTER 122—PROHIBITION ON RELEASE OF CERTAIN PERSONAL INFORMATION

"Sec. 2720. Prohibition on release and use of certain personal information by States, organizations and persons.

"Sec. 2721. Definitions.

"Sec. 2722. Penalties.

"Sec. 2723. Effect on State and local laws.

"§ 2720. Prohibition on release and use of certain personal information by States, organizations and persons3

"(a) IN GENERAL.—(1) Except as provided in paragraph (2), no department of motor vehicles of any State, or any officer or employee thereof, shall disclose or otherwise make available to any person or organization personal information about any individual obtained by the department in connection with a motor vehicle operator's permit, motor vehicle title, identification card, or motor vehicle registration (issued by the department to that individual) unless such disclosure is authorized by that individual.

"(2) A department of motor vehicles of a State, or officer or employee thereof, may disclose or otherwise make available personal information referred to in paragraph (1) for any of the following routine uses:

"(A) For the use of any Federal, State or local court in carrying out its functions.

"(B) For the use of any Federal, State or local agency in carrying out its functions, including a law enforcement agency.

"(C) For the use in connection with matters of automobile safety, driver safety, and manufacturers of motor vehicles issuing notification for purposes of any recall or product alteration.

"(D) For the use in any civil criminal proceeding in any Federal, State, or local court, if the case involves a motor vehicle, or if the request is pursuant to an order of a court of competent jurisdiction.

"(E) For use in research activities, if such information will not be used to contact the individual and the individual is not identified or associated with the requested personal information.

"(F) For use in marketing activities if—

"(i) the motor vehicle department has provided the individual with regard to whom the information is requested with the opportunity, in a clear and conspicuous manner, to prohibit a disclosure of such information for marketing activities;

"(ii) the information will be used, rented, or sold solely for a permissible use under this chapter, including marketing activities; and

"(iii) any person obtaining such information from a motor vehicle department for marketing purposes keeps complete records identifying any person to whom, and the permissible purpose for which, they sell or rent the information and provides such records to the motor vehicle department upon request.

"(G) For use by any insurer or insurance support organization, or their employees, agents, and contractors, in connection with claims investigation activities and antifraud activities.

"(H) For use by any organization, or its agent, in connection with a business transaction, when the purpose is to verify the accuracy of personal information submitted to that business or agent by the person to whom such information pertains, or, if the information submitted is not accurate, to obtain correct information for the purpose of pursuing remedies against a person who presented a check or similar item that was not honored.

"(I) For use by any organization, if such organization certifies, upon penalty of perjury, that it has obtained a statement from

the person to whom the information pertains authorizing the disclosure of such information under this chapter.

"(J) For use by an employer or the agent of an employer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2701 et seq.).

"(b) UNLAWFUL CONDUCT BY ANY PERSON OR ORGANIZATION.—No person or organization shall—

"(1) use any personal information, about an individual referred to in subsection (9), obtained from a motor vehicle department of any State, or any officer or employee thereof, or other person for any purpose other than the purpose for which such personal information was initially disclosed or otherwise made available by the department of motor vehicles of the affected State, or any officer or employee thereof, or other person, unless authorized by that individual; or

"(2) make any false representation to obtain personal information, about an individual referred to in subsection (a), from a department of motor vehicles of any State, or officer or employee thereof, or from any other person.

§ 2721. Definitions

"As used in this chapter:

"(1) The term 'personal information' is information that identifies an individual, including an individual's photograph, driver's identification number, name, address, telephone number, social security number, and medical and disability information. Such term does not include information on vehicular accidents, driving violations, and driver's status.

"(2) The term 'person' means any individual.

"(3) The term 'State' means each of the several States, District of Columbia, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(4) The term 'organization' means any person other than an individual, including but not limited to, a corporation, association, institution, a car rental agency, employer, and insurers, insurance support organization, and their employees, agents, or contractors. Such term does not include a Federal, State or local agency or entity thereof.

§ 2722. Penalties

"(a) WILLFUL VIOLATIONS.—

"(1) Any person who willfully violates this chapter shall be fined under this title, or imprisoned for a period not exceeding 12 months, or both.

"(2) Any organization who willfully violates this chapter shall be fined under this title.

"(b) VIOLATIONS BY STATE DEPARTMENT OF MOTOR VEHICLES.—Any State department of motor vehicles which willfully violates this chapter shall be subject to a civil penalty imposed by the Attorney General in the amount of \$5,000. Each day of continued non-compliance shall constitute a separate violation.

§ 2723. Effect on State and local laws

"The provisions of this chapter shall supersede only those provisions of law of any State or local government which would require or permit the disclosure or use of personal information which is otherwise prohibited by this chapter."

SEC. .EFFECTIVE DATE.

The amendments made by this title shall take effect upon the expiration of the 270-day period following the date of its enactment.

LEVIN AMENDMENT NO. 1204

Mr. LEVIN (for himself, Mr. SIMON, Mr. HATFIELD, Mr. DURENBERGER, and Mr. PELL) proposed an amendment to the bill, S. 1607, supra; as follows:

At the end of the bill add the following:
SEC. . MANDATORY LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE.

In lieu of any amendment made by this Act or any other provision of this Act that authorizes the imposition of a sentence of death, such amendment or provision shall authorize the imposition of a sentence of mandatory life imprisonment without the possibility of release.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for my colleagues and the public that a field hearing has been scheduled before the Subcommittee on Renewable Energy, Energy Efficiency and Competitiveness of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on technology transfer to the oil and gas industry.

The hearing will take place on Tuesday, November 30, 1993, at 9 a.m., at the Oil Field Training Center at Eastern New Mexico State University in Roswell, NM.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Shirley Neff.

For further information, please contact Shirley Neff of the committee staff at (202) 224-4971.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a hearing on Friday, November 19, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1526, Indian Fish and Wildlife Resources Management Act of 1993.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a markup on Thursday, November 18, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1618, tribal self-governance; H.R. 1425, American Indian Agriculture Act of 1993; S. 1654, technical amendments; S. 1501, to repeal certain provisions of law relating to trading with Indians; and for other purposes, to be followed immediately by a hearing on S. 1345, the Equity in Educational Land-Grant Status Act of 1993.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, November 16, 1993, beginning at 9:30 a.m. in 485 Russell Senate Office Building on S. 1146, the Yavapai-Prescott Water Rights Settlement Act of 1993.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on "Meeting Maternal and Child Health Needs Under the Health Security Act," during the session of the Senate on November 16, 1993, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, November 16, 1993, to hold a hearing on the nominations of Henry Lee Adams to be U.S. district judge for the middle district of Florida, Donetta W. Ambrose to be U.S. district judge for the western district of Pennsylvania, Susan C. Bucklew to be U.S. district judge for the middle district of Florida, Wilkie D. Ferguson to be United States district judge for the southern district of Florida, Theodore Klein to be U.S. district judge for the southern district of Florida, and Gary L. Lancaster to be U.S. district judge for the western district of Pennsylvania.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BIDEN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on Persian Gulf war illnesses at 10 a.m. on Tuesday, November 16, 1993. The hearing will be held in room 418 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., November 16, 1993, to receive testimony on S. 1637, the Department of the Interior Reform and Savings Act of 1993, and S. 1638, the Department of Energy Reform and Savings Act of 1993.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, November 16, 1993, at 8:30 a.m. to hold a nomination hearing on Sidney Williams, to be Ambassador to the Commonwealth of the Bahamas.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday November 16, 1993, at 2:15 p.m. to hold a closed conference with the House Intelligence Committee on the Intelligence Authorization Bill for fiscal year 1994.

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

SPECIAL COMMITTEE ON AGING

Mr. BIDEN. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Tuesday, November 16, 1993, at 9:30 a.m. to hold a hearing entitled "Pharmaceutical Marketplace Reform: Is Competition the Right Prescription?"

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, November 16, 1993, at 10 a.m., to hold a hearing on "Will Telecommunication Mega-Mergers Chill Competition and Inflate Prices? Part II?"

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, November 16, 1993, to hold a hearing on the INS Criminal Alien Program.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on November 16, 1993, at 2:30 p.m. on effects of potential restructuring in NASA.

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

ADDITIONAL STATEMENTS

NUCLEAR ENERGY REFORMS

• Mr. JOHNSTON. Mr. President, the third annual update to the Nuclear Power Oversight Committee's "Strategic Plan for Building New Nuclear Power Plants," announced today by the nuclear industry, is a welcome initiative in the national interest and one which should receive thoughtful and serious consideration by Congress.

I applaud the oversight committee for its efforts toward creating the conditions under which electric power companies may order new advanced nuclear powerplants during the mid-1990's.

This is an ambitious objective, but an attainable one if the industry maintains its resolve and builds on the constructive foundation that has been reaffirmed today.

The 102d Congress, through passage of the National Energy Policy Act of 1992 and provisions of the fiscal year 1993 energy and water appropriations bill, made 1992 a watershed year for the nuclear industry. In the Energy Policy Act alone, Congress included provisions for nuclear plant licensing reform, high-level waste management, uranium enrichment, and research and development of advanced technologies.

Although much was accomplished during the last Congress, it is clear that other nuclear energy reforms are needed if we are going to pave the way for another generation of nuclear plants and realize the full potential of nuclear energy in environmental protection, economic growth, and energy self-sufficiency.

I hope the updated plan announced today will help provide a framework for meeting that important objective. •

TRIBUTE TO VILLA MADONNA ACADEMY, HEAVEN ON THE OHIO

• Mr. MCCONNELL. Mr. President, at a time when many of our Nation's students are fearful of being shot at school, I rise to pay tribute to an institution that has served as a model for over 90 years. The Villa Madonna Academy, in Villa Hills, KY, is a shining example of quality education.

Established in 1904, Villa Madonna is operated by the Benedictine Sisters, many of whom live on the grounds. The school is located on land originally known as Bromley Heights in northern Kentucky on the banks of the Ohio River. The academy later moved further down the river to the Collins family estate.

This property boasts spectacular vistas from the hills and peaceful meadows. The Collins house still serves as the home to offices, classrooms, and the sisters' dormitory. The beauty of the locale is but one of the unique qualities that contribute to the supe-

rior learning experience Villa Madonna's young people enjoy.

Students have access to living institutions like Sister Callista Flanagan. Sister Callista has been associated with the school for 77 years. Since she was the academy's 100th boarder in 1916 she has dedicated her life to the land and people which make Villa Madonna so wonderful.

Mr. President, at a time when we are struggling to decide how to best educate our children, Villa Madonna leads by example. Over 95 percent of its graduates attend college; 65 percent of those with some form of scholarship money. One graduate describes the experience: "The education is fantastic, and the kids are exposed to the Christian spirit that gives them the attitude and temperament to be considerate of other people."

But, it is the beauty of the grounds that everyone remembers. I know full well how much splendor and charm Kentucky has to offer throughout the Commonwealth. However, you would be hard pressed to find a more tranquil setting. Just walk along one of the tree-lined trails, perhaps you will find one of the Sisters sitting, gazing at the river. If you do I hope you will sit and talk with her, listen to the history of the academy, and learn of the love that inspires it.

Mr. President, I ask my colleagues to join me in paying tribute to the Villa Madonna Academy and the people who help make it so special. In addition, I ask that an article from the Cincinnati Enquirer be included in the RECORD.

The article follows:

SCHOOLED IN TRADITION

(By Patrick Crowley)

Callista Flanagan was a 16-year-old Villa Madonna Academy sophomore when she planted a young pin oak on the school's northern rim, a sweeping vista on the Kentucky hills that overlooks the Ohio River as it snakes west into Indiana.

The tree was a gift from Bishop Ferdinand Brossart. He gave it to her because she was the young school's 100th boarder. Moved by the gesture, Flanagan knew of no better place to plant it than on the Villa grounds.

She wanted to leave something to the school in Villa Hills, Ky.

PLACE OF PEACE

In the 77 years since, all three—tree, student and school—have put in deep roots on that panoramic hillside.

The sapling has blossomed and grown into a majestic tree, shading the buildings it once seemed lost among.

Callista Flanagan, now 95, became Sr. Callista and dedicated her life to the Benedictine Sisters, the order that founded and continues to operate Villa Madonna. She will live on the school's grounds and enjoys nothing more than sitting quietly and admiring the beauty of her tree.

And Villa Madonna has grown from a Catholic boarding school of four sisters and 17 students to a sprawling institution of education, religion, retirement, preschool, convalescent care and, possibly above all, one of those rare places where people go to bask in the natural beauty and reflect on the divine presence.

"So many people just come up here to get away, if only for a few hours," says Sister Teresa Wolking, 74, also a Villa Madonna graduate (class of '37) who spent her life as a teacher and school principal before retiring to one of the sisters' residences at Villa.

Visitors sitting on benches watch the Anderson Ferry glide across the river or barges meandering by. They pray. Some sit in silence. Others talk to the sisters.

"This is a place people come to find inner peace," Wolking says.

FIRST STUDENTS IN 1904

Ninety years ago, the Benedictine Sisters of St. Walburg Monastery in Covington purchased an 86-acre tract in hills above the Ohio River, a place then known as Bromley Heights.

After months of searching other Northern Kentucky locations, the sisters settled on the estate of the Collins family, wealthy from growing tobacco and anxious to pursue new dreams in a dynamic and emerging place called California.

The sisters had outgrown their 12th and Greenup streets convent. They longed for a country setting to establish a new convent and boarding school. The Collins property—with its stunning views, vast fields and tranquil setting—was heaven sent.

To honor the Blessed Mother, the estate was named "Villa Madonna."

In 1904, the first students arrived, an elementary-age class of 17 boarding students, most from affluent families. The Collins house served as classroom, chapel and living quarters until construction of the academy was completed and the first high school students were accepted three years later.

BREATH-TAKING BEAUTY

The sisters bought surrounding parcels to more than triple the size of the campus. Buildings were added.

But the Collins homestead—built around 1870—and the academy remain in service as offices, classroom and a sisters' dormitory.

Wolking, who grew up in Covington in a family of six daughters—all of whom entered the convent—lived in the Collins house while a boarder at the school.

Giving a tour of the three-story house, whose many windows provide a breath-taking view of the river valley, Wolking is torn between showing off the charm and character of the home and reminiscing about her days under its roof.

"This was my room," she says, her eyes locked in a memory as she slides her tiny, wrinkled hand across an antique desk. "I would sit right here at night and do my homework and read."

"Was it that long ago?" she asks rhetorically.

"WONDERFUL" EDUCATION

The hills rising from the river are awash in orange, yellow and crimson. A gentle breeze—making it just chilly enough for a sweater—carries cottonlike clouds across a light blue sky. Browned leaves dance across a green lawn as bright-faced children dash from a door after a day of learning.

These are days Patti Love remembers.

"The education was wonderful; the people were splendid, and I couldn't really imagine every going to school anywhere else. But, my God, the beauty of that place. It is such a peaceful setting," she says.

"So often I'm in the car and I just find myself back here, looking out over the river or walking along the grounds."

The Loves are typical of many Villa families. Love's mother was a 1945 graduate. Love graduated in 1975, and now her son, Matthew, attends first grade here.

"The education is fantastic, and the kids are exposed to the Christian spirit that gives them the attitude and temperament to be considerate of other people," says Love, a Lakeside Park resident and a supervisor in the chemistry department at St. Elizabeth Medical Center.

Harry and Nadine Hellings of Lakeside Park have had two daughters graduate from Villa Madonna; a third is a freshman.

"Nadine graduated from there, and we really never considered sending the girls anywhere else," says Harry Hellings, a defense attorney. "There's good discipline, a good cross-section of students and an excellent college-prep curriculum."

HALF-CAPACITY

Ninety-five percent of the graduates go on to college, with 65% of them receiving some type of scholarship, according to the school's development office.

Villa's curriculum features a nationally recognized computer program, opportunities for foreign travel and a language program featuring Spanish for first-graders and Latin in the sixth grade.

Enrollment is at 400, about half of what Villa could handle, says Sr. Victoria Eisenman, executive director of Villa Madonna Academy and elementary school principal.

"We've really started recruiting in the past few years, and it's something we want to increase," says Eisenman, a Villa graduate but one of few sisters on the staff.

Some fungus has grown on the east side of Sister Callista's tree, and she's not happy about it. A specialist is scheduled to look at it.

"My mother had just died when I came here as a teen-ager, and my little sister was already here," Flanagan says. Her father was a draftsman who traveled.

"He just couldn't leave us kids at home alone. I was wary at first, coming from my house to this boarding school. But, oh, I loved it so I didn't want to leave."

"So when I graduated, I decided to enter the convent and return * * * It was as if I came home."

VILLA FACTS

Located on 239 acres overlooking the Ohio River along Amsterdam Road in Villa Hills, Ky.

Operated by the Benedictine Sisters, a Catholic order of nuns, and an independent board of directors.

This year marks the 90th anniversary of the sisters buying the property. A grade school opened in 1904 and Villa Madonna Academy opened in 1906.

Since opening, there have been 2,492 graduates from the high school, mainly girls (boys weren't admitted to the elementary school until 1977 and not to the high school until 1985).

Current enrollment is about 400 students in grades 1-12. Tuition is about \$3,000 for elementary school, slightly higher for high school.

About half the students are from Villa Hills—the community around the school—and Fort Mitchell. The remainder are from throughout Northern Kentucky and some from out of state.

The Villa Madonna campus includes St. Walburg Monastery, home for many of the 127 sisters on the grounds. Other sisters live in houses and cottages on the grounds. There also is a Montessori school and day-care center; a religious retreat center; and Madonna Manor Nursing Home. •

IF NAFTA LOSES

• Mr. SIMON. Mr. President, one of the more thoughtful journalists on the American scene today is Anthony Lewis, who writes a regular column for the New York Times from Boston.

He had a column the other day pointing out how tragic it would be for this country if NAFTA should not carry.

I concur in the sentiments expressed in his eloquent column.

I ask to insert his column into the RECORD at this point, and I urge my colleagues to read what he has to say.

IF NAFTA LOSES

BOSTON.—It is a symbol that the North American Free Trade Agreement really matters. The economic effects of the agreement on this country would be marginal. But if Congress turns Nafta down, the political consequences would be enormous.

No matter how the opponents tried to disguise it, the world would see defeat as a message that America has gone protectionist. That would encourage the protectionism already rising in France and elsewhere in Europe.

The effort to complete the Uruguay Round of GATT negotiations would collapse, I am convinced. Why should the French Government, whose fear of farm voters now blocks agreement, show political courage on trade when the United States has abandoned its most important trade venture in years?

From the collapse of the Uruguay Round there could follow a worldwide retreat from free trade. Political leaders might well continue to profess loyalty to the principle, but they would give way to local pressures for barriers here, there, everywhere.

Would such a surge of protectionism matter? It could—I think it would—mean the end of nearly 50 years of rising world prosperity. That's all.

Since World War II the world has experienced extraordinary economic growth. The engine for that growth has been international trade: vastly increased trade in an age of more and more rapid transportation and communication.

Successive rounds of tariff reduction have fueled the rise of international trade. The United States has been the leader in efforts to cut not only tariffs but quotas and other non-tariff barriers. And now the leader would be seen to have turned away: turned inward.

The arguments made against Nafta by such significant opponents as the United Auto Workers seem to me to come down to fear of change and fear of foreigners. Change can indeed be painful, certainly so in our accelerating technological world. But the alternative to change is stagnation.

One great American economic asset, historically, has been mobility. The secret of our prosperity has been mobility. The secret of our prosperity has been the mobility of both capital and labor in a huge market, the readiness to seize new opportunities: to move.

The need for mobility is the greater in an age when new technological products can work economic revolutions—when computer software becomes a vital industry overnight. Yet the opponents of Nafta want us to put our faith in keeping things as they are, resisting change.

The irony is that the jobs they want to protect, many of them, are low-wage jobs. But the future prosperity of the United States depends on moving people and capital into new enterprises, high-paying ones, not in telling us that we need learn nothing new.

I have heard it said that Bill Clinton acted against his own political interest in pressing for approval of Nafta because he alienated the labor unions that are the core of Democratic Party support. I think that gets the politics exactly backward.

Unions in this country, sad to say, are looking more and more like the British unions that have become such a millstone around the neck of the Labor party: backward, unenlightened. Bill Clinton cannot build a new Democratic Party on that base. The crude threatening tactics used by unions to make Democratic members of the House vote against Nafta underline the point.

The consequences of Nafta's defeat would be particularly bad in Latin America. It would, as Bernard Aronson, former Assistant Secretary of State, said, "strengthen traditional economic cliques, which have grown rich by manipulating and sometimes corrupting their political systems to shut out competition at the expense of ordinary citizens."

Given the growing economic clout of Asia, a rational United States would be doing all it can to increase trade in its own hemisphere. Mexico is already our third-largest export customer—despite Mexican barriers to U.S. products that would be removed by Nafta. Defeat of the agreement would be a good way to tell Mexico we do not care about that market.

The opponents are really saying: Stop the world, I want to get off. But we cannot do that. All we can do is impoverish ourselves in the attempt.●

SUPPORT FOR NAFTA

● Mr. DURENBERGER. Mr. President, I rise today to go on record as a strong supporter of the North American Free-Trade Agreement.

The NAFTA is a significant opportunity for the United States as a whole, and for Minnesota in particular. Our State's economy has long been dependent upon exports, and we have continually expanded our economic benefits by expanding our access to new markets.

Mexico is a rapidly growing market for Minnesota exports including high-tech equipment, medical devices, food, and agricultural products. Minnesota is competitive in Mexico right now, and a reduction of the 20 percent and higher tariffs on many of our exports will open the door for even more exports. Since 1987 when Mexico was first persuaded to reduce its tariffs, Minnesota exports to Mexico have increased almost 200 percent.

NAFTA means more Minnesota exports, more Minnesota business, and more Minnesota jobs. We cannot afford to pass up this one-time opportunity to improve our State's economy, and to send a message to the world that the United States is committed to the principles of free trade.●

ALL LOVERS OF FREEDOM SHOULD HONOR LOVEJOY

● Mr. SIMON. Mr. President, Vernon Jarrett, the longtime columnist for the Chicago Sun-Times and a champion of

civil rights and civil liberties, recently wrote a column about someone most people have never heard of, Elijah P. Lovejoy.

Lovejoy was an Abolitionist, who championed the cause of free speech and freedom for those who were then held in bondage in our country.

Vernon Jarrett concludes his column after reciting the history of Elijah Lovejoy in noting: "I'm still wondering why the media haven't made him one of our national icons."

More than anything until the publication of "Uncle Tom's Cabin", no single incident gave as much impetus to the antislavery cause as the mob-slaying of Lovejoy.

Vernon Jarrett is right to note the anniversary of the murder of Elijah Lovejoy, and I ask to insert his column in the RECORD at this point.

The column follows:

[From the Chicago Sun-Times, Nov. 4, 1993]

ALL LOVERS OF FREEDOM SHOULD HONOR LOVEJOY

(By Vernon Jarrett)

If there ever were an anniversary that deserves special reverence in the history of American journalism, it is that of an act of martyrdom that occurred on Nov. 7, 1837, in Downstate Alton.

Sunday will be the 156th anniversary of the murder of Elijah P. Lovejoy, the crusading young editor of the Alton Observer who refused to remain quiet about the horrors of slavery.

Lovejoy, 35, was not surprised when shortly after 10 p.m. a mob gathered outside his newspaper office and printing press. He had faced mob violence before.

When it became impossible for him to state his views in St. Louis, Mo., he in 1836 decided to move across the Mississippi River into Illinois, a presumed "free state."

At Alton, the young Presbyterian minister-editor continued to expose the moral contradictions in slavery being practiced under the banner of Christianity and democracy. When a mob climate began to burgeon, some of his early supporters, who were powers in the community, advised him to ignore slavery.

Desertion by friends was not exactly a new experience for Lovejoy. In October of 1835, he published his support of the American Antislavery Society's rejection of the gag rule on slavery that pro-slavery forces had initiated in the U.S. Congress and in public discussions. He saw the gag as a denial of the sacred freedoms of the press, assembly and speech.

One group of Lovejoy's so-called supporters published an open letter urging him to "pass over in silence everything connected with the subject of slavery." Even though freedom of the press is guaranteed by the Constitution, they argued, to publicly discuss slavery would contribute to the disunity of "our prosperous Union."

Lovejoy was sorely disappointed by the cowardice of some of his supporters. After a month of reflection, a lonely Lovejoy issued this memorable response:

"I cannot surrender my principles, though the whole world besides should vote them down—I can make no compromise between truth and error, even though my life be the alternative."

Lovejoy held his ground even though the owners of the Observer had urged him to resign.

During three previous threats to his life, his press had been destroyed and in one instance dropped into the Mississippi River, while the citizens of goodwill did nothing.

So around 10 p.m. on Nov. 7, 1837, Lovejoy and a small band of abolitionists tried to defend their press against destruction. Five bullets were fired into the body of the remarkable young man, who would be memorialized by the Rev. Edward Beecher, brother of novelist Harriet Beecher Stowe, as "the first martyr in America to the great principles of freedom of speech and to the press."

Interesting question: How many journalists know anything about Elijah P. Lovejoy?

Sen. Paul Simon (D-Ill.) wrote a book for children in 1964 titled *Lovejoy: Martyr to Freedom* and is completing a new book titled *Elijah Lovejoy, Champion of Freedom*.

For the past 15 days, I have paused at some time during Nov. 7 to remember one of the true heroes of my profession. And I'm still wondering why the media haven't made him one of our national icons.●

TRIBUTE TO DAVID A. WIBBELS

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a notable Kentuckian, whose company is taking the business world by storm in Louisville and expanding around the world. David Wibbels founded Electronic Systems USA, Inc., with Darrell Newton in 1979, and the company has not stopped growing.

This is a perfect example of a success story. Mr. Wibbels started quickly making his way up the ladder with Honeywell, Inc., straight out of college. After about 4 years, he realized that he had gone as high as he could without getting involved in sales, so he set out with a coworker to start his own business.

David Wibbels and Darrell Newton created Electronic Systems, Inc., to service Honeywell computers. Until that time, only manufacturers of the electronics system maintained them. Today, the company designs and manufactures computer consoles and software that control heating, air-conditioning, security, fire-safety, and other electronic systems in skyscrapers across the country.

Mr. President, that Louisville-based business reached \$10 million in annual sales in the late 1980's, and sales have only increased since.

Mr. Newton left the company, and Mr. Wibbels, believing that employee-owned businesses are more productive, arranged for each employee to get a piece of Electronic Systems. He also believes in hiring the best people and encouraging them to be creative. It seems he is right.

Electronic Systems is serving such big names as Sears, Ashland Oil Co., and the Federal Aviation Administration. Ironically, even though it has remained fairly small, the company often finds itself in competition with Mr. Wibbels' former employer, Honeywell.

Kentucky's Electronic Systems has offices scattered throughout the country and are reaching across the world.

They recently signed a contract with an Australian company that will represent their business in Pacific rim countries.

Mr. President, David Wibbels is truly an entrepreneur, discovering a niche in the business community and filling it. I want to congratulate him and his employees on their many accomplishments and wish them continued success. Their efforts are a testimony to dedication, ambition, and hard work.

Mr. President, I ask that this tribute and a recent article from *Business First* be submitted in today's CONGRESSIONAL RECORD.

The material follows:

HOT AND COLD: WIBBELS CONTROLS THE THERMOSTAT

(By Roger Harris)

David A. Wibbels used to hate selling.

Not anymore. He can't get enough of it.

The adrenaline starts to pump when Wibbels, 42, president and majority owner of Electronic Systems USA Inc., sits down with a prospective client.

Electronic Systems, which maintains sales offices in New York, Chicago, San Francisco and a dozen other major cities, designs and manufactures computer consoles and software that control the heating, air-conditioning, security, fire-safety and other electronic systems in skyscrapers across the country.

The company's products are manufactured in Louisville at its headquarters at 9410 Bunsen Parkway.

"One of the ironies about what I'm doing is that I love sales," Wibbels says. "When I meet with a client and make a presentation I gain confidence as I go."

It wasn't always that way.

When he graduated from Eastern Kentucky University in 1975 and went to work as a technician for Honeywell Inc. in Louisville, Wibbels was confident in his electronics skills but less than enthusiastic about his interpersonal skills.

For four years Wibbels labored for Honeywell, moving up quickly and taking on greater responsibilities. By 1979 he was a branch supervisor.

"By then, I had gotten as far as I could go unless I moved into sales," Wibbels says. "To become branch manager you had to be in sales, and there was no way I could do that because I was so shy."

When a new branch manager was appointed in 1979, Wibbels decided to strike out on his own.

"The new branch manager and I didn't get along," he says.

So Wibbels and Darrell Newton, another Honeywell employee, decided to start a company to service Honeywell computers.

At that time, the only companies that repaired or upgraded the electronics controlling building-automation systems were the manufacturers of the equipment.

Wibbels was confident the new company would succeed because he had the electronics know-how to do the work, but not the overhead of a large corporation.

"I knew we could create our own niche because I was out there when I worked for Honeywell, and I heard complaints about the high prices," Wibbels says.

Buildings that have automated systems made by different manufacturers are especially interested in upgrading their control systems so that all systems can be monitored by a single computer, Wibbels says.

Manufacturing control consoles that integrate automation systems made by different manufacturers is one of Electronic Systems' specialties.

Electronic Systems' software and computer consoles can save a building owner money by closely monitoring such things as the use of heating and lighting on a floor-by-floor basis.

For example, when a building is closed in the evening, the heating level can be automatically reduced. A few hours before the building reopens the next morning, the heating system is automatically cranked back up.

Electronic Systems' software also is capable of such things allowing an operator to lock a specific door.

In some cases, after Electronic Systems installs its control systems, Electronic Systems employees maintain the equipment. In other cases, Electronic Systems will train the client's employees to maintain the systems.

Newton, Wibbels' original partner, has since left the company. Wibbels bought out his former partner five years ago and arranged for each of Electronic Systems' 125 employees to get a piece of the company.

A few weeks ago, the firm paid off the bank loan that financed the employee stock ownership plan.

Wibbels declined to discuss financial details of the ESOP.

"I believe an employee-owned business is a more productive business," says Wibbels, who owns 51 percent of the ESOP stock.

Honeywell's loss proved to be good news for corporate America's building owners, says Debbi Cole, sales manager for Barber Colman Co., a manufacturer of temperature controls and building-automation systems.

Cole and Wibbels used to work together in Honeywell's Louisville office. Although Electronic Systems and Barber Colman are in the same business, Cole describes the two companies as "complimentary competitors" that occasionally team up on projects.

"I think he would still be working for Honeywell if they had realized what they had," Cole says. "But Honeywell is not exactly a people-oriented type of corporation. It never realized David's full potential. I thought he was the best person they had."

"Even after David started Electronic Systems I don't think Honeywell considered him a threat, but millions of dollars later they have taken notice."

Perhaps so. Honeywell officials did not return a reporter's phone calls for comments on their former employee and his company.

Wibbels won't say what his company's current revenues are, but by the late 1980s annual sales had reached \$10 million and sales have grown every year since, he says.

Wibbels says he harbors no ill-will toward Honeywell, but he admits to enjoying head-to-head competition with his former employer when the two companies battle for contracts to upgrade Honeywell control systems.

Electronic Systems isn't about to drive Honeywell or Johnson Controls Inc.—another billion-dollar-a-year building control system manufacturer—out of business, Wibbels says.

But his company can compete with the big boys, he adds.

Although soft-spoken and shy, Wibbels is supremely competitive, say friends and business associates.

"He loves competing with larger companies," says Ken Palmgreen, executive vice president for Electronic Systems. "Actually,

he's extremely competitive about everything. I used to play tennis with him until I tore up my knee, and when we'd play he was extremely competitive. He wants to win."

Tennis is a perfect example of Wibbels' competitive streak, Cole says.

"He's the only guy I know who sits down after a tennis lesson and takes notes, and then spends hours reviewing them," Cole says.

Wibbels says he likes the one-on-one nature of tennis.

"I enjoy looking over the net and knowing that one of us is going to come out the winner" he says.

Self-confidence, an inborn passion for electronics and an insatiable desire to learn are the cornerstones on which Electronic Systems was built, say Cole and John Hamilton, Electronic Systems' accountant and a friend of Wibbels.

"He's certainly very entrepreneurial, Palmgreen says. "He's a risk taker and very optimistic."

The business success that has resulted from Wibbels' competitive nature won him a regional Entrepreneur of the Year Award in 1992. The annual competition is sponsored nationally by The Entrepreneur Society, Ernst & Young CPAs, Merrill Lynch and Inc. magazine.

Wibbels' interest in electronics must be in the genes.

"My dad was the ultimate machinist," Wibbels says. "He was a very, very hard-working fellow and I miss him very much."

His father, Lester Wibbels, died three years ago.

While growing up in the Iroquois Park area as a young child and later in Valley Station, where he graduated from Valley High School, Wibbels said he often took apart TV sets and radios just to see what was inside.

He often would spend hours working on lawn mowers or cars.

"One of the most important things learned from my dad was something he said: 'You have to seek out knowledge because it can't seek you out.'"

Although always interested in gadgets and electronics, Wibbels said he went to Eastern Kentucky University uncertain about what he wanted to study.

"After two years they told me it was time to decide," he says.

He took some courses in the engineering department, and his interest in technical things hit home.

"It became obvious that's what I wanted to do," he says.

In 1975, he graduated with a bachelor's degree in industrial technology.

Starting his own business was the furthest thing from his mind when he got out of college. Simply getting a job and starting his career was the priority, he says.

"I didn't think about owning a business at all. And there was no way I could have planned where I am today, because I didn't know this industry existed."

Planning, however, is one of Wibbels' business strengths, Hamilton says.

"For a company this size, they do a lot of planning," says Hamilton, managing partner of Eskew & Gresham. "He sets a lot of goals. He's extremely organized. Everything he does is planned."

"I do feel bogged down in meetings sometimes, but planning is what makes you successful," Wibbels says.

Planning is one thing, but executing a plan is another.

Wibbels' success in bringing a plan to fruition is attributable to his belief in allowing

employees to do their jobs without him leaning over their shoulders, Palmgreen says.

"David very much believes in the team concept," Palmgreen notes.

But Wibbels is definitely captain of the Electronic Systems team, adds Hamilton.

"He's extremely bright and a very good listener," Hamilton says. "He makes the decisions, but he makes sure to listen to people."

Hiring the best people possible and encouraging them to be creative requires no great insight, Wibbels says. It just makes sense.

Electronic Systems is well-known to building owners across the country, but it is one of Louisville's lowest-profile companies.

The firm does have some local contracts, but almost all of its clients are out of state, Wibbels says.

He would like to do more work in Louisville, but the market for Electronic Systems' products is small in Wibbels' hometown.

But despite the company's far-flung business interests, Wibbels says he will never move Electronic Systems' headquarters out of Louisville.

"This is where I was born and where I'm staying forever," Wibbels says. "I get to travel to all of the big cities on business, but then I get to come to a place where you can afford to live."

Besides, operating out of Louisville gives his company quick and easy access to United Parcel Service Inc.'s national air hub—an important matter when a client needs a computer part fast.

Making enough money to live well wasn't always a sure thing in the early years of the company.

It was tough to convince building owners to hire a small, upstart company, Wibbels says. "There was some reluctance to turn over million-dollar electronic systems to a company with no track record."

With the private sector waiting for Electronic Systems to prove itself, the young company turned to the federal government.

For the first two years virtually all of Electronic Systems' work was with the government. Its first contract was to maintain a Honeywell building-automation computer at Fort Bragg, N.C.

Wibbels' first contract with the private sector came in 1981, when John Deere Co. "took a chance" and hired Electronic Systems to repair circuit boards, Wibbels says.

By 1983 the company started to take off, Wibbels says. During that year, Electronic Systems snared a major, multiyear contract maintaining the building-automation systems in the Sears Tower in Chicago.

Wibbels was so determined to meet or exceed the demands of the Sears contract that he promised the building manager that he would stay in Chicago "until (the building manager) was satisfied."

"It took 15 weeks for me to get out of Chicago. But we've had an excellent relationship and just recently renewed our contract for the 10th year."

Sears is Electronic Systems' largest client. The purchase and installation of an Electronic Controls computer system can cost from a few thousand dollars to more than \$50,000. Service contracts to maintain a building's automated control system range from a few thousand dollars a year to more than \$250,000, depending on the scope and sophistication of the systems.

In a large office building, Electronic Systems could be responsible for maintaining, upgrading or operating a building-automation system that controls thousands of lights, elevators, escalators, sprinkler systems, electronic access-control, as well as heating and cooling systems for each floor.

Electronic Systems also has contracts with the owners of other well-known office buildings to maintain control systems his company installed. Some of the more well-known clients are the TransAmerica building in San Francisco, American Telephone & Telegraph Co.'s headquarters in New Jersey, and the Renaissance Center in Detroit.

Another major client is the Federal Aviation Administration, which contracted Electronic Systems to upgrade the energy-management systems at 26 air-traffic control centers throughout the country.

Electronic Systems still does a significant amount of government work, but for years it has had little trouble grabbing private contracts.

One of its larger private customers is Ashland Oil Co., headquartered in Ashland, Ky.

We've been working with David for about 10 years," says Harold Tussey, manager of building systems for Ashland Oil.

Electronic Systems upgrades and maintains automated-control systems in Ashland Oil buildings in Kentucky and elsewhere. The firm's building systems have saved the oil company significant money by ensuring efficient energy use, Tussey said.

He declined to estimate how much the savings has been.

"They have saved us money because they have given us systems that work properly," Tussey says.

One reason Ashland Oil signed up with Electronic Systems is because Wibbels' company is small enough to be flexible and still large enough to meet Ashland Oil's needs, Tussey says.

"They're not so large that you can't call Dave and talk about a problem," Tussey says. "Dave always takes time himself when we need him. I can call down there at any time and get a hold of Dave, and he will get to the bottom of a problem."

Ashland Oil is currently working with Electronic Systems and Texas Instruments Inc. to develop a new access-control system that would allow employees to move through a building without taking their control card out of their wallet, Tussey says.

That convenience would be especially beneficial for employee safety, he adds.

"With that kind of system if we had a fire in a building, we would automatically know whether an employee was inside a building or not," Tussey says.

Developing new products and customizing services for individual clients is important to the future growth of Electronic Systems, Wibbels says.

"We're constantly evaluating what product lines we need to develop," he says.

Wibbels hasn't limited his sights to just the United States. He recently signed a contract with an Australian company that will distribute Electronic Systems' products and represent his company in Pacific Rim countries.

Running a business that has customers scattered in major cities from coast to coast demands a lot of time and travel. But Wibbels says he has learned in the past few years to ease up when he feels the need to get away from business.

Before, he rarely took vacations; now he regularly takes a weekend or a week off.

He and his girlfriend regularly play doubles tennis at the Louisville Tennis Center, and he enjoys reading and playing the guitar.

One of his favorite recreational pursuits is horse racing. At least twice a year he and Hamilton will travel to Florida or New York to watch the thoroughbreds.

"He's not a workaholic," says Hamilton. "He knows how to have fun."

He isn't one to just waltz up to the betting window and put down money on the horse with the cutest name, however, says Cole.

"He's obsessive about learning," Cole says. "Before he made his first real bet, he studied the newspaper every day for a year and made (pretend) bets."

Wibbels says his intense desire for information goes back to what his father said about seeking out knowledge.

Although by any measure Wibbels would be considered a successful businessman, he is not satisfied with his knowledge or understanding of the business world.

To buttress his business knowledge, Wibbels is studying for his master's degree in business administration at the University of Louisville.

"I love to know things," he says.●

TAKE IT FROM INSIDERS: GET SMARTER, NOT TOUGHER

● Mr. SIMON, Mr. President, I read an op-ed piece in the Los Angeles Times by Father Gregory J. Boyle, who serves as an assistant chaplain at the California State Prison at Folsom.

He asked his class at the prison what would stop crime, and the first thing they mention is jobs.

They do not believe that more prisons will solve the problem, nor longer sentences, nor treating juveniles as adults. What do they believe will help: "Address the pervasive hopelessness among the inner-city poor. Money spent on jobs for the unemployed will make the streets safer than all the prisons in California."

This makes sense, not only for fighting crime but in terms of welfare reform.

Another suggestions they have: "Get all the guns off the street."

For some years now, I have been trying to get this Nation to adopt a program to guarantee a job opportunity to everyone who is out of work 5 weeks or more. That is real welfare reform. That is a real fight against crime.

Much of the rest of what we call crime fighting deals only at the edges of the problem. Yes, there are some good things in the crime bill, such as placing more police on the streets; but overall, we are only dealing at the edges of the problem rather than the heart of the problem.

I ask to insert Father Boyle's article in the CONGRESSIONAL RECORD at this point.

The article follows:

TAKE IT FROM INSIDERS: GET SMARTER, NOT TOUGHER

(By Gregory J. Boyle)

My "Theological Issues in Short Fiction" class at Folsom prison took a detour the other day. We got sidetracked by a discussion of the various crime bills coming out of the nation's capital. My students, virtually all life-termers, many without the possibility of parole, were amazingly informed about the bills.

They were aware of the Senate's huge five-year, \$22.2 billion "crime-fighting" package

that included regional prisons for violent offenders and 100,000 more police. They knew also of President Clinton's hope to extend the death penalty to include 50 more offenses and to cut back on the number of appeals of those sentences. I was impressed by how well-versed they were on the impetus to try more juveniles, charged with violent crimes, as adults. They were up to speed, as well, on the recent passage of the "three strikes and you're out" measures in Washington state.

These inmates know the issue of crime better than just about anybody. As disparate as they are in their opinions on most things, they were of one voice on the current "get-tough" urge that grips the land to them, it is all absolutely meaningless and insignificant in reducing crime.

Not a single one thought that longer sentences stop crime. Not one juvenile, they insisted, will be deterred by the fear of being tried as an adult. We could triple the number of prisons in this state (already a growth industry in California) and not one of my 40 students believes that it would make a criminal think twice.

The men at Folsom know what the Senate doesn't. These aren't "crime" bills—they are "punishment" bills. They don't seek to make prisons obsolete by reducing crime, they merely address how we'll deal with criminals when they're caught. Does anyone feel safer now than they did before?

My students know that there exists in this country no real will to stop crime. Legislators herniate themselves to be seen as "tough" on crime while sidestepping every conceivable approach that would be "smart" on crime.

Most inmates I know accept full responsibility for what they've done. In fact, they bristle if they think you're apt to blame society or the economy or their upbringing for their crimes. And yet, ask them to brainstorm on a crime bill and this is what they say:

Address the pervasive hopelessness among the inner-city poor. Money spent on jobs for the unemployed will make the streets safer than all the prisons in California.

Promote mentoring programs to tackle the issue of so many fatherless sons (70% of all juveniles detained in the United States know no father).

Convert prisons from punishment warehouses to rehabilitation centers, for one day, these inmates will walk free.

Actively support entrepreneurship in urban areas.

Get all the guns off the street.

Conceive ways to offer meaning to inner-city poor youth who have lost the ability to imagine a future.

Sen. Joseph R. Biden Jr. (D-Del.) called the \$22.2-billion crime bill "the most significant effort to deal with violent crime in America even undertaken by the U.S. Senate." It is not just this hyperbole that strikes my class at Folsom as profoundly sad. This country and its legislators, for its lack of will to deal with crime, has missed yet another opportunity.●

TRIBUTE TO PLEASANT GREEN BAPTIST CHURCH

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to the oldest African-American church west of the Allegheny Mountains. The historic Pleasant Green Missionary Baptist Church of Lexington, KY, is celebrating its 203d anniversary.

In an era when values seem too often forgotten, I am pleased to recognize the role of this institution. From its beginning as a church for slaves, Pleasant Green has grown into a thriving community, contributing to humanitarian causes and promoting citizenship.

Their history is fascinating. In 1790, Peter Duerett, who was a slave known as Brother Captain, and his owner John Maxwell erected the African Baptist Church as a place for slaves to worship. In 1829, the name was changed to Pleasant Green Baptist Church, and the current building was constructed in 1931.

Other interesting details of their history include the church's buying the freedom of one of their pastors, George W. Dupee. Pleasant Green also housed Lexington's first Black school to be funded and established by the Government, and they reached out to other communities by organizing a mission that resulted in the establishment of the parish, Evergreen Baptist Church.

Pleasant Green has flourished since its formation. Recently, their distinguished past was recognized with an official State historical marker. Founder Brother Captain was also honored by the dedication of Brother Captain's Garden, which features a marble stone beneath a fountain.

The church community continues to grow. Plans for their future include new facilities, including a doctor and lawyer's office, gym with a health spa, pharmacy, housing units, conference rooms, underground parking and more. Observing their past expansion and success, I have no doubt that these plans will soon be realized.

Mr. President, on their 203d anniversary, I would like to recognize the impact of the historic Pleasant Green Baptist Church and offer them my congratulations.●

BOWDOIN COLLEGE ALUMNA'S L.A. PUBLIC SCHOOL EXPERIENCE

● Mr. SIMON. Mr. President, recently, Bill Farley, chairman of the board of Fruit of the Loom, sent me an article from the Bowdoin College alumni newspaper, which contains a letter from his stepdaughter about her teaching experience in Los Angeles.

It should be of more than casual interest, that she is able to contribute as much as she is, in part, because she majored in Spanish at Bowdoin College and later received her master's degree in Spanish from Middlebury College.

Our general failure to pay attention to languages is costing us in many ways, and too many teachers simply don't have the language skills to equip them to help in many areas. That is true of too many people in business, in journalism, in government, and in many other areas.

I was interested in noting that she was recruited through the Teach for

America Program. This endeavor has made a real contribution to our country.

I ask that the letter of Natalie Rollhaus, a graduate of Bowdoin College in the class of 1990, be inserted in the RECORD at this point.

The letter follows:

ALUMNA'S L.A. PUBLIC SCHOOL EXPERIENCE

Dear Bowdoin College students, alumni, professors, administrators and friends:

In the past two years I have realized more than ever how lucky I am to have received such excellent elementary school education. Francis Parker provided me with all the support and encouragement I needed to excel and pursue my interests. My teachers were brilliant and enthusiastic. The small classes, excellent resources, challenging academic environment and caring teachers ensured me that I had everything I needed to succeed academically. Yet I took my whole private school education for granted because it was the only system that I knew. I continued to take my education for granted as I graduated from Bowdoin College with an A.B. in Spanish and Latin American Studies, and then from Middlebury College with an M.A. in Spanish. Yes, I took it for granted until two years ago, when I began teaching in the inner city public schools of Los Angeles, through the Teach For America program. Teach For America is a highly selective national teaching corps of outstanding recent college graduates who commit a minimum of two years to teach in under-resourced urban and rural public schools.

In August, 1991, I immersed myself in the Inglewood School District for what I thought would be only a two-year commitment. As I walked into my temporary mobile trailer with boarded-up windows and thirty-three students at Highland Elementary School, I never would have believed that in July, 1993, I would enthusiastically and confidently be starting my third year of teaching in Inglewood.

My trailer was dark and depressing, with nothing on the walls and few books. I was told there were no reading books for my bilingual class. Soon, a tie-dyed sheet would act as a divider between my class and another class of thirty-three fifth graders in the same trailer. My students were hardly surprised to see another teacher walk in, since they had already been through four different teachers in the first month of the school year. Many of them slept in their living rooms with their parents, upon mattresses that covered the floor. More importantly, I realized that all of my students, of either Latino or African-American descent, were the victims of our failing national public education system.

I stopped looking around the room and began to look into the eyes of these children. I decided right then that the daunting limitations of the school system would not prevent me from giving my thirty-three fifth graders the quality education to which they were all entitled to and all deserved. I would empower these students and help them take charge of and value their education. This is what I have strived for and achieved with the two fifth grade classes I have taught for the last two years.

My class was equally divided between Spanish-only speakers, English-only speakers, and those who could manage somewhat in both. To further complicate things, I had no teaching aide. A Chinese proverb states that even a journey of a thousand miles must begin with but one step; so undaunted,

I set about tackling the enormous tasks before me. I went to public libraries and checked out over thirty books at a time in order to implement an effective bilingual reading program. I asked corporations for basic supplies and a computer for my classroom, and all were donated to me with enthusiasm. I organized the first bilingual coalition of parents to involve them in and educate them about their children's education and the system which operates it. After translating parts into Spanish, my class put on bilingual theatrical performance of Dr. Seuss' "How the Grinch Stole Christmas" for our school's holiday show. They memorized and performed Maya Angelou's inaugural poem for the school and made posters illustrating their interpretations of the poem that were displayed in the windows of the book store, Children's Book World. I devised an entire three-week curriculum on modern art, which consisted of mapping out seven rooms of the Anderson Gallery in the Los Angeles County Museum of Art, and which culminated with a field trip of interactive and reflective activities at the museum. The docents started in amazement they watched my students independently tour the gallery, creating and responding to questions on the different activity sheets I had developed for each of the rooms. I was so proud as I observed my students starting up conversations with people at the museum about Cubism.

I am currently a co-chair of the first Teach For America Community Outreach Committee. We are in the process of establishing a Speakers' Bureau—a list of leaders from diverse cultural and ethnic heritages in the Los Angeles community who would be willing to come into TFA corps members' classrooms and give lessons, and/or speak about their careers or fields of interest. Our students are in great need of positive and inspiring role models who can open their eyes to a variety of careers. They need to see tangible reasons to stay in school and make their education a priority. The Speakers' Bureau shows the importance and excitement of the learning process in all aspects of life.

These past two years have been by far the most challenging frustrating and rewarding years of my life. The fact that I have decided to teach in Inglewood for a third year is not because I have grown accustomed to an inept system, or numb to the real needs of all students. I am continuing to teach because I saw my students grow confident, responsible for their own education, become intrigued by knowledge and turned on to learning. I saw my students develop pride in themselves and their accomplishments, and work hard to reach their potential.

These children must have a quality education even if the public school system does not directly deliver that to them now. Although I may not be a teacher my whole life, I know that my experience as a Teach For America corps member has made me a true advocate for a better and more equitable education for all students. The infuriating realities I have seen in our under resourced schools combined with the desire and potential in all of my students, is what will lead me to pursue systemic educational and policy reform, establishing charter schools, and community development. We cannot afford to ignore the fundamental needs of our nation's children.

"Still, there is this longing, this persistent hunger. People look for beauty even in the midst of ugliness. 'It rains on my city,' said an eight-year-old 'but I see rainbows in the puddles.' But you have to ask yourself: How

long will this child look for rainbows?" (From Jonathan Kozol's "Savage Inequalities.")

I ask all of you to think about the crisis confronting our country today, and to think about what ideas you have towards its salvation. No matter where your interests lie or where your college major or career takes you, I ask that you consider this reality. I see no greater injustice, no greater threat to our nation's future than our country's failure to provide a quality education to its children.

I have included for you two unedited autobiographical poems that my students wrote. Their voices are much more powerful than any of my words could ever be.

I am Superman.
I wonder if anyone hates me.
I hear things from miles around.
I see through walls.
I want a challenge.
I am Superman.
I pretend I'm not.
I feel nothing.
I touch villains.
I worry about victims.
I cry at night.
I am Superman.
I understand any language.
I say this looks like a job for superman.
I dream about going home.
I try to stop.
I hope I can.
I am Superman.
I am colorful.
I wonder about the most wonderful things in the world.
I hear the shadows whisper back.
I see beauty in everything.
I want to know why the seven wonders of the world are wonders.

I pretend to be a model or movie star.
I feel exotic.
I touch the untouchable.
I worry for no reason.
I understand what others don't.
I say what I mean.
I dream the most exotic dreams.
I try to do what others can't.
I hope that my spirits keep high.
I am colorful.

Sincerely,

Natalie Rollhaus '90.●

WEST SIDE SCHOOL GETS DOWN TO BUSINESS

● Mr. SIMON. Mr. President, Ray Coffey, a columnist for the Chicago Sun-Times, recently had a column about a school in Chicago that really does work.

It was the dream of Joe Kellman.

Joe Kellman had this dream and talked to me and many others about it, and he followed through and really built on his dream.

I am not suggesting that what he has done can be duplicated easily everywhere, but I believe that we can learn from the school that Kellman has started.

Among other things, he was able to get people genuinely interested in this school, people who ordinarily were not interested in public education. There was a kind of vague feeling that public education was a disaster and no motivation to do anything constructive.

Joe Kellman, to his great credit, said we can do better, and he followed through.

I ask to insert the Raymond Coffey column into the RECORD at this point.

The column follows:

[From the Chicago Sun-Times, Nov. 7, 1993]
WEST SIDE SCHOOL GETS DOWN TO BUSINESS

(By Raymond R. Coffey)

This school works. And it works in North Lawndale, one of the toughest, poorest, most gang- and drug-ravaged neighborhoods in Chicago.

You can see it works almost the minute you walk in the front door of what used to be a Catholic school at Polk and Sacramento.

You see it in all those cheerful looking kids in their blue-and-white uniforms, in their sparkly clean, crisply organized classrooms, paying attention, working away at reading, writing and arithmetic.

No messing around here. As they take turns reading their compositions aloud in class, each kid is politely applauded by classmates. When a teacher tells them to line up to go to lunch, they line up. In straight lines.

This is not a public school. It is the Corporate/Community School of America. And it is Joe Kellman's dream of what all public schools could be.

Kellman grew up in North Lawndale. As the years went by and he became a successful businessman, Kellman, now 74, wanted to give something back to the old neighborhood that nourished him.

More than 30 years ago, he founded the Better Boys Foundation to offer kids more recreation opportunity. Later he became increasingly concerned that the schools were failing to deliver on education, especially to inner-city kids.

And he became convinced, fervently so, that the only way to straighten them out was to wipe away bureaucracy and run the schools like a business.

Finally, five years ago, he and co-founder Vernon Loucks Jr., chairman and CEO of Baxter International Inc., with financial support from major corporations and donors like Oprah Winfrey, opened the doors of SSCA.

It is a nonprofit private institution. The kids pay no tuition. The school operates on basically the same per-student cost, roughly \$5,000, as the Chicago public schools.

The 300 students, all from the North Lawndale area, are chosen randomly—with no regard to family income or background and "no cherry picking" or skimming from the top of the best or the brightest.

There is no tenure for teachers. You don't produce, you're gone. The classroom day runs more than seven hours. The school is open from 7 a.m. to 7 p.m. with staff attendants on duty so that kids have a safe place to be and something to do when their parents are at work.

SSCA is also convinced that giving kids an early start is crucial. Along with grades 1-8, it takes in preschoolers at age 2.

"The bottom line here is accountability, which is almost totally lacking in public school systems," SSCA Project Director Primus Mootry, who also grew up in North Lawndale, says bluntly.

"We don't blame these kids' parents, their social environment, their poverty. We take responsibility. What drives this place is the conviction that these kids are worthy of the very best education we can give them."

"Motivation" is an essential requirement for SSCA teachers, says Principal Maxine Duster, a former Chicago public schools

teacher. Giving up on a kid, any kid, is not allowed. SSCA teachers "have to love children, they have to believe that all children can learn," says Duster.

Kellman sees SSCA as a laboratory, a model for big city schools to learn from. "We now have a multibillion-dollar enterprise that is going bankrupt" and is being run by amateurs, he says.

For a start, he proposes, Chicago should have a full-time, well-paid (in six figures), skilled, professional Board of Education instead of unpaid, part-time, often inexperienced citizen volunteers serving in what has to be the most thankless job in town.

When you see what is being accomplished at SSCA, you can't help but wonder why people concerned with the sorry condition of Chicago's public school system don't at least take a closer look at Kellman's vision.

"There is not one major-city public school system in the country that is working for more than 50 percent of its children," says Mootry. "We believe [the SSCA approach] could turn the Chicago system around and give the taxpayers reason to have some confidence in it."•

CANADIANS COME DOWN HARD ON TELEVISION VIOLENCE

• Mr. SIMON. Mr. President, the United States is not the only nation that is concerned about television violence.

While violence on Canadian television has not been as much a problem as it is in the United States, it is interesting to note that they have taken action against television violence there.

I ask to insert into the CONGRESSIONAL RECORD an article titled, "Canadians Come Down Hard on Television Violence" published in the November 8, 1993, issue of *Broadcasting & Cable*.

The article follows:

CANADIANS COME DOWN HARD ON TELEVISION VIOLENCE

(By Sean Scully)

While U.S. legislators debate TV violence south of the border, Canadian regulators are taking a firm stand.

In late October, the Canadian Radio-Television and Telecommunications Commission (CRTC), the equivalent of the FCC, passed a tough new anti-violence code for broadcasters, banning any depiction of gratuitous violence. The code was developed by the Canadian Association of Broadcasters in response to pressure from the CRTC following a 1989 shooting at Montreal Polytechnique.

Canadian broadcasters accept the code but have some concerns, says Doug Hoover, national vice president of programming, CanWest Global systems, a Canadian group TV owner. Since U.S. stations are available over the air or on cable throughout Canada, domestic stations are at a competitive disadvantage against the unregulated U.S. stations.

In unveiling the code, CRTC Chairman Ken Spicer said the commission will watch closely to see that the CAB's system works and "would not rule out more coercive legislative or regulatory action."

In its broadest form, the code bans depictions of gratuitous violence, defined as any violence not playing "an integral role in developing the plot, character or theme of the material as a whole." Adult-oriented violence, or any ad or promotion that contains violence, is restricted to 9 p.m.-6 a.m.

The rules for children's programming are much more specific, prohibiting broadcasts

from showing violence in a way that would minimize its effects, encourage violence or invite dangerous imitation.

The CRTC will eventually add a ratings classification system, now under development by the Action Group on Violence and Television, a broadcast industry association, and has called on other Canadian programmers, including cable and satellite operators, to submit anti-violence proposals by Dec. 6.●

THE ELECTRONIC PARENT

• Mr. SIMON. Mr. President, I ask to insert into the RECORD at the end of my remarks an article that appeared in the *New Yorker* by Ken Auletta.

It is a commentary on television violence.

In one of the longer sentences near the beginning of his story, he writes:

While it is true that rap music that refers to women as _____ and Arnold Schwarzenegger movies in which people are casually killed ("Hasta la vista, baby"), and video games that invite players to gain points by slaying an opponent, and made-for-TV Amy Fisher movies, and tabloid-TV and blood-and-guts print journalism have less impact on violent behavior than poverty, drugs, guns, and broken homes, as Hollywood claims, it is also beyond doubt that media images can affect the way people act.

We know that is true for buying a bar of soap or buying a pair of shoes, and when television glamorizes violence, the American people, and children in particular, buy violence both as a means of solving problems and as something that gives pleasure.

In his article, he tells a remarkable story about a program that is carried by station KMEL, a radio station in San Francisco. I commend the station and its management for its positive contribution.

Mr. Auletta also points out one of the major roles that Congress has to play in all of this:

Though Congress and the Attorney General may not recognize it as such, consciousness-raising is at the heart of what they are now doing to save the media from their herd instinct.

He also has an insightful paragraph, which shows why pressure has to continue to be exerted on both network and cable television, as well as the movies that go into television:

The motive for much of the violence in movies elsewhere according to Richard D. Heffner, the chairman of the motion-picture industry's Classification and Rating Administration, is not mindless but purposeful. Violence and sex sell, he told me in an interview in his office on Sixth Avenue. "They know exactly what they're doing," he said. "The major factor is the bottom line. And the bottom line is not a good society, a society that nurtures the rules we more or less live by, but one where you maximize your profits today."

After nineteen years as chairman of the motion-picture-ratings board, Heffner barely disguised his disgust at what the movie-makers have kept churning out. His committee screened and rated six hundred and forty-six films last year, and despite the growing

public distaste for violence and the consequent desire of Hollywood producers for PG ratings, he declared, he had so far seen no evidence of a lessening of violence in R-rated films. Television and studio executives, he suggested, are more interested in labels than they are in controlling the content of the program or movie that is labelled. Instead of voluntary agreements to label, he would like to see entertainment executives agree to limit violence and sex. "I'm talking about limiting," he said. "We're talking about wretched excess. If you and I sat in front of a television, we'd agree on what is wretched excess. Just as we could tell the difference on the screen between _____ and making love."

I urge my colleagues to read the article by Ken Auletta.

The article follows:

THE ELECTRONIC PARENT

(By Ken Auletta)

Attorney General Janet Reno and certain members of Congress admit they do not watch much of the television programming they have been attacking of late, and they probably haven't given a lot of thought to the constitutional consequences of their proposals for taming TV violence, but their criticism has nonetheless struck a nerve. Official Washington has caught up with public sentiment, and the loudest cries for action are now coming from liberals, such as Senator Paul Simon, of Illinois, Representative Edward Markey, of Massachusetts, and the Reverend Jesse Jackson, in addition to Reno; meanwhile, the radical right and former Vice-President Dan Quayle no longer serve as convenient bogeymen, allowing Hollywood to equate criticism with censorship. While it is true that rap music that refers to women as "bitches," and Arnold Schwarzenegger movies in which people are casually killed ("Hasta la vista, baby"), and video games that invite players to gain points by slaying an opponent, and made-for-TV Amy Fisher movies, and tabloid-TV and blood-and-guts print journalism have less impact on violent behavior than poverty, drugs, guns, and broken homes, as Hollywood claims, it is also beyond doubt that media images can affect the way people act. It is clear that the current Touchstone film "The Program" influenced the behavior of the handful of teen-agers who recently sought to prove their manhood by lying in the middle of a highway at night: they were aping the macho stunt of the film's college football players. After two young men were killed and two others were injured, Touchstone, which is owned by Disney, ordered the scene removed from the film.

Privately, entertainment executives are predicting that Touchstone's action will be followed by attempts on the part of other media executives to demonstrate that they are responsible citizens. In a conversation I had recently with Jeffrey Sagansky, the president of CBS Entertainment, he said, "Do we have a responsibility to help kids deal with violence? I think we do. There is a separation of our public responsibility and our job responsibility, and we have to make them coincide more closely. It's not enough to say, 'I won't let my kid watch it, but it's going to make money.'" Sagansky's observations suggest a couple of questions: What might citizens say or do that would further induce media executives to think twice about the impact of violence, just as they now think twice about glamorizing alcohol, drugs, and smoking? And what positive steps might the media initiate to help staunch an epidemic of violence?

At a time when a lot of talk radio has become little more than shouting, KMEL's "Street Soldiers" offers a tantalizing media model. Each Monday night, from 10 P.M. to 2 A.M., KMEL, San Francisco's No. 1 music station, uses this call-in show to discourage violence and serve as a kind of electronic parent for violence-prone young people. On a fairly typical Monday night not long ago, an eleven-year-old girl phoned to say, "My father is drunk and he beats me," and to complain that her parents took drugs. "I really want them to quit, but I don't know how to tell them," she said. She was speaking to Joseph E. Marshall, Jr., and Margaret Norris, the program's hosts. A black teen-ager phoned to complain about white folks who glared at him as if he were a predator. "The madness builds up inside you," he said. Another young caller described an argument he had witnessed in which a ten-year-old had announced, "I'm going to get my gun."

When Marshall asked what had happened next, the boy said he had heard that someone had been shot, but homicides were so commonplace that he wasn't sure. A girl with a sweet voice called and said that, at the age of fourteen, she was both a recovering alcoholic and a former gang member. She got out of the gang because seven friends of hers had died in one year, she said, but she didn't know how to get out of her home, where she lived with an abusive father and a drug-addicted mother.

These kids tell their troubles to Marshall and Norris because they want adult advice. Joe Marshall, who is black (as is Norris), is a lanky, forty-six-year-old high-school teacher who sometimes dresses as casually as many of his listeners do—in a T-shirt, jeans, and sneakers. He has short hair and an incandescent smile. The call-in show he presides over was launched in November of 1991 by the rap performer Hammer, who took the title "Street Soldiers" from one of his songs. A couple of months later, the station recruited Marshall, who is the nonsalaried executive director of San Francisco's Omega Boys Club, as the show's permanent host. Despite a voice that can become squeaky and high-pitched, and despite the fact that he is three decades older than most of his listeners, Marshall commands the attention of up to two hundred thousand people every Monday night.

Margaret Norris is a regal forty-one-year-old high-school English teacher with intricately braided hair. She attended the University of San Francisco, as Marshall did, and now serves as the academic director of the Omega Boys Club. The notion of family is at the core of the club, where young people between the ages of twelve and twenty-five are befriended and given academic, employment, and violence-prevention training; many of the club's members receive college scholarships.

Norris and Marshall do not shy away from dispensing parental advice. Both at the Boys Club and on "Street Soldiers," they behave the way Janet Reno and some members of Congress seem to want the media to: like surrogate parents. To the boy who heard the ten-year-old say he was going to get a gun, Norris said, "What were you doing out so late?"

When a teen-age girl called and mentioned a friend whose boyfriend beat her, Marshall responded sternly, "If the sister don't say nothing" the brother thinks he's supposed to do that."

Unquestionably, the show has helped avert violence. When a Samoan teenager was slain, apparently by Filipino gang members, in a

drive-by shooting, the phones lit up with calls from Samoans wanting to tell Marshall they would not rest until they had exacted revenge. Threats filled the air for a couple of weeks. Then the dead Samoan's father called in, and, in a poignant exchange, the father said he couldn't tolerate the thought of more young men senselessly slaughtered. There would be no retaliation, he vowed. And there was none.

Marshall believes that the young men and women who make up this radio audience, like the hundreds of inner-city youths his six-year-old organization is currently working with, feel orphaned by all institutions—their families, their communities, the government, the media. Thinking that no one cares "has the effect of making you not care about yourself," Marshall says. "That's what we hear from a lot of our callers. They say, 'The larger world doesn't care about me, so I don't care about me.' We're saying on the show, 'We care about you.' We've got to become their family. That's the model."

I first encountered Marshall a few months ago, at a two-day conference in Washington, D.C., on "Safeguarding Our Youth: Violence Prevention for Our Nation's Children," which was attended by community organizers, educators, editors and broadcasters, and law-enforcement and other government officials from across the country. Participants received reams of statistics from the Attorney General and others testifying to the national epidemic of violence, which annually claims more than fifty-five thousand lives, killing as many young men as car accidents, cancer, and heart disease combined. Yet the most intense anger displayed at the conference was not against violence in the streets but against violence in the media.

There is ample evidence, of course, that violence in the media has an impact, but there is also ample disagreement over how much of an impact. Whatever the precise effect may be, Marshall says, the felons and gang members he works with get partly "programmed by the negative images from the media." The goods advertised, the clothes worn, the words spat out, the random violence—all help seduce young people, and particularly young people with few positive role models, he says. Marshall is well aware that he is not alone in his concern. There are indications that the public is fed up. A recent Times Mirror poll shows that seven out of ten Americans are unhappy about the negative images that the media are conjuring up, and call them excessively violent. At the conference, several of the participants became so agitated as they swapped tales of how the media polluted young minds with violence that they seemed to be flirting with notions of censorship, just as Congress and the Attorney General seem to have been doing ever since. A few people said that they intended to storm their local TV stations and demand, on behalf of the people, that the media present more positive news.

If a program like "Street Soldiers" constitutes one successful attempt to curb violence, what else might unhappy citizens do that would stop short of censorship yet help protect their kids? Over the years, various types of protest have swayed the entertainment industry. In 1989, for instance, a letter-writing campaign by private citizens and nurses' organizations caused advertisers to shun NBC's "Nightingales"—a salacious series about student nurses, produced by Aaron Spelling—to the point where the network ignored the show's ratings, which were respectable, and cancelled it. In 1990, Congress passed the Television Violence Act, which

this summer had the belated effect of causing the four broadcast networks and fifteen of the cable networks to agree to voluntarily affix a label to any program they deemed violent. These pressures raised the consciousness of programmers.

Though Congress and the Attorney General may not recognize it as such, consciousness-raising is at the heart of what they are now doing to save the media from their herd instinct. Some cooperative, and confrontational, steps that community groups and parents might take without doing harm to the Bill of Rights could be patterned after "Street Soldiers." The show came into being when a private citizen, Hammer, approached KMEL and insisted, in the face of skepticism, that a talk show about violence would attract not only youthful listeners but also advertisers; as he predicted, the show has been commercially successful.

Joe Marshall had another experience in San Francisco that could be duplicated elsewhere. In early 1988, after the San Francisco TV stations repeatedly broadcast footage of black youths heaving stones at buses, there was an outpouring of citizen complaint. In response, Harry Fuller, then the news director at the local ABC affiliate, KGO, sent a reporter to do a series on the Omega Boys Club. Marshall guesses that the series resulted in thirty thousand dollars in individual donations. (The club's annual budget is four hundred and seventy thousand dollars, from private and corporate donors—none of it from the government—and two-thirds of it is earmarked for college scholarships.)

Fuller also invited Marshall in for a visit to begin a dialogue on press coverage of the city's minority communities. Marshall came, and, rather than berating the news media, he quietly suggested that by reporting on black people only when there was an uprising or a crime, news organizations were not presenting a full or fair picture of the community. Marshall was bumping into a truth about local-TV newsrooms: news directors and producers are generally young, inexperienced, wedded to familiar stories that take place within easy traveling distance of the studio, fearful for their job security if their ratings should fall, and often ignorant about the cities in which they work. Most producers do not aspire to blood-and-guts journalism. What they want is predictable stories: the latest crisis at City Hall, the newest murder, the fate of the local team, and, of course, the weather. Few news directors have intimate knowledge of community-based organizations, or of good things done in their cities which are not announced at City Hall. Fuller assured Marshall that KGO would try to get beyond stereotypical reporting.

Another useful tool to restrain violence in the media relies on peer pressure, which is a potent weapon in all groups: editors might suggest that their writers—especially their TV and movie and press critics—focus on pointing out unnecessary violence in all media. Dennis A. Britton, the editor of the Chicago Sun-Times, said at the Washington conference on violence that he met weekly with gang members, and added that he had come to the conference because, as editor-in-chief of a major urban daily, he had to have a broad understanding of an issue that confronted him every day. Britton has the power to issue orders, to enforce a code of ethics among his employees, and also to create peer pressure.

An innovative approach to violence is already being taken by the San Antonio branch of Fighting Back, a national drug-

abuse-prevention program sponsored by the Robert Wood Johnson Foundation. Under the leadership of Beverly Watts Davis, a charismatic black woman, who described its efforts at the conference in Washington, San Antonio Fighting Back has organized "freedom fighters" for safe neighborhoods. Armed only with video cameras, community teams have filmed drug dealers and turned the videotaped evidence over to the police, and the result has been the closing of what Davis said was a ten-year-old open-air drug market.

Another potentially potent approach is being championed by Jesse Jackson, who has recruited Bill Cosby to lead what Jackson calls a national crusade aimed at both the media and the callous behavior of young people. More blacks under the age of twenty-one have been killed in New York City this year, Jackson told the New York Post—three hundred and sixty-two—"than all those who were lynched this century."

The courts also offer citizens a forum. In France, for instance, a mother has filed suit against the head of the state-run TV channel that carried the American TV series "MacGyver." She claims that her son was accidentally killed in 1992 as a result of copying MacGyver's recipe for making a bomb. In the litigious culture of the United States, similar lawsuits are bound to become a weapon against violence, though they may also constitute a threat to free speech. Boycotts of advertisers are another aggressive, and potentially dangerous, form of public pressure. This weapon seems to be viewed kindly by Attorney General Reno; in her speech at the Washington conference, she said, "Let's start sending clear messages to the television networks. Let's tell advertisers that we're not going to buy their products if they continue to support violence on television."

One thing parents can do to control what their children watch on television is to install devices called V-chips in all sets, as Representative Markey has proposed. Such chips would allow parents to block the signal of any show rated violent.

Further legislative action is possible, too, including three Senate bills that would apply to cable as well as broadcast outlets: one would limit the hours during which programs deemed violent may air; a second would require the F.C.C. to issue a "report card" four times a year for all broadcast and cable outlets, rating each as to its violent content; and a third would require that violence warnings be posted at the beginning of and during each show rated violent. "The regulation of violence is constitutionally permissible," Reno testified before the Senate Commerce Committee, on October 20th, during a hearing on the three bills. If the entertainment industry didn't reduce the violent content of its products, she said, legislative action would be "imperative." Reno, like Marshall and others who want to change the way the media deal with violence, bases her argument on two assumptions: that the media are a public trust, and that this trust includes being responsible for more than just entertaining consumers.

"We have to hold the media responsible for being educators, whether they want to be or not," Ronald G. Slaby, a senior scientist at the Educational Development Center, in Newton, Massachusetts, told me. "Let's use television the right way—to send the message that problems need to be understood and dealt with, not 'solved' or 'glorified' with further violence," Reno said at the Washington conference.

Of course, it is easier to exhort than to bring about change. Is it realistic to assume, as Reno does, that there is one "right way" to use television? Should the media think of themselves as local or national parents? Should government compel them to? Would legislation or strictures that are meant to prod the media end up suffocating independence and creativity? Will pressure panic cautious advertisers into abandoning innovative but controversial shows, such as Steven Bochco's "NYPD Blue"? If the public is dead set against violence and prurience, how is it that people clamor to see the Amy Fisher TV movies or manage to propel Howard Stern's book to the top of the best-seller list? Because the networks are such large and agreeable targets, Washington often treats them as the chief culprits. With the exception of their own stations' local newscasts and racier magazine shows, there is actually less violence on broadcast TV today than there was, say, a decade ago. Which begs this question: Will the proliferation of channel choices result in more violence, more "blue programs," an anything-goes climate in a medium no longer dependent on mass audiences and therefore freed from any need to meet the community-standards test that has traditionally satisfied advertisers?

The conflict between commerce and politics also raises questions. One reason that voluntary agreements have not worked in the past is that the commercial interests of broadcasters have vied with their political interests. The motive for much of the violence in movies, on television, and elsewhere, according to Richard D. Heffner, the chairman of the motion-picture industry's Classification and Rating Administration, is not mindless but purposeful. Violence and sex sell, he told me in an interview in his office on Sixth Avenue. "They know exactly what they're doing," he said. "The major factor is the bottom line. And the bottom line is not a good society, a society that nurtures the rules we more or less live by, but one where you maximize your profits today."

After nineteen years as chairman of the motion-picture-ratings board, Heffner barely disguised his disgust at what the movie-makers have kept churning out. His committee screened and rated six hundred and forty-six films last year, and despite the growing public distaste for violence and the consequent desire of Hollywood producers for PG ratings, he declared, he had so far seen no evidence of a lessening of violence in R-rated films. Television and studio executives, he suggested, are more interested in labels than they are in controlling the content of the program or movie that is labeled. Instead of voluntary agreements to label, he would like to see entertainment executives agree to limit violence and sex. "I'm talking about limiting," he said. "We're talking about wretched excess. If you and I sat in front of a television, we'd agree on what is wretched excess. Just as we could tell the difference on the screen between f...ing and making love."

There is a school of optimists who believe that the interests of commerce and politics are moving closer. Mark Canton, the chairman of Columbia Pictures, said in a speech last winter, "A movie rated PG is almost three times more likely to reach a hundred million dollars than a film rated R. And yet, as an industry, we are making more R-rated films than ever: fifty-eight per cent of all movies. At the same time, the number of PG-rated films has been dropping." The smart thing to do, he added, is to make more PG films.

Heffner, who is sixty-eight and plans to step down when his contract expires, next June, is pessimistic. He knows that the studios and the directors he battles with daily do not always agree on what is wretched excess, and that they want to convert an R to a PG-13 rating without toning down the violence. Unfortunately, while PG ratings may make good business sense domestically, a different business logic applies worldwide, where movies with violence or sexual themes travel better.

These are not uncomplicated matters; they are accompanied by real doubts and dangers. But what often gets lost in the tumult of questions raised by those in the media who want to focus only on the perils of censorship is the fundamental question asked by the voluntary movie-ratings system: Is this something that a child of eight—or thirteen—should see? "Why do civilized human beings have to get into a debate about whether garbage is garbage or not?" Heffner asks. "It doesn't matter if you as an adult think it's gratuitous. The question is: What about your child?"

In a culture increasingly cluttered with entertainment choices, the aim of those in the media—ranging from Madonna to Bochco, from producers to editors—is to do things that stand out. This aim collides with the public's aim, which is to protect impressionable children. At a time when parents and others are agitated by an onslaught of media violence, much of what stands out, as Congress and Janet Reno now remind us, makes an inviting target. ●

WORKING IN THE SCHOOLS

● Mr. SIMON. Mr. President: I want to let my colleagues know about an exciting program, the Working in the Schools [WITS] Program, that is up and running in three schools in Chicago housing projects.

The program is entitled "Working in the Schools." It involves over 50 men and women volunteers, most retired business persons and professionals over the age of 60, assisting in classrooms. The roles of these volunteers vary, from reading to small groups of children to working with the children on computers.

What this program indicates is that there are people in the community committed to improving the lives of children, particularly children with fewer opportunities. As the principal of one of the Chicago schools, the Byrd Academy, stated, "The children need nurturing, emotional support and feelings of self-worth. Quality one-on-one time is so rare and so important."

This is an inspirational message that I believe other communities should explore. Chicago is lucky to have such a program. We owe the volunteers and staff of the WITS Program our gratitude and our support. ●

UNANIMOUS-CONSENT AGREEMENT—THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL—CONFERENCE REPORT

Mr. BIDEN. Mr. President, I ask unanimous consent that when the Senate considers the conference report accompanying H.R. 2401, the Department

of Defense authorization; that there be 2 hours and 30 minutes for debate on the conference report, with the time controlled as follows: 80 minutes equally divided and controlled between Senators NUNN and THURMOND, 30 minutes under the control of Senator MCCAIN, 15 minutes each under the control of Senators WARNER and GLENN, and 5 minutes each under the control of Senators LEVIN and EXON; that when the time is used or yielded back, and without intervening action or debate, the Senate proceed to vote on adoption of the conference report.

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

Mr. BIDEN. I ask unanimous consent that it be in order to request the yeas and nays on the adoption of the conference report.

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

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

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

WEST COURT OF THE NATIONAL MUSEUM OF NATURAL HISTORY

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 274, H.R. 2677, the West Court of the National Museum of Natural History Building bill; that the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table, and that any statements relating to this measure appear in the RECORD at the appropriate place.

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

So the bill (H.R. 2677) was deemed read the third time, and passed.

OLDER AMERICANS ACT AMENDMENTS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3161, a bill to amend the Older Americans Act; that the bill be deemed read a third time and passed; the motion to reconsider laid upon the table; and any statements thereon appear at the appropriate place in the RECORD as though read.

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

So the bill (H.R. 3161) was deemed read a third time and passed.

CONSERVATION OF ATLANTIC BLUEFIN TUNA

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 169, a concurrent resolution relating to Atlantic bluefin tuna, just received from the House; that the concurrent resolution be agreed to, the preamble agreed to, and the motion to reconsider laid upon the table.

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

So, the concurrent resolution (H. Con. Res. 169) was agreed to.

The preamble was agreed to.

ORDERS FOR WEDNESDAY, NOVEMBER 17, 1993

Mr. BIDEN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, November 17; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that immediately following the announcement of the Chair, the Senate resume consideration of S. 1657, the habeas corpus bill.

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

RECESS UNTIL WEDNESDAY, NOVEMBER 17, 1993, AT 9 A.M.

Mr. BIDEN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:50 p.m., recessed until Wednesday, November 17, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 16, 1993:

DEPARTMENT OF AGRICULTURE

MICHAEL V. DUNN, OF IOWA, TO BE ADMINISTRATOR OF THE FARMERS HOME ADMINISTRATION, VICE LA VERNE G. AUSMAN, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES MARION HUGHES, JR., OF OKLAHOMA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS VICE DONALD E. CROWL.

ALFRED E. MADRID, OF ARIZONA, TO BE U.S. MARSHAL FOR THE DISTRICT OF ARIZONA FOR THE TERM OF 4 YEARS VICE DONALD W. TUCKER.

JOHN STEVEN SANCHEZ, OF NEW MEXICO, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF 4 YEARS VICE ALFONSO SOLIS.

JAMES V. SERIO, JR., OF LOUISIANA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS. (REAPPOINTMENT)

WESLEY JOE WOOD, OF TENNESSEE, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS VICE JOHN T. CALLERY.

CHARLES LESTER ZACHARIAS, OF MINNESOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF 4 YEARS VICE ANTHONY L. BENNETT.

STEPHEN SIMPSON GREGG, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS VICE RICHARD W. CAMERON.

CONRAD S. PATILLO, OF ARKANSAS, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS VICE DONALD R. MELTON.

DEPARTMENT OF VETERANS AFFAIRS

RAYMOND JOHN VOGEL, OF WEST VIRGINIA, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS, FOR A TERM OF 4 YEARS, VICE D'WAYNE GRAY.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JAMES A. JOSEPH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 5 YEARS. (NEW POSITION)

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JEANNE HURLEY SIMON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1997, VICE J. MICHAEL FARRELL, TERM EXPIRED.

INTERNATIONAL MONETARY FUND

KARIN LISSAKERS, OF NEW YORK, TO BE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 2 YEARS, VICE THOMAS C. DAWSON II, RESIGNED.

AFRICAN DEVELOPMENT BANK

ALICE MARIE DEAR, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS. (NEW POSITION)

U.S. INFORMATION AGENCY

HENRY HOWARD, JR., OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE U.S. INFORMATION AGENCY, VICE JOHN CONDAYAN, RESIGNED.

DEPARTMENT OF STATE

WESLEY WILLIAM EGAN, JR., OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

DEPARTMENT OF THE TREASURY

JOAN LOGUE-KINDER, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE JACK R. DEVORE, JR., RESIGNED.

DEPARTMENT OF COMMERCE

CHARLES F. MEISSNER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE THOMAS J. DUESTERBERG, RESIGNED.

FEDERAL DEPOSIT INSURANCE CORPORATION

RICKI RHODARMER TIGERT, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF 6 YEARS, VICE WILLIAM TAYLOR.

RICKI RHODARMER TIGERT, OF TENNESSEE, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF 5 YEARS, VICE WILLIAM TAYLOR.

CONSUMER PRODUCT SAFETY COMMISSION

ANN BROWN, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF 1 YEARS FROM OCTOBER 27, 1992, VICE CAROL GENE DAWSON, TERM EXPIRED.

ANN BROWN, OF FLORIDA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE JACQUELINE JONES SMITH.

EXTENSIONS OF REMARKS

THE INTERNATIONAL PEACEKEEPING POLICY ACT OF 1993: A NEW DOCTRINE TO PROTECT AMERICAN INTERESTS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Ms. SNOWE. Mr. Speaker, last week I introduced legislation, the International Peacekeeping Policy Act of 1993, to establish a comprehensive and coherent policy toward United Nations peacekeeping activities. In my role as ranking Republican on the Foreign Affairs Subcommittee on International Operations, which has jurisdiction over international peacekeeping operations, I took this action to address the dangerously confused state of American foreign policy.

Like all Americans, my constituents, the people of Maine's Second District, were appalled at the carnage brought about by the Clinton administration's early attempts to establish a naive U.N.-based foreign policy. The people of Maine were even more incredulous that after the death in Somalia of 18 United States troops, two of them from my own district, President Clinton tried to send unarmed American troops to Haiti under United Nations command. Furthermore, he still has not ruled out making an open-ended commitment in Bosnia of 25,000 American peacekeepers in an extraordinarily dangerous environment. I understand the President is also considering deploying lightly armed American U.N. peacekeepers to Liberia and Mozambique, and that the State Department is studying the feasibility of sending U.N. peacekeepers to three other notorious quagmires—Afghanistan, Sudan, and Tajikistan.

Mr. Speaker, the American people have had enough. This administration has traded America's hard-fought international credibility for fuzzy minded internationalism. Recent events show the administration's current U.N.-centered foreign policy to be short-sighted and unworkable. We need a new doctrine that protects U.S. interests and does not place the lives of American soldiers at unnecessary risk. After consulting with a range of foreign policy experts and after considering the widely-reported flaws of PRD-13, the Clinton administration's draft blueprint for its U.N.-based foreign policy, I am today presenting what I believe should be the basis of this new doctrine.

Before discussing the contents of my legislation, I would like to emphasize that ultimately, foreign policy can only be implemented by the President. Congress has the constitutional power over peace and war, Congress can block ill-conceived initiatives through law or by cutting off funds, and Congress is a critical avenue for building broad public support for any policy initiative. But only the President can articulate and implement a coherent American foreign policy.

The President must also ultimately take responsibility for the actions and advice of those who serve him in senior foreign policy positions. It is the President who must decide the extent to which those senior foreign policy advisors responsible for his failed U.N.-based foreign policy continue to serve him and the Nation well. The President must decide whether they can turn aside from that approach and implement a new policy that focuses instead upon core U.S. national interests. The International Peacekeeping Policy Act is neither an infringement upon the President's authority as Commander-in-Chief nor his constitutional authority to conduct American foreign policy. It is also no substitute for the kind of foreign policy leadership that has proved to be so lacking in this administration. The bill does, however, use the Congress' fundamental responsibility over the appropriate use of U.S. Government funds to establish prudent criteria for United States financial support for United Nations peacekeeping activities.

The United States must adopt realistic perceptions of what peacekeeping is, what it can accomplish and when—if ever—American troops should participate in United Nations peacekeeping operations. To make these determinations, we must learn from history and 30 years of experience in peacekeeping operations which have been attempted to date.

1. RECOGNIZE THE LIMITATIONS OF U.N. PEACEKEEPING

First, we must realize that U.N. peacekeeping is a limited conflict resolution mechanism that will only succeed in a small number of international disputes. History shows that peacekeeping operations only work when they are noncoercive efforts to resolve an international—rather than internal—dispute. Peacekeeping forces cannot compel warring parties to abide by peace accords, and can only be prudently deployed with the full consent of all parties to a conflict. Peacekeeping will thus usually fail in civil and ethnic conflicts, a fact that was amply demonstrated in the Congo in the mid-1960's, Lebanon in the mid-1980's, Somalia in 1993, Haiti in 1993, and Yugoslavia over the past 2 years.

My legislation will return U.N. peacekeeping to its original purpose by establishing strict conditions under which U.S. peacekeeping funds may be used. If an international emergency endangers U.S. national interests, the President remains able to take quick action through his powers as Commander-in-Chief. If the situation is less time critical and the President wants to pay the United Nations for a peacekeeping operation that does not qualify under this law, he may always seek a specific authorization from Congress. The bill would also control the explosive growth in the cost of U.N. peacekeeping by ending the United Nation's practice of overbilling the United States for this function and to require prior congressional notification for the establishment of any new peacekeeping operation.

2. U.S. TROOPS MUST NOT SERVE UNDER U.N. COMMAND

The United States must recognize that American combat troops should normally not participate in peacekeeping operations. The issue is not, as President Clinton would have us believe, that U.N. command and control procedures must be improved before Americans are permitted to serve under U.N. commanders. We should not even think of placing American servicemen and women under its control. The real lesson the President should have learned from his Somalia debacle and prior U.N. operations is that United Nations peacekeeping missions achieved some measure of success during the cold war only when they were seen as neutral and nonthreatening. For this reason in 1956 the United Nations began a wise policy of excluding United States and Soviet troops from peacekeeping operations because the United Nations believed American and Soviet troops would never be seen as neutral in peacekeeping situations.

The appalling pictures we saw on television last month of Somalis desecrating the bodies of American soldiers in the back alleys of Mogadishu teaches a hard lesson most United States military officers already knew: Americans, when they serve as peacekeepers, stand out. They are not seen as neutral, idealistic international civil servants. They are seen as representatives of the world's sole remaining superpower. Thus, when deployed as lightly armed U.N. peacekeepers, American troops are frequently in a bind. They are at great risk of falling victim to terrorism and violence while their military skills are often wasted.

American troops must be reserved for real military situations where they can best utilize their superior military training and technology. Most Americans did not oppose using large numbers of well-armed American troops in situations such as in Panama in 1990, Grenada in 1985, or Kuwait in 1991. The critical consideration must be whether such an operation serves American national and security interests and whether such operations have the full support of the American people, have identifiable goals and are "winnable." Traditional peacekeeping missions are most effective when staffed by the states that can do them best—countries without our kind of global foreign policy interests which only complicates the mission. The International Peacekeeping Policy Act would prohibit United States combat forces from serving under formal United Nations command.

3. PROTECT AMERICAN INTELLIGENCE INFORMATION

If it is necessary to provide intelligence to the United Nations for peacekeeping, such intelligence should be provided only if sensitive sources and methods of intelligence gathering are protected, and only on a case-by-case basis. At the urging of this administration, last summer the United Nations established its own intelligence service. We are currently giving computer terminals and fax machines to

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

U.N. headquarters in New York and to U.N. peacekeeping operations abroad to facilitate passing sensitive American intelligence to the United Nations. At U.N. headquarters alone, hundreds of officials from over 50 countries have access to the information we are providing. The results of this effort have been predictable. Reports have surfaced that the United Nations, an organization which retains strong anti-American currents and continues to suffer from corruption and inefficiency, has leaked some of the crucial intelligence we have provided, possibly seriously compromising American national security and human lives. My bill would restrict intelligence sharing with the United Nations.

Mr. Speaker, we still live in a dangerous world. Make no mistake, the world's thugs have taken solace in our country's recent foreign policy fiascoes. If the ineptitude of American foreign policy continues, small problems will continue to escalate into major foreign policy disasters and serious security concerns will grow to threaten global stability. Just last month, the Bosnian Serbs resumed their shelling of Sarajevo. Iran and North Korea have serious aspirations of becoming nuclear weapons states. And who knows what Pol Pot or Mommar Qaddafi are planning. My proposed new doctrine on international peacekeeping will help to salvage American foreign policy, protect U.S. interests abroad, and prevent American soldiers from continuing to risk their lives on questionable U.N. missions.

A TRIBUTE TO DANIEL "BUD"
MCKENNEY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I am saddened to share with my colleagues in the U.S. House of Representatives the passing of Daniel "Bud" McKenney. A fellow citizen concerned about the youth of our community, Mr. McKenney helped to establish the Delaware Head Start and Foster Grandparents Programs. Realizing that young people are our most precious resource, he worked tirelessly to ensure that all of their needs were met. The Head Start Program provided hot meals and early education for needy children and the Foster Grandparents Program matched senior citizens and residents of an institution of mentally retarded adults for interaction and understanding. He served as a volunteer counselor with the Girls Club of Delaware, currently called Girls, Inc.

Early in his career, Mr. McKenney served as press secretary to then Delaware Governor, Elbert Carvel and was a part of the historic Delaware delegation that met with President John F. Kennedy in the Oval Office of the White House to discuss economic development in the Delaware region. Mr. McKenney was later appointed by the Governor as the first director of the State office of economic opportunity. He opened the department without an office or an operating budget.

Mr. McKenney was an Army veteran of World War II and the founder and first com-

mander of the Charles E. Durney American Legion Post 27 in Wilmington. He enjoyed numerous activities, among them reading, thoroughbred racing, and University of Delaware football. Daniel "Bud" McKenney was a family man as well. He was devoted to his wife, of 46 years, Kathryn, their 7 children, Thomas, Kerry, Christopher, Daniel, Matthew, Kevin, and Kelly and 7 grandchildren, Claire, Steven, Kate, Erin, Tierney, Amy, and Caroline. He also cherished his relationship with his two surviving sisters, Mary Turner and Ann Krauss.

It is with regret that we mark his passing, but we know that his life's works continue in the programs he started and his spirit lives on in the good works of his loving family. Mr. Speaker, please let all who knew him know that when you live a good life no one truly dies, you simply live on in the lives of those you have touched with love.

TRIBUTE TO SIGMUND
STROCHLITZ

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. GEJDENSON. Mr. Speaker, I wish to submit for reprinting in the CONGRESSIONAL RECORD a copy of an editorial paying tribute to Sigmund Strochlitz of New London, CT, on the occasion of his receiving an honorary doctor of humane letters degree from Connecticut College.

Sigmund Strochlitz is a gentleman in the finest sense, who has served his community and neighbors well, and as a Holocaust survivor, has never forgotten his past. Sigmund Strochlitz has traveled the world, dedicated to preserving the memory of those who perished during that time and preventing the spread of hatred.

SIGMUND STROCHLITZ DAY

Sigmund Strochlitz, who received an honorary doctor of humane letters degree last Monday night from Connecticut College, is very much a citizen of the world, but one who has not forgotten the importance of doing good works at home.

Born in Bendzin, Poland nearly 77 years ago, Mr. Strochlitz experienced the barbarism of the Nazi death machinery first hand in World War II.

Mr. Strochlitz, who moved to New London in the mid-1950s, is a Holocaust survivor. Because of that experience, his memory will never fully escape the horrors he witnessed almost daily in several Nazi concentration camps.

Call it good fortune, the luck of the draw, whatever. It is a mere accident of history that he, a concentration camp prisoner, is alive today. He understands this profoundly, and that is why he regularly travels the globe to keep alive the memory of that consummate evil Nazi Germany committed decades ago.

Sigmund Strochlitz has visited Pope John Paul II to appeal for support to participate in a conference dealing with the anatomy of hate. He also sought to persuade the pope to support the establishment of Days of Remembrance in Germany and France.

In Israel, he has worked for many institutions, including the Friends of Haifa University.

For four years, Mr. Strochlitz headed the Days of Remembrance effort of the United States Holocaust Memorial Council. He also was chairman of the council's committee that developed the Holocaust Memorial in Washington, DC. Presidents Jimmy Carter and Ronald Reagan appointed and reappointed him to this work.

In New London, Mr. Strochlitz has been generous in support of various causes.

Mr. Strochlitz is a man whose efforts on behalf of others stand in sharp contrast to the evils he experienced as a prisoner in the Nazi camps. The sadness and tragedy of those days is forever with him. He speaks often of how many potential writers, scientists, musicians and doctors were among the six million individuals destroyed by the Nazis.

Like his friend, Elie Wiesel, the Nobel laureate, Mr. Strochlitz commits himself to repudiating evil where he sees it. More than that, he shares with Prof. Wiesel a commitment to exalting goodness. They know that the failure to affirm what is good or neglecting to loudly denounce what is bad, allows evil the opportunity to hatch its plots.

These two concepts from the crucible of the work done by these friends: speak out against evil, bigotry, racism, and inhumanity. Praise those who go the extra distance to help others, to speak truthfully and in behalf of what is just and honorable.

That is the splendor and joy of humanity at its best.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case.

EXHIBIT L—AFFIDAVIT

Tony Reyes, being duly sworn, deposes and states:

(1) I am a native and citizen of the Dominican Republic presently incarcerated at the Federal Medical Center at Rochester, Minnesota for Federal drug violations.

(2) I recently learned from a reliable Dominican source that former Federal Agent Joseph Occhipinti convicted for civil rights violations was intentionally set-up by Dominican bodega owners, among others, after he refused to accept bribes during Project Bodega and instead increased his enforcement activities. These bodega owners were involved in criminal activity being investigated by Agent Occhipinti. In addition, it is reported that there was a corrupt official in Agent Occhipinti's department involved in the conspiracy.

(3) I have also developed evidence that Dominican lawyers Aranda and Gutlein are involved in ongoing drug trafficking activity, official corruption, and the conspiracy against Agent Occhipinti.

(4) I am willing to reveal the source and additional information regarding this conspiracy to appropriate law enforcement agencies.

EXHIBIT M—AFFIDAVIT

Hilda Navarro, being duly sworn, deposes and says:

1. I reside at 5510 97th Street, Corona, New York 11368.

2. In November 1992, I accompanied my father, Peter Navarro, on a tour in Costa Rica. Also on the tour was Alfredo Placeras, who is known to me as an attorney with the Federation of Dominican Merchants and Industrialists of New York in the Washington Heights area.

3. Mr. Placeras and my father started talking about the Joseph Occhipinti case. Mr. Placeras stated, in my presence, that he was one of the individuals in Washington Heights who organized the merchants in Washington Heights to set up the case against Mr. Occhipinti.

4. Mr. Placeras further stated that it was their desire to "finish" Mr. Occhipinti.

5. Mr. Placeras further stated that he knew people "high up" in Government.

6. There was no question in my mind that Mr. Placeras' comments indicated that Mr. Occhipinti was unfairly set up by the Federation as well as other certain elements in Washington Heights.

EXHIBIT N

Apparently this particular witness learned some information, I think when you read the transcript, he couldn't have learned as an everyday citizen of the inner workings of the court system. Apparently he was given some insight as to certain things.

If you read it at your convenience, you will see certain things that may come to, that you may want to look at and pursue yourself.

Mr. JOHNSON: That's not an official translation, first of all.

Mr. OCCHIPINTI: I have no problem if you get an official one.

Mr. MORDKOFKY: This document was translated by an organization called Language Lab.

Mr. OCCHIPINTI: I think they are court certified.

Mr. MORDKOFKY: That was translated at great expense.

Mr. JOHNSON: I don't know what the relevance of this is now with this witness.

THE COURT: What does it say?

Mr. OCCHIPINTI: It basically says, your Honor, that judges have been changed in this case for special reasons and that certain information was given regarding the manner in which judges were changed. I think rather than mesynopsizing it, your Honor, I think it's three or four pages and if you read it it may be of interest to you. I'd like to make it on the record.

THE COURT: What does it have to do with this witness?

Mr. OCCHIPINTI: I believe there is a very close relationship with this particular interpreter and the complainants involved. And I think—

THE COURT: Do you have any proof of that?

Mr. OCCHIPINTI: Just what the tape says, your Honor, and if you read the English translation there are a few things there that I don't think a normal, everyday Spanish bodega owner would know about the inner workings of the—

Mr. JOHNSON: That's just an argument. He's trying to suggest there forever that Ms. Fernandez told the witness which he is now repeating on tape. There's no evidence of that.

THE COURT: Let's proceed.

Mr. OCCHIPINTI: Could your Honor take a look at this?

THE COURT: No. Unless there's an official transcript of that.

Mr. OCCHIPINTI: Would the government be able to provide that for you, your Honor?

THE COURT: For what purpose? What would be the purpose? First of all, I'll say on the record that this case came directly to me, I don't know that it was before any other judge ever.

Mr. OCCHIPINTI: Whatever your Honor thinks is appropriate.

THE COURT: If you have some proof that there was tampering with the wheel, I'll hear that. But other than that, we're not going into it. Let's proceed.

Mr. OCCHIPINTI: Yes, your Honor.

HONORING THE YONKERS PUBLIC LIBRARY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. ENGEL. Mr. Speaker, the entire community of Yonkers is proud to be celebrating the 100th anniversary of the Yonkers Public Library, which received its charter and began serving local residents in 1893.

What started as a small operation serving a city of 4,000 residents has grown into a large service organization meeting the needs of the fourth largest city in New York State. The library operates two branches, in Getty Square and on Central Avenue, which provide a broad range of services to the community.

Several years ago, when the Internal Revenue Service threatened to pull its tax advisory services out of Yonkers, I worked with the leadership of the Yonkers Public Library on an innovative proposal. It involved making public space at the library available to the IRS so that the people of Yonkers could receive free guidance in completing their tax forms. This was the first such arrangement of its kind in the country, and it has proven to be a great success.

It is this kind of innovative thinking that has made the Yonkers Public Library such a valuable asset to the community. The library director, Jacqueline Miller, and the entire board of trustees are to be especially commended for their efforts. I congratulate all those who have contributed to the success of the Yonkers Public Library and pledge my continued support as they embark on a second century of service.

SUPPORT PEACE IN THE MIDDLE EAST: SUPPORT CSCME

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. HOYER. Mr. Speaker, I rise today to introduce a resolution which seeks to promote the peace process in the Middle East by supporting creation of a Conference on Security and Cooperation in the Middle East [CSCME]. The resolution expresses the sense of the Congress that leaders in the region should seriously consider the CSCME model as they proceed to address critical issues which continue to pose threats to peace and stability. This

resolution demonstrates our commitment to finding long-term solutions to the problems that have violently divided the Middle East for generations.

Mr. Speaker, the mutual recognition agreement reached between Israel and the Palestine Liberation Organization has fundamentally altered the politics of the region. Never before have the chances for peace in the region been so promising. The recent electoral victory of Jordanians who support the recent peace initiative, and the first visit of a Turkish Foreign Minister to Israel have given the process another boost. In this climate of heightened optimism, the creation of a CSCE-like process can help build upon these critical initial steps. A CSCME framework would bring strength in its persistence, in its determination to foster continued political will among its participating States and, just as important, among their citizens. The critical aspects of the CSCE process—political dialog and public participation—are also most critical in the Middle Eastern context.

I believe we are at a point where Middle Eastern nations could create such a framework for constructive dialog through which barriers to trade, travel, and communication can be removed and through which regional cooperation and stability could be established. A Middle East security framework could encourage regional security through arms control, verification, confidence building, and respect for human rights. A multilateral forum for discussion would provide an outlet for grievances and a framework for conflict resolution. States would need only be assured that participation would not prejudice their individual interests and that each State's security would be enhanced through participation in region-wide talks.

I harbor no illusions about the serious obstacles which block the road to peace in the Middle East. There are no guarantees that a CSCME could solve the complex and explosive issues in the region. I realize that the CSCE process is not without its own flaws. But we now stand at a historic juncture where long-absent political will may suddenly exist, and for the first time, nations in that region seem at least willing to engage in dialog. In such a climate, a regional negotiating framework could help foster confidence-building measures needed to develop the trust that will encourage progress on the toughest issues in the future.

Mr. Speaker, I want to reiterate the importance of confidence building measures as a tool of reconciliation and conflict resolution. Israel's release of hundreds of Palestinian detainees offers one such example of a good faith gesture which has helped maintain the momentum of the recent peace agreement. A reciprocal step on the part of Arab governments should be the immediate removal of the economic boycott on Israel. Today, this anachronistic policy remains a stark reminder of Arab hatred toward Israel and a major obstacle to further economic development and cooperation in the region. As this Congress continues to demonstrate its support for the peace process, we should press Arab nations to remove the boycott and give the process a much needed boost.

Mr. Speaker, the United States has an important stake in seeing the development of

peace and respect for human rights in the Middle East. In the long run, formation of a CSCME process could help encourage democratic developments, diminish the threats of radical Islamic fundamentalism, stem terrorism, curb arms proliferation, and stimulate trade relations. By supporting such a process, we also support our own vital national interests and clearly demonstrate the importance we place on securing peace and security in a region badly in need of both. I therefore urge my colleagues to support this measure which demonstrates our support for peace in the Middle East.

**CONGRESS MUST TAKE ACTION ON
TAINTED BLOOD-CLOTTING FAC-
TOR**

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. NADLER. Mr. Speaker, I rise today to bring the attention of this House to a tragedy that may well have been preventable.

By the mid-1980's, more than 10,000 hemophiliacs had become HIV-positive through treatment with infected blood-clotting factors. These clotting factors were used to help hemophiliacs control bleeding, as hemophiliacs suffer from internal bleeding that does not clot normally.

Yet, ironically, the clotting factors that were designed to make hemophiliacs' lives more liveable may have instead cost the lives of many hemophiliacs who are now dying of AIDS. In 1982, a manufacturer of one of the clotting factors suggested that those using the factor should be made aware of the possible risk that clotting factors could be tainted with the HIV virus. Yet doctors and other manufacturers continued to disperse the clotting factors, without warning the users of the possible risk. By 1985, 70 percent of the hemophilic population was found to be HIV-positive. As of last May, according to the New York Times, 1,709 hemophiliacs had died from AIDS.

The set of facts in this case raises a number of troubling questions. Could the infection of thousands of hemophiliacs with the HIV virus have been prevented if the risks of treatment with the clotting factor had been made public. Why were steps not taken earlier to purify the clotting factor if it was apparent that a risk existed?

I am pleased that Secretary Shalala has asked the National Academy of Sciences to investigate this matter. Yet Congress has investigative authority, and this certainly seems to be a case in which we have a mandate to investigate. I urge this House to take action on this issue.

**PROTECTIVE MILITARY
INTERVENTION IN HAITI**

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. OWENS. Mr. Speaker, as the first year of the 103d Congress draws to a close, it is

of utmost importance to remember that the fate of democracy in Haiti is of vital interest to the United States. Congress should stand behind the President to send a bipartisan message throughout the Western Hemisphere and the world. Americans care about democracy everywhere; however, we recognize that in Haiti the reinstatement of the constitutionally elected leader, President Aristide, will solve several additional critical problems.

The return of Aristide and full democracy to Haiti means that Haiti will no longer be a major depot for cocaine on its way into the neighborhoods of America. The oppression and domination of that nation by criminals in military uniforms will cease. The second largest drug transshipment point in the hemisphere will be closed down by a government which respects the rule of law.

The return of Aristide will end the desperate flight from Haiti of people fleeing terror and genocide. The United States will be set free from its policy of unprecedented cruelty to refugees. The U.S. Coast Guard will no longer be ordered to return escapees to their persecutors. During Aristide's 7 months in office, prior to the bloody coup, the number of citizens seeking to leave Haiti went down to zero. When we return democracy to Haiti we will return decency to our own refugee policy.

Support for democracy in Haiti will also send a strong message to the rest of the world that the United States is still willing to stand up for its principles and use force if necessary. North Korea and Iraq must be given a clear warning, a highly visible example demonstrating that America will not waffle in the face of threats from shabby dictators. As a party to the Governors Island Agreement the United States must now do whatever is necessary to enforce this agreement. Protective military intervention is needed to safeguard the constitutional government in Haiti. We must provide the forces necessary, not to invade or to conquer, but to protect the legal government.

Now is not the time to waffle. Haiti has a President elected by 70 percent of the people. Haiti has a Prime Minister with a cabinet. Haiti has an elected legislative body. Haiti has a constitution approved by a vote of the people. Haiti is not Somalia. Haiti is an opportunity to express the very best of the American spirit and resolve. Without further waiting the United States must do whatever is necessary to support the majority of the people of Haiti. Democracy in Haiti is definitely a vital interest of the United States.

WIMPS WAFFLING ON HAITI

Mr. President don't waffle
Haiti yearns to breathe free
For decades of oppression
We owe Haiti this fee
Don't waffle
Like the Congress wimps
Remember you won
While the big ego boys
Waited til '96 to run
Bullies against change
Towards without compassion
Remember Mr. President
The vision resides
Not in their obsolete
Star wars skies
Vision lives clearer
Behind your fresh eyes
Mr. President, don't waffle

Haiti yearns to breathe free
Remember Lincoln
On the morning
Of the Emancipation
That President closed his ears
Only the scratch of his pen
And the slide of his tears
Were heard that hallowed day
But the drums of history
For Lincoln still beat
In the pantheon of eternity
Angels reserve his seat
In the beginning
God created everything
In 1993 one courageous act
Can give birth
To a new Haiti
Mr. President don't waffle
Like the loud heartless wimps
Remember you won
While misguided Congress sages
Waited til '96 to run

**IN HONOR OF ZACHARY AND
ELIZABETH FISHER**

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. HYDE. Mr. Speaker, I rise today to honor two extraordinary people, Zachary and Elizabeth Fisher. The Fishers are unparalleled American patriots whose devotion to country and to those who have sacrificed all for America is nothing short of extraordinary.

The Fishers began their dedication to the military when they saved the historic aircraft carrier *Intrepid* from the scrapheap. Twenty million dollars later, the *Intrepid* became the heart of the now famous Intrepid Sea-Air-Space Museum which also includes the destroyer *Edson*, the first missile firing submarine *Growler*, and the historic Nantucket lightship—wartime beacon in the Battle of the Atlantic. The *Intrepid* was the anchorage for five annual "Fleet Weeks" in New York/New Jersey Harbor, a homecoming for the victors of Desert Storm and part of the celebration of the 500th Anniversary of Columbus' discovery of America. It welcomed the first Russian warship in New York harbor since World War I.

The Fishers, recognizing that patriotism is hard to stimulate and sustain in peacetime, continue to demonstrate their feelings that patriotism is gratitude, that we owe our own security to the sacrifice, the readiness, the vigilance of our Armed Forces, who are always in harm's way.

Their continuing generosity to the Armed Forces has built a succession of "Fisher Houses" family "comfort homes" at military hospitals, 12 so far. Gen. Colin Powell sent them this salute for the opening of the Fisher House at the Eisenhower Medical Center, Fort Gordon, GA.

DEAR ZACH AND ELIZABETH, Alma and I are delighted to send our greetings as the Fisher House is dedicated at the Eisenhower Medical Center. And I understand plans are underway to build more. For years, you have taken the lead in a quiet and lastingly effective way to personally thank and support the Armed Forces for their labors. Whether it be college scholarships for military dependents or financial aid for families who have lost

loved ones in the line of duty, you have always been there to help ease the burden.

Nothing, however, speaks more eloquently to the compassion, generosity and commitment of Zachary and Elizabeth Fisher to our men and women in uniform and their families than the Fisher Houses. Week after week, and from coast to coast, the Fisher Houses are there to help families with medical emergencies at a time when that help is needed the most. The letters of love you receive from those family members who have stayed at a Fisher House are the greatest reward you can ever receive.

Alma and I send our love and good wishes on this special occasion. Zach and Elizabeth Fisher, you are special members of the military family.

Sincerely,

COLIN L. POWELL,
Chairman of the
Joint Chiefs of Staff.

General Powell called them "members of the military family," a kinship they treasure. They have been always keenly sensitive to critical emergency needs—too often forgotten in peacetime. Example: Their response to the tragic massacre of the Marine peace-keeping force in Beirut, followed by the U.S.S. *Stark* missile attack incidents in the Persian Gulf. Both disasters were heart breaking news to the Fishers, but out of their sorrow emerged the Zachary and Elizabeth Fisher Armed Services Foundation, pledged to help service men and women and their families in specific times of need.

Never was the need more apparent than after the 1989 turret explosion aboard the U.S.S. *Iowa*. Just a year earlier, the battleship had visited New York during Fleet Week. The Fishers had been aboard the *Iowa* and had met some of the crewmen who were later killed. The battleship had saved the *Intrepid* from being sunk during a massive kamikaze attack 44 years earlier in World War II.

The scores of crewmen killed aboard the *Iowa* were a very personal loss to the Fishers. Each of the 47 families received a \$25,000 check and letter explaining that while nothing could compensate for the loss of their loved ones, it was hoped that they could take some comfort in knowing that "two total strangers cared enough about the family's grief to send a token of their remorse."

The Fisher Armed Services Foundation also provides scholarship funds to eligible college students, provided they either are or were in the Armed Forces or are the offspring of service members. The Fishers will be sending over 100 youths to college this coming year.

In 1990, the Fishers first devoted foundation resources to constructing and donating comfort homes for the Armed Forces. Each would be named "The Zachary and Elizabeth Fisher House" and would be located on the grounds of various military hospitals around the country. The homes would be capable of housing up to 16 members of families who otherwise would have no place to stay while their military father or husband was undergoing a serious operation or treatment. It was the Fishers' intention to be able to keep service families together during a medical emergency or crisis, when the service member especially needed the support and comfort of all his or her family members.

The first comfort home location chosen was the National Naval Medical Center at Be-

thesda, MD. It was officially opened on June 23, 1991, by the President and Mrs. Bush, Secretary of the Navy Garrett, and Mr. and Mrs. Fisher. At the same time the mortgage was assumed by the Fishers for the hostel at the Portsmouth Naval Hospital at Portsmouth, VA.

The second house was donated to the U.S. Army. The Chief of Staff of the Army, General Sullivan, dedicated the structure at the Walter Reed Army Medical Center, Washington, DC, on July 25, 1991.

The Fishers have committed to build a total of 22 houses for the U.S. Armed Forces, the last scheduled to be completed by the end of 1993. The first Fisher House for the Air Force was dedicated at the Wilford Hall U.S.A.F. Medical Center at Lackland Air Force Base, San Antonio, TX, on April 1, 1992. On that same day they broke ground for a Fisher House at the Brooke Army Medical Center at Fort Sam Houston, also in San Antonio.

All of the buildings are of the same basic design. The Fishers construct and furnish the structures, then donate them to the respective service branches.

Each military community maintains its house through donations, appropriations or nominal charges.

The home-like setting of the Fisher Houses has proved to be outstandingly successful. Besides keeping individual families together, the common purpose of all of the resident families brings them all together to support each other during particularly critical times. The result is that families from military bases around the world make new and close friends who understand their pain and fears and help them while staying at a Fisher House.

As the honorary chairman of Fleet Week, Fisher has been involved in some very fulfilling and satisfying experiences. This annual event in New York Harbor is one of the highlights of the year for both of the Fishers and has been very successful in all aspects of the Navy and Coast Guard. What Zachary cares most about is that the visiting sailors, marines and coast guardsmen have a great time in New York before they head out to sea. He personally funds a series of events which include large crew parties aboard the *Intrepid*.

As chairman of the *Intrepid* Museum's "Year of Columbus" commemoration in 1992, the fifth annual Fleet Week was expanded into International Fleet Week. It recognized the pioneering explorations of the seven European funding father nations which led to the establishment of the United States. Several sent warships, all seven sent commemorative exhibits and representatives.

The Fishers sponsored the Age of Exploration exhibition aboard the *Intrepid* and hosted the prolonged visit of the three Columbus ships, the *Nina*, *Pinta*, and *Santa Maria*. As such, the *Intrepid* hosted the largest and most significant 500th anniversary commemoration of the discovery of the New World.

On November 12, 1992, Zachary donated the Fisher Sports Center building to the United States Coast Guard on Governors Island, in New York harbor.

Zachary Fisher's civic and patriotic contributions are both national and international: For 3 consecutive years, he served as an adviser to the U.S. delegation on the Housing Committee

of the Economic Commission for Europe conference held in Geneva, Switzerland. With his wife at his side, he became a director of Honor America, a member of the board of advisers of the Veteran's Bedside Network and a director of the Ellis Island Restoration Committee.

Most recently, Zachary and Elizabeth have created through their foundation the Chairman's Award for Military Medical Leadership. The winners, selected by the Surgeons General of the Army, Navy, and Air Force, represent the very best in medical scholarship, research, practice, and leadership. Each winner receives a medal and a \$50,000 grant for the medical research program that he or she chooses.

Throughout his new career of service to the Armed Forces, Fisher has been recognized for his contributions by many organizations:

The then Chief of Naval Operations, Adm. James D. Watkins, bestowed the rank of honorary admiral upon him because of his outstanding service to the U.S. Navy. Not to be outdone by the Navy, the then Commandant of the Marine Corps, Gen. Alfred Gray, gave him the honorary rank of sergeant major.

Saint Michael's College, Norwich University, and the Massachusetts Maritime Academy have all recognized Fisher by awarding him honorary doctorate degrees.

He was the first civilian to receive the Navy League's SEC-NAV Award for having excelled in the cause of national defense.

The Coast Guard has presented Mr. Fisher with both the Distinguished Public Service Award and the Meritorious Public Service Award.

On May 1, 1989, he received the Department of the Navy's Distinguished Public Service Award from the Secretary of the Navy for his support of the Navy and the Marine Corps.

On May 5, 1989, the Chairman of the Joint Chief of Staff presented him with the Department of Defense's Distinguished Public Service Award for his contributions and service to the Armed Forces.

On September 1, 1989, the Government of Poland awarded him their highest civilian decoration, the Order of Merit, for the commemorative special exhibit at the *Intrepid* about the 50th anniversary of the beginning of World War II.

On April 5, 1990, Countess Maria Fede Caproni and the Italian Government presented him with the Cenquantesimo Record Mondiale D'ulterza for his efforts to promote better Italian-United States relations.

On May 18, 1990, he was inducted into the select ranks of the members of the Horatio Alger Association of Distinguished Americans.

On June 12, 1990, New York City Schools' Chancellor Joseph Fernandez saluted Zachary for furthering education in space exploration and for promoting international understanding.

In October 1990, the Association of the United States Army presented the Fishers with the Statue of Liberty Award in appreciation of their outstanding patriotism and support of those who serve in the Armed Forces.

On October 7, 1991, the Secretary of the Army, Michael Stone, landed aboard the *Intrepid* and presented both of the Fishers with the Decoration for Distinguished Civilian Service and the Order of Medical Merit.

On February 7, 1992, Mr. and Mrs. Fisher received the highest award presented by the Catholic Youth Organization [CYO], the Champions Gold Medal Award for their commitment to military families and young people.

On February 12, 1992, the American Legion recognized the Fishers for their dedication of American's military personnel and for the Fisher House on military installations by awarding them the 1992 Commander's Award.

On March 14, 1992, Zachary received a special award from the Navy Medical Corps at the Uniformed Service University of the Health Sciences at the Naval Medical Center.

On June 30, 1992, Mr. Fisher was guest of honor and recipient of the Semper Fidelis Award from the Marine Corps Scholarship Foundation in Washington, DC.

September 18, 1992, was proclaimed as Zachary Fisher Day in the tidewater area cities of Virginia Beach, Newport News, and Portsmouth, VA. in recognition of his support of the Armed Forces.

Zachary Fisher's devotion to his country is best summed up in the inscription on the prestigious President's Plaque presented to him by President Reagan. It stated: "To the tireless, dedicated work of many Americans, the *Intrepid* will serve as an inspiration. One man deserves special tribute—Zachary Fisher, a patriotic American who never forgot and cares so much."

The flag rank, the title that best characterize Zachary and his Elizabeth, is the salute from sailors and soldiers to, "The Admirable Fishers."

WYOMING YELLOWSTONE NATIONAL PARK 125TH ANNIVERSARY COMMEMORATE COIN ACT

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. THOMAS of Wyoming. Mr. Speaker, the people of America are rightfully proud of their system of national parks. The crown jewel of that system is situated mostly within my home State of Wyoming. I'm speaking, of course, of Yellowstone National Park.

On March 1, 1872, Yellowstone became America's first national park, and with an area of over 3,400 square miles it is to this day our largest. Literally millions of Americans have visited this national treasure, sharing with their families the wonder of the world-famous geyser basins, hot springs, and mud pots. Rivers, lakes, canyons, waterfalls, and a vast selection of viewable wildlife—found in their natural environment—add to the mystique of Yellowstone.

There's another side to Yellowstone, as well. As visitation has increased, the wear and tear on the over 500 miles of roads, 1,000 miles of trails, and countless public facilities has taken its toll. Despite increases in funding, the National Park Service has been unable to keep pace. Congress has, at times, made things worse by adding more land and responsibilities to the national system without addressing the needs of our existing parks.

It is this backlog of maintenance needs, coupled with the proud history of our first na-

tional park, which has led me to introduce today the Yellowstone National Park 125 Anniversary Commemorative Coin Act.

This bill will direct the Secretary of the Treasury to mint and issue coins to commemorate the 125th anniversary of Yellowstone National Park, which will fall on March 1, 1997. This bill is budget neutral and, in fact, will help reduce the national debt.

The surcharges from the sale of the coins will be divided three ways—25 percent will be paid to the Secretary of the Interior to be used for Yellowstone National Park, 25 percent will be paid to the Secretary of the Interior for use by the National Park Service, and 50 percent will be transferred to the general fund of the Treasury for the sole purpose of reducing the national debt.

This is a commonsense approach which allows everyone to win. There isn't a down side to this bill—we can reduce the national debt, give needed additional resources to Yellowstone National Park and the National Park Service, and we can properly honor our oldest national park. I invite all my colleagues to join me in this effort.

NAFTA

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. ANDREWS of Texas. Mr. Speaker, the following articles underscore the importance of the North American Free-Trade Agreement, not only to my home State of Texas, but to the Nation as a whole. NAFTA brings unprecedented opportunity to America and American workers, providing an export market eager for American products and services. Its vision is of the future, a future of free and open global markets, a future where America retains its stature as the world's only superpower. I hope that each Member will take the time to read these articles, and I urge them to vote for this historic agreement.

[From the Houston Chronicle, Sept. 15, 1993]

SOLID FRAMEWORK

NAFTA OBJECTIONS DO NOT SQUARE WITH THE FACTS

President Bill Clinton has bent over backward to accommodate environmental and organized labor objections to the North American Free Trade Agreement. Concessions to labor and environmentalists by Clinton are the sum and substance of the so-called "side agreements" signed by the President in a White House ceremony Tuesday.

With the signing of the side agreements there is no good reason for ratification of NAFTA to be held up by Congress. Opposition to NAFTA based on environmental or labor concerns is disingenuous. It simply does not stand under factual examination.

Environmentalists who persist in an all-or-nothing position on NAFTA ignore the fact that pollution along the U.S.-Mexico border has been a growing problem since long before the free-trade agreement was developed. The side agreements provide a solid framework for beginning to deal with such issues.

Hard-liners also overlook the point that environmental responsibility is an expensive proposition, one which thriving economies

are best able to afford. Helping Mexico improve its economy is a sure way to encourage environmental improvement. The economic growth derived from NAFTA will give Mexico the resources to beef up its enforcement. This promises not only to help our border environment, but also to give U.S. companies who lead the world in environmental technology the opportunity to provide many of the goods and services needed for these purposes.

With regard to jobs, the Congressional Budget Office has reported that in the short run, U.S. employment would increase by between 5,000 and 170,000 jobs. Although there are likely to be some job losses as companies relocate in Mexico, most studies suggest that these will amount to less than 200,000 over a decade.

The CBO has said: "Even if the number of workers displaced because of NAFTA were twice the high end of the range of job losses . . . that would still be less than 400,000 job losses in any economy with nearly 120 million jobs." It is worth noting that, in normal times total U.S. employment grows at more than four times this figure annually.

The facts speak for themselves. They argue persuasively for ratification of the North American Free Trade Agreement.

[From The Washington Post, Oct. 4, 1993]

WHAT NAFTA WON'T DO

As people think about NAFTA, President Clinton recently observed, they will see that an important part of the argument has been reversed. Opponents attribute to this future agreement many dangers that actually are part of the present situation—which the agreement is, in reality, designed to remedy. Mr. Clinton was probably thinking of the squalid working conditions and the environmental pollution that can be found along the Mexican border. It wasn't the North American Free Trade Agreement that created them. They already exist. The agreement, by requiring better enforcement of environmental laws, would be a powerful force for improvement.

Some of the environmental advocacy organizations sound as though they thought the defeat of NAFTA would somehow roll back industrialization in Mexico and return the country to a pristine pre-industrial state. Hardly. What in fact would happen is further rapid industrial development with none of the rules and constraints that the agreement provides.

Mr. Clinton made that comment as he went into a persuasion session on NAFTA with a dozen congressmen. He apparently wasn't entirely successful. One, John Conyers (D-Mich.), came out saying, "I still believe it's a job loser." Much of the opposition to the agreement arises from the fears that American factories will go south to seek low-wage labor. Coming from Detroit, Mr. Conyers is particularly sensitive to the anxieties of automobile workers.

He might want to consider the two major German automobile manufacturers that have chosen to locate new plants in the United States rather than in Mexico. BMW is putting a large assembly operation into South Carolina, and Mercedes-Benz has just announced that it will build in Alabama. Mr. Conyers would doubtless prefer that they had gone to Michigan, but BMW says that within a couple of years its wages will be up to Detroit levels. It's not that wages are irrelevant to these companies. One of their reasons for coming to the United States is that industrial compensation—wages plus fringe benefits—is 60 percent higher in Germany than here. By northern European

standards, the United States is a low-wage country.

But why didn't the Germans go to Mexico for still lower wages? The answer is evidently the quality of labor here, the access to suppliers and the reliability of the transportation system. If that logic brings the makers of German cars to this country, why wouldn't the same logic keep Ford, Chrysler and General Motors plants here?

[From the Washington Post, Oct. 11, 1993]

MESSAGE FROM MEXICO

Mexico's President Carlos Salinas de Gortari was absolutely right to tell the U.S. Congress that if it fails to vote on NAFTA before the end of the year, the deal's off. The two countries have pledged to put NAFTA—the North American Free Trade Agreement—into effect on Jan. 1. There's no reason for further delay. The people in Congress who want to postpone the vote are the ones that want to kill the whole agreement.

President Clinton has never favored delay. Two weeks ago, calling the agreement "a good deal for the United States," he wrote to the congressional leaders urging enactment promptly before the end of this year's session.

Why President Salinas's firm and explicit public statement now? You can discern two purposes—one addressed to American politicians, the other to Mexicans.

Here in Washington most of the loudest opposition to NAFTA is coming from Democrats. Some of them, uneasy about opposing their own president on a major vote, are trying hard to float the idea that if they succeed in defeating the agreement, he can sit down later and work out a more favorable version. That's a fantasy. Mr. Salinas wants to ensure that nobody misunderstands the realities. The present agreement is the kind of opportunity, he said, that "only presents itself once in a generation." If the United States refuses it, they won't be another chance for a long, long time.

As for his Mexican audience—1994 is an election year there as well as here—Mr. Salinas is already under attack from the nationalists for having given the Americans too much. The deal offers more to American exporters than to Mexicans. The reason is that the border is, with minor exceptions, already open to goods moving northward. It's Mexico that's now in the process of opening long-closed markets. Mr. Salinas isn't doing it to please Americans. He's doing it for Mexico, whose economy is already responding with strong growth and rising incomes. But he's in no mood to offer more concessions. Instead, he's saying: Take it or leave it—but if you leave it, we'll give Japanese and European exporters and investors the benefits first offered you.

Any congressman who wants to refuse would be wise first to talk to this Democratic administration's economists. They will point out that increasing exports are now Americans' best hope for more and better jobs.

[From the Washington Post, Oct. 25, 1993]

WHY TRADE MATTERS

One way or the other, for better or much worse, American policy on foreign trade is likely to be changed dramatically before the end of this year. Three major negotiations and agreements are moving toward deadlines in the next couple of months. Since they involve somewhat different constituencies, they are commonly discussed one at a time. But the connections are crucial.

President Clinton's trade negotiator, Mickey Kantor, threatened Japan the other day with sanctions if there's no agreement by Nov. 1 in a quarrel over foreign companies' access to Japanese construction work. Why the unilateral deadline? Perhaps Mr. Kantor wishes to demonstrate this administration's firmness at a time when Congress is moving toward a vote on the North American Free Trade Agreement. NAFTA, which involves only the three countries on this continent, is entirely distinct from the Uruguay Round of negotiations, a massively complex attempt to rewrite and modernize the worldwide rules of trade. More than 100 countries are taking part in it, but at present it's hung up on a vehement dispute between the United States and the European Community, particularly France, over farm subsidies.

The deadline in the Japanese talks comes in hardly more than a week. A deeply divided House of Representatives is to vote on NAFTA in mid-November. If the Uruguay Round doesn't produce a general agreement by Dec. 15, the whole effort will collapse. C. Fred Bergsten of the Institute for International Economics points out the ugly possibility that all of these processes could go sour, with the effects of each disaster compounding the next. The U.S.-Japan talks seem to be headed toward tit-for-tat retaliation, the House could well defeat NAFTA, and the farm subsidy dispute may torpedo the whole Uruguay Round. Such a series of breakdowns in the trading system could tip the world—as Mr. Bergsten observes—into a severe recession.

It's not clear that the governments of the world's half-dozen dominant countries have the political will to rescue themselves. Perhaps over these next two crucial months they will merely cave in to their clamorous special interests—Japanese construction contractors, American labor leaders, French farmers. Yet each of these governments knows that widening access to foreign markets has been a crucial element in the economic magic that, over the past four decades, has doubled incomes here in the United States, tripled them in Western Europe and sextupled them in Japan. The question is whether the industrial democracies, becoming rich, have now begun to grow careless and drift away from the discipline that brought them their unprecedented wealth.

[From the Washington Post, Nov. 2, 1993]

WHY VOTE FOR NAFTA?

So why should a congressman vote for NAFTA? The Mexican economy is one-twentieth the size of this country's, and neither President Clinton nor any other supporters promise any large immediate benefits. The opposition is vociferous. As Mr. Clinton said yesterday, several large unions have chosen NAFTA as the receptacle into which to pour "all the resentments and fears and insecurities" of the recent years with their stagnant wages and plant closings. Why go to the trouble and risk of voting for it?

If you think that jobs in manufacturing are important, you'd better back NAFTA. Mr. Clinton pointed out that, as in farming, productivity in manufacturing has been rising rapidly. A steadily declining work force can produce as much as this country needs or will buy. To create and retain additional manufacturing jobs is going to require access to foreign markets, guaranteed by trade agreements like this one that would tie the three countries of North America more closely together. If it fails, there will be a real danger that the whole process of trade expansion, pressed slowly forward ever since

World War II, falls into retreat with dire effects on wages and employment in all the rich countries.

Many congressmen are deeply interested in labor standards and deplore the poor conditions along the Mexican border. Defeating NAFTA won't improve those conditions. But enacting it can make a difference. Similarly, congressmen with an interest in the environment need to remember that there are substantial environmental protections in the agreement. Voting against it won't reduce the toxic pollution in the border areas. But NAFTA can. NAFTA is the first trade agreement to address labor standards and environmental quality and—if it goes into effect—will establish an important precedent for action. Congressmen who genuinely want to see improvements are going to have to vote for the agreement. It's the instrument for change.

The greatest gains in American employment will come, Mr. Clinton argues, when NAFTA is extended to other Latin countries in the years ahead. He sees it—correctly—as an enormous opportunity, like the European Community, not only to promote economic prosperity but democracy, freedom and political stability.

In this century these values have traveled in close association with open trade, and when one has been in retreat the others have also been in jeopardy. No one originally intended it to turn out this way, but the battle over a regional trade agreement has now reached a pitch at which it has become a fundamental vote on American hopes and goals as the world's strongest leader.

TRIBUTE TO EDWARD O. BUCKBEE

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Edward O. Buckbee, who has announced his retirement as Director of the U.S. Space and Rocket Center in Huntsville, AL.

Mr. Buckbee has devoted his life to the advancement and enrichment of our Nation's space program. His tireless efforts for the U.S. Space and Rocket Center have attracted millions of visitors from all over the world. He is one of our community's most dedicated ambassadors, helping build an international reputation of excellence for north Alabama.

Mr. Buckbee served as a NASA public relations specialist at the Marshall Space Flight Center in Huntsville from 1961 to 1968. Buckbee joined Dr. Wehrner von Braun in his quest to establish a public program for space science education. Their labors were realized in 1965 with the establishment of the Space and Rocket Center, now known as the U.S. Space and Rocket Center. The Alabama Space Science Exhibit Commission appointed Buckbee director of the center in 1968.

The U.S. Space and Rocket Center has expanded dramatically since opening to the public in 1970. The hands-on space science museum boasts the world's largest rocket and spacecraft collection. Highlights of the Space Center include U.S. Space Camp, U.S. Space Academy, Aviation Challenge, Rocket Park, Shuttle Park, the NASA Visitor Center and bus

tour, the Spacedome Theater, and numerous expansion and enhancement projects.

Inspired by Dr. von Braun, Mr. Buckbee envisioned the Space Center as the birthplace of a new kind of learning experience for young people. The program would offer students keener insight into the U.S. Space Program, and it would serve as a catalyst for the study of math and science curricula. In 1982 Buckbee's vision became reality as the Space Center played host to 747 young trainees during the inaugural season of U.S. Space Camp. Over the last decade, the U.S. Space Camp has experienced phenomenal growth, graduating over 170,000 people.

To meet the overwhelming public demand for this unique space science orientation, Mr. Buckbee coordinated the creation of four new educational programs. U.S. Space Academy opened in 1984 and academy level II was established in 1987. U.S. Space Academy for Educators opened in 1987 for elementary and middle school teachers of math and science. Aviation Challenge began in 1990, offering jet-pilot-style training to middle school and high school students, as well as adults. Buckbee met another public request in 1991 with the creation of parent-child sessions.

Recognizing the widespread interest in U.S. Space Camp programs, Mr. Buckbee organized the formation of the U.S. Space Camp Foundation in 1987. This action permitted the operation of space camps outside Alabama. In 1988 the U.S. Space Camp opened a sister campus in Titusville, FL, near NASA's Kennedy Space Center. As executive director of the foundation, Buckbee oversees the operation of the Florida, campus. He also acts as liaison with the Florida project partner, the Mercury Seven Foundation, headed by America's first astronaut, Alan Shepard.

In 1988 the United States Space Camp Foundation granted a licensing agreement to Nippon Steel to build Space Camp Japan. The operation opened in 1990. Euro Space Camp opened in 1991 near Brussels, Belgium. Agreements have been signed for upcoming Space Camp operations in Canada and Italy.

To promote international cooperation in space, Mr. Buckbee has participated in numerous efforts aimed at joining American Space Camp trainees with their counterparts in Europe, Russia, Japan, and Canada. International Space Camp was initiated in 1990 with participation in Huntsville by students and teachers from 20 countries. In 1993 International Space played host to 25 countries and 40 of America's teachers of the year.

Among Mr. Buckbee's many honors are the National Institute of Public Affairs Fellowship by NASA, the Yuri Gagarin Cosmonaut Medal from the Soviet Union, and the NASA Distinguished Public Service Medal. He is the recipient of the Jimmy Doolittle Fellow, awarded by the Aerospace Education Foundation of the Air Force Association. Buckbee has also received the Army's Decoration for Distinguished Civilian Service.

I would like to pay tribute to Mr. Buckbee on my own behalf and on behalf of my district coordinator, Lynne Berry Lowery, who currently serves as a member of the Alabama Space Science Exhibit Commission.

It is an honor to recognize Mr. Buckbee for his distinguished contributions to the U.S.

Space Program and north Alabama. I congratulate him on his profound accomplishments and I wish him the very best in his upcoming retirement. Although his presence will be sorely missed, Ed Buckbee will leave behind a legacy of achievement that will fascinate and inspire countless future generations.

NAFTA

HON. ERIC FINGERHUT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. FINGERHUT. Mr. Speaker, the rhetoric over NAFTA has reached a fever pitch in these last few days, but I am frustrated that the debate has degenerated into such "he said-she said" arguments that no one has focused on what an alternative trade policy might look like.

Let me clearly state—I oppose NAFTA and will vote against it. Unlike others who argue against the treaty, though, I believe this must be the beginning—not the end—of our national debate regarding free trade and the future of our businesses and workers.

Over the years, we have lost thousands of manufacturing jobs to Southeast Asia, Mexico, and other low-wage economies. NAFTA would only make that trend worse. No matter what the supporters say, we will lose jobs under NAFTA—especially the good manufacturing jobs that are critical to the Greater Cleveland economy.

But NAFTA's defeat will not make our trade problems go away. We will continue to lose jobs abroad until we design an aggressive export strategy and encourage our businesses to stay home and invest here. That is the positive alternative to NAFTA that has to be raised now, in the final stages of the NAFTA debate, and that is the alternative we must put into place in the future.

The heart of any trade policy should be its emphasis on increasing our export of goods. Increased exports mean economic growth, more jobs, higher wages and a better standard of living. But while the United States has traditionally pursued this goal solely through a strategy of low tariffs, other major industrial countries have used aggressive export promotion programs to penetrate our markets and clearly defined industrial policies to protect their own.

How can we be smarter and more aggressive? Last November, I proposed the creation of a Department of International Trade to coordinate our efforts and offer one-stop Federal assistance to export companies. Currently, 19 different agencies oversee 100 different trade promotion programs, an alphabet of assistance that puzzles the shrewdest business owner.

We must also reexamine what products we support with our trade promotion dollar. Agriculture products, for example, amount to only 10 percent of our total exports, yet they get 74 percent of our trade promotion funding.

Government can also help boost exports by getting out of the way when it is hurting private trade efforts. Export controls leftover from

the cold war, for example, cost us an estimated \$10 to \$20 billion a year in lost trade.

As a member of the House Foreign Affairs Committee panel on trade, I am helping to craft an export promotion strategy that would go a long way toward helping American businesses penetrate other markets. The plan we are devising would make our trade promotion programs more user-friendly for businesses and would target the markets where American goods have the most chance of finding buyers. Also, it would clear the thicket of antiquated export controls that are an albatross around the neck of American exporters.

To complement such aggressive trade promotion efforts, we must also develop an industrial policy to help U.S. companies who compete with foreign countries. Such an industrial policy would include support for manufacturers who are producing break-through export goods. The Northeast-Midwest Coalition's Manufacturing Task Force in Congress is designing such support in the form of a package of tax incentives. I am a member of the task force, and I have invited the group to the 19th District to hold hearings in the near future. We plan to announce a legislative program by the beginning of the year, and then work on a bipartisan basis to have it enacted.

The budget approved in August included a good start in providing incentives to manufacturers by cutting the capital gains tax for long-term investments in many small businesses. Why not expand that cut to apply to long-term investments in all domestic manufacturing? And why not allow investors to roll over capital gains into these new investments without paying new taxes? We do the same thing for people who sell and buy homes within a year. That way we encourage job growth and job retention in industries here at home—rather than export our jobs abroad.

Under such an aggressive trade and industrial policy, Ohio and the 19th Congressional District that I represent would fare well. Recently, I held an official hearing of the House Space Subcommittee in my district to discuss technology transfer between NASA Lewis and local small businesses. The Federal officials who participated were impressed at the high-tech talent in this area and the Federal/private sector technology sharing already taking place. Also, in the award-winning Great Lakes Technology Center and the Cleveland Advanced Manufacturing Program, the Greater Cleveland area has the framework in place to capitalize on a new, post-NAFTA, export-related industrial policy.

Contrary to what you may hear over the next few days, there is not only life after NAFTA, but our industries can again become the leaders in innovative and technology-based exports. For Ohio, a future without NAFTA seems particularly bright.

NAFTA TAX CUT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. PACKARD. Mr. Speaker, NAFTA's critics are whipping up yet another flimsy argument against passage of the agreement.

They charge that passage of NAFTA will somehow erode American sovereignty. They point to the international commissions created to mitigate labor and environmental disputes among the three countries.

Mr. Speaker, anyone who has studied this agreement will recognize this as a transparent appeal to fear.

Under NAFTA, no international body has any legal authority over American domestic affairs. Furthermore, NAFTA does not allow any private individual or party to bring suit against a sovereign nation.

The bottom line is that sovereignty means autonomy. Is the United States able to export its goods to Mexico without artificial obstructions such as tariffs? Not currently.

However, with passage of NAFTA our economic autonomy will be strengthened by the elimination of barriers to trade and investment in Mexico.

The United States will regain the power to make its economic decisions based upon the freedom to trade with Mexico. It will no longer be forced to play by somebody else's economic rules. When we have an even playing field on which to compete, America is virtually unbeatable. This is what NAFTA will provide, thus giving America more economic sovereignty.

This brings us to American's tax sovereignty. Americans pay too many taxes. That is why I support NAFTA. The centerpiece of NAFTA will amount to a \$1.8 billion tax cut for American consumers over the next 5 years.

When two Americans trade goods on the marketplace, the Government takes a cut—this is a tax. But, when an American and a Mexican trade goods in the marketplace, the Governments of both countries tax us twice. Not only is the product slapped with a tax in the production process, but it's taxed again at the border in the form of a tariff. What's even worse, American products are taxed at 2½ times the rate of Mexican goods.

When taxes are raised or lowered, economic activity responds accordingly. When taxes are low, the market is more active since buyers and sellers exchange more goods. The same principle applies for tariffs. When tariffs drop, international economic activity increases since buyers and sellers find it makes sense to trade more goods.

Not only do lower tariffs mean we can trade more goods, we can trade more types of goods. A product that was not tradeable at a high tariff because of the marginal rate of return, may suddenly be able to enter the market because the after-tax return becomes profitable.

On the average, American consumers pay a 4-percent tax on goods that come into our country from Mexico. NAFTA would eliminate that tax. Anyone who votes against NAFTA is voting against a tax cut for consumers in this country.

TRIBUTE TO ROBERT SETH KELLEY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Robert Seth Kelley of Troop 42 in Hope, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Robert organized and supervised extensive cleaning of the exterior and surrounding area of the West Warwick Post Office.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Robert Seth Kelley. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Robert Seth Kelley will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

RECOGNIZE LESBIAN, GAY, AND BISEXUAL RIGHTS IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. NADLER. Mr. Speaker, I rise today to express my support for the inclusion of protections for the human rights of lesbians, gay men, and bisexuals in the United Nations Declaration of Human Rights. I would also like to recognize the work of Stonewall 25, a group that has formed to organize a march and rally at the United Nations to commemorate the 25th anniversary of the Stonewall Rebellion,

and to call for recognition of lesbians, gay men, and bisexuals in the Universal Declaration of Human Rights.

While we have certainly begun to make strides toward the recognition of the rights of lesbians and gay men in this country, we still have a long way to go. Although it has been 25 years since the Stonewall Rebellion in Greenwich Village, in which lesbians and gay men asserted their rights publicly at a time when such assertions were rare, we still have not established in law the rights of lesbians and gay men.

The Civil Rights Act of 1993, of which I am an original cosponsor, still languishes in committee, and there is little chance that it will be brought to a vote this year. Lesbians and gay men cannot divulge their sexual orientation openly if they want to serve in the armed services. And lesbians and gay men still must live in fear that they may be assaulted, hurt, or killed at any time simply because of who they are.

While we, as a nation, have made progress, we have a long way to go. We have always been proud of our tradition of tolerance. Yet, if we do not act soon to codify the rights of lesbians, gay men, and bisexuals, our faithfulness to our tradition of tolerance will be put to a test. The international community is being asked to add lesbians, gay men, and bisexuals to the list of those protected by the Universal Declaration of Human Rights. Let us not be left behind as a nation while the rest of the world makes progress in the fight for equal rights for all people.

TOUGH TALK ISN'T ENOUGH IN DRUG WAR

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. OXLEY. Mr. Speaker, I recommend the following article by our colleague BENJAMIN A. GILMAN, ranking Republican on the Committee on Foreign Affairs, to the attention of the House. The gentleman's insights are food for thought for drug-control policymakers.

[From Long Island Newsday, Nov. 10, 1993]

TOUGH TALK ISN'T ENOUGH IN WAR ON DRUGS
(By Benjamin A. Gilman)

If the Cali and Medellin drug cartels were listed on the New York Stock Exchange, Wall Street would be issuing a strong "buy" signal for them after reading the new strategy paper released by Lee Brown, director of the White House Office of National Drug Control Policy.

Nine months after taking office, Bill Clinton's administration has labored mightily and given birth to a mouse of a statement that roars on rhetoric but squeaks on substance.

Instead of a coherent, forceful plan to attack a scourge that is devastating our cities, the American people have been handed a litany of platitudes and high-minded remarks. Regrettably, beautifully crafted phrases cannot make up for crippling budget cuts the administration has permitted in drug enforcement and interdiction programs that are vital in our efforts to defeat the cartels that prey upon our people.

The new interim strategy speaks of focusing on rehabilitation and the treatment of hard-core users at the expense of eradication, interdiction and enforcement. It ignores the relationship between drug availability and use. The administration fails to say just what new resources will be put behind this new focus.

It is another signal that, behind a screen of strong rhetoric, the president is shedding the initiatives launched under the Ronald Reagan and George Bush administrations just as they seemed to be bearing fruit. The record shows:

At the same time that he appointed Brown to his post with great fanfare and promoted the former New York City police commissioner to cabinet rank, the president quietly slashed the budget and staff of the White House Office of National Drug Control Policy by 80 percent.

The president has declared strong support for international drug efforts, stating that "where we have governments with leaders who are willing to put their lives on the line . . . we ought to be supporting them, and I expect to do that."

But, when the House moved to cut by 32 percent the principal U.S. program aimed at wiping out cocaine production in Colombia, Peru and Bolivia, the White House did nothing to stop it.

Between 1987 and 1991, 552 metric tons of cocaine were seized in Latin America alone. At the same time, the percentage of cocaine users in the United States dropped by more than half.

If interdiction and enforcement is allowed to lag, the result inevitably will be more and cheaper drugs on the streets. This will undercut the very treatment programs on which the administration wants to focus because today's casual user is tomorrow's hard-core abuser. It is like allowing plenty of candy in a house full of kids and expecting the dentist to ward off any new cavities. Winning the war on drugs requires effective, simultaneous action against both supply and demand.

Failing to maintain effective anti-narcotics operations overseas will signal that our nation has lost the will to carry the battle against illegal drugs to their source.

Lee Brown, a founder of the National Organization of Black Law Enforcement Executives, is well known in his profession, but more than a high-profile White House appointment is needed; there must be a coherent anti-drug policy and adequate resources to implement it.

To be effective, that policy must go beyond the treatment of hard-core users and abusers to stopping the pushers and the producers. The president's new policy is like a beautiful new car without an engine under the hood or gas in the tank. It will take us nowhere, and the crime and health-related costs of drugs will continue to mount.

UNITED NATIONS MUST OPEN ITS DOORS TO TAIWAN

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. SMITH of Texas. Mr. Speaker, I would like to bring to my colleagues' attention this guest editorial written by a constituent of mine, Prof. Thomas J. Bellows of the University of Texas at San Antonio. His article in support of

admitting Taiwan to the United Nations was published on October 17, 1993, in my hometown newspaper, the San Antonio Express-News.

IT'S TIME FOR U.N. TO OPEN DOORS TO TAIWAN

(By Thomas J. Bellows)

Seven Central American countries, all of whom recognize the Republic of China on Taiwan, have sent a joint letter to the United Nations Secretary General urging that Taiwan be added to the roster of 184 countries that are U.N. members. The People's Republic of China vigorously opposed this proposal in an August White Paper, forcefully asserting that, since both Taipei and Beijing acknowledge but one China, having two entities represent different parts of China in the United Nations is unacceptable.

Political realism suggests that an entity of 21 million people, a major exporter and importer of goods, with foreign reserves nearing \$100 billion (the highest in the world) and a per-person income higher than that of Greece, Ireland, Saudi Arabia or Portugal should not be excluded. The reality is also that Beijing will veto Taiwan's bid for admission.

The obvious and immediate solution is to approve Taiwan's becoming a permanent non-member state. This requires only the approval of the General Assembly and does not involve a Security Council vote or the probability of Peoples Republic veto. This designation routinely allows members to speak at all meetings (by invitation that is always extended) and to participate fully and extensively in informal discussions. Historically, permanent non-member states are assessed percentage contributions to the U.N. activities in which they participate.

There is an institutional history of divided nations represented by two governments invited as permanent non-member states, prior to full admission. East and West Germany and North and South Korea are examples that became full members in a few years. Other countries, such as Austria and Italy, were permanent non-member states before the Soviet Union agreed not to veto their membership applications, and they were admitted to full membership. Permanent non-member organizations have included such disparate groups as the Organization of American States, the Palestine Liberation Organization, the Provisional Revolutionary Government of Vietnam (in 1974), and the Asian-African Legal Consultative Committee. General Assembly votes on all permanent non-member representation since 1948 have inevitably garnered minimally a two-thirds affirmative vote. Taiwan is a formidable global economic presence. How can it be isolated from the premier comprehensive international organization dedicated to world peace and economic development?

The slogan of Chinese communism today is "to get rich is glorious." As part of the pathway to glory, private Taiwanese citizens have been permitted to invest nearly \$10 billion on the mainland. The functional dynamics of growing trade and visits and unofficial talks between the mainland and Taiwan offers a realistic hope of future, official political talks. What better place for quiet dialogue than a secluded room at the United Nations, but only if Taiwan can at least be associated with the United Nations as a permanent non-member state?

The U.S. administration quietly bemoans the mucking up of U.S.-China relations. Official administration press guidance is based on three earlier joint U.S.-China commu-

niques and the fact that both Beijing and Taipei acknowledge there is only one China. Consequently, there is no place for Taiwan at the United Nations. It is forgotten that in 1968 at the height of the Cold War, when the United States still recognized the Republic of China as the only China, the U.S. Ambassador to the United Nations, Arthur Goldberg, proposed that People's Republic should be admitted to the United Nations while Taiwan retained its seat.

This is an opportunity for the United States, not an irritating distraction. The viability and global importance of Taiwan will not go away through an international variation of tribal shunning. The need for status, and a sense of self-respect and self-worth are as present in countries as in individuals. International second class or non-status is a growing concern to all those on Taiwan, whether pro-government or sympathetic to the opposition. All political groups on Taiwan support Taipei's desire for U.N. membership. Shunning Taiwan will inevitably lead to more numerous, strident calls for a formal declaration of independence. The People's Republic threatens force if independence is proclaimed. The seeds of a first-class international crisis will be nurtured unless the United Nations makes some positive response to Taipei.

The stairway to political reconciliation and closer linkages between Taiwan and the mainland must be taken a step at a time. Taiwan's affiliation with the United Nations will as a permanent non-member state be a major positive step. The Clinton administration's benign neutrality on the issue would contribute more to world harmony and prosperity than the current, quiet U.S. opposition to Taiwan's desire for U.N. affiliation.

THE NEED FOR HEALTH CARE REFORM

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, as we all know, if there is one issue that most Americans can agree upon today it is that something must be done soon to comprehensively reform the U.S. health care system. In the face of mounting rhetoric beginning to cloud the facts on this pressing issue, I would like to take this opportunity to share with my colleagues some of the genuine concerns my constituents have repeatedly expressed.

A short while ago, my office conducted a representative survey of nearly 5,000 residents of Illinois' Seventh Congressional District, asking them their opinions about health care administration and delivery in the United States. An astounding 4 out of 5 of those surveyed said they feel that there are problems inherent in this country's health care network and that fundamental changes are needed.

Almost 76 percent of those questioned said that, over the past 5 years, their out-of-pocket expenses for health care have increased. The irony of this situation is that at the same time that these expenses have increased for Seventh District residents, health insurance benefits for those lucky enough to have them seem to be stagnating, Mr. Speaker.

Two out of three individuals responding stated that their benefits have either remained unchanged or have decreased in the last 5

years. Also, close to half of all respondents believe it is harder to apply for and receive payment for health insurance claims from their health insurance provider.

The combination of rising costs and significant cutbacks in benefits are a signal to many that the Government must play a strong role in reforming America's health care system. An overwhelming 85 percent of my constituents surveyed answered with a resounding "yes" when asked whether the Federal Government should have a role in containing the mounting cost of health care.

Mr. Speaker, the views of my constituents echo the need for Congress to work swiftly and effectively toward comprehensive health care reform. It is clear that the current system continues to degenerate every day, with increasing costs and additional individuals and families who are denied coverage. We must remember to listen to the American people at every step of the health care reform process and not allow special interests to obfuscate the facts in this debate.

There has got to be a better way Mr. Speaker—a better way to provide health care to all Americans than the way it is done today—or, for 37 million uninsured Americans, not done.

TRIBUTE TO GARY HART

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Gary Hart, one of my closest friends. I treasured working with Gary in the assembly: His passionate commitment to the environment, education, and civil rights along with his basic goodness and sense of fair play defined him as someone special. I was indeed fortunate to meet him at the outset of my career.

It is not for nothing that Gary is one of the best-known and admired politicians in California. He is a creative thinker and a tireless worker; two attributes that are invaluable in the world of politics. Gary is a man of action, and not mere words. His reputation rests on his accomplishments. He is also one of those rare elected representatives who is more than willing to take risks.

An example is Senate bill 813, one of the few pieces of legislation that is known by its number. S. 813, passed during Gary's first term in the Senate in 1983, improved school funding and strengthened academic standards. It is one of the few bits of good news that public education received in California during the past few years. Imagine how much worse shape the schools would be in today if Gary had not fought hard for passage of S. 813.

Gary's education agenda also included legislation requiring statewide, performance-based testing of students and efforts to reduce the cost of higher education. In addition, he was the author of a bill that created charter schools.

Gary is as good on the environment as he is on education. In 1989, he sponsored a bill

that enabled California consumers to receive a nickel for every two cans they recycle, and a nickel for each of the large two-liter soft drink containers. He also fought for tougher controls on the handling and transportation of toxic materials.

Finally, Gary has, in recent years, made the fight against AIDS one of his top priorities. He helped pass legislation mandating AIDS education in junior and senior high schools. In recognition of his efforts, Stop Aids Now has named Gary as the recipient of its first community service award.

I have indeed been privileged to have maintained a close personal and professional relationship with Gary for nearly two decades. I ask my colleagues to join me in saluting Gary Hart, who brings his own profound sense of dignity and purpose to politics.

THE PRESIDENTIAL ELECTION OF 1992 IN OHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. TRAFICANT. Mr. Speaker, I submit, for the RECORD, a paper written by Philip A. Grant, a professor of history at Pace University in New York City. The paper, entitled "The Presidential Election of 1992 in Ohio," offers insight into the political landscape of my home State. I believe every American can learn from Professor Grant's work because Ohio has long been one of the Nation's political bellwethers.

I commend the professor and I commend Dr. William Binning, a Professor at Youngstown State University in my 17th Congressional District, for their efforts in bringing the paper to my attention.

In 1988 Vice President George Bush, the Republican presidential candidate, easily defeated his Democratic opponent, Governor Michael Dukakis of Massachusetts, in Ohio. Recording a plurality of 476,920 and a winning proportion of 55.5%, Bush accomplished the feat of carrying fifteen of Ohio's twenty-one congressional districts and seventy-five of the Buckeye State's eighty-eight counties.

In 1992 the presidential contest was admittedly complicated by the well-publicized independent candidacy of Ross Perot. In sharp contrast to 1988 President Bush encountered serious political difficulty in Ohio. Bush's Democratic challenger, Governor Bill Clinton of Arkansas, emerged victorious in Ohio, and Perot, reflecting his nationwide performance, attracted a respectable share of the popular vote. While the President carried sixty-one of Ohio's eighty-eight counties, Clinton prevailed in ten of the state's newly created congressional districts. The official results in Ohio were as follows:

Clinton	1,964,842	(40.4%)
Bush	1,876,445	(38.6%)
Perot	1,024,270	(21.0%)

In purely numerical terms Clinton received 25,013 more votes than the number accumulated by Dukakis in 1988, while Bush secured 540,104 less than the total he attracted in 1988. Even more noteworthy was the distribution of the major party presidential vote. The respective figures for 1988 and 1992 were:

	Percent	
	1988	1992
Republican	55.5	38.6
Democratic	44.5	40.4

Between 1988 and 1992 the Democratic share of the overall vote declined by a modest 4.1%, while the Republican share declined by an ominous 16.9%.

In 1988 Bush fared remarkably well in five of Ohio's major population centers, Hamilton, Franklin, Montgomery, Stark, and Butler Counties. These counties in 1988 actually provided Bush with more than sixty percent of his statewide plurality over Dukakis. The 1988 statistics were:

	Bush	Dukakis
Hamilton	227,904	140,354
Franklin	226,265	147,585
Montgomery	131,596	95,737
Stark	87,087	59,639
Butler	75,723	33,729
Total	767,677 (61.1%)	486,962 (38.9%)

In 1992 Bush managed to carry four of the five populous counties. In each of these political units, however, the President experienced considerable political erosion. The 1992 figures were:

	Bush	Clinton	Perot
Hamilton	189,224	145,027	57,161
Franklin	184,402	174,809	78,398
Montgomery	103,998	107,174	47,489
Stark	61,376	59,610	42,005
Butler	62,525	39,156	27,029
Total	601,562 (43.6%)	525,886 (36.6%)	254,033 (19.8%)

Between 1988 and 1992 Bush's aggregate plurality in the five counties dropped from 280,715 to 75,676. Of paramount importance was the distribution of the vote in the five counties. The statistics were:

	Percent	
	1988	1992
Republican	61.1	43.6
Democratic	39.9	37.6

While the Democratic vote went down by only 2.3%, the G.O.P. presidential vote fell by 17.5%.

In 1988 Dukakis was overwhelmed by Bush in southern and central Ohio and lost nearly all of the dozens of rural counties scattered throughout the state. Dukakis did succeed in carrying Cuyahoga, Summit, Lucas, Mahoning, and Trumbull Counties, all of which were essential urban in character. These five counties produced nearly forty percent of the statewide Democratic vote. The 1988 electoral statistics were:

	Dukakis	Bush
Cuyahoga	358,401	242,439
Summitt	112,612	101,155
Lucas	99,755	83,788
Mahoning	76,524	43,722
Trumbull	58,674	38,815
Total	694,967 (57.4%)	510,519 (42.6%)

In 1992 Clinton surpassed Dukakis' performance in the five counties, thereby assuring that he would carry Ohio. The 1992 results were:

	Clinton	Bush	Perot
Cuyahoga	333,700	184,996	111,217
Summitt	107,061	70,915	59,694
Lucas	98,771	62,659	17,453

	Clinton	Bush	Perot
Mahoning	64,144	30,863	29,124
Trumbull	54,142	25,618	25,503
Total	627,713 (49.5%)	385,050 (30.7%)	247,999 (19.8%)

Clinton in 1992 carried Ohio's First and Third Congressional Districts by very narrow margins, while Bush won the Sixth, Twelfth, and Sixteenth Congressional Districts by slim pluralities. Of obvious relevance to the outcome of the 1988 presidential contests in Ohio were the results in six densely populated congressional districts clustered in the northeastern corner of the state. Four of these districts were located in Cuyahoga County, while the other two were centered in Akron and Youngstown. The 1992 electoral figures were:

	Clinton	Bush	Perot
Tenth district	107,460	92,849	58,095
Eleventh district	167,877	37,880	23,423
Thirteenth district	101,184	94,651	70,624
Fourteenth district	119,144	81,803	60,338
Seventeenth district	133,213	68,417	64,936
Nineteenth district	114,307	106,950	60,429
Total	755,165	502,559	345,845

THE NEGOTIATED RATES ACT OF 1993

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. GLICKMAN. Mr. Speaker, yesterday the House passed H.R. 2121, the Negotiated Rates Act of 1993, under suspension of the rules. I am a cosponsor of this legislation because I believe that action must be taken to correct the freight undercharge problem. Bankruptcy trustees are suing for undercharge claims years after the fact, hurting many businesses in my district and across the country. If the bankrupt carriers failed to report the correct rates they had been charging, the customers should not be held at fault.

However, I voted against H.R. 2121 because I felt that this issue was too controversial to be considered under the Suspension Calendar. Some of my colleagues had expressed strong opposition to H.R. 2121, and I believed that the bill should have been given full consideration under the rules of the House before a vote was taken. Members of the House who do not serve on the Public Works and Transportation Committee were never given the opportunity to offer amendments to the bill. While I am glad that H.R. 2121 passed, I am disappointed that it was taken up under an expedited procedure that did not permit a well deserved debate.

DR. NAEEM RATHORE HONORED FOR THREE DECADES OF SERVICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an

important event which will take place in my district on November 19. On that date, a number of foreign dignitaries, U.N. executives, and other important members of the international relations community will gather to honor Dr. Naem Rathore on the occasion of his 62d birthday for his long and illustrious service.

Dr. Rathore serves as advisor to the Executive Committee, Coordinating Committee of International Staff Unions and Associates, United Nations system of organizations. In this capacity, and over his entire career spanning three decades with the United Nations, Dr. Rathore has advised U.N. Secretary Generals and U.N. Ambassadors. His vision and leadership have made the world a better place for peoples across the globe.

A Pakistani citizen, Dr. Rathore has spent his life here in the United States. He graduated from the University of Michigan and won graduate fellowships from Columbia University, where he earned his masters and Ph.D. Since 1963, he has served in the United Nations in many different capacities. He has published a number of important articles, and is respected throughout the world as a voice for responsible peace. He is currently involved as coordinator of the Planning Committee of Pakistan Expatriates in the United Nations System.

Because of his tremendous work on behalf of the people of the world, I hope my colleagues will take this opportunity to recognize Dr. Rathore for his achievements and wish him a very happy 62d birthday.

NAFTA AND INTELLECTUALS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. GILMAN. Mr. Speaker, I rise today to bring to the attention of my colleagues an article in today's New York Times by A.M. Rosenthal entitled, "Nafta Hits Intellectuals." Mr. Rosenthal makes an impressive point that the academics and journalists supporting the North American Free-Trade Agreement have shown little compassion or any real understanding about the fears of working people who might lose their jobs under this agreement.

If the shoe were on the other foot and it was their jobs at risk, Mr. Rosenthal notes, they would have an altogether different attitude in their editorial pages and on the talk shows. He argues for some humility for the genuine fears of frightened workers and I strongly concur in his observations.

Mr. Speaker, for my colleagues' information I request that this New York Times article be inserted in the RECORD at this point.

No need to worry. Nafta will not cost the job of a single American factory or agricultural worker. No plant or farm will be put out of business.

However, because of various complicated Nafta tax and anti-subsidy provisions, some other Americans will experience inconvenience.

Jobs will be lost by several hundred thousand editorial writers, columnists and other journalists, plus publishing executives, uni-

versity professors, Wall Street specialists and members of state and Federal legislative staffs. A few dozen think tanks will close down altogether.

But unemployment insurance will be available, often, for these newly unemployed intellectuals. And many may be retrained for jobs as newsroom receptionists, school custodians or clerks in automated warehouses.

Of course they must be flexible—willing to sell their homes, pull their children out of school and hunt for new jobs in other cities around the country. Many will find employment above the minimum wage, probably, if they take care not to be too old to compete with high school dropouts.

But being educated people they will also understand that contrasted to the possibility of a better balance of trade with Mexico their problems are entirely minor and not whine about it.

Anyway, perhaps things will pick up for them toward the end of the 90's.

Ah—all this has been my evil little fantasy these past couple of weeks. Ah—how they would howl, those journalistic and academic supporters of Nafta who have shown so little care, compassion or understanding about the fears of working people who might lose their jobs, how they would howl if their own jobs were in danger.

I can hear them already, because I have heard them so often before. If a newspaper is in danger of closing, or Wall Street brokers have a bad year, or if professors face loss of tenure for anything but murder, we fill pages of printed and hours of air time with sheer poignancy.

But we really do expect workers who lose their jobs after years at a craft or assembly line to be sweet and humble, because some day some other workers in some other factory may pick up jobs.

I was in favor of Nafta, though I never did think the Republic would collapse, America be driven from the company of decent nations and extra-terrestrials take over if it did not pass. But now the Administration and the intelligentsia have converted me to opposition to the current version of Nafta.

The genuine fears of frightened workers are dismissed contemptuously by the Clinton Administration, press and academia. If that is true now, while workers are still fighting, what care will be shown them or their thoughts if they are defeated and find themselves out of work in the name of grander interest?

I am a company man; any union that threatens my paper, watch out. But that does not turn me into some kook union-hater, spilling over with rage at unions exercising their right to lobby.

The Administration's attack on the whole A.F.L.-C.I.O. and its leaders is not only unjust, but damaging to freedom movements everywhere.

When it was not at all fashionable, the A.F.L.-C.I.O. and Lane Kirkland, its president, came to the quiet assistance of freedom fighters, dissidents and political prisoners throughout Eastern Europe and the Soviet Union. The U.S. will need Kirklands again.

But Mr. Kirkland is suddenly painted Mussolini and his members a bunch of know-nothing boobs.

Workers fear that Nafta would preserve child labor, abysmal wages and government-police union-busting in Mexico. All of these are brutally unfair to Mexicans and to competing U.S. workers. And in case anybody cares about such niceties, Mr. Kirkland argues they also run counter to provisions in U.S. free-trade laws.

But if this version of Nafta is defeated, American business, labor and government still have a chance to try to negotiate a Nafta that would open Mexico not only to free trade but to free unions and halfway decent pay.

President Clinton says he needs Nafta as a message of support to the Asian summit meeting in Seattle. If he loses, maybe the message will be even stronger: In Asia as in the U.S. and Mexico, Americans are against slave wages, forced labor, child labor and government union-smashing.

Aren't we supposed to be?

CHILDREN OF SPANISH HARLEM DISCOVERY DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. SERRANO. Mr. Speaker, this Friday, November 19, Community School District 4 in Spanish Harlem, in conjunction with the U.S. Postal Service will celebrate "Children of Spanish Harlem Discovery Day" with special activities commemorating the 500th anniversary of Puerto Rico.

The event will take place as part of the Columbus Pageant held at P.S. 101, the Andrew Draper Academy, where over 10,000 letters to future generations written by the district's third to sixth grade pupils will be sealed in a time capsule. On the following day copies of these letters bearing the new Christopher Columbus commemorative stamp will be hand canceled and sent to grade school children in San Juan, PR.

Mayor Dinkins and Mayor-Elect Giuliani, who will officiate over this marvelous ceremony, will themselves write letters for the time capsule, as will Puerto Rican community leaders and celebrities. And the letters sent to the school children of San Juan are only the first in what is expected to be a longstanding pen pal exchange between the children of Spanish Harlem and their Puerto Rican counterparts.

Mr. Speaker, I would like to express my appreciation to all who were involved in this visionary undertaking. In particular, I would like to acknowledge Dr. Veronica O. Collazo, U.S. Postal Service Vice President for Diversity Development; Marcelino Rodriguez, superintendent of Community School District 4; Alexander Castillo, principal of P.S. 101; Assistant Principal Iris Denizac; and Iris Molina, president of the Andrew Draper Academy Parent Teacher Association. In this quincennial of Puerto Rico, they and all of the students, staff, and friends of Community School District 4 have helped launch a new age of discovery for the children of Spanish Harlem.

THE 55TH ANNIVERSARY OF KRISTALNACHT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to observe the 55th

anniversary of Kristalnacht, the "Night of Broken Glass," which preceded the Holocaust. The black moment in history signaled to the world the evil determination of Adolf Hitler and Nazi Germany's systematic destruction of the Jewish people. As the world stood by, this abomination took place.

The tide of anti-Semitism was given impetus when Herschel Grynszpan shot a young diplomat, Ernst vom Rath, at the German Embassy in Paris. Herschel's father was one of the many families driven out of Germany by Hitler's forces. On November 7, 1938, the young Herschel Grynszpan, in despair, went to the German Embassy in Paris to shoot the Ambassador. But instead, Herschel shot the young diplomat. Hitler's response was what now stands in history as Kristalnacht.

On the afternoon of November 9, Rath died. Anti-Jewish riots in the district of Kurhessen and Magdeburg-Anhalt broke out. Adolf Hitler secretly sanctioned the riots and purportedly discouraged any official interference when the riots spread throughout Germany.

Kristalnacht was a night of despair for the Jews in Germany, with police standing by as witnesses of the death, destruction and beatings which took place throughout Germany. Official count of the destruction included 814 shops, 171 homes and 191 synagogues torched; 36 Jews were killed and another 36 seriously injured. The horror continued and by November 12, an estimated 20,000 Jews had been shipped to concentration camps.

These numbers may seem small indeed when compared to the historical figures of 11 million people, of whom 6 million were Jews, that perished under Hitler's reign of terror. Nazism sought not only to exterminate all the Jews in the world, but to eradicate even the memory of their existence.

Kristalnacht marked the introduction of Hitler's governmentwide strategy to answer the Jewish question. The Holocaust was Adolph Hitler's final solution.

The Holocaust was not merely a continuation of traditional patterns of anti-Semitism, differing in scope and scale from that which Jewish people experienced for centuries. The Holocaust represented a specific type of evil, a systematic and bureaucratically organized evil, sponsored by the state and using all of the power and mechanisms available to a modern government to identify, concentrate and ultimately annihilate the Jewish people.

As we take pause to reflect upon this event, we must remember that anti-Semitism rears its ugly head even today.

At a time when we all should be jubilant at the prospect of real peace in the Middle East, racist outbreaks of hatred and violence appear to be on the rise in the United States and abroad. My own home State of Connecticut recorded 58 anti-Semitic incidents in 1992, up from 47 in 1991. These deplorable acts underscore the fact that anti-Semitism is alive and well far into the 20th century and did not end with the Holocaust.

As a nation founded on the premise that all men are created equal, we must be vigilant. We must not ignore or tolerate acts of hatred. To do so creates an environment where such actions are legitimized and accepted. We have to strengthen our commitment to fight the persecution of all peoples and to intensify our ef-

forts in creating an atmosphere where freedom and tolerance prevail.

On this day of remembrance, we must all make a solemn vow to destroy this evil which continues to weave itself throughout the history of humanity.

COMMENDING SENATOR SIDNEY LEE ON HIS SELECTION FOR THE GALLERY OF DISTINGUISHED ENGINEERING ALUMNI

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. DE LUGO. Mr. Speaker, I rise to commend former Virgin Islands Senator Sidney P. Lee on his selection by the University of Pennsylvania's School of Engineering and Applied Science to be honored in the Gallery of Distinguished Engineering Alumni.

Senator Lee was chosen for this prestigious honor because of the many contributions he has made to his profession and to his community, particularly the Virgin Islands.

After a dedication ceremony on October 19, 1993 in Philadelphia, Senator Lee's photograph will hang in the gallery where his accomplishments will serve as an example for today's graduate students.

The following biography appeared in the program honoring Senator Lee:

SIDNEY P. LEE, BACHELOR OF SCIENCE IN ENGINEERING (CHEMICAL ENGINEERING), SCHOOL OF ENGINEERING AND APPLIED SCIENCE 1939

Sidney P. Lee is a four-term U.S. Virgin Islands Senator, civic and civil rights leader, environmental entrepreneur, businessman, philanthropist and educator. He graduated first in his class in chemical engineering in 1939 and earned an M.S. degree in chemical engineering from Cornell University in 1940. Following employment at ARCO Chemical, he founded Associated Dallas Laboratories (ADL), a pioneer in the field of environmental testing, certification of architectural materials, and transistor analysis. Among his numerous professional affiliations, he is a fellow of the American Institute of Chemists. Senator Lee pursued his passion for politics and community development in Texas, serving as President of the Dallas Chamber of Commerce and President of the Texas Junior Chamber of Commerce. In 1945, he was selected by the Jaycee's as one of the five Outstanding Young Men in the United States. Transferring his business acumen and political savvy to the U.S. Virgin Islands in the 1960's, Senator Lee led the fight to eradicate discrimination against under-represented minorities. As President of the Virgin Islands Board of Realtors, he was instrumental in eliminating discriminatory deed restrictions which prevented the purchase of homesites by African-Americans and Hispanics. Senator Lee held a number of prominent positions in the U.S. Virgin Islands Senate, including Vice President of the Senate; Chairman of the Committee on Government Operations, Home Rule, and Interstate Cooperation; Vice Chairman of the Committee on Finance; and Chairman of the Committee on Housing and Planning. He reorganized the government employees retirement system and the labor-management system and was an effective advocate for major

industrial investment in the region's economy. As first Chairman of the Board of Education for the U.S. Virgin Islands, and later as President of the Governor's Advisory Council of Vocational Education, Senator Lee championed universal access to higher education. Creator and financier of the DREAM Foundation, Senator Lee has personally guaranteed a class of 29 underprivileged children their college tuition at an institution of their choice.

TRIBUTE TO THOMAS F. WALLER

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to Thomas F. Waller, publisher of the Daily Gazette of Taunton, MA, and a prominent community leader, who passed away after a short illness on October 31.

Mr. Waller became publisher of the Daily Gazette in 1989, but had ties to Taunton since 1985 through his work as an editorial consultant in the Boston division of Thomson Newspapers, the parent company of the Daily Gazette. His distinguished career in journalism also included stints as managing editor of the Sturbridge Herald Star in Ohio from 1979 to 1985 and as news editor of the Fairmont Times in West Virginia from 1970 to 1979.

Despite more than 20 years in journalism, Mr. Waller never allowed the often cruel realities of life that reporters face daily to jade his optimistic view of the world. This optimistic view was evidenced by his professional and personal actions to better the community his newspaper served. As publisher of the Daily Gazette, he expanded the newspaper's involvement in the community, not only in its editorial capacity, but also by encouraging newspaper employees to get involved in the community they served. In the latter area, he led by example. He served as president-elect of the Heart of Taunton Inc., which worked to revitalize the downtown area, played an integral part in forming the Taunton Literacy Council in 1991, an organization which helps adults learn to read, and lent his talents to the United Way of Greater Taunton, serving on its board of directors.

Mr. Waller leaves his wife, Sandy, and their three children, Jennifer, Brian and Becky. They have lost a loving husband and father. The entire city of Taunton has lost a dedicated and caring community leader.

TRIBUTE TO REV. FRANK WHITE

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. HAMBURG. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding community activist from the First District of California, Rev. Frank White of the First Presbyterian Church in Napa.

Frank White is well known to local elected officials and the community as a tireless advo-

cate for the most vulnerable members of the community.

Observing the increasing number of homeless single adults in the community, he opened the doors of his church gymnasium to provide emergency shelter. He then worked with a homeless coalition and the Napa County Board of Supervisors to develop a temporary shelter.

When an additional shelter was needed for women and children, Frank was right there seeking the necessary funding and community support. He also coordinates a homeless prevention fund, a source of emergency money to keep people from becoming homeless.

Frank began the hot meal program in Napa known as The Table which serves a hot meal 6 days a week at the church, providing food to anyone in need—no questions asked.

Frank was one of the leaders who established the community counseling center to assist those who were falling through the cracks of private and public mental health programs.

When budget cuts lead to the loss of the county crisis center Frank assisted in the development of a mental health drop-in center.

When a community crisis was created by the unanticipated arrival of skinheads, Frank's response was to assist in the founding of Napans for Unity, a group dedicated to emphasizing the multicultural values in the community.

Frank never limits his expectations of support to the members of his church; consequently, he has involved vast numbers of people in the community in the above projects. His ecumenical expectations have led to community involvement even in his annual Holocaust Memorial and his Easter morning service in the park.

Rev. Frank White exemplifies leadership and community spirit. Hard work has never deterred him. He initiates major new programs with faith that the funding and the people will be found to make them succeed. He has been one of those essential leaders who function as the social conscience of a community, giving hope for a better future.

I join the citizens of the first congressional district in profound gratitude for Reverend White's service and leadership.

IN TRIBUTE TO HARRY KUBO

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to honor the achievements of Harry Kubo, whom I have known for more than two decades and who is recognized in my area as the champion of the agricultural industry.

For his achievements, Harry is rightfully being recognized as the 1993 Agriculturalist of the Year sponsored by the Fresno Chamber of Commerce.

Harry is president of the Nisei Farmers League, and he has been its only president since it was organized with his help 20 years ago during the farm labor strife in California's San Joaquin Valley. It was under his guidance

and leadership that the Nisei Farmers League has grown to become an organization of more than 1,000 members of all nationalities and cultural backgrounds who farm from Merced County to Tulare and Kern Counties.

It was through his guidance that the Nisei Farmers League has gained a prominent role in providing leadership in many areas that affect growers and farmworkers in their daily lives.

Harry was born in Sacramento in 1922. He was raised in Loomis and attended schools in the Placer area. Harry graduated from Placer Union High School, and attended Placer Junior College, now known as Sierra Junior College.

Harry and his wife, Mary, have five children and now reside in Parlier where he is in partnership with his son, Larry, and brother, George, in farming 120 acres of grapes, trees, and row crops.

He has been active in several agricultural organizations, including president of the Agricultural Action Committee and as a commissioner representing the United States in the Commission of the Californias. Harry is currently president of the Farm Labor Alliance, Inc., and the California Fresh Fruit Growers, a board member representing agriculture in the Fresno City and County Chamber of Commerce, as well as chief operating officer of the Agricultural Exports of California.

Harry served for 18 years as a member of the board of trustees of the Parlier Unified School District and currently is a board member of the Selective Service System and the board of directors of the State Center Community College Foundation.

TRIBUTE TO MARGARET McCORD

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge outstanding citizens of our Nation.

I rise today to recognize one such individual, Margaret McCord, on the occasion of her 90th birthday, November 20, 1993. She immigrated to this country from Scotland, and has been a hard worker all her life and an active member of the community for more than 60 years. She is a founder of the Plumb Beach Civic Association and a deacon of the Homecrest Presbyterian Church. Through years of service to Plumb Beach Civic, Margaret has demonstrated her true commitment to the community. Her generosity of time and energy embody the qualities of a good citizen; Margaret McCord has touched the lives of so many people in Brooklyn with her kindness and goodwill.

Her work has been an inspiration to me. She approaches challenges with a dogged determination that makes her a pleasure to know. I am sure I speak on behalf of many members of the community who have experienced the benefits of Margaret's hard work when I thank this remarkable individual on this special occasion.

ROUND TWO: A KINDER GENTLER
DARWINISM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. OBEY. Mr. Speaker, my favorite philosopher is Archy the Cockroach. He was a character invented by Don Marquis in the 1920's. Archy was a poet who died and came back in the body of a cockroach. He would crawl out of the woodwork at night, climb up on the typewriter and type little messages which would then be published in the newspaper the next day. One of the messages he left was: "There is always a comforting thought in time of trouble when it is not our trouble."

That is the message that the comfortable economists and the comfortable columnists are sending today to comfort those in this society who will be left high and dry in America.

Russell Baker in the New York Times wrote the following column on Saturday which has some thoughtful observations about those who will be left behind on NAFTA and our obligations to them.

[From the New York Times, Nov. 13, 1993]
THE SHORT-RUN AMERICA
(By Russell Baker)

The bleak side of capitalism is the ruin it leaves behind after, having worked its magic, it moves on. Backers of the North American Free Trade Agreement are naturally reluctant to dwell on this gritty historical fact, yet there is something cruel, offensive and faintly dishonest in their argument that any pain felt by the working classes will be only a "short-run" experience.

The argument comes easily to people with the financial security required to live in the "long run." Corporate America and the Washington establishment, both ardent for this agreement, consist of people who can afford to wait for the year of Jubilee.

For working stiffs, however, life is lived in the "short run." The rent is due at the end of the month, the grocery money every Friday. Politicians, tycoons and media stars exhorting such people to ponder the comforts to come in the "long-run" can only sound like hypocrites or visitors from another planet.

The truth most likely is that the agreement will indeed bring benefits in the long run to something called "society," which will include the comfortable people now hot for free trade. History, both modern and antique, suggests that it will also bring a great deal of ruin to the people who now fear losing their jobs.

Besides trying to sell the empty notion that everything will work out in a long run that is meaningless to many working people, advocates of the agreement should also be thinking of ways to deal with some of the ruin inescapable for short-run people.

An unpleasant characteristic of capitalism is the ruination it periodically creates: ruined landscapes, ruined societies, ruined people. Since capitalism is the national dish, we ought to be aware of this dark side of its nature so we can be ready to soften its nastiest results as it rollicks from place to place, first doing out money prodigiously, then suddenly skipping town and leaving a wasteland behind.

In this fashion it made England rich with the Industrial Revolution and introduced a

century of human misery. In America it has left ruined New England mill towns, a "rust belt" of ruined steel towns, ruined railroad towns from one end of the continent to the other and, most recently with more to come, ruined auto towns like Flint, Mich.

Mining has left the ruined landscapes of West Virginia and Kentucky, the real-estate boom has left the ruined farmlands of the lush Piedmont, the miraculous chemical industry has left ruined flora and fauna, and the auto industry has left a ruined sky and a junkyard ruin in every other town in America.

State capitalism is now showing that it too can turn boom to ruin. For details, see Joan Didion's recent New Yorker article about the ruin of the California town that lived high and fat until military-spending cuts shut off the Pentagon's money to McDonnell Douglas that had made it boom.

The problems created when capitalism visits these periodic ruins upon us include despair, anger, misery, hatreds, social upheaval and the rise of new political ideas, some dangerously crackpot, others as dangerously intellectual as Karl Marx's Communism, one result of the ruins of the industrial revolution.

Some sort of dangerous economic disturbance is obviously in progress. American labor is being priced out of jobs by East Asian workers who will do the same work for less. American retailers now fill their racks with low-priced clothing made by sweated child labor in South Asia.

Even more alarming is the recent trend in industry's extensive firings: first, blue-collar workers, then white-collar people, then lower-level technicians, and now middle- and upper-management people. Some say this is the work of the computer, which enables industry to keep production high while drastically cutting employment.

In brief, the people who say it's a new world and we'd better face it quickly have a point. Unfortunately, they are not being honest about the price many people will have to pay. In this computerized world they don't even talk much about maybe retraining old-timers who are potential losers to use computers. This isn't surprising; our schools don't even prepare many young people to qualify for employment in this new cybernetic America.

CLARIFICATION OF REA OVERSIGHT WITH RESPECT TO CERTAIN BORROWERS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. E DE LA GARZA. Mr. Speaker, I am today introducing legislation to clarify the regulatory authority the Rural Electrification Administration is to exercise with respect to a borrower whose net worth exceeds 110 percent of the outstanding principal balance of all loans made or guaranteed to the borrower by REA.

The legislation would amend section 306E, which was added to the Rural Electrification Act by Public Law 103-129, approved November 1, 1993.

The intent of new section 306E is to ensure the elimination of outdated and burdensome requirements and controls imposed on any

REA borrower whose net worth exceeds 110 percent of the borrower's outstanding loan balance.

The legislation I am introducing would amend section 306E to make it clear that REA is to minimize the imposition of such controls and requirements.

At the same time, the legislation would amend section 306E to make it clear that the Administrator of REA is to be a prudent administrator and ensure that the security for any loan made or guaranteed by REA is adequate. Section 306E would be further amended by the legislation to specifically state that nothing in the section limits the authority of the Administrator to establish terms and conditions with respect to the use by borrowers of the proceeds of loans made or guaranteed by REA or to take any other action authorized by law.

HONORING SAMUEL AND
ANGELINA MARTINO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize today the golden anniversary of my constituents, Samuel and Angelina Martino, which falls on December 23, 1993.

Fifty years ago, these two New York City natives were married during Sam's army leave just prior to his assignment overseas during World War II. Their three children have planned a festive affair to compensate for the formal wedding and honeymoon the couple never had the chance to take due to Sam's service responsibilities.

Sam and Angelina have lived a full and productive life together. They worked hard for many years—Sam at the Brooklyn Navy Yard and for New York Telephone, and Angelina as a medical secretary—in order to provide for their family. They have been active in the community, with the Boy and Girl Scouts of America, the St. Gabriel's School PTA and the Organization for Italian Migration. Most of all, they are proud of their children and the five grandchildren they have been blessed with.

I know of many people like Sam and Angelina, in my district and throughout the city of New York, who have built solid families and contributed to their communities. It is always a pleasure to have an opportunity to congratulate and thank them. I wish Sam and Angelina Martino a happy 50th anniversary and hope they have many more years of happiness and good health together.

CONGRATULATING RICHARD
MILBOURNE, SR., 60 YEARS IN
BUSINESS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. HOYER. Mr. Speaker, it gives me great pleasure to congratulate Mr. Richard

Milbourne, Sr., who recently celebrated the 60th anniversary of his business, the Acme Iron Works, located in Prince Georges County.

Mr. Milbourne, who resides in College Park, in the Fifth Congressional District of Maryland, is 83 years old and is generally the first of his 30 employees to arrive and the last to leave at Acme Iron Works.

The Acme Iron Works has performed work on the U.S. Capitol, as well as the National Gallery of Art, the University of Maryland, and the NASA Goddard Space Flight Center. Recently a story appeared in the Prince George's Journal which told of the remarkable career of Richard Milbourne, Sr.

I urge my colleagues to join me in recognizing the outstanding career of the owner of Acme Iron Works, Richard Milbourne, Sr.

[From the Prince George's Journal Nov. 4, 1993]

IN BUSINESS 60 YEARS: HARD-WORKING OWNER MAKES ACME IRON WORKS GO

(By Katherine Greet)

Richard G. Milbourne arrives at Acme Iron works in Tuxedo every work day at 7:30 a.m., and he's often the last person to leave at night. Just like it's been for six decades.

The 83-year-old College Park resident recently celebrated the 60th anniversary of his business, which did its first job Sept. 18, 1933—a door replacement at the National University Law School in Washington that netted \$16.60.

The firm now employs 30 people and earns about \$1.5 million a year—although, Milbourne notes, it "goes up and down." Its client list has grown to include some of the region's most prominent institutions, from universities to retail chains to government agencies.

"The further I follow, the bigger his footsteps get," said Richard P. Milbourne, who joined his father's firm as a summer employee at the age of 14.

The younger Milbourne called his father "the socio-economic glue that holds Acme together. He knew everyone in this county and still does. He is the grand old man of Prince George's County."

"Not many area small businesses of that nature manage to survive with the same person at the helm, not with the same person as the president of the company for that many years," said Chuck Leak, sales representative for the Posner Steel Co., Acme's main supplier for a quarter-century. "It's the typical American Dream."

More than most people, Milbourne understands the risk of entrepreneurship. After several years of apprenticeship. After several years of apprenticeship in the iron trade—during which he went from earning the then princely sum of \$13.20 a week to being laid off—he started Acme with \$900 in savings in the midst of the Great Depression. He attributes his initial success to a slow and steady flow of work.

"You had to move along slowly. I was able to procurework and add one man and then another and another," he recalled. "I did a lot of the fabricating myself back then, worked day and night, started off in a small place until it was built up and could move to a larger warehouse." He chose the name Acme to represent the company as "the tops"—and because he "wanted it to be the first one in the phone book."

Since then, Acme has performed work ranging from repairs at cemeteries to renovations at the Capitol and the National Gallery of Art to installing an ornamental

staircase at the home of then Sen. Lyndon Johnson. Milbourne moved the firm to its present Frolich Lane location in 1966, buying 3½ acres and building four warehouses, three of which are rented out.

Variety has remained a staple of the Acme, whose current client list includes the University of Maryland and Howard University; Peoples Drug; Rosecroft Raceway; NASA's Goddard Space Flight Center; and several churches, schools, businesses and government agencies. Most of its work today comes through bidding for jobs from contractors and real estate developers, but it isn't limited to the building trades—Acme-designed golf bag storage racks are sold at pro shops throughout the United States, Japan and Europe.

"Acme does excellent work and is not the type of company to take short cuts," said Leak, who described the elder Milbourne as "honest as the day is long, dedicated and hard-working."

Milbourne now runs the firm with his son, a University of Maryland engineering graduate, and two son-in-laws, Jack Heniecke and Rod Easterling. He attributes his continued success to "having dedicated people that have stayed with us. * * * We've had two retirees over the past 10 years."

He said Acme managed to stay strong during the recession, despite the slump in the real estate and construction industries that provide much of its work.

"We felt some recession, but kept busy, managed to get through with no layoffs," Milbourne said. "And business is increasing."

CONGRATULATIONS, VIVIAN SANKS KING

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I ask my colleagues to join me in congratulating Vivian Sanks King, Esq. on her appointment as vice president of legal management at the University of Medicine and Dentistry of New Jersey [UMDNJ]—New Jersey's health sciences university. This weekend a distinguished group of leaders will gather at a reception in her honor.

In her capacity as vice president, she manages the university's legal office which provides services to four campuses throughout the State. The university is composed of seven schools which include three medical schools, a dental school, a school of health related professions, a school of graduate biomedical sciences, and a recently established school of nursing, as well as the university's two community mental health centers. Ms. King also teaches a health law class for university and hospital faculty/staff, and legal writing to young people at the summer institute for pre-legal studies sponsored by Rutgers University and Seton Hall Law School.

The vice presidency position she now holds is not the first relationship Ms. King has had with UMDNJ. Prior to attending Seton Hall Law School, Ms. King was coordinator and then director of media relations at UMDNJ—University Hospital. Immediately preceding her present appointment she was associate di-

rector of UMDNJ. She has risen through the ranks at UMDNJ and therefore knows the structure, the problems and solution avenues, and can hit the ground running in her new capacity.

Ms. King, a lifelong resident of Newark, NJ, has always been an active member of our community. She is a role model and a mentor, she serves on numerous boards in the community. Ms. King is a frequent lecturer at hospitals, universities, and professional associations on the legal aspects of AIDS and other health care issues. She is a committed community activist.

Mr. Speaker, I am pleased that this staunch community minded attorney lives in the 10th Congressional District of New Jersey. It is a testament to her dedication to her community that she has stayed involved and worked to make our community better. She deserves the accolades that we bestow on her this week. I ask my colleagues to join me as I thank Ms. King for her good works.

NAFTA WILL PROMOTE ENVIRONMENTAL PRESERVATION

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. ANDREWS of Texas. Mr. Speaker, the North American Free-Trade Agreement is the most important measure that Congress will debate this year. By bringing down trade barriers among Canada, Mexico, and the United States, NAFTA promises a bright future of economic expansion, job growth, and prosperity for what will be the world's single largest trading block. It is already apparent that NAFTA signatories will be the envy of the world, the leaders in what is quickly becoming a global economy.

But, NAFTA will not only be an economic boon for North America; it will also help us focus our resources and address environmental concerns. It is hard to believe that those who call themselves environmentalists would oppose this agreement, the greenest trade agreement ever negotiated. Will a defeat of NAFTA help address environmental concerns that will accompany future industrial expansion? Will the defeat of NAFTA make Canada and Mexico more responsible for environmental preservation? Will the defeat of NAFTA help clean up the notorious United States-Mexico border area? The answer to all three of these questions is a resounding "No."

However, the passage of NAFTA will advance these causes. In the future, companies will take into account the adverse effects that expansion could have on the environment, and they will work to mitigate these effects. NAFTA's environmental side agreement will give participants recourse in the case of one party's environmental misconduct. And, the agreement will lead to a much heightened awareness and concentration of funding on the environmental problems of our border with Mexico.

The issue is a clear one: The way we move forward with our efforts to improve the environment is to pass NAFTA. Mr. Speaker, I request that the following article be submitted into the record after my statement.

[From the Washington Post, Nov. 11, 1993]

GREEN SMOKE SCREEN
(By Jessica Mathews)

There is no green curtain to hide behind on NAFTA.

If the question were whether the agreement could have been greener, the answer would be yes. That isn't the issue now, and claims to support "a NAFTA" but not "this one" are disingenuous at best.

The question is whether the environment will be better off with this NAFTA or without it. And to that the answer is simple. The environment in Mexico and the United States and—because of the agreement's wider implications for world trade—in the world as a whole, will benefit if NAFTA passes.

Environmental complaints against NAFTA fall into three groups: complaints about what it doesn't do, complaints about what it does and a closet argument against growth per se. The first is the easiest to dispose of.

NAFTA has been criticized for not tilting Mexico's energy policies away from fossil fuels and toward energy efficiency, for not dealing with toxic dumping, for not addressing agricultural policy. You name it. These arguments mistake the purpose of a trade agreement. It is not an all-purpose vehicle for remaking other countries' environmental policies as we might like them to be. These critics in effect condemn NAFTA for failing to secure Mexican and Canadian agreement to policies that have been and remain the subject of fierce debate in the United States.

Objections to what the agreement does do are a mixed bag of scare tactics, wild exaggerations and valid concerns. No matter how many times you've read it, don't worry about your food safety: It's fully protected. Discard the argument that funding for border cleanup is inadequate: It's vastly more than there is now or than there would be if NAFTA were defeated.

Ignore the trumpeted claim that NAFTA threatens American environmental sovereignty and is "a major step toward ending democracy in this country." This one—there is no polite way to put this—is pure nonsense. American laws will still be made and amended by Congress and the states. The criteria by which they may be challenged under the agreement are reasonably drawn. The Constitution stands.

Though it misses, this claim does glance off one of NAFTA's environmental defects: a country's right to set process (as opposed to product) standards. Process standards deal with how a product is made, grown or harvested. It was an American process standard—namely, the Marine Mammal Protection Act—that was struck down in the infamous GATT tuna-dolphin decision, which held that all tuna must be treated alike, whether it is harvested carefully or in a way that indiscriminately kills dolphins.

NAFTA recognizes governments' right to use such measures to protect the environment—the first trade agreement to do so.

However, in practice these standards are tricky to interpret: whether they are a disguised restriction on trade; whether they are scientifically based; whether they are non-discriminatory. It is in the procedure by which such disputes are to be resolved that NAFTA falls down. Though NAFTA's rules are more open than GATT's—a small step forward—they do not remotely meet American standards of due process, fairness and transparency, and they rightly merit criticism.

The agreement's other weakness lies in how it treats global treaties that use trade

sanctions to protect the environment. Even though sanctions are sometimes the only way to give such treaties teeth, their legitimacy under trade law is still in question. NAFTA accepts the three existing environmental treaties that use trade sanctions—global agreements on endangered wildlife, ozone depletion and hazardous waste—but only these. It would have been far better if the agreement had instead established the general principle.

The most pernicious arguments against NAFTA use any of the foregoing to disguise the fear that NAFTA will accelerate growth, and therefore environmental degradation, in Mexico. Looking at the atrocity that rapid industrialization has wrought on the border, it is easy to see where this view comes from.

But to buy into it, even subconsciously, is to reject everything environmentalists have been fighting to make people understand for the past decade. The world's choice cannot be between growth and no-growth. It's the kind of growth that matters, and making sure that it's the kind that brings long-term benefits is as important as securing the growth itself.

That's why trade negotiators have to learn to be environmentalists and why the environmental mainstream is solidly behind this treaty. NAFTA's defeat would mean less immediate cleanup in Mexico, less growth, less environmental technology transferred through U.S. investment and less Mexican demand and capacity for environmental improvement (both of which rise with income). It would wipe out the precedents this agreement sets for other trade talks. And it could lay the base for a dangerous and retrograde environmental/protectionist alliance. If NAFTA goes down, the environment loses—now and later.

We don't have to like all of Mexico's or Canada's environmental or any other policies to recognize the value in what has been achieved. We're not getting married—just signing a trade agreement.

REBUKE OF POLICY OF DISCRIMINATION AGAINST LESBIANS AND GAYS IN THE MILITARY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. NADLER. Mr. Speaker, today's decision by the Circuit Court of Appeals for the District of Columbia ordering the Navy to grant Midshipman Joseph Steffan a Naval Academy diploma and an officer's commission represents a second consecutive judicial rebuke to the policy of discrimination against lesbians and gay men in our military services. Taken together with the decision of U.S. District Court Judge Terry Hatter of California in the Keith Meinhold case, this decision represents a vindication of the prediction by President Clinton that the military ban would not survive constitutional scrutiny by the courts.

By overturning the Navy's dismissal of Midshipman Steffan—6 weeks before his graduation from the Naval Academy—for the crime of admitting that he was gay, the appeals court has struck a powerful blow against the so-called don't ask, don't tell policy, under which such admission remains grounds for ouster from the military.

It is hard to state the case any better than Judge Abner Mikva did in his unanimous decision: "America's hallmark has been to judge people by what they do, and not by who they are." It is a principle we have accepted with respect to race, sex, religion and national origin. It is a principle President Clinton has articulated with respect to sexual preference. I can only hope that the President will be able to take "Yes" for an answer, accept this vindication of his position, and instruct the Justice Department not to appeal this decision and to drop its appeal of the Meinhold case.

FACES OF HEALTH CARE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. FAZIO. Mr. Speaker, if anyone doubts that Americans are calling for full-scale health reform, I invite them to visit the Third Congressional District of California. At townhalls, Fourth of July picnics, chamber of commerce meetings I hear a resounding call for the need to solve the crisis in our health care system, to give Americans the peace of mind that they will have access to affordable health care.

The people that have sent me to Washington are giving a strong and sure message. People are becoming increasingly insecure about whether our health care system will work during the times they need it most. To many of my constituents, health care is often a game of chance, a game where they believe the rules are often stacked against them.

Here are some of the current rules of the game. You can work your hardest to ensure that your family has health insurance, pay every premium in full—but in the terrible event that a family member is struck with a devastating illness, many people have no guarantees that their insurance company won't drop them.

But I do not want to merely list facts and statistics about the need for health reform. I want to tell the story of a family that I met earlier this year that is just one of the many examples of the desperate need for health care reform in this Nation.

At a community hour in my district in Dixon, CA, I met the Drake family. For years this family of four received their health coverage through Mr. Drake's employment at a local drug store. However, the annual premium increases to keep this policy up were more than the Drake's could handle on their modest budget. Thus, the family was forced to switch to another policy so that they could afford their insurance.

It was shortly after this switch that the family was hit with some terrible news. Their 5-year-old son, Michael, was diagnosed with leukemia. Watching a child fighting for his life has to be the most painful and trying experience a parent faces. But regrettably, this was not the only fight the family had on their hands.

The family has to fight a battle with our health insurance system as well. You see, when the Drake family changed insurance policies, the new policy would only cover a tiny fraction of their son's leukemia treatment.

Under the loopholes of the insurance policy, the family had to be under this plan for 3

years before they would receive the full benefits of their insurance. When this family was most in need of health insurance, it simply was not there.

The Drakes worked hard, played by the rules, but in this case, the rules were stacked against them. With no insurance to help pay for medical expenses which currently total \$120,000, this Dixon family depleted their life savings to be eligible for Medicaid.

This is just one of the many sad stories I have heard in my district. And, unfortunately, there are many more stories like the Drake's. We must remember that the health care debate we have embarked on is not going to be conducted in a nameless, faceless fashion.

This debate will dramatically affect each and every one of the people who sent me here. This debate will determine if we will finally stand and deliver a health reform plan that will make the health care system in this country play by rules that are decent and fair. I am supporting President Clinton's health plan, because I have a responsibility to this family in Dixon.

I have a responsibility to let this body know that there are thousands of families in similar binds throughout my district. Although the details will vary, these families all are without the sense of security that the health care system is going to play fair.

I am resolved to go back to Dixon and tell this family that the time for health reform is now. I want to work for health reform that will allow a family to help their child fight for his life, instead of fighting a system where the rules are stacked against them.

CONGRESSIONAL REFORM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. SOLOMON. Mr. Speaker, today the House-half of the Joint Committee on the Organization of Congress finally began to consider what kind of recommendations it will make to the Congress before the end of the year.

While we got off to a rocky start this morning over disappointments with the less-than-bold chairman's mark put before us and over proposed procedural arrangements for voting on amendments, I am still hopeful we can strengthen the bill within the Joint Committee and on the House floor. I am pleased that Chairman HAMILTON has committed to a generous amendment procedure when this reaches the floor sometime early next year.

At this point in the RECORD, Mr. Speaker, I include excerpts from the excellent opening statement today of our House vice-chairman, the gentleman from California [Mr. DREIER], as well as my own opening statement:

EXCERPTS FROM STATEMENT OF HON. DAVID DREIER—JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

IN GENERAL

Unlike the document marked up by our counterparts in the Senate, this bill is neither bipartisan nor comprehensive. This is something I profoundly regret.

The Joint Committee was created to study Congress and make recommendations for reform. The culmination of seven months of hearings and two months of negotiations is a document that, on the most pressing issues, recommends more studies and nonbinding Sense of the House resolutions. We're back to ground zero.

A PRETENSE FOR DOING NOTHING

The mark calls for achieving a 12 percent reduction in the number of full-time staff, but it chooses Sept. 30, 1992, as the base. Consequently, few if any staff cuts would be achieved. According to the Legislative Appropriations Subcommittee, from fiscal year 1992 to fiscal year 1994, outlay reductions have fallen 6 percent in each year. According to Vic Fazio: "We are well on our way, halfway, to a 25 percent reduction." In terms of personnel, Mr. Fazio tells us that legislative staff have been reduced 8.2 percent over the same period. Under this scenario, the staff reductions have already been met.

The bill calls for biennial budgeting, yet the most important function of budgeting—the appropriations process—will remain annual. There is no rational reason for this. At our first hearing, Majority Leader Gephardt said in response to a question by Sen. Domenici about whether we should include appropriations in the biennial budget:

I don't see why we couldn't. We have a lot of Members around here who feel their service on an authorization committee is not a meaningful experience. It is in part because they never get to the authorization process; appropriations takes much of it over."

The committee mark calls for the elimination of any standing committee if the Membership falls below 50 percent of the number serving at the end of the 103rd Congress. Yet there is no requirement that the Rules Committee report a resolution to achieve this.

ON PROXY VOTING

We were told by numerous witnesses that if we reduced the number of committee and subcommittee assignments, there would be less need for proxy voting. One of the few meaningful reforms in the committee mark is that it reduces assignments. In addition, subcommittees would not be permitted to meet when full committees are meeting, so there is very little problem with overlap. Yet there are no restrictions on proxy voting. Even our freshman Democrat colleagues have proposed the elimination of proxy voting at subcommittee level. This is not a minority rights issue. It is an issue of accountability.

ON PROCEDURAL REFORMS

We in the minority are not asking for more rights. We're only asking that the standing rules of the House, as proposed and approved by the Democrat caucus, be adhered to.

IN CONCLUSION

Mr. Chairman, you said at our very first hearing: "Expectations for this committee are very high, and in a sense we are all on the spot." That is still true today. The majority of our colleagues, both Republican and Democrat, are counting on us to produce a bipartisan, comprehensive package of reforms. Comprehensive means committee realignment, a reduction in bureaucracy, and fair and open debate. We have a number of amendments that if adopted, would accomplish this objective. The only things standing in the way of a bipartisan bill are the will and the desire to achieve it.

STATEMENT OF CONGRESSMAN GERALD B. SOLOMON—JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

Mr. Chairman, while I have the greatest personal respect for you, I must express how deeply saddened I am that we have waited so long to consider so little.

When this Joint Committee on the Organization of Congress was created in 1992, I had great hopes for its potential to truly reform this institution from top to bottom. And, that optimism was further bolstered by the seemingly unanimous opinion of our membership in the early days about the need to be bold.

When we had our retreat last summer, I thought we were all agreed that we would proceed to mark-up a bill in September. But that kept slipping until here we are, in the middle of November, in the last hectic week for the session, only beginning to mark-up what can most charitably be termed a minimalist approach to tinkering.

We are making a mockery of our own name. We are no longer joint and we are no longer organized. And we certainly are not demonstrating by this chairman's mark that we have a clue about how to properly organize the Congress.

In short, we have become the problem we were created to solve. We have become the very model of what is wrong with the legislative process in this House—procrastination without deliberation or representation.

By ceding our bipartisan and independent judgment to the majority leadership you have produced a document that may be acceptable to the Leadership Lions and Committee Bulls, but does not begin to address the concern of most Members, let alone of the American people.

In summary, unless this bill is substantially altered to restructure and revitalize the clogged heart of the Congress, our committee system, then we should save ourselves the embarrassment of reporting to the House this band-aid cover-up of our real problems.

A HEMISPHERIC DIALOG: NATIONAL LEADERS SPEAK OUT ON THE BROADER MEANING OF NAFTA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. HAMILTON. Mr. Speaker, on November 10, 1993, leaders from throughout the Western Hemisphere and regional experts delivered comments in support of the North American Free-Trade Agreement at "A Hemispheric Dialogue: National Leaders Speak on the Broader Meaning of NAFTA," sponsored by the Inter-American Development Bank.

The following text includes comments by Gonzalo Sanchez de Lozada, President of Bolivia; Cesar Gaviria Trujillo, President of Colombia; Rafael Leonardo Callejas R., President of Honduras; P.J. Patterson, Prime Minister of Jamaica; Luis Alberto La Calle, President of the Republic of Uruguay; and Peter Hakim, President of the Inter-American Dialog: GONZALO SANCHEZ DE LOZADA, PRESIDENT OF BOLIVIA

NAFTA is of vital importance for the world, for our hemisphere, and for my country, Bolivia. By uniting the economies of

Canada, the United States, and Mexico. NAFTA creates the world's largest trading bloc. It will be like a sun, and the rest of the economies of our hemisphere will be like planets in orbit around it, bringing down trade barriers that exist between our nations and having, eventually, access to this wonderful system of free trade, standardization of democratic practices, labor laws and environmental sensitivity.

We can't underestimate how important NAFTA is as a symbolic message of inclusion and not of exclusion. For the first time in history, the countries of the developed world invite the underdeveloped world to join in the great project which will be a project to create wealth, to bring social justice and more equality in the framework of freedom.

We think that the dynamics of this market will be so important that it will oblige other trading blocs around the world to start to bring down the walls which they are building in preparation for trade wars. We think it will be what will lead the world into a truly world economy. And in this way, it will bring hope to the underdeveloped part of the world with work, with dedication to education and health, and care toward the environment. And with justice, we can export not just violence and drugs, but products, creativity, and value-added.

We must understand that without NAFTA things will be very dark indeed. With it, it will be a beacon of hope, although we know that time will go by before we're reincluded in that trading market. But we know that eventually, as we achieve certain standards and as we achieve levels of growth and maturity and development in our economies, we have the possibility of having trade and not only looking for aid.

As the Cold War has finished, there is no longer the incentive for the developed world to bring aid to our countries. And this means that we must look for trade. A country like Bolivia that stopped hyperinflation in democracy, the first country in Latin America to do so, and opened up its markets, and has achieved stability, not only economic but democratic stability—we know that we must have trade if we want to continue and if we want to have a future. And it is for this reason that we're so devoted to and so interested in seeing that NAFTA takes place, and we can look forward with confidence to the future, not with preoccupation and uncertainty.

**CESAR GAVIRIA TRUJILLO, PRESIDENT OF
COLOMBIA**

Throughout *** history, Latin America and the United States have striven to create a real partnership for the Americas, a relationship based on mutual benefit and equal opportunity. For years, we talked about the importance of having trade and not just receiving aid from the United States. But it was just talk, nothing else. In the past, foreign assistance was the predominant means by which the United States helped emerging nations to develop their economies. Until now, Latin American nations raised protectionist walls around themselves while the United States looked towards other markets to expand its trade.

Two developments have significantly altered that scenario: the North American Free Trade Agreement and the silent economic and democratic revolution undergone by Latin America. NAFTA is a watershed in our history. We view this initiative as a critical step towards the creation of a hemispheric free trade zone of democratic nations. NAFTA is a means to achieve greater

prosperity for all the Americas, north and south of the Rio Grande. It's also a tool for political change as well as for strengthening democracy and respect for human rights throughout the region.

My own country, Colombia, is an example of how economic integration and the opening of markets within a democratic framework can bring about progress and prosperity for its citizens. The Colombian government is deeply committed to trade reform and reduced tariff rates from an average of 48% in 1987 to 11.4% today. As a result of this policy change, U.S. exports to Colombia increased a dramatic 68% last year, creating an estimated 45,000 new jobs for American workers. Members of the U.S. Congress who are uncertain as to whether NAFTA will be good for their constituencies have only to look at the example of the dynamic rise of U.S.-Colombian trade since its liberalization. Hasn't Colombia taken important steps to promote the kind of economy envisioned by NAFTA? As a result of these actions, our trade with a country like Venezuela increased from \$500 million in 1990 to \$1 billion in 1992, and they reached approximately \$1.5 billion at the end of the current year.

You may ask yourself, What does all this have to do with NAFTA? A great deal. NAFTA is a continuation of the trade liberalization process under way throughout Latin America, including negotiations of MERCOSUR, the Andean Pact, the G3 (Colombia, Venezuela and Mexico) as well as the talks to reduce Central American and Caribbean tariffs. Colombia and its South American neighbors support NAFTA because we believe it's a critical step to the economic integration of the Americas.

Given our successful experience, we are startled by the growing calls for isolationism and protectionism ignited by the NAFTA debate in some quarters of the United States. After all, the United States has benefited from developing successful trade relations around the world, and rising exports are driving the U.S. economic recovery. This demonstrates that free trade produces concrete economic benefits for everyone who has the courage to overcome initial fears.

As the U.S. Congress prepares to cast its historic vote on NAFTA, its members should be aware that it represents much more than just signing a trade treaty. Its passage or its defeat will have lasting effects on the entire continent. Moreover, NAFTA's defeat may stifle further progress, a loss for both industrialized and developing nations.

As President Clinton stated recently, the real job gains from NAFTA will come when we take the agreement and take it to Chile, to Argentina, to Columbia, to Venezuela, to other market-oriented democracies in Latin America and create a consumer market of 700 million people—soon to be over a billion people in the next century.

**RAFAEL LEONARDO CALLEJAS R., PRESIDENT
OF HONDURAS**

Barely one week ago in Guatemala, the presidents of six Central American countries, including mine, Honduras, unanimously approved absolute support of the North American Free Trade Agreement, NAFTA. In spite of the uncertainties it generates in our own societies and economies, we understand that the free trade agreement between the United States, Canada, and Mexico opens a unique opportunity to generate increases in trade, and consequently, gains in economic growth, and therefore higher benefits for our people. All that we request is that NAFTA open the alternative for the six Central American

countries; that once we constitute ourselves into a free trade zone, we have access to NAFTA under conditions that make us competitive with the other partners, especially Mexico.

We don't fear this type of association because we believe—and I personally—that free trade is the alternative for economic development and growth. So why fear? Obviously in this new world there are winners and losers. Those who lose are the groups, the persons, the societies and countries that persist on a protectionist alternative. We believe, I believe, that competition is clearly associated with free trade; and therefore, I can stress that we hope that you support the NAFTA free trade agreement. And that once it is approved—which we hope it will be—then you will support us, the Central American countries, in order that jointly we can proceed to adapt ourselves and incorporate ourselves to the biggest market of the world.

The decision will change the realities of the whole Western Hemisphere, and it's most probable that when NAFTA is signed, other countries in the continent will be clearly adapted to this mentality. Let's go ahead, let's support NAFTA. Let's request that the Congress of the United States, the Senate of the United States, that they too understand the realities of globalization of this new world. And push forward. Obviously there are risks involved. But the biggest risk of all is not taking the right decisions with respect to NAFTA.

P.J. PATTERSON, PRIME MINISTER OF JAMAICA

The end of the Cold War that for so long dominated the world provided leaders and governments with a welcome opportunity to end their preoccupation with destruction and to concentrate their energies and resources on human development on this planet which we all inhabit.

Experience has shown that the free market system provides the best method by which to achieve economic growth and social development. For this system to be effective, there must be the opening of world markets and an end to protectionism. Tariff barriers must be removed. The world economy will be increasingly globalized, market driven and technologically oriented.

Here in Jamaica, we have taken the tough decisions to transform our economy into one that is market driven. My administration has, with unwavering determination, taken the road toward full transformation of our economy. We have begun the process of simplifying and improving the effectiveness of our tax and incentive systems. We are pursuing a policy of privatization. Our private sector is now taking up the challenge to move our economy into the 21st century of free trade, where competition is intense and protectionism is no more.

We in the Western Hemisphere must ensure that we are not left behind as other countries around the world develop regional trading blocs, large in size and of great market potential.

Within the Caribbean and Latin American region we have strengthened our economic and trading associations through CARICOM, the planned association of Caribbean states, and through new trading initiatives with the countries of Latin America.

We firmly believe that the North American Free Trade Agreement (NAFTA) offers a unique opportunity to build mutually beneficial relationships between the three nations involved. We view NAFTA as the first important step towards a hemispheric free trade area that has the potential to lift the

standard of living of the people of this hemisphere, thereby ensuring the spread of democracy and the maintenance of political stability.

We believe the coming into being of NAFTA would mark a historic moment for the people of the hemisphere and the people of the world. As with every new experience, there will be moments of initial apprehension. There will be the need for adequate transitional provisions. But it is indeed a bold step in the direction that we all must take.

LUIS ALBERTO LACALLE, PRESIDENT OF THE
REPUBLIC OF URUGUAY

The people and government of Uruguay are following with great interest these final stages of negotiation of the treaty amongst the governments of Canada, Mexico and the United States. We see it as a very important milestone in the history of the end of the 20th century. We see it as a natural tendency of uniting markets, of creating wider economic zones. That is a tendency we see the world over. But in this case, as Mexico belongs to Latin America, we see it as a historical step toward renewed and more fruitful relationship between North America and its southern neighbor Mexico. And of course, we see it as a signal that perhaps in the future we will be able to widen that kind of cooperation.

It is true the history of the United States tells us very loudly that trade and prosperity through the opening of markets is a reality. That everybody benefits when there is more trade. That jobs will be created. That opportunities will be also created. So we do think that it is in the best philosophy and interest of the concerned parties in the first place. But it is also in the best interest of a more developed and deep relationship with the rest of Latin America that this treaty be approved. These days, when we see that trade is the central issue of politics, when people are demanding more than anything to be able to trade more freely and to generate opportunities, we do think that this is a step in a very positive direction.

My colleagues here in South America, we recently had a meeting in Santiago de Chile, and it was in the center of our discussions: the final decision on the NAFTA treaty. So if I could convey to the people of Congress in the United States, to the people in business, to the labor unions, some kind of message, I would say that the rest of America is looking very keenly at this decision because it can be a signal of better days for everybody. We are thinking not in terms of one administration, of one government, but in terms of creating more stable economic relationships, and of course through that, more stable institutions, and stronger democracy all over America.

We are no longer as Latin Americans part of a problem; we are part of the solution. Many millions of jobs in the United States depend on trade with Latin America. I would almost say all of our imports—80% of them—come from the United States. So all kinds of cooperation, all kinds of opening of opportunities will be seen as a very positive sign, not only by governments, not only by presidents, but by the people that work and live in my country.

So, on behalf of the present but especially on behalf of the future, I would very strongly say that this decision—a positive decision on the NAFTA treaty—will be a historical decision and a very positive one. We will be waiting then, full of hope, for the final decision and thinking that it is for the good of the

countries involved, but especially for the whole of Latin America, for the whole of America in the future years.

REMARKS BY PETER HAKIM, PRESIDENT,
INTER-AMERICAN DIALOG

I want to thank Enrique Iglesias for his invitation to participate in this important forum. I am pleased to have this opportunity to share my views with you about the North American Free Trade Agreement and its significance for the future of United States' relations with the nations of Latin America and the Caribbean. I am not speaking today for the 100 members of the Inter-American Dialogue, but I believe that nearly all of them would express similar thoughts if they had the chance to be here.

I have been involved in inter-American affairs for the past 25 years. But it is only during the past few years that I have become encouraged about the opportunities for building a productive and enduring relationship between the U.S. and the nations of Latin America. For the first time, I can envision a relationship based on mutual respect and shared values—a relationship that will allow all Americans together to address our many shared problems and pursue our common aspirations. This is a goal for which many of us have worked hard over the years, and it may now, finally, be within our reach.

It is the United States that is now facing a moment of truth. The decision taken by Congress next week on NAFTA will critically shape the future of our relations with Latin America. Mexico—along with almost every other Latin American country—is calling for a new economic partnership with the United States. Congress must now choose whether to accept that offer of partnership or whether, as we have done too often in the past—to turn our backs on Latin America.

The members of Congress must understand that NAFTA is not a one-way street. The nations of Latin America are not seeking special privileges. They are not today asking for more aid or calling for debt relief. They are instead challenging us to accept an equal exchange. They are asking for the right to compete freely in U.S. markets, and offering us the reciprocal right to compete freely in their markets. This is a good deal for everyone. And it will allow all of us to compete more effectively in the global marketplace.

NAFTA is about far more than economics. Over the past several years, it has been heartening to see the emergence of democratic rule in country after country of Latin America. It has also been encouraging to witness the growing convergence of interests and values between the United States and Latin America. The main objectives of U.S. foreign policy—the building of democratic societies, the fostering of economic growth through competitive markets and the extension of social justice—are today the principal objectives of Latin America as well. With the approval of NAFTA we can lay an effective groundwork for the United States and Latin America jointly to pursue these fundamental human goals. Beyond its economic benefits, NAFTA symbolizes the common stake that we all share in the future of the hemisphere.

Some 15 years ago, the United States faced another decision crucially affecting its relations in the hemisphere: whether or not to restore Panama's sovereignty over the Panama Canal. After a long and difficult struggle, the U.S. chose the right path, a path befitting a great nation. The decision confronting Congress next week is even more momentous. The Panama Canal treaties put an end

to a historic wrong. NAFTA, in its turn, promises the beginning of a new relationship between the United States and the nations of Latin America—a relationship founded on common interests and sustained by growing economic and political cooperation.

The U.S. decision about NAFTA will say a great deal about the kind of nation we are and the kind of nation we want to be. It will answer a very basic question: Do we want to stand apart, isolating ourselves at a crucial point in a world of extraordinary changes—or do we want to assume leadership in the building of more satisfactory global arrangements. Only by grasping the opportunity presented by NAFTA to forge a sound and constructive relationship with our nearest neighbor, Mexico, can we set the stage for exercising responsible global leadership.

NORTH AMERICAN FREE-TRADE AGREEMENT [NAFTA]

HON. PETER W. BARCA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Mr. BARCA of Wisconsin. Mr. Speaker, the goal of any trade agreement, including this NAFTA, must be to expand economic growth, enhance the export opportunities of American businesses, and promote a higher standard of living so that businesses can create more family-supporting jobs for American workers. Generally, providing free and fair trade throughout the world has helped to accomplish these goals. However, this NAFTA does not provide meaningful assurances that these goals can be accomplished. Therefore, I will oppose this NAFTA and work toward developing a better approach to meeting these goals.

It is imperative that we do not pass a flawed NAFTA because once Congress goes down this path, we set the standard for future free-trade agreements which will certainly be forthcoming. Most importantly, this NAFTA would lock the United States into a long-term agreement that would affect generations of Americans. The stakes are very high due to the fact that this agreement threatens American businesses' ability to provide family-supporting jobs for Americans. It has been a strong domestic economy which has propelled this Nation to be the leader of world economic growth since World War II.

This will undoubtedly be one of the most important votes I cast in this Congress.

As occurs with any important vote, I have been heavily lobbied by both the proponents and opponents of NAFTA, and have received at least 1,000 letters, postcards, and calls from my constituents. Given the gravity of this vote, I have spent many hours discussing and studying detailed summaries and analyses of the NAFTA text, the side agreements, as well as papers on issues related to NAFTA.

My final consideration on this issue came with a response to a letter I wrote to Trade Ambassador Mickey Kantor, in which I outlined my concerns and summarized many of the issues that the people of Wisconsin have relayed to me. These points include the impact of NAFTA on American businesses and workers, on the environment, on States' rights, and the costs of implementing the agreement.

I have thoroughly reviewed Mr. Kantor's response, and believe that the administration still has not accomplished the goals that had been set when the side agreement negotiations began.

There are three fundamental problems with this NAFTA which were not adequately addressed through the side agreements, problems that lead me to believe that this NAFTA is not in the best interest of our country.

First, the NAFTA was not negotiated on the most favorable terms to the United States. One of the problems is that current policies governing trade between Mexico and the United States are so badly slanted against this country. Mexican tariffs on United States goods are in many cases two or three times—and in some cases eight times—higher than United States tariffs on Mexican goods. NAFTA does not eliminate this imbalance in a timely manner.

For example, the Mexican tariff on United States automobiles, which is currently at 20 percent, will only be completely removed by the year 2009. The U.S. tariff, currently at a low rate of 2.5 percent, is eliminated immediately. That means that United States automobile manufacturers will have to wait for 15 years to gain comparable access to the Mexican market.

The Mexican trucking industry currently has access to border States without having to comply fully with United States regulations governing transportation. The United States trucking industry currently has very limited access to the Mexican market. NAFTA would increase this access for the U.S. trucking industry, but only over the course of many years.

Furthermore, the benefits of opening the Mexican market over time will not likely accrue to Wisconsin dairy farmers. If there are any gains to be made by the dairy industry by opening the Mexican market, it is in the Southwest United States. Dairy prices for farmers in Wisconsin are not likely to be significantly boosted, but NAFTA could reignite consumer fears regarding food safety in the United States which could ultimately hurt our farmers. Mexican agriculture uses at least 17 different pesticides that are banned in the United States, according to the General Accounting Office.

Our record in negotiating trade agreements since 1974 has been less than positive—it approaches being abysmal. The cumulative trade deficit since 1974 is more than \$1 trillion. Any gains the United States has made into foreign markets have come at a substantial cost.

The second fundamental problem with this NAFTA is that most of the benefits for our country will not accrue for a number of years, and then only if there is a growing standard of living for Mexican workers in order to provide them with more purchasing power to buy American goods.

There is also the question of the outflow of investment and capital that has not been fully considered in this debate, which could mitigate any tariff advantages that the United States may gain. Because of investment shifts as a result of this NAFTA, several economists including Donald Ratajczak of Georgia State University, conclude that NAFTA would displace \$2.5 billion of investment from the United States to Mexico annually, which could

mean 375,000 potential new jobs lost over 5 years.

Through the United States-Canada Free-Trade Agreement, we have already created one of the largest and most competitive free trade zones in the world. Adding Mexico to this equation will only add approximately 5 percent to the size of this free trade zone. However, it is the promise of 90 million Mexican consumers whose purchasing power is increased substantially that would provide the greatest benefits to the United States. However, that is not likely to occur under the terms of this NAFTA.

Wages and purchasing power generally increase with productivity in the industrialized world. In Mexico, gains in productivity have not been accompanied by the expected gains in wages. Productivity in Mexico has risen by more than 30 percent in real terms since 1980. But real wages have declined by 32 percent over the same period. While some progress on wages has been made in Mexico over the last few years, the minimum wage in Mexico still stands at 58 cents per hour. The Mexican Government continues to monopolize business associations and labor organizations, thereby commanding the economy and its workers in a manner that could work to a significant competitive disadvantage for the United States over the long term.

The third fundamental problem with NAFTA is that the side agreements lack real enforcement mechanisms to ensure the enforcement of national environmental and labor laws, which is the stated goal of the side agreements.

The side agreements do not allow for trade sanctions to be imposed if Mexico does not enforce its domestic labor laws with regard to the right of Mexican workers to seek better wages through the right to strike or collectively bargain.

The side agreements do not ensure a growing wage and added purchasing power for Mexican workers, nor do they adequately address more than one of the six major environmental issues that have been raised.

The likelihood that trade sanctions will ever be implemented is very low. The General Accounting Office prepared a report that indicated that Mexico lacks the staff, funds, and systems to fully identify new companies, much less enforce their laws. Furthermore, the process established through the side agreements for sanctioning the failure to enforce domestic laws related to trade, the environment and competitiveness is overly bureaucratic—even the proponents of NAFTA acknowledge that the process is not really workable.

Businesses in the United States need somewhat of a level playing field to compete in the global market, including Mexico. But the side agreements do not bring us closer to that goal. Without adequate enforcement mechanisms in Mexico, over time the problems that currently exist in our trade relationship will grow worse.

In addition to these three fundamental problems with this NAFTA text itself, I have further concerns about how the agreement could affect our country.

NAFTA will serve as a dangerous pattern for negotiating trade agreements with other Latin American nations. Chile and the Carib-

bean nations are already waiting in line to gain the benefits of NAFTA. I am concerned that unless we negotiate the best possible terms under this NAFTA, we will end up creating a precedent that will be repeated again and again.

Also, and equally important is attempting to finance the costs of implementing NAFTA, especially when the priority at the Federal level has been reducing the budget deficit. The administration must find a minimum of \$2.5 billion in revenues or spending cuts up front to pay for the lower tariff revenues as a result of NAFTA and a bare bones worker retraining program. The total costs of NAFTA could exceed \$30 billion, with funds earmarked for border cleanup and development and dislocated worker retraining. Regrettably, the proposal to raise more than \$1 billion through increasing international airline passenger fees by 20 percent is not even directly related to NAFTA. There are not too many other revenue sources to finance NAFTA without hindering deficit reduction efforts.

Furthermore, this NAFTA comes at a time when our economy is still fragile. It would contribute to the loss of several hundred thousand American jobs based on credible estimates, with millions of related jobs made vulnerable. Our manufacturing jobs support a large number of related jobs in the community. That's why we can ill-afford to further erode our job-supporting manufacturing base.

Workers who lose their jobs as a consequence of NAFTA may find help for retraining, but what jobs will they be retrained for?

Experience with dislocated workers shows that they tend to move down—rather than up—the economic ladder to lower-wage jobs. A Congressional Budget Office report concludes that for every 100 U.S. workers who lost their jobs in the 1980's at least 61 had not attained the same standard of living they had in their previous employment. A trade agreement should contribute to enabling U.S. business to create more family-supporting jobs in this country, however, this NAFTA may end up costing more business than it creates.

Rejecting this NAFTA does not mean that we turn our backs on Mexico. It means we begin negotiating a better agreement—one that will help American workers and businesses and also one that will help Mexico. I will encourage my colleagues to call on President Clinton to renegotiate the NAFTA with the new Canadian Government and with President Salinas or his democratically elected successor in Mexico.

We must avoid repeating the same mistakes that we made in negotiating this NAFTA.

We should examine what the European Community did to integrate the economies and lower tariffs among its member nations. Since World War II, Europe has been gradually integrating its economies but has put in safeguards to ensure that the integration results in higher standards of living in all the member nations. For instance, Portugal, Greece, and Spain, which had average wages around one-third the level of average wages in the industrialized countries of France, Germany, and Great Britain, were allowed to join the EC only after they initiated reasonable political and economic reforms.

This year alone the EC will spend almost \$25 billion on transition needs. Since 1986 Europe has spent more than \$120 billion on integration. This has been the cost of constructing free trade with countries in which the standard of living is much closer than the differences between the United States and Mexico. It has taken many years and hundreds of billions of dollars to integrate relatively similar economies in Europe.

The North American Free-Trade Agreement also comes with a cost. The people of the United States must decide what level of commitment is necessary to attain similar economic integration to that of the European Common Market. Can we expect Mexico and the United States—with widely differing economies—to integrate literally on January 1 without any real commitment to dealing with the costs associated with this agreement?

That's why my decision will probably not be a big surprise because I stated throughout my campaign that I was opposed to the NAFTA as previously negotiated and was skeptical that the side agreements would adequately address the aforementioned concerns. Furthermore, I believe that very few Members of Congress who take the time to read the side agreements would believe this NAFTA accomplishes all the goals for which they were intended.

A vote against this NAFTA should not be interpreted as a vote to reject increased trade with Mexico and Canada. We already have a free-trade agreement with Canada which I publicly supported as a member of the State legislature. I strongly support free and fair trade, especially among industrialized countries and with the further goal of increasing trade throughout the Americas.

I feel it is important to point out that the issue is not between business and labor as many would lead us to believe, rather, it is an issue of ensuring the manufacturing base, which enables us to create jobs that provide our present standard of living in this country, has somewhat of a level playing field in the future.

We can do better than this NAFTA. To those that say that opposing the present agreement will simply leave us with the status quo, I say that the status quo is completely unacceptable but that this NAFTA does not adequately improve it. Mexico wants and needs a trade agreement, President Clinton possesses the skills to negotiate a more favorable agreement to our interests, and the new Government in Canada has indicated an interest in forging ahead with a renegotiated agreement.

That is the course that I hope we will follow. The first step is to set aside this NAFTA. So I will be voting "no" when this NAFTA is presented to Congress and calling for an agreement that adequately addresses the concerns of the people of Wisconsin and accomplishes the goals of free and fair trade.

NAFTA

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1993

Ms. FURSE, Mr. Speaker, the following article is for Members' information and provides compelling material on the NAFTA agreement written by William Greider and published in the October 28 issue of Rolling Stone magazine.

[From the Rolling Stone, Oct. 28, 1993]

CONGRESS: KILL NAFTA

[By William Greider]

Facing a civil war within its own party ranks, the White House is peddling a fatalistic argument on behalf of NAFTA, the proposed free-trade agreement with Mexico and Canada. Congress might as well go ahead and ratify the treaty, according to the administration's informal sales pitch, because the economic trends won't be altered much in any case. Even if NAFTA loses, American factories and jobs will still keep moving to Mexico or to other low-wage nations around the world. The reality of global economic integration can't be repealed by Congress any more than King Canute could command the tides.

This line of argument is a familiar sophistry in Washington legislative debates, one usually advanced by the side that fears it's losing. In technical terms, NAFTA would simply phase out most U.S. tariffs on Mexican goods and relax various restrictions that Mexico imposes on American producers. The substantive impact, however, would be enormous. In effect, the trade preferences that created the maquiladora zone, where thousands of U.S. plants have located just inside the Mexican border, would be extended to cover the entire country. Anyone who has seen the rank pollution, labor exploitation and industrial slums of the maquiladoras understands why environmentalists, American labor unions and human-rights activists oppose NAFTA. Having seen this brutal scene for myself, I can't get it out of my mind. I've asked many NAFTA supporters why we should not expect the same exploitation to be spread across all of Mexico if NAFTA is adopted, and none of them have given me a good answer.

The White House's defensiveness begs an obvious question: If NAFTA really won't change much, why are the Fortune 500 companies, the National Association of Manufacturers and the army of lobbyists hired by the Mexican government working so hard for its passage? The question almost answers itself.

Actually, the best argument for adopting NAFTA is a cynical view of global Realpolitik that's widely shared among policy-makers but awkward for administration officials to enunciate because it contradicts their free-trade rhetoric. It goes like this: The industrial world is dividing up into potentially hostile regional trading blocs, and the United States needs to organize its own hemisphere in self-defense against the European Economic Community and the Pacific Rim economies tied to Japan. The widespread fear is that the global trading system is producing so much social and economic strain in so many countries, including the United States, that it is threatened with breakdown. The new trading blocs are promoted in the name of tariff reduction, but it is suspected they will sooner or later be employed for protectionist purposes.

Toward that end, NAFTA has much larger implications than the current debate sug-

gests. Three other trade alliances are already forming in the Western Hemisphere—Argentina, Brazil, Paraguay and Uruguay; the Andean Pact nations; and Central America—and NAFTA includes a clause for rapidly including these other groups in one huge all-American freetrade zone. Thus, if Congress approves NAFTA, the general rules will be set for integrating a dauntingly diverse collection of rich and poor societies, even more different than the economies of Canada, the United States and Mexico. No one in the world has ever attempted something like this before, much less succeeded.

That might be the best argument for defeating the treaty: It's too much to swallow in one gulp and illdesigned to cope with the consequences. The Clinton administration, like the Bush administration before it, has utterly failed to develop a plausible set of rules for bridging the vast social and economic gulf between countries as different as Mexico and the U.S. The nations of Western Europe have devoted nearly 40 years to working out the complex guarantees required for economic union, but the proposition is still mired in controversy and public resistance. It may or may not go forward. Yet European union would integrate national economies with much smaller disparities in wages, working conditions and economic development.

American negotiators tried to solve a much larger problem in a couple of months. The wage gap between Germany and Portugal is about 3-to-1, while the gap between the U.S. and Mexico is at least 8-to-1. The European Community developed "social charter" provisions designed to ensure that low-wage workers in the poorer countries would not be exploited by runaway industries and that, over time, the bottom could be pulled up. Aside from rhetorical flourishes, NAFTA is a system designed to pull the top down. The flight of American factories—and the threat of flight—would apply permanent downward pressure on American industrial wages.

In that sense, the free-trade treaty is a missed opportunity—for both supporters and critics—because it could have been a chance to generate real change in the global economy. The administration is right about the global economy—it's an irreversible force—but NAFTA could have provided the model for a third way between free trade and old-style protectionism: new trade rules that begin to reconcile the gross difference between the haves and the have-nots. A reformed global economy would impose trading rules on nations and multi-national corporations that pull the bottom up—by guaranteeing workers the right to organize in their own behalf, by requiring that wages be tied to rising productivity, by penalizing exports that violate the basic human rights of modern societies. The Clinton administration talked about doing this when it negotiated new side agreements this summer on labor rights and environmental protection, but, in the end, it ducked the hard questions and settled for empty words.

As it stands now, the main contribution of NAFTA, win or lose, will be the way the issue has opened many people's eyes to the larger dimensions of the global economic problem: The prosperity of the haves is now tied inextricably to the fate of the have-nots. The future well-being of Ohio or Illinois may be decided ultimately by what happens to workers in places like Cuautitlán or Puebla.

Since he was elected President of debt-burdened Mexico in 1988, Carlos Salinas de Gortari has been justly celebrated in the

world financial markets as a great reformer. Salinas swiftly opened the protectionist and largely state-owned Mexican economy to the world. He deregulated and decentralized and sold huge chunks of Mexican enterprises to private investors. He codified investment protections, stabilized the peso and invited foreign capital to finance a vast industrial modernization. The Bolsa de Valores, Mexico's stock market, entered a giddy boom as American investment houses sent mucho dollars.

But there is one other "reform" that the Wall Street cheerleaders seldom mention: Salinas also smashed labor. Across key industrial sectors, from oil to autos, from beer to mining, the Salinas government crushed unions pushing for higher wages and smothered workers who tried to form their own independent trade unions. Numerous uprisings of workers were thwarted by Mexico's byzantine labor laws, designed to give the ruling political party full control. When the law proved insufficient, the workers were put down by organized violence—bloody attacks by the police or labor goons that resembled American labor conflicts of a half century ago.

At the Volkswagen plant in Puebla, the company unilaterally reduced wages and benefits and changed work rules in the summer of 1992. When the workers went on strike, the company fired the entire work force of 14,000, then imposed the new contract and rehired all but those who refused to accept the lower wages. VW "almost certainly acted with the tacit approval of the government," the *Financial Times* reported. A meeting of 8,000 VW workers voted unanimously to remove their union head, claiming he had been bribed with a payment of \$160,000. Government regulators refused to accept the decision.

At Ford's plant in Cuautitlán, where Mercury Cougars are assembled, long-running conflicts between workers and the company led to bloody confrontations in early 1990. A group of 30 thugs, many reported to be out-of-uniform police officers, attacked and beat several local leaders. Six workers were either kidnapped or arrested, then released. Three days later, workers found 200 or 300 armed men inside the plant. In the battle that ensued, 12 workers were wounded by gunfire. One later died. The police did not appear.

The workers claimed the goons were from CTM, the national labor federation that is closely allied with Salinas and the PRI, the political party that has held uninterrupted power in Mexico since the 1920s. CTM helps the government and the companies enforce labor peace. Ford won a ruling that the workers' action was illegal and fired 2,300 workers. By government edict, the rebellious labor leaders were subsequently replaced with new leaders loyal to the PRI. Ford expressed regret at the violence in its factory and disclaimed any responsibility.

These facts are drawn from official protest petitions filed by the International Labor Rights Education and Research Fund (ILRERF) and from Dan La Botz's chilling book on labor suppression in Mexico, *Mask of Democracy*. Such episodes have been commonplace in the Salinas years at both domestic and foreign-owned industries.

When Salinas staged an early showdown with the powerful Petroleum Workers Union in early 1989, it ended with police and military troops raiding the union boss's home and arresting him. A bazooka rocket launcher was used to blow the door off his house. Between 3,000 and 5,000 soldiers of the Mexi-

can army seized the Cananea copper mine to break a labor protest there. A 1990 strike at the Modelo Brewery in Mexico City (where Corona beer is made) led to beatings by riot police and firefighters. When workers tried to change their union affiliation at Tornel Rubber Company, some protest leaders were kidnapped, and workers were attacked and beaten by goons wearing CTM shirts. The victims filed complaints with Salinas' new Commission on Human Rights, but mass firings and physical intimidation continued.

This pattern of labor suppression has an obvious purpose. "The Salinas administration is grabbing control of the workers' lives in a way different from any of its predecessors," La Botz reported. "The difference . . . is in the government's attitude toward foreign capital and its willingness to destroy or suppress organized labor for the sake of currying favor with foreign capital."

Salinas' labor strategy is directly connected to NAFTA, according to the international labor-rights fund. "The prospect of NAFTA has led the Mexican government to implement a more restrictive labor policy to attract foreign investment, offering in return political stability, domesticated trade unions, easy labor regulations and, especially, low wages," the ILRERF complained to the U.S. trade representative.

Aside from the moral implications, why should Americans care? Because the promised benefits of free trade with Mexico will never materialize as long as Mexican labor is denied the ability to organize and bargain collectively for higher wages. The textbook economic theory holds that unfettered trade will benefit Americans, even if many U.S. factories and jobs migrate to Mexico, because new consumer demand will be created in Mexico to buy other American goods. But industrial workers who earn \$2.35 an hour on average cannot even buy the products they are making themselves, much less buy imported goods from the United States.

This is an unfashionable argument, I know, but the enduring truth about industrial societies is that strong unions, pushing wage rates upward, are a necessary ingredient for widely shared prosperity. As organized labor has atrophied in the U.S., and American wages have declined over the last 20 years, the effects have been felt by both union and non-union workers. Ultimately, prosperity in the global economy will require workers to organize in newly developing countries and across national boundaries, both to defend themselves from exploitation and to promote economic equity for everyone.

Rep. George E. Brown of California is among those who have pointed out this connection to the president. "Linking trade to respect for basic labor rights and standards is a crucial ingredient for boosting global purchasing power," Brown told Clinton in a letter earlier this year. Richard Rothstein of the Economic Policy Institute explained: "An international competitive environment based on low wages acts as a permanent brake on income growth in developing nations and denies American exporters the consumer markets which growth of industrial working classes in developing nations would otherwise bring."

Despite rhetorical promises, the new side agreements negotiated by the Clinton administration fail to confront this. The labor agreement provides a tortuous five-step mechanism for dealing with complaints about child-labor abuses, health-and-safety problems and minimum-wage violations—procedures so mushy it will take years before anything happens. "If there is a child-

labor case, the kid is going to reach retirement age before any action is taken," says Bill Goold, a congressional trade expert.

But more important, the agreement dodges the central question of labor rights and industrial relations—freedom of association. If Mexican workers are not able to form their own independent unions, free of the PRI's political manipulation and the government's use of force, they are not much better off than the Polish workers who founded Solidarity in the 1970s to escape control of the Communist Party unions in Poland.

The exclusion of labor rights was not an accident—Mexico insisted on it, and the U.S. negotiators did not press the point. Commerce Minister Jaime Serra Puche, Mexico's lead negotiator, reportedly told one meeting of North American Free Trade Agreement negotiators, "There will be no sunshine on industrial relations." Given the complexities of the complaint procedures, Serra Puche has publicly reassured business interests: "The time frame of the process makes it very improbable that the stage of sanctions could be reached."

Jerome I. Levinson, former general counsel to the Inter-American Development Bank, has analyzed the labor agreement and concluded: "By taking the violation of these rights, no matter how persistent they may be, out of the jurisdiction of the grievance procedure, the Clinton administration has implicitly endorsed the abuses inherent in the Mexican labor-relations system."

Furthermore, notwithstanding Clinton's recent claims, the agreement contains nothing to ensure that Mexico's pitiful wage level will rise in step with increased productivity. Thus, multinational corporations (Japanese and European as well as American) can use Mexico as a cheap-labor export platform for reaching the American market duty-free. Levinson noted that Mexican productivity rose by 41 percent between 1980 and 1992—yet wages and benefits fell by more than 30 percent over those years.

"To maintain this low-wage, high-productivity policy," Levinson wrote, "the Mexican government has made it virtually impossible to organize trade unions independent of its control."

Why did the Clinton administration cave in? Partly because it was under intense counterpressure from American business interests not to do anything to encourage labor reform in Mexico. Partly because it did not want to disrupt its own diplomacy by interfering with the domestic political control of Mexico's one-party state. Partly, perhaps, because the Clinton team is itself ambivalent about the role of organized labor in fostering economic prosperity through rising wages and consumer demand.

Labor Secretary Robert Reich, who is busy promoting new schemes for cooperative relations in offices and factories, recently told the *New York Times*, "The jury is still out on whether the traditional union is necessary for the new workplace." Commerce Secretary Ron Brown was also lukewarm. "Unions are OK where they are," Brown said. "And where they are not, it is not clear yet what sort of organization should represent workers."

There is one other good reason why neither the United States government nor American companies wish to introduce the subject of internationally recognized labor standards into the terms of trade. Sooner or later, that would come back to haunt them. Canadians and Mexicans could find much to criticize in America's own system of labor regulation—laws that also blunt the ability of workers to organize for collective bargaining.

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EXTENSIONS OF REMARKS

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Win or lose, NAFTA is only the first round in what promises to be a long and historic fight over this question. It won't go away because, just as the White House says, economic integration is proceeding everywhere, bringing low-wage nations into global production but giving workers little or no means to demand a fair share of the rewards. If not this time, the trade debate will return again and again to the economic dilemma

that low-wage exploitation produces for the world: too many goods chasing too few consumers with not enough money to buy them. The first step to genuine reform is to kill NAFTA now. Then President Clinton should start over again, negotiating new trading rules, not just for Mexico and Latin America but for the global system at large.

"The Clinton administration could have done something truly historic in writing new

trade agreements and they blew it," says Goold. "But NAFTA is the first awakening for many people. The way we talk about investment and trade and foreign economic assistance doesn't match the reality out there. The multinational corporations understand this. The governments don't. At least our government doesn't."

